REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 26, 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: Vice Chair Steel, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Do, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairwoman Bartlett presented a resolution proclaiming May 2016 as "Older Americans Month"

Supervisor Do presented a resolution commending Godinez Fundamental High School boys soccer team for winning the 2016 CIF-Southern Section Division 4 Championship

II. CONSENT CALENDAR (Items 1-12)

43125 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 6 AND 12 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

1. **Auditor-Controller -** Receive and file Monthly Internal Audit Activity Status Report for February andMarch 2016 - All Districts

41235 **APPROVED AS RECOMMENDED**

2. **Clerk-Recorder -** Approve agreement MA-059-16011721 with Extract Systems LLC for auto-indexing and redaction software and maintenance services, five year term commencing upon Board approval through 6/30/21 ($501,631); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

HEALTH CARE AGENCY

3. Ratify amendment 1 to standard agreement with California Department of Public Health for AIDS DrugAssistance program, 7/1/15 - 6/30/17 ($179,132; new total $358,264); authorize Director or designee to execute amendment, Contractor's Release form upon submission of final invoice and CCC-307 Certification Clauses form - All Districts

4. Approve Purchase Order PO-042-16011718 with Henry Schein Dental for purchase of two dental chairs($63,187) - All Districts

JOHN WAYNE AIRPORT

5. Approve Certificated Passenger Airline Operating License with Compass Airlines, LLC; and considerapplication of prior Final Environmental Impact Report No. 617 and other findings - District 2

OC COMMUNITY RESOURCES

6. Adopt resolution approving OC Community Resources Marketing Plan to pursue sponsorships with non-profit organizations, private sector organizations and businesses in support of programs and events, one-year term effective date of execution; authorize Director or designee to return to the Board with proposed agreements; and make related findings - All Districts

42135 **APPROVED AS RECOMMENDED**
RESO: 16-027

OC PUBLIC WORKS

7. **Acting as the Orange County Flood Control District -** Approve acquisition contract with and acceptеasement deed from Mercado Del Rio Property, LLC for purchase of real property for Santa Ana River Mainstem Project ($151,300); authorize Director or designee to execute related documents and to make minor modifications under certain conditions; and authorize Auditor-Controller to make related payments - District 3

SOCIAL SERVICES AGENCY

8. Approve agreement with The Regents of University of California, University of California, Irvine, School of Medicine, Department of Pediatrics for child abuse medical evaluation and physician services, 7/1/16 - 6/30/19 ($188,760; cumulative total of $566,280); and authorize Director or designee to extend agreement up to twelve additional months - All Districts

9. Approve agreement with Goodwill Industries of Orange County for sign language interpretation services, 7/1/16 - 6/30/19 ($40,000; cumulative total $120,000) - All Districts

10. Approve agreement MA-063-16011566 with Property Building Maintenance Services LLC, for janitorial and day porter services, Orangewood Children and Family Center, 6/1/16 - 5/31/19 ($564,753); renewable for one additional two-year term; and authorize Purchasing Agent or authorized Deputy to execute agreement - District 3

11. Approve agreement MA-063-16011090 with The Regents of University of California for training for Social Services Agency, 7/1/16 -6/30/19 ($555,000); renewable for one additional two-year term ($370,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

GENERAL ADMINISTRATION

12. **Clerk of the Board and County Counsel -** Adopt amended AB1234 Ethics Training Policy for mandated training for public officials, clarify Clerk of the Board notice requirements, and provide the removal mechanism for non-compliance of appointed officials to various Boards, Commissions, and Committees - All Districts

31245 **APPROVED AS AMENDED TO CHANGE ATTACHMENT A, PAGE 2, 'FAILURE/REFUSAL TO TAKE THE ETHICS TRAINING' SECTION TO READ "THE CLERK OF THE BOARD SHALL BE RESPONSIBLE FOR PROVIDING THREE (3) WRITTEN NOTICES TO ELECTED OFFICIALS AND OFFICIALS LISTED IN 2 OR 3 OF "COUNTY OFFICIALS REQUIRED TO TAKE ETHICS TRAINING" SECTION WHO HAVE FAILED TO COMPLETE THE ETHICS TRAINING. IN THE CASE OF WRITTEN NOTICES TO A MEMBER OF A BCC, THE CLERK OF THE BOARD SHALL PROVIDE A COPY OF THE SECOND AND THIRD WRITTEN NOTICES TO THE SUPERVISOR WHO NOMINATED THAT BCC MEMBER FOR APPOINTMENT BY THE BOARD OF SUPERVISORS. THEREAFTER, THE CLERK OF THE BOARD IS RELIEVED OF PROVIDING ANY FURTHER NOTIFICATION OF NON-COMPLIANCE WITH THE ETHICS TRAINING REQUIREMENT."**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-S32F)

ELECTED DEPARTMENT HEADS

13. **Sheriff-Coroner -** Approve amendment 3 to agreement MA-060-12011305 extending as MA-060-15011176 with MorphoTrust USA, Inc. dba MorphoTrust USA LLC for live scan equipment, accessories, supplies, software and maintenance, 5/1/16 - 4/30/17 ($260,000; cumulative total $1,960,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

42135 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

14. Approve master agreement MA-042-16011607 with Bio-Rad Laboratories, Inc. for purchase of laboratory equipment, maintenance and supplies, 5/1/16 - 4/30/19 ($175,000); authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

24135 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

15. Approve amendment 3 to renew contract MA-012-14011834 with Pest Options, Inc. for herbicide spraying services, 6/17/16 - 6/16/17 ($280,000; cumulative total $840,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

12345 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

16. Approve amendment 4 to agreement with Jacobs Engineering Group, Inc., for construction phase services of Central Utility Facility Infrastructure Upgrade project, term ending 6/18/21 ($3,214,961; cumulative total $7,062,767) - District 1

12345 **APPROVED AS RECOMMENDED**

17. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreements MA-080-16011640 with Michael Baker International, Inc., MA-080-16011641 with Moffatt and Nichol and MA-080-16011642 with AECOM Technical Services, Inc. for on-call architect-engineering services related to bridge projects, 4/26/16 - 4/25/18 ($1,500,000 each) - All Districts

12345 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

18. **Probation -** Approve renewal of agreement MA-057-14010529 with GEO Reentry Services, LLC forprovision of day reporting services, 6/1/16 - 5/31/17 ($1,504,300; cumulative total $4,512,900); renewable for two consecutive one-year periods - District 1

24135 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

19. Approve agreement CKV1916 with Orange County Child Abuse Prevention Center for Child AbuseServices Team Volunteer Advocacy Program, 7/1/16 - 6/30/21 ($80,000; cumulative total $400,000) - District 3

34125 **APPROVED AS RECOMMENDED**

20. Approve agreement with Charitable Ventures of Orange County, The Olin Group, Inc. and OneOC forFamilies and Communities Together Network Administrative Services, 7/1/16 - 6/30/21 ($500,000 per year; cumulative total of $2,500,000); and authorize Director or designee to exercise a cost contingency increase of agreement not to exceed 10% under certain conditions - All Districts

B.O. **CONTINUED TO 5/10/16, 9:30 A.M.**

21. Approve revised Allocation Agreement with State of California Department of Health Care Services forMedi-Cal outreach and enrollment and amendment to agreement with Volunteer Center of Greater Orange County, dba OneOC for Medi-Cal outreach, enrollment and retention activities, extending terms to 6/30/18 - All Districts

23145 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

22. Approve grant applications/awards submitted by OC Community Resources, Sheriff-Coroner and OC Public works in 4/26/16 grant report and other actions as recommended; and adopt resolution authorizing OC Public Works Director or designee to submit and execute application and amendments for Bicycle Corridor Improvement Program for Hazard Avenue Bikeway Project and Borrego Canyon Wash Bikeway Project; and to invoice Orange County Transportation Authority for payment - All Districts

25134 **APPROVED AS RECOMMENDED**
RESO: 16-028

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

24135 **APPROVED AS RECOMMENDED**

24. Approve acquisition in amount of $3,298,000 pursuant to Purchase and Sale agreement withOrange County Transportation District of property identified as APN: 398-252-07 and APN: 398-252-05 containing former bus terminal, an office building and parking structure located 405 W. 5th Street, Santa Ana; authorize Chief Real Estate Officer or designee to execute Certificate of Acceptance for Grant Deed; direct Auditor-Controller, upon notification from Chief Real Estate Officer or designee to issue checks as required; and authorize payment for Orange County Transportation District ($150,000) for final estimated payment of prorated Quarterly Minimum Rent and Percentage Rent due for calendar year 2016; and make California Environmental Quality Act and other findings - District 1

B.O. **CONTINUED TO 5/24/16, 9:30 A.M.**

25. Approve renewal of perpetual license agreement MA-017-14011841 with Levi, Ray & Shoup, Inc. for software maintenance and support services, 6/1/16 - 5/31/17 ($23,953.00; cumulative total $71,615.16) and 6/1/17 - 5/31/18 ($26,348.30; cumulative total $97,963.46); authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

41235 **APPROVED AS RECOMMENDED**

26. Approve renewal of software license agreement MA-017-14012098 with Allen Systems Group, Inc. for job/scan software maintenance/support, 6/6/16 - 6/5/17 ($11,138.94; cumulative total $33,416.82) and 6/6/17 - 6/5/18 ($12,253; cumulative total $45,669.82); authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

41235 **APPROVED AS RECOMMENDED**

27. Approve renewal of International Program License agreement with IBM for software and support services, 6/1/16 - 6/30/17 ($1,078,900; cumulative total $2,672,984.31); authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

41235 **APPROVED AS RECOMMENDED**

28. Approve amendment 6 to master services agreement MA-017-13011864 with Science Applications International Corporation for data center operations, service desk, desktop support and applications services, effective 5/1/16 ($5,254,590; cumulative

total $91,207,700); authorize Chief Information Officer or designee to execute amendment - All Districts

41235 **APPROVED AS RECOMMENDED**

29. Approve Memorandum of Understanding (MOU) with Orange County Public Law Library forprovision of services, term beginning 7/1/16 until terminated by either party; authorize County Executive Officer or designee to execute MOU - All Districts

13245 **APPROVED AS RECOMMENDED**

30. Consider second reading and adoption of "An Ordinance of the Board of Supervisors of OrangeCounty, California Acting in its Capacity as the Legislative Body of Community Facilities District No. 2016-1 of the County of Orange (Village of Esencia) Authorizing Levy of Special Taxes" - District 5 (Continued from 4/12/16, Item 31)

51234 **APPROVED AS RECOMMENDED**
ORD: 16-003

31. Approve FY 2015-16 Third Quarter Budget Report; approve related budget adjustments andreserve changes; amend master position control; direct Auditor-Controller to close Budget Control 021; direct Auditor-Controller to reimburse AB109 costs claimed as incurred by District Attorney, Health Care Agency, Probation, Public Defender and Sheriff-Coroner from unspent AB109 allocations; authorize Auditor-Controller to increase salaries and benefits and net County Cost for District Attorney as needed, but not to exceed $514,759; direct Auditor-Controller to authorize a reallocation of General Fund balance assigned of up to $5,839,000 at year end; approve revisions to classification specifications and set salary ranges; and approve creation of "C" and "T" Salary Schedules - All Districts (RA #1 4/5 vote of voting members present)

45123 **APPROVED RECOMMENDED ACTIONS #1-#6**

45124 N **APPROVED RECOMMENDED ACTIONS #7-#16**

32. **Supervisor Steel -** Consider first reading of "An Ordinance of the County of Orange, State of CaliforniaAmending Section 4-1-45 of the Codified Ordinances of the County of Orange Regarding the Restraint of Dogs"; and set second reading and adoption for 5/10/16, 9:30 a.m.

23145 **APPROVED FIRST READING OF SUBSTITUTE ORDINANCE, PROPOSED BY CHAIRWOMAN BARTLETT, AMENDING ORANGE COUNTY ORDINANCE SECTION 4-1-45, TO PERMIT UNRESTRAINED DOGS AT THE OUTLET OF THE SANTA ANA RIVER, DOWNSTREAM FROM PACIFIC COAST HIGHWAY, BETWEEN THE INCORPORATED CITIES OF HUNTINGTON BEACH AND NEWPORT BEACH ("DOG BEACH"); DIRECTED THAT THE SUBSTITUTE ORDINANCE BE PLACED ON THE 5/10/16, 9:30 A.M. AGENDA FOR SECOND READING AND ADOPTION; DIRECTED FURTHER THAT A SUBSTITUTE RESOLUTION, PROPOSED BY CHAIRWOMAN BARTLETT, DESIGNATING DOG BEACH AS A DOG PARK, IN ACCORDANCE WITH ORANGE COUNTY ORDINANCE SECTION 4-1-46, BE CONSIDERED FOR APPROVAL ON 5/10/16 AT 9:30 A.M.**

S32A. **Supervisor Do -** Assessment Appeals Board No. 2 - Appoint Jim Nguyen, Santa Ana, for term ending9/2/18

14235 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

S32B. Approve amendment 1 to cooperative agreement with City of Brea for continued operation of Olinda Alpha Landfill; approve amendment 2 to Memorandum of Understanding with City of San Juan Capistrano for permit revisions at Prima Deshecha Landfill; authorize Director or designee to execute amendments; and make California Environmental Quality Act and other findings - Districts 4 and 5

42135 **APPROVED AS RECOMMENDED**

S32C. Approve amendment 2 to Municipal Solid Waste Importation agreement with County Sanitation DistrictNo. 2 of Los Angeles, extending term to 6/30/25; approve amendment 1 to Amended and Restated Importation agreement with Burrtec Waste Industries and EDCO Disposal Corporation, extending term to 6/30/25; approve amendment 1 to Amended and Restated Municipal Solid Waste Importation agreement with Republic Waste Services of Southern California, LLC, extending term to 6/30/25; authorize Director or designee to execute amendments; and make California Environmental Quality Act and other findings - All Districts

42135 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S32D. **County Executive Office -** Approve option agreement with Mercy Housing for possible lease of OrangeCounty Flood Control District owned property located adjacent to Atwood Channel, Placentia; authorize Chief Real Estate Officer or designee to execute option agreement and all related documents - District 4

41235 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

S32E. Approve issuance of request for proposals for Year Round Emergency Shelter/Multi-Service CenterOperator and Armory Emergency Shelter Program - Districts 1, 3 & 4

B.O. **CONTINUED TO 5/10/16, 9:30 A.M.**

HEALTH CARE AGENCY

S32F. Approve proposed draft Intergovernmental Transfer agreement with California Department of Health Care Services for transfer of public funds of $2,504,822 to the State; approve proposed draft Intergovernmental Transfer Assessment Fee agreement with California Department of Health Care Services for transfer of $500,964 to the State; approve proposed draft Intergovernmental Transfer agreement with Orange County Health Authority dba CalOptima for participation in intergovernmental transfer to obtain federal reimbursement for uncompensated care to patients during FY 2014-15; authorize Director or designee to execute the final draft agreements; and direct Auditor-Controller, upon notification from HCA Director or designee to issue checks as required - All Districts

51234 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 33)

OC COMMUNITY RESOURCES

33. **Acting as the Orange County Housing Authority -** Public Hearing to consider adopting updated Orange County Housing Authority Administrative Plan; and authorize Executive

Director or designee to finalize and submit Administrative Plan to U.S. Department of Housing and Urban Development - All Districts

B.O. **CLOSED PUBLIC HEARING**

14235 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Item CS-1)

GENERAL ADMINISTRATION

CS-1. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Robert O'Brien
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**

VI. CLOSED SESSION (Item SCS2)

GENERAL ADMINISTRATION

SCS2. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: County of Orange v. RxAmerica, LLC, Judicial Arbitration Mediation Services Case No. 1240021716; (United States District Court Case No. SACV 13-00935-JLS (RNBx))

B.O. **HELD, THE CLERK READ: BY A UNANIMOUS VOTE, THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE CASE OF COUNTY OF ORANGE V. RxAMERICA, LLC. 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 COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Jeff Hamilton - Oral Re: Regulating sober living facilities

Ilya Tseglin - Oral Re: Nate Tseglin, Orange County Regional Center

Robert Tseglin - Oral Re: Illegal confinement of Nate Tseglin at Orange County Regional Center, Public Defender fraud and lies to the courts, conservatorship of Nate Tseglin

Sharon Logan - Oral Re: Cities voting to either contract/not contract with the County for animal care services, would like to see change at OC Animal Care regarding euthanasia of healthy, adoptable animals

Darrell Ferguson - Oral Re: Surfrider Foundation, Coastal Cleanup Day for removal of trash and recyclables from beach; asked if OC Public Works can keep concrete bottom clean to keep plant material from growing

COUNTY EXECUTIVE OFFICER COMMENTS:

Frank Kim - Oral Re: Correct the public record for an article in the Lake Forest Patch which identifies comments between Jim Gardner, Lake Forest Councilman and Dr. Jennifer Hawkins, OC Animal Care Director. Article states Dr. Hawkins failed to respond to and answer questions during City Council meeting which is not true and is a mischaracterization of Dr. Hawkins

BOARD COMMENTS:

Supervisor Spitzer - Oral Re: City of Laguna Hills decision to part ways with OC Animal Care in favor of a proposal from Mission Viejo Animal Services; should send letter to the City Manager and cc Lake Forest City Council regarding inappropriate comments made by Lake Forest Councilman Jim Gardner about County staff during a City Council meeting; and asked Board members to review their District appointments to the Audit Oversight Committee and make appointments, if needed.

ADJOURNED: 1:18 P.M.

52134 **Adjourned in memory of Mary Anna Anderson**

*** 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

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Orange County Clerk of the Board