REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 8, 2013, 9:30 A.M.

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

SHAWN NELSON
CHAIRMAN
Fourth District

PATRICIA BATES
VICE CHAIRMAN
Fifth District

JANET NGUYEN
SUPERVISOR
First District

JOHN M.W. MOORLACH
SUPERVISOR
Second District

TODD SPITZER
SUPERVISOR
Third District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Michael B. Giancola
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Vice Chair Bates recognized Orange County Waste & Recycling for receiving the 2013 Arnold O. Beckman Corporate Eco-Challenge Award

II. CONSENT CALENDAR (Items 1-10)

52134 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3, 5, 6 & 7 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Chairman Nelson:

1. Emergency Medical Care Committee - Reappoint Jon D. Gilwee, Fullerton, for term ending 6/30/15

2. Community Action Partnership of Orange County - Appoint Susan Petrella, Fullerton, for term concurrent with 4th District Supervisor's term of office

3. **Supervisor Spitzer -** Orange County Human Relations Commission - Appoint Richard Steinberg, Lake Forest, for term ending 10/7/15

32154 **APPROVED AS RECOMMENDED**

COMMENDATIONS/PROCLAMATIONS/REPORTS

4. **Supervisor Nguyen -** Adopt resolution recognizing and congratulating the State Tuberculosis (TB) Control Branch on the centennial of its establishment
RESO: 13-103

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

5. Approve waiver of Carry Concealed Weapon license fees for volunteer Reserve Peace Officers and Sheriff Special Officers; and make appropriate findings - All Districts

25134 **APPROVED AS RECOMMENDED**

6. Adopt resolution approving submission of response to request for proposal of the Board of State and Community Corrections for construction of Criminal Justice Facility programs and treatment services, James A. Musick Facility; authorize Sheriff-Coroner Sandra Hutchens to execute RFP; approve related actions, assurances and certifications; and find that Final Environmental Impact Report 564 as certified on November 5, 1996, and recertified as amended on October 20, 1998, together with the Supplement to EIR No. 564, certified by the Board of Supervisors on December 11, 2012, fully analyzed and disclosed the proposed project's environmental effects under the SB 1022 RFP portion of the project, and that the proposed project would not have any environmental effects beyond those analyzed and disclosed in these environmental documents and provide adequate documentation under the California Environmental Quality Act findings - District 3

35124 **APPROVED STAFFS' RECOMMENDED ACTIONS WITH THE FOLLOWING AMENDMENTS INCLUDING CHANGING THE CORRESPONDING LANGUAGE IN THE RESOLUTION: APPROVED CHANGES AS SUBMITTED IN 10/7/13 MEMO FROM THE SHERIFF-CORONER TO RECOMMENDED ACTIONS 11 AND 16 AND DELETED THE SUBMITTED CHANGE TO 19; ALSO APPROVED A CHANGE SUBMITTED IN A HANDOUT AT THE MEETING FROM SUPERVISOR SPITZER ADDING TO THE END OF RECOMMENDED ACTION 2 "HOWEVER, THESE SB 1022 FUNDS WILL BE LIMITED TO THE FUNDING OF 384 BEDS"; AND A**

CORRECTION WAS MADE TO PAGE 2, FIRST PARAGRAPH OF THE DRAFT RESOLUTION CHANGING 348 TO 384 BEDS.
RESO: 13-104

7. Approve amendment 2 to agreement MA-060-12010640 with All City Management Services, Inc. for increase in hourly rate for crossing guard services, 11/1/13 - 10/31/14 ($530,000); renewable for two additional one year periods; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

45123 N **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

8. Approve agreement CPO13-003 with Project Dimensions, Inc. for on-call architect/engineer project management and contract administration services, three-year term commencing date of execution ($400,000); and make California Environmental Quality Act findings - All Districts

9. Approve agreements MA-012-14010229 with Landscape West Management Services, Inc. DBA Palo Verde Landscape Management Co. ($354,010) and MA-012-14010231 with So Cal Land Maintenance, Inc. ($150,347) for landscape maintenance services, Carbon Canyon, Clark and Tri-City Regional Parks, 10/8/13 - 10/7/14; renewable for four one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreements; and make California Environmental Quality Act findings - District 4 (Continued from 10/1/13, Item 10)

OC PUBLIC WORKS

10. Approve plans and specifications and set bid opening for 11/13/13, 2:00 p.m., for Building 10 Elevator Controls Replacement project; and make California Environmental Quality Act findings - District 1

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 11-S16A)

HEALTH CARE AGENCY

11. Approve master agreement with various providers of Nutrition Services/Network for Healthy California – Orange County, 10/15/13 - 9/30/15 ($4,595,000); renewable for one additional year; and authorize Director or designee to execute individual agreements and to exercise contingency cost increase not exceed 10% - All Districts

15234 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

12. Approve amendment 2 to agreement MA-080-12010821 with De Par Inc. dba Associated Laboratories, Physis Environmental Laboratories Inc., Truesdail Laboratories Inc., and Weck Analytical Environmental Services Inc. for water quality analytical services, 12/20/13 - 12/19/14 ($979,500); and make California Environmental Quality Act findings - All Districts

12354 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

13. Approve amendment 4 to lease agreement with County of Los Angeles for office space at Data Center, extending term 11/30/18; and make California Environmental Quality Act findings - All Districts

24135 **APPROVED AS RECOMMENDED**

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

25134 **APPROVED AS RECOMMENDED**

15. Approve grant applications/awards submitted by OC Public Works and ratify retroactive grant applications/award submitted by District Attorney in 10/8/13 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute grant agreements and amendments with State Governor's Office of Emergency Services (Cal OES) for Unserved/Underserved Victim Advocacy and Outreach Services Program, 7/1/13 - 6/30/14 ($156,250); and make California Environmental Quality Act and other findings - All Districts

34125 **APPROVED AS RECOMMENDED**
RESO: 13-105

16. **Supervisor Moorlach -** Approve cancellation of 11/19/13 regular meeting of the Board of Supervisors - All Districts

52134 **APPROVED CHANGE IN START TIME OF 11/19/13 BOARD MEETING TO 8:00 A.M.**

S16A. **County Counsel -** Adopt resolution rescinding Resolution 04-120 in its entirety and affirm Board authority to award contracts for ambulance services in unincorporated areas - All Districts

35124 **MOTION APPROVED TO NOT RESCIND THE AUTHORITY DELEGATED TO ORANGE COUNTY FIRE AUTHORITY (OCFA) TO CONDUCT REQUEST FOR PROPOSALS FOR 911 AMBULANCE SERVICES AND APPROVED ISSUANCE OF THE 10/8/13 DRAFT LETTER FROM HCA/EMERGENCY MEDICAL SERVICES TO CHIEF KEITH RICHTER, OCFA, AND ADOPTED THE FIVE RECOMMENDATIONS IN THE LETTER**

IV. PUBLIC HEARINGS (Item 17)

OC PUBLIC WORKS

17. Relying upon Mitigated Negative Declaration IP 08-048 and Addendum IP 12-010 as compliance under the California Environmental Quality Act, conduct public hearing to consider reading and adoption of "An Ordinance of the County of Orange, California Adding Section 7-1-2 of the Codified Ordinances of the County of Orange Related to Reasonable Accommodation", "An Ordinance of the County of Orange, California Amending Sections 7-9-24, 7-9-26, 7-9-40 and 7-9-41 of the Codified Ordinances of the County of Orange Related to Definitions of Community Care Facility, Emergency Shelter, Supportive Housing and Transitional Housing", "An Ordinance of the County of Orange, California Amending Section 7-9-34 and Section 7-9-148, ET. SEQ., of the Codified Ordinances of the County of Orange Related to the Definition of Multi-Service Center for the Homeless, Housing Opportunities Overlay Regulations and Emergency Shelter/Multi-Service Center for the Homeless Site Development Standards and Operational Requirements", "An Ordinance of the County of Orange, California Amending Section 7-9-40 and Section 7-9-140 of the Codified Ordinances of the County of Orange Related to the Definition of Senior Citizen and Senior Citizen Housing, and Density Bonus Regulations" and "An Ordinance of the County of Orange, California Adding Section 7-9-148.7 (c) of the Codified Ordinances of the County of Orange Related to Graduated Density Zoning" - All Districts

B.O. **CONTINUED TO 10/22/13, 9:30 A.M.**

V. CLOSED SESSION

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Upland Nursery v. County of Orange, Orange County Superior Court Case No. 30-2012-00615506

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(d)(4):
Number of Cases: One case

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED WOODRUFF, SPRADLIN, SMART AND COUNTY COUNSEL TO FILE LITIGATION ON BEHALF OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL**

BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.

CS-3. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:Agency Negotiator: Steve DanleyEmployee Organizations: Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), Alliance of Orange County Workers (AOCW), 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) and other non-represented employeesRE: Terms and Conditions of Employment

B.O. **DELETED**

SCS4. **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, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO ENGAGE THE SERVICES OF MEYERS NAVE RIBACK SILVER & WILSON TO PROVIDE LEGAL SERVICES AND ADVICE REGARDING ANTICIPATED LITIGATION.**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Racketeering and extortion by Internal Audit, Public Guardian, County Counsel and Board of Supervisors

Stephen Wontrobski - Oral Re: OC Fire Authority equity adjustments

Ilya Tseglin & Robert Tseglin - Oral Re: OC Regional Center, social workers

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Spitzer - Oral Re: 2013 Solar Decathlon at The Great Park; Cowan Heights & Baker Ranch fires; Task Force between OC Fire Authority and County Code Enforcement; and collapse of Tustin blimp hangar roof

Supervisor Nguyen - Oral Re: Live vs online training for Prevention of Harassment, Discrimination and Retaliation

Vice Chair Bates - Oral Re: Efforts in passage of SB 298 by Orange County's Sacramento delegation, led by Assembly Member Diane Harkey

Supervisor Moorlach - Oral Re: 125th Anniversary of the County of Orange in 2014

ADJOURNED: 12:51 P.M.

24135 **Adjourned in memory of Pastor Chuck Smith**

52345 **Adjourned in memory of Rev. K. Dean Echols**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Spitzer
4. = Supervisor Nelson
5. = Supervisor Bates

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