REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, January 10, 2017, 8:30 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 Spitzer, Third District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Vice Chair Steel presented a proclamation recognizing January 13 as Korean American Day

Vice Chair Steel will present a proclamation recognizing January 13 as Korean American Day

Chairwoman Bartlett presented a resolution to Bill Wood on his retirement in recognition of his 23 years of service on the OC Human Relations Commission

II. PUBLIC COMMENTS

Stephen Wontrobski - Oral Re: Opposes appointment of Frank Ury to the Orange County Employees Retirement System Board of Retirement; objection letters to the city of Mission Viejo Council Members regarding Frank Ury's disrespect to other City Council members and public speakers at City of Mission Viejo City Council Meetings

Craig Sheets - Oral Re: Conspiracies, weapons, narcotics, meth labs, mother ship behind the sun

Kevin Nelson - Oral Re: Agenda Item #6 - need to preserve the natural habitat at Talbert Park

Cindy Black - Oral Re: Founder, Talbert Restoration and Revitalization Program; Agenda item #6 - use of herbicides and destruction of natural habitat; destruction of birds; suggested amending project timeframe so it

doesn't conflict with breeding and nesting season of California gnatcatcher and other special status species, waiting until next year for removal of pampas grass and to authorize OC Parks to allow speaker to resume restoration process rather than using herbicides

Jay Humphrey - Oral Re: Agenda Item #6 - concerns with delay of contract to be effective for the replanting of plants; continue item to authorize start of contract in October or authorize replanting of plants

Ilya Tseglin - Oral Re: Nate Tseglin, Orange County Regional Center, probate judges, Probation, Public Defender, corrupted government and probate judges, living in fear of corrupted government officials

Robert Tseglin - Oral Re: Nate Tseglin kidnapped by San Diego and Irvine police, Adult Protective Services refusal to remove Nate from group home, abolish Child Protective Services

Randy Argo - Oral Re: Concerns with Dana Point Marina Company and their enforcement of contracts, concerns with Tidelands Trust Act and discrimination of those on water side of the project

Michael Klubnikin - Oral Re: Violation of public trust, limiting public comments at Board meetings

Eric Spitz - Oral Re: Legislative review of Prop 64, recommended designing policy in 5 phases (discovery phase, goals phase, policy creation phase, implementation phase and monitoring, maintenance & update phase); suggested building a tax base to pay for enforcement; Association of California Cities - Orange County Cannabis Regulation Roundtable to be held on January 24, 2017

Paul Hyek - Oral Re: Hospitals and Shaeffer ambulances dropping off homeless patients, birth of children on platforms

Lou Noble - Oral Re: Homeless advocate; safe zones, shelters and housing for homeless; trash cans needed in riverbed

James Davidson - Oral Re: President, Westminster Chamber of Commerce; compliance with laws and regulations are being ignored by businesses; 2016 Biennial Report regarding occupational abuse and fraud

III. CONSENT CALENDAR (Items 1-17)

12345 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 10 AND 17 WHICH WERE CONTINUED TO 1/24/17, 9:30 A.M.; AND ITEMS 1, 6 AND 12 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairwoman Bartlett -** Board of Retirement, OCERS - Appoint Frank Ury, Mission Viejo and reappoint David L. Ball, Costa Mesa and Charles Packard, Irvine, for terms ending 12/31/19 (Continued from 11/22/16, Item 1)

41235 **CONTINUED TO 1/24/17, 9:30 A.M.**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

2. Approve agreement PO-060-17011029 with Rockwell Laser Industries for purchase of laser measuring equipment and training, one year term ($28,187.04); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

3. Approve amendment 1 to agreement with County of San Diego and participating public entities for FY 2015 Operation Stonegarden Grant; accept additional grant funds from California Office of Emergency Services ($50,000; new total $250,000); and authorize Sheriff-Coroner to execute amendment and related documents - All Districts

4. Approve agreement with the County of Mono for provision of autopsies, 2/1/17 - 1/31/22 ($4,714; cumulative total $23,570) - All Districts

OC COMMUNITY RESOURCES

5. Accept donation of $35,000 from the Friends of the Costa Mesa Libraries to purchase new furniture for Mesa Verde Library - District 2

6. Approve agreement CT-012-17010525 with Habitat Restoration Sciences Inc. for weed abatement services at Talbert Regional Park ($389,000); authorize Purchasing Agent or authorized Deputy to execute agreement and make California Environmental Quality Act and other findings - District 2

21345 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

7. Approve agreement MA-080-17010644 with City of Lake Forest for on-call street maintenance, surveying and materials laboratory services, term ending 6/30/21 ($450,000); authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions; and make California Environmental Quality Act and other findings - District 5 (Continued from 12/13/16, Item 14)

8. Receive and file Traffic Committee Report dated 10/20/16; approve recommendations and adopt necessary resolutions - District 5
RESO: 17-005 - 17-008

9. Approve plans and specifications and set bid opening for 2/8/17, 2:00 p.m., for Crews Quarters and Storage Facility at Frank R. Bowerman Landfill; and consider application of prior Final Environmental Impact Report No. 604 and other findings - District 3

10. **Acting as the Orange County Flood Control District -** Approve Right of Entry and Use Agreement template for use of Orange County Flood Control District property; and authorize Director or designee to prepare, review and execute agreements under certain conditions - All Districts (Continued from 11/22/16, Item 9)

12345 **CONTINUED TO 1/24/17, 9:30 A.M.**

SOCIAL SERVICES AGENCY

11. Approve amendment 1 to agreement MA-063-17010694 with Omni Enterprise, Inc. dba Omniclean for janitorial and day porter services at Orangewood Children and Family Center, extending term through 10/17/17 ($172,000; cumulative total $258,000); renewable for two additional two-year terms; and authorize Purchasing Agent or authorized Deputy to execute amendment - District 3

GENERAL ADMINISTRATION

Clerk of the Board:

12. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Mesa Water District - District 2

23145 **APPROVED AS AMENDED CHANGING DISCLOSURE CATEGORY ASSIGNED TO THE BUSINESS ADMINISTRATOR POSITION FROM OC-02 TO OC-01**

13. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Orange County Water District - All Districts

14. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Yorba Linda Water District - Districts 3 and 4

15. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Yorba Linda Water District Public Financing Corporation - Districts 3 and 4

16. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for CalOptima - All Districts

17. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Brea Olinda Unified School District - District 4

12345 **CONTINUED TO 1/24/17, 9:30 A.M.**

END OF CONSENT CALENDAR

IV. DISCUSSION ITEMS (Items 18-41)

ELECTED DEPARTMENT HEADS

District Attorney:

18. Ratify retroactive amendment 4 to renew agreement MA-026-14010833 with Bode Cellmark Forensics, Inc. for forensic DNA testing services, 1/1/17 - 12/31/17 ($995,000; cumulative total $3,980,000); and authorize Purchasing Agent or authorized Deputy to execute amendments - All Districts

51234 **APPROVED AMENDMENT TO RENEW AGREEMENT FOR ONE YEAR. DIRECTED THE EXECUTIVE DIRECTOR OF THE OFFICE OF INDEPENDENT REVIEW, WHEN APPOINTED, TO (1) REVIEW AND CONDUCT AN ANALYSIS OF BOTH THE ORANGE COUNTY SHERIFF-CORONER DEPARTMENT OC CRIME LAB AND THE COUNTY'S AGREEMENT WITH BODE CELLMARK FORENSICS, INC. FOR DNA TESTING SERVICES, AND (2) RETURN TO THE BOARD WITH ANALYSIS AND POLICY RECOMMENDATIONS**

19. Ratify retroactive amendment 4 to renew agreement MA-026-13010867 with Southern California Private Investigators, Inc. for document analysis services, 1/1/17 - 12/31/17 ($200,000; cumulative total $1,000,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

32145 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

20. Receive and file status report and approve termination of Emergency Declaration resulting from failure of hot water lines causing flooding in the basement of Central Men's Jail Facility originally approved on 12/13/16 - District 1 (Continued from 12/13/16, Item S58E)

13245 **APPROVED AS RECOMMENDED**

21. Approve amendment 4 to agreement MA-060-13011794 with L3 Communications Mobile-Vision, Inc. to add Saddleback Station and for purchase and installation of parts, term ending 6/23/17 ($17,668.45; new total $80,668.45; cumulative total $519,384.45); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

14235 **APPROVED AS RECOMMENDED**

22. Approve amendment 1 to agreement 5600004550 with California Department of Corrections and Rehabilitation (CDCR) allowing County inmates to participate in the CDCR Fire Camp Program, extend term 7/1/17 - 6/30/19 ($6,643,000; new total $16,616,600); and authorize Sheriff-Coroner or designee to execute amendment - All Districts

41235 **APPROVED AS RECOMMENDED**

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23. Ratify retroactive payment to West-Lite Supply Company Inc. for purchase of light fixtures, Central Men's Jail - District 1
14235 **APPROVED AS RECOMMENDED**

24. Ratify acceptance of one-time donation of one reserve canine, two narcotic detection canines and four patrol canines from Orange County Sheriff's Advisory Council ($86,490) - All Districts
14235 **APPROVED AS RECOMMENDED**

25. Approve amendment 3 to agreement with Orange County Transportation Authority (OCTA) for law enforcement services, 1/20/17 - 6/30/17; approve FY 2016-17 increase to OCTA for law enforcement and special and supplemental services ($23,467 revenue; new total $7,275,409) - All Districts
41235 **APPROVED AS RECOMMENDED**

CHILD SUPPORT SERVICES

26. Ratify Plan of Cooperation agreement with California Department of Child Support Services for administration of Title IV-D Program services, 10/1/16 - 9/30/17; and authorize Director or designee to execute agreement - All Districts
24135 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

27. Approve agreement MA-280-17011051 with Universal Protection Service, LP for armed private security guard services, 2/1/17 - 1/31/20 ($3,275,547); renewable for two additional one-year terms; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act and other findings - District 2
24135 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

28. Approve agreement with Sirsi Corporation dba SirsiDynix for Symphony Integrated Library System maintenance for library catalog, with addition of Software as a Service, effective upon Board approval through 1/10/2020 ($411,320); renewable for two additional one-year terms; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts
51234 **APPROVED AS RECOMMENDED; DIRECTED TO REPORT BACK TO THE BOARD ANY LAWSUITS WITH VENDORS THAT ARE PENDING; AND TO CONDUCT BOARD WALKS TO BRIEF THE BOARD MEMBERS OF THE STATUS OF LEGAL ISSUES WITH VENDORS**

29. Approve amendment 1 to agreement CT-012-16010713 with JVR Shelter Strategies, LLC for veterinary consultant services at OC Animal Care, extending term through 5/31/18 ($200,000; cumulative total $350,000); and authorize Purchasing Agent or authorized Deputy to execute amendment and to exercise contingency cost increase not to exceed 10% under certain conditions - All Districts
14235 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

30. Approve plans and specifications and set bid opening for 2/15/17, 2:00 p.m., for Edinger Avenue Bridge over the Bolsa Chica Channel Replacement Project; approve waiver for prequalification process for project; and adopt resolution declaring portions of Edinger Avenue as County highway for construction purposes - District 2 (RA #4 requires 4/5 vote)
21345 **APPROVED AS RECOMMENDED**
RESO: 17-001

31. Approve agreements MA-080-17010192 with Orange County Transportation Authority and MA-080-17010193 with Rancho TMA for Measure M2 Project V Community Based Transit Circulators Program;

and authorize Director or designee to execute agreements and future amendments under certain conditions - District 5

52134 **APPROVED AS RECOMMENDED**

32. Approve aggregate agreements MA-080-17010678 with M.B. Herzog Electric, Inc., ABM Electrical Power Services, LLC and Baker Electric, Inc. for maintenance and repair services of electrical systems and equipment, 1/10/17 - 1/9/22 ($5,000,000); authorize Purchasing Agent or authorized Deputy to execute agreements; and make California Environmental Quality Act and other findings - All Districts

12345 **APPROVED AS RECOMMENDED**

33. Approve agreement MA-080-17010736 with Barone Combustion Corporation dba Automatic Boiler Company for on-call maintenance and repair services of steam boilers, water heating equipment and associated piping, 1/10/17 - 1/9/22 ($5,000,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

21345 **APPROVED AS RECOMMENDED**

34. Approve aggregate agreements MA-080-17010672 with ABM Building Solutions, LLC and Mesa Energy Systems, Inc. for on-call maintenance, repair, alteration and installation of heating, ventilation and air conditioning systems, 1/10/17 - 1/9/22 ($5,000,000); and authorize Purchasing Agent or authorized Deputy to execute agreements - All Districts

12345 **APPROVED AS RECOMMENDED**

35. Approve amendment 6 to agreement MA-080-13010919 with ES Engineering Services, LLC for waste water system maintenance and analysis services, 3/21/17 - 3/20/18 ($132,449; cumulative total $759,223); authorize Purchasing Agent and authorized Deputy to execute amendment; and make California Environmental Quality Act and other findings - All Districts

25134 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

36. Adopt resolution authorizing issuance of a Pension Obligation Debenture, issuance and sale of short-term Taxable Pension Obligation Bonds, 2017 Series A ($400,000,000); and execution and delivery of Seventh Supplemental Trust agreement and Bond Purchase agreement; and authorizing Public Finance Director to execute all related documents; approve related budget adjustments and related payments; and make related findings - All Districts (RA 2 & 3 4/5 vote of the members present)
(Continued from 12/13/16, Item 53)

31245 **APPROVED AS RECOMMENDED**
RESO: 17-002

37. Acting as the Board of Supervisors and Orange County Flood Control District - Adopt resolution delegating authority to Chief Real Estate Officer or designee to negotiate, execute and amend leases and licenses of real property for use by County or Orange County Flood Control District under certain conditions and perform related activities; direct Chief Real Estate Officer or designee to submit an annual report to the Board each year on June 30th; and make California Environmental Quality Act and other findings - All Districts (Continued from 12/13/16, Item 57)

41235 **APPROVED AS AMENDED CHANGING RECOMMENDED ACTION #4 DIRECTING CHIEF REAL ESTATE OFFICER OR DESIGNEE TO SUBMIT QUARTERLY REPORTS TO THE BOARD VERSUS ANNUALLY**
RESO: 17-003

38. Approve grant applications/awards submitted by OC Sheriff's Department in 1/10/17 grant report and other actions as recommended - All Districts

14235 **APPROVED AS RECOMMENDED**

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

51234 **RECEIVED AND FILED; DIRECTED CEO TO CONTACT AND RECEIVE FEEDBACK FROM WORKING GROUP REGARDING CHANGING THE COMPOSITION OF THE GROUP TO ADD BOARD MEMBERS AND FORMALIZE IT AS A BROWN ACT LEGISLATIVE BODY**

40. **Human Resource Services -** Approve new classification specification and establish pay grades for Public Safety Dispatcher, effective 1/20/17 - All Districts

12345 **APPROVED AS RECOMMENDED**

41. **Board of Supervisors -** Election of 2017 Officers

ELECTED VICE CHAIR STEEL AS 2017 CHAIRWOMAN AND SUPERVISOR DO AS 2017 VICE CHAIR

V. PUBLIC HEARINGS (Items 42-43)

ELECTED DEPARTMENT HEADS

Clerk-Recorder:

42. Public Hearing to consider reading and adoption of "An Ordinance of the County of Orange, California, regarding passport photograph services through the office of the Clerk-Recorder"; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBIC HEARING**

41235 **APPROVED AS RECOMMENDED**
ORD: 17-001

43. Public Hearing to consider adopting resolution approving micrographics fee termination and maintaining first page recording fee for cost recovery of services performed by the Clerk Recorder; repealing Resolution 81-252; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

41235 **APPROVED AS RECOMMENDED**
RESO: 17-004

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Matthew Brown v. County of Orange, Orange County Superior Court Case No. 30-2015-00800188

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MATTHEW BROWN 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.**

CS-2. 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**

Human Resource Services:

CS-3. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: Executive Director of the Office of Independent Review

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

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, 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:

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Deanna Patrick v. County of Orange, Workers' Compensation Appeals Court Case No. ADJ8536332

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF DEANNA PATRICK 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.**

SCS6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Barbara Driggs v. County of Orange, Workers' Compensation Appeals Board Case No. ADJ1622078

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF BARBARA DRIGGS 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.**

SCS7. 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**

VII. CEO, BOARD COMMENTS & ADJOURNMENT

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS:

Supervisor Nelson - Oral Re: Reflected on the passing of John Benoit

Supervisor Do - Oral Re: Reflected on the passing of a friend who died of melanoma; thanked his colleagues for their support the past two years; thanked his wife and children for their support

Chairwoman Bartlett - Oral Re: Reflected on the passing of John Benoit; honor and privilege to serve as Chairwoman of the Board of Supervisors; thanked County staff and her Board office staff

Supervisor Steel - Oral Re: Thanked her colleagues for their support; congratulated Supervisor Do as the 2017 Vice Chair; recognized Chairwoman Bartlett for her leadership as the 2016 Chairwoman of the Board of Supervisors; thanked County staff, Frank Kim, Shane Silsby and Stacy Blackwood; looking forward to working together on County issues

ADJOURNED: 3:46 P.m.

35124 **Adjourned in memory of John Benoit**

*** 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)

Chair, Orange County Board of Supervisors

Orange County Clerk of the Board