REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 21, 2015, 9:00 A.M.

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

TODD SPITZER
CHAIRMAN
Third District

LISA A. BARTLETT
VICE CHAIRMAN
Fifth District

ANDREW DO
SUPERVISOR
First District

MICHELLE STEEL
SUPERVISOR
Second District

SHAWN NELSON
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Frank Kim
	COUNTY COUNSEL	Nicholas S. Chrisos
	INTERIM CLERK OF THE BOARD	Robin Stieler

INVOCATION: Vice Chair Bartlett, Fifth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chairman Spitzer presented a resolution commending Nicholas S. Chrisos on his retirement

Chairman Spitzer presented a resolution commending Nicholas S. Chrisos on his retirement

II. CONSENT CALENDAR (Items 1-15)

12453 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 8, 9, 14 AND 15 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE.**

BOARD APPOINTMENTS

1. **Vice Chair Bartlett -** Airport Land Use Commission - Appoint Mark Monin, Laguna Woods, tocomplete term ending 5/2/16

DEPARTMENT APPOINTMENTS

2. **Health Care Agency -** Emergency Medical Care Committee - Appoint Kevin Baker, Westminster;Lindley B. Garcia, BSN, RN, Anaheim; Rebecca R. Gomez, MS, MA, RHIA, Tustin; James N. Karras, Carson, to complete terms ending 6/30/16; appoint Trez Gutierrez, MSN, RN, Anaheim and Virg Narbutas, Anaheim to complete terms ending 6/30/17; and reappoint Wolfgang Knabe, Fullerton, for term ending 6/30/16 - All Districts

3. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Dr. Tod Burnett,Mission Viejo, to complete term ending 12/31/17 - All Districts

COMMENDATIONS/PROCLAMATIONS/REPORTS

4. **Chairman Spitzer -** Adopt resolution declaring July 19-25, 2015 as "Zookeeper Appreciation Week"
RESO: 15-072

ELECTED DEPARTMENT HEADS

5. **District Attorney -** Approve amendment 4 to renew agreement MA-026-11012745 with SouthernCalifornia Private Investigators, Inc. for real estate document analysis services, 8/1/15 - 7/31/16 ($125,000; cumulative total $575,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

Sheriff-Coroner:

6. Approve amendment 4 to agreement MA-060-13010014 with Helistream, Inc. for flight instructor and flight training services, 8/1/15 - 7/31/16 ($125,000; cumulative total $489,000); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

7. Approve amendment 3 to agreement MA-060-1201250 with Association of Public SafetyCommunications Officials International Inc. dba APCO International Inc. for radio frequency coordination services, 7/24/15 - 7/23/16 ($30,000; cumulative total $90,000); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

JOHN WAYNE AIRPORT

8. Receive bids and award contract to All Surface Roofing & Waterproofing, Inc. for 3160 Building RoofRehabilitation project ($229,821) - District 2
25143 **APPROVED AS RECOMMENDED**

9. Approve agreement PO-280-15012045 with Sentry Control Systems for upgrading parking access andrevenue control system, effective 7/21/15 ($499,999); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act and

other findings - District 2
23145 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

10. Approve amendment 1 to renew agreement MA-012-14011932 with HAPPY Software, Inc. withadditional terms and conditions and amended scope of work for upgrade, maintenance and support of Housing Pro Application Software System, 9/1/15 - 8/31/16 ($172,918; new total $223,598); renewable for three additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement and to exercise contingency cost increase not to exceed 10% - All Districts

11. Approve amendment 2 to renew agreement MA-012-14010167 with United Site Services of California,Inc. for portable toilet rental and services, 9/1/15 - 8/31/16 ($157,000; cumulative total $567,000); and make California Environmental Quality Act findings and other findings - All Districts

12. Approve amendment 2 to agreement MA-012-12012186 with OCLC Online Computer Library Center,Inc., dba OCLC Inc. for Online Cataloging and WorldCat FirstSearch services, 8/1/15 - 7/31/16 ($122,710.09; new total $659,397.95); renewable for an additional one-year period; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

GENERAL ADMINISTRATION

County Executive Office:

13. Approve assumption and consent agreement with Document Technologies, LLC to assumeagreement MA-017-15011963 with Merrill Communications LLC for IT forensics and eDiscovery services; and authorize Purchasing Agent or authorized Deputy to execute agreement and request for consent to assignment - All Districts

14. Approve FY 2015-16 revised County Event Calendar and per Government Code Section 26227,find that the events therein will serve a public purpose and will meet the social needs of the population of the County and staff may solicit donations of funds and services for such events - All Districts
53124 **APPROVED AS RECOMMENDED**

15. **Internal Audit -** Receive and file Monthly Internal Audit Activity Status Report for June 2015 - AllDistricts
15243 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 16-S27B)

JOHN WAYNE AIRPORT

16. Receive bids and award contract to Sully-Miller Contracting Co. of Brea, California for pavementmaintenance and repair project ($1,300,000); one year term - District 2
25143 **APPROVED AS RECOMMENDED**

17. Authorize Director to amend allocation of regulated Class A average daily departures, permanent Class E average daily departures, seat capacity, remain overnight and passenger capacity to scheduled commercial passenger, cargo and commuter carriers under Phase 2 Commercial Airline Access Plan and Regulation for 2016 Plan Year; approve related actions; and consider application of prior Environmental Impact Report No. 617 and other findings - District 2 (Continued from 7/14/15, Item 25)
24153 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

18. Adopt resolution approving retroactive Workforce Innovation and Opportunity Act Subgrant agreementK698379 with State of California Employment Development Department, 4/1/15 - 6/30/17 ($11,703,744); and authorize Director or designee to execute subgrant agreement, accept increases and decreases in funding and sign related documents under certain conditions - All Districts
15243 **APPROVED AS RECOMMENDED**
RESO: 15-073

GENERAL ADMINISTRATION

County Executive Office:

19. Approve supplemental responses to 2013-14 Grand Jury Reports, "Maximizing the Benefits ofJohn Wayne Airport to Better Serve Orange County," and "Ethics and Campaign Reporting: Why and How to Implement Stronger Oversight, Transparency, and Enforcement" - All Districts
32145 **APPROVED AS RECOMMENDED**

20. Consider resolution approving amendment 3 to Joint Powers Authority agreement with OrangeCounty Fire Authority for elimination of alternate directors from Board of Directors - All Districts
53124 N **APPROVED MOTION TO OPPOSE ADOPTION OF RESOLUTION APPROVING THE THIRD AMENDMENT TO THE AMENDED ORANGE COUNTY FIRE AUTHORITY JOINT POWERS AGREEMENT TO ELIMINATE ALTERNATE DIRECTORS FROM THE BOARD OF DIRECTORS**

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

22. Approve selection of and agreements 17-15002BC with Orrick, Herrington & Sutcliffe LLP asbond counsel ($44,500 plus expenses of $1,500) and 017-15001DC with Squire

Patton Boggs LLP as disclosure counsel ($35,000, plus expenses $1,000) for the 800 MHz Countywide Coordinated Communications System upgrade financing, effective upon Board approval for term ending 6/30/16; with option to extend for two additional years; and authorize CEO/Public Finance Director to execute agreements - All Districts

B.O. **CONTINUED TO 8/4/15, 9:30 A.M.**

23. Approve grant applications/awards submitted by District Attorney and John Wayne Airport andretroactive grant application/award submitted by District Attorney in 7/21/15 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute grant agreement and amendments with California Office of Traffic Safety for Alcohol and Drug Impaired Driver Vertical Prosecution Program, FY 2015-16 ($764,758); and adopt resolution authorizing District Attorney or designee to submit and execute grant award agreement and amendments with California Office of Emergency Services for Human Trafficking Advocacy Program for FY 2015-16 ($173,600) which includes in-kind match of ($34,720) provided by Community Services Programs, Inc.; and make California Environmental Quality Act and other findings - All Districts

42153 **APPROVED AS RECOMMENDED**
RESO: 15-075 - 15-076

24. Approve proposed CEO/IT organizational structure and line of authority changes to integrateInformation Technology positions from OC Community Resources and OC Waste & Recycling, effective 8/7/15 - All Districts

53124 **APPROVED AS RECOMMENDED; DIRECTED STAFF TO RETURN TO THE BOARD AND PROVIDE A PROGRESS REPORT AND METRICS FOR CEO/IT CENTRALIZATION BY DECEMBER 31, 2016**

Human Resource Services:

25. Adopt resolution approving updated County of Orange Equal Employment Opportunity and Anti-Harassment policy and procedure - All Districts

B.O. **DELETED**

26. Approve agreement with Franklin Covey for training material commodities needed to supportProfessional Development Experience, new leadership development program, 7/22/15 - 6/30/18 ($993,600); authorize Purchasing Agent or authorized Deputy to execute agreement and exercise contingency cost increase not to exceed 10% under certain conditions - All Districts

15243 **APPROVED AS RECOMMENDED**

27. **Vice Chair Bartlett -** Adopt amendments to County Policy on Employment of Relatives (Subpart D ofSection 1 of Article 1 of Part 1 of the 2003 County of Orange Personnel and Salary Resolution) to extend existing restrictions on the employment of relatives to members of Board of Supervisors and agency/department heads, and to make related changes
(Continued from 6/2/15, Item 53; 7/14/15, Item 37)

5 **MOTION TO APPROVE RECOMMENDATIONS FAILED TO GET A SECOND**

S27A. **Chairman Spitzer -** Approve four-year agreement with Leon J. Page for employment as County Counsel, effective 7/24/15

31245 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

S27B. Direct Orange County representatives to the Civic Center Authority to pursue repurposing the Plaza of the Flags, including replacing existing State flags with flags of Orange County cities, County of Orange, State of California, United States of America, five branches of the Armed Services; and this action supersedes any previous action by this Board contrary to the intent of this action - District 1

23145 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 28-31)

HEALTH CARE AGENCY

28. Public Hearing to consider adopting resolution directing Health Care Agency to implement one of two fee proposal options; using fee proposal selected by the Board, update Environmental Health Division fee schedule, effective 8/1/15; 7/1/16; 7/1/17 and 7/1/18; rescinding Resolution 13-050, effective 8/1/15; direct Health Care Agency to either retain current notification system or adopt a letter grade notification system; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

54123 NN **APPROVED RECOMMENDED ACTIONS 1, 2, 3a (OPTION 2), 3b, 3c And 3d**

RESO: 15-077

41253 N **APPROVED RECOMMENDED ACTION 4 TO RETAIN CURRENT NOTIFICATION SYSTEM**

29. Public Hearing to consider adopting resolution approving update of Maximum 911 Emergency Basic Life Support ground ambulance rates and Orange County Fire Authority advanced life support paramedic assessment and transportation rates, effective 8/1/15; rescinding Resolution 13-087; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

54123 NNN **MOTION FAILED TO APPROVE RECOMMENDED ACTIONS 2a - 2c AND TO LOOK AT CONSUMER PRICE INDEX AS AN AUTOMATIC FACTOR WITHOUT COMING BACK TO THE BOARD**

35124 NNN **MOTION FAILED TO APPROVE RECOMMENDED ACTIONS 2a - 2c WITH A RATE INCREASE OF 1.1%**

54123 NNN **MOTION FAILED TO APPROVE RECOMMENDED ACTIONS 2a - 2c WITH A RATE INCREASE OF 1.3%**

B.O. **CONTINUED TO 8/25/15, 9:30 A.M.**

OC COMMUNITY RESOURCES

30. Public Hearing to consider first reading of "An Ordinance of the County of Orange, California Amending Section 2-5-35 of the Codified Ordinances of the County of Orange Regarding Alcoholic Beverage Restrictions at Parks, Beaches, Harbors or Recreational Areas";

and set second reading and adoption for 8/4/15, 9:30 a.m. - All Districts

B.O. **CLOSED PUBLIC HEARING**

34125 **APPROVED AS RECOMMENDED; DIRECTED STAFF TO RETURN TO THE BOARD'S SPECIAL MEETING ON 7/24/15, 9:00 A.M. WITH A RESOLUTION TO ALLOW ALCOHOL POSSESSION AND CONSUMPTION DURING THE OC PARKS 2015 SUMMER CONCERT SERIES**

OC PUBLIC WORKS

31. Public hearing to consider reading and adoption of "An Ordinance of the County of Orange, CaliforniaAdding Section 6-1-136 and 7-9-146.13 and Amending Sections 7-9-20, 7-9-24, 7-9-44, 7-9-55.3, 7-9-55.4, 7-9-58.3, 7-9-58.4, 7-9-59.4, 7-9-65.3, 7-9-65.4, 7-9-66.3,7 -9-66.4, 7-9-67.3, 7-9-67.4, 7-9-68.3, 7-9-68.4, 7-9-74.3, 7-9-74.4, 7-9-75.3, 7-9-75.4, 7-9-76.3, 7-9-76.4, 7-9-77.3, 7-9-77.4, 7-9-78.3, 7-9-78.4, 7-9-79.3, 7-9-79.4, 7-9-80.3, 7-9-80.4, 7-9-84.2, 7-9-84.3, 7-9-85.2, 7-9-85.3, 7-9-87.2, 7-9-87.3, 7-9-88.2, 7-9-88.3, 7-9-89.2, 7-9-89.3, 7-9-90.2, 7-9-90.3, 7-9-95.2, 7-9-95.3, 7-9-98.3 and 7-9-98.4 of the Codified Ordinances of the County of Orange Related to Performance and Development Standards for Wireless Communications Facilities"; and consider adoption of Negative Declaration No. IP 14-332 and other findings - All Districts (Continued from 6/16/15, Item 40; 7/14/15, Item 38)

B.O. **CONTINUED TO 9/1/15, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-SCS2)

GENERAL ADMINISTRATION

CS-1. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Steve Danley
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), 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), Orange County Managers Association (OCMA) and other non-represented employees
RE: Terms and Conditions of Employment

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

SCS2. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: In re Arbitration between County of Orange v. Atos Governmental IT Outsourcing Services, LLC

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Nicholas Chrisos, Corruption, Public Guardian, Public Administrator, PerformanceAuditor, Internal Auditor

Jaime - Oral Re: El Modena historian and problems in the El Modena community; code enforcement

Ilya Tseglin - Oral Re: Regional Center, Courts, Public Defender, Social Services Agency, Nate Tseglin

Robert Tseglin - Oral Re: Petition filed in court, Nate Tseglin, Public Defender

Darrell Nolta - Oral Re: Public safety and health at Oak View Elementary School in Huntington Beach, Rainbow Disposal, Sheriff Deputies use of chokehold

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Vice Chair Bartlett - Oral Re: Thanked Nicholas Chrisos for his service to the County

Vice Chair Bartlett - Oral Re: Congratulated Leon J. Page on his appointment as County Counsel

Chairman Spitzer - Oral Re: Thanked Nicholas Chrisos for his service to the County

Chairman Spitzer - Oral Re: Meeting with Rainbow Disposal and Health Care Agency regarding trash dump near Oak View Elementary School; and Special Meeting on 7/24/15, 9:00 a.m. regarding Office of Independent Review oversight

Supervisor Steel - Oral Re: Working closely with City Attorney to resolve complaints regarding trash dump near Oak View Elementary School

ADJOURNED: 2:52 P.M.
Adjourned in memory of Edwin Thomas McFadden, Jr.

*** 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

Interim Orange County Clerk of the Board