REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, February 11, 2020,* 9:00 A.M.

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

**MICHELLE STEEL**
CHAIRWOMAN
Second District

**ANDREW DO**
VICE CHAIRMAN
First District

**DONALD P. WAGNER**
SUPERVISOR
Third District

**DOUG CHAFFEE**
SUPERVISOR
Fourth District

**LISA A. BARTLETT**
SUPERVISOR
Fifth 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 Bartlett, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE:Supervisor Chaffee, Fourth District, led the assembly in the Pledge of Allegiance

**I.PRESENTATIONS/INTRODUCTIONS**

Supervisor Wagner presented a resolution to Working Wardrobes for 30 years of serving Orange County

**II.CONSENT CALENDAR (Items 1-9)**

15342 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 6 WHICH WAS CONTINUED TO 3/10/20, 9:30 A.M.; AND ITEMS 4 AND 7 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

**BOARD APPOINTMENTS**

**Supervisor Chaffee:**

1. Orange County Planning Commission - Appoint Claudia Perez, Anaheim, for term concurrentwith 4th District Supervisor's term of office

2. Assessment Appeals Board No 1 - Appoint Ryan Bushore, Anaheim, to complete term ending9/6/20

**ELECTED DEPARTMENT HEADS**

**District Attorney:**

3. Approve contract MA-026-20010671 with Software One, Inc. for Microsoft Unified Supportservices, 3/1/20 - 2/28/21 ($313,743); and authorize County Procurement Officer or authorized Deputy to execute contract - All Districts

4. Approve contract MA-026-20010884 with Bode Cellmark Forensics, Inc. dba BodeTechnology for sexual assault kit DNA testing services, 3/1/20 - 9/30/20 ($612,671); renewable for one additional one-year term; and authorize County Procurement Officer or authorized Deputy to execute contract - All Districts

31452 **APPROVED AS RECOMMENDED**

5. **Sheriff-Coroner -** Approve Assignment and Assumption agreement for Santiago Aqueduct to IrvineRanch Water District for County Capacity Rights ($227,790); and make California Environmental Quality Act and other findings - Districts 1 and 3

**HEALTH CARE AGENCY**

6. Approve designation of CSU, LLC, dba College Hospital Crisis Stabilization Unit, Costa Mesa asfacility for involuntary detention, evaluation and treatment for 12 beds for mentally disordered persons; and direct Health Care Agency to submit designation to State Department of Health Care Services - District 2

15342 **CONTINUED TO 3/10/20, 9:30 A.M.**

7. Approve amended bylaws to Commission to End Homelessness adding Orange County DistrictAttorney to membership - All Districts

13452 **APPROVED AS RECOMMENDED**

**OC COMMUNITY RESOURCES**

8. Approve Declaration of Covenants and Restrictions for portions of Harriett M. Wieder Regional ParkHabitat Restoration and Enhancement Project; and consider application of Final EIR No. 521 and Addendum IP 16-041 and other findings - District 2

**GENERAL ADMINISTRATION**

9. **County Executive Office -** Approve grant of easement to Southern California Edison Company forunderground conduit purposes at Loma Ridge Nature Preserve; approve agreement for installation and conveyance of facilities from County to Southern California Edison Company to memorialize transfer of concrete pad for connectivity between Cox Communications' infrastructure; authorize Chief Real Estate Officer or designee to execute any collateral instruments or minor changes under certain conditions; and make California Environmental Quality Act and other findings - District 3

END OF CONSENT CALENDAR

**III.DISCUSSION ITEMS (Items 10-S23E)**

**ELECTED DEPARTMENT HEADS**

**Sheriff-Coroner:**

10. Approve contract MA-060-20010309 with Standard Aero Limited for overhaul and repair ofhelicopter and fixed wing aircraft components and engines, two-year term ($2,765,000); renewable for one additional two-year term and one additional one-year term; and authorize County Procurement Officer or authorized Deputy to execute contract - All Districts
15342 **APPROVED AS RECOMMENDED**

11. Approve amendment 2 to renew contract MA-060-18011340 with Lexipol, LLC for onlineannual policy manual development subscription, 3/15/20 - 3/14/21 ($17,350; new total $48,850); renewable for two additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute contract - All Districts
53142 **APPROVED AS RECOMMENDED**

**HEALTH CARE AGENCY**

12. Approve selection of and agreement with Charitable Ventures Orange County for early childhoodmental health consultation services, 3/15/20 - 6/30/22 ($1,999,999); renewable for two additional one-year terms; authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions and execute agreement - District 2
54132 **APPROVED AS RECOMMENDED**

**JOHN WAYNE AIRPORT**

13. Authorize Director or designee to issue a Request for Proposals for Airport Concession DevelopmentProgram Phase 2, empanel a qualified group of experts to score the responsive proposals and return to the Board with recommendations; and make California Environmental Quality Act and other findings - District 2 (Continued from 1/14/20, Item 26; 1/28/20, Item 20)
25134 **APPROVED AS RECOMMENDED**

**OC COMMUNITY RESOURCES**

14. Approve amendment 5 to contract MA-012-16011797 with The ACE Agency, Inc. for public relationsservices, 4/1/20 - 3/31/21 ($300,000, cumulative total $1,329,167); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts
35142 **APPROVED AS RECOMMENDED**

**OC PUBLIC WORKS**

15. Approve amendment 2 to aggregate contract MA-080-17011161 with Clean Harbors EnvironmentalServices, Inc., Environmental Logistics, Inc. and Ocean Blue Environmental Services, Inc. for on-call environmental clean-up services, 3/27/20 - 3/26/21 ($250,000; revised

cumulative total $1,750,000) and amendment 4 to subordinate contract MA-012-17011816 with Clean Harbors Environmental Services, Inc. for on-call environmental clean-up services, 3/27/20 - 3/26/21 ($275,000; revised cumulative total $1,148,493); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

15342 **APPROVED AS RECOMMENDED**

16. Receive bids and award contract CT-012-20010642 to Harry H Joh Construction Inc for Tri-CityRestrooms 1 and 2 Replacement Project, 2/11/20 - 2/10/21 ($1,184,868); authorize Director or designee to execute contract under certain conditions; authorize return of bid guarantees to all bidders upon execution of contract- District 4

41352 **APPROVED AS RECOMMENDED**

17. Approve contract MA-080-20010978 with Ames Construction, Inc. as part of the constructionmanager at-risk services for Brea Boulevard Bridge Replacement and Corridor Enhancement Project, effective 2/11/20 ($150,000); and authorize Director or designee to execute and amend contract under certain conditions - District 4

45132 **APPROVED AS RECOMMENDED**

18. Approve contract MA-080-20010556 with Scheidt & Bachmann USA, Inc. for parking access andrevenue control system equipment, maintenance and repair services, 1/28/20 - 1/27/23 ($2,523,905); renewable for two additional one-year terms; authorize County Procurement Officer or authorized Deputy to execute contract - Districts 1 and 3 (Continued from 1/28/20, Item 23)

B.O. **CONTINUED TO 2/25/20, 9:30 A.M.**

## SOCIAL SERVICES AGENCY

19. Approve amendment 1 to master agreement CML0219-A1 for Secure Continuous Remote AlcoholMonitor Continuous Alcohol Monitoring services to add mobile installation services, 7/1/19 - 6/30/21 ($435,200; cumulative total $935,200) and authorize Director or designee to execute subordinate amendments under certain conditions; approve amendment 1 to agreement CPY0319-A1 with Avertest, LLC dba Averhealth for random drug testing services, 7/1/16 - 6/30/20 ($102,400; cumulative total $3,102,400); approve final renewal of agreement CPS0320 with Avertest, LLC dba Averhealth for random drug testing services, 7/1/16 - 6/30/21 ($852,400; cumulative total $3,954,800); approve final renewal of master agreement CCB0220 for drug patch testing services, 7/1/20 - 6/30/21 ($437,400; cumulative total $2,162,700); authorize Director or designee to execute subordinate contracts with qualified providers under certain conditions and exercise cost contingency increase not to exceed 10% of the contracts under certain conditions - All Districts

53142 **APPROVED AS RECOMMENDED**

## GENERAL ADMINISTRATION

**County Executive Office:**

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

15342 **APPROVED AS RECOMMENDED**

21. Approve retroactive Assignment, Novation and Consent agreement MA-017-17011319 totransfer and assign contract from Bureau Veritas North America Inc. to APEX

Companies LLC for safety and industrial hygiene services, 7/1/19 - 2/8/22; and authorize County Procurement Officer or authorized Deputy to execute agreement - All Districts

53142 **APPROVED AS RECOMMENDED**

22. Approve amendment 5 to agreement MA-017-15012296 with Alquest Technologies, Inc. forstructured cabling services, effective upon Board approval through 6/30/20 ($355,000; new total $955,000; cumulative total $1,455,000); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

53142 **APPROVED AS RECOMMENDED**

23. Approve grant applications/awards submitted by Sheriff-Coroner and retroactive grantapplications/awards submitted by Sheriff-Coroner in 2/11/20 grant report and other actions as recommended - All Districts

51342 **APPROVED AS RECOMMENDED**

S23A. **Supervisor Wagner -** Approve addition of Anaheim Hills Elementary PTA events to FY 2019-20County Events Calendar and make related findings per Government Code Section 26227

32145 **APPROVED AS RECOMMENDED**

S23B. **County Executive Office -** Approve and adopt 2019-2023 Memorandum of Understanding withInternational Union of Operating Engineers - Local 501 for Craft and Plant Engineer Unit, 6/21/19 - 6/29/23 - All Districts

13452 **APPROVED AS RECOMMENDED**

**Chairwoman Steel:**

S23C. Acting as the Orange County In-Home Supportive Services Public Authority - Orange CountyIn-Home Supportive Services (IHSS) Advisory Committee - Reappoint Randolph James Farrell, Newport Beach and Sharon Kay Matson, Costa Mesa, for terms ending 2/10/24

25134 **APPROVED AS RECOMMENDED**

S23D. Orange County Cemetery District - Reappoint Kelly Ann Rivers, Huntington Beach, tocomplete term ending 1/1/24

25134 **APPROVED AS RECOMMENDED**

S23E. **Clerk of the Board -** Approve 2020 Chairwoman's appointments of Board Members to variousBoards, Commissions and Committees; and adopt California Form 806 - Agency Report of Public Official Appointments - All Districts

23145 **APPROVED AS AMENDED REMOVING CHAIRWOMAN STEEL AND ADDING SUPERVISOR CHAFFEE AS THE REGULAR MEMBER TO THE COMMISSION TO END HOMELESSNESS; AND REMOVING ALKAMALEE (AL) JABBAR AND ADDING LASHE RODRIGUEZ AS THE ALTERNATE BOS REPRESENTATIVE TO THE SANTA ANA RIVER FLOOD CONTROL PROTECTION AGENCY**

## IV.PUBLIC HEARINGS (Item 24)

## OC PUBLIC WORKS

24. Public Hearing to consider first reading of "An Ordinance of the Board of Supervisors of the

Countyof Orange Granting to Torrance Pipeline Company LLC a Franchise for the Transportation and Distribution of Refined Petroleum Products in the County of Orange for Ten (10) Years"; and set second reading and adoption for 2/25/20, 9:30 a.m. - District 4

B.O. **CLOSED PUBLIC HEARING**

45132 **APPROVED AS RECOMMENDED**

**V.CLOSED SESSION (Items CS-1-SCS4)**

**GENERAL ADMINISTRATION**

**County Executive Office:**

CS-1. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator:Tom Hatch
Employee Organizations:Orange County Attorneys Association (OCAA), International Union of Operating Engineers (IUOE), and other non-represented employeesRE:Terms and conditions of employment

B.O. **DELETED**

CS-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government CodeSection 54956.8:
Property Location:Concessions space within Terminals A, B and C at John Wayne Airport
under existing Primary Food and Beverage Lease
County Negotiator:Thomas A. Miller, Chief Real Estate Officer
Negotiating Party:Host International, Inc.
Under Negotiation:Terms and Value of Lease

B.O. **CONTINUED TO 2/25/20, 9:30 A.M.**

**County Counsel:**

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case:BNSF Railway Company v. Alameda County, et al., USDC Case No. 19-cv-07230-HSG

B.O. **COUNTY COUNSEL READ:THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO RETAIN THE LAW FIRM OF OLSON REMCHO LLP TO ASSIST IN THE DEFENSE OF THE COUNTY IN A PROPERTY TAX LAWSUIT, BNSF RAILWAY COMPANY V. ALAMEDA COUNTY, ET AL., USDC CASE NO. 4:19-CV-07230**

SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case:State of California, et al. ex rel OnTheGo Wireless, LLC v. Cellco Partnership dba Verizon Wireless, et al., SCSC Case No. 34-2012-00127517

B.O. **COUNTY COUNSEL READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT WITH CELLCO PARTNERSHIP DBA VERIZON IN THE FALSE CLAIMS ACTION STATE OF CALIFORNIA ET AL. EX REL ONTHEGO WIRELESS, LLC V. CELLCO PARTNERSHIP ET**

**AL, SACRAMENTO SUPERIOR COURT CASE NO. 34-2012-00127517.THE PROPOSED SETTLEMENT REMAINS SUBJECT TO THE FINAL APPROVAL OF OTHERS.WHEN FINAL, COPIES OF THE SETTLEMENT AGREEMENT WILL BE MADE AVAILABLE THROUGH THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

**VI.PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT**

**PUBLIC COMMENTS:**

Steve Rocco - Oral re: Intubation tubes should be named "death guarantee"; Intensive Care Units main concern is to kill patients and save money

Brigitte - Oral re: Most dangerous agency in Orange County is the Public Defender

Darrell Ferguson - Oral re: Santa Ana resident; no place to store recreational vehicles in Orange County; several people living in tents at O'Neill Park; requested more parks provide a reasonable fee to stay at parks and allow recreational vehicles

Samuel Vance - Oral re: Read "Irvine's Freedom of Speech" Ordinance; would like the ordinance to beCountywide

Auelino Flores - Oral re: Westminster Resident; works for HMSHost at John Wayne Airport and earns minimum wages; requested the Board speak to HMSHost regarding worker wages and contract negotiations

Ada Tamayo - Oral re: Anaheim resident; represents workers of UNITE HERE Local 11; requested the Board speak to HMSHost and ask that they negotiate a fair contract with the workers at the airport

Ilya Tseglin - Oral re: Individuals who have used the system to promote hatred and racism against the public to support their self-centered regime

Kristin Bracic - Oral re: Attorney from the Office of the Orange County District Attorney and member of the Orange County Attorney's Association; concerns with proposed OCAA Memorandum of Understanding; attracting and retaining attorneys; salaries are not competitive to surrounding counties; student loan debt; price of homes and cost of living in Orange County

Alexandra Chindris - Oral re: Attorney at the Office of the Public Defender; concerns with proposed OCAA Memorandum of Understanding; attracting and retaining attorneys; salaries are not competitive to surrounding counties

Bryan Kaye - Oral re: Comments of attorneys from the Office of the Public Defender regarding proposed OCAA Memorandum of Understanding; public courts with fair hearings

Caitlin Harrington - Oral re: Attorney from the Office of the Orange County District Attorney, member of the Orange County Attorney's Association and President of the Association of Orange County District Attorneys; resident of Irvine; provided a history of her career at the Office of the District Attorney; concerns with proposed OCAA Memorandum of Understanding

Daniel Dahlin - Oral re: Attorney from the Office of the Orange County District Attorney and member of the Orange County Attorney's Association; discussed public service; provided a history of his career;

concerns with proposed OCAA Memorandum of Understanding

Nicholas Thomo - Oral re: Attorney from the Office of the Orange County District Attorney and member of the Orange County Attorney's Association; price of homes and cost of living in Orange County and student loan debt

Dan Feldman - Oral re: Attorney from the Office of the Orange County District Attorney and member of the Orange County Attorney's Association; concerns with proposed OCAA Memorandum of Understanding

Jazmine Torres - Oral re: Attorney at the Office of the Public Defender; concerns with proposed OCAA Memorandum of Understanding; attracting and retaining attorneys

Erin Lindquist - Oral re: Attorney at the Office of the Public Defender and member of the Orange County Attorney's Association; concerns with proposed OCAA Memorandum of Understanding; cost of living in Orange County and student loan debt

**COUNTY EXECUTIVE OFFICER COMMENTS:**
None

**BOARD COMMENTS:**
Supervisor Wagner - Oral re: Thanked OC Parks, OC Public Works and OC Waste and Recycling for the development of a best practices plan for invasive weed and non-native pest abatement without the use of glyphosates on County facilities used for public access and recreation

Supervisor Do - Oral re: Concerns of and misinformation regarding the Coronavirus; asked Dr. Nichole Quick, MD, County Health Officer, Health Care Agency to provide an update of the Coronavirus (Dr. Quick provided an update of Coronavirus at the meeting)

Chairwoman Steel - Oral re: Requested County Executive Office and Human Resource Services provide information regarding the Government Employee Loan Forgiveness Program

**ADJOURNED:1:04 P.M.**

***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*