REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, January 29, 2019,* 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

**VACANT**
SUPERVISOR
Third District

**DOUG CHAFFEE**
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 Do, First District, gave the invocation

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

## I. PRESENTATIONS/INTRODUCTIONS

Supervisor Do presented a resolution in recognition of Gloria Reyes retirement after 42 years as CEO of ABRAZAR, Inc.

Chairwoman Bartlett presented a resolution to the Orange County Sheriff's Department in honor of the Orange County Intelligence Assessment Center receiving the 2018 Fusion Center of the Year Award

## II. CONSENT CALENDAR (Items 1-20)

1245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 8 WHICH WAS DELETED; AND ITEMS 12 AND 20 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

**BOARD APPOINTMENTS**

**Chairwoman Bartlett:**

1. Board of Retirement, OCERS - Reappoint Wayne S. Lindholm, Laguna Niguel, for term ending 12/31/21

2. Coto de Caza Planning Advisory Committee - Reappoint Gilad Ganish, Bob Kallenbaugh andLucy Dunn, Coto de Caza, for term ending 1/31/21

**Vice Chair Steel:**

3. Orange County Visitors Association - Reappoint Edwin Laird, Huntington Beach, for termconcurrent with 2nd District Supervisor's term of office

4. Orange County Parks Commission - Reappoint Michael Posey, Huntington Beach, for termconcurrent with 2nd District Supervisor's term of office

**ELECTED DEPARTMENT HEADS**

**Auditor-Controller:**

5. Receive and file Semi-Annual Fund/Budget Control Report for FY 2018-19 - All Districts

6. Approve schedule of County Capital Assets Physical Inventory Dates for calendar years 2019 and 2020 - All Districts

7. Receive and file Comprehensive Annual Financial Report for fiscal year ended June 2018 - AllDistricts

8. **Sheriff-Coroner -** Approve Memorandum of Agreement with Cities of Anaheim, Garden Grove,Huntington Beach, Irvine, Laguna Beach, La Habra, Orange, Tustin and Orange County Fire Authority for Orange County Intelligence Assessment Center; authorize additional public agencies to participate under certain conditions; and authorize Sheriff-Coroner to execute agreement - All Districts

1245 **DELETED**

**HEALTH CARE AGENCY**

9. Approve agreement with State Department of Public Health for Cal-IVRS Birth and Death Record DataSharing System, five-year term; and authorize Director or designee to execute agreement and subsequent extensions under certain conditions - All Districts

**OC PUBLIC WORKS**

10. Approve contract MA-080-19010909 with City of Yorba Linda for franchise fees related to Ordinance No. 3962; and authorize Auditor-Controller to make related payment ($2,799) - District 3

**OC WASTE & RECYCLING**

11. Approve amendment 3 to renew contract MA-299-15010862 with HF&H Consultants, LLC for financial advisory services, 3/7/19 - 3/6/20 ($100,000; cumulative total $700,000); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

**PUBLIC PROTECTION**

12. **Probation -** Approve Memorandum of Understanding (MOU) with Federal Bureau of Investigation (FBI) for participation in OC Violent Gang Task Force to identify, investigate and prosecute criminal enterprise groups responsible for drug trafficking, money laundering, alien smuggling and crimes of violence; approve agreement with the FBI for reimbursement of overtime services provided by deputy assigned to OC Violent Gang Task Force; approve National Vehicle Lease/Vehicle Use Agreement with FBI for non-FBI personnel to use vehicle when participating in OC Violent Gang Task Force; and authorize Chief Probation Officer or designee to execute MOU and agreements - All Districts

1425 **APPROVED AS RECOMMENDED**

**GENERAL ADMINISTRATION**

**Clerk of the Board:**

13. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forCapistrano Unified School District - District 5

14. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for OC Community Resources - All Districts

15. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forOrange County Water District - All Districts

16. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forMesa Water District - District 2

17. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forOrange County Transportation Authority - All Districts

18. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forAnaheim Union High School District - Districts 2, 3 and 4

19. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forLocal Agency Formation Commission - All Districts

20. Approve 2019 Chairwoman's appointments of Board Members to various Boards, Commissions, and Committees; and adopt California Form 806 - Agency Report of Public Official Appointment - All Districts

4125 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

## III. DISCUSSION ITEMS (Items 21-S38E)

## ELECTED DEPARTMENT HEADS

21. **District Attorney -** Approve retroactive amendment 1 to contract MA-026-17010077 with LarsonO'Brien LLP for professional legal services, extending term to 8/31/18 ($4,020; new total $304,020); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts (Continued from 12/18/18, Item S35D)

B.O. **DELETED**

## HEALTH CARE AGENCY

22. Receive and file proposed 9-1-1 Basic Life Emergency Ambulance Transportation and Related ServicesRequest for Proposal - All Districts (Continued from 12/18/18, Item 5)

4125 **APPROVED AS RECOMMENDED**

23. Approve agreements with AIDS Services Foundation Orange County dba Radiant Health Centers($2,403,825), Shanti Orange County ($168,607) and Special Service for Groups, Inc. dba Asian Pacific AIDS Intervention Team ($145,000) for HIV Care Services, 3/1/19 - 2/29/20; and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions and to execute related documents and agreements - All Districts

1524 **APPROVED AS RECOMMENDED**

24. Approve amendment 1 to master agreement with various providers of Mental Health ResidentialRehabilitation and Mental Health Enhanced Residential Rehabilitation services, 7/1/18 - 6/30/20 ($998,488; new total $4,735,504); and authorize Director or designee to execute individual amendments - All Districts

1245 **APPROVED AS RECOMMENDED**

25. Ratify amended standard agreement 18-78009-000 with California Department of State Hospitals forForensic Conditional Release Program, 7/1/18 - 6/30/20 ($2,825,059); and authorize Director or designee to execute agreement and related documents - All Districts

2145 **APPROVED AS RECOMMENDED**

26. Approve FY 2018-19 amendment 1 for Crisis Stabilization Units and amendment 3 for Behavioral Health Training Center to Mental Health Services Act Three-Year Program and Expenditure Plan, FY 2017-18 to 2019-20, to transfer previously approved Community Services and Supports funds to Capital Facilities and Technological Needs component; approve FY 2018-19 amendment 2 to Mental Health Services Act Three-Year Program and Expenditure Plan, FY 2017-18 to 2019-20, to transfer additional Community Services and Supports funds to Capital Facilities and Technological Needs component for Behavioral Health Training Center ($2,393,400) - All Districts

2514 **APPROVED AS RECOMMENDED**

## OC PUBLIC WORKS

27. Authorize Director or designee to submit Los Patrones Parkway Extension Conceptual Alignment toCalifornia Department of Transportation and the Foothill/Eastern Transportation Corridor Agency for consideration in the ongoing South County Traffic Relief Effort Study;

and make California Environmental Quality Act and other findings - District 5 (Continued from 12/4/18, Item 10)

B.O. **DELETED**

28. Approve contract MA-080-19010921 with Majestic Fire, Inc. and Omega Fire, Inc. dba Omega FireProtection for fire extinguisher and fire hose maintenance services on an as-needed basis, three year term ($511,500); renewable for two additional one-year terms; authorize County Procurement Officer or authorized Deputy to execute contract; and make California Environmental Quality Act and other findings - All Districts

1245 **APPROVED AS RECOMMENDED**

29. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve amendment 1 to 2018 Design and Construction Procurement Policy Manual amending various sections to reflect state law changes and minor administrative adjustments; and authorize Director or designee to execute amendment - All Districts

1245 **APPROVED AS RECOMMENDED**

## GENERAL ADMINISTRATION

**County Executive Office:**

30. Approve Fourth Amendment to Amended Joint Powers Authority Agreement, Orange CountyFire Authority - All Districts (Continued from 12/4/18, Item 36; 12/18/18, Item 28)

B.O. **CONTINUED TO 2/26/19, 9:30 A.M.**

31. Approve recommended positions on introduced or amended legislation and consider otherlegislative subject matters; and approve 2019 County Legislative Priorities - All Districts

1245 **APPROVED AS RECOMMENDED**

32. Approve lease agreement with GPI-OCS, LLC for office space for Health Care Agency at 750The City Drive, Orange, 8/1/19 - 7/31/29; authorize Chief Real Estate Officer or designee to execute subsequent lease amendments for non-monetary and/or monetary changes under certain conditions; and make California Environmental Quality Act and other findings - District 3

2145 **APPROVED AS RECOMMENDED**

33. Approve in concept proposed refunding of County of Orange Airport Revenue Bonds, Series2009A and Series 2009B; approve selection of and contracts with Frasca & Associates, LLC as municipal/financial advisor ($105,000) and Kutak Rock LLP as bond and disclosure counsel ($105,000), two-year terms, renewable for one additional one-year term each; and select Morgan Stanley & Co. LLC as underwriter; and authorize Public Finance Director to execute contracts - District 2

2145 **APPROVED AS RECOMMENDED**

34. Adopt resolution of Intent to Abandon portion of O'Neil Regional Park identified on Countyrecords as Parcel 1402.1; and set public hearing for 4/9/19, 9:30 a.m. - District 5 (Requires a unanimous vote)

5214 **APPROVED AS RECOMMENDED**
*RESO: 19-007*

35. Adopt resolution reflecting County's participation in and agreement with California CompleteCount Census 2020 for outreach campaign and formally accepting appropriation of funds ($1,555,519); and authorizing County Executive Officer or designee to execute Outreach agreement, 2/8/19 - 9/30/20 - All Districts
2145 **APPROVED AS RECOMMENDED**
*RESO: 19-008*

36. Approve and adopt 2018-2019 Memorandum of Understanding with International Union ofOperating Engineers - Local 501, 6/23/18 - 6/20/19 - All Districts
1524 **APPROVED AS RECOMMENDED**

37. Approve grant applications/awards submitted by Sheriff-Coroner, OC Community Resources/OC Parks, Health Care Agency and District Attorney in 1/29/19 grant report and other actions as recommended; adopt resolution authorizing OC Community Resources Director or designee to negotiate, execute and submit application related documents and amendments to State Department of Boating and Waterways for Public Beach Restoration Grant Program for Capistrano Beach Restoration Project - All Districts
1245 **APPROVED AS RECOMMENDED**
*RESO: 19-009*

38. **Office of Campaign Finance and Ethics Commission -** Receive and file Campaign Finance and Ethics Commission's Annual Report for 2017-2018 - All Districts
**RECEIVED AND FILED**

**HEALTH CARE AGENCY**

S38A. Approve amendment 2 to contract MA-042-18011797 with Patrick W. Breslin Jr. dba ConstructionAdvisors Group LLC for project advisory services, 5/1/18 - 6/30/19, non-renewable ($47,250; new total $121,750); and authorize County Procurement Officer or authorized Deputy to execute amendment - District 1
1244 **APPROVED AS RECOMMENDED**

S38B. Approve agreement with Mind OC for design and construction of Be Well OC Behavioral Health Services campus at 265 S. Anita Drive, Orange, ($16,600.000); authorize Director or designee to execute agreement; direct Auditor-Controller upon notification from Director or designee to distribute funds to Mind OC; and make related findings - District 3
1524 **APPROVED AS RECOMMENDED**

**GENERAL ADMINISTRATION**

S38C. **Chairwoman Bartlett -** Receive and file South Orange County Regional Mobility Update
**RECEIVED AND FILED**

**Chairwoman Bartlett and Supervisor Do:**

S38D. Direct Public Information Officer from County Executive Office to serve as lead on all mediacontacts involving County litigation matters; direct County Executive Office to work with Litigation Ad Hoc Committee to draft policy providing guidance on media contacts during litigation where County of Orange is a party

1524 **APPROVED AMENDED RECOMMENDED ACTION 1 'DIRECT THE PUBLIC INFORMATION OFFICER FROM THE COUNTY EXECUTIVE OFFICE TO SERVE AS THE LEAD ON ALL MEDIA CONTACTS INVOLVING COUNTY MEDIA MATTERS' AND APPROVED AMENDED RECOMMENDED ACTION 2 'DIRECT THE COUNTY EXECUTIVE OFFICE TO WORK WITH THE AD HOC COMMITTEE TO DRAFT POLICY, WHICH WILL PROVIDE GUIDANCE ON ALL MEDIA CONTACTS WHERE THE COUNTY OF ORANGE IS A PARTY; AND TO RETURN TO THE BOARD FOR APPROVAL'**

S38E. Approve creation of a Litigation Ad Hoc Committee to review legal filings managed by CountyCounsel where County of Orange is named as a defendant prior to court hearing(s), effective through 6/30/19

5124 **APPROVED AS RECOMMENDED**
N

**IV. PUBLIC HEARINGS (None)**

**V. CLOSED SESSION (Items CS-1-SCS9)**

**GENERAL ADMINISTRATION**

CS-1. **County Executive Office -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government CodeSection 54957(b):
Title: Internal Audit Director

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

**County Counsel:**

SCS2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Ricardo and Rachel Bruno v. County of Orange,
USDC Case No. 8:17-cv-1301-CJC

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

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: William B. Mitchell v. County of Orange, Workers' Compensation Appeals Board Case No. ADJ9387038

B.O. **COUNTY COUNSEL READ: BY A UNANIMOUS VOTE, THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE CASE OF WILLIAM B. MITCHELL 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**

SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION- Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Orange County Flood Control District v. Richard Van Loon, et al.,
Riverside County Superior Court Case No. RIC1815731

B.O. **COUNTY COUNSEL READ: BY A UNANIMOUS VOTE, THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ORANGE COUNTY FLOOD CONTROL DISTRICT V. RICHARD VAN LOON, ET AL. 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**

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION- Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: AOCDS v. County of Orange, Don Barnes, Todd Spitzer, Steve Sentman and Stacy Blackwood
OCSC Case No. 30-2019-01043706-CV-JR-CJC

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

**County Executive Office:**

SCS6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government CodeSection 54956.8:
Property Location: 265 S. Anita Drive, Orange, CA
County Negotiator: Thomas A. Miller, Chief Real Estate Officer
Negotiating Party: Mind OC
CalOptima
Under Negotiation: Terms and Value of Future Lease

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

SCS7. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section54957.6:
Agency Negotiator: Tom Hatch
Employee Organizations: International Union of Operating Engineers (IUOE) and other non-represented employees
RE: Terms and Conditions of Employment

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

**County Counsel:**

SCS8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Sierra Club, et al. v. City of Highland, et al. San Bernardino Superior Court Case No. 1615347

B.O. **COUNTY COUNSEL READ: BY A UNANIMOUS VOTE, THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE CASE OF SIERRA CLUB, ET AL. V. CITY OF HIGHLAND AND GREENSPOT RESIDENTS ASSOCIATION, ET AL. V. CITY OF HIGHLAND. 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**

SCS9. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):

Name of Case: Greenspot Resident's Association, et al. v. City of Highland, et al.
San Bernardino Superior Court Case No. 1615280

B.O. **COUNTY COUNSEL READ: BY A UNANIMOUS VOTE, THE BOARD APPROVED A PROPOSEDSETTLEMENT IN THE CASE OF SIERRA CLUB, ET AL. V. CITY OF HIGHLAND AND GREENSPOT RESIDENTS ASSOCIATION, ET AL. V. CITY OF HIGHLAND. 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**

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

### PUBLIC COMMENTS:

Brigitte - Oral re: He never financially abused his mother; Ilya and Riva Tseglin never abused their son Nate; falsification of recorded documents; removal of the public from speaking at Board Meetings.

Ilya Tseglin - Oral re: Michael Klubnikin's comments regarding property stolen by the County; International Holocaust Remembrance Day; came to the United States for freedom guaranteed by the constitution and the rules of law; he and his son Robert have been attending Board Meetings for 6 years to seek justice for his son Nate; Larry Landauer, Director of Orange County Regional Center created false reports against his family.

Robert Tseglin - Oral re: Brother was kidnapped three times in 2007, 2012 and 2013, placed in group homes and was released by Writs of Habeas Corpus; petition filed to remove conservatorship; Dr. Nathan testified autistic persons should not be placed on drugs and in confinement; Nate endured physical and psychotropic abuse.

Bryan Kaye - Oral re: Homeless and the mentally ill; Sharon Petrosino acknowledged plea agreements were forged; Judges submitted plea agreements that they knew were forged on the permanent record.

Lou Noble - Oral re: Homeless situation; law enforcement and officials believe tough love will make people get back on their feet but it leads to oppression, depression and mental illness; staff at shelters need to be more humane and compassionate and supervised; Ilya Tseglin's pleas for his son Nate; retaliation of individuals living in shelters who speak out against the shelters.

Tim Board - Oral re: Violation of state law for law enforcement to release information related to investigations in office' in misconduct including cases involving deadly force and untruthfulness, and changes to law effective January 1; attended sentence hearing of Seal Beach salon murderer; criminal justice system failures.

### COUNTY EXECUTIVE OFFICER COMMENTS:

None

### BOARD COMMENTS:

Supervisor Chaffee - Oral re: Visited schools within the Anaheim School District who were serving the homeless population on Martin Luther King Jr. Day; he and his staff participated in the Homeless Point-In-Time Count; visited Orange County Sheriff's Department Emergency Management Division, thanked Donna Boston who lead the visit, was pleased to see how well prepared Orange County is for disasters; acknowledged the Orange County Intelligence Assessment Center for receiving the 2018 Fusion Center

of the Year Award; County Executive Officer is providing information about the Mental Services Act money, from the beginning to where we are today; will be in parade in Anaheim on Saturday, February 2 for Black Heritage Month; and thanked the Board Members for their assistance in onboarding him in his new position.

Supervisor Do - Oral re: Thanked staff who participated in the Homeless Point-In-Time Count; thanked Susan Price for leading the Point-In-Time Count; provided unofficial counts of homeless as of 11:30 p.m., January 24; directed County staff to develop a strategy to end Veteran homelessness by the end of 2019 and to return to the Board for approval; requested the Commission to End Homelessness provide input to the strategy at their March Commission meeting; and stated he will present and seek input from the Veterans Commission.

Chairwoman Bartlett - Oral re: Participated in the Homeless Point-In-Time Count; agrees with Supervisor Do to end Veteran homelessness in 2019; and thanked Susan Price for leading the Point-In-Time Count.

**ADJOURNED: 3:03 P.M.**

*** KEY ***

***Left Margin Notes***

1. = Supervisor Do
2. = Supervisor Steel
3. = Vacant
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)*

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*Chair, Orange County Board of Supervisors*

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*Orange County Clerk of the Board*