REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, January 12, 2016, 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: Supervisors: Bartlett, Do, Spitzer & Steel

EXCUSED: Supervisor Nelson

PRESENT:	COUNTY EXECUTIVE OFFICER	Frank Kim
	COUNTY COUNSEL	Leon J. Page
	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

Supervisor Do presented a resolution to Bree Morse, Miss California 2015

Supervisor Steel presented resolutions in honor of Korean American Day and Korean American Seniors Day

Chairman Spitzer presented a resolution commending Ruby Maldonado on her retirement

II. CONSENT CALENDAR (Items 1-18)

15243 X **APPPOVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 8 WHICH WAS DELETED; ITEMS 6, 7, 15, 17 & 18 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Steel -** Assessment Appeals Board No. 4 - Appoint Scott Lee, Fullerton, to complete termending 9/3/17

2. **Chairman Spitzer -** Orange County Waste Management Commission - Reappoint Steve Chavez Lodge,Anaheim Hills, for term ending 1/18/18

3. **Supervisor Do -** Board of Retirement, OCERS - Reappoint Wayne S. Lindholm, Laguna Niguel, for term ending 12/31/18

DEPARTMENT APPOINTMENTS

4. **OC Community Resources -** Orange County Workforce Investment Board - Reappoint Robert Claudio,Anaheim; Fred Flores, Brea; June Kuehn, Anaheim; Barbara Mason, Huntington Beach; Dr. Gary Matkin, Irvine; Adalberto J. Quijada, Santa Ana; Michael Ruane, Orange; Thomas Tassinari, Irvine; Ed Tomlin, Aliso Viejo and Kay Turley-Kirchner, Aliso Viejo for terms ending 12/31/18 - All Districts (Continued from 12/15/15, Item 3)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

5. Approve amendment 2 to agreement with The Reynolds Group for additional testing, monitoringand reporting of environmental site assessment, James A. Musick Facility Phase 1 Jail project ($29,520; cumulative total $127,535); and authorize Sheriff-Coroner or designee to execute amendment - Districts 3 & 5 (Continued from 11/10/15, Item 6; 12/15/15, Item 5)

6. Approve amendment 1 to agreement MA-060-15011787 with Truth Be Told Polygraph LLC forpolygraph services, term ending 4/20/17 ($200,000; cumulative total $270,000); and authorize Sheriff-Coroner or designee to execute amendment - All Districts

15243 X **APPROVED AS RECOMMENDED; CORRECTED LANGUAGE IN RECITALS ON PAGE 1 OF 6 OF AMENDMENT #1 TO REFLECT THE AGREEMENT IS FOR A TWO YEAR TERM**

HEALTH CARE AGENCY

7. Affirm Orange County's response to Mutual Aid to San Bernardino County - All Districts

35124 X **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

8. Accept donation of $10,000 from David Perry on behalf of his wife Elaine Perry to defray the cost of shelter and care for the animals at the OC Animal Shelter - All Districts

15243 **DELETED**

X

9. Approve Access Road License agreement with Vedanta Society of Southern California, Los Angeles SMSA Limited Partnership, d/b/a Verizon Wireless for access to Verizon telecommunication facility and establish annual fees for maintenance and repair of access road across O'Neill Regional Park, effective upon Board approval; and make California Environmental Quality Act and other findings - District 5

OC PUBLIC WORKS

10. Approve amendment 2 to Memorandum of Understanding with Riverside County, San Bernardino County, Santa Ana Watershed Project Authority and The Wildlands Conservancy for completion of Santa Ana River Parkway, extending term three years; authorize Director or designee to execute amendment; and make California Environmental Quality Act and other findings - All Districts

11. Approve proposed Lambert Road Bikeway project for bike lanes within unincorporated area; direct Director or designee to return to the Board for approval; and make California Environmental Quality Act and other findings - District 4

12. Approve amendment 2 to agreement OCP12-018 with AECOM Technical Services, Inc. for Santa AnaRiver Parkway project, term ending 1/28/17 ($40,000; new total $440,000) - District 3

Acting as the Orange County Flood Control District:

13. Approve amendment 2 to agreement D10-065 with Pacific Advanced Civil Engineering, Inc. forarchitect-engineer services, 3/1/16 - 2/28/18 - All Districts

14. Approve Assignment, Novation and Consent Agreement with Hall & Foreman Inc. to David Evans and Associates, Inc. for on-call architect and engineering services - All Districts

GENERAL ADMINISTRATION

15. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated FilerExhibits for the Rancho Santiago Community College District - Districts 1 & 3

31245 **APPROVED AS RECOMMENDED**
X

County Executive Office:

16. Adopt resolution approving amended FY 2014-15 Measure M2 Expenditure Report for OrangeCounty Transportation Authority; and make California Environmental Quality Act and other findings - All Districts
RESO: 16-001

17. Ratify appointment of Sharon Petrosino, Interim Orange County Public Defender ($210,579.20), effective 5 pm 12/30/15 - All Districts

13245 **APPROVED AS RECOMMENDED**
X

18. **Supervisor Steel** - Direct Auditor-Controller in accordance with Election Code section 9160(c), to prepare and within sixty days provide to the Board a fiscal impact statement describing and summarizing fiscal costs of measure establishing a Campaign Finance and Ethics Commission, approved for placement on 6/7/16 election ballot (Continued from 11/10/15, Item 17; 12/15/15, Item 30)
NO ACTION TAKEN

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 19-S40B)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

19. Approve amendment 1 to agreement with Vanir Construction Management, Inc. for constructionmanagement services to coordinate SB1022 384 bed programming, treatment and housing facility with AB 900 Phase II 512 bed expansion project, James A. Musick Facility ($2,195,000; cumulative total $4,861,676); and authorize Sheriff-Coroner or designee to execute amendment - Districts 3 & 5

35124 X **APPROVED AS RECOMMENDED**

20. Approve amendment 5 to agreement MA-060-11011428 with Juguilon Medical Corporation forforensic pathology/autopsy services, 2/1/16 - 1/31/17 ($1,800,445; cumulative total $10,615,780); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

15243 X **APPROVED AS RECOMMENDED**

21. Approve Staffing and Operating Cost Analysis for SB 1022 384-bed rehabilitation, treatment and housing project, James A. Musick Facility - Districts 3 & 5

53124 X **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

22. Approve amendment 5 to master agreement MA-042-15010682 with Accela, Inc., for software licensing,maintenance and support services for environmental health programs, 2/1/16 - 1/31/17 ($301,761; cumulative total $1,213,224); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts (Continued from 12/15/15, Item 40)

12453 X **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

23. Approve amendment 1 to amended and restated lease and option with Waterfront Resort Properties, L.P. and Newport Dunes Marina, LLC (tenant) allowing development of two hotels and extend lease option period to 2020; approve consent to hotel sublease between tenant and Brighton Management, LLC; approve consent to amended and restated sublease between tenant and Newport Dunes Resort and Marina Partnership; delegate to CEO/Chief Real Estate Officer or designee the authority to consent to hotel sublease under certain conditions and to enter into model subordination, attornment and non-disturbance agreements with Brighton Management, LLC or a Brighton affiliate under certain conditions; and make California Environmental Quality Act and other findings - District 2 (4/5 vote of members present) (Continued from 12/8/15, Item 34; 12/15/15, Item 43)

B.O. **CONTINUED TO 1/26/16, 9:30 A.M.**

24. Approve first amendment to lease with Southern Sierra Land & Cattle Company for operation andmaintenance of equestrian center in Silverado Canyon area extending term to 12/31/24; and

make California Environmental Quality Act and other findings - District 5

51243 **APPROVED AS RECOMMENDED**
X

25. Authorize $2,600,000 for County Cash Contribution Funds required to commit the County match for theActive Transportation Program grant, as a prerequisite for award of funds; and return to the Board for approval of $646,000 Active Transportation Program Cycle 2 Grant Funds upon notice of award from California Transportation Commission for Coyote Creek Class I Bikeway - District 4 (4/5 vote of the members present)

23145 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

26. Adopt unit price book and technical specifications and set bid opening for 2/3/16, 2:00 p.m. for Job Order Contracts for electrical, heating, ventilation and air-conditioning, demolition and roofing services; and make California Environmental Quality Act and other findings - All Districts

15243 **APPROVED AS RECOMMENDED**
X

27. Receive bids and award contract to CB&I Environmental & Infrastructure, Inc. for Landfill Gas Collection Systems Expansion, Frank R. Bowerman and Santiago Canyon Landfills ($1,121,370) - District 3

35124 **APPROVED AS RECOMMENDED**
X

28. **Acting as the Orange County Flood Control District -** Approve cooperation agreement with United States Army Corps of Engineers for rehabilitation and improvement of Ocean View Channel ($1,236,586); and authorize Director or designee to execute future Public Law 84-99 rehabilitation and improvement projects and agreements under certain conditions - All Districts

12453 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

29. Approve amendment 5 to agreement MA-299-12010665 with Clean Harbors Environmental Services, Inc. for hazardous waste collection and disposal services, 2/1/16 - 1/31/17 ($5,692,000); authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act and other findings - All Districts

15243 **APPROVED AS RECOMMENDED**
X

PUBLIC PROTECTION

30. **Probation -** Approve agreement with Padres Unidos for Parent Outreach, Support and Education services for Families of Youth Involved in Criminal Justice System, 1/13/16 - 1/12/19 ($287,283; total $861,849); authorize Chief Probation Officer or designee to renew for two years, 1/13/19 - 1/12/21 ($296,884); cumulative total $1,455,617) - All Districts

35124 **APPROVED RECOMMENDED ACTION #1; DIRECTED STAFF TO RETURN TO**
X **THE BOARD FOR THE RENEWAL OF THE AGREEMENT AND TO PROVIDE**

PERFORMANCE MEASURE OUTCOMES AND METRICS AT THE END OF THE SECOND YEAR OF AGREEMENT

SOCIAL SERVICES AGENCY

31. Approve agreement MA-063-16010858 with The Center to Promote Healthcare Access, Inc., dba SocialInterest Solutions for One-e-App hosted software maintenance support, 2/1/16 - 1/31/19 ($321,300); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

12453 **APPROVED AS RECOMMENDED**
X

32. Approve agreements with Staff4jobs LLC dba Lyneer Staffing Solutions ($1,997,486) and Lloyd Staffing, Inc. ($1,273,251) for temporary help services 2/1/16 - 1/31/17; renewable for four additional one year terms; and authorize Purchasing Agent or authorized Deputy to execute agreements - All Districts

31245 **CONTINUED TO 1/26/16, 9:30 A.M.**
X

GENERAL ADMINISTRATION

33. **Chairman Spitzer -** Discuss, take public comment and provide direction to staff concerning therecommendations of the Orange County District Attorney Informant Policies & Practices Evaluation Committee Report including but not limited to analysis and recommendations from the Office of Independent Review

35124 **RECEIVED AND FILED**
X

County Executive Office:

34. Approve amendments to 2015-16 County of Orange Legislative Platform and legislative proposal for 2016 - All Districts (Continued from 12/15/15, Item 58)

B.O. **DELETED**

35. Approve amendments to 2015-16 County of Orange Legislative Platform and legislative proposal for 2016 - All Districts

31245 **CONTINUED TO 1/26/16, 9:30 A.M.**
X

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

12453 **APPROVED AS RECOMMENDED**
X

37. Adopt resolution authorizing the issuance of additional County of Orange Teeter Plan Obligations, and authorizing the execution and delivery of amendments to Fifth Supplemental Trust Agreement, Note Purchase and Reimbursement Agreement, Fee and Interest Rate Agreement and other related documents as necessary; and making related findings - All Districts

51243 **APPROVED AS RECOMMENDED**
X

RESO: 16-002

38. Approve retroactive amendment 5 to master services agreement MA-017-13011864 with Science Applications International Corporation for data center operations, service desk, desktop support and applications services, effective 2/3/15 ($2,469,731; cumulative total $85,953,110); and authorize Chief Information Officer or designee to execute amendment - All Districts

15243 **APPROVED AS RECOMMENDED**

X

39. Approve grant applications/awards submitted by Sheriff-Coroner and District Attorney andretroactive grant applications/awards submitted by OC Community Resources/OC Parks, Probation Department and Health Care Agency in 1/12/16 grant report and other actions as recommended - All Districts

12453 **APPROVED AS RECOMMENDED**

X

40. **Board of Supervisors -** Election of 2016 Officers

13245 **NOMINATED AND ELECTED SUPERVISOR LISA BARTLETT AS CHAIR AND**

X **SUPERVISOR MICHELLE STEEL AS VICE-CHAIR**

S40A. **County Executive Office -** Approve amendment 1 to lease agreement GA 1213-137-1 with Leed Warner, LLC for facilities supporting centralized operations functions and Adult Services programs, 1505 East Warner Avenue, Santa Ana, extending term for 15 years; authorize Chief Real Estate Officer to execute subsequent lease amendments under certain conditions; and make California Environmental Quality Act and other findings - District 1

15243 **APPROVED AS RECOMMENDED**

X

ELECTED DEPARTMENT HEADS

S40B. **Sheriff-Coroner -** Approve amendment 5 to agreement with AECOM Technical Services Inc. forarchitectural design services for SB 1022 project, James A. Musick Facility ($500,000; cumulative total $14,805,134) - Districts 3 & 5

35124 **APPROVED AS RECOMMENDED**

X

IV. PUBLIC HEARINGS (Item 41)

GENERAL ADMINISTRATION

41. **County Executive Office -** Public Hearing pursuant to Section 147 (f) of the Internal Revenue Code of 1986 to consider adopting resolutions approving proposed issuance of multifamily revenue bonds by California Statewide Communities Development Authority for affordable housing at Esencia Norte in an aggregate principal amount not to exceed ($25,000,000) and Sendero Bluffs in an aggregate principal amount not to exceed ($20,000,000) - District 5

B.O. **CLOSED PUBLIC HEARING**

53124 **APPROVED AS RECOMMENDED**

X

RESO: 16-003 - 16-004

V. CLOSED SESSION (Items CS-1-SCS8)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: County of Orange v. First National Insurance Company of America, Horizons Construction Company, etc., et al., Los Angeles County Superior Court Case No. BC472901

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Cases: Lorena Martinez v. Carlos Bustamante and County of Orange, Orange County Superior Court Case No. 30-2013-00666624; People v. Bustamante, Orange County Superior Court Case No. 12CF1964

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

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Cases: Jackelyne Mora v. Carlos Bustamante and County of Orange, Orange County Superior Court Case No. 30-2013-00672190; People v. Bustamante, Orange County Superior Court Case No. 12CF1964

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

CS-4. 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**

CS-5. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(4):
Number of Cases: One Case

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

CS-6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(2):
Number of Cases: One Case

B.O. **HELD, CHAIRMAN READ: THE BOARD REQUESTED THE DISTRICT ATTORNEY AND SHERIFF PROVIDE WRITTEN REPORTS TO THE BOARD ON THE INFORMANT POLICIES AND PRACTICES EVALUATION COMMITTEE (IPPEC) RECOMMENDATIONS; IN KEEPING WITH ITS OVERSIGHT RESPONSIBILITY TO ENSURE THAT COUNTY OFFICERS FAITHFULLY PERFORM THEIR DUTIES, THE BOARD DIRECTED THE DISTRICT ATTORNEY AND SHERIFF TO THE EXTENT THOSE PROVISIONS APPLY TO THE SHERIFF TO IDENTIFY WHICH OF IPPEC RECOMMENDATIONS HAVE BEEN OR WILL BE IMPLEMENTED, THE**

PROJECT COSTS OF THE IMPLEMENTATION, ANY BUDGETARY AUGMENTATIONS NEEDED TO IMPLEMENT THE RECOMMENDATIONS AND IF ANY RECOMMENDATIONS WILL NOT BE IMPLEMENTED, AN EXPLANATION AS TO WHY THE RECOMMENDATIONS WILL NOT BE IMPLEMENTED; THE BOARD ASSURES ALL COUNTY EMPLOYEES TO KNOW THAT IF THEY ARE CONTACTED BY ANY LAW ENFORCEMENT AGENCY PERTAINING TO A LAW ENFORCEMENT INVESTIGATION, THEY SHOULD COOPERATE FULLY WITHOUT FEAR THAT COOPERATION WILL BE USED AS A BASIS FOR AN ADVERSE EMPLOYMENT ACTION.
DIRECTED COUNTY COUNSEL TO INITIATE A LEGAL HOLD TO THE DISTRICT ATTORNEY AND SHERIFF'S DEPARTMENT ON ALL RECORDS RELATED TO CONFIDENTIAL INFORMANTS; AND THE BOARD SUSPENDED THE NORMAL PURGING OF DEADLINES OF RECORDS RETENTION POLICIES. IF THE DISTRICT ATTORNEY OR SHERIFF WANTS TO PURGE OUT OF COMPLIANCE WITH THIS ORDER, THEY NEED THE WRITTEN PERMISSION OF THE FOLLOWING ENTITIES: COUNTY COUNSEL, HUMAN RELATIONS AND COUNTY EXECUTIVE OFFICE. THIS WOULD ENSURE COMPLIANCE WITH THE LEGAL HOLD DIRECTIVE AND WOULD ENSURE OLDER RECORDS ARE NOT INADVERTENTLY DESTROYED.

CS-7. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Robert O'Brien
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**

SCS8. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(d)(4):
Number of Cases: One Case

B.O. **HELD, COUNTY COUNSEL READ: THE BOARD BY A VOTE OF 3-0, SUPERVISORS BARTLETT, DO, AND SPITZER VOTING IN FAVOR AND SUPERVISORS STEEL AND NELSON BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Marilyn Lipson - Oral Re: OC Animal Care, abandonment of animals per CA Penal Code 597(s)

Michael Klubnikin - Oral Re: Labor contract, ethics, Public Guardian, Public Defender, District Attorney, Boardoversight, Real Estate Fraud

Ilya Tseglin - Oral Re: Nate Tseglin, Public Defender

Robert Tseglin - Oral Re: Nate Tseglin, Public Defender, Regional Center, constitutional violations

Steve Johnson - Oral Re: Requested the Board reconsider the closure of the Katella Shooting Range and provided suggestions for public access to the range.

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Vice Chair Bartlett - Oral Re: Thanked Chairman Spitzer for his leadership as Chair in 2015; thanked the Board for their confidence, support and appointment as the new Chair for 2016, congratulated new Vice Chair Steel, outlined key County initiatives for 2016; directed CEO to conduct seismic evaluation and liability requirements for temporary use of bus terminal as homeless shelter during El Nino season.

Supervisor Do - Oral Re: Thanked Chairman Spitzer for his leadership and congratulated incoming Chair Bartlett and Vice Chair Steel; Directed CEO and Chief Real Estate Officer to work with OCTA to negotiate limited term lease for the bus terminal to be used as temporary homeless shelter during El Nino season while property is in escrow, contingent upon federal transportation approval and to negotiate limited term contract for service provider for temporary homeless shelter; and to return to the Board with lease approval by 1/26/16.

Supervisor Steel - Oral Re: Thanked Chairman Spitzer for his assistance and leadership during her first year in office

ADJOURNED: 6:41 P.M.

53124 **Adjourned in memory of Kathy Scholze**
X

53124 **Adjourned in memory of Gwen Brown**
X

53124 **Adjourned in memory of Sheldon Cohen**
X

*** 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