REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 1, 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	Leon J. Page
	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 Tammy Osborn of OC Animal Care for the California Veterinary Medical Association's Award for Meritorious Service

II. CONSENT CALENDAR (Items 1-17)

45123 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 9 WHICH WAS CONTINUED TO 9/22/15, 9:30 A.M.; AND ITEMS 7 AND 12 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Steel -** Assessment Appeals Board No. 1 - Reappoint Thomas C. Edwards, Newport Beach, for term ending 9/2/18

Chairman Spitzer:

2. Assessment Appeals Board No. 3 - Reappoint Habib Malik, Irvine, for term ending 9/2/18

3. Emergency Medical Care Committee - Reappoint Nick Anas, M.D., Tustin, for term ending 6/30/17

ELECTED DEPARTMENT HEADS

4. **Auditor-Controller -** Adopt resolution approving property tax rates, deliquency/roll change/refund factors and reserve of disputed values for FY 2015-16 - All Districts
RESO: 15-096

5. **District Attorney -** Approve renewal of agreement MA-026-14012242 with Microsoft Corporation for software premier support services, 9/2/15 - 9/1/16 ($87,555; cumulative total $175,110); and authorize Purchasing Agent or authorized Deputy to execute agreement and exercise contingency cost increase not to exceed 10% - All Districts (Continued from 8/25/15, Item 11)

Sheriff-Coroner:

6. Approve amendment 4 to agreement MA-060-13010460 with Intoximeters Incorporated for Alco-Sensor Instruments parts and accessories, 10/22/15 - 10/21/16 ($77,000; cumulative total $255,950); renewable for one year; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

7. Receive bids and award contract to So Cal Custom, Inc. for replacement of one walk-in freezer, Theo Lacy Facility ($263,800) - District 3

34125 **APPROVED AS RECOMMENDED**

8. Approve amendment 4 to agreement MA-060-12010047 with Premier Computing, Inc. for software maintenance, 9/26/15 - 9/25/16 ($25,000; cumulative total $209,786); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

9. Approve Assignment, Novation and Consent agreement with All Towing Services, LLC dba American All Star Towing assigning to Pacific Towing, Inc., 6/1/15 - 5/31/16; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts (Continued from 8/4/15, Item 6; 8/25/15, Item 12)

45123 **CONTINUED TO 9/22/15, 9:30 A.M.**

10. Approve agreement MA-060-15012270 with Siemens Industry Inc. for preventive maintenance and repairs to Theo Lacy and Coroner facility energy management system hardware and software, two year term ($146,128); renewable for one additional two year period and one additional one year period; and authorize Purchasing Agent or authorized Deputy to execute agreement - Districts 1 & 3 (Continued from 8/25/15,

Item 13)

11. **Treasurer-Tax Collector -** Rescind Board action taken on Board date 6/2/15, Item 10 approving letter amendment dated 4/28/15 to master agreement MA-074-13012237 with Standard & Poor's Capital IQ for credit research services, 7/16/15 - 7/15/16 ($31,525) - All Districts

HEALTH CARE AGENCY

12. Approve amendment 2 to agreement MA-042-15010515 with KJMB Solutions, Inc. for software maintenance, support and training services for Employee Health Data System, 10/21/15 - 10/20/18 ($25,000; cumulative total $57,500); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

15243 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

13. Approve license agreement with Friends of the University Park Public Library, Inc. to continue operating bookstore and holding fundraisers to benefit University Park Library, effective for a period of five years upon execution; and make California Environmental Quality Act and other findings - District 3

14. Approve easement deed and agreement with City of Aliso Viejo for construction, operation, maintenance and repair of City's Dairy Fork Wetland Project; delegate OC Parks Director or designee authority to fulfill terms of easement deed and agreement under certain conditions; and make California Environmental Quality Act and other findings - District 5

OC PUBLIC WORKS

15. Accept and execute easements with Rancho Mission Viejo Master Maintenance Corporation for sidewalk, with RMV Community Development, LLC for storm drain, access, and basin access; and with DMB San Juan Investment North, LLC for storm drain, to provide better access to County maintained storm drain outlet; and consider application of prior Final EIR No. 589 and Addenda 1.0 & 1.1 and other findings - District 5

Acting as the Orange County Flood Control District:

16. Approve agreement D15-012 with Orange County Transportation Authority (OCTA) for funding of Airport Storm Channel access road improvements; authorize Director or designee to carry out terms of agreement; and make California Environmental Quality Act and other findings - District 2

17. Receive bids and award contract MA-080-16010110 to John S. Meek Company for Talbert Valley Channels Debris and Litter Collection Systems project ($541,715) - District 2

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 18-S31A)

DEPARTMENT APPOINTMENTS

18. **Health Care Agency -** Select and appoint one candidate to the CalOptima Board of Directors County Resident/Non-Consumer position for term ending 4/30/16 - All Districts

B.O. **CONTINUED TO 9/22/15, 9:30 A.M.**

ELECTED DEPARTMENT HEADS

19. **Sheriff-Coroner -** Ratify and approve retroactive agreement 15112123 with State of California for coroner training courses for Commission on Peace Officer Standards and Training, 7/1/15 - 6/30/16; accept reimbursement for training costs ($131,418.80); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

15243 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

20. Approve amendment 2 to agreements with Jeff Oviedo and Associates dba JOA Group ($476,741; new total $2,183,381) and Butier Engineering, Inc. ($479,700; new total $2,481,824); approve amendment 1 to agreement with Faithful+Gould ($144,482; new total $894,482) for project management services; and make California Environmental Quality Act and other findings - District 2 (Continued from 8/25/15, Item 49)

21453 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

21. Approve cooperative extension agreement with The Regents of the University of California on behalf of its UC Cooperative Extension, Orange County to assist OC Parks with water usage, landscape and invasive tree pest management practices, one-year term commencing upon execution of agreement ($320,000 per year); renewable for four additional one-year periods; and make California Environmental Quality Act and other findings - All Districts

24153 **APPROVED AS RECOMMENDED**

22. Approve agreement MA-012-16010217 with West Coast Arborist, Inc. for tree maintenance services, 9/1/15 - 8/31/16 ($750,000); renewable for four one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act and other findings - All Districts

45123 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

23. Select ECORP Consulting, Inc. as primary and LSA Associates, Inc. as alternate firms for on-call archaeological, paleontological and biological services, South Region Landfills; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act and other findings - Districts 2, 3 & 5

52143 **APPROVED AS AMENDED TO SELECT LSA ASSOCIATES, INC. AS PRIMARY AND ECORP CONSULTING, INC. AS ALTERNATE FIRMS**

24. Select Tetra Tech BAS, Inc. and Geosyntec Consultants as primary and Geo-Logic Associates, Inc. as alternate firms for on-call multi-discipline engineering support services for Central

Region Landfills; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act and other findings - Districts 2 & 3

32145 **APPROVED AS RECOMMENDED**

25. Approve amendment 1 to on-call agreement MA-299-13010709 with Geosyntec Consultants, Inc. and Advanced Earth Sciences, Inc. for environmental multi-discipline engineering support services, extending term one additional year with no additional funds, 12/11/15 - 12/10/16, with option to extend one additional year; and make California Environmental Quality Act and other findings - All Districts

15243 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

26. Approve proposed response to FY 2014-15 Grand Jury Report "AB109-Realignment: Are the Public and Probation Officers at Greater Risk?" - All Districts

52143 **APPROVED AS RECOMMENDED**

27. Approve proposed response to FY 2014-15 Grand Jury Report "AB109 Offenders: Are Current Probation Strategies Effective?" - All Districts

14253 **APPROVED AS RECOMMENDED**

28. Approve proposed response to FY 2014-15 Grand Jury Report "Annual Inquiry on Jails and Juvenile Detention Facilities." - All Districts

35124 **APPROVED PROPOSED RESPONSE TO THE GRAND JURY WITH DIRECTION TO STAFF TO BIFURCATE RESPONSES TO R7 TO ACKNOWLEDGE VIDEO CAMERAS WILL BE IMPLEMENTED IN THE FUTURE AT JUVENILE HALL AND THE YOUTH LEADERSHIP ACADEMY AND NOT BE IMPLEMENTED AT YOUTH GUIDANCE CENTER OR THE JOPLIN YOUTH CENTER**

29. Approve proposed responses to FY 2014-15 Grand Jury Reports "The Orange County Animal Shelter: The Facility, the Function, the Future" and "If Animals Could Talk About the Orange County Animal Shelter." - All Districts

54123 **APPROVED AS RECOMMENDED**

30. Approve recommended positions on introduced or amended legislation and consider other legislative subjects matters and approve and submit draft comment letter on Federal Aviation Administration's Draft Environmental Assessment for Southern California Metroplex Project; and adopt resolution affirming County's Commitment to developing and supporting strategies to prevent, reduce, and serve the victims of commercial sexual exploitation of children and work to eliminate sex trafficking in California (RA 1 continued from 8/25/15, Item 73) - All Districts

23145 **APPROVED AS RECOMMENDED**
RESO: 15-097

31. Approve grant applications/awards submitted by OCCR/OC Parks in 9/1/15 grant report and other actions as recommended - All Districts

45123 **APPROVED AS RECOMMENDED**

S31A. **County Counsel -** Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Section 2-1-15 of the Codified Ordinances of the County of Orange Pertaining to Removal of Supervisorial District Residency Requirements on the Orange County Airport Commission" - District 1

15243 **APPROVED AS RECOMMENDED**
ORD: 15-013

IV. PUBLIC HEARINGS (Item 32)

OC PUBLIC WORKS

32. Public hearing to consider reading and adoption of "An Ordinance of the County of Orange, California Adding 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; 7/21/15, Item 31)

B.O. **CONTINUED TO 10/20/15, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-SCS10)

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., LASC 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 Case: Under Seal v. Under Seal, Sacramento County Superior Court Case No. 34-2012-00127517

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

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment 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-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Madalene Lamar v. County of Orange Workers' Program, Workers' Compensation Appeals Board Case Nos. ADJ1601193 and ADJ2043066.

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MADALENE LAMAR V. COUNTY OF ORANGE WORKERS' PROGRAM. 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-5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Barbara Matillo v. County of Orange Workers' Program, Workers' Compensation Appeals Board Case No. ADJ6598454

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF BARBARA MATILLO V. COUNTY OF ORANGE WORKERS'S PROGRAM. 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-6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Stephen Weigand v. County of Orange Workers' Program, Workers' Compensation Appeals Board Case Nos. ADJ8877203 and ADJ8878581

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF STEPHEN WEIGAND V. COUNTY OF ORANGE WORKERS' PROGRAM. 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-7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: County of Orange v. ACE Silverado, LLC, et al., Orange County Superior Court Case No. 30-2014-00747498

B.O. **HELD, NO REPORTABLE ACTION; CHAIRMAN SPITZER ABSTAINED FROM DISCUSSION ON THIS ITEM**

CS-8. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Former South Court Justice Center
Approximately 22 acres at the intersection of Alicia Parkway and Crown Valley Parkway, Laguna Niguel, CA
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Agora & City of Laguna Niguel
Under Negotiation: Terms Development and Value of Future Lease

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

CS-9. **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**

SCS10. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Codes Section 54956.9(d)(2):
Number of Cases: One Case

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: District Attorney, Grand Jury, Public Guardian, lack of accountability

Lezlee Neebe - Oral Re: OCEA President; rights of County employees; negotiation of ground rules and Civic Openness in Negotiations (COIN)

Ian Foster - Oral Re: OCEA Board of Director; homeless population; bargaining rights of employees; care and adoption of pets

Sharron Anderson - Oral Re: OCEA Board of Director; bargaining rights of employees

Judy Bowling - Oral Re: OCEA Second Vice President; fair bargaining rights for employees and Civic Openness in Negotiations (COIN); recent CEO safety meeting for County employees

Frank Eley - Oral Re; OCEA Past President; bargaining rights for employees

Alicia Hernandez - Oral Re: OCEA Board of Director; bargaining rights for employees, Civic Openness in Negotiations (COIN)

Chris Prevatt - Oral Re: OCEA Board of Director; bargaining rights for employees

Pam Waters - Oral Re: OCEA Board of Director; bargaining rights for employees and Civic Openness in Negotiations (COIN)

Jennifer Muir - Oral Re: Bargaining rights for employees; negotiation of ground rules; Civic Openness in Negotiations (COIN) and bargaining in good faith

Ilya Tseglin - Oral Re: Nate Tseglin, Regional Center, State funds

Robert Tseglin - Oral Re: Nate Tseglin, Court system, Public Defender, abuse at group home

Mr. US Citizen - Oral Re: Nate Tseglin, government corruption, eviction

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Do - Oral Re: Attended the grand opening of 'Vietnamese Focus: Generations of Stories" exhibit presented by OC Parks in partnership with the UC Irvine Vietnamese American Oral History Project (VAOHP) on Saturday, August 29, 2015 at the Old Orange County Courthouse; thanked OC Parks and invited everyone to visit the exhibition

ADJOURNED: 3:31 P.M.

13245 **Adjourned in memory of Ray F. Herndon**

53124 **Adjourned in memory of Doran Tregarthen**

53124 **Adjourned in memory of Honorable Marcia Rudolph**

*** 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