REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 27, 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: Supervisor Steel, Second District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

DeAnn Baker, Executive Director of Legislative Services and Farrah McDaid Ting, Legislative Representative from the California State Association of Counties presented four 2015 Challenge Awards to the County of Orange:

- Challenge Award for the Vets Helping Vets Work Study Program (Orange County Community Resources)
- Merit Award for OC Stories: Keeping History Alive (Orange County Community Resources)
- Merit Award for Removal of Treatment Barriers for Offenders (Health Care Agency and

Probation)
- Merit Award for Teen Collaborative Inspires Hope for Foster Youth (Social Services Agency)

II. CONSENT CALENDAR (Items 1-12)

14253 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 2 WHICH WAS DELETED, ITEM 9 WHICH WAS CONTINUED TO 12/8/15, 9:30 A.M., AND ITEMS 1, 5, 7 AND 11 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

1. **Auditor-Controller -** Receive and file Auditor-Controller Internal Audit Monthly Activity StatusReport for August and September 2015 - All Districts

35124 **APPROVED AS RECOMMENDED**

District Attorney:

2. Approve model agreement for teachers in Orange and San Juan Capistrano School Districts forGang Reduction and Intervention Partnership (GRIP) program tutorial services, 9/28/15 - 7/31/16 ($457,500); renewable for one additional one-year term; and authorize Purchasing Agent or authorized Deputy to execute individual agreements - Districts 3 & 5 (Continued from 9/22/15, Item 16; 10/6/15, Item 5)

14253 **DELETED**

3. Approve reallocation position R72001 from Administrative Manager III to Executive Manager - All Districts

4. Approve and authorize submittal of vehicle order form to United States Marshals Service fortwo vehicles at no charge to utilize in case investigation and law enforcement duties; capitalize in County's central Fixed Asset Accounting System under Budget Control 026; and authorize District Attorney to accept ownership - All Districts

Sheriff-Coroner:

5. Approve amendment 4 to renew agreement MA-060-14010447 with Yorba Regional AnimalHospital and Pet Resort, Inc. for veterinary and boarding services, 12/20/15 - 12/19/16 ($135,000; cumulative total $366,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

51243 **APPROVED AS RECOMMENDED**

6. Approve plans and specifications and set bid opening for 12/2/15, 2:00 p.m. for replacement ofchiller, Theo Lacy Facility; and make California Environmental Quality Act and other findings - District 3

HEALTH CARE AGENCY

7. Approve selection of and agreement with Mariposa Women and Family Center for On-Site

Engagement in Collaborative Courts services, 12/1/15 - 11/30/17 ($448,030); and authorize Director or designee to execute agreement - All Districts

53124 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

8. Authorize Director to allocate regulated Class A and Class E average daily departures, seat capacity,remain overnight positions 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

OC COMMUNITY RESOURCES

9. Approve amendment 1 to agreement 15-27-0017 with Council on Aging - Orange County long-term care Ombudsman Program services for older adults, FY 2015-16 ($196,552; new total $617,763); and authorize Director or designee to execute agreement and exercise cost contingency increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts

14253 **CONTINUED TO 12/8/15, 9:30 A.M.**

OC PUBLIC WORKS

10. Adopt resolution approving 2017 Federal Transportation Improvement Program for FFYs 2016/17 -2021/22; and make California Environmental Quality Act and other findings - All Districts
RESO: 15-119

PUBLIC PROTECTION

11. **Probation -** Approve Memorandum of Understanding with U.S. Marshals Service Regional FugitiveTask Force for participation in joint law enforcement operations to investigate, arrest or extradite local, state and federal fugitives; and authorize Chief Probation Officer to execute Memorandum of Understanding and future MOU's under certain conditions - All Districts

31245 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

12. **Clerk-Recorder -** Approve contract CT-059-16010165 with Kofile Preservation Inc. for preservation ofarchival county property records, one year term commencing upon approval of contract ($586,262.50); and authorize Clerk-Recorder or designee to execute contract - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-S24A)

DEPARTMENT APPOINTMENTS

13. **Health Care Agency -** Select and appoint one candidate to the CalOptima Board of Directors CountyResident/Non-Consumer position for term ending 4/30/16 - All Districts (Continued from 9/1/15, Item 18; 9/22/15, Item 35)

B.O. **CONTINUED TO 12/15/15, 9:30 A.M.**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

14. Approve amendment 6 to renew agreement MA-060-12010640 with All City ManagementServices, Inc. to increase crossing guard rate, 11/1/15 - 10/31/16 ($88,240.60; new annual total $693,928.40; cumulative total $2,874,616.20); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

51243 **APPROVED AS RECOMMENDED**

15. Approve Memorandum of Understanding with Southern California Edison to provide financialsupport for emergency preparedness and response activities, equipment and services, San Onofre Nuclear Generating Station (SONGS) ($5,331,250); and approve transfer agreements with Orange County Fire Authority and Capistrano Unified School District, term ending 6/30/22; and authorize Sheriff-Coroner or designee to execute agreements - All Districts

53124 **APPROVED AS AMENDED TO ADD RECOMMENDED ACTION 3 - THE BOARD DOES NOT WAIVE ANY RIGHT CURRENTLY ENJOYED BY THE COUNTY OF ORANGE TO RECEIVE FUNDING FOR LOCAL NUCLEAR EMERGENCY PREPAREDNESS FROM THE STATE OF CALIFORNIA. NOR DOES THIS BOARD'S APPROVAL OF THE AGREEMENT NOW RELEASE SOUTHERN CALIFORNIA EDISON FROM ITS CONTINUING STATUTORY OBLIGATION TO MAKE PAYMENTS TO THE STATE CONTROLLER FOR DEPOSIT IN THE NUCLEAR PLANNING ASSESSMENT SPECIAL ACCOUNT, AS REQUIRED UNDER GOVERNMENT CODE SECTION 8610 ET SEQ.**

HEALTH CARE AGENCY

16. Approve selection of and agreement with Hospital Association of Southern California forAdministrative Mental Health Hospital Triage services, 11/1/15 - 6/30/17 ($3,422,448); and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions and to execute agreement - All Districts

B.O. **CONTINUED TO 11/17/15, 9:30 A.M.**

OC COMMUNITY RESOURCES

17. Approve amended and restated lease with Palmo Investments for renovation, operation and maintenance of boat berthing facility, ten year term with option to extend for three additional ten year terms, Newport Harbor; and make California Environmental Quality Act and other findings - District 2 (4/5 vote of the Board)

23145 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

18. Approve agreement with the City of Irvine for Alton Parkway road maintenance needs, 12/1/15 - 12/1/40 ($835,418); and make California Environmental Quality Act and other findings - District 3

31245 **APPROVED AS RECOMMENDED**

19. Receive bids and award contract MA-012-16010678 to Curtin Maritime, Corp. for Sunset/HuntingtonHarbour Maintenance Dredging and Waterline Installation project, 10/27/15 - 9/26/16 ($8,031,508) - District 2

21453 **APPROVED AS RECOMMENDED**

20. Consider second reading and adoption of "An Ordinance of the County of Orange, California AddingSection 7-9-146.13 and Amending Sections 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 on Private Property"; consider first reading of "An Ordinance of the County of Orange, California Adding Section 6-6-1 of the Codified Ordinances of the County of Orange Related to Performance and Development Standards for Wireless Communications Facilities Within County Highways"; and set second reading and adoption for 11/10/15, 9:30 a.m.; and consider adoption of Negative Declaration No. IP 14-332 and other findings - All Districts (Continued from 10/20/15, Item 26 - 1st reading was heard for Attachment A and continued Attachment B)

45123 **APPROVED AS RECOMMENDED ACTION #6 FOR THE ORDINANCE FOR WIRELESS COMMUNICATIONS ON PRIVATE PROPERTY (ATTACHMENT A)**
ORD: 15-019

34125 **APPROVED AS RECOMMENDED ACTIONS #1, #3, #5 AND #7 FOR THE ORDINANCE FOR WIRELESS COMMUNICATIONS ON COUNTY PROPERTY (ATTACHMENT B)**

GENERAL ADMINISTRATION

County Executive Office:

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

15243 **APPROVED AS RECOMMENDED**

22. Approve amendment 12 to agreement N1000008297 with Level 3 Communications LLC forwide area network services, 11/14/15 - 6/13/17 ($543,039.57; cumulative total $4,583,966.91); and authorize Purchasing Agent or authorized Deputy to execute amendment and minor modifications under certain conditions - All Districts

15243 **APPROVED AS RECOMMENDED**

23. Approve in concept issuance of short-term Taxable Pension Obligation Bonds for early payment of County's FY 2016-17 employer pension obligation; and select KNN Public

Finance as financial advisor, Orrick Herrington & Sutcliffe, LLP as bond and disclosure counsel and Stifel Nicolaus & Company, Incorporated and J.P. Morgan Securities LLC as underwriters - All Districts

14253 **APPROVED AS RECOMMENDED**

24. Approve grant applications/awards submitted by John Wayne Airport in 10/27/15 grant reportand other actions as recommended - All Districts

25143 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

S24A. Approve plans and specifications and set bid opening for 12/16/15, 2:00 p.m., for Dana Point HarborIntersection and Roadway Improvement Project; and consider application of prior Final Environmental Impact Report No. 591 and other findings - District 5

53124 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 25)

HEALTH CARE AGENCY

25. Public Hearing to consider adopting resolution to consider options for Maximum 911 Emergency BasicLife Support ground ambulance and consider a policy in which HCA would adjust Maximum rate annually beginning on 7/1/16, utilizing the increase in the LA-Riverside-Orange County "all items" Consumer Price Index and biennial regional rate survey commencing in 2017; direct HCA to return to the Board with a policy; and make California Environmental Quality Act and other findings - All Districts (Continued from 7/21/15, Item 29; 8/25/15, Item 80)

B.O. **CLOSED PUBLIC HEARING**

43125 NN **APPROVED RECOMMENDED ACTIONS 1, 2, 3, AND 4A (OPTION 2)**

RESO: 15-120

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Cases: County of Orange v. Tata Consultancy Services Ltd., et al., United States District Court Case No. SACV13-683 JST (JCx)

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Orange Redevelopment Agency v. City of Orange; County of Orange v. City of Orange, Orange County Superior Court Case No. 30-2010-0033820

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ORANGE**

COUNTY REDEVELOPMENT AGENCY V. CITY OF ORANGE; COUNTY OF ORANGE V. CITY 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 COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.

CS-3. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant toGovernment Code Section 54957.6:Agency Negotiator: Robert O'BrienEmployee 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 employeesRE: Terms and Conditions of Employment

B.O. **DELETED**

SCS4. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant toGovernment Code Section 54956.8:
Property Location: County Owned Properties at the Santa Ana Civic Center
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Related/Griffin
Under Negotiation: Terms and Value of Future Development and Leases

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Ethics Commission, Office of Independent Review, Tseglins

Ilya Tseglin - Oral Re: Nate Tseglin, Autism, Government corruption

Robert Tseglin - Oral Re: Nate Tseglin, Adult Protective Services, Child Protective Services, paramedics, Public Defender, courts

COUNTY EXECUTIVE OFFICER COMMENTS:

Frank Kim - Oral Re: Approximately 150 employees participated in 'Get Fit on Route 66' hike at Irvine Regional Park on Saturday, October 24th, 2015; next hike is scheduled on November 7 at Upper Newport Bay.

BOARD COMMENTS:

Supervisor Steel - Oral Re: Attended the City of Seal Beach Centennial Celebration

Vice Chair Bartlett - Oral Re: Attended the Laguna Canyon Foundation 25th Anniversary Celebration

ADJOURNED: 1:12 P.M.

53124 **Adjourned in memory of Nick Edward Yocca**

35124 **Adjourned in memory of Frank Feldhaus and Dan Wooldridge**

*** KEY ***

Left Margin Notes

1. = Supervisor Do
2. = Supervisor Steel
3. = Supervisor Spitzer
4. = Supervisor Nelson
5. = Supervisor Bartlett

ORD. = Ordinance
RESO. = Resolution

A. = Abstained
X. = Excused
N. = No
BO = Board Order

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