REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 20, 2015, 9:30 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 Do, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Vice Chair Bartlett, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-11)

41253 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 8 & 11 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Vice Chair Bartlett:

1. Development Processing Review Committee - Reappoint Tom Grabel, Lake Forest, for termconcurrent with 5th District Supervisor's term of office

2. OC Parks Commission - Reappoint Justin McCusker, Rancho Santa Margarita, for termconcurrent with 5th District Supervisor's term of office

3. Orange County Visitors Association - Appoint Rose Hancock, Laguna Beach, for termconcurrent with 5th District Supervisor's term of office

4. Orange County Historical Commission - Reappoint Carlos Olvera, Dana Point, for termconcurrent with 5th District Supervisor's term of office

COMMENDATIONS/PROCLAMATIONS/REPORTS

5. **Supervisor Spitzer -** Adopt resolution proclaiming October 21, 2015 as "Make-A-Wish Day"
RESO: 15-113

ELECTED DEPARTMENT HEADS

6. **Sheriff-Coroner -** Accept one-time donation valued at $10,777.50 from Applied Medical for sixtelevision monitors, mounts and two computers for Saddleback Station - District 5

HEALTH CARE AGENCY

7. Approve master agreement MA-042-16010438 with Omni Enterprise, Inc. dba Omniclean for janitorialservices, 11/1/15 - 10/31/16 ($165,444); renewable for four additional one year terms; approve renewal for second year, 11/1/16 - 10/30/17 ($165,444; cumulative total $330,888); and authorize Purchasing Agent or authorized Deputy to execute master agreement - All Districts

JOHN WAYNE AIRPORT

8. Award contract with SchoolsFirst Federal Credit Union for automated teller machine services; authorizePurchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act and other findings - District 2

42153 **DELETED**

OC PUBLIC WORKS

9. Approve Final Tract 17562, RMV PA2 Development, LLC; accept dedication of easements for publicstreet and public utility, storm drain, public sidewalk and emergency vehicle access purposes; and approve subdivision improvement agreement S1508-190 and accept bonds guaranteeing construction - District 5

10. Make California Environmental Quality Act findings for Asphalt Overlay Resurfacing of Hewes Streetand Foothill Boulevard, and for Slurry Seal of Crown Valley Parkway and Oso Parkway and other findings - Districts 3 and 5

GENERAL ADMINISTRATION

11. **Supervisor Do -** Receive and file 21st Annual Report on the Conditions of Children in Orange

County

13245 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 12-S24B)

ELECTED DEPARTMENT HEADS

12. **Sheriff-Coroner -** Approve amendment 5 to renew agreement MA-060-13011246 with TriTechSoftware Systems for software support, 11/15/15 - 11/14/16 ($355,117.77; cumulative $1,285,383.77); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

15243 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

13. Ratify retroactive agreement with California Department of Public Health for AIDS Drug AssistanceProgram, 7/1/15 - 6/30/17 ($179,132); and authorize Director or designee to execute agreement and related documents - All Districts (Continued from 8/25/15, Item 44; 9/22/15, Item 40)

14253 **APPROVED AS RECOMMENDED**

14. Approve selection of and agreement with Orange County Association for Mental Health dba MentalHealth Association of Orange County for Mental Health Peer Support and Wellness Center Service - West Region, 11/15/15 - 6/30/17 ($1,363,138); and authorize Director or designee to execute agreement - All Districts

52143 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

15. Approve Passenger Facility Charge amendment with Federal Aviation Administration forreimbursements and funding of projects and authorize Director to execute amendment; approve agreement with Swinerton Builders for terminal improvements project ($101,837,386); and consider application of Final Environmental Impact Report No. 582, Addendum 582-1, and Final Supplemental Environmental Impact Report 582, and other findings - District 2 (Continued from 10/6/15, Item 22)

B.O. **DELETED**

OC COMMUNITY RESOURCES

16. **Acting as the Board of Supervisors and Orange County Housing Authority -** Receive and file theAffordable Housing Strategic Plan and approve Strategic Affordable Housing Implementation Plan recommendations and Regional Housing Needs Assessment transfer credit options; and authorize Director or designee to make related implementation plan actions - All Districts

B.O. **CONTINUED TO 11/10/15, 9:30 A.M.**

OC PUBLIC WORKS

17. Approve amendment 4 to agreement MA-080-12010821 with De Par Inc. dba Enthalpy Analytical,Physis Environmental Laboratories Inc., Truesdail Laboratories Inc., and Weck Analytical Environmental Services Inc. for water quality analytical services, 12/20/15 - 12/19/16 ($979,500; cumulative total $4,897,500); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

14253 **APPROVED AS RECOMMENDED**

18. Approve agreement MA-299-16010489 with SWT Engineering, Inc. for design services of Phase 2 finalclosure construction and utility improvements, Olinda Alpha Landfill, not to exceed 5-year term ($1,450,000) - District 4

41253 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

19. Approve renewal of agreement MA-299-12010620 with Quinn Company for heavy equipmentmaintenance and repair services, North, Central and South Region Landfills, 12/1/15 - 11/30/16 ($7,500,000); and make California Environmental Quality Act and other findings - All Districts

53124 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

RECEIVED AND FILED

21. Approve grant applications/awards submitted by District Attorney, Social Services Agency and OC Public Works in 10/20/15 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute grant award agreements and amendments with California Department of Insurance for Disability and Healthcare Supplemental Program ($125,750), Automobile Insurance Fraud Program ($1,031,503), Disability and Healthcare Insurance Fraud Program ($1,000,000) and Workers' Compensation Insurance Fraud Program ($3,966,000), 7/1/15 - 6/30/16; and adopt resolution authorizing District Attorney or designee to execute grant award agreement and amendments with National Institute of Justice for Orange County Postconviction Testing of DNA Evidence to Exonerate the Innocent, 10/1/15 - 9/30/17 ($250,000);authorize Director of OCPW or designee to apply and execute grant agreement for Measure M2 Regional Capacity Program, accept grant monies and execute related documents pursuant to Resolution No. 12-157 adopted 10/23/12 ($1,500,000); and make California Environmental Quality Act and other findings - All Districts

15243 **APPROVED AS RECOMMENDED**

RESO: 15-114 - 15-118

Human Resource Services:

22. Approve amendment 1 to agreement 056-201303-DB with Mercer Investment Consulting, Inc.for consulting services, effective upon Board approval term ending 11/18/16 ($290,000; cumulative total $920,000); renewable for additional two years,

11/19/16 - 11/18/18 ($420,000; cumulative total $1,340,000); and authorize Chief Human Resources Officer or designee to execute amendment - All Districts

14253 **APPROVED AS RECOMMENDED**

23. Approve amendment 2 to agreement with Mercer Health & Benefits LLC for employee benefitsconsulting and actuarial services, 12/8/14 - 12/7/15 ($53,700; new total $474,450); renewable for one additional year, 12/8/15 - 12/7/16 ($500,000; cumulative total $2,204,450); and authorize Chief Human Resources Officer or designee to execute amendment - All Districts

45123 **APPROVED AS RECOMMENDED**

24. Acting as the In-Home Supportive Services Public Authority - Approve and adopt 2012 – 2016Memorandum of Understanding with United Domestic Workers of America (UDWA) for In-Home Supportive Services (IHSS) provider unit - All Districts

35124 **APPROVED AS RECOMMENDED**

S24A. **County Counsel -** Direct Registrar of Voters to place "An Ordinance of the County of Orange,California, Establishing A Campaign Finance and Ethics Commission and Adding Article VI, Section 601 to the Charter of Orange County; Adding Article 26 to Division 2, Title 1 of the Codified Ordinances of the County of Orange; Amending Sections 1-6-1 Through 1-6-12, 1-6-14, 1-6-15.2 and 1-6-19 Through 1-6-33 of Division 6 of Title 1 of the Codified Ordinances of the County of Orange; Deleting Sections 1-6-15.1 and 1-6-16 Through 1-6-18 of Division 6 of Title 1 of the Codified Ordinances of the County of Orange; and Adding Section 1-6-11.1 to Division 6 of Title 1 of the Codified Ordinances of the County of Orange" on the ballot for Presidential Primary Election on June 7, 2016; and direct County Counsel to prepare ballot language and impartial analysis of ordinance - All Districts

41253 N **APPROVED AS RECOMMENDED; DIRECTED STAFF TO DELETE SUBDIVISION (F) IN ITS ENTIRETY AND INSERT NEW SUBDIVISION (F) AS FOLLOWS: (F) A COMMISSIONER SHALL NOT INITIATE, PERMIT, OR CONSIDER EX PARTE COMMUNICATIONS, THAT IS, ANY COMMUNICATIONS TO OR FROM THE COMMISSIONER OUTSIDE THE PRESENCE OF THE PARTIES CONCERNING A PENDING OR IMPENDING INVESTIGATION, ENFORCEMENT PROCEEDING, OR APPEAL, AND SHALL MAKE REASONABLE EFFORTS TO AVOID SUCH COMMUNICATIONS.**

ON PAGE 10 OF 25 OF ATTACHMENT D, IN SECTION 1-2-112 (INVESTIGATIONS AND ENFORCEMENT PROCEEDINGS), SUBDIVISION E (2), IN THE SECOND SENTENCE, DIRECTED STAFF TO DELETE THE WORDS "ADMINISTRATIVE HEARING" AND INSERT THE WORDS "THE" AND "ADMINISTRATIVE APPEAL" TO READ: "THE CHAIR OF THE COMMISSION MAY ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF PERSONS AND THINGS AT THE ADMINISTRATIVE APPEAL." DIRECTED STAFF TO SUBSTITUTE TERM "ADMINISTRATIVE APPEAL" FOR "HEARING" ELSEWHERE IN THIS SECTION OF THE ORDINANCE.

S24B. **County Executive Office -** Approve agreement with Barry Rondinella for employment as AirportDirector ($200,000); and authorize County Executive Officer to execute agreement and amendments under certain conditions - All Districts

45123 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 25-26)

OC PUBLIC WORKS

25. 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; 9/1/15, Item 32)

B.O. **DELETED**

26. Public hearing to consider first readings of "An Ordinance of the County of Orange, California Adding Section 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"; and "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"; set second readings and adoption for 10/27/15, 9:30 a.m.; and consider adoption of Negative Declaration No. IP 14-332 and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

41253 **APPROVED RECOMMENDED ACTIONS #1, #3, #5 AND #6 FOR THE ORDINANCE FOR WIRELESS COMMUNICATIONS ON PRIVATE PROPERTY (ATTACHMENT A)**

35124 **CONTINUED RECOMMENDED ACTIONS #1, #3, #5 AND #7 FOR THE ORDINANCE FOR WIRELESS COMMUNICATIONS ON COUNTY PROPERTY (ATTACHMENT B) TO 10/27/15, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-SCS5)

GENERAL ADMINISTRATION

County Executive Office:

CS-1. CS-1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Future County of Orange Property at Former MCAS Tustin, South of Valencia Avenue and West of Armstrong Avenue
County Negotiator: Scott D. Mayer, Chief Real Estate Officer

Negotiating Party: South Orange County Community College District
Under Negotiation: Terms and Value of Future Acquisition or Lease

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

CS-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government CodeSection 54956.8:
Property Location: Dana Point Harbor, Dana Point, CA
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Future Master Lessees
Under Negotiation: Terms and Value of Future Lease

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

Human Resource Services:

CS-3. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section54957.6:
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. **DELETED**

SCS4. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: Airport Director

B.O. **DELETED**

SCS5. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: Clerk of the Board

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Approval of ethics ordinance, Internal Audit, Office of Independent Review

Chelsea Laliberte - Oral Re: Director of public health non-profit organization in Chicago, Illinois which focuses on drug addiction and overdose issues; helping support local Solace Foundation regarding Naloxone administration; would like to ask for support for law enforcement officers to be equipped with and allowed to administer Naloxone

Ilya Tseglin - Oral Re: Nate Tseglin, Regional Center, Social Services Agency, Public Defender

Robert Tseglin - Oral Re: Nate Tseglin, Regional Center, Public Defender, Adult and Child Protective Services

COUNTY EXECUTIVE OFFICER COMMENTS:
Frank Kim - Oral Re: Thanked Larry Serafini, Acting Director of JWA, and his staff for good job during interim period and looks forward to working with new Director of JWA, Barry Rondinella

BOARD COMMENTS:
Vice Chair Bartlett - Oral Re: Annual South County Disaster Preparedness Expo held on Saturday, October 17, 2015; thanked the City of Mission Viejo, Irvine Ranch Conservancy, Orange County Fire Authority and the Orange County Sheriff's Department

ADJOURNED: 11:50 A.M.

*** 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