REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 12, 2016, 9:30 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

TODD SPITZER
SUPERVISOR
Third District

SHAWN NELSON
SUPERVISOR
Fourth District

ATTENDANCE: Supervisors Bartlett, Nelson, Spitzer and Steel

EXCUSED: Supervisor Do

PRESENT:	COUNTY EXECUTIVE OFFICER	Frank Kim
	COUNTY COUNSEL	Leon J. Page
	CLERK OF THE BOARD	Robin Stieler

INVOCATION: Vice Chair Steel, Second District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chairwoman Bartlett presented a resolution in recognition of the National Accreditation of the OC Health Care Agency's Public Health Services
(Continued from 6/28/16)

Vice Chair Steel presented a proclamation commending Boeing for its contributions to our County and the U.S.aerospace industry on its 100th Anniversary July 15, 2016, and wishing the company success in the next 100 years and beyond

The Board of Supervisors presented a resolution in memory of Marian C. Bergeson

II. CONSENT CALENDAR (Items 1-10)

34125 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 2 AND 3 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairwoman Bartlett -** Coastal Greenbelt Authority - Appoint Tom Wilson, Laguna Hills, for termconcurrent with 5th District Supervisor's term of office

DEPARTMENT APPOINTMENTS

2. **Social Services Agency -** Orange County Child Care and Development Planning Council - Appoint Scarlett vonThenen, Irvine; Merrilisa Sciabica, Irvine; Donna McInteer, Orange and Karen Littlefield, Orange, for terms ending 8/5/18; appoint Susan McClintic, Irvine, for term ending 8/5/17; and reappoint Fredrika Gragg, Trabuco Canyon; Darcie Kass, Laguna Hills; Krista Murphy, Costa Mesa; Anne Broussard, Costa Mesa; Contance White, Glendora; Katherine Bono, La Mirada, for terms ending 8/5/18 - All Districts

43125 X **APPROVED AS AMENDED TO NOT REAPPOINT CONSTANCE MARINE WHITE TO THE CATEGORY 'COMMUNITY REPRESENTATIVE' AND KATHERINE BONO TO THE CATEGORY 'DISCRETIONARY"; DIRECTED STAFF TO RETURN TO THE BOARD WITH NOMINEES WHO LIVE IN ORANGE COUNTY AND TO PROVIDE COMPELLING REASON FOR THE BOARD TO APPOINT A NOMINEE IF THEY DO NOT LIVE IN ORANGE COUNTY**

ELECTED DEPARTMENT HEADS

Auditor-Controller:

3. Receive and file Monthly Internal Audit Activity Status Report and Risk Assessment for April and May 2016; and approve Internal Audit Division's Audit Plan and Risk Assessment for FY 2016-17 - All Districts

34125 X **APPROVED AS RECOMMENDED**

4. Approve Auditor-Controller Internal Audit Division Charter - All Districts

5. **Sheriff-Coroner -** Adopt resolution approving 2015 Update of County of Orange and Orange County Fire Authority Hazard Mitigation Plan - All Districts
RESO: 16-066

OC COMMUNITY RESOURCES

6. Adopt resolution approving Memorandum of Understanding with Court Appointed Special AdvocatesOrange County in accordance with Government Code Section 26227 and to conduct its programs including advocate/youth outings, events and education enrichment opportunities, subject to approval of OC Parks Director or designee, at OC Parks facilities at no charge, effective upon Board approval; and make California Environmental Quality Act and other findings - All Districts
RESO: 16-067

OC PUBLIC WORKS

7. Approve Final Tract Map 17584, Ryland Homes of California, Inc.; accept dedication of easements foremergency access, public utility, public service vehicle ingress and egress and pedestrian access purposes; approve subdivision improvement agreement S1605-202 and accept bonds guaranteeing construction, 7/12/16 - 7/11/18 - District 5

8. Approve Final Tract Map 17586, Warmington MR18 Associates, LLC; accept dedication of easements for emergency vehicle access, public utility, public service vehicle ingress and egress,and vehicular access purposes; approve subdivision improvement agreement S1602-193 and accept bonds guaranteeing construction, 7/12/16 - 7/11/18 - District 5

9. Approve cooperative agreement with California Department of Transportation for Laguna Canyon RoadSegment 4 Project, Phases 2 to 4; direct Auditor-Controller to make related payments; authorize Director or designee to execute future amendments to cooperative agreement under certain conditions; and make California Environmental Quality Act findings - District 5

10. Ratify State Reimbursement agreement 16-0025 with California Department of Food and Agriculture forhigh-risk plant shipments and early detection of exotic plant pests, 7/1/16 - 6/30/17 ($125,463); authorize Director or designee to execute agreement; and make California Environmental Quality Act findings - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 11-S29B)

ELECTED DEPARTMENT HEADS

11. **District Attorney -** Approve agreement MA-026-16012161 with Southern California Private Investigators, Inc. for real estate fraud document analyst services, 8/1/16 - 7/31/17 ($125,000); renewable for four additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

34125 X **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

12. Approve amendment 4 to agreement MA-060-12012050 with Association of Public SafetyCommunications Officials International Inc., dba APCO International Inc. for radio frequency coordination services, 7/24/16 - 7/23/17 ($30,000; cumulative total $120,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

42135 X **APPROVED AS RECOMMENDED**

13. Approve agreement CT 060-16011264 with Intermedix dba ESi Acquisition Inc. for WebEOCserver upgrade, one year term ($174,160); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

42135 **APPROVED AS RECOMMENDED**

X

HEALTH CARE AGENCY

14. Approve selection of and agreement with Orange County Department of Education for School-Based Stress Management Education services, 8/1/16 - 6/30/19 ($465,000); authorize Director or designee to exercise cost contingency increase of agreement not to exceed 10% under certain conditions and to execute agreement - All Districts

54123 X N **APPROVE AS RECOMMENDED; DIRECTED STAFF TO PROVIDE GOALS, OBJECTIVES AND METRICS WHICH IDENTIFY THE ACHIEVEMENTS OF THE PROGRAM BEFORE PROGRAM YEARS 2 AND 3 OF THE AGREEMENT**

OC COMMUNITY RESOURCES

15. Approve and ratify amendment 1 to agreement C-1-2583 with Orange County Transportation Authority for senior transportation services, 7/1/16 - 6/30/21, (1% of net Measure M2 revenues); approve model agreement for senior non-emergency medical transportation services funded by Measure M2; approve agreements with Abrazar, Inc. in Service Area 1, North County ($773,683), Age Well Senior Services, Inc. in Service Area 2, South County ($809,161), Abrazar, Inc. in Service Area 3, Central/West County ($1,045,156) funded by Measure M2, term ending 6/30/17; and authorize Director or designee to execute amendment, agreements and exercise a contingency cost increase or decrease not to exceed 10% of individual agreement under certain conditions - All Districts

42135 X **APPROVED AS RECOMMENDED**

16. **Acting as the Board of Supervisors and Orange County Housing Authority -** Authorize reimbursement of $270,131 from non-federal funds to Housing Authority's Housing Choice Voucher funds to address findings in U.S. Department of Housing and Urban Development, Office of Inspector General audits #2016-LA-1003 and #2016-LA-1005; and authorize Auditor-Controller to process a wire transfer from General Fund (100-012) to Orange County Housing Authority Fund (15F-012), at Union Bank - All Districts (4/5 vote of the members present)

45123 X **CONTINUED TO 7/26/16, 9:30 A.M.**

OC PUBLIC WORKS

17. Approve agreements MA-080-16012117 with Hunsaker & Associates Irvine, Inc., MA-080-16012118 with CivilSource, Inc., MA-080-16012119 with Towill, Inc., MA-080-16012120 with KPFF, Inc. dba KPFF Consulting Engineers, MA-080-16012122 with TAIT & Associates, Inc. and MA-080-16012123 with Proactive Engineering Consultants, Inc. for on-call civil engineering services, 7/12/16 - 7/11/21 ($1,500,000 each); and authorize Director or designee to execute agreements - All Districts

43125 X **APPROVED AS RECOMMENDED**

18. Approve agreements MA-080-16012194 with PlaceWorks, Inc., MA-080-16012195 with M. ArthurGensler Jr & Associates, Inc., MA-080-16012196 with EPT Design, Inc., MA-080-1601297 with KTGY Group, Inc. and MA-080-1601298 with Environmental Planning Development Solutions, Inc. dba EPD Solutions, Inc. for on-call land use planning services,

7/12/16 - 7/11/21 ($1,500,000 each); and authorize Director or designee to execute agreement - All Districts

42135 X **APPROVED AS RECOMMENDED**

19. Approve agreements MA-080-16012199 with Bender Rosenthal, Inc., MA-080-16012200 with R. P.Laurain & Associates, Inc. and MA-080-16012201 with Epic Land Solutions, Inc. for on-call right-of-way appraisal services, 7/12/16 - 7/11/21 ($1,500,000 each); and authorize Director or designee to execute agreements - All Districts

45123 X **APPROVED AS RECOMMENDED WITH SUPERVISOR SPITZER VOTING NO ON RECOMMENDED ACTION 1 A.(CONTRACT WITH BENDER ROSENTHAL, INC. FOR ON-CALL RIGHT-OF-WAY APPRAISAL SERVICES IN SUPPORT OF COUNTYWIDE PROJECTS)**

20. Ratify State Reimbursement agreement 16-0329-SF with California Department of Food and Agriculturefor inspection services for Pierce's Disease Program, 7/1/16 - 3/30/18 ($995,336); and authorize Director or designee to execute agreement - All Districts

42135 X **APPROVED AS RECOMMENDED**

21. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D15-013 with City of Santa Ana, City of Newport Beach, City of Costa Mesa, Orange County Water District and Irvine Ranch Water District for the Santa Ana-Delhi Channel Diversion Project; adopt resolution granting fee waivers for permits issued for project construction; authorize Auditor-Controller to make related payments; authorize OC Public Works Director and John Wayne Airport Director or designees to execute related documents; and consider application of Final Mitigated Negative Declaration SCH No. 2016011069 and other findings - Districts 1 and 2

25134 X **APPROVED AS RECOMMENDED**

RESO: 16-068

GENERAL ADMINISTRATION

22. **County Counsel -** Consider second readings and adoption of "An Ordinance of the County of Orange,California, Amending Sections 1-1-81 and 1-1-84 of Division 1, Title 1 of the Codified Ordinances of the County of Orange to Provide for the Campaign Finance and Ethics Commission's Enforcement of the Lobbyist Registration and Reporting Ordinance", "An Ordinance of the County of Orange, California, Amending Section 1-3-22 and 1-3-24 of Division 3, Title 1 of the Codified Ordinances of the County of Orange to Provide for the Campaign Finance and Ethics Commission's Enforcement of the County Gift Ban Ordinance" and "An Ordinance of the County of Orange, California, Amending Section 1-2-101 of Division 2, Title 1 of the Codified Ordinances of the County of Orange to Make Conforming Changes to the Campaign Finance and Ethics Commission Ordinance" - All Districts (Continued from 6/28/16, Item 96)

34125 X **APPROVED AS RECOMMENDED**

ORD: 16-006 - 16-008

County Executive Office:

23. Approve option agreement with Ramser Development Company dba RV Storage Depot for option to lease County owned property located at the former Gothard Street Landfill, Huntington Beach; authorize Chief Real Estate Officer or designee to execute option agreement and all related documents; and make California Environmental Quality Act and other findings - District 2 (Continued from 5/10/16, Item 59; 5/24/16, Item 93; 6/28/16, Item 97)

B.O. **CONTINUED TO 7/26/16, 9:30 A.M.**

24. Approve proposed response to FY 2015-16 Grand Jury Report "To Be Continued...Follow-Up for Open Formal Grand Jury Report Responses." - All Districts

24135 X **APPROVED AS RECOMMENDED**

25. Approve proposed response to FY 2015-16 Grand Jury Report "Fostering a Better Foster CareSystem." - All Districts

42135 X **APPROVED AS RECOMMENDED**

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

RECEIVED AND FILED

27. Approve grant applications/awards submitted by Sheriff-Coroner in 7/12/16 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner or designee to execute and submit to California Office of Emergency Services the FY 2016 Emergency Management Performance Grant Application ($777,980) - All Districts

42135 X **APPROVED AS RECOMMENDED**

RESO: 16-069

28. **Human Resource Services -** Approve and adopt Side Letter agreement with Orange County AttorneysAssociation for terms and conditions of employment - All Districts

42135 X **APPROVED AS RECOMMENDED**

29. **Registrar of Voters -** Approve agreement MA-031-16012281 with Pitney Bowes, Inc. for hardwaremaintenance, software licensing and maintenance, 8/12/16 - 8/11/17 ($142,914.56); and authorize Purchasing Agent or authorized Deputy to execute agreement, make future non-monetary and non-material changes and to exercise cost contingency increase not to exceed 10% under certain conditions - All Districts

42135 X **APPROVED AS RECOMMENDED**

S29A. **Supervisor Nelson -** Direct Registrar of Voters to place "An Ordinance of the County of Orange, California Repealing Section 1-2-9 of the Codified Ordinances of the County of Orange and Adding Article I, Section 104 to the Charter of Orange County Imposing a Lifetime Limit on the Number of Terms for Members of the Orange County Board of Supervisors" on the ballot for Statewide General Election on November 8, 2016; direct County Counsel to prepare ballot language and impartial analysis of ordinance; and request Auditor-Controller to review measure and prepare a fiscal impact statement

B.O. **CONTINUED TO 7/26/16, 9:30 A.M.**

S29B. **County Executive Office -** Approve employment agreement with Sharon Petrosino as Public Defender($337,050 total compensation), effective 7/12/16 - All Districts

42135 X **THE BOARD APPROVED THE AGREEMENT WITH SHARON PETROSINO FOR EMPLOYMENT AS THE ORANGE COUNTY PUBLIC DEFENDER AT A BASE ANNUAL SALARY AMOUNT OF $261,361.60 (HOURLY RATE OF $104.02 x 2080 HOURS), WITH TOTAL COMPENSATION (INCLUDING BENEFITS) AT $337,050.00 ANNUALLY**

IV. PUBLIC HEARINGS (Items 30-31)

OC PUBLIC WORKS

30. Public Hearing to consider adopting resolution approving fee report for La Mirada County Service Area No. 13 sewer services; and make California Environmental Quality Act and other findings - District 4 (4/5 vote of the members present)
CLOSED PUBLIC HEARING

42135 X **APPROVED AS RECOMMENDED**

RESO: 16-070

GENERAL ADMINISTRATION

31. **Registrar of Voters -** Public Hearing to consider adopting resolution approving fee schedule for services performed by Registrar of Voters; rescinding Resolution 01-433; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

32145 X **APPROVED AS AMENDED TO KEEP STREET INDEXES AT CURRENT FEE OF $.50**

RESO: 16-071

V. CLOSED SESSION (Items CS-1-SCS6)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Orange County Flood Control District v. HRB Properties, LLC, et al., San Bernardino County Superior Court Case No. CIVDS1406175

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: 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-3. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Brenda Diederichs
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), International Brotherhood of Teamsters, Local 952, 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**

County Counsel:

SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Lorena Martinez v. Carlos Bustamante and County of Orange, Orange County Superior Court Case No. 30-2013-00666624

B.O. **HELD, COUNTY COUNSEL READ: THE BOARD BY A UNANIMOUS VOTE, WITH SUPERVISOR DO BEING ABSENT, APPROVED SETTLEMENT IN THE CASE OF LORENA MARTINEZ V. CARLOS BUSTAMANTE AND COUNTY OF ORANGE. THE SETTLEMENT AGREEMENT MAY BE OBTAINED FROM THE CLERK OF THE BOARD UPON REQUEST**

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Jackelyne Mora v. Carlos Bustamante and County of Orange, Orange County Superior Court Case No. 30-2013-00672190

B.O. **HELD, COUNTY COUNSEL READ: THE BOARD BY A UNANIMOUS VOTE, WITH SUPERVISOR DO BEING ABSENT, APPROVED SETTLEMENT IN THE CASE OF JACKELYNE MORA V. CARLOS BUSTAMANTE AND COUNTY OF ORANGE. THE SETTLEMENT AGREEMENT MAY BE OBTAINED FROM THE CLERK OF THE BOARD UPON REQUEST**

SCS6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.6(d)(1):
Name of Cases: Steve Castillo v. County of Orange, Code Enforcement, Orange County Superior Court Case No. 30-2014-00763116; Diane Le v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763184; Thanh Le v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763189

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Robert Lauten - Oral Re: Availability of public toilets for the homeless in the Civic Center

Ilya Tseglin - Oral Re: Nate Tseglin, Orange County Regional Center

Robert Tseglin - Oral Re: Nate Tseglin kidnaped from his home, Irvine Police Department invasion of home, illegal confinement

Jon Fleischman - Oral Re: President of California Term Limits, objects to imposing a lifetime limit on the number of terms for members of the Board of Supervisors without public engagement

Darrell Nolta - Oral Re: Item S29A, Carlos Bustamante harassment lawsuits, jails, homeless, District Attorney

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Spitzer - Oral Re: Memorial on July 22, 2016 marking the 40th anniversary of the mass shootings at Cal State Fullerton

ADJOURNED: 3:39 P.M.

52134 **Adjourned in memory of Marian C. Bergeson**
X

51234 **Adjourned in memory of Charles Rex Brady**
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)

_____
Chairwoman, Orange County Board of Supervisors