REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 11, 2018, 9:00 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

ANDREW DO
CHAIRMAN
First District

SHAWN NELSON
VICE CHAIRMAN
Fourth District

MICHELLE STEEL
SUPERVISOR
Second District

TODD SPITZER
SUPERVISOR
Third District

LISA A. BARTLETT
SUPERVISOR
Fifth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Frank Kim
	COUNTY COUNSEL	Leon J. Page
	CLERK OF THE BOARD	Valerie Sanchez, Chief Deputy Clerk

INVOCATION: Supervisor Spitzer, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Steel, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Do presented a resolution proclaiming September as "National Preparedness Month"

II. CONSENT CALENDAR (Items 1-14)

42351 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 8 WHICH WAS CONTINUED TO 9/25/18, 9:30 A.M.**

BOARD APPOINTMENTS

1. **Supervisor Bartlett -** Assessment Appeals Board No. 1 - Reappoint Anna Dickenson, San JuanCapistrano, for term ending 9/5/21

2. **Supervisor Spitzer -** Board of Supervisors Acting as the Board of Commissioners of the Orange County Housing Authority - Housing and Community Development Commission - Appoint Michael Alvarez, Orange, for term ending 6/30/19

DEPARTMENT APPOINTMENTS

3. **Health Care Agency -** Orange County Mental Health Board - Appoint Stephen McNally, Costa Mesa, to complete term ending 7/20/21

ELECTED DEPARTMENT HEADS

4. **Auditor-Controller -** Adopt resolution and attachment 1 to resolution approving property tax rates for FY 2018-19 - All Districts
RESO: 18-094

5. **Sheriff-Coroner -** Approve contract MA-060-19010101 with Identification and Security Integrators Inc. for ID card printers, supplies, maintenance and repair services, three year term effective upon Board approval ($183,691.51); renewable for two additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute contract - All Districts

HEALTH CARE AGENCY

6. Approve amendment 1 to agreement with Straight Talk, Inc. for Substance Use Disorder ResidentialOpiate Treatment services, 7/1/18 - 6/30/19 ($343,484; new total $548,760); authorize Director or designee to execute cost contingency increase not to exceed 10% under certain conditions and to execute amendment - District 1

JOHN WAYNE AIRPORT

7. 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 air carriers under Phase 2 Commercial Airline Access Plan and Regulation for 2019 Plan Year (1/1/19 - 12/31/19); approve related actions under certain conditions; and consider application of prior Environmental Impact Report No. 617 and other findings - District 2

OC COMMUNITY RESOURCES

8. Accept donation of bronze animal sculpture (valued at $16,000) from Ron and Charice King for OrangeCounty's new animal shelter - District 3
42351 **CONTINUED TO 9/25/18, 9:30 A.M.**

OC PUBLIC WORKS

9. Approve Parcel Map 2016-108; approve Subdivision Agreement S1806-223 with Brothers of St. Patrick; accept cash deposit guaranteeing execution of monuments; accept dedication of easements for public street, public utility purposes and vehicular access rights and consider application of prior Final Mitigated Negative Declaration No. PA160039 - District 1

10. Approve plans, specifications and bid documents; set bid opening for 10/24/18, 2:00 p.m. for

LagunaNiguel Park Restroom #2 Refurbishment Project; and make California Environmental Quality Act and other findings - District 5

GENERAL ADMINISTRATION

Clerk of the Board:

11. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forTreasurer-Tax Collector - All Districts

12. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forCoastline Regional Occupational Program - District 2

13. Approve initial Conflict of Interest Code for Unity Schools SoCal Charter School, a CaliforniaPublic Charter School - District 3

14. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forAuditor-Controller - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 15-S28F)

ELECTED DEPARTMENT HEADS

15. **Sheriff-Coroner -** Approve contract MA-060-18011409 with Convergint Technologies LLC for videomanagement services to update video management system in jails and enhanced building security for Department facilities, term ending 6/30/21 ($2,800,000.00); renewable for one additional one-year term; and authorize County Procurement Officer or authorized Deputy to execute contract - All Districts

24351 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

16. Ratify amendment A01 to standard agreement 12-89382 with State Department of Health Care Servicesfor specialty mental health services to eligible Medi-Cal beneficiaries, 5/1/13 - 6/30/17; ratify standard agreement 17-94601 with State Department of Health Care Services for specialty mental health services to eligible Medi-Cal beneficiaries, 7/1/17 - 6/30/22; and authorize Director Richard Sanchez to execute amendment, agreement and related documents - All Districts

43251 X **APPROVED AS RECOMMENDED**

17. Approve retroactive amendment 1 to agreement with Children's Hospital of Orange County dba CHOCChildren's for Inpatient Mental Health services for Youth, 4/1/18 - 6/30/20 ($31,450; new total $2,763,100; cumulative total $6,682,650); and authorize Director or designee to execute amendment - All Districts

B.O. **DELETED**

OC PUBLIC WORKS

18. Approve Memorandum of Understanding (MOU) for Integrated Regional Water Management in Northand Central Orange County Watershed Management Areas with Orange County Water District and Orange County Sanitation District; adopt North and Central Integrated Water Management Plan; authorize the Director or designee to participate in the Regional Water Management Group to be formed between County of Orange, Orange County Water District, and Orange County Sanitation District, through proposed MOU; and make California Environmental Quality Act and other findings - All Districts

54231 **APPROVED AS RECOMMENDED**

19. Adopt resolution adopting updated South Orange County Integrated Regional Watershed ManagementPlan; authorizing Director or designee to accept amendments and approve minor modifications under certain conditions, authorizing submission of application for grants under State Proposition 1 and accepting and executing Integrated Regional Water Management Grant agreements on behalf of South Orange County Integrated Water Management Group; and make California Environmental Quality Act and other findings - Districts 3 and 5

52341 **APPROVED AS RECOMMENDED**
RESO: 18-095

Acting as the Board of Supervisors and Orange County Flood Control District:

20. Adopt the 2018 Design and Construction Procurement Policy Manual; authorize Director ordesignee to execute and implement the 2018 Design and Construction Procurement Policy Manual incorporating all amended procurement policies - All Districts

13245 **CONTINUED TO 9/25/18, 9:30 A.M.**

21. Approve job order contracts MA-080-19010199 with Sol Construction, Inc., MA-080-19010196 with SJD&B, Inc., MA-080-19010201 with Bitech Construction Co., Inc., MA-080-19010198 with Palp, Inc. dba Excel Paving Company, MA-080-19010202 with New Creation Builders and MA-080-19010195 with KEC Engineering for general engineering services, 10/25/18 - 10/14/19 ($4,824,000); authorize Director or designee to execute job order contracts under certain conditions; and authorize return of bid guarantees to all bidders upon execution of contracts - All Districts

52341 **APPROVED AS RECOMMENDED**

22. Approve job order contracts MA-080-19010204 with All American Asphalt, MA-080-19010207 with PALP, Inc. dba Excel Paving Company, MA-080-19010206 with R.J. Noble Company, MA-080-19010210 with Bitech Construction Co., Inc. and MA-080-19010208 with Hardy and Harper, Inc. for pavement maintenance services effective, 9/26/18 - 9/25/19 ($4,824,000 each); authorize Director or designee to execute job order contracts under certain conditions; and authorize return of bid guarantees to all bidders upon execution of contracts - All Districts

25341 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

23. Approve contract MA-299-19010027 with Civil Environmental Survey Group, Inc. dba CES Group for operation and maintenance services of leachate groundwater extraction systems and all various liquid conveyance systems, Central Region Landfills, 10/1/18 - 9/30/21 ($600,000);

with option to renew for two additional one-year terms ($200,000 per year); authorize County Procurement Officer or authorized Deputy to execute contract; and make California Environmental Quality Act and other findings - Districts 2 and 3

23451 **APPROVED AS RECOMMENDED**

24. Approve contracts MA-299-19010028 with Adam's Falconry Service, LLC, Airstrike Bird Control, Inc. and Avian Entertainment, LLC for bird abatement services, 9/20/18 - 9/19/21 ($840,000 aggregate total); renewable for two additional one-year terms ($280,000 per year); authorize County Procurement Officer or authorized Deputy to execute contracts; and consider application of prior Final EIR No. 588, No. 604 and No. 575 and other findings - Districts 3, 4 and 5

34251 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

25. **County Counsel -** Consider second readings and adoptions of "An Uncodified Ordinance of the County of Orange, State of California Adopting an Amendment to the North Tustin Specific Plan to Add the Residential Care Facility Overlay Designation and Redesignating Certain Land from the 100-RSF Residential Single Family Designation to the 100-RSF Residential Single Family with Residential Care Facility Overlay District"; and "An Uncodified Ordinance of the Board of Supervisors of Orange County, California Adopting the Clearwater at North Tustin Development Agreement" - District 3 (Continued from 8/28/18, Item S47C)

31245 **APPROVED AS RECOMMENDED**
ORD: 18-005 - 18-006

County Executive Office:

26. Acting as the Board of Supervisors and Orange County Flood Control District - Approveamendment 1 to extend Option Agreement with Majestic Realty Co. for additional time to investigate development potential of District owned property in the City of Chino - All Districts

B.O. **CONTINUED TO 9/25/18, 9:30 A.M.**

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

42351 **APPROVED AS RECOMMENDED (WITH THE EXCEPTION OF SUPERVISOR STEEL VOTING NO ON AB448)**

28. Approve grant applications/awards submitted by OC Waste & Recycling and Health Care Agency in 9/11/18 grant report and other actions as recommended - All Districts

45231 **APPROVED AS RECOMMENDED**

Supervisor Spitzer:

S28A. Receive and file August 21, 2018 letter from County Counsel to Global Tel*Link finding breach of contract for inmate telephone services; request assurances from Global Tel*Link that it has taken measures to prevent further breaches to its system; request report from Sheriff-Coroner that inmate telephone service has been reviewed and measures have been taken to prevent further breaches; discuss whether to terminate agreement MA-060-18010006 with Global Tel*Link either immediately for cause or after thirty days written notice without cause; and provide direction to Sheriff-Coroner

concerning procurement of legally-mandated inmate telephone services

31245 **APPROVED RECOMMENDED ACTIONS EXCLUDING RECOMMENDED ACTION #4**

S28B. Direct Office of Independent Review to review County's K-9 training and building search policy; and report findings to the Board within 90 days

31245 **APPROVED AS AMENDED TO AMEND RECOMMENDED ACTION #1 TO: DIRECT THE OFFICE OF INDEPENDENT REVIEW, RISK MANAGEMENT/COUNTY SAFETY OFFICER TO REVIEW THE COUNTY'S K-9 TRAINING AND BUILDING SEARCH POLICY INCLUDING THE SHERIFF K-9 TRAINING POLICY AND THE COUNTY OF ORANGE BUILDING USE POLICY, AND REPORT FINDINGS TO THE BOARD OF SUPERVISORS WITHIN 90 DAYS**

Human Resource Services:

S28C. Approve amendment 1 to agreement for employment of Clerk of the Board, effective 9/11/18($142,422 annual salary) - All Districts

35241 **APPROVED AS RECOMMENDED**

S28D. Approve amendment 1 to agreement for employment of Executive Director of Campaign Finance and Ethics Commission, effective 9/11/18 ($187,775 annual salary) - All Districts

45231 **APPROVED AS RECOMMENDED**

S28E. **County Executive Office -** Approve Memorandum of Understanding (MOU) with City of Santa Ana for relocation of Courtyard, twelve-month term; and authorize County Executive Officer or designee to execute MOU - District 1

12345 **APPROVED AS RECOMMENDED**

S28F. **Chairman Do -** Orange County Mental Health Board - Appoint Clayton Chau, Fountain Valley, for term ending 9/15/21

15234 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS3)

GENERAL ADMINISTRATION

CS-1. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Robert Leys
Employee Organizations: Association of Orange County Deputy Sheriffs (AOCDS), United Domestic Workers of America (UDWA), International Union of Operating Engineers (IUOE), and other non-represented employees
RE: Terms and Conditions of Employment

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

County Counsel:

SCS2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Orange County Catholic Worker, et al. v. County of Orange, et al., United States District Court Case No. 8:18-cv-00155-DOC-JDE. David Ramirez, et al. v. County of Orange, United States District Court Case No. 8:18-cv-0220-DOC-JDE

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

SCS3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One Case

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Brigitte - Oral re: Sheriff items and accountability; handouts regarding collusion between Board of Supervisors,judges and probate court including cover-up of criminal enterprise and illegal business to sell property and taxes not paid to Franchise Tax Board and Internal Revenue Service; complaints to Attorney General; Judge's minute order regarding upcoming hearing; covering up illegal business

Tim Board - Oral re: When reporting corruption in jails in 2009 and 2012 to Department of Justice, experienced harassment and retaliation including death threats from PI firm with ties to the Sheriff Department and executive team; was placed under surveillance and his family was threatened; member of his family involved in serious confrontation with law enforcement; efforts were made to arrest and commit him to mental health institution; has been audited by the IRS, pay was cut, health insurance cancelled, license to carry a concealed weapon was revoked, and photo placed on officer safety bulletins; Councilman in Costa Mesa experienced the same type of harassment by PI firm; Sheriff denies existence of jail informant program and deputies conduct investigations

David Duran - Oral re: Homeless services by Telecare and requests for appointments on behalf of homeless man "John" were refused; Telecare states "John" was not on a list because he refused housing; however, "John" states housing was never offered and he never refused housing

Bryan Kaye - Oral re: Comments regarding Supervisors; Sheriff Department releasing information on blue banders; Roundup is not safe; Paxil mental health drug is not safe and causes anxiety, stress, depression and suicide; Board has not responded to his complaints and concerns and has not responded to Ilya Tseglin and his son

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
None

ADJOURNED: 2:02 P.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)

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Chair, Orange County Board of Supervisors

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Orange County Clerk of the Board