REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 6, 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	Robin Stieler

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

Supervisor Spitzer presented a resolution honoring Black History Month

Supervisor Spitzer presented a resolution to Human Options for Teen Dating Violence Awareness Month

Supervisor Bartlett presented a proclamation to Ryan Hickman in recognition of his outstanding environmentalism and recycling efforts
(Continued to 4/10/18, 9:00 a.m.)

Supervisor Bartlett presented a proclamation in recognition of Bruce Channing's retirement after 26 years of outstanding service as City Manager of Laguna Hills

II. PUBLIC COMMENTS

Brigitte - Oral re: Participation of the public at Board meetings and placement of public comments on the agenda;submission of documents provided during Public Comments not part of the Board Meeting record, fraud and money laundering

Jim Farell - Oral re: Son with mental illness, thanked the Board and Mary Hale from the Health Care Agency forhelping his son, started a Conservator Assistance Group in Orange County to connect families, attended OC Mental Health Board meeting

Ilya Tseglin - Oral re: Nate Tseglin, Public Defender, Probate judges, hearing to be held at Probation Court, OCRegional Center

Robert Tseglin - Oral re: Nate Tseglin; kidnapped by Irvine Police Department; placed and removed from group homes; cover-up of mental, psychotropic and physical abuse; concealment of medical records, conservatorship

David Duran - Oral re: Homeless issues brought before the Board by advocates, deaths of the homeless and lack of housing, County and Cities being sued for their lack of understanding and practices against homeless, Attorney General and homeless issues, Agenda Item S29C regarding speaker time limits

Richard Nelson - Oral re: Supports Agenda Item #16

Jane Rice - Oral re: Agenda Item #16, community continues to oppose up zoning throughout the community and the County

The Cameraman - Oral re: Homeless living on the riverbed, any person on probation or parole and staying or living on the riverbed have been arrested, no affordable housing for the homeless, off-duty Los Angeles police officer incident in City of Anaheim, Bryan Kaye and OC Mental Health incident, Nate Tseglin

Darrell Nolta - Oral re: Agenda Item S29C, restriction of Brown Act and constitutional rights to speak during Board meetings, Board Rule amendment to change public speaker time limits from three minutes to two minutes

Bryan Kaye - Oral re: First amendment and right of free speech, Fred Rodgers quote, stopped City of Anaheim killing homeless people, mental health and Nate Tseglin

Rose Nguyen - Oral re: United Domestic Workers of America, homecare provider for her father, requested the Board support caregivers who provide quality care and to increase wages of caregivers

Tonya Ginn - Oral re: United Domestic Workers of America, was homeless and living on the streets, requested increase of wages for caregivers

Donta Harrison - Oral re: United Domestic Workers of America, requested increase of wages for caregivers

Kenneth Batiste - Oral re: Homeless situation in Orange County, deaths of the homeless, homeless evictions from the riverbed

Donna Schlitz - Oral re: Resident of unincorporated area in the City of Anaheim, residents parking on the

street do not adhere to parking signs, OC Sheriff does not provide enforcement of parking violators

III. CONSENT CALENDAR (Items 1-9)

42351 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 6 WHICH WAS DELETED; AND ITEMS 7 AND 8 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Spitzer -** Orange County Waste Management Commission - Reappoint Donald R. Froelich, Laguna Hills, for term ending 1/18/19

2. **Supervisor Bartlett -** Orange County Historical Commission - Appoint Barbara Johannes, Dana Point, for term concurrent with 5th District Supervisor's term of office

3. **Chairman Do -** Senior Citizens Advisory Council - Reappoint Elaine Gennawey, Laguna Niguel andappoint Mary Ellen Lohnes, Santa Ana, for terms ending 12/31/18

ELECTED DEPARTMENT HEADS

4. **District Attorney -** Approve agreement M8107940 with Employment Development Department forlocator information, 3/1/18 - 2/28/21 ($5,492 per year; cumulative total $16,476); and authorize County Procurement Officer or authorized Deputy to execute agreement - All Districts

5. **Sheriff-Coroner -** Approve amendment 3 to renew contract MA-060-15011324 with Orange CountyPumping Inc. for septic tank cleaning services, 3/3/18 - 3/2/19 ($120,000; cumulative total $480,000); renewable for one additional one-year term; and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

HEALTH CARE AGENCY

6. Approve agreement with various community based organizations for behavioral health prevention andearly intervention services and data sharing; and authorize Director or designee to execute individual agreements - All Districts (Continued from 1/23/18, Item 9)

42351 **DELETED**

OC COMMUNITY RESOURCES

7. Accept donation of $14,959.85 from the Friends of El Toro Library to offset cost of purchasing a newawning and paint work for bookstore loading zone - District 5

53241 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

8. Approve item A of Orange County Traffic Committee Report dated 7/20/17; adopt resolution approving item A of Orange County Traffic Committee Report dated 11/16/17 related to parking restrictions in Anaheim Islands,; approve item B of Orange County Traffic Committee Report dated 11/16/17; and adopt Orange County Traffic Committee Rules of Procedure - All Districts

43251 **APPROVED AS RECOMMENDED**
RESO: 18-010

OC WASTE & RECYCLING

9. Approve amendment 2 to renew contract MA-299-15010862 with HF&H Consultants, LLC for financial advisory services, 3/7/18 - 3/6/19 ($100,000; cumulative total $600,000); renewable for one additional year; and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

END OF CONSENT CALENDAR

IV. DISCUSSION ITEMS (Items 10-S29C)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

10. Approve amendment 3 to renew contract MA-060-15011162 with Fujitec America, Inc. forelevator maintenance and repair services, Theo Lacy Facility, 4/1/18 - 3/31/19 ($32,000; cumulative total $128,000); renewable for one additional one-year term; and authorize County Procurement Officer or authorized Deputy to execute amendment - District 3

34251 **APPROVED AS RECOMMENDED**

11. Approve amendment 3 to renew contract MA-060-15011787 with Truth Be Told Polygraph LLC for polygraph services, 4/21/18 - 4/20/19 ($270,000; cumulative total $810,000); and authorize Sheriff-Coroner or designee to execute amendment - All Districts

52341 **APPROVED AS RECOMMENDED**

12. Receive and file status report and approve continuance of local emergency related to Theo LacyFacility for repair to inoperable elevator used for public, legal visits and emergency egress for inmates; set review to determine need for continuing local emergency for 2/27/18, 9:30 a.m. and every regularly scheduled meeting thereafter until terminated - District 3 (4/5 vote of the members present) (Continued from 9/26/17, Item S46E; 10/17/17, Item 22; 10/31/17, Item 13; 11/14/17, Item 17; 12/5/17, Item 31; 12/12/17, Item 17; 1/9/18, Item 9; 1/23/18, Item 21)

34251 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

13. Approve Purchase and Sale Agreement with City of Irvine; approve Quitclaim Deed from County to City of Irvine for conveyance in fee of Parcels PR48A-1011.4 and 101.5 for road purposes; approve Easement Deed and Agreement from County to City of Irvine for maintenance purposes (Parcel PR48A-157); approve Easement Deed and Agreement from County to City of Irvine for habitat restoration purposes (Parcels PR48A-280, 281, 282, 283 and 284); and consider application of mitigated Negative Declaration SCH #:2014031052 and other findings - District 3

35241 **APPROVED AS RECOMMENDED**

14. Approve amendment 1 to contract 17-27-0025-FCSP with St. Jude Hospital, Inc. dba St. Jude MedicalCenter for family caregiver support program services, 7/1/17 - 6/30/18 ($80,504; new total $797,481); approve amendment 1 to contract 17-27-0017 with Council on Aging - Southern California for long-term care ombudsman program services, 7/1/17 - 6/30/18 ($73,273; new total $633,099); and authorize Director or designee to execute amendments - All Districts

45231 **APPROVED AS RECOMMENDED**

15. Approve amendment 2 to Operator Agreement 16-22-0037-PS with Mercy House Living Centers, Inc. for operation of Year Round Emergency Shelter at 1000 N. Kraemer Place, Anaheim, 12/14/16 - 6/30/18; authorize Director or designee to execute amendment; adopt resolution establishing formation of Bridges at Kraemer Place Community Advisory Board, adopt Bylaws and approve appointment of Director of Care Coordination, or designee, as the Board of Supervisors' representative - District 3

32451 **APPROVED AS AMENDED TO AMEND BYLAWS ARTICLE I: NAME, PURPOSE AND FUNCTIONS (C)(1) TO READ "PROVIDE REVIEW OF THE OPERATIONS OF THE BRIDGES AT KRAEMER PLACE YEAR ROUND EMERGENCY SHELTER PROGRAM AND MULTI-SERVICE CENTER AND PROVIDE A REPORT TO THE ORANGE COUNTY BOARD OF SUPERVISORS ON A BIANNUAL BASIS"**
RESO: 18-011

OC PUBLIC WORKS

16. Adopt resolution approving Use Permit PA160051 for planned development and making related findings - District 3 (Continued RA #7 from 12/12/17, Item 43)

34251 **APPROVED AS RECOMMENDED**
RESO: 18-012

17. Approve contract MA-080-18010951 with Willdan Engineering, The Code Group, Inc., and HR GreenPacific, Inc. for on-call code enforcement services, three-year term effective 3/15/18 ($900,000); renewable for two additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute contracts - All Districts

54231 **APPROVED AS RECOMMENDED**

18. Approve Indemnification Agreement for development proposals under certain conditions; authorizeDirector or designee to execute agreement - All Districts

B.O. **CONTINUED TO 3/13/18, 9:30 A.M.**

19. Approve contract MA-080-18010934 with Tetra Tech, Inc. and MA-080-18010935 with Larry WalkerAssociates, Inc. for on-call environmental regulation services, three-year terms ($1,500,000 each; aggregate total $3,000,000) renewable for two additional years; authorize Director or designee to execute contracts; and make California Environmental Quality Act and other findings - All Districts

54231 **APPROVED AS RECOMMENDED**

20. Approve contracts MA-080-18010940 with Chambers Group, Inc., MA-080-18010941 with Psomas,MA-080-18010942 with Dudek, MA-080-18010943 with ICF Jones & Stokes, Inc., MA-080-18010944 with LSA Associates, Inc., MA-080-18010945 with Moffatt & Nichol, MA-080-18010946 with ECORP Consulting, Inc., MA-080-18010947 with Environmental

Science Associates, MA-080-18010948 with HELIX Environmental Planning, Inc., MA-080-18010949 with AECOM Technical Services, Inc., and MA-080-18010950 with Michael Baker International, Inc. for on-call regulatory permitting and restoration services, three-year terms ($1,500,000 each; aggregate total $16,500,000) renewable for two additional years; authorize Director or designee to execute contracts; and make California Environmental Quality Act and other findings - All Districts

45231 **APPROVED AS RECOMMENDED**

21. Approve Design Phase Services contract MA-080-18011046 with BNBuilders, Inc. for constructionmanager at-risk for South County Probation Office Improvement Project, 2/6/18 - 2/5/19 ($71,080); authorize expenditure of funds for negotiated Construction Phase Services contract with BNBuilders, Inc. South County Probation Office Improvement Project, commencing upon execution ($4,000,000); authorize Director or designee to execute contracts; and make California Environmental Quality Act and other findings - District 5

54231 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

22. **Probation -** Adopt resolution making certain findings and authorizing expenditures to provide incentive items as awards for youth (amount not to exceed $100,000 per year); retroactively approve expenditures for incentives under certain conditions, 5/25/10 - 2/5//18 - All Districts (Continued from 1/23/18, Item 32)

14235 N **APPROVED AS RECOMMENDED EXCLUDING RECOMMENDED ACTION 1 (b)**

RESO: 18-013

SOCIAL SERVICES AGENCY

23. Ratify Assignment, Novation and Consent agreement 2923905.1-A1 from Enterprise Services, LLC toDXC Technology Services, LLC for California Work Opportunity and Responsibility to Kids Information Network (CalWIN) maintenance and operations services, 1/5/18 - 1/31/20 - All Districts

32451 X **APPROVED AS RECOMMENDED**

24. Approve agreement CAB1417 with Children's Home Society of California for Bridge Program child care navigator and trauma-informed and coaching services, 2/15/18 - 6/30/20 ($647,110); and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions - All Districts

32451 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

25. **County Counsel -** Acting as the Board of Supervisors and Orange County Flood Control District - Select Murphy & Evertz, LLP, Burke, Williams and Sorensen, LLP, Meyers Nave Riback Silver & Wilson, PLC, Price, Postel & Parma, LLP and Bergman Dacey Goldsmith, PLC as law firms to assist the Orange County Flood Control District in real property acquisition and representation in litigation for the proposed acquisition of real property interests for remaining portions of Santa Ana River Mainstem Project, including Santiago Creek and the Prado Dam, as well as other condemnation matters on an as-needed basis; and authorize

County Counsel to execute agreements - All Districts (4/5 vote of the members present)
35241 **APPROVED AS RECOMMENDED**

County Executive Office:

26. Approve recommended positions on introduced or amended legislation and consider otherlegislative subject matters - All Districts
24351 **APPROVED AS RECOMMENDED**

27. Approve FY 2017-18 Second Quarter Budget Report; approve related budget adjustments andreserves changes; amend master position control; direct Auditor-Controller to make payment from Fund 12J for DNA collection reimbursement; direct Auditor-Controller to make final distribution of B-13 Bankruptcy claims; establish Sheriff Special Appropriations fund for Sheriff's Narcotics Program ($45,000); and approve new classification specifications, and establish pay grades for Zoo Curator and Parks Animal Keeper series, effective 2/16/18; approve the addition of events to FY 2017-18 County Event Calendar; and make related findings - All Districts (RA 1 requires 4/5 vote of members present)
42351 **APPROVED AS AMENDED TO REMOVE 'CONSTITUENT HOME' FROM ATTACHMENT C FOR COMMUNITY COFFEE IN DISTRICT EVENT LOCATIONS IN ROSSMOOR, HUNTINGTON BEACH AND NEWPORT BEACH**

28. Approve grant applications/awards submitted by OC Community Resources, Health CareAgency, Sheriff-Coroner and Social Services Agency and ratify retroactive grant applications/awards submitted by Sheriff-Coroner and District Attorney in 2/6/18 grant report and other actions as recommended - All Districts
54231 **APPROVED AS RECOMMENDED**

29. **Registrar of Voters -** Approve contract MA-031-18010729 with Pitney Bowes Inc. for lease to ownpurchase of digital production color printing equipment for a five-year term ($3,418,358.20); adopt resolution authorizing contract with PNC Equipment Finance, LLC for purchase of digital production color printing equipment for five-year lease-to-own term ($3,418,358.20); approve contract MA-031-18010873 with Pitney Bowes Inc. for maintenance of digital production color printing equipment for five-year term ($161,429 per year); and authorize County Procurement Officer or authorized Deputy to execute contracts - All Districts
52341 **APPROVED AS RECOMMENDED**
RESO: 18-014

S29A. **Chairman Do -** Direct County Counsel to develop model by-laws for all County commissions,committees, and advisory boards and to establish bylaws for the Stepping Up Initiative and Orange County Criminal Justice Coordinating Council
13245 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

S29B. Ratify emergency contract CT-012-18010541 with BC Rentals, Inc. dba Clear Water Services,Inc. for emergency erosion control services, ($179,198.71); authorize County Procurement Officer or authorized Deputy to execute contract; and make California Environmental Quality Act and other findings - District 3
34251 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

Chairman Do:

S29C. Approve amendment to Board of Supervisors Rules of Procedure

B.O. **APPROVED AS AMENDED TO AMEND RULE 47 - TIME LIMITS (a) OF THE BOARD OF SUPERVISORS RULES OF PROCEDURE TO READ 'FOR EVERY REGULAR AND SPECIAL MEETING, EACH MEMBER OF THE PUBLIC MAY ADDRESS THE BOARD ON UP TO THREE OCCASIONS, WITH THREE MINUTES ALLOTTED TO THE SPEAKER PER OCCASION'**

V. PUBLIC HEARINGS (None)

VI. CLOSED SESSION (Items CS-1-SCS7)

GENERAL ADMINISTRATION

Human Resource Services:

CS-1. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section54957.6:
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 (IHSS), 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**

CS-2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government CodeSection 54957(b)(1):
Title: County Executive Officer

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

CS-3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government CodeSection 54957(b)(1):
Title: County Counsel

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

CS-4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government CodeSection 54957(b)(1):
Title: Clerk of the Board of Supervisors

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

County Counsel:

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant

toGovernment Code Section 54956.9(d)(1):
Name of Case: North Tustin Coalition v. County of Orange, et al. Orange County Superior Court Case No. 30-2018-00966627-CU-WM-CXC

B.O. **HELD, COUNTY COUNSEL READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF NORTH TUSTIN COALITION V. COUNTY 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 CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One

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

SCS7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Capistrano Unified School District v. County of Orange, et al. Orange County Superior Court Case No. 30-2017-00963064

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

VII. CEO, BOARD COMMENTS & ADJOURNMENT

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
None

ADJOURNED: 1:21 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)

Chair, Orange County Board of Supervisors

Orange County Clerk of the Board