REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 27, 2018, 9:30 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: Vice Chairman Nelson, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Spitzer, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS (None)

II. CONSENT CALENDAR (Items 1-12)

43251 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 12 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Spitzer -** Animal Care Community Outreach Committee - Appoint Kim Kane, Yorba Linda, for term ending 3/30/19

2. **Supervisor Steel -** Orange County Parks Commission - Appoint Michael Posey, Huntington

Beach, for term concurrent with 2nd District Supervisor's term of office

ELECTED DEPARTMENT HEADS

3. **Auditor-Controller -** Approve Internal Audit Quarterly Activity Status Report for October - December 2017 - All Districts

OC COMMUNITY RESOURCES

4. **Acting as the Successor Agency to the Orange County Development Agency -** Receive and fileRecognized Obligation Payment Schedule, 7/1/18 - 6/30/19; direct staff to notify the Board of Supervisors of any changes; and make California Environmental Quality Act and other findings - All Districts

OC PUBLIC WORKS

5. Approve contract MA-080-18011256 with ES Engineering Services, LLC for waste water systemmaintenance and analysis services, Joplin Youth Center 3/21/18 - 3/20/21 ($600,000); renewable for two additional one-year terms; authorize County Procurement Officer or authorized Deputy to execute contract; and make California Environmental Quality Act and other findings - District 3

GENERAL ADMINISTRATION

Clerk of the Board:

6. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for La Habra City School District - District 4

7. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forCapistrano Unified School District - District 5

8. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forOrange County Community Resources - All Districts

9. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forSanta Margarita Water District - District 5

10. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for OC Waste & Recycling - All Districts

11. Approve initial Conflict of Interest Code for Tomorrow's Leadership Collaborative CharterSchool, a California Public Charter School - District 3

12. **County Counsel -** Receive and file 2017 OC Fraud Hotline Annual Activity Report - All Districts

43251 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-S32B)

ELECTED DEPARTMENT HEADS

13. **Auditor-Controller -** Adopt recommendation of Audit Oversight Committee and RFP evaluation panel to select Vavrinek, Trine, Day & Co., LLP or alternatively select Macias Gini & O'Connell LLP, for independent auditing and related services; and authorize negotiation of contract for Board approval - All Districts
25341 **APPROVED AS RECOMMENDED**

14. **District Attorney -** Adopt resolution approving extension of $3.00 recording fee on certain real estateinstruments for funding prosecution and deterrence of real estate fraud crimes, 4/1/18 - 3/31/21; and making related findings - All Districts
35241 **APPROVED AS RECOMMENDED**
RESO: 18-015

Sheriff-Coroner:

15. 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 3/13/18, 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; 2/6/18, Item 12)
32451 **APPROVED AS RECOMMENDED**

16. Accept grant award from California Office of Emergency Services for 2017 EmergencyManagement Performance Grant funds ($774,162); approve agreement form to transfer funds to participating jurisdictions; authorize Sheriff-Coroner or designee to execute individual agreements; authorize Auditor-Controller to transfer funds to participating jurisdictions under certain conditions; and authorize County Procurement Officer or designee to purchase related equipment and services - All Districts
25341 **APPROVED AS RECOMMENDED**

17. Approve amendment 1 to agreement with City of Laguna Niguel for law enforcement services,3/2/18 - 6/30/18; adding two Motor Deputy Sheriff II positions and equipment ($209,356; new total $13,523,563); and amend master position control - District 5
52341 **APPROVED AS RECOMMENDED**

18. **Treasurer-Tax Collector -** Receive and file oral and written Treasury Oversight Committee 2017 Annual Report - All Districts
45231 **RECEIVED AND FILED**

HEALTH CARE AGENCY

19. Approve Memorandum of Understanding with Orange County Deaf Equal Access Foundation forprevention and early intervention services and data sharing; and authorize Director or designee to execute MOU - District 2

24351 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

20. Approve lease with Lamar Airport Advertising for advertising concession, effective 3/1/18, 10-year term; and make California Environmental Quality Act and other findings - District 2 (4/5 vote of members present)

24351 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

21. Approve contract MA-012-18011140 with Guadalupe Medina dba Santa Fe Building Maintenance forjanitorial services at various OC Community Resources facilities, 3/15/18 - 3/14/21 ($2,355,519.84) with option to renew for two additional one-year terms; authorize County Procurement Officer or authorized Deputy to execute contract and exercise cost contingency increase not to exceed 10% under certain conditions; and make California Environmental Quality Act and other findings - All Districts

42351 **APPROVED AS RECOMMENDED**

22. Approve and authorize $315,000 in general funds and $8,515 in FY 2016-17 Emergency Solutions Grant Rapid Rehousing Funds for continued and enhanced services for Armory Emergency Shelter Program to allow seasonal shelters to remain open through 4/15/18; authorize Director or designee to execute amendment 1 to contract #17-23-0015-PS with Mercy House Living Centers, Inc. to support FY 2017-18 armory program operations, 7/1/17 - 6/30/18 ($323,515; new total $1,621,228); and authorize Director or designee to make line item budget transfers under certain conditions - Districts 1 and 4

34251 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

23. Approve contracts MA-080-18010918 with Tetra Tech, Inc., MA-080-18010919 with GeosyntecConsultants, Inc., MA-080-18010920 with CDM Smith Inc., MA-080-18010921 with Pacific Advanced Civil Engineering, Inc., MA-080-18010922 with Michael Baker International, Inc., MA-080-18010923 with CWE, and MA-080-18010924 with Larry Walker Associates, Inc. for architect-engineer on-call watershed management plan/water quality improvement plan development and implementation services, three-year term ($1,500,000 each, aggregate total $10,500,000) with option to renew for two additional years; authorize Director or designee to execute contracts; and make California Environmental Quality Act and other findings - All Districts

52341 **APPROVED AS RECOMMENDED**

24. Approve contract MA-012-18011111 with Rudolph and Sletten, Inc. for construction manager at-riskservices for OC Zoo new restroom building & interim entry project ($52,480); and authorize Director or designee to execute contract - District 3

32451 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

25. Approve Fourth Cycle Regional Recycling and Waste Reduction Funding Agreements and allocationswith City of Anaheim, Inside the Outdoors, Discovery Cube, City of Irvine, Katella High School, and Costa Mesa Sanitary District, 2/27/18 - 2/26/23 ($2,410,749.76); authorize

Director or designee to finalize negotiations with OneOC for a five-year term ($588,386.67); and authorize Director or designee to execute agreements - All Districts

24351 **APPROVED RECOMMENDED ACTIONS 1-3; DIRECTED OC WASTE AND RECYCLING TO FINALIZE NEGOTIATIONS WITH ONEOC AND TO RETURN TO THE BOARD FOR APPROVAL OF AGREEMENT ON 3/13/18**

SOCIAL SERVICES AGENCY

26. Approve agreement CCC1517 with Volunteers of America Los Angeles for resource and support service for child victims of commercial sexual exploitation, 3/1/18 - 6/30/20 ($594,000); renewable for two additional one-year terms; and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions - All Districts

32451 **NOT APPROVED; DIRECTED SOCIAL SERVICES AGENCY TO NEGOTIATE AN AGREEMENT WITH ORANGEWOOD FOUNDATION AND INCLUDE THE DELIVERY SERVICES TO BE PROVIDED (I.E. CASE MANAGEMENT, OUTREACH, ASSESSMENT AND CRISIS INTERVENTION SERVICES) INCLUDING CRISIS MANAGEMENT TO BE PROVIDED TO VICTIMS WITHIN A FEW HOURS; AND TO RETURN TO THE BOARD AT A FUTURE DATE**

GENERAL ADMINISTRATION

County Executive Office:

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

25341 **APPROVED AS RECOMMENDED**

28. Approve grant applications/awards submitted by Sheriff-Coroner, Health Care Agency, OCCommunity Resources and District Attorney and ratify retroactive grant applications/awards submitted by OC Community Resources in 2/27/18 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute grant subaward amendment VW 17360300 and future amendment under certain conditions with California, Office of Emergency Services (CalOES) for Victim/Witness Assistance Program, 10/1/17 - 9/30/18 ($2,579,531); and make California Environmental Quality Act and other findings - All Districts

35241 **APPROVED AS RECOMMENDED**
RESO: 18-016

29. Approve purchase of office building at 265 S. Anita Drive, Orange for Health Care Agency($7,799,050); authorize Chief Real Estate Officer or designee to execute Certification of Acceptance of grant deed from Fountain Valley School District; direct Auditor-Controller, upon notification from Chief Real Estate Officer or designee to increase appropriations and issue checks or wire funds as required; authorize Chief Real Estate Officer or designee to negotiate and execute contract with RiverRock Real Estate Group for property management services; approve payment for relocation services (up to $1,270,000); and make California Environmental Quality Act and other findings - District 3 (RA 6 requires 4/5 vote of members present)

34251 **APPROVED AS RECOMMENDED**

30. Approve lease agreement with 1400 North Harbor Boulevard Investors, LLC for office space for District Attorney's north court annex, 3/1/18 - 2/29/28; authorize Chief Real

Estate Officer or designee to execute subsequent lease amendments for non-monetary and/or monetary changes under certain conditions; and make California Environmental Quality Act and other findings - District 4

34251 **APPROVED AS RECOMMENDED**

31. Approve amendment 1 to lease with Dolphinshire, L.P. for public service center and office space for Social Services Agency, Garden Grove Regional Center at 12912 Brookhurst Street, Garden Grove, for 10 years through 3/31/28; authorize Chief Real Estate Officer or designee to execute subsequent lease amendments for non-monetary changes and/or monetary changes under certain conditions; and make California Environmental Quality Act and other findings - District 1

15234 **APPROVED AS RECOMMENDED**

32. **Human Resource Services -** Approve amendment 4 to contract with California Physician Services, dba Blue Shield of California for claims administration, cost management services and Preferred Provider Organization Network for self-insured PPO Health Plans and Management and Attorney Dental Plan, 1/1/19 - 12/31/19; and authorize Chief Human Resources Officer or designee to execute amendment - All Districts

54231 **APPROVED AS RECOMMENDED**

S32A. **Supervisor Spitzer and Supervisor Nelson -** Direct Registrar of Voters to place "An Ordinance of the County of Orange, California, Adding Article 6 to Title 1, Division 1 of the Codified Ordinances of the County of Orange Adopting Restrictions Regarding the Public Funding of Mass Mailings" on the ballot for Statewide Direct Primary Election on June 5, 2018; direct County Counsel to prepare ballot language and impartial analysis of ordinance; and direct Auditor-Controller to prepare a fiscal impact statement consistent with Section 701 of the County Charter

35241 **NOT APPROVED; THE BOARD CONTINUED SUPERVISOR BARTLETT'S ALTERNATIVE PROPOSAL TO 3/13/18, 9:30 A.M. AND DIRECTED COUNTY COUNSEL TO PREPARE (1) A BEST PRACTICES GUIDE FOR COUNTY PUBLIC OFFICIALS WHO CONDUCT MASS MAILINGS; (2) A BEST PRACTICES CHECKLIST; (3) A RESOLUTION OR ORDINANCE THAT REQUIRES COUNTY PUBLIC OFFICIALS TO SEEK COUNTY COUNSEL ADVICE ON ALL MASS MAILINGS; (4) A RESOLUTION OR ORDINANCE PROHIBITING THE FUNDING OF MASS MAILINGS FOR EVENTS AT PRIVATE RESIDENCES; AND (5) TRAINING MATERIALS FOR COUNTY ELECTED OFFICERS AND STAFF WHO INTEND TO CONDUCT MASS MAILINGS. COUNTY COUNSEL WAS FURTHER DIRECTED TO INCORPORATE A SUPERMAJORITY VOTING REQUIREMENT WITH RESPECT TO FUTURE SUBSTANTIVE AMENDMENTS TO THE REQUESTED ORDINANCE.**

ELECTED DEPARTMENT HEADS

S32B. **District Attorney -** Receive and file oral report on state of vehicle theft and update for additional funding of Orange County Auto Theft Task Force - All Districts

RECEIVED AND FILED

IV. PUBLIC HEARINGS (None)

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

GENERAL ADMINISTRATION

CS-1. **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 (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**

SCS2. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: 265 S. Anita Drive, Orange, CA
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Fountain Valley School District
Under Negotiation: Terms and Value of Future Sale

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

County Counsel:

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Sharp v. County of Orange USDC Case No. SACV 14-00331

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

SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: B.R. v. County of Orange USDC Case No. SAV 15-00626

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

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Orange County Catholic Worker, et al. v. Orange County, et al., United States District Court Case No. 8:18-cv-00155-DOC-JDE

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Brigitte - Oral Re: Attorney General criminal complaint against the Board; real estate fraud, tax fraud against theIRS and the State of California Franchise Tax Board, money laundering of Social Security assets, falsification of records by County Counsel and the County of appointees to remove him as trustee; illegally removing the public from public meetings

The Cameraman - Oral Re: Displayed photo of Supervisor Spitzer at the Tet Festival on February 17 in Garden Grove; free speech at Board Meetings; filming people at the riverbed and Sheriff Deputies; First Amendment Rights and SB411

Lou Noble - Oral Re: Victim of unlawful foreclosure and real estate fraud; homeless living on the riverbed in cities are categorized as criminals; shelters needed for the homeless in every city; hotel vouchers and miscommunication to the homeless regarding vouchers; Alfresco Gardens

Chad Kurthy - Oral Re: 911 dispatcher in the Orange County Fire Authority's 911 Center; OCFA is attempting todecrease the daily staffing of the current 911 Center; provided two studies regarding the OCFA's 911 Center staffing

Ilya Tseglin - Oral Re: Nate Tseglin; illegal scam of kidnapping, profiteering of public funding for disabled treatment and services from Regional Center; Public Defender; Probate Court and judges; OC Regional Center

Robert Tseglin - Oral Re: Nate Tseglin; kidnapped from his residences in San Diego which was initiated by the San Diego Regional Center and by Irvine Police Department; placed and removed from group home; cover-up of physical abuse; concealment of medical records and removed conservatorship

Luis Hernandez - Oral Re: Requested help regarding his children; thanked social workers and former United States Representative Loretta Sanchez; tragedy in Florida school shooting; mental health issues

Samantha Pence - Oral Re: Disappointed with the Board's decision to replace Volunteers of America Los Angeles with Orangewood Foundation

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
None

ADJOURNED: 1:49 P.M.

*** KEY ***

Left Margin Notes

1. = Supervisor Do

A. = Abstained

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

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