REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 10, 2015, 9:00 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 Nelson, Fourth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Do presented a resolution commemorating the 240th Birthday of the United States Marine Corps to the USMC Recruiting Command of Orange County

II. CONSENT CALENDAR (Items 1-17)

14253 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 3 WHICH WAS CONTINUED TO 12/8/15, 9:30 A.M.; ITEM 6 WHICH WAS CONTINUED TO 12/15/15, 9:30 A.M.; AND ITEM 17 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairman Spitzer -** Orange County Human Relations Commission - Reappoint Richard Steinberg,Lake Forest, for term ending 11/9/17

2. **Supervisor Do -** Orange County Planning Commission - Appoint Trung "Joe" Q. Ha, Westminster, forterm concurrent with 1st District Supervisor's term of office

ELECTED DEPARTMENT HEADS

3. **District Attorney -** Approve Memorandum of Understanding with Orange County Society for thePrevention of Cruelty to Animals for free pet therapy services for certain individuals who participate in legal proceedings - All Districts

14253 **CONTINUED TO 12/8/15, 9:30 A.M.**

Sheriff-Coroner:

4. Accept one-time donation valued at $13,297 from Orange County Sheriff's Advisory Council toinstall drought-resistant landscaping, Katella Training Facility; and make California Environmental Quality Act and other findings - District 3

5. Receive bids and award contract to Interfinish Corp., Inc. for replacement of carpet and vinylfloor tiles on the fourth and sixth floors of Brad Gates Forensic Science Building ($171,853); and make California Environmental Quality Act and other findings - District 1

6. Approve amendment 2 to agreement with The Reynolds Group for additional testing, monitoring and reporting of environmental site assessment, James A. Musick Facility Phase 1 Jail project ($29,520; cumulative total $127,535); authorize Sheriff-Coroner or designee to execute amendment; and make California Environmental Quality Act and other findings - Districts 3 & 5

14253 **CONTINUED TO 12/15/15, 9:30 A.M.**

7. Approve amendment 1 to license agreement PM 462-6620-03-19-23.1 with City of Irvine forcontinued use of space for training purposes at Sheriff's Katella Training Facility, Orange ($1,262.50; cumulative total $3,931.50); five year term commencing date of execution; renewable for five year period; and make California Environmental Quality Act findings and other findings - District 3

Treasurer-Tax Collector:

8. Approve agreement MA-074-16010777 with OPEX Corporation for maintenance of mailprocessing equipment, 12/1/15 - 11/30/18 ($107,213); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

9. Approve amendment 1 to Memorandum of Understanding with Superior Court, for establishinga separate bank account for Juvenile Traffic Citation revenue; and authorize Treasurer-Tax Collector to execute Memorandum of Understanding - All Districts

JOHN WAYNE AIRPORT

10. Approve plans and specifications and set bid opening for 12/16/15, 2:00 p.m. for Lighting SystemUpgrades project - District 2

OC PUBLIC WORKS

11. Select various firms in ranked list for on-call architect-engineer and professional consultant historicalarchitecture services, 11/10/15 - 11/9/20; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act and other findings - All Districts

12. Approve agreement MA-080-16010174 with GEI Consultants, Inc. for on-call architect-engineersupport services for environmental regulation, 11/10/15 - 11/9/18 ($400,000); authorize Director or designee to execute agreement; and make California Environmental Quality Act and other findings - All Districts

13. Acting as the Board of Supervisors - approve and execute quitclaim deed to Orange County FloodControl District; Acting as Board of Supervisors and Orange County Flood Control District - approve and accept quitclaim deed from Orange County; approve and execute quitclaim deed to Orange County Transportation Authority for removal of liability and maintenance obligations for superseded Bixby Channel right of way at State Route 405 Freeway, near Seal Beach Blvd.; and make related findings - District 2

GENERAL ADMINISTRATION

14. **Clerk of the Board -** Approve 2016 Board of Supervisors regular meeting schedule - All Districts

15. **Clerk of the Board and County Counsel -** Approve proposed amendments to the Conflict of InterestCode Designated Filer Exhibits for Auditor-Controller, Board of Supervisors First District, Board of Supervisors Fourth District, Clerk of the Board, Clerk-Recorder, County Counsel, County Executive Office, Department of Child Support Services, District Attorney, Health Care Agency, John Wayne Airport, OC Community Resources, OC Dana Point Harbor, OC Public Works, OC Waste & Recycling, Probation, Public Defender, Registrar of Voters, Sheriff-Coroner, Social Services Agency and Treasurer-Tax Collector - All Districts

16. **County Executive Office -** Receive and file Quarterly Information Technology Project Progress DetailReport for 1st Quarter FY 2015-16 - All Districts

17. **Supervisor Steel -** Direct Auditor-Controller in accordance with Election Code section 9160(c), toprepare and within sixty days provide to the Board a fiscal impact statement describing and summarizing fiscal costs of measure establishing a Campaign Finance and Ethics Commission, approved for placement on 6/7/16 election ballot

14253 **CONTINUED TO 12/15/15, 9:30 A.M.; DIRECTED STAFF TO DO AN ANALYSIS DEFINING FISCAL COSTS TO ESTABLISH CAMPAIGN FINANCE AND ETHICS COMMISSION AS THE BALLOT MEASURE WAS PREPARED; CONDUCT A COMPARISON OF THE COSTS OF OTHER COMMISSIONS WITHIN ORANGE COUNTY OR ETHICS COMMISSIONS THOUGHOUT THE STATE; AND TO COORDINATE WITH THE AUDITOR-CONTROLLER.**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 18-35)

ELECTED DEPARTMENT HEADS

18. **Clerk-Recorder -** Approve amendment 2 to Multi-County agreement with Counties of Los Angeles,Orange, Riverside and San Diego for shared ownership and ongoing maintenance of Statewide Electronic Courier Universal Recording Environment electronic recording delivery system ($250,000; new total $3,168,875) effective upon Board approval through 8/18/18; and authorize Clerk-Recorder or his designee to execute agreement - All Districts

15243 **APPROVED AS RECOMMENDED**

District Attorney:

19. Approve amendment 3 to renew agreement MA-026-13010867 with Southern California Private Investigators, Inc. for document analysis services, 1/1/16 - 12/31/16 ($200,000; cumulative total $800,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

14253 **APPROVED AS RECOMMENDED**
N

20. Approve amendment 2 to renew agreement MA-026-14010833 with Bode Cellmark Forensics,Inc. for forensic DNA testing services, 1/1/16 - 12/31/16 ($995,000; cumulative total $2,985,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

14253 **APPROVED AS RECOMMENDED**

21. **Treasurer-Tax Collector -** Approve retroactive agreement M597504 with California EmploymentDevelopment Department to obtain confidential wage, employer and insurance claim data, 1/1/15 - 12/31/18 ($15,706.70); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

54123 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

22. Ratify retroactive agreement 15-78008-000 with California Department of State Hospitals forconditional release program, 7/1/15 - 6/30/16 ($1,482,349); and authorize Director or designee to execute agreement - All Districts

41253 **APPROVED AS RECOMMENDED**

23. Ratify retroactive amendment 2 (7/1/15 - 6/30/16) to agreement 14-90077 with California Department of Health Care Services for substance use disorder services, 7/1/14 - 6/30/17 ($948,796; new total $21,019,473; cumulative total $61,205,775); and authorize Director or designee to execute amendment - All Districts

15243 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

24. Approve Commercial Day Camp Licenses with U.S. Ocean Safety, Inc. dba OC Lifeguards andCalifornia Junior Lifeguard Programs, Inc. for Junior Lifeguard Programs, Salt Creek Beach, five year term with option to extend for additional five years; and make California Environmental Quality Act and other findings - District 5

54123 **APPROVED AS RECOMMENDED**

25. Approve amendment 2 to agreement MA-012-14010024 with Parking Concepts, Inc. for parkingmanagement services at OC Parks facilities, 1/1/16 - 12/31/16; and authorize County Purchasing Agent or authorized Deputy to execute amendment - All Districts
15243 **APPROVED AS RECOMMENDED**

26. **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 (Continued from 10/20/15, Item 16)
45123 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

27. Consider second reading and adoption of "An Ordinance of the County of Orange, California AddingSection 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" - All Districts (Continued Attachment B from 10/20/15, Item 26; 1st reading was heard on 10/27/15, Item 20)
25143 **APPROVED AS RECOMMENDED**
ORD: 15-020

28. Receive bids and award contract to Sukut Construction, LLC for Phase VIIIB-1 Buttress and LinerConstruction Project at Frank R. Bowerman Landfill ($11,127,323) - District 3
34125 **APPROVED AS RECOMMENDED**

29. Receive bids and award contract to CJW Construction, Inc. for maintenance and dredging project inDana Point Harbor ($3,926,100) - District 5
53124 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

30. Accept California Governor's Office of Emergency Services Child Abuse Treatment Program grantfunds 10/1/15 - 9/30/16 ($225,000); and approve agreement FRB1715 with Olive Crest and Child Guidance Center, Inc. for comprehensive treatment services to child victims of abuse and violence, 11/10/15 - 9/30/20 ($1,778,750) - All Districts
53124 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

31. Approve recommended positions on introduced or amended legislation and consider otherlegislative subject matters - All Districts
15243 **APPROVED AS RECOMMENDED**

32. Adopt resolution determining no exchange of property tax revenues will occur for the MeyerReorganization to City of Anaheim (RO 15-01) as a result of the detachment of property from Municipal Water District of Orange County - District 3

34125 **APPROVED AS RECOMMENDED**
RESO: 15-121

33. Approve grant applications/awards submitted by Health Care Agency, OC CommunityResources/OC Community Services and OC Public Works in 11/10/15 grant report and other actions as recommended; adopt resolution authorizing HCA Director or designee to submit grant applications for continued funding of various department programs and directing annual submittal of a list of routine continued funding grant applications for Board approval; adopt resolutions authorizing HCA Director or designee to submit and execute applications, related documents and amendments to State Department of Resources Recycling and Recovery (CalRecycle) for Local Enforcement Agency grant, Waste Tire Enforcement grant and Used Oil Payment Program; and adopt resolution authorizing OC Public Works Director or designee to negotiate, execute agreements and amendments with California Coastal Commission for Whale Tail grant ($20,000) - All Districts

15243 **APPROVED AS RECOMMENDED**
RESO: 15-122 - 15-126

34. **Human Resource Services -** Approve agreement with Standard Insurance Company for Long-TermDisability Insurance, third-party administration of County's self-insured Short-Term Disability Insurance plan and Reserve Deputy Sheriff Disability Income Protection Plan for certain represented eligible employee units, 1/1/16 - 12/31/18; renewable for two additional one-year periods; and authorize Chief Human Resources Officer or designee to execute agreement and to make any changes to document as required by law or regulatory authority - All Districts

52143 **APPROVED AS RECOMMENDED**

35. **Chairman Spitzer and Supervisor Do -** Relating to the independent oversight and review of Countyoperations, receive and file updated progress report of Special Counsel Michael Gennaco; provide direction to County Counsel and Mr. Gennaco to prepare amendments to Article 18 of Division 2 of Tile 1 of the Codified Ordinances of the County of Orange pertaining to the Office of Independent Review (OIR) that (1) amend the jurisdiction of the OIR to additionally include oversight and review of the Probation Department, Office of the District Attorney, Office of Public Defender, and the Social Services Agency, (2) enhance the reporting obligations of the OIR to the Board of Supervisors

13245 **APPROVED AS RECOMMENDED**
NN

IV. PUBLIC HEARINGS (None)

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Gaylan Harris, et al. v. County of Orange, United States District Court Case No. SA09CV00098- AG (MLGx)

B.O. **HELD, THE CHAIRMAN READ: THE BOARD BY A UNANIMOUS VOTE,**

AUTHORIZED COUNTY COUNSEL TO SUBSTITUTE THE FIRM RENNE SLOAN HOLTZMAN SAKAI LLP, FOR MEYERS NAVE IN THE CONTINUING DEFENSE IN THE MATTER OF GAYLAN HARRIS, ET AL. V. COUNTY OF ORANGE; AND AUTHORIZED COUNTY COUNSEL TO EXECUTE THE COUNTY'S STANDARD LEGAL SERVICES AGREEMENT WITH RENNE SLOAN HOLTZMAN SAKAI LLP, AND TO INCLUDE AN INCREASE THE COUNSEL'S HOURLY RATE IN THE COUNTY IN THE MATTER OF GAYLAN HARRIS, ET AL. V. COUNTY OF ORANGE.

CS-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION OF LITIGATION pursuant to Government Code section 54956.9(d)(4):
Number of Cases: One Case

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

CS-3. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant toGovernment Code Section 54956.8:
Property Location: Orange County Flood Control District owned +/- 95 acre property located at the intersection of Mountain Avenue and Bickmore Avenue, Chino, CA
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Future Lessees or Purchasers
Under Negotiation: Terms and Value of Future Lease or Sale

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

Human Resource Services:

CS-4. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: Performance Audit Director

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

CS-5. 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. **HELD, NO REPORTABLE ACTION**

SCS6. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: Clerk of the Board

B.O. **HELD, THE CHAIRMAN READ: BY A UNANIMOUS VOTE, APPOINTED ROBIN STIELER AS CLERK OF THE BOARD, SUBJECT TO RATIFICATION OF AN EMPLOYMENT AGREEMENT AT THE BOARD MEETING ON NOVEMBER 17, 2015.**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Report by Michael Gennaco, OIR, District Attorney, approval of EthicsCommission, Tseglins, Public Defender

Julie Sargent - Oral Re: Support of Kinship Center

Ilya Tseglin - Oral Re: Oversight of Social Services Agency, Public Defender, police, and courts, Public Defender's office misrepresenting clients, conservatorship of son, Nate Tseglin

Robert Tseglin - Oral Re: OIR, courts and Public Defender, Adult Protective Services, Child Protective Services

Nick Berardino - Oral Re: United States Postal Service community unveiling of Vietnam War 50th AnniversaryMedal of Honor stamp on Wednesday, Nov. 11, 2015 at the OC Fair & Event Center; and the 240th Birthday of the United States Marine Corps

Robert Ruble - Oral Re: Support of Kinship Center

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Vice Chair Bartlett - Oral Re: Congratulated OC Parks for winning project of the year for the Aliso and Wood Canyons Entry Improvement Project

Chair Spitzer - Oral Re: Announced special meeting to be held on November 17, 2015 at 11:00 a.m. regarding homeless shelter, 1000 N. Kraemer

ADJOURNED: 1:20 P.M.

53124 **Adjourned in memory of Gene Burrus**

23145 **Adjourned in memory of Sangju Sung and George Stelle**

*** 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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Interim Orange County Clerk of the Board