REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 14, 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	Michael B. Giancola
	COUNTY COUNSEL	Nicholas S. Chrisos
	INTERIM CLERK OF THE BOARD	Robin Stieler

INVOCATION: Supervisor Do, First District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chairman Spitzer presented a resolution proclaiming April 2015 as "Month of the Military Child"

Supervisor Steel presented a resolution recognizing the Vest-A-Dog program that supports the Newport Beach Police Department

II. CONSENT CALENDAR (Items 1-14)

54123 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3 AND 14 WHICH WERE DELETED; ITEM 7 WHICH WAS PULLED FOR DISCUSSION AND**

SEPARATE VOTE; AND ITEM 8 WHICH WAS CONTINUED TO 4/21/15, 9:30 A.M.

BOARD APPOINTMENTS

1. **Chairman Spitzer -** Orange County Veterans Advisory Council - Reappoint Robert McDonald,Anaheim Hills, for term ending 4/14/17

2. **Supervisor Bartlett -** Acting as the Orange County Housing Authority - Housing and CommunityDevelopment Commission - Appoint Kathryn McCullough, Lake Forest, to complete term ending 6/30/15

3. **Supervisor Steel -** Oversight Board of the Successor Agency to the City Redevelopment Agency,Stanton - Appoint Nancy Heitman (Continued from 3/24/15, Item S58A)

54123 **DELETED**

COMMENDATIONS/PROCLAMATIONS/REPORTS

4. **Chairman Spitzer -** Adopt resolution declaring April 20-26, 2015 as "Orange County Science andEngineering Week"
RESO: 15-025

ELECTED DEPARTMENT HEADS

5. **Auditor-Controller -** Receive and file Comprehensive Annual Financial Report for year ended June2014 - All Districts

Sheriff-Coroner:

6. Receive bids and award contract to Los Angeles Air Conditioning, Inc. for replacement of foursteam boilers at Theo Lacy Facility ($339,000) - District 3

7. Authorize use of County bus to be driven by Sheriff-Coroner employee to transport 22 FoothillHigh School students and five or six chaperones participating in the "Every 15 Minutes" program on April 29 and 30, 2015; and make other findings - District 3

32145 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

8. Adopt resolution approving OC Animal Care, OC Community Services and OC Public LibrariesMarketing Plans to pursue sponsorships with non-profit organizations, private sector organizations and businesses in support of programs and events, one-year term effective date of execution; authorize Director or designee to return to the Board with proposed agreements; and make related findings - All Districts (Continued from 3/24/15, Item 21)

54123 **CONTINUED TO 4/21/15, 9:30 A.M.**

9. Adopt resolution approving State Standard Agreement MI-1415-22 and Contractor/VendorConfidentiality Statement with California Department of Aging for Medicare Improvements for Patients and Providers ACT (MIPPA) services 2/1/15 - 9/29/15 ($109,474); authorizing Director or designee to execute agreement and exercise contingency cost increase or decrease not to exceed 10% under certain conditions; approve agreement with Council on Aging - Orange County for MIPPA services through 6/30/15 ($68,969); and authorize Director

or designee to exercise contingency cost increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts
RESO: 15-026

10. Approve amendment 2 with Pacific Gateway Workforce Investment Network to increase WorkforceInvestment Act Cost Reimbursement agreement 14-28-0010-OS ($198,726; new total $698,726) term ending 6/30/15; authorize Director or designee to execute amendment and exercise cost contingency increase not to exceed 10%, and make line item budget transfers under certain conditions - All Districts

11. Approve selection of Abrazar, Inc. for senior non-emergency medical transportation services, ServiceArea 1, North County (Anaheim, Anaheim Hills, Brea, Buena Park, El Modena, Fullerton, La Habra, La Palma, Olinda, Olive, Orange, Orange Hills, Orange Park Acres, Placentia, Villa Park, Yorba Linda), 7/1/15 - 6/30/16, renewable for one additional one-year term; authorize negotiation of agreement for Board approval - Districts 2, 3 and 4

OC PUBLIC WORKS

12. Receive bids and award contract to Crosstown Electrical & Data, Inc. for construction of AntonioParkway Fiber Optics Communications project ($240,750) - District 5

13. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approveamendment 2 to Cooperative Agreement D02-119 with the City of Tustin to incorporate necessary schedule modifications for Peters Canyon Channel improvements; adopt feasible mitigation measures; authorize Director or designee to execute future amendments under certain conditions; and consider application of Final Environmental Impact Statement and Environmental Impact Report SCH No. 1994071005 and other findings - District 3

GENERAL ADMINISTRATION

14. **County Executive Office -** Receive and file Quarterly Information Technology Project Status Detail,Executive Summary and Risk Assessment Reports for October - December 2014 - All Districts (Continued from 2/10/15, Item 17; 3/10/15, Item 16)

54123 **DELETED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 15-S37A)

ELECTED DEPARTMENT HEADS

15. **Assessor Department -** Approve increase of compensation for agreement MA-002-13010579 withBrainsharp Inc., for current term ($277,000, new total $1,752,910); and approve one year extension, 7/1/15 - 6/30/16 ($984,000) for ongoing maintenance and support for Assessment Tax System (ATS II); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

52143 **APPROVED AS RECOMMENDED**

16. **District Attorney -** Receive and file oral report on status of gang injunctions in Orange County - AllDistricts

RECEIVED AND FILED

Sheriff-Coroner:

17. Approve amendment 2 to agreement MA-060-12011305 with MorphoTrust USA, Inc. dbaMorphoTrust USA LLC for live scan equipment, accessories, supplies, software and maintenance, 5/1/15 - 4/30/16 ($450,000; cumulative total $1,250,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

45123 **APPROVED AS RECOMMENDED**

18. Approve amendment 4 to five-year agreement with City of Garden Grove for enhanced forensicservices, 7/1/14 - 6/30/15 ($67,232 decrease; new total $368,085; cumulative total $1,176,681); and authorize Sheriff-Coroner or designee to execute amendments under certain conditions - District 1

12453 **APPROVED AS RECOMMENDED**

19. Approve amendment 3 to agreement MA-060-12011980 with Charles R. Eastman dba NewportHelicopter Service for helicopter mechanic services, 7/1/15 - 6/30/16 ($7,560; new total $259,560; cumulative total $1,008,360); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

45123 **APPROVED AS RECOMMENDED**

20. Approve retroactive Memorandum of Agreement and related documents with County of SanDiego and participating public entities for 2014 Operation Stonegarden Grant; retroactively accept 2014 grant award funds from California Office of Emergency Services ($200,000); and authorize Sheriff-Coroner to execute agreement and related documents - All Districts

45123 **APPROVED AS RECOMMENDED**

21. Approve retroactive payment to General Dynamics for Ordinance and Tactical Systems (OTS)Simunitions Training, 12/18/14 - 12/20/14 ($5,355) - All Districts

41253 **APPROVED AS RECOMMENDED**

22. Ratify and approve retroactive amendment 4 to agreement MA-060-14010323 with All CityManagement Services, Inc. for provision of crossing guard services, 11/1/13 - 10/31/14 ($25,000; new total $555,000) and MA-060-15010322, 11/1/14 - 10/31/15 ($25,000; new total $582,340.80); authorize retroactive payments; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

15243 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

23. Approve selection of and agreements with Emergency Ambulance Service, Inc. for Exclusive OperatingArea A and Care Ambulance Service, Inc. for Exclusive Operating Area B, C, D and E for 9-1-1 Emergency Ambulance Transportation Services, 6/1/15 - 5/31/20; authorize Director or designee to execute agreements; approve selection of and agreements for alternate service providers with Care Ambulance Service, Inc. for Exclusive Operating Area A, AmeriCare MedServices, Inc. for Exclusive Operating Area B, and Herren Enterprises, Inc. dba Doctor's Ambulance Service for Exclusive Operating Areas C, D and E; and authorize Director or designee to execute agreements with alternate service providers under certain conditions - All Districts

53124 **DIRECTED STAFF TO SCHEDULE A SPECIAL MEETING ON 4/28/15, 9:30 A.M. AND CONTINUED ITEM 23 TO THE SPECIAL MEETING.**

24. Ratify retroactive standard agreement with California Department of Public Health for HIV ExpandedTesting Program, 1/1/15 - 12/31/17 ($240,000); and authorize Director or designee to execute agreement, Certification Regarding Lobbying, CCC-307 Certification Clauses and Contractor's Release Form - All Districts

54123 **APPROVED AS RECOMMENDED**

25. Approve amendment A to agreement with California Department of Health Care Services for Medi-CalTargeted Case Management Provider Participation, 7/1/15 - 6/30/18; and authorize Director or designee to execute agreement - All Districts

54123 **CONTINUED TO 5/5/15, 9:30 A.M.**

OC COMMUNITY RESOURCES

26. **Acting as the Board of Supervisors and Orange County Housing Authority** - Approve amendment 6to agreement MA-012-10012969 with People for Irvine Community Health dba 2-1-1 Orange County for technical assistance for 2015 Homeless Assistance Continuum of Care grant application process ($50,000; cumulative total $1,167,772), effective upon Board approval; authorize Director or designee to exercise a cost contingency increase not to exceed 10% under certain conditions; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

51243 **APPROVED AS RECOMMENDED**

27. Approve amendment 4 to agreement MA-012-12012135 with Exclusive Network Enterprises forInformation Technology Temporary Help services, 6/1/15 - 5/31/16 ($270,000; cumulative total $1,260,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

24153 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

28. Approve amendment 4 to agreement MA-080-11011725 with South Coast Water District for PocheClean Beach Project Long Term Operation Services, 7/1/15 - 6/30/16 ($200,000; cumulative total $800,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 5

54123 **APPROVED AS RECOMMENDED**

29. Approve amendment 2 to agreement MA-080-13011730 with West Coast Arborist, Inc. for tree trimming services, 6/18/15 - 6/17/18 ($2,265,000; cumulative total $3,775,000); and authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act and other findings - All Districts

41253 **APPROVED AS RECOMMENDED**

30. Approve amendment 2 to agreement MA-080-13011980 with J. Orozco Enterprise Inc. dba OrozcoLandscape and Tree Company for channel cleaning services of various flood control facilities, 7/1/15 - 6/30/16 ($500,000; cumulative total $2,000,000); renewable for two additional years; authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act and other findings - All Districts

12453 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

31. **Probation -** Approve renewal of agreement with Redwood Toxicology Laboratory, Inc. for provision ofurinalysis, oral fluids and ethyl glucuronide laboratory testing services and on-site testing services, 5/1/15 - 4/30/16 ($400,000; cumulative total $1,200,000); renewable for two additional one-year periods; and authorize Chief Probation Officer to execute agreement - All Districts

51243 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

32. Select Boys Town California, Inc. for Sibling Residential Homes services, Tustin Family Campus,7/1/15 - 6/30/18; and authorize negotiation of agreement for Board approval - All Districts

54123 **CONTINUED TO 5/5/15, 9:30 A.M.**

GENERAL ADMINISTRATION

33. **Clerk of the Board -** Children and Families Commission - Approve selection of one individual to theEducation Category (annual alternating category); one individual to the Education Category; and one individual to the Health Category, for terms ending 3/31/17 - All Districts

32145 **SELECTED AND APPOINTED HUGH HEWITT TO EDUCATION CATEGORY (ANNUAL ALTERNATING CATEGORY); SANDRA BARRY TO EDUCATION CATEGORY; AND KIMBERLY CHAVALAS CRIPE TO HEALTH CATEGORY.**

County Executive Office:

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

51234 **APPROVED CHANGE TO WATCH POSITION FOR AB 361**

51243 **APPROVED TO SUPPORT POSITION FOR AB 24**

51243 **APPROVED TO SUPPORT POSITION FOR AB 838**

51243 **APPROVED TO SUPPORT POSITION FOR AB 1500**

51243 **APPROVED TO SUPPORT POSITION FOR SB 267**

51243 **APPROVED TO SUPPORT POSITION FOR SB 333**

51243 **APPROVED TO SUPPORT POSITION FOR SB 722**

51243 **APPROVED TO SUPPORT IF AMENDED POSITION FOR AB 851**

51243 **DELETED AB 896**

51243 **APPROVED TO OPPOSE UNLESS AMENDED POSITION FOR SB 355**

35. Approve retroactive amendment 4 to cooperative agreement C-9-0258 with Orange CountyTransportation Authority and City of Santa Ana for continued maintenance of restrooms in the former Santa Ana Transit Terminal, renewal for 11/1/14 - 10/31/15 ($36,568) and 11/1/15 - 10/31/16 ($38,724); and authorize County Executive Office to amend, renew and execute agreement - District 1

13245 **APPROVED AS RECOMMENDED**

36. Approve and adopt Policy and Procedure for Board of Supervisors sponsorship of County events- All Districts

52143 **CONTINUED TO 5/5/15, 9:30 A.M. AND DIRECTED CFO TO ALLOCATE AN ANNUAL BUDGET FOR EACH BOARD OFFICE IN 3RD QUARTER BUDGET REPORT**

37. Approve grant applications/awards submitted by John Wayne Airport and Sheriff-Coroner andratify retroactive grant applications/awards submitted by Registrar of Voters in 4/14/15 grant report and other actions as recommended - All Districts

45123 **APPROVED AS RECOMMENDED**

S37A. **Vice Chair Bartlett and Supervisor Nelson -** Adopt resolution to repudiate the sentence imposed bySuperior Court Judge M. Marc Kelly in People v. Kevin Nieto-Rojano, Orange County Superior Court case No. 14CF1874, to formally rebuke, censure, and demand the resignation of Judge Kelly from the Orange County Superior Court, and to make related findings

51243 **CONTINUED TO 4/21/15, 9:30 A.M.**

IV. PUBLIC HEARINGS (Items 38-40)

OC PUBLIC WORKS

38. Public Hearing to consider adopting resolution approving 2015 Weed Abatement Program and direct OCPublic Works to report back to the Board on 8/4/15 and 8/2/16 with itemized cost reports; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBILC HEARING**

53124 **APPROVED AS RECOMMENDED**
RESO: 15-027

39. Public Hearing to consider first reading of "An Ordinance of the County of Orange California, Repealingthe Sand, Gravel and Mineral Extraction Code; and Adopting Revised Provisions of

the Sand, Gravel and Mineral Extraction Code"; set second reading and adoption for 4/21/15, 9:30 a.m.; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

25143 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

40. **County Executive Office -** Acting as the Board of Supervisors - Public Hearing to considerestablishment of Community Facilities District No. 2015-1 (Village of Esencia), rate and method of apportionment of special tax and proposed issuance of bonds; adopt resolution establishing district, authorizing the levy of a special tax, calling an election and approving related actions; approve Joint Community Facilities agreement with Santa Margarita Water District and RMV PA 2 Development, LLC; and make California Environmental Quality Act and other findings; Acting as the Legislative Body of Community Facilities District No. 2015-1 (Village of Esencia) - Adopt resolution determining necessity to incur bonded indebtedness in an amount not to exceed $110,000,000 with Community Facilities District No. 2015-1 and calling an election - District 5

B.O. **CLOSED PUBLIC HEARING**

54123 **APPROVED AS RECOMMENDED**
N

RESO: 15-028 - 15-029

V. CLOSED SESSION (Items CS-1-SC10)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Orange County Fire Authority, etc., et al. v. All Persons Interested, Orange County Superior Court Case No. 30-2013-00694527-CU-MC-CJC; Court of Appeal Case No. G050687

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Naomi Walker Werner v. County of Orange, David Leathers Jr., Orange County Superior Court Case No. 30 2014 00720257

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR SPITZER BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF NAOMI WALKER WERNER V. COUNTY OF ORANGE, DAVID LEATHERS JR. 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.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -

Pursuant toGovernment Code Section 54956.9(d)(2):
Number of Cases: One Case

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

CS-4. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant toGovernment Code Section 54956.8:
Property Location: County Owned Property at Former MCAS El Toro
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: City of Irvine
Lowe Enterprises Real Estate Group
Future Lessees
Under Negotiation: Terms of Development and Value of Future Leases

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

Human Resource Services:

CS-5. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section54957.6:
Agency Negotiator: Steve Danley
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**

CS-6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government CodeSection 54957(b):
Title: Performance Audit Director

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

CS-7. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: County Executive Officer

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

SCS8. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuantto Government Code Section 54956.9(d)(1):
Name of Case: Association of Orange County Deputy Sheriffs v. Rackauckas, et al., Orange County Superior Court Case No. 30-2015-00775544

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, SUPERVISORS BARTLETT, DO, STEEL AND NELSON VOTING IN FAVOR, SUPERVISOR SPITZER VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ASSOCIATION OF ORANGE COUNTY DEPUTY SHERIFFS V. RACKAUCKAS, ET AL. 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**

COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.

SCS9. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant toGovernment Code Section 54956.8:
Property Location: 1000 Kraemer Place, Anaheim, CA
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: HICO Kraemer, LLC
Under Negotiation: Terms and Value of Future Sale

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

SC10. **Human Resource Services -** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant toGovernment Code Section 54957(b):
Title: County Executive Officer

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Complaint of illegal business; audit of Internal Audit

Rhen Kohen - Oral Re: Requested appeal to reverse Supervisor Bartlett's 3/24/14 letter of support to the South Orange County Reliability Enhancement Project for San Diego Gas and Electric Capistrano substation.

Ilya Tseglin - Oral Re: Nate Tseglin; Regional Center

Robert Tseglin - Oral Re: Nate Tseglin; Regional Center, Social Services Agency, Public Defender

Cynthia Rosas - Oral Re: Selection of property for homeless shelters

COUNTY EXECUTIVE OFFICER COMMENTS:
Mike Giancola - Oral Re: Congratulated the Probation Department for receiving the State award of $17.5 million for new County Probation Center grant

BOARD COMMENTS:
None

ADJOURNED: 4:57 P.M.

23145 **Adjourned in memory of Charles H. Loos**

53124 **Adjourned in memory of Louise Buckley**

*** KEY ***

Left Margin Notes

1. = Supervisor Do
2. = Supervisor Steel

A. = Abstained
X. = Excused

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

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

_____
Interim Orange County Clerk of the Board