REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 12, 2017, 9:30 A.M.

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

MICHELLE STEEL
CHAIRWOMAN
Second District

ANDREW DO
VICE CHAIR
First District

TODD SPITZER
SUPERVISOR
Third District

SHAWN NELSON
SUPERVISOR
Fourth 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, gave the invocation

PLEDGE OF ALLEGIANCE: Vice Chair Do, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairwoman Steel presented a resolution proclaiming September as "Prostate Cancer Awareness Month"

Chairwoman Steel presented a resolution proclaiming September as "Hunger Action Month"

II. PUBLIC COMMENTS

Councilwoman Kris Murray - Oral Re: Supports S35A; expressed her appreciation and supports Orange County's efforts to serve the homeless and to protect the health and safety of neighborhoods; year-round shelter Bridges at Kraemer Place; proposing model Operation Home Safe at 9/12/17 City of Anaheim City Council meeting; crisis in homeless encampments at the riverbed; partnership of County and Cities to address homelessness and to restore public safety to all communities

Steve Rocco - Oral Re: Race relations in Orange County; statue in front of Santa Ana Library and mural on Fairview; flag at the Discovery Center; Kim Pham and others killed; ran for Orange County Board of Supervisors, District 1 against Janet Nguyen; killing the homeless at the Santa Ana River

Michael Klubnikin - Oral Re: Organized crime of the Board of Supervisors; The Tseglins; failure to oversee thePublic Defender; Probate court; real estate and tax fraud

Lynda Schultz - Oral Re: Homeless; pilot program proposal to eliminate homelessness for the State and nationwide; shipping containers for homeless on County land

Adrienne Gomez - Oral Re: Resident at Courtyard; homeless concerns with the Courtyard and its staff

Dee Moe - Oral Re: Homeless encampments at the riverbed; wants to know the plan to address homeless at the riverbed and the well being of all citizens

Kimberly Sandoval - Oral Re: Services provided at the Courtyard; Courtyard staff denies service to non-residents of the Courtyard; staff are verbally abusive and are not medically able to take care of individuals at the Courtyard; speak to the homeless community to find out how to help them

Morgan Denges - Oral Re: Homeless advocate; interim and long term solutions to address homelessness; speak to the homeless community and listen to their concerns

Wes Jones - Oral Re: City of Anaheim resident; lack of restrooms at homeless encampments are not only a public health risk to homeless but also to those who use the riverbed and to all constituents; diseases caused by exposure to raw sewage; hand washing stations, hepatitis vaccinations

Dwight Smith - Oral Re: OC Catholic Worker; Hepatitis A victims in San Diego are moving north; raw sewage along the riverbed

Jordan Hoiberg - Oral Re: Reconsider the proposal to renew the Midnight Mission's contract; abuse by guards and arbitrary evictions at the Courtyard; suggested the County put pressure on the Midnight Mission to review their hiring practices and to institute an overview of those that are hired; put pressure on the Midnight Mission to codify what constitutes an eviction; riverbed sanitation, hand washing stations, restrooms and raw sewage

Kimberly O'Neill - Oral Re: Unresolved homeless issues on the riverbed; homeless living in the community, riverbed and at the Courtyard; work with other cities to address and find solutions for the homeless

Mohammed Aly - Oral Re: Supervisor Do's comments regarding the homeless; Midnight Mission contract; Health Care Agency letter addressing non-potable water of the homeless; staff members at the Courtyard acting as security guards; sexual assaults and rape at the Courtyard; meals provided to the homeless at the Courtyard; suggests extending contract with the Midnight Mission for a few months to investigate matters at the Courtyard

Mike Robbins - Oral Re: Homeless issues; rights of and respect for the homeless

Lou Noble - Oral Re: Opposes Agenda Item #26; homeless at the courtyard; staff at the Courtyard working as security are ex-cons; asked if Orange County is ready to handle a catastrophic situation; sanitation of the homeless at the riverbed

Jeanine Robbins - Oral Re: Rise in the spread of hate speech directed at the homeless population; residents at a meeting in Anaheim called for the killing of homeless in order to take their city back; leaders perpetuate lies about the homeless within their community; toured the Courtyard on 7/1/17 and washers were not operational; no assistance available for disabled residents at the Courtyard

Matthew Allen - Oral Re: Homeless since 2002; resident of the Courtyard since May 2017; Courtyard staff deal with individuals who don't want to follow rules; everyone needs to work together to address homelessness

Adam Hopper - Oral Re: Lost his job, lived in his car and is now a resident of the Courtyard; freelance design worker; roll-outs, space and staff at the Courtyard; no area to have private phone conversations at the Courtyard

Sandra Garcia Torres - Oral Re: Courtyard resident; recovering addict ; appreciates and thanked Doris Starling of the Midnight Mission and the staff at the Courtyard for the services provided to her

Rally Guide - Oral Re: Nurse; taken to Bulgaria against her will by her husband 13 years ago; thanked Doris Starling of the Midnight Mission and staff at the Courtyard; supports Agenda Item #26

Randy Arguelles - Oral Re: Courtyard resident; appreciates the help and services provided by Doris Starling of the Midnight Mission and staff at the Courtyard; supports Agenda Item #26

James Brown - Oral Re: Courtyard resident; supports Agenda Item #26; disgruntled individuals at the Courtyard don't like to follow rules; appreciates Doris Starling of the Midnight Mission and staff at the Courtyard

Debra Moore - Oral Re: Courtyard resident; appreciates the assistance provided by staff at the Courtyard; supports Agenda Item #26

John Rhodes - Oral Re: Courtyard resident; not aware of sexual abuse or mistreatment at the Courtyard; appreciates Doris Starling of the Midnight Mission and staff at the Courtyard

Sister Louise Micek - Oral Re: Sisters of St. Joseph; requests support of every human being and those in need; has worked with the homeless for over 20 years; restrooms and sanitation at the riverbed; would like to see homeless on committees to address and express their concerns

Bryan Kaye - Oral Re: Mental illness; violation of civil rights and placed on a do not assist list; submitted report of Orange County Jail and Mental Health System; arrested due to filing complaint with the Orange County Board of Supervisors regarding Sheriff, Public Defender, District Attorney and Police violation of fraud and forgery

Sarah Gregory - Oral Re: Legal Aid Society; concerns with Agenda Item S35A and enforcement of nuisance laws; commit funding to affordable housing

Ilya Tseglin - Oral Re: Nate Tseglin; administered drugs against his will; inappropriate use of drugs for Asperger's Syndrome; corrupted judges; Public Defender; Social Services

Robert Tseglin - Oral Re: Nate Tseglin kidnapped by police, placed in hospital and group home; OC Regional Center; habeas corpus and conservatorship; abuse and psychotropic drugs; medical records; judges need to be more proactive

Donna Carlton - Oral Re: Homeless issues; Midnight Mission doing good work for the people at the Courtyard; everyone needs to come together to help the homeless

Mike Arnold - Oral Re: President and CEO of the Midnight Mission; thanked the Board for taking on the Courtyard; locating housing for the homeless will take time

III. CONSENT CALENDAR (Items 1-17)

43152 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 14 WHICH WAS DELETED; AND ITEM 2 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Bartlett -** Emergency Medical Care Committee - Reappoint Michael Steven Ritter, MD,FAAEM, FACEP, Mission Viejo, for term ending 6/30/19

2. **Supervisor Spitzer -** Campaign Finance and Ethics Commission - Appoint the Honorable Judge TamNomoto-Schumann, Irvine, to the Campaign Finance and Ethics Commission (Term of office to be determined)

35142 **APPROVED AS RECOMMENDED**

Vice Chair Do:

3. John Wayne Airport Arts Commission - Reappoint John Acosta, Anaheim, for term concurrentwith 1st District Supervisor's term of office

4. Assessment Appeals Board No. 5 - Reappoint Scott Weimer, Garden Grove, for term ending9/6/20

5. Senior Citizens Advisory Council - Appoint Dr. Denise Habjan, DDS, Irvine, to complete termending 12/31/18

ELECTED DEPARTMENT HEADS

6. **Auditor-Controller -** Adopt resolution and attachment 1 to resolution approving property tax rates forFY 2017-18 - All Districts
RESO: 17-107

7. **Sheriff-Coroner -** Accept grant award from State Office of Traffic Safety Selective Traffic Enforcement Program, 10/1/17 - 9/30/18 ($521,308); and authorize Sheriff-Coroner to execute grant award agreement - All Districts

CHILD SUPPORT SERVICES

8. Approve Plan of Cooperation agreement with California Department of Child Support Services foradministration of Title IV-D Program services, 10/1/17 - 9/30/18; and authorize Director or designee to execute agreement - All Districts

OC COMMUNITY RESOURCES

9. Approve Memorandum of Understanding with City of Huntington Beach for installation and maintenance of marina trash skimmers in Huntington Harbour; authorize a one-time payment of up to $12,186.25 to City of Huntington Beach, as a portion of 25% match required for the Orange County Transportation Authority grant award; authorize OC Parks Director or designee to make non-material amendments under certain conditions; and make California Environmental Quality Act and other findings - District 2

10. Approve funding agreement with Newport Bay Naturalists and Friends for wayfinding and interpretivesignage project, Upper Newport Bay Nature Preserve, one-year term ($60,000); and make California Environmental Quality Act and other findings - District 2

11. Approve agreement 17-28-0057-EEDS with Orange County Asian and Pacific Islander CommunityAlliance, Inc. for employment and training services, 9/12/17 - 6/30/18 ($216,000); and authorize Director or designee to execute agreement and exercise cost contingency increase not to exceed 10% under certain conditions - All Districts

OC PUBLIC WORKS

12. Approve plans and specifications and set bid opening for 1/10/18, 2:00 p.m., for Zone 1-Phase D MassExcavation and Liner Project, Prima Deshecha Landfill - District 5

13. Approve plans and specifications and set bid opening for 10/11/17, 2:00 p.m., for signage production and installation services; and make California Environmental Quality Act and other findings - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

14. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forJohn Wayne Airport - All Districts

43152 **DELETED**

15. Approve initial Conflict of Interest Code and Designated Filer Exhibits for Campaign Financeand Ethics Commission - All Districts

County Executive Office:

16. Receive and file charitable organizations actual income/expenses for 2016 and planned activitiesfor 2017; and find that the Charitable Organization Activities Plan 2017, per Government Code Section 26227 will serve public purpose and is deemed to be necessary to meet the social needs of the population of the County and staff may solicit donations of funds and services for such events - All Districts

17. Approve Interim Use Lease agreement with R&S Soil Products, Inc. for 31 acres at formerMarine Corps Air Station El Toro, Irvine; five year term, ($276,000 annually) subject to 90-day termination clause; authorize Chief Real Estate Officer or designee to execute lease and all related documents; and make California Environmental Quality Act and other findings - District 3

END OF CONSENT CALENDAR

IV. DISCUSSION ITEMS (Items 18-S35B)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

18. Approve amendment 3 to agreement MA-060-16010497 with PVP Communications Inc. formotorcycle helmet communications equipment, 11/16/17 - 11/15/18 ($136,500; cumulative total $277,000); renewable for two additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

34152 **APPROVED AS RECOMMENDED**

19. Approve agreement MA-060-18010198 with Sidepath, Inc. to purchase EMC enterprise storage equipment including servers, storage, related peripherals and services, term ending 3/31/20 ($7,500,000); renewable for three additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute agreement under certain conditions - All Districts

15342 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

20. Approve master agreement with various licensed clinical providers of professional services, 9/29/17 -9/28/18 ($3,571,766); and authorize Director or designee to execute individual agreements - All Districts

52134 **APPROVED AS RECOMMENDED**

21. Approve amendment 2 to agreement MA-042-16010084 with ImageTrend, Inc. for software maintenance and data base hosting services, 11/1/17 - 10/31/18 ($165,017; cumulative total $495,051); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

51342 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

22. Consider first reading of "An Ordinance of the County of Orange, California Amending Sections 4-1-23 and 4-1-95 of the Codified Ordinances of the County of Orange to Amend the Definitions Applicable to Potentially Aggressive Dogs in the County and Make Various Other Amendments to Facilitate the Implementation of Safety Restrictions on Such Dogs"; and set second reading and adoption for 9/26/17, 9:30 a.m. - All Districts (Continued first reading from 8/22/17, Item 39)

B.O. **CONTINUED TO 9/26/17, 9:30 A.M.**

23. Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 4-1-3, 4-1-48, and 4-1-59 of the Codified Ordinances of the County to Amend the Definitions Applicable to Barking Dog Complaints to Include Animal Nuisance and Make Various Other Amendments to the Barking Dog Complaint and Citation Process and Criminal Citation Process Pertaining to Barking Dogs" - All Districts (Continued from 8/22/17, Item 36)

53142 **APPROVED AS RECOMMENDED**
ORD: 17-008

24. Approve selection of providers and agreements 17-28-0021DV with Human Options, Inc. ($473,345), 17-28-0023DV with Interval House ($719,786), 17-28-0022DV with Laura's House ($515,244) and 17-28-0024DV with Women's Transitional Living Center, Inc. ($625,967) for Domestic Violence Shelter-Based Program services, 10/1/17 - 6/30/20; renewable for two additional one-year terms; and authorize Director or designee to execute agreements and exercise cost contingency increase not to exceed 10% under certain conditions - All Districts 1, 2, 3 and 4
14352 **APPROVED AS RECOMMENDED**

25. Approve selection of agreements 17-28-0002-DRPA with Orange County Human Relations Council,($825,000), 17-28-0001-DRPA with Community Service Programs, Inc. ($550,000), 17-28-0008-DRPA with Chapman University ($275,000) for dispute resolution services, 10/1/17 - 6/30/20; renewable for two additional one-year terms; and authorize Director or designee to execute agreements and exercise cost contingency increase not to exceed 10% under certain conditions - Districts 1, 2, 3 and 4
B.O. **CONTINUED TO 9/26/17, 9:30 A.M.**

26. Approve renewal of operator agreement 17-23-0036-PS with The Midnight Mission for homeless shelter and coordination services at 400 W. Santa Ana Blvd, Santa Ana, 10/1/17 - 9/30/18 ($1,650,000); option to renew for an additional year; authorize Director or designee to execute agreement and additional non-substantive documents and immaterial contract modifications under certain conditions; and make California Environmental Quality Act and other findings - District 1
13452 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

27. Approve agreement MA-080-18010124 with Action Research for Stormwater Education and OutreachCampaign services, 11/9/17 - 11/8/18 ($500,000) renewable for four additional one-year terms; authorize County Procurement Officer or authorized Deputy to execute agreement and renewals for second and third years; and make California Environmental Quality Act and other findings - All Districts
13452 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

28. **County Counsel -** Select Stradling Yocca Carlson & Rauth, P.C. as primary and Fox Rothschild, LLP as secondary to provide legal services on as needed basis for bankruptcy advisory and litigation services; and authorize County Counsel or designee to execute agreements - All Districts
31452 **APPROVED AS RECOMMENDED**

County Executive Office:

29. Acting as the Board of Directors of South Orange County Public Financing Authority - Approve in concept proposed refunding of South Orange County Public Financing Authority Special Tax Revenue Bonds 2005 Series A; approve selection of and agreements with Fieldman, Rolapp & Associates, Inc. as municipal advisor ($61,000)

and with Stradling Yocca Carlson & Rauth as bond and disclosure counsel ($65,000), effective upon execution for two years, renewable for one additional one-year term; and select Stifel Nicolaus & Company as underwriter; and authorize Public Finance Director to execute agreements; Acting as the Legislative Body of Assessment District No. 01-1 Newport Coast Phase IV - Approve in concept proposed refunding of Assessment District No. 01-1 Newport Coast Phase IV Limited Obligation Improvement Bonds, Fixed Rate Series 2003 B; Assessment District No. 01-1 Limited Obligation Improvement Bonds, Group One; Assessment District No. 01-1 Limited Obligation Improvement Bonds, Group Two; and Assessment District No. 01-1 Limited Obligation Improvement Bonds, Group Three; approve selection of and agreements with Fieldman, Rolapp & Associates, Inc. as municipal advisor ($61,000) and with Norton Rose Fulbright US LLP as bond and disclosure counsel ($75,000), effective upon execution for two years, renewable for one additional one-year term; and select Piper Jaffray & Company as underwriter; and authorize Public Finance Director to execute agreements - Districts 2 and 5 (Continued from 8/22/17, Item 50 originally continued to 10/17/17)

52134 **APPROVED AS RECOMMENDED**

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

51342 **APPROVED AS RECOMMENDED**

31. Authorize formal negotiations with Association of Orange County Deputy Sheriffs for Workers' Compensation Carve-Out for use of Independent Medical Examiners - All Districts

15342 **APPROVED AS RECOMMENDED**

32. Approve amendment 2 to agreement MA-017-15010253 with Platinum Advisors, LLC forSacramento Legislative Advocacy services, 10/1/17 - 9/30/18 ($276,000; cumulative total $1,104,000); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts (Continued from 8/22/17, Item 49)

15342 **APPROVED AS RECOMMENDED**

33. Approve grant applications/awards submitted by District Attorney and Sheriff-Coroner in 9/12/17 grant report and other actions as recommended; adopt resolutions authorizing District Attorney or designee to submit and execute grant agreements with California Department of Insurance for Disability and Healthcare Insurance Fraud Program ($1,135,000), Disability and Healthcare Supplemental Program ($146,490) and Life and Annuity Consumer Protection Program ($152,475), 7/1/17 - 6/30/18; and make California Environmental Quality Act and other findings - All Districts

35142 **APPROVED AS RECOMMENDED**
RESO: 17-108 - 17-110

34. Approve proposed response to FY 2016-17 Grand Jury Report "Orange County's Digital Data: Is it Protected from Cyber Attack" - All Districts

51342 **APPROVED AS RECOMMENDED**

35. **Human Resource Services -** Approve and adopt Side Letter agreements with Orange County Employees Association for terms and conditions for select classifications - All Districts

13452 **APPROVED AS RECOMMENDED**

County Executive Office:

S35A. Adopt resolution requesting Orange County Sheriff's Department to dedicate additional resources to the Channels, even those within incorporated cities and convene local law enforcement agencies to develop a comprehensive county-wide public safety response plan to criminal activities and public concerns to the Channels; and making related findings - Districts 1, 2, 3, and 4

51342 **APPROVED AS RECOMMENDED**
RESO: 17-111

S35B. Approve proposed response to FY 2016-17 Grand Jury Report "Another Hostile WorkEnvironment? Orange County District Attorney Bureau of Investigation." - All Districts

24135 **APPROVED AS RECOMMENDED**

V. PUBLIC HEARINGS (Items 36-38)

ELECTED DEPARTMENT HEADS

36. **Sheriff-Coroner -** Public Hearing to consider adopting resolution approving increase in fee for response to third and subsequent false alarms within a calendar year or intentionally set false alarms in unincorporated areas from $85 to $96, effective 10/1/17; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

NO ACTION TAKEN

HEALTH CARE AGENCY

37. Public Hearing to consider adopting resolution approving Driving Under the Influence Program Feeupdate, $77 effective upon Board approval and $80 effective 7/1/18; superseding and rescinding Resolution 12-159; authorizing HCA to make an annual fee adjustment effective July 1 of each year, starting in 2019, that increases fee by an amount not to exceed the annual percentage change in the Consumer Price Index; direct HCA to return to the Board if any fee study indicates that actual costs have reduced to level below revenue generated; and making California Environmental Quality Act and other findings - All Districts (Continued from 8/8/17, Item 27; 8/22/17, Item 56)

B.O. **CONTINUED TO 9/26/17, 9:30 A.M.**

OC PUBLIC WORKS

38. Public Hearing to consider adopting resolution approving Vesting Tentative Tract Map 17341 for theCielo Vista Project; and consider application of Final Environmental Impact Report No. 615 and other findings - District 3

B.O. **CLOSED PUBLIC HEARING**

34152 **APPROVED AS RECOMMENDED**
RESO: 17-112

VI. CLOSED SESSION (Item CS-1)

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**

VII. CEO, BOARD COMMENTS & ADJOURNMENT

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
None

ADJOURNED: 12:46 P.M.

*** KEY ***

Left Margin Notes

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

ORD. = Ordinance
RESO. = Resolution

A. = Abstained
X. = Excused
N. = No
BO = Board Order

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