REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 20, 2013, 9:30 A.M.

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

SHAWN NELSON
CHAIRMAN
Fourth District

PATRICIA BATES
VICE CHAIRMAN
Fifth District

JANET NGUYEN
SUPERVISOR
First District

JOHN M.W. MOORLACH
SUPERVISOR
Second District

TODD SPITZER
SUPERVISOR
Third District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Michael B. Giancola
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Spitzer, Third District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-13)

32154 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3, 6, 10 & 13 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

1. Ratify amendment 1 to agreement MA-060-13011365 with Lexipol, LLC for online annual policy manual development subscription, 3/17/13 - 3/16/14 ($9,950); renewable for four additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

2. Approve FY 12-13 Federal Equitable Sharing Agreements and Certification Reports for federally forfeited property or proceeds received for Sheriff-Coroner Department and Orange County Pro-Active MethLab Investigative Task Force; and approve FY 10-11, FY11-12 and FY 12-13 Federal Equitable Sharing Agreements and Certification Reports for federally forfeited property or proceeds received for Regional Narcotics Suppression Program - All Districts

HEALTH CARE AGENCY

3. Approve agreement and amendment 1 to agreement with Orange County Health Authority, dba Orange Prevention and Treatment Integrated Medical Assistance, dba CalOptima for coordination and provision of Health Care services, 9/1/13 - 6/30/14; renewable annually for four additional one-year periods; and authorize Director or designee to execute agreement and amendment - All Districts

12354 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

4. Approve amendment 4 to agreement MA-012-11010116 with United Site Services of CA, Inc., term ending 8/31/13 ($12,000; new total $112,000) and agreement MA-012-14010167 for portable toilet rental, 9/1/13 - 8/31/15 ($410,000); authorize Purchasing Agent or authorized Deputy to execute agreement and amendment; and make California Environmental Quality Act findings - All Districts

5. Accept donation from Friends of the Library to offset cost of new pre-engineered roof canopy, El Toro branch Library ($14,950) - District 5

OC PUBLIC WORKS

6. Approve plans and specifications and set bid opening for 10/23/13, 2:00 p.m., for La Pata Avenue/Camino Del Rio Extension Project; authorize Director or designee to accept interest in real estate needed for road, slope and drainage; and find that Final Environmental Impact Report 610 originally certified on May 24, 2011 reflects the independent judgement of the County and satisfies requirements of California Environmental Quality Act - District 5

53124 **APPROVED AS RECOMMENDED**

7. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve amendment 2 to agreement MA-080-12010493 with Porter Hire Limited dba Heavy Equipment Rentals LLC and Quinn Rental Services for equipment rental services, 11/1/13 - 10/31/14 ($240,000); authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

8. Approve license PM 105-33 with City of Huntington Beach for temporary food bank facility, Gothard Landfill, 8/20/13 - 8/19/23; and make California Environmental Quality Act findings - District 2

9. Renew agreement MA-299-11012591 with The Hoagy Company, Inc. and Mesa Energy Systems, Inc. dba Emcor Service for facility maintenance and repair services, 10/4/13 - 10/3/14 ($194,400); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

PUBLIC PROTECTION

10. **Probation -** Approve Federal Equitable Sharing agreement, 10/1/13 - 9/30/14 and Federal Annual Certification Report, FY 2012-13; and make California Environmental Quality Act findings - All Districts

32154 **APPROVED AS RECOMMENDED WITH THE ADDITION OF "ONLY UPON LAWFUL CONVICTION." TO THE AGENDA STAFF REPORT, BACKGROUND INFORMATION, END OF LAST SENTENCE IN FIRST PARAGRAPH**

SOCIAL SERVICES AGENCY

11. Approve amendment 1 to agreement CNH0112A with New Alternatives, Inc. for transitional residential home services, Tustin Family Campus, beginning 9/1/13 for contractual period of 7/1/12 - 6/30/15 - District 3

12. Approve amended agreement MA-063-13010339 to renew as MA-063-13011853 with National Council on Crime and Delinquency for web-based application for structured decision making abuse and neglect screening criteria, 10/1/13 - 9/30/14 ($13,000); renewable for two additional one-year terms; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

GENERAL ADMINISTRATION

13. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for July 2013 - All Districts

25134 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 14-26)

ELECTED DEPARTMENT HEADS

14. **District Attorney -** Approve agreement MA-026-14010126 with Astrid Heather Adair Hagen 9/1/13 - 8/31/14 ($200,000); renewable for four additional one-year periods; approve agreement MA-026-14010127 with Global Works, Inc dba Western Interpreting Network, 9/1/13 - 8/31/14 ($50,000); renewable for four additional one-year periods; approve agreement MA-026-14010128 with Interpreters Unlimited, Inc. 9/1/13 - 8/31/14, ($50,000); renewable for four additional one-year periods for professional sign language interpreting services; and authorize Purchasing agent or authorized Deputy to execute agreements - All Districts

35124 **APPROVED AS RECOMMENDED**

15. **Treasurer-Tax Collector -** Adopt resolution authorizing issuance and sale of Garden Grove Unified School District General Obligation Bonds, Election 2010, Series C ($119,999,840); and authorizing execution of necessary documents and other related actions - Districts 1 & 2

1 **MOTION TO CONTINUE THE ITEM FAILED FOR LACK OF A SECOND**

2 **MOTION TO APPROVE STAFF RECOMMENDED ACTIONS FAILED FOR LACK OF A SECOND**

NO ACTION TAKEN

HEALTH CARE AGENCY

16. Approve master agreement with various providers of professional medical, dental, behavioral and other support services, 9/29/13 - 9/28/14; and authorize Director or designee to execute individual agreements - All Districts

B.O. **CONTINUED TO 9/10/13, A.M.**

17. Approve amendment 1 to agreement with MedImpact Healthcare Solutions, Inc. for Pharmacy Benefit Administrator services, 7/1/12 - 12/31/13 ($18,787,660; new total $62,534,645); and authorize Director or designee to execute amendment - All Districts

35124 **APPROVED AS RECOMMENDED**

18. Approve agreement with State Department of Health Care Services for Medi-Cal Targeted Case Management Provider Participation, FYs 2013 - 2018; and authorize Director or designee to execute agreement - All Districts

24135 **APPROVED AS RECOMMENDED**
N

OC PUBLIC WORKS

19. Approve amendment 6 to agreement MA-080-10012179 with Ferguson Enterprises, Inc., and Plumbing & Industrial Supply for plumbing supplies, 2/11/12 - 2/10/13 ($184,635; new total $611,185); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

32154 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

20. Approve amendment 1 to agreement MA-063-13010817 with SBC Global Services, Inc. DBA AT&T Global Services for automated call distribution services effective 10/1/13 ($970,561); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

32154 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

21. **County Counsel -** Select law/investigative firms of Reilly & Associates, Bickmore Risk Services, Scott & Whitehead, and Woodruff Spradlin & Smart to provide employment investigation services on an as needed basis; and authorize County Counsel to execute agreement for professional investigative services with each of the selected firms and to negotiate adjusted insurance provisions to the standard agreement - All Districts

B.O. **CONTINUED TO 9/10/13, 9:30 A.M.**

County Executive Office:

22. Acting as the Board of Supervisors and Successor Agency to the Orange County Development Agency - Adopt resolutions concurring with City of Newport Beach's proposed changes to the City's Santa Ana Heights Specific Plan - District 2

23154 **APPROVED AS RECOMMENDED**
RESO: 13-081 - 13-082

23. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts

23154 **ADOPTED AN OPPOSE POSITION TO SB 594**

24135 **ADOPTED AN OPPOSE POSITION TO SCA4 & SCA8**

25134 **ADOPTED A SUPPORT POSITION FOR AB 1102**

15234 **APPROVED STAFF RECOMMENDED ACTIONS IN 8/20/13 LEGISLATIVE BULLETIN WITH AMENDMENT TO DRAFT LETTER TO MS. HEATHER HALSEY REPLACING "FRAUD UPON" WITH "ACTIVITIES CONTRARY TO THE WILL OF" ON PAGE 5, B. DANGEROUS PRECEDENT, LAST SENTENCE IN FIRST PARAGRAPH**

24. Approve grant applications/awards submitted by District Attorney and Health Care Agency and ratify retroactive grant application/award submitted by Sheriff-Coroner in 8/20/13 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner to execute and submit grant application to California Office of Emergency Services for FY13 Homeland Security Grant Program ($2,911,455) and to execute related documents; and authorize Health Care Agency Director or designee to execute Letter of Agreement with

California Community Foundation on behalf of Kaiser Foundation Hospitals, Southern California Region - Community Benefit Charitable Contributions Program, 7/1/13 - 6/30/15 ($250,000) and acceptance of allocation agreement with State Department of Public Health - California Tobacco Control Program for FY 2013-14 ($294,374), FY 2014-15 ($264,488), FY 2015-16 ($231,941) and FY 2016-17 ($197,276) - All Districts

51234 **APPROVED AS RECOMMENDED**

RESO: 13-083

25. Approve revised Supplement to Base Closure Homeless Assistance agreement with Community Action Partnership of Orange County and delegate authority to Chief Real Estate Officer or designee to execute agreement and all necessary documents related to conveyance and reconveyance of Warehouse 360; and find that Final Environmental Impact Report 47782-GA & 47785-ZC, prepared and certified by the City of Irvine, reflect the independent judgment of the decision-maker and satisfy the requirement of California Environmental Quality Act for the reuse of MCAS El Toro, which is a necessarily included element contemplated as part of the larger action - Districts 3 & 4

B.O. **CONTINUED TO 10/22/13, 9:30 A.M.**

26. **Human Resource Services -** Approve agreement with California Physicians' Services, Inc., dba Blue Shield of California for claims administration, cost management services and Preferred Provider Organization network for self-funded PPO health plans and Management and Attorney Dental Plan, 1/1/14 - 12/31/16; renewable for two additional one-year periods; authorize Chief Human Resources Officer or designee to execute agreement; approve documents for Wellwise and Sharewell Choice Health Plans; and authorize Chief Human Resources Officer or designee to approve revisions under certain conditions - All Districts

24135 AA **APPROVED STAFF RECOMMENDATIONS WITH AMENDMENT TO RECOMMENDED ACTION #3 INSERTING "MINISTERIAL" BETWEEN APPROVE AND REVISIONS**

IV. PUBLIC HEARINGS (Item 27)

OC COMMUNITY RESOURCES

27. Public Hearing to consider adopting resolution approving OC Parks Fee schedule alcoholic beverage service update to include Tri-City Park, rescinding Resolution 10-198, effective 8/20/13; and making California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

34125 A **APPROVED AS RECOMMENDED**

RESO: 13-084

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Robert Ervais v. Nick Chrisos, County of Orange, United States District Court Case No. SACV12-01347-AG-JPR

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: California Department of Finance, et al. v. Jan Grimes, etc., OCSC Case No. 30-2012-00559592-CU-WM-CJC

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

CS-3. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
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) and other non-represented employees
RE: Terms and Conditions of Employment

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Opinon Online

Michael Klubnikin - Oral Re: Failure to pay utilities and improper sale of property by County

Karl Kuhn - Oral Re: Change in John Wayne Airport handicapped parking fee policy

Ilya & Robert Tseglin - Oral Re: Nate Tseglin and Orange County Regional Center

Darrell Nolta - Oral Re: Discrimination lawsuits, FBI corruption investigation

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Nguyen - Oral Re: Santa Ana's efforts to address homelessness and directed CEO/Real Estate staff to work with City of Santa Ana & Housing Authority staff to identify a site for a year-round shelter; Thank you to

those who worked on Central County Senior Resource and Health Expo and the 6th Annual Townsend Raitt Street Fiesta and Resource Fair

Supervisor Bates - Oral Re: Thank you to those who worked on dedication of dog park in San Juan Capistrano

Supervisor Moorlach - Oral Re: La Palma named one of America's Top Small Towns by Money Magazine

ADJOURNED: 2:30 P.M.

34125 **Adjourned in memory of Byrma Marie Ritchey**

34125 **Adjourned in memory of Josephine E. Hernandez**

54123 **Adjourned in memory of William Aidan McMurry**

24135 **Adjourned in memory of Ann Caspers**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Spitzer
4. = Supervisor Nelson
5. = Supervisor Bates

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