REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 1, 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 1-19)

31254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 10 WHICH WAS CONTINUED TO 10/8/13, 9:30 A.M.; AND ITEMS 8, 12 & 14 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Nguyen -** Emergency Medical Care Committee - Appoint Ron S. Blaul, Seal Beach, to complete term ending 6/30/15

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

2. Approve modification P00005 to five year agreement DROIGSA -10-0001 with U.S. Immigration and Customs Enforcement (ICE) to amend ICE consolidated invoicing; and authorize Sheriff-Coroner or designee to execute modification - All Districts

3. Approve agreement MA-060-14010409 with Motorola, Inc. to upgrade radio equipment for 800 MHz Countywide Coordinated Communications System, 10/1/13 - 9/30/14 ($495,497); authorize Sheriff-Coroner or designee to execute agreement; and make California Environmental Quality Act findings - All Districts

4. Accept grant award from U.S. Department of Justice for Edward Byrne Memorial Justice Assistance Grant Program, FY 2013 ($420,826); approve form of agreement to transfer funds to participating cities; and authorize Sheriff-Coroner or designee to execute individual city agreements - All Districts

5. Approve change order #1 to agreement with ISI Detention Contracting Group, Inc. to overhaul electric sliding doors, Central Men's and Women's Jails, Phase III ($169,687); authorize Sheriff-Coroner or designee to execute change order; and make California Environmental Quality Act findings - District 1

HEALTH CARE AGENCY

6. Approve renewal of master agreement MA-042-13010056 as MA-042-13012007 with UMS, Inc. dba United Maintenance Systems for janitorial services, 11/1/13 - 10/31/14 ($171,000); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

7. Approve Medi-Cal Administrative Activities/Targeted Case Management (MAA/TCM) Consortium Participation Agreement for FY 2013-14 and FY 2014-15 ($97,275 per year) with Marin County for participating in claiming process for MAA/TCM services reimbursements; and authorize Director or designee to execute agreement - All Districts

8. Approve agreement with Coalition of Orange County Community Clinics for Health Exchange Outreach, Education and Assistance services, 10/15/13 - 12/31/14 ($310,000); and authorize Director or designee to execute agreement - All Districts

15234 **APPROVED AS RECOMMENDED**
N

JOHN WAYNE AIRPORT

9. Authorize Director to allocate regulated Class A average daily departures, seat capacity, remain overnight passenger capacity to scheduled commercial passenger, cargo and commuter carriers under Phase 2 Commercial Airline Access Plan and Regulation for 2014 Plan Year; approve related actions; and find that Final Environmental Impact Report 582, and Addendum 582-1, as revised by Final Supplemental EIR 582, as certified on June 25, 2002, fully analyzed and disclosed the proposed project's environmental effects, and the proposed project would not have any environmental effects beyond those analyzed and disclosed in these environmental documents - District 2

OC COMMUNITY RESOURCES

10. Approve agreements MA-012-14010229 with Landscape West Management Services, Inc. DBA Palo Verde Landscape Management Co. ($359,010) and MA-012-14010231 with So Cal Land Maintenance, Inc. ($150,347) for landscape maintenance services, Carbon Canyon, Clark and Tri-City Regional Parks, 10/1/13 - 9/30/14; renewable for four one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreements; and make California Environmental Quality Act findings - District 4

31254 **CONTINUED TO 10/8/13, 9:30 A.M.**

11. Approve easement deed to Irvine Ranch Water District for emergency overflow storm drain system for Baker Water Treatment Plant project across a portion of Serrano Creek Trail, Lake Forest; and find that Final EIR for Baker Water Treatment Plant, previously certified by Irvine Ranch Water District on 4/25/11, and FEIR Addendum 2 satisfies the requirements of California Environmental Quality Act - District 5

12. **Acting as the Board of Supervisors and Orange County Housing Authority** - Approve agreement MA-012-14010297 with R. Craig Scott, John L Rosenthal, Esq., Laura Stewart and Gary I. Kusunoki for Hearing Officer services, 10/1/13 - 9/30/14, in an aggregate amount not to exceed $100,000 per year for all hearing officers; authorize Purchasing Agent or authorized Deputy to execute and renew agreement under same terms and conditions for four consecutive one-year terms not to exceed $100,000 per year - All Districts

45123 **APPROVED AS RECOMMENDED**

13. **Acting as the Successor Agency to the Orange County Development Agency** - Adopt Recognized Obligation Payment Schedule (ROPS), 1/1/14 - 6/30/14; authorize staff to submit ROPS to State Department of Finance and the State Controller's Office; and direct staff to notify Board of any changes made to ROPS by County Auditor-Controller, County's Oversight Board, State Department of Finance, and/or State Controller's Office; and make California Environmental Quality Act findings - All Districts

OC PUBLIC WORKS

14. Approve Memorandum of Understanding with OneOC to provide service opportunities for participants in the County Court Referral Program - All Districts (Continued form 9/10/13, Item 19)

32154 **APPROVED AS AMENDED TO ADD "ALL PARTICIPANTS OF THE COURT REFERRAL PROGRAM WILL BE REQUIRED TO COMPLETE A CRIMINAL HISTORY DISCLOSURE FORM PRIOR TO PERFORMING COMMUNITY SERVICE HOURS FOR OC PUBLIC WORKS. THIS FORM WILL BE REVIEWED BY ONEOC AND ANY INDIVIDUALS WITH A PRIOR HISTORY OF VIOLENCE OR SEX OFFENSES WILL BE EXCLUDED FROM PARTICIPATING"**

15. Select various firms in ranked list for on-call professional specialty services; authorize Purchasing Agent or authorized Deputy to negotiate and execute individual agreements (not to exceed $100,000 each); and make California Environmental Quality Act findings - All Districts

16. Relying upon Mitigated Negative Declaration IP 13-048 as compliance under the California Environmental Quality Act, approve assignment of agreement D08-075 from Lim & Nascimento Engineering to AECOM Technical Services, Inc. and amendment 1 to agreement D08-075 with AECOM Technical Services Inc., for the Edinger Avenue Bridge Replacement over Bolsa Chica Channel project, extending term to 10/1/16 - District 2

17. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement MA-080-14010184 with Habitat Restoration Sciences, Inc. for herbicide application services, 10/1/13 - 9/30/14 ($550,000); renewable for four additional years; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

18. Approve agreement MA-299-14010389 with Civil Environmental Survey Group, Inc. for operation and maintenance services for water extraction systems and various conveyance systems, Central Region Landfills, 10/1/13 - 9/30/16 ($500,000); with option to renew for two additional one-year periods ($200,000 per year); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 2 & 3

GENERAL ADMINISTRATION

19. **County Executive Office -** Approve amendment 3 to agreement N1000010408 with Paetec Software Corp (previously Compco, Inc.) for unified billing and management solution, 10/28/13 - 10/27/14 ($18,000); renewable for one additional year ($20,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 20-32)

HEALTH CARE AGENCY

20. Approve amendment 1 to agreement with American Correctional Solutions, Inc. for Direct Digital Radiology services ($257,084; new total $4,889,612); and authorize Director or designee to execute amendment - All Districts

14235 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

21. **Sheriff-Coroner -** Approve amendment 5 to agreement with Orange County Transportation Authority for addition of enhanced patrol using specialized resources including Sheriff's Department Mounted Unit Enforcement, 10/1/13 - 6/30/14; and approve amended FY 2013-14 charges with OCTA for law enforcement, special and supplemental services, 7/1/13 - 6/30/14 ($5,668,327) - All Districts

12354 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

22. Approve amended license agreement for General Aviation Tie-Down/Hangar License; establish shade cover tie-down monthly rate of $160, effective 11/1/13; authorize Director to execute agreement and related documents and make necessary changes under certain conditions; and make California Environmental Quality Act and other findings - Districts 2

21354 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

23. Consider second reading and adoption 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 of "Vicious Dog" and "Potentially Dangerous Dog" and Make Various Other Amendments to Facilitate the Implementation of Safety Restrictions on Vicious and Potentially Dangerous Dogs"; and authorize Director of OC Animal Care to establish a website, accessible to the public, listing the address of each dog that has been declared vicious or potentially dangerous under Section 4-1-95 - All Districts (Continued from 9/17/13, Item 40)

B.O. **CONTINUED TO 11/5/13, 9:30 A.M.**

24. Approve amendment 2 to agreement MA-012-1201009 with Merchants Landscape Services, Inc. for landscape maintenance services at Irvine, Yorba, Mile Square, Laguna Niguel and Mason Regional Parks, 9/1/13 - 8/31/14 ($1,642,869); and authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act findings - Districts 1, 3 & 5

15234 **APPROVED AS RECOMMENDED**

25. Approve agreement MA-012-14010366 with West Coast Arborists, Inc. for tree trimming services, 10/1/13 - 6/17/14 ($750,000) renewable for four additional years, ($750,000 first renewal; $600,000 second renewal; $450,000 third renewal; & $450,000 fourth renewal); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

52134 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

26. Receive bids and award Job Order Contract to PUB Construction for general contracting services ($2,000,000); and make California Environmental Quality Act findings - All Districts

15234 **APPROVED AS RECOMMENDED**

27. **Acting as the Orange County Flood Control District -** Approve acquisition contract and accept grant deed from The Kanavos Family Trust for purchase of real property at 16516 Euclid Avenue, Chino ($765,000); authorize Director or designee to execute all necessary documents and make minor modifications; authorize Auditor-Controller to make related payments; and find that Final Environmental Impact Report 583, Prado Dam - Kanavos Property Acquisition, originally certified on December 19, 2001, provide adequate documentation under the California Environmental Quality Act - All Districts

21354 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

28. **Public Defender -** Approve 5 lease agreements with Civic Center, LLC for office space at 600 W. Santa Ana Blvd., Suites 111, 115, 501, 600, 705 and 1000, Santa Ana; authorize Chief Real Estate Officer or designee to terminate lease at 901 Civic Center Dr., Suite 200, Santa Ana; and make California Environmental Quality Act findings - District 1

13254 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

29. Approve Performance Incentive Award to Xerox State and Local Solutions, Inc. for agreement year 13 based on end user survey results ($108,972.24) - All Districts

23154 **APPROVED AS RECOMMENDED**

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

24135 **RECEIVED AND FILED**

31. Approve grant applications/awards submitted by Sheriff-Coroner and ratify retroactive grant application/award submitted by District Attorney in 10/1/13 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute grant agreements and amendments with State Emergency Management Agency (CalEMA) for Victim/Witness Assistance Program, 7/1/13 - 6/30/14 ($1,044,013); and make California Environmental Quality Act and other findings - All Districts

31254 **APPROVED AS RECOMMENDED**
RESO: 13-102

32. **Human Resource Services -** Approve agreement with Mercer Investment Consulting, Inc. for investment consultant services, 11/19/13 - 11/18/16; renewable for an additional two-years; and authorize Assistant Human Resources Officer/Employee Benefits to execute agreement - All Districts

35124 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-15)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Aileen Silvas v. County of Orange, Workers' Compensation Appeal Board Case Nos. ADJ 1608296, 2153249 and 3820950

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: Renee Archey v. County of Orange, Workers' Compensation Appeal Board Case No. ADJ 2321997

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

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Diane Berwanger v. County of Orange, Workers' Compensation Appeal Board Case Nos. ADJ 4448620, 4439952, 2839615, 118602, 1888788, 347609, and 6709727

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

CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Jean Bolinger v. County of Orange, Workers' Compensation Appeal Board Case No. ADJ 3586934

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

CS-5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Nancy Courtney v. County of Orange, Workers' Compensation Appeal Board Case Nos. ADJ 3034693 and 689172

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

CS-6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Rick Del Rio v. County of Orange, Workers' Compensation Appeal Board Case Nos. ADJ 1227992 and 2612452

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT AGREEMENT IN THE CASE OF RICK DEL RIO 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.**

CS-7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Ronald Fontanilla v. County of Orange, Workers' Compensation Appeal Board Case No. ADJ 976752

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

CS-8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Rodolfo Garcia v. County of Orange, Workers' Compensation Appeal Board Case Nos. ADJ 6815096, 2889205, and 4188593

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

CS-9. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Michael Gutierrez v. County of Orange, Workers' Compensation Appeal Board Case No. ADJ 2161222

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

CS-10. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: David Hartman v. County of Orange, Workers' Compensation Appeal Board Case No. ADJ 8098670

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT AGREEMENT IN THE CASE OF DAVID HARTMAN 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.**

CS-11. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Pamela Lambert v. County of Orange, Workers' Compensation Appeal Board Case Nos. ADJ 1434713, 500362, and 1652027

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

CS-12. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Fred Lisanti v. County of Orange, Workers' Compensation Appeal Board Case No. ADJ 3409514

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

CS-13. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Thomas Lucas v. County of Orange, Workers' Compensation Appeal Board Case Nos. ADJ 839783 and 840794

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

CS-14. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Patrick Przybyla v. County of Orange, Workers' Compensation Appeal Board Case Nos. ADJ 7146212, 7146183, 4688784 and 4385954

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

CS-15. **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:

Michael Klubnikin - Oral Re: Public Guardian, Internal Audit, racketeering and extortion by officials

Nick Berardino - Oral Re: 6,000 petitions signed by OCEA members for consideration during negotiations re: their contributions to the County

Darrell Nolta - Oral Re: Justice in Orange County, appointment of OC Public Works Director

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Nguyen - Oral Re: Town hall meetings on Affordable Care Act

Vice Chair Bates - Oral Re: Recognition at next Board meeting of OC Waste & Recycling's receiving the 2013 Arnold O. Beckman Corporate Eco-Challenge Award

Supervisor Spitzer - Oral Re: State Commission on Mandates decision regarding reimbursement of sexually violent predators costs; OC Fire Authority's RFP process for ambulance contracts

ADJOURNED: 11:57 A.M.

14235 **Adjourned in memory of Justin Valdez**

54123 **Adjourned in memory in Jon Steven**

*** 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