REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 22, 2014, 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 Nguyen, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Vice Chair Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-21)

3125 4 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 2 WHICH WAS CONTINUED TO 8/19/14, 9:30 A.M.; AND ITEMS 6 & 20 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Nguyen:

1. Assessment Appeals Board No. 3 - Reappoint Nolan Alejandro, Garden Grove, for term ending 9/3/17

2. Assessment Appeals Board No. 4 - Reappoint Clarence F. Alvey, Jr., Fountain Valley, for term ending 9/3/17

31254 **CONTINUED TO 8/19/14, 9:30 A.M.**

3. Assessment Appeals Board No. 5 - Reappoint Scott Weimer, Garden Grove, for term ending 9/3/17

4. Assessment Appeals Board No. 1 - Reappoint Min K. Chai, Irvine, for term ending 9/3/17

5. **Chairman Nelson -** Real Estate Ad Hoc Committee - Remove Supervisor Nguyen and appoint Supervisor Bates as a member

ELECTED DEPARTMENT HEADS

6. **Auditor-Controller -** Receive and file Internal Audit Quarterly Status Report for April - June 2014 - All Districts

2315 4 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

7. Accept donation of one time maintenance services from Orange County Sheriff's Advisory Council for routine and deferred maintenance of Laser Village, Katella Training Facility ($67,000) - District 3

8. Approve amendment 2 to renew agreement MA-060-12012251 with Hunter Consulting, Inc. dba HCI Environmental & Engineering Services for replacement and disposal of lead contaminated filters, 8/14/14 - 8/13/15 ($350,000); renewable for two additional years; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

9. **Treasurer-Tax Collector -** Approve amendment 1 to master agreement MA-074-12012200 with Official Payments Corporation for credit/debit card and eCheck payments online, by phone and in person for property tax bills, 8/11/14 - 7/31/15 - All Districts

OC COMMUNITY RESOURCES

10. Approve amendment 3 to cooperation agreement and Metro City agreement with eleven small cities and three Metro Cities for participation in an Urban County Program for receipt and allocation of Federal funding for housing and community development activities for FY 2015-16 through FY 2017-18; and authorize Director or designee to execute amendments and subsequent non-substantial and immaterial modifications if necessary, and forward to the U.S. Department of Housing and Urban Development - Districts 2, 3, 4, & 5

11. Approve plans and specifications and set bid opening for 9/3/14, 2:00 p.m., for construction of the Ronald W. Caspers Wilderness Park New Well & Water Tank project; and make California Environmental Quality Act findings - District 5

12. Adopt resolution approving designation of Bluff Park allowing alcoholic beverage service at Salt Creek Beach for Battle of the Paddle event on October 4 & 5, 2014 - District 5 (Continued from 7/15/14, Item 8)
RESO: 14-069

OC PUBLIC WORKS

13. Adopt resolution vacating storm drain easement, Tract 17559; and find that Final Environmental Impact Report 589 previously certified on November 8, 2004; and Addendum 1.0 certified on July 26, 2006, and Addendum 1.1 certified on February 24, 2011 each satisfy the requirements of the California Environmental Quality Act for the proposed project, which is a necessarily included element contemplated as part of the larger action; and make related findings - District 5
RESO: 14-070

14. **Acting as the Orange County Flood Control District -** Approve amendment 1 to agreement D11-043 with VA Consulting, Inc. and amendment 1 to agreement D11-050 with HDR Engineering, Inc. for on-call technical support services, extending term two additional years each; and make California Environmental Quality Act findings - All Districts

Acting as the Board of Supervisors and Orange County Flood Control District:

15. Approve agreement D13-009 with Heritage Fields El Toro, LLC, Heritage Fields El Toro Contractor GP, Inc. and the City of Irvine for construction of Bee Canyon Channel flood control improvements; authorize Director or designee to carry out terms of agreement and execute related documents; find that Final Environmental Impact Report SCH #2002101020 previously certified by the City of Irvine on May 27, 2003 satisfies requirements of California Environmental Quality Act; and make related findings - District 3

16. Select various firms in ranked list for aerial surveying services; authorize negotiation of agreements for Board approval for 3 years; waive Contract Policy Manual policy §3.5-107 & §3.5-109(3); and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

17. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Orange County Sanitation District - All Districts

County Executive Office:

18. Approve addition of California State University Fullerton on behalf of their Police Department as new member of Integrated Law and Justice Agency for Orange County (ILJAOC); and approve amendment to Joint Power of Authority agreement of the Integrated Law & Justice Agency for Orange County Joint Powers Authority - All Districts

19. Approve proposed response to FY 2013-14 Grand Jury Report "Juvenile Offenders and Recidivism: Orange County Solutions" - All Districts

20. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for June 2014 - All Districts

2513 **APPROVED AS RECOMMENDED**
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21. **Registrar of Voters -** Approve amendment 3 to agreement MA-031-11012699 with Pitney Bowes, Inc., for hardware maintenance and software licensing, 8/12/14 - 8/11/15 ($195,800); and authorize Purchasing Agent or authorized deputy to execute agreement and make future non-monetary and non-material changes - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 22-S40A)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

22. Ratify and approve invoice for Future Concepts Internet Solutions, Inc. for the purchase and installation of equipment for mobile command vehicle ($7,650) - All Districts

35124 **APPROVED AS RECOMMENDED**

23. Ratify and approve amendment 2 to renew agreement MA-060-12011980 with Charles R. Eastman dba Newport Helicopter Service for helicopter mechanic services, 7/1/14 - 6/30/15 ($3,600; new total $252,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

25134 **APPROVED AS RECOMMENDED**

24. Select Vanir Construction Management as primary and Jacobs Project Management Company as alternate firms for construction management services for AB 900 Phase II bed expansion, James A. Musick Facility; authorize negotiation of agreement for Board approval; and find that Final Environmental Impact Report 564 as certified on November 5, 1996, and recertified as amended on October 20, 1998, together with the Supplemental to EIR No. 564, certified by the Board of Supervisors on December 11, 2012, fully analyzed and disclosed the proposed project's environmental effects, and the proposed project will not have any environmental effects beyond those analyzed and disclosed in these environmental documents which provide adequate documentation under the California Environmental Quality Act findings - Districts 3 & 5 (Continued from 7/15/14, Item 15)

35124 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

25. Receive and file presentation on Medical Safety Net Program; and authorize Director or designee to increase hospital reimbursement for Medical Safety Net Program to 100% of CalOptima rates for physicians, community clinics and full service hospitals and 75% for hospitals providing only emergency and stabilization care for services provided on or after 7/1/14 - All Districts

2513 4 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

26. Approve amendment 2 to renew agreement MA-280-12012196 with TruGreen LandCare LLC for exterior landscape maintenance services, 9/11/14 - 9/10/15 ($400,520); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 2

3125 4 N **APPROVED AS RECOMMENDED**

27. Approve amendment 1 to agreement with ENVIRON International Corporation for air quality analysis services ($161,000; new total $381,000); approve amendment 1 to agreement with Fehr & Peers for traffic and circulation analysis ($9,560; new total $228,820); approve amendment 1 to agreement with Landrum & Brown, Incorporated for noise analysis ($42,620; new total $252,825); approve amendment 1 to agreement with BonTerra Psomas for Environmental Impact Report preparation services ($149,250; new total $368,802.50); and make California Environmental Quality Act findings - District 2

2513 4 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

28. Reject all bids received on 1/8/14 in response to Request for Proposals (RFP) for delivery of Workforce Investment Act (WIA) Youth Program services; direct staff to return to the Board with appropriate policy framework prior to release of a new WIA Youth Program RFP; approve amended agreement with City of La Habra, Irvine Unified School District, Orange County Asian and Pacific Islander Community Alliance, and Orange County Conservation Corps for WIA Youth employment and training services, 8/1/14 - 6/30/15 ($2,700,000); and authorize Director or designee to execute said amendments and to exercise contingency cost increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts (Continued from 6/17/14, Item 59; 7/15/14, Item 19)

3412 5 **APPROVED ALLOCATIONS AS SHOWN IN THE 7/3/14 MEMO USING "6/17 BOS MEETING" COLUMN FOR THE COASTAL, SOUTHERN AND WESTERN REGIONS AND USING "7/15 BOS MEETING - REVISED RECOMMENDATIONS" COLUMN FOR THE NORTHERN REGION; APPROVED TWO ONE-YEAR AGREEMENTS WITH A REVIEW AT THE END OF THE FIRST YEAR AND DIRECTED STAFF TO ISSUE A RFP TO DETERMINE ALLOCATIONS AFTER THE SECOND YEAR OF THIS AGREEMENT.**

OC PUBLIC WORKS

29. **Acting as the Orange County Flood Control District -** Approve amendment 3 to agreement D06-055 with GRiver Golf, LLC ($680,000) and amendment 3 to agreement D06-056 with GRiver Golf F&B Operators, LLC for extension of existing golf operations management contract and food and beverage facility lease, Green River Golf Club, 8/22/14 - 8/21/18 - All Districts

3125 4 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

30. Approve agreement with Stephen Connolly as Executive Director for Office of Independent Review, 9/1/14 - 8/31/15 ($210,000, plus County Executive Manager car allowance subject to continuing appropriations) - All Districts

25134 N **APPROVED AS RECOMMENDED**

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

25134 **APPROVED AS RECOMMENDED**

32. Approve agreement 14-001AR with BLX Group, LLC for arbitrage rebate consultant services for County's financing reporting requirements, 8/1/14 - 7/1/19; and authorize Public Finance Manager to execute agreement - All Districts

B.O. **CONTINUED TO 8/5/14, 9:30 A.M.**

33. Approve grant applications/awards submitted by Probation, Health Care Agency, Sheriff's Department and Social Services Agency in 7/22/14 grant report and other actions as recommended; adopt resolutions authorizing Chief Probation Officer to submit and execute grant agreement BSCC 360-13 and amendments with Board of State and Community Corrections (BSCC) for Reducing Racial and Ethnic Disparity (Reducing RED) Project , 1/1/14 - 12/31/14 ($30,000); and authorize HCA Director or designee to accept funds from and execute Acceptance of Award for Tuberculosis Local Assistance Base Award and Food, Shelter, Incentives and Enablers allotment with California Department of Public Health, 7/1/14 - 6/30/15 ($1,117,231); and authorize Sheriff-Coroner or designee to accept funds and execute agreement for Department of Boating and Waterways training program ($25,000) - All Districts

35124 **APPROVED AS RECOMMENDED**
RESO: 14-071

Human Resource Services:

34. Adopt Employee Health Plan Rate Tables for Premier Wellwise PPO and Premier Sharewell PPO, Wellwise Choice PPO and Sharewell Choice PPO for 2015; and approve amended and restated Wellwise Choice PPO Plan document, effective 1/1/15 - All Districts

23154 **APPROVED AS RECOMMENDED**

35. Adopt Retiree Self-funded PPO Health Plan Rates for Wellwise and Sharewell for 2015; and approve amended plan documents; and authorize Chief Human Resources Officer or designee to continue to apply for Medicare Part D federal subsidy under Medical Prescription Drug, Improvement and Modernization Act of 2003 for Wellwise retiree health plan - All Districts

23154 **APPROVED AS RECOMMENDED**

36. Approve 2015 Employee Health Plan Rate Tables for Cigna and Kaiser Health Plans, Cigna Choice and Kaiser Choice Health Plans for 2015; approve amendment 2 to Administrative Services agreements with Cigna and Kaiser for active health plans, effective 1/1/15 - 12/31/15; and authorize Chief Human Resources Officer or designee to execute amendments and Group Services Policies with Cigna and Kaiser after approval by State Department of Managed Health Care - All Districts

25134 **APPROVED AS RECOMMENDED**

37. Adopt Retiree Insured Health Plan Rates for 2015; approve amendment 2 to Administrative Services agreements with Anthem Blue Cross, Kaiser Permanente Health Plan and SCAN for retiree medical health plan, effective 1/1/15 - 12/31/15; and authorize Chief Human Resources Officer to execute amendments and Group Benefit/Service Policies with Anthem Blue Cross, Kaiser Permanente Health Plan and SCAN after approval by State Department of Managed Health Care or Centers of Medicare and Medicaid Services - All Districts

23154 **APPROVED AS RECOMMENDED**

38. **Supervisor Spitzer -** Consider second reading and adoption of "An Ordinance of the County of Orange, California, Prohibiting the Solicitation of Signatures for Candidate Nomination Papers from any County Employee at His or Her Workplace and Adding Article III of Division 6 of Title 1, Section 1-6-33 to the Codified Ordinances of the County of Orange" (Continued from 6/24/14, Item 66; 7/15/14, Item 38)

3412 **APPROVED AS RECOMMENDED**
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N

ORD: 14-004

Supervisor Moorlach:

39. Direct Registrar of Voters to place "An Ordinance of the County of Orange, California Authorizing the County of Orange to Utilize Managed Competition to Deliver County Services More Economically and Efficiently While Maintaining Service Quality and Protecting the Public Interest, and Adding Article VI, Section 601 to the Charter of Orange County" on the ballot for Statewide General Election on November 4, 2014; and direct County Counsel to prepare ballot language and impartial analysis of ordinance - All Districts

24135 AAA **MOTION FAILED TO CARRY**

40. Consider first reading of "An Ordinance of the County of Orange, California Adding Section 1-3-21 to the Codified Ordinances of the County of Orange to Require Civic Openness in Negotiations (COIN)"; and set second reading and adoption for 8/5/14, 9: 30 a.m. (Continued from 5/20/14, Item 64; 6/17/14, Item 76; 6/24/14, Item 67; 7/15/14, Item 39)

24135 **APPROVED FIRST READING AND CONTINUED TO 8/5/14, 9:30 AM FOR SECOND READING AND ADOPTION**

S40A. **Supervisor Spitzer -** Direct Registrar of Voters to place "An Ordinance of the County of Orange, California, Making Changes to the Charter of Orange County Relating to Supervisorial Vacancies, and Amending Article I, Section 103 of the Charter of Orange County" on the ballot for Statewide General Election on November 4, 2014; and direct County Counsel to prepare ballot language and impartial analysis of ordinance

31254 A **APPROVED RECOMMENDED ACTIONS UTILIZING PROPOSED ORDINANCE LANGUAGE SUBMITTED AT MEETING AND THEN AMENDED TO REPLACE "MAJORITY" WITH "HIGHEST" IN LAST SENTENCE OF SUBSECTION 103.A AND TO REPLACE "BE AUTHORIZED TO APPOINT SUCH PERSONS" WITH "APPOINT SUCH PERSONNEL" IN THE FIRST SENTENCE OF SUBSECTION 103.C**

IV. PUBLIC HEARINGS (Items 41-42)

OC PUBLIC WORKS

41. Relying upon Final Negative Declaration IP 13-251 and Addendum IP 14-122 as compliance under the California Environmental Quality Act, adopt resolution approving General Plan Amendment Land Use Element 14-01 to reflect current jurisdictional boundaries - All Districts

B.O. **CLOSED PUBLIC HEARING**

53124 **APPROVED AS RECOMMENDED**

RESO: 14-072

42. Public Hearing to consider adopting resolution approving fee report for La Mirada County Service Area No. 13 sewer services; and make California Environmental Quality Act findings - District 4 (4/5 vote of the voting members present)

B.O. **CLOSED PUBLIC HEARING**

4312 **APPROVED AS RECOMMENDED**
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N

RESO: 14-073

V. CLOSED SESSION (Items CS-1-SCS5)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Los Angeles Engineering, Inc. v. County of Orange et al., Orange County Superior Court Case No. 30-2014-00729572-CU-BC-CJC

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL ON BEHALF OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT TO ENGAGE THE SERVICES OF WOODRUFF SPRADLIN & SMART TO REPRESENT THE COUNTY IN THE MATTER OF LOS ANGELES ENGINEERING, INC. V. COUNTY OF ORANGE, ET AL.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One Case

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: Marilyn Medler v. County of Orange, Workers' Compensation Appeal Board Case No. ADJ4315578

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MARILYN MEDLER 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-4. **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), Orange County Managers Association (OCMA) and other non-represented employees
RE: Terms and Conditions of Employment

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

SCS5. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government 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: Lowe Enterprises Real Estate Group
Future Lessees
Under Negotiation: Terms of Development and Value of Future Leases

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Illegal sale of home, illegal audit of private citizens

Wiley Drake - Oral Re: Prayer groups, child protective services

Ilya Tseglin & Robert Tseglin - Oral Re: Nate Tseglin, Regional Center

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

None

ADJOURNED: 12:19 P.M.

3412 **Adjourned in memory of Honorable Judge Daniel Didier**
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2413 **Adjourned in memory of Douglas Hilliard Thomson**
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*** 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