REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, September 10, 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 | Mark Denny, Chief Operating Officer |
| | COUNTY COUNSEL | Nicholas S. Chrisos |
| | CLERK OF THE BOARD | Susan Novak |

INVOCATION: Supervisor Nguyen, First District, gave the invocation

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

## I. PRESENTATIONS/INTRODUCTIONS

## II. CONSENT CALENDAR (Items 1-27)

32154 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 19 WHICH WAS CONTINUED TO 10/1/13, 9:30 A.M.; AND ITEMS 1, 10, 21, 23 & 25 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

## BOARD APPOINTMENTS

1. **Chairman Nelson -** Board of Retirement, OCERS - Reappoint Wayne Lindholm, Laguna Niguel, for term ending 12/31/15

25134 **APPROVED AS RECOMMENDED**

**Vice Chair Bates:**

2. Assessment Appeals Board No. 2 - Reappoint Paula Cosenza, Laguna Niguel, for term ending 9/4/16

3. Coastal Greenbelt Authority - Appoint Thomas Maloney, Laguna Niguel, for term concurrent with 5th District Supervisor's term of office

4. **Supervisor Spitzer -** Airport Commission - Reappoint Bruce Junor, North Tustin, for term concurrent with 3rd District Supervisor's term of office

5. **Supervisor Moorlach -** Assessment Appeals Board No. 1 - Appoint Thomas Cole Edwards, Newport Beach, to complete term ending 9/6/15

6. **Supervisor Nguyen -** Acting as Orange County Housing Authority - Housing and Community Development Commission - Appoint Leslie K. Le, Santa Ana, to complete term ending 6/30/15

**DEPARTMENT APPOINTMENTS**

7. **Health Care Agency -** Emergency Medical Care Committee - Appoint Sharon Hoier (Gibson), Aliso Viejo, and reappoint Kenneth McFarland, Mission Viejo, Monica D. Ruzich, Huntington Beach, Dr. Michelle Tom, Dana Point for terms ending 6/30/15 - All Districts

**ELECTED DEPARTMENT HEADS**

8. **Auditor-Controller -** Adopt resolution approving property tax rates, delinquency/roll change/refund factors and reserve of disputed values for FY 2013-14 - All Districts
*RESO: 13-085*

9. **District Attorney -** Approve lease agreement CEO/ALS/DA-12-032 with Cornerstone Partners, LLC for office space at 5000 Birch Street, 4th Floor, Newport Beach; and make California Environmental Quality Act findings - District 2

**Sheriff-Coroner:**

10. Ratify and approve agreement 13112445 with State of California for Peace Officer Standards and Training (POST) for provision of Supervisory Course, 7/1/13 - 6/30/14; accept reimbursement for training cost ($41,580); and authorize Sheriff-Coroner or designee to execute agreement - All Districts
35124 **APPROVED AS RECOMMENDED**

11. Approve agreement CT-060-14010022 with Life Technologies Corporation for purchase of genetic analyzer and operating software ($106,817); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

12. Approve amendment 1 to agreement MA-060-14010146 with Premier Computing, Inc. for maintenance of software license for Commissary inventory system, 9/26/13 - 9/25/14 ($25,000) and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

13. Approve amendment 2 to agreement MA-060-11012605 with SoCal Batteries, Inc., dba,

Batteries Plus for batteries for Sheriff Department's Harbor Patrol Division, 9/21/13 - 9/20/14 ($3,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

14. Approve agreement MA-060-13011827 with Fisher Scientific Company dba Fisher Healthcare for purchase of laboratory chemicals and lab supplies, 9/10/13 - 9/9/14 ($28,500); renewable for four additional one-year periods ($28,500 per year); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

**HEALTH CARE AGENCY**

15. Approve agreement with State Department of Public Health for HIV/AIDS Expanded Testing Program, 7/1/13 - 12/31/13 ($197,238); and authorize Director or designee to execute agreement - All Districts

16. Approve CalRecycle Enforcement Assistance Grant agreement EA 24-13-0021 for solid waste management, 7/1/13 - 10/28/14 ($45,749); and authorize Director or designee to execute agreement and any subsequent non-monetary amendments - All Districts

17. Approve amendment to agreement with The Regents of the University of California, Irvine Child Development Center for School Based Behavioral Health Intervention and Support-Early Intervention services, 7/1/13 - 6/30/15; and authorize Director or designee to execute amendment - All Districts

**OC COMMUNITY RESOURCES**

18. Approve amendments with various providers for additional funds for Older Americans Act services, 7/1/13 - 9/30/13; authorize Director or designee to execute amendments and exercise contingency cost increase not to exceed 15% of individual agreements and make line item budget transfers - All Districts

**OC PUBLIC WORKS**

19. Approve Memorandum of Understanding with OneOC to provide service opportunities for participants in the County Court Referral Program - All Districts

32154 **CONTINUED TO 10/1/13, 9:30 A.M.**

20. Approve agreement MA-080-13012123 with Cal Building Systems, Inc. for fire alarm system maintenance and repair services, 12/2/13 - 11/30/14 ($106,361); renewable for two additional years; and make California Environmental Quality Act findings - Districts 1, 3 and 5

21. Adopt resolution authorizing expenditures and activities to recognize and encourage public participation in programs protecting stream, channel, and coastal water quality; and make California Environmental Quality Act findings - All Districts

21354 **APPROVED AS RECOMMENDED**
*RESO: 13-086*

22. Approve OC Waste & Recycling Records Control Schedule 365 to supersede Records Control Schedule 345A; and authorize continuing disposition of records described on new schedule - All Districts (4/5 vote of the members present)

23. Approve Bid Procedure, offer and agreement, and minimum bid amounts for the sale of Katella Avenue Smart Street surplus properties; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 4

45123 **APPROVED AS RECOMMENDED**
X

24. Select various firms in ranked list for on-call planning and engineering services; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

**PUBLIC PROTECTION**

25. **Probation -** Approve agreement with The National Corrective Group, Inc. dba CorrectiveSolutions for provision of full case management supervised electronic confinement/home detention program services utilizing a Global Positioning Satellite System ($382,555 Revenue), 9/10/13 - 6/30/14 ($373,593); renewable for four additional one-year periods - All Districts

25134 **APPROVED MODIFIED RECOMMENDED ACTION CHANGING RENEWABLE ADDITIONAL ONE-YEAR PERIODS FROM FOUR TO TWO.**

26. **Public Defender -** Approve lease agreement with Cornerstone Partners IV, LLC for office space at 5000 Birch Street, 1st Floor, Newport Beach; and make California Environmental Quality Act findings - District 2

**SOCIAL SERVICES AGENCY**

27. Approve amendment 1 to agreement WMZ0211 with Abor E & T, LLC a subsidiary of ResCare Inc. for job service and employment support services, beginning 11/1/13 for contractual period of 7/1/11 - 6/30/14 - All Districts

END OF CONSENT CALENDAR

## III. DISCUSSION ITEMS (Items 28-S44A)

## ELECTED DEPARTMENT HEADS

28. **District Attorney -** Accept grant award for investigation and prosecution of disability and healthcare insurance fraud cases, FY 2013-14 ($2,019,745); direct Auditor Controller to increase appropriations and revenues by $1,438,245; and direct Human Resources Director to amend master position control to add nine positions - All Districts

13254 **APPROVED AS RECOMMENDED**

## HEALTH CARE AGENCY

29. 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 (Continued from 8/20/13, Item 16)

54123 **APPROVED AS RECOMMENDED**

30. Approve amendment to agreement 12-78008-000 with State Department of State Hospitals for conditional release program, 7/1/12 - 12/31/13 ($1,708,210); and authorize Director or designee to execute amendment - All Districts

B.O. **CONTINUED TO 9/17/13, 9:30 A.M.**

## JOHN WAYNE AIRPORT

31. Approve amendment 2 to agreement with Flagship Airport Services for custodial maintenance services, 10/1/13 - 9/30/14 ($4,115,071); and make California Environmental Quality Act findings - District 2

53124 **APPROVED AS RECOMMENDED**

32. Approve agreement with IDS Group, Inc. for bridging document preparation and construction administration services ($3,245,625); 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

21354 **APPROVED AS RECOMMENDED**

33. Approve agreement with ENVIRON International Corporation for air quality analysis services ($200,000); approve agreement with Fehr & Peers for traffic and circulation analysis ($199,600); approve agreement with AECOM for aviation analysis services ($165,000); approve agreement with Landrum & Brown, Incorporated for noise analysis ($191,220); approve agreement with Bon Terra Consulting for Environmental Impact Report preparation services ($199,990); authorize Auditor Controller to transfer funds under certain conditions; and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

34. Approve agreement with AMEC Environmental and Infrastructural Inc. for environmental services ($2,400,000); renewable for two additional one year periods ($800,000 per year); and make California Environmental Quality Act findings - District 2

23154 **APPROVED AS RECOMMENDED**

## OC COMMUNITY RESOURCES

35. Approve agreements CPO13-001 with Stantec Consulting Services, Inc. for landscape architecture services and CPO13-002 with Noble Consultants, Inc. for engineering services, three -year terms ($400,000 each); and make California Environmental Quality Act findings - All Districts

35124 **APPROVED AS RECOMMENDED**

**OC WASTE & RECYCLING**

36. Approve agreement MA-299-14010200 with Tetra Tech BAS, Inc. for landfill gas services for Central Region Landfills, 10/1/13 - 9/30/16 ($6,000,000); renewable for two additional one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 2 and 3

32154 **APPROVED AS RECOMMENDED**

37. Select Tetra Tech BAS, Inc. as primary and Advanced Earth Sciences as alternate firms for geotechnical investigation and design of Zone 1, Phase D Groundwater Protection Composite Liner, Prima Deshecha Landfill; authorize negotiation of agreements for Board approval; and find that Final Environmental Impact Report 575 previously certified by the Board of Supervisors on November 6, 2001, reflects the independent judgment of the County of Orange and satisfies the requirements of California Environmental Quality Act for the proposed project, which is a necessarily included element contemplated as part of this action - District 5

51234 **APPROVED AS RECOMMENDED**

38. Approve agreement MA-299-14010179 with SWT Engineering for design of East Canyon Landslide Mitigation Measures, Frank R. Bowerman Landfill, effective 10/1/13 ($2,000,000); and find that Final Environmental Impact Report 604, RELOOC Strategic Plan, previously certified by the Board of Supervisors on August 15, 2006, in combination with Addendum 604-3, reflects the independent judgment of the County of Orange and satisfies the requirements of California Environmental Quality Act for the proposed project which is a necessarily included element contemplated as part of this action - District 3

32154 **APPROVED AS RECOMMENDED**

**SOCIAL SERVICES AGENCY**

39. Direct Human Resources Services to amend master position control to add 90 full-time, regular positions and conversion of 54 existing extra help positions to regular status for Affordable Care Act implementation - All Districts

15234 **APPROVED AS RECOMMENDED**

**GENERAL ADMINISTRATION**

40. **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 (Continued from 8/20/13, Item 21)

23154 **APPROVED AS RECOMMENDED**

**County Executive Office:**

41. Approve master services agreement MA-017-13012100 for five years with option for two one-

year renewals with Xerox State & Local Solutions, Inc., for voice and data network services (Scope 2) (FY 2013-2014 cost $10,114,072; five year cost $132,409,160); and authorize Chief Information Officer or designee to execute master services agreement; authorize the County Chief Information Officer or his designees to extend the Term of the Information Technology and Telecommunications Services Agreement (#N10000003198) with Xerox State and Local Solutions, Inc., and increase the contract by a not to exceed amount of $8,125,160 beginning September 11, 2013 and no later than March 16, 2014 in the form of Amendment No. 21; approve Amendment #1 to Master Services Agreement (MA-017-13011864) between the County of Orange and Science Applications International Corporation (SAIC) for $243,328 for additional transition activities beyond the 120 day transition originally approved in the Agreement, and authorize and direct the County Chief Information Officer or designee to execute the amendment on behalf of the County; and make California Environmental Quality Act findings - All Districts (Continued from 7/23/13, Item 32; 7/30/13, Item 24)

12354 **APPROVED AS RECOMMENDED**
N

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

24135 **APPROVED AS RECOMMENDED**

43. Approve grant applications/awards submitted by OC Community Resources/OC Public Libraries, the District Attorney and John Wayne Airport in the 9/10/13 grant report and other actions as recommended; and authorize John Wayne Airport Director to execute a grant agreement with the Federal Aviation Administration, FY 2013/14 ($1,365,285) - All Districts

31254 **APPROVED AS RECOMMENDED**

44. Approve proposed response to FY 2012-13 Grand Jury Report "To Protect And To Serve: A Look at Tools to Assist Law Enforcement in Achieving Positive Outcomes with the Homeless Mentally Ill" - All Districts

32154 **APPROVED WITH MODIFICATION TO COUNTY'S RESPONSE 3 PER 9/10/13 MEMO SUBMITTED BY SUPERVISOR SPITZER.**

S44A. **Chairman Nelson -** Board of Retirement, OCERS - Appoint David L. Ball, Newport Beach for term ending 12/31/13

2 **MOTION TO APPROVE RECOMMENDED ACTION FAILED TO RECEIVE A SECOND**

53124 **CONTINUED TO 9/17/13, 9:30 A.M.**
N

## IV. PUBLIC HEARINGS (Item 45)

## HEALTH CARE AGENCY

45. Public Hearing to consider adopting resolution approving update of maximum 911 emergency basic life support ground ambulance rates and Orange County Fire Authority advanced life support paramedic assessment and transportation rates, effective 7/1/13; supersedes and rescinds Resolution 12-092; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

23154 **APPROVED AS RECOMMENDED**
N

*RESO: 13-087*

**V. CLOSED SESSION (Items CS-1-CS-6)**

**GENERAL ADMINISTRATION**

**County Counsel:**

CS-1. 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-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Saddleback Canyons Conservancy, et al., v. County of Orange, et al., (Rutter Santiago LP, Real Party in Interest), Orange County Superior Court Case Nos. 20-2012-00609766 and 20-2013-00625000
B.O. **HELD, NO REPORTABLE ACTION**

CS-3. 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-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Emilia Ruiz v. Jian Peng, County of Orange, et al., Orange County Superior Court Case No. 30-2012 00584870
B.O. **HELD, THE CLERK READ; THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF EMILIA RUIZ V. JIAN PENG, COUNTY OF ORANGE, 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 CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

CS-5. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: 405 West Fifth Street, Santa Ana
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: 405 West Fifth Street Holdings, LLC
Under Negotiations: Exercise of option to purchase air space rights
B.O. **HELD, NO REPORTABLE ACTION**

CS-6. **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:**

Rose Tingle - Oral Re: Need for new animal shelter

Michael Klubnikin - Oral Re: Public Guardian's disposition of his mother's property

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

Marty Adair - Oral Re: Fletcher Basin encroachment permit

Linda May - Oral Re: Closed Session report on CS-2

Nick Berardino - Oral Re: IT contracts awarded under item 41

**COUNTY EXECUTIVE OFFICER COMMENTS:**
None

**BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:**

**BOARD COMMENTS:**

Supervisor Spitzer - Oral Re: Direction to staff for review of various Animal Care Licensing issues

Supervisor Nguyen - Oral Re: Staff's work on IT Sourcing contracts; appreciating Law Enforcement, Fire and Medical personnel on September 11th

Vice Chairman Bates - Oral Re: Staff's work on IT Sourcing contracts

Supervisor Moorlach - Oral Re: Admissions Day, retirement of Loan Leblow, Assistant Airport Director

**ADJOURNED: 3:16 P.M.**

24135 **Adjourned in memory of Randy Elliott**

34125 **Adjourned in memory of Michael Salarno**

54123 **Adjourned in memory of Nicholas Pasquale**

24135 **Adjourned in memory of Charles Wade Roberts**

*** 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)*

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*Chair, Orange County Board of Supervisors*

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*Orange County Clerk of the Board*