REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 21, 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	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: Chairman Nelson, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-9)

23154 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3 & 9 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

1. **Auditor-Controller -** Approve one-time agreement MA-003-15010663 with CGI Technologies

andSolutions Inc. (CGI) for installation of CAPS+ Advantage Financial/Purchasing (version 3.7) and CAPS+ Advantage Human Resources/Payroll (version 3.8) Systems, and third-party software onto new IBM AIX Power8 platforms, ($283,500); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

Sheriff-Coroner:

2. Approve amendment 2 to agreement MA-060-1201039 with Premier Computing Inc. for helpdesk support for commissary operations system, 11/9/14 - 11/8/15 ($24,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

3. Approve Change Order No. 1 to agreement with Environmental Assessment and RemediationInc., dba EAR Engineering, Construction & Support Services for the remediation of the underground fuel tank contamination, James A. Musick Facility ($44,902; new total $224,752); and authorize Sheriff-Coroner or designee to execute change order - Districts 3 and 5

24135 **CONTINUED TO 10/28/14, 9:30 A.M.**

OC COMMUNITY RESOURCES

4. Accept donation of $23,000 from Friends of Rancho Santa Margarita Library to purchase new furniturefor Rancho Santa Margarita Library - District 5

5. Accept donation of $120,000 from Friends of the Los Alamitos Rossmoor Library to offset cost ofrefurbishing the front entry plaza for Los Alamitos Rossmoor Library - District 2

OC PUBLIC WORKS

6. Approve Tract Map 17561, RMV PA 2 Development, LLC; accept dedication for vehicular accessrights; accept easements for streets, street lights, storm drain facilities, sewer, water, reclaimed water, storm drain, scenic preservation, Class 1 Bikeway and monumentation; approve agreement S1406-176 and accept bonds guaranteeing construction improvements; do not accept dedication of irrevocable offer over lots 57 and 63 for local park purposes; and consider application of prior Environmental Impact Report No. 589 and other findings - District 5

7. **Acting as the Orange County Flood Control District -** Approve Easement Deeds to the City of Irvinefor aerial, emergency vehicle, pedestrian walkway and landscaping purposes; authorize Director or designee to carry out terms of the deeds and accept related payment; and consider application of City of Irvine prior Supplemental Environmental Impact Report and other findings - District 3

GENERAL ADMINISTRATION

8. **County Executive Office -** Approve assumption and consent agreement with Calero Software, LLC toassume agreement N1000010408 with PAETEC Software Corp. and issue amendment 4 for billing and management software solution, 10/28/14 - 10/27/15 ($20,000); and authorize Purchasing Agent or authorized Deputy to execute agreements - All Districts

9. **Human Resource Services -** Approve amendment 1 to agreement with Mercer Health & Benefits LLCfor benefits consulting and actuarial services, 12/8/14 - 12/7/15; and authorize

Chief Human Resources Officer or designee to execute amendment - All Districts

51234 **AUTHORIZED THE CHIEF HUMAN RESOURCES OFFICER OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 1 WITH MERCER HEALTH & BENEFITS LLC UNDER THE SAME TERMS, CONDITIONS AND SCOPE OF WORK FOR ONE ADDITIONAL YEAR EFFECTIVE DECEMBER 8, 2014 THROUGH DECEMBER 7, 2015, FOR AN AMOUNT NOT TO EXCEED $420,750.**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 10-S23B)

ELECTED DEPARTMENT HEADS

10. **Sheriff-Coroner -** Approve agreement MA-060-15010567 with Motorola Inc. for replacement ofobsolete radio equipment, 11/1/14 - 10/31/15 ($2,483,882); authorize Sheriff-Coroner or designee to execute agreement; and make California Environmental Quality Act findings - All Districts

25134 **APPROVED AS RECOMMENDED**

11. **Treasurer-Tax Collector -** Approve amendment 1 to agreement 12010714 with The McGraw HillCompanies, dba Standard and Poor's Rating Service for investment credit rating services for Orange County Money Market Fund and Orange County Educational Money Market Fund, 12/1/14 - 11/30/16 ($26,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

23154 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

12. Approve agreement with City of Santa Ana for housing and supportive services for persons living withHIV infection, 7/1/14 - 6/30/15 ($890,372) - All Districts

53124 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

13. Approve amendment 2 to agreement MA-080-13010705 with Parking Concepts, Inc. for management and operation of multiple parking facilities; City of Westminster Civic Center, Manchester Complex in the City of Orange, and City of Santa Ana Civic Center, 12/1/14 - 11/30/15 ($2,148,562); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 1 and 3

13254 **APPROVED AS RECOMMENDED**

14. Approve amendment 3 to agreement MA-080-12010821 with De Par Inc. dba Associated Laboratories,Physis Environmental Laboratories Inc., Truesdail Laboratories Inc., and Weck Analytical Environmental Services Inc. for water quality analytical services, 12/20/14 - 12/19/15 ($979,500); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

25134 **APPROVED AS RECOMMENDED**

15. Approve agreement MA-080-15010425 with Aquatic Bioassay & Consulting Inc. for water quality andsediment toxicity testing analytical services, 11/10/14 - 11/9/19 ($600,000 per year); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

35124 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

16. Approve amendment 1 and waiver to second amended and restated landfill gas rights & productionfacilities agreement with Bowerman Power, LFG, LLC for construction of landfill gas to energy facility, Frank R. Bowerman Landfill; approve Consent to Encumbrance with Caterpillar Financial Services Corporation and Bowerman Power LFG, LLC; authorize

Director to execute agreement and waiver and Consent to Encumbrance and to grant required rights of way and licenses; and consider application of prior Final Mitigated Negative Declaration No. 610 and other findings - District 3

35124 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

17. Approve 15-year lease agreement CEO/ALS/SSA-13-047 with IX CW 500 Orange Tower, LPfor relocation of SSA Administration Headquarters, Orange; and authorize the Chief Real Estate Officer to agree to minor non-monetary revisions and amendments to the lease terms as necessary to effectuate the action set out in this ASR and the build-out of the premises for the County; and make California Environmental Quality Act findings - District 3 (Continued from 7/15/14, Item 30; 8/5/14, Item 21; 8/12/14, Item 17; 8/19/14, Item 38; 9/9/14, Item 31; 9/16/14, Item 44; 9/30/14, Item 36)

43125 **CONTINUED TO 11/18/2014**

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

21354 **RECEIVED & FILED**

19. Adopt Annual Required Contribution Rates for Retiree Medical Plan based on the June 30, 2013Actuarial Valuation for FY 2013-14 and FY 2014-15 - All Districts

B.O. **DELETED**

20. Approve grant applications/awards submitted by Health Care Agency, John Wayne Airport andOC Public Works in 10/21/14 grant report and other actions as recommended; adopt resolution authorizing HCA Director or designee to submit grant applications for continued funding of various department programs and directing annual submittal of a list of routine continued funding grant applications for Board approval; and adopt resolutions authorizing HCA Director or designee to submit and execute applications, related documents and amendments to State Department of Resources Recycling and Recovery (CalRecycle) for Local Enforcement Agency grant, Used Oil Payment Program and Waste Tire Enforcement grant - All Districts

35124 **APPROVED AS RECOMMENDED**
RESO: 14-091 - 14-094

21. **Supervisor Nguyen -** Receive and file 20th Annual Report on the Conditions of Children in OrangeCounty

13254 **RECEIVED & FILED**

22. **Office of the Performance Audit Director -** Receive an update on the Office of the Performance Audit Director Work Plan and consider modifying the Work Plan - All Districts

B.O. **CONTINUED TO 11/25/14, 9:30 A.M.**

Chairman Nelson:

23. Consider second reading and adoption of "An Ordinance of the County of Orange, California,Prohibiting the Installation of Automated "Red Light" Traffic Enforcement

Cameras in Unincorporated Areas Creating Article 8 of Division 1 of Title 6 and Adding Section 6-1-140 to Article 8 of Division 1 of Title 6, to the Codified Ordinances of the County of Orange" (Continued from 10/7/14, Item S18A)

42135 **APPROVED AS RECOMMENDED**
ORD: 14-006

S23A. Approve amendment 1 to agreement with Michael Giancola for the Employment of CountyExecutive Officer

B.O. **CONTINUED TO 10/28/14, 9:30 A.M.**

S23B. **Human Resource Services -** Adopt resolution unilaterally imposing terms and conditions of employment for members of International Union of Operating Engineers (IUOE) bargaining unit - All Districts

43125 N **APPROVED AS RECOMMENDED**

RESO: 14-095

IV. PUBLIC HEARINGS (None)

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

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuantto Government Code Section 54956.9(d)(1):
Name of Case: Jeffory Weaver v. County of Orange, United States District Court Case No. SACV10-00101 JVS;
Guy Olschewske v. County of Orange, United States District Court Case No. SACV 10-0805 CJC

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASES OF JEFFORY WEAVER V. COUNTY OF ORANGE AND GUY OLSCHEWSKE 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-2. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant toGovernment Code Section 54956.8:
Property Location: Open space property in the City of Anaheim adjacent to Gypsum Canyon Road and California State Route 91 and open space property adjacent to and within the City of Orange near the intersection of Santiago Canyon Road and Jamboree Road
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: The Irvine Company, RRM Properties
Under Negotiation: Terms and Value of Future Conveyance

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

CS-3. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant toGovernment 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**

SCS4. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuantto Government Code Section 54956.9(d)(1):
Name of Case: Orange County Attorneys Association v. County of Orange, et al., Orange County Superior Court Case No. 30-2013-00638110-CU-WM-CJC

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, SUPERVISORS NELSON, BATES, MOORLACH AND NGUYEN VOTING IN FAVOR, SUPERVISOR SPITZER VOTING AGAINST, AUTHORIZED THE FILING OF AN APPEAL IN THE CASE OF ORANGE COUNTY ATTORNEYS ASSOCIATION V. COUNTY OF ORANGE, ET AL.**

SCS5. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant toGovernment Code Section 54956.8:
Property Location: 500 N. State College Blvd., Orange, CA 92868
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: IX CW 500 Orange Tower, LP
Under Negotiation: Terms and Value of Lease

43125 **CONTINUED TO 10/28/14, 9:30 A.M.**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

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

Chris Prevatt - Oral Re: agreement with Vanguard University

Allen Franz, Suely Hale, Monique Toloa, Sonya Ginn & Donta Harrison - Oral Re: pay rate of In-Home Supportive Services providers

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Spitzer - Oral Re: 888 N. Main Bldg, Santa Ana and development of ballot titles for initiatives

Vice Chair Bates - Oral Re: Emergency Preparedness Expo

Supervisor Nguyen - Oral Re: Senior Health Expo, flu vaccination clinic, passports and marriage licenses now issued at County Community Service Center

Supervisor Moorlach - Oral Re: birth of his 2nd grandson, AB 1234 Trip Report to attend CSAC meetings in Sacramento & Monterey & determination of ballot titles for initiatives

Chairman Nelson - Oral Re: flu vaccinations for County employees

ADJOURNED: 2:00 P.M.
None

*** 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