REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 4, 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: Supervisor Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-12)

31254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 2, 3, 7 & 9 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **Treasurer-Tax Collector -** Treasury Oversight Committee - Reappoint Laura Parisi, Laguna Beach, for term ending 3/17/17 - All Districts

ELECTED DEPARTMENT HEADS

2. **Assessor Department -** Authorize use of County resources on refreshments for representatives attending Assessor's annual meeting with Cities, School Districts and Special Districts ($2000); and make appropriate findings - All Districts (Continued from 1/28/14, Item 3)

24135 **MOTION FAILED TO APPROVE FOR 1 YEAR ONLY**
NNN

35124 **MOTION APPROVED TO PAY FACILITY USE CHARGES ONLY**
N

Sheriff-Coroner:

3. Adopt resolution rescinding Resolution 89-425; adopting rules and regulations for supervised electronic monitoring home detention programs and designating the Sheriff and Chief Probation Officer as County's Co-Correctional Administrators - All Districts

2 **MOTION FAILED TO APPROVE STAFF RECOMMENDATIONS DUE TO LACK OF A SECOND**

4. Approve plans and specifications and set bid opening for 3/12/14, 2:00 p.m., for overhaul of electric sliding doors, Central Men's and Women's Jails, Phase IV - District 1

5. Approve plans and specifications and set bid opening for 3/19/14, 2:00 p.m., for remediation of underground fuel tank contamination, James A. Musick Facility - District 3

6. Approve amendment 2 to agreement with J.C. Chang and Associates for special inspection services to complete the implementation of design for Americans with Disabilities Act modifications to shower and toilet facilities at Central Women's Jail ($10,000); and authorize Sheriff-Coroner or designee to execute amendment - District 1

OC COMMUNITY RESOURCES

7. Adopt resolution approving agreement FA-1316-22 and contractor/vendor confidentiality statement with State Department of Aging for Health Insurance Counseling & Advocacy Program services under California's Cal MediConnect demonstration, 12/1/13 - 5/1/16 ($105,266); authorize Director or designee to execute agreement and any subsequent amendments and to exercise contingency cost increase or decrease of 10% under certain conditions - All Districts (Continued from 1/28/14, Item 16)

15234 **APPROVED AS RECOMMENDED**
RESO: 14-017

OC PUBLIC WORKS

8. Approve amendment 1 to agreement C-1-3001 with Orange County Transportation Authority for Crown Valley Parkway Corridor Regional Traffic Signal Synchronization Program Project, extending term to 6/30/16; and find that Final Environmental Impact Report 555, originally certified on October 17, 1995 provides adequate documentation under the California Environmental Quality Act - District 5

9. Approve plans and specifications and set bid opening for 3/12/14, 2:00 p.m., for Human Resources Consolidation Relocation project; and make California Environmental Quality Act findings - All Districts

24135

PUBLIC PROTECTION

10. **Probation -** Receive and file update of Orange County Public Safety Realignment and Postrelease Community Supervision 2013 Implementation Plan - All Districts

11. **Public Defender -** Approve amendment 1 to agreement MA-058-13011004 with GB Global LLC dba LegalEdge Software for maintenance and support on American Defender Software, 3/1/14 - 2/28/15 ($123,197.67); renewable for one additional one-year period; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

GENERAL ADMINISTRATION

12. **County Executive Office -** Receive and file Quarterly Information Technology Project Status Detail, Executive Summary and Risk Assessment Reports for October - December 2013 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-S25C)

ELECTED DEPARTMENT HEADS

13. **District Attorney -** Approve agreement with District Attorney Fellows for Certified Law Student and Legal Services; approve Memorandum of Understanding (MOU) and Cooperative agreement with participating Schools of Law for Orange County District Attorney Fellowship Program; authorize District Attorney or designee to execute individual agreements and MOU's; and authorize Auditor-Controller to make related payments - All Districts

31254 **APPROVED AS RECOMMENDED**

14. **Sheriff-Coroner -** Accept 2013 Homeland Security Grant Program award from California Office of Emergency Management Agency ($2,911,455); authorize Purchasing Agent or authorized Deputy to purchase related equipment; approve related documents and authorize Sheriff-Coroner or designee to execute agreement; and authorize Auditor-Controller to transfer funds or property to other entities under certain conditions - All Districts

23154 **APPROVED AS RECOMMENDED**

Treasurer-Tax Collector:

15. Adopt resolution approving amended Investment Policy Statement for 2014 - All Districts
(Continued from 12/17/13, Item 42)

23154 **APPROVED AS RECOMMENDED**
RESO: 14-018

16. Approve amendment 5 to master agreement MA-074-10012363 with Bloomberg Finance LP, for online financial information services and Order Management System, 3/15/14 - 3/14/15 ($324,880) - All Districts

25134 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

17. 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 Applicable to Potentially Aggressive Dogs in the County and Make Various Other Amendments to Facilitate the Implementation of Safety Restrictions on Such Dogs" - All Districts
(Continued from 9/17/13, Item 40; 10/1/13, Item 23; 11/5/13, Item 29; 12/17/13, Item 48; 1/14/14, Item 13; 1/28/14, Item 46)
NO ACTION TAKEN

OC PUBLIC WORKS

18. **Acting as the Orange County Flood Control District -** Declare bid of Lonerock Inc., and Belczak & Sons, Inc. to be non-responsive; receive bids and award contract to Precision Shotcrete Innovations for Rossmoor Storm Channel Improvement Project ($2,407,405.84) - District 2

24135 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

19. Approve FY 2013-14 Second Quarter Budget Report; approve related budget adjustments and reserve changes; amend master position control; approve allocation of funds for reimbursement of costs related to DNA collections; authorize County Executive Officer or designee to amend the FY 2013-14 Memorandum of Understanding with Orange County Superior Courts to charge Court Transcript costs to Budget Control 081; direct Auditor-Controller to record revenue and notes receivable in Housing Asset Fund for balance of loans transferred from City of Seal Beach; approve purchase of MT-M6 class specialized truck ($400,000) and Rubber Tire Loader ($300,000); direct Auditor-Controller to close Fund 277 and transfer any balances to Fund 299; approve revised FY 2013-14 IT Services rates for Scope 1 and Scope 2 services and approve a-la-carte project labor support rates; approve County Executive Office/Human Resource Services budget-related reorganization effective with FY 2014-15 Budget; and approve alignment of the Real Estate Development Program, effective with FY 2014-15 Budget - All Districts (R.A. 1 4/5 vote of members present and voting)

53124 **APPROVED AS RECOMMENDED**

20. Approve amendment 2 to agreement MA-017-12011319 with Network Television Time, Inc. for Board of Supervisors Video and Equipment services, 4/1/14 - 3/31/17 ($250,000 per year) - All Districts

32154 **APPROVED AS RECOMMENDED**

21. Approve in concept refunding of Orange County Development Agency Tax Allocation Refunding Bonds, Neighborhood Development and Preservation Project, Series 2001; and approve selection of KNN Public Finance as financial advisor, Stradling Yocca Carlson & Rauth as bond and disclosure counsel and E.J. De La Rosa & Co. as underwriter - All Districts (Continued from 1/28/14, Item 58)

52134 **APPROVED AS RECOMMENDED**

22. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; and approve amendment to 2014 Legislative Platform to include new Legislative Priority - All Districts

35124 **APPROVED PROPOSING LEGISLATION TO HAVE THE FAIR POLITICAL PRACTICES COMMISSION TAKE OVER CAMPAIGN ENFORCEMENT IN ORANGE COUNTY AND TO FOLLOW TINCUP CONTRIBUTION LIMIT**

23. Approve grant applications/awards submitted by Sheriff-Coroner and Social Services Agency in 2/4/14 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner to submit and execute grant agreement and amendments with Board of State and Community corrections (BSCC) for 2013/14 Anti-Drug Abuse Enforcement Teams Program ($509,879) - All Districts

12354 **APPROVED AS RECOMMENDED**
RESO: 14-019

24. Consider second reading and adoption of "An Ordinance of the County of Orange, California, Consolidating the Office of Public Administrator with the Office of District Attorney"; Direct Registrar of Voters to notify any potential candidates for Public Administrator that the position has been consolidated with District Attorney; and Direct CEO to combine Public Guardian with Health Care Agency and make any necessary budget and staffing changes effective with the FY 14-15 budget - All Districts (Continued from 1/28/14, Item 62)

14235 **APPROVED AS RECOMMENDED**
N N

ORD: 14-001

25. **Human Resource Services -** Select Great-West Retirement Services for County's Internal Revenue Code (IRC) Section 457(b) defined contribution plan, IRC Section 401(a) retirement plan, IRC Section 3121 Extra-Help defined contribution plan, County's "1.62 Defined Contribution Plans", and Extra-Help Defined Benefit Plan; and authorize Assistant Human Resources Officer/Employee Benefits or designee to negotiate agreement and return to the Board for final approval - All Districts

35124 **APPROVED AS RECOMMENDED**

S25A. **Chairman Nelson and Supervisor Spitzer -** Update on Centers for Medicare & Medicaid Services (CMS) audit of CalOptima and other related issues

DISCUSSED

ELECTED DEPARTMENT HEADS

S25B. **Sheriff-Coroner -** Approve agreement CT-060-14010368 with TriTech Software Systems for Vision Records Management System Migration and training, 2/4/14 - 7/14/14 ($55,810); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

32154 **APPROVED AS RECOMMENDED**

X

OC PUBLIC WORKS

S25C. Approve agreement D13-085 with Hill International, Inc. for construction management services, 2/4/14 - 2/3/21 ($7,706,372); approve agreements D13-039 with City of San Juan Capistrano for relocation of city waterline facilities, D13-116 with San Diego Gas and Electric for relocation of electrical transmission facilities ($2,300,000) and D13-117 with Rancho San Juan Development for conveyance of real property to County in exchange for County's agreement to waive certain fees payable by Ranch San Juan Development and County's agreement to build certain improvements; and approve agreement D12-078 with City of San Clemente establishing responsibility of County and City for funding, design, construction, and inspection of road improvements to La Pata and adopt resolution declaring portion of La Pata Avenue within City to be a County Highway during construction of certain improvements declaring portions of La Pata Avenue and Camino Del Rio to be County Highways; and approve agreement D13-119 with Southern California Edison (SCE) for allowing construction within SCE right of way - District 5 (R.A. 7 requires 4/5 vote of the members)

54123 **APPROVED AS RECOMMENDED**

RESO: 14-020

IV. PUBLIC HEARINGS (None)

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: Morrison Pump Co., Inc. v. SSC Construction, Inc., et al., Orange County Superior Court Case No. 30-2010-00365657

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: David Halley v. Christina Masini, County of Orange, et al., Orange County Superior Court Case No. 30-2012 00603256

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF DAVID HALLEY V. CHRISTINA MASINI, 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-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), Orange County Managers Association (OCMA) 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: CalOptima, Real Estate Fraud by County & Courts

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

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Nguyen - Oral Re: Haster Basin Pump Station Recreational Park receiving recreational project of the year award from American Society of Civil Engineers and ribbon cutting on 2/15/14 at 10:00 am; Gabby Nguyen won 2nd place in 2014 Tet Festival Miss Southern California contest

ADJOURNED: 3:45 P.M.

54123 **Adjourned in memory of Ronald Ward Brown**

24135 **Adjourned in memory of Danny Bibb**

*** 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