REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 23, 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: Supervisors Bates, Nelson, Nguyen, Moorlach

EXCUSED: Supervisor Spitzer

PRESENT:	COUNTY EXECUTIVE OFFICER	Michael B. Giancola
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-20)

12354 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 14 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Bates -** Orange County Historical Commission - Appoint Herbert Schwartz, Laguna Woods, for term concurrent with 5th District Supervisor's term of office

DEPARTMENT APPOINTMENTS

2. **Health Care Agency -** Mental Health Board - Reappoint Dr. Richard McConaughy, Mission Viejo, for term ending 4/22/16 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve agreement MA-060-13012178 with Dain Hormell dba DH General Contractors for general construction and maintenance services, 7/23/13 - 1/8/14 ($175,000); and make California Environmental Quality Act findings - All Districts

4. Approve amendment 2 to agreement MA-060-13012059 with Tescan USA Incorporated for maintenance of scanning electron microscope system, 8/1/13 - 7/31/14 ($10,605); renewable for two additional years; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

5. Ratify approval of purchase order PO-060-13012488 with Timothy J. Cullen dba California Commercial Appraisers for appraisal services at James A. Musick Facility commissioned on 10/22/12 ($3,750) - District 3

OC COMMUNITY RESOURCES

6. Deny bid protest from K&J Air Conditioning, Inc.; receive bids and award contract to Bon Air, Inc. for heating, ventilating and air conditioning System Upgrades Project, Los Alamitos Rossmoor Branch Library ($342,000); and make California Environmental Quality Act findings - District 2

7. Approve ranked list of firms for on-call architect/engineer project management/contract administration services for capital improvement and rehabilitation projects; authorize negotiation of agreements as needed for Board approval; and make California Environmental Quality Act findings - All Districts

8. Approve amendment 2 to agreement, 7/1/13 - 9/30/13 ($16,250) and amendment 3 to agreement, 10/1/13 - 6/30/14 ($48,750) with BJ Woodruff, Inc. for ongoing delivery of nutritional food services for older adults; and authorize Director or designee to execute agreements and to exercise a contingency cost increase or decrease not to exceed 15% and make line item budget transfers under certain conditions - All Districts

9. Approve agreement MA-012-13011812 with Sirsi Corporation dba SirsiDynix for software maintenance services for Integrated Library System, 8/1/13 - 7/31/15 ($172,573.58); renewable for three additional one-year terms ($92,153.87 year three; $96,300.80 year four; and $100,634.33 year five); authorize Purchasing Agent or authorized Deputy to execute agreements and to exercise contingency cost increase not to exceed 10% under certain conditions - All Districts

10. Adopt resolution approving agreement H9-1314-22 and contractor/vendor confidentiality statement with State Department of Aging for Health Insurance Counseling and Advocacy Program services, 7/1/13 - 3/31/14 ($442,149); approve amendment 5 to agreement with Council on Aging for continued Health Insurance Counseling and Advocacy Program services to Orange County Medicare beneficiaries, 7/1/13 - 3/31/14 ($406,767); and authorize Director or designee to execute agreements, future amendments and to exercise contingency cost increases or decreases not to exceed 15% under certain conditions - All Districts
RESO: 13-067

OC PUBLIC WORKS

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

11. Approve agreement, easement and quitclaim deeds with The Irvine Company and easement deeds with City of Irvine for regional flood control, floodplain and ingress/egress purposes, San Diego Creek Channel; find that Final Environmental Impact Report 600, originally certified on May 25, 2010, reflects independent judgment of the County of Orange and satisfies the requirements of CEQA; and make other findings - District 3

12. Approve agreements D13-041 with Fugro Consultants, Inc. and D13-042 with GMU Geotechnical for on-call geotechnical services, three-year terms ($300,000 each); and make California Environmental Quality Act findings - All Districts

13. Approve agreements D13-049 with Ninyo & Moore and D13-050 with Twining, Inc. for on-call materials testing services, three-year terms ($195,000 each); and make California Environmental Quality Act findings - All Districts

PUBLIC PROTECTION

Probation:

14. Approve Memorandum of Understanding with Pathways to Hope for provision of dog training services, Juvenile Hall and Youth Leadership Academy, 9/1/13 - 8/31/16 - All Districts

25134 X **APPROVED AS RECOMMENDED**

15. Approve agreement with Orange County Superintendent of Schools for Probation Officers and Support Services for Community School Program, 9/1/13 - 8/31/14 ($414,338) - All Districts

16. Approve lease with Anaheim Business Campus, LLC for operation of North Orange County Youth Reporting Center, 160 W. Cerritos Ave., Anaheim, 8/1/13 - 7/31/16; and make California Environmental Quality Act findings - District 4

GENERAL ADMINISTRATION

Clerk of the Board:

17. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Orange County Sanitation District - Districts 1 & 2

18. Approve re-adoption of the State's Model Code by reference and modifications to Designated Filer Positions and Disclosure Categories Exhibits A & B for South Orange County Community College District - District 5

Registrar of Voters:

19. Approve amendment 2 to agreement MA-031-11012699 with Pitney Bowes Inc. for hardware maintenance and software licensing and maintenance, 8/12/13 - 8/11/14 ($190,800); and authorize Purchasing Agent or his authorized Deputy to execute agreement - All Districts

20. Adopt resolution approving State Standard agreement 13G26119 for Help America Vote Act (HAVA) allowing reimbursement of $30,000 for participation in attending accessibility training sessions and for accessibility surveys of polling places; and authorize Registrar of Voters or designee to execute agreement and make non-monetary and non-material changes and submit all related documents to Secretary of State for completion of project - All Districts
RESO: 13-068

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 21-39)

ELECTED DEPARTMENT HEADS

21. **Sheriff-Coroner -** Receive bids and award contract to PUB Construction, Inc. for construction of tenant improvements, Theo Lacy Facility Communications Building ($1,407,669); and make California Environmental Quality Act findings - District 3

45123 **APPROVED AS RECOMMENDED**
X

HEALTH CARE AGENCY

22. Approve selection of and agreements with Phoenix House Orange County, Inc. ($3,427,997), Orange County Department of Education ($1,837,412) and Community Service Programs, Inc. ($467,826) for School Based Behavioral Health Intervention and Support and Violence Prevention Education services, 8/1/13 - 6/30/15; and authorize Director or designee to execute agreements - All Districts

52134 **APPROVED AS RECOMMENDED**
X

23. Approve cooperative agreement with City of Santa Ana for housing and supportive services for persons living with HIV infection, 7/1/13 - 6/30/14 ($827,051) - All Districts

12345 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

24. Approve agreement MA-280-13012066 with Sentry Control Systems for Parking and Revenue Control System maintenance, five-year term ($3,300,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 2

25134 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

25. Adopt resolution approving agreement A3-1314-22 and contractor/vendor confidentiality statement with State Department of Aging for senior services programs, 7/1/13 - 9/30/13 ($2,262,136); approve agreement A9-1314-22 and contractor/vendor confidentiality statement and contractor certification clauses CCC-307 with State Department of Aging for Older Americans Act programs, 10/1/13 - 6/30/14 ($7,221,120); and authorize Director or designee to execute agreements, future amendments and to exercise contingency cost increase or decrease not to exceed 15% under certain conditions - All Districts

15234 **APPROVED AS RECOMMENDED**
X

RESO: 13-069

26. Approve amended agreements with various providers of senior services, 7/1/13 - 9/30/13 and 10/1/13 - 6/30/14 ($8,168,468); approve agreement, 7/1/13 - 9/30/13 ($158,786) and amendment 1 to agreement 13-27-629276, 10/1/13 - 6/30/14 ($523,098) with St. Jude Hospital/Caregiver Resource Center as service provider for Family Caregiver Support Program; authorize Director or designee to execute agreements and exercise contingency cost increase or decrease not to exceed 15% and make line item budget transfers under certain conditions - All Districts

52134 **APPROVED AS RECOMMENDED**
X

27. Adopt resolution approving Workforce Investment Act (WIA) subgrant agreement K491035 with State Employment Development Department, FY 2013-14 ($13,540,451); authorize Director or designee to execute agreement, accept non-material modifications, sign all related documents required by State and accept additional projected funding increase not to exceed $5,729,126 as well as funding decreases for employment and training services - All Districts

15234 **APPROVED AS RECOMMENDED**
X

RESO: 13-070

OC PUBLIC WORKS

28. Receive bids and award contract to Bitech Construction Company, Inc. for Job Order Contract O&M 007, General Engineering-Road Projects, FY 2013-14 ($2,500,000); and make California Environmental Quality Act findings - All Districts

21354 **APPROVED AS RECOMMENDED**
X

29. Receive bids and award contract to RJ Noble Company for Job Order Contract O&M 008, Earthwork and Paving-Road Projects, FY 2013-14 ($2,500,000); and make California Environmental Quality Act findings - All Districts

52134 **APPROVED AS RECOMMENDED**
X

30. **Acting as the Orange County Flood Control District -** Declare bid of Sea Pac Engineering, Inc. to be non-responsive; receive bids and award contract to Access Pacific, Inc. for Job Order Contract O&M 009, General Engineering-Flood Projects, FY 2013-14 ($2,500,000); and make California Environmental Quality Act findings - All Districts

25134 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

31. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; and adopt resolution supporting California Emerging Technology Fund in promoting Get Connected!; and receive oral report by James F. McConnell, Washington, D.C., Legislative Advocate - All Districts

24135 **APPROVED AS RECOMMENDED**
X

RESO: 13-072

32. 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 $13,470,875; five year cost $133,541,303); 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 $8,853,995 for August 1, 2013 through January 19, 2014 in the form of Amendment No. 20, with approval to extend up to an additional 30 days; 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

B.O. **CONTINUED TO 7/30/13, 9:30 A.M.**

33. Approve grant application/award submitted by OC Community Resources in 7/23/13 grant report and other actions as recommended - All Districts

B.O. **DELETED**

34. Approve proposed response to FY 2012-13 Grand Jury Report "Registrar of Voters Earns High Marks for 2012 Election" - All Districts

25134
X **APPROVED AS RECOMMENDED**

35. Approve proposed response to FY 2012-13 Grand Jury Report "The Culture of Harassment: Change on the Horizon" - All Districts

25134
X **APPROVED AS RECOMMENDED**

Human Resource Services:

36. Adopt Employee Health Plan Rate Tables for Self-funded PPO Premier Wellwise and Premier Sharewell and Self-funded PPO Wellwise Choice and Sharewell Choice Health Plans for 2014; and authorize HRS/Employee Benefits Deputy Purchasing Agent to execute amendment 7 to agreement with Catamaran PBM of Illinois II, Inc. for administration of prescription drug card and mail order program, effective 1/1/14 - 12/31/14 - All Districts

24135
AX **APPROVED AS RECOMMENDED**

37. Adopt Retiree Self-funded PPO Health Plan Rates for Wellwise and Sharewell for 2014; and adopt monthly premium credit for non-Medicare eligible retirees enrolled in Wellwise Retiree and Sharewell Retiree PPO Health Plans, funded by Early Retiree Reinsurance Program; and authorize Director or designee to continue to apply for Retiree Drug Subsidy program for Wellwise Retiree health plan - All Districts

24135
X **APPROVED AS RECOMMENDED**

38. Adopt Employee Health Plan Rate Tables for Cigna and Kaiser Health Plans, Cigna Choice and Kaiser Choice Health Plans for 2014; authorize Director or designee to sign Group Service Policies with Cigna and Kaiser after approval by State Department of Managed Care; and approve amendment 1 to Administrative Services agreements with Cigna and Kaiser for active health plans, effective 1/1/14 - 12/31/14; and authorize Director or designee to execute amendments - All Districts

54123
A X **APPROVED AS RECOMMENDED**

39. Adopt Retiree Insured Health Plan Rates for 2014; and adopt monthly premium credit for non-Medicare eligible retirees enrolled in Retiree Insured Health Plans, funded by Early Retiree Reinsurance Program; approve amendment 1 to Administrative Services agreements with Anthem Blue Cross, Kaiser Permanente Health Plan, Inc. and SCAN for retiree health plans, effective 1/1/14 - 12/31/14; and authorize Director or designee to execute amendments and Group Benefit/Service Policies with Anthem Blue Cross, Kaiser Permanente Health Plan, Inc. and SCAN after approval by State Department of Managed Care or Centers of Medicare and Medicaid Services - All Districts

24135 X **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 40)

OC PUBLIC WORKS

40. Public Hearing to consider adopting resolution approving fee report for County Service Area No. 13 sewer services; and make California Environmental Quality Act findings - District 4

B.O. **CLOSED PUBLIC HEARING**

42135 NX **APPROVED AS RECOMMENDED**

RESO: 13-071

V. CLOSED SESSION

GENERAL ADMINISTRATION

SCS1. **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**

SCS2. **County Counsel -** 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**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Joseph Gabrill - Fax Received - Regarding civil rights violations

Michael Klubnikin - Oral Re: Cover-up by government officials regarding his Mother's estate

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: Collapse and hospitalization of Sheriff Deputy Carlos Cammon

Supervisor Moorlach & Chairman Nelson - Oral Re: Continuation of item 32 regarding award of voice and data network services agreement and extension of IT agreements

ADJOURNED: 11:45 A.M.

24135 **Adjourned in memory of Harry Ward Wright, Jr.**
X

54123 **Adjourned in memory of Joyce Saltzgiver**
X

54123 **Adjourned in memory of Walter Wood**
X

*** 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