REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, May 7, 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:	INTERIM COUNTY EXECUTIVE OFFICER	Robert J. Franz
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Spitzer, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-25)

32154 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 5 WHICH WAS CONTINUED TO 5/21/13, 9:30 A.M., ITEM 18 WHICH WAS CONTINUED TO 5/14/13, 9:30 A.M.; AND ITEM 24 WHICH WAS MOVED TO DISCUSSION**

BOARD APPOINTMENTS

Supervisor Spitzer:

1. Orange County Historical Commission - Reappoint Pamela Harrell, Yorba Linda;

Marilyn Thoms, North Tustin and Lynne Yauger, Yorba Linda, for term concurrent with 3rd District Supervisor's term of office

2. OC Parks Commission - Reappoint Matthew Cunningham, Orange, for term concurrent with 3rd District Supervisor's term of office

3. Orange County Planning Commission - Appoint John Secor, North Tustin, for term concurrent with 3rd District Supervisor's term of office

4. Orange County Veterans Advisory Council - Reappoint Robert McDonald, Anaheim Hills, for term ending 4/14/15

5. Regional Recreational Trails Advisory Committee - Reappoint Lauren Ficaro, Ph.D., Orange Parks Acres and Peter Wetzel, Orange, for terms concurrent with 3rd Districts Supervisor's term of office

32154 X **CONTINUED TO 5/21/13, 9:30 A.M.**

ELECTED DEPARTMENT HEADS

6. **Assessor Department -** Approve amendment 1 to agreement MA-002-12011738 with American Mail Centers, Inc., for development, print and mail out of weekly, monthly and annual notices to taxpayers, 5/18/13 - 5/17/14 ($115,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

Sheriff-Coroner:

7. Approve agreement CT-060-13010580 with Tecan US, Inc. for purchase of Freedom EVO 200 Workstation and training, 5/7/13 - 5/6/14 ($237,273); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

8. Approve renewal of agreement MA-060-13011582 with Charles R. Eastman dba Newport Helicopter Service for helicopter mechanic services, 7/1/13 - 6/30/14 ($248,400); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

9. Approve renewal of agreement MA-060-13011568 with SimplexGrinnell LP for preventive maintenance and repair of fire protection system, Theo Lacy Facility, 5/23/13 - 5/22/14 ($268,800); and authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - District 3

10. Approve plans and specifications and set bid opening for 6/12/13, 2:00 p.m., for construction of tenant improvements, Theo Lacy Facility Communications Building; and make California Environmental Quality Act findings - District 3

11. Approve agreement MA-060-13011459 with Ray Carmody dba Carmody Construction for general construction and maintenance services, 5/7/13 - 1/13/14 ($220,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

12. Approve agreement MA-060-13011272 with Action Contractors, Inc. for general

construction and maintenance services, 5/7/13 - 1/8/14 ($325,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

HEALTH CARE AGENCY

13. Approve agreement with Pacific Clinics for Recovery Education Institute Program services, 7/1/13 - 6/30/14 ($726,711); and authorize Director or designee to execute agreement - All Districts

14. Approve agreements with Cooper Fellowship, Inc. ($167,353) and Phoenix House Orange County, Inc. ($132,000) for Parolee Services Network Residential services, 7/1/13 - 6/30/14; approve agreements with Korean Community Services ($60,000) and Phoenix House Orange County, Inc. ($54,266) for Parolee Services Network Outpatient services, 7/1/13 - 6/30/14; and authorize Director or designee to execute agreements and exercise a cost contingency increase not to exceed 10% - All Districts

15. Approve amendment 4 to master agreement MA-042-1201170 as MA-042-13011452 with The Regents of the University of California, on behalf of UCI Pathology services for urinalysis laboratory testing services, 6/1/13 - 5/31/14 ($175,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

OC COMMUNITY RESOURCES

16. Approve extension of community center management agreements with Community Action Partnership of Orange County and Abrazar Inc., for operation of Anaheim Independencia, El Modena and Midway City Community Centers, 7/1/13 - 6/30/18; and authorize Director or designee to execute agreements and all necessary documents; and make California Environmental Quality Act findings - Districts 1, 3 & 4

17. Approve amendment 2 to MA-012-12012135 with Exclusive Network Enterprises for Information Technology Professional Help services, 6/1/13 - 5/31/14 ($325,000; new total $725,000); approve revised scope of work, adding MS Visual Studio 2012 with additional technologies for Budget and Business Analytic Project and Project and Application Integration; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

OC PUBLIC WORKS

18. Approve plans and specifications and set bid opening for 5/8/13, 2:00 p.m., for asbestos removal and decontamination services Job Order Contract; and make California Environmental Quality Act findings - All Districts (Continued from 4/16/13, Item 11)

32154 X **CONTINUED TO 5/14/13, 9:30 A.M.**

19. Approve plans and specifications and set bid opening for 5/29/13, 2:00 p.m., for Job Order Contract O&M 007, FY 2013-14, General Engineering-Road Projects; and make California Environmental Quality Act findings - All Districts (Continued from 4/16/13, Item 12)

20. Approve plans and specifications and set bid opening for 5/29/13, 2:00 p.m., for Job Order Contract O&M 008, FY 2013-14, Earthwork & Paving-Road Projects; and make California Environmental Quality Act findings - All Districts (Continued from 4/16/13, Item 13)

21. Adopt resolution vacating an obsolete check dam easement along Winterhaven Street, Yorba Linda; and make California Environmental Quality Act and other findings - District 3
RESO: 13-028

Acting as the Orange County Flood Control District:

22. Approve plans and specifications and set bid opening for 5/29/13, 2:00 p.m., for Job Order Contract O&M 009, FY 2013-14, General Engineering-Flood Projects; and make California Environmental Quality Act findings - All Districts (Continued from 4/16/13, Item 15)

23. Approve agreement MA-080-13011342 with Design Analysis Associates, Inc. for upgrades, maintenance and repair of the County's flood detection system, 5/7/13 - 5/22/18 ($37,500); and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

24. Approve master agreement CTM2013-00 with various providers for transitional housing and supportive services, 7/1/13 - 6/30/16; and authorize Director or designee to execute individual agreements - All Districts

35124 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

25. **Human Resource Services -** Approve amendment 3 to agreement with Health & Human Resource Center dba Aetna Resources for Living for Employee Assistance Program services, 7/1/13 - 6/30/14 ($106,754); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 26-51)

ELECTED DEPARTMENT HEADS

26. **Sheriff-Coroner -** Receive and file status report and approve continuance of emergency and make finding pursuant to Public Contract Code Section 22050(c)(1) that there is a need to continue with the contract with Trane U.S. Inc. for replacement of 300 Ton Centrifugal Chiller, Theo Lacy Jail Facility; set review to determine continuing need for emergency action for 5/21/13, 9:30 a.m. and every 14 days thereafter - District 3 (4/5 vote) (Continued from 4/23/13, Item S36B)

23154 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

27. Approve master agreement with various providers of AB 109 outpatient and residential services, 7/1/13 - 6/30/15 ($4,565,400); and authorize Director or designee to execute agreements and exercise cost contingency increase not to exceed 10% - All Districts

25134 **APPROVED AS RECOMMENDED**

28. Approve master agreement with various providers of outreach and engagement services, 7/1/13 - 6/30/14 ($2,719,044); and authorize Director or designee to execute agreements - All Districts

13254 **CONTINUED TO 5/21/13, 9:30 A.M.**

29. Approve agreement with South Coast Children's Society, Inc. dba South Coast Community Services for transitional age youth crisis residential services, 7/1/13 - 6/30/14 ($1,353,350); and authorize Director or designee to execute agreement - All Districts

21354 **APPROVED AS RECOMMENDED**

30. Approve agreement with Telecare Corporation for enhanced recovery full service partnership services, 7/1/13 - 6/30/15 ($4,637,986); and authorize Director or designee to execute agreement - All Districts

21354 **APPROVED AS RECOMMENDED**

31. Approve agreement with Orange County Child Abuse Prevention Center, Inc. for children's in-home crisis stabilization services, 7/1/13 - 6/30/15 ($1,810,624); and authorize Director or designee to execute agreement - All Districts

21354 **APPROVED AS RECOMMENDED**

32. Approve agreement with Behavioral Health Services, Inc. for inpatient substance abuse detoxification services, 7/1/13 - 6/30/15 ($622,900); approve agreement with Western Pacific Re-Hab for narcotic replacement therapy treatment services, 7/1/13 - 6/30/15 ($794,622); and authorize Director or designee to execute agreements and exercise cost contingency increase not to exceed 10% - All Districts

21354 **APPROVED AS RECOMMENDED**

33. Approve master agreement with various providers for Behavioral Health CalWORKs services, 7/1/13 - 6/30/15 ($5,738,486); and authorize Director or designee to execute agreements and exercise cost contingency increase not to exceed 10% - All Districts

24135 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

34. Approve leases with various providers for rental car concessions; and make California Environmental Quality Act findings - District 2 (4/5 vote of members present)
25134 **APPROVED AS RECOMMENDED**

35. Approve extension to agreement MA-280-CVPAN 1000010024 with International Business Machines for information systems security outsourcing, 7/1/13 - 6/30/14 ($204,433; new total $1,063,399); and authorize Purchasing Agent or authorized Deputy to execute agreement - District 2
25134 **APPROVED AS RECOMMENDED**

36. Receive bids and award contract to All American Asphalt, Inc. for pavement maintenance and repairs project ($750,000); and make California Environmental Quality Act findings - District 2
21354 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

37. Approve extension of Workforce Investment Act (WIA) Training Account agreement with Community Colleges for training services in demand occupations for WIA eligible participants, 6/30/13 - 6/30/14 - All Districts
54123 **APPROVED AS RECOMMENDED**

38. Approve fund decrease to the Workforce Investment Act (WIA) Youth Cost Reimbursement agreement with Orange County Conservation Corps, 5/7/13 - 6/30/13 ($589,545 decrease; new total $1,300,000); and authorize Director or designee to execute amended agreements, exercise a cost contingency increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts (Continued from 4/23/13, Item 23)
25134 **APPROVED AS RECOMMENDED**

39. Approve Workforce Investment Act (WIA) master cost reimbursement agreements with recommended various vendors for WIA employment and training services, 6/1/13 - 6/30/14 ($8,011,262); approve amendment 2 to agreement 16-S-13 with Coast Community College District for WIA employment and training services, extending term to 7/31/13 ($146,452; new total $3,425,886); and authorize Director or designee to execute agreements and exercise cost contingency increase or decrease not to exceed 10% - All Districts
B.O. **CONTINUED TO 5/21/13, 9:30 A.M.**

PUBLIC PROTECTION

40. **Probation -** Approve renewal of agreement with C.M. Tipton Polygraph and Associates for adult sex offender post conviction polygraph examination services, 6/1/13 - 5/31/14 ($170,000); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts (Continued from 4/16/13, Item 28)
B.O. **CONTINUED TO 5/21/13, 9:30 A.M.**

SOCIAL SERVICES AGENCY

41. Approve master agreement CDB0513 with various organizations for drug patch testing services, 7/1/13 - 6/30/16; authorize Director or designee to execute individual agreements; and approve expenditures for services provided under master agreement, 7/1/13 - 6/30/14 ($100,000) - All Districts

14235 **APPROVED AS RECOMMENDED**

42. Approve subordinate agreements MA-063-13011703 with Genuent USA, LLC ($109,008), MA-063-13011607 with Intratek Computer, Inc. ($444,472), MA-063-13011704 with Majestic Systems Integration Co., Inc. ($1,145,520), MA-063-13011705 with Randstad North America, LP DBA Randstad Technologies, LP ($2,500,952), and MA-063-13011706 with SuperbTech, Inc. ($1,006,344) for information technology professional help services, 6/1/13 - 5/31/14; renewable for one additional two-year terms; and authorize Purchasing Agent or authorized Deputy to execute agreements - All Districts

12354 **APPROVED AS RECOMMENDED**

43. Approve master agreement CRR0213-00 with various state licensed group home providers for certified residential care and support services to dependent children, 7/1/13 - 6/30/16; and authorize Director or designee to execute agreements - All Districts (Continued from 4/23/13, Item 29)

B.O. **CONTINUED TO 5/14/13, 9:30 A.M.**

44. **Acting as the Board of Supervisors and OC In-Home Supportive Services Public Authority -** Approve interagency agreement ATM0113 with Orange County In-Home Supportive Services (IHSS) Public Authority for provision and administration of IHSS, 7/1/13 - 6/30/14; approve memorandum of agreement ATM0213 to continue appointment of Robert D. Miller as Executive Director of Orange County In-Home Supportive Services Public Authority; and authorize Social Services Agency Director or designee to execute agreement ATM0213 - All Districts

21354 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

45. Approve Memorandum of Understanding SC 5902 with Superior Court for electronic data exchange services, commencing date of execution through 6/30/18 - All Districts

21354 **APPROVED AS RECOMMENDED**

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

12354 **APPROVED RECOMMENDED ACTIONS 2, 3, 4, 6 AND 7**

24135 **APPROVED RECOMMENDED ACTION 1**

52134 N **APPROVED RECOMMENDED ACTION 5**

47. Approve grant application/awards submitted by Sheriff-Coroner and ratify retroactive grant application/awards submitted by OC Community Resources in 5/7/13 grant report and other actions recommended - All Districts

15234 **APPROVED AS RECOMMENDED**

48. Approve amendment 4 to agreement MA-017-10012843 with York Risk Services Group, Inc. for administration of County's self-insured Workers' Compensation claims, effective 7/1/13 ($375,000); ans authorize Purchasing Agent or authorized Deputy to

execute amendment - All Districts

12354 **APPROVED AS RECOMMENDED**

49. Approve proposed response to FY 2012-13 Grand Jury Report entitled "Best Interest of the Child" – Lost Child Support Costs $1.3 Billion" - All Districts

24135 N **APPROVED AS RECOMMENDED**

50. Approve FY 2012-13 Third Quarter Budget Report; approve related budget adjustments and amend master position control; adopt resolution directing Auditor-Controller to make payments to cities for Property Tax Administration Fee adjustments based on the California Supreme Court decision on the City of Alhambra vs. County of Los Angeles case; authorize County Executive Officer or designee to terminate Property Tax Administration Fee tolling agreements; and make related findings - All Districts (4/5 vote of members present)

23154 **APPROVE AS RECOMMENDED EXCLUDING $20,000 INCREASE OF APPROPRIATIONS FOR GRAND JURY**
RESO: 13-027

51. **Human Resource Services -** Approve amendment 1 to agreement with Great-West Retirement Services for County's Internal Revenue Code Section 457 defined contribution plan, Section 401 (a) Retirement Plan and Section 3121 plan for extra-help employees; approve adoption of agreements amending 457 defined contribution plan and 401 (a) retirement plan; and authorize Director or designee, as Plan Administrator to administer plans, negotiate and execute underlying agreements necessary for proper function and to make changes under certain conditions - All Districts (Continued from 4/16/13, Item 20; 4/23/13, Item S36A)

24135 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 52)

OC COMMUNITY RESOURCES

52. Public Hearing to consider approving FY 2013-14 Annual Action Plan (AAP) and Federal allocation of U.S. Department of Housing and Urban Development new, reprogrammed and program income Community Development Block Grant funds, new and program HOME Investment Partnership Act (HOME) funds, Emergency Solutions Grant funds ($4,502,534); approve amendment to FY 2012-13 AAP for HOME funding; select providers and projects for Public Facilities and Improvements (PF&I) activities; approve funding allocations; approve standardized agreement for PF&I activities; and authorize Director or designee to execute agreements, extensions and make changes under certain conditions - All Districts

B.O. **CLOSED PUBLIC HEARING**

12354 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

53. **Chairman Nelson and Vice Chair Bates -** Appoint Mike Giancola to the position of County Executive Officer; authorize Chairman to execute Agreement for the Employment of County

Executive Officer; make findings pursuant to County Policy on Employment of Relatives of the County of Orange Personnel and Salary Resolution and direct County Counsel to prepare a letter concerning the handling of workplace complaints involving Mr. Giancola's spouse

43125 **APPROVED AS RECOMMENDED WITH SECTION 5 OF AGREEMENT AMENDED TO READ "THE BOARD WILL EVALUATE THE PERFORMANCE OF GIANCOLA FORMALLY AT LEAST ONCE PER YEAR"**

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

GENERAL ADMINISTRATION

CS-1. **County Counsel -** 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-2. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Robert J. Franz
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**

SCS3. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: County Property Located at Former MCAS El Toro
County Negotiator: Robert J. Franz
Negotiating Party: Wild River Irvine, LLC
Under Negotiations: Terms and value of lease

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

County Counsel:

SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Manuel Vasquez, et al. v. Tony Rackauckas, et al. United States District Court Case No. SACV 09 1090 VBF

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

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Lyle S. Wilson v. County of Orange, et al., United States District Court Case No. SACV12-01916 JGB (RNBx); Orange County Superior Court Case Nos. 30-2011-00477697-CU-PT-CJC and 30-2012-00587420

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 3 TO 2,**

SUPERVISORS NELSON, MOORLACH AND SPITZER VOTING IN FAVOR, SUPERVISORS BATES AND NGUYEN VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF LYLE S. WILSON V. 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 THE COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: illegal sale of properties

Adam Acosta, Dolores Navarro, Sandra Fox and Mark Yesia - Oral Re: labor negotiations with AFSCME

Ilya and Robert Tseglin - Oral Re: Nate Tseglin and District Attorney charges against family

Judah Jacobs - Oral Re: opposition to programs serving a specific race or ethnicity; use of psychologists instead of social workers

Opinion Online

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Spitzer - Oral Re: use of drugs by rescued hikers

Supervisor Nguyen - Oral Re: thanked AFSCME speakers; reconsideration of her labor negotiations position; directed CEO Budget staff to provide the Board a memo explaining what makes up the $52 million Community and Welfare Services fund balance

Supervisor Bates - Oral Re: handling of accusations against employees

Supervisor Moorlach - Oral Re: prison and jail overcrowding and request for Chairman to schedule an update by the Sheriff on impacts; status of response to CalOptima Grand Jury Report

ADJOURNED: 2:18 P.M.
54123 **Adjourned in memory of Percy Lee "Boots" Liles**

24135 **Adjourned in memory of Bill Pollacek**

*** 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