

# ORANGE COUNTY BOARD OF SUPERVISORS

## A g e n d a R e v i s i o n s a n d S u p p l e m e n t a l s

Note: *This supplemental agenda is updated daily showing items that have been added, continued, deleted or modified.*

*No new supplemental items will be added to the agenda following close of business on Friday.*

July 26, 2016

### CONSENT

12. Revised Title to read:  
**OC Public Works** - Approve extension of architect-engineer slates for on-call geotechnical, mechanical, electrical and plumbing engineering, materials testing and special inspections services, extending term to ~~9/17/18~~ 9/16/18 and approve slate for on-call cost estimating service, extending term to ~~10/22/18~~ 10/21/18; and authorize Director or designee to negotiate agreements for Board approval - All Districts
15. Continued to 8/9/16, 9:30 A.M.

### DISCUSSION

39. Revised Title to read:  
**County Executive Office** - Approve grant applications/awards submitted by *Health Care Agency and OC Public Works* in 7/26/16 grant report and other actions as recommended - All Districts
40. Deleted
46. Revised Title to read:  
**Supervisor Nelson** - Direct Registrar of Voters to place "An Ordinance of the County of Orange, California ~~Repealing Section 1-2-9 of~~ *Adding Section 1-2-9.1* to the Codified Ordinances of the County of Orange ~~and Adding Article I, Section 104 to the Charter of Orange County~~ Imposing a Lifetime Limit on the Number of Terms for Members of the Orange County Board of Supervisors" on the ballot for Statewide General Election on November 8, 2016; direct County Counsel to prepare ballot language and impartial analysis of ordinance; and request Auditor-Controller to review measure and prepare a fiscal impact statement (Continued from 7/12/16, Item S29A)
47. Continued to 10/25/16, 9:30 A.M.

**THE FOLLOWING AGENDA ITEMS HAVE HAD CHANGES TO THEIR RECOMMENDED ACTIONS SINCE RELEASE OF THE AGENDA TO THE PUBLIC:**

Items: 12, 28, 39 and 46

### S u p p l e m e n t a l I t e m ( s )

- S47A. **Supervisor Do** - Orange County Waste Management Commission - Remove Xuan-Nhi Van Ho effective immediately

REVISIONS AND SUPPLEMENTALS TO JULY 26, 2016 AGENDA - PAGE 1 OF 2

# ORANGE COUNTY BOARD OF SUPERVISORS

## A g e n d a   R e v i s i o n s   a n d   S u p p l e m e n t a l s

Note: *This supplemental agenda is updated daily showing items that have been added, continued, deleted or modified.*

*No new supplemental items will be added to the agenda following close of business on Friday.*

- S47B. **OC Public Works - Acting as Orange County Flood Control District** - Approve Change Order No. 29 to agreement D10-035 with KEC Engineering for construction of Edinger Storm Channel Project (\$2,114,461.15); and authorize Auditor-Controller to make related payments - Districts 1 and 2
- SCS2. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):  
Name of Case: W.A. Rasic Construction Co., Inc. v. Orange County Flood Control District and the County of Orange, Orange County Superior Court Case No. 30-2015-00767173
- SCS3. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):  
Name of Case: County of Orange v. Tata Consultancy Services Ltd., et al., United States District Court Case No. SACV13-683 JST (JCx)
- SCS4. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):  
Name of Cases: Steve Castillo v. County of Orange, Code Enforcement, Orange County Superior Court Case No. 30-2014-00763116; Diane Le v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763184; Thanh Le v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763189
- SCS5. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:  
Property Location: John Wayne Airport  
County Negotiator: Scott D. Mayer, Chief Real Estate Officer  
Negotiating Party: Signature Combs, Inc.  
Newport FBO Two, LLC dba Atlantic Aviation  
Under Negotiation: Terms and Value of Future Leases



# Revision to ASR and/or Attachments

RECEIVED  
2016 JUL 20 PM 2:25  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS

**Date:** July 19, 2016  
**To:** Clerk of the Board of Supervisors  
**CC:** County Executive Office  
**From:** Shane L. Silsby, Director, OC Public Works  
**Re:** ASR Control #: 16-000678, Meeting Date 07/26/2016 Agenda Item No. #  
12  
**Subject:** Renew Architect Engineer Slates for Various On Call Technical Services

Explanation: Revise dates in Recommended Actions and Background Information. Revise Background Information to correct five slates to four slates.

Revised Recommended Action(s)

1. Approve the extension of OC Community Resources three Architect-Engineer slates for On-Call Geotechnical Engineering, Mechanical, Electrical and Plumbing Engineering and Materials Testing and Special Inspections Services for two years for a total term of five years with a new expiration date of September 17 16, 2018.
2. Approve the extension of OC Community Resources On-Call Cost Estimating Architect-Engineer slate for two years with a new expiration date of October 22 21, 2018, for a total term of five years.

Make modifications to the:

- Subject       Background Information       Summary

OC Community Resources requests the extension of these slates for another two years with a new expiration date of September 16~~17~~, 2018 and October 21~~22~~, 2018, respectively. These ~~five~~four slates include an average of six A-E firms that can be called for a negotiated contract on an as needed or on-call basis. Currently, most of these ~~five~~four slates have successfully negotiated contracts with the highest ranked firm. The Statement of Qualifications process can take 9-12 months and is planned for a year before the slate expiration date. Approval of this requested extension will allow OC Community Resources to maximize the use of these ranked lists, provide all the firms on these slates with the

July 19, 2016

opportunity to negotiate individual contracts for specified services and ensure the continued and uninterrupted use of these slates especially during emergencies.

**Compliance with CEQA:** This action is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to CEQA, since it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The approval of this agenda item does not commit the County to a definite course of action in regard to a project since the action authorized is only for the ~~renewal~~ extension of four A-E contractor slates. Any future action connected to this approval that constitutes a project will be reviewed for compliance with CEQA.

Revised Attachments (attach copy of revised attachment(s))



# Continuation or Deletion Request

**Date:** July 25, 2016  
**To:** Clerk of the Board of Supervisors  
**From:** Mike Ryan, Director, Social Services Agency   
**Re:** ASR Control #: 16-000816, Meeting Date 07/26/16 Agenda Item No. # 15  
**Subject:** Agreement for In-Home Supportive Services Public Authority Executive Director

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Request to continue Agenda Item No. # 15 to the 08/09/16 Board Meeting.

Comments: County Counsel is requesting to continue this item to the 08/09/16 Board meeting in order to revise the Memorandum of Agreement to further define employee benefits.

Request deletion of Agenda Item No. # \_\_\_\_\_

Comments:



# Revision to ASR and/or Attachments

**Date:** July 19, 2016  
**To:** Clerk of the Board of Supervisors  
**CC:** County Executive Office  
**From:** Shane L. Silsby, Director, OC Public Works  
**Re:** ASR Control #: 16-000763, Meeting Date 07/26/2016 Agenda Item No. #  
28  
**Subject:** Lower Santa Ana River Sand Management Project Construction Contract

RECEIVED  
2016 JUL 20 PM 2:25  
CLERK OF THE BOARD  
OF SUPERVISORS  
ORANGE COUNTY  
BOARD OF SUPERVISORS

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Explanation: Revise Recommended Actions 1 and 2.

Revised Recommended Action(s)

Replace Recommended Actions 1 and 2 as follows:

1. Find that Final EIS/EIR No. 583, previously certified by the Board of Supervisors on November 28, 1989, together with Addendum No. IP 15-359, reflect the independent judgment of the County and satisfy the requirements of CEQA for the Lower Santa Ana River Sand Management Project, which is a necessarily included element contemplated as part of the whole of the action.
  - a. Find that the circumstances of the Project are substantially the same and that EIS/EIR No. 583 and Addendum No. IP 15-359 have adequately addressed the effects of the proposed project. No substantial changes have been made in the project; no substantial changes have occurred in the circumstances under which the project is being undertaken; and no new information of substantial importance to the project, which was not known or could not have been known when the previous EIS/EIR No. 583 was adopted have become known; therefore no further environmental review is required.
  - b. EIS/EIR No. 583 and Addendum No. IP 15-359 are adequate to satisfy the requirements of CEQA for the Lower Santa Ana River Sand Management Project.
  - c. All mitigation measures are fully enforceable pursuant to CEQA (Public Resources Code) Section 21081.6(b) and have either been adopted as conditions, incorporated as part of the project design, or included in the procedures of project implementation.

July 19, 2016

- ~~2. Find that Final FEIS/EIR No. 583, previously certified by the Board of Supervisors on November 28, 1989, reflects the independent judgement of the County of Orange.~~
2. Adopt Addendum No. IP 15-359 for the Lower Santa Ana River Sand Management Project.

- Make modifications to the:
- Subject       Background Information       Summary

- Revised Attachments (attach copy of revised attachment(s))



**AGENDA STAFF REPORT**

Agenda Item

39

ASR Control 16-000151

**MEETING DATE:** 07/26/16  
**LEGAL ENTITY TAKING ACTION:** Board of Supervisors  
**BOARD OF SUPERVISORS DISTRICT(S):** All Districts  
**SUBMITTING AGENCY/DEPARTMENT:** County Executive Office (Approved)  
**DEPARTMENT CONTACT PERSON(S):** Peter DeMarco (714) 834-5777  
 Cynthia Shintaku (714) 834-7086

RECEIVED  
 2016 JUL 21 PM 2:02  
 CLERK OF THE BOARD  
 ORANGE COUNTY  
 BOARD OF SUPERVISORS

**SUBJECT:** Grant Applications/Awards Report

<b>CEO CONCUR</b> Concur	<b>COUNTY COUNSEL REVIEW</b> No Legal Objection	<b>CLERK OF THE BOARD</b> Discussion 3 Votes Board Majority
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**Budgeted:** N/A                      **Current Year Cost:** N/A                      **Annual Cost:** N/A  
**Staffing Impact:** No                      **# of Positions:**                      **Sole Source:** N/A  
**Current Fiscal Year Revenue:** N/A  
**Funding Source:** N/A                      **County Audit in last 3 years:** No

**Prior Board Action:** N/A

**RECOMMENDED ACTION(S):**

Approve grant applications/awards as proposed and other actions as recommended.

1. Approve Grant Application – Health Care Agency – Innovative Strategies and Methods to Improve the Recruitment, Retention and Re-Engagement of Eligible WIC Applicants/Participants-\$150,000.
2. Approve Grant Application – OC Public Works – Highway Safety Improvement Program (HSIP) Cycle 8 Brea Boulevard and Tonner Canyon Intersection-\$3,000,000.
3. Receive and File Grant Report.

**SUMMARY:**

See the attached Grants Report.

**BACKGROUND INFORMATION:**

See the attached Grants Report.

**FINANCIAL IMPACT:**

N/A

**STAFFING IMPACT:**

N/A

**ATTACHMENT(S):**

Attachment A - Grants Report



# Grants Report

**DRAFT**

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County Executive Office/Legislative Affairs

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July 26, 2016  
Item No. 39  
Vol. XXX, No. XIII

## County of Orange Report on Grant Applications/Awards

*The Grants Report is a condensed list of grant requests by County Agencies/Departments that allows the Board of Supervisors to discuss and approve grant submittals in one motion at a Board meeting. County policy dictates that the Board of Supervisors must approve all grant applications prior to submittal to the grantor. This applies to grants of all amounts, as well as to new grants and those that have been received by the County for many years as part of an ongoing grant. Receipt of grants \$50,000 or less is delegated to the County Executive Officer. Grant awards greater than \$50,000 must be presented to the Board of Supervisors for receipt of funds. This report allows for better tracking of county grant requests, the success rate of our grants, and monitoring of County's grants activities. It also serves to inform Orange County's Sacramento and Washington, D.C. advocates of County grant activities involving the State or Federal Governments.*

On July 26, 2016, the Board of Supervisors will consider the following actions:

### RECOMMENDED ACTIONS

Approve grant applications/awards as proposed and other actions as recommended.

### ACTION ITEMS

1. Approve Grant Application – Health Care Agency – Innovative Strategies and Methods to Improve the Recruitment, Retention and Re-Engagement of Eligible WIC Applicants/Participants-\$150,000.
2. Approve Grant Application – OC Public Works – Highway Safety Improvement Program (HSIP) Cycle 8 Brea Boulevard and Tonner Canyon Intersection-\$3,000,000.
3. Receive and File Grant Report.

### INFORMATIONAL ITEMS- ACCEPTED GRANT AWARDS UNDER \$50,000:

- OC Community Resources / OC Public Libraries – California Humanities – \$10,000.
- OC Community Resources/ OC Public Libraries – California State Library – \$5,475.

If you or your staff have any questions or require additional information on any of the items in this report, please contact Cynthia Shintaku at 714-834-7086

<b>Today's Date:</b>	July 13, 2016
<b>Requesting Agency/Department:</b>	HCA/Nutrition Services-WIC
<b>Grant Name and Project Title:</b>	Innovative Strategies and Methods to Improve the Recruitment, Retention and Re-Engagement of Eligible WIC Applicants/Participants  Improving Early Prenatal Enrollment in the OC Health Care Agency WIC Program
<b>Sponsoring Organization/Grant Source:</b>	California Department of Public Health/Women, Infants and Children Program (CDPH/WIC)
<b>Amount Requested/ Awarded:</b>	\$150,000
<b>Application Due Date:</b>	August 8, 2016
<b>Board Date when Board Approved this Application:*</b>	
<b>Awarded Funding Amount:*</b>	
<b>Notification Date of Funding Award:*</b>	August 26, 2016
<b>Is this an Authorized Retroactive Grant Application/Award?</b> (If yes, attach memo to CEO) No	
<b>Does this grant require CEQA findings?</b> No	
<b>What Type of Grant is this?</b>	Competitive <input checked="" type="checkbox"/> Other Type <input type="checkbox"/> Explain:
<b>County Match?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Amount: \$ or % Budgeted?
<b>Recurrence of Grant</b>	New <input checked="" type="checkbox"/> Recurrent <input type="checkbox"/>
Explain:	
<b><u>Purpose of Grant Funds:</u></b>	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.
<p>WIC participation at the local agency and in the state has been experiencing a downward trend. CDPH/WIC is offering this funding only to current local WIC agencies. These funds will support innovative strategies and methods intended to meet the changing needs of WIC applicants/participants, increase the perceived value of WIC, improve access to WIC, and/or improve the delivery of WIC services. Positive outcomes of awarded projects will be offered as best practices for possible replication by other local agencies in the state.</p> <p>The Health Care Agency's WIC program proposes to use existing staff to (a) work with existing county partners to connect WIC services to its members, (b) with input from program staff, clients and county partners, establish strategies and activities to refer and support participation of WIC eligible prenatal participants and (c) identify impactful outreach activities to solicit new participation.</p>	
<b><u>Board Resolution/Special Instructions</u></b>	Include requirement for a Board Resolution or authorization to accept the grant award without further Board action. Provide language for Resolution, and the name of County Counsel staff who reviewed the language/ *or County Counsel who have reviewed other documents. Please specify.

<b><u>Will the grant/program create new part or full-time positions?</u></b>	No new positions are requested. Existing staff will be reassigned from other grant activities where a decrease in funding is anticipated.
<b><u>Contact:</u></b>	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.
Jennifer Sarin, Admin Manager III, Division Manager 714-567-6225, jsarin@ochca.com Maridet Ibanez, Admin Manager II, Program Manager 714-347-4507, mibanez@ochca.com	

GRANT APPLICATION /  AWARD AUTHORIZATION FORM

<b>Today's Date:</b>	Request to be on Board of Supervisor Meeting: July 26, 2016	
<b>Requesting Agency/Department:</b>	OC Public Works	
<b>Grant Name and Project Title:</b>	Highway Safety Improvement Program (HSIP) Cycle 8 Brea Boulevard and Tonner Canyon Intersection	
<b>Sponsoring Organization/Grant Source:</b>	Federal Highway Administration (FHWA) / Caltrans	
<b>Amount Requested/ Awarded:</b>	\$3 Million	
<b>Application Due Date:</b>	August 12, 2016	
<b>Board Date when Board Approved this Application:</b>	N/A	
<b>Awarded Funding Amount:</b>	N/A	
<b>Notification Date of Funding Award:</b>	N/A	
<b>Is this an Authorized Retroactive Grant Application/Award?</b> (If yes, attach memo to CEO) No		
<b>Does this grant require CEQA findings?</b> No		
<b>What Type of Grant is this?</b>	Competitive <input checked="" type="checkbox"/>	Other Type <input type="checkbox"/> Explain:
<b>County Match?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> Amount: \$300,000 County Road Fund 115 Budgeted? No
<b>Recurrence of Grant</b>	New <input type="checkbox"/>	Recurrent <input checked="" type="checkbox"/>
Explain: This is the 8 <sup>th</sup> Cycle Call for Projects for this grant. The County has previously applied and been approved for grant funds from this program.		
<b>Purpose of Grant Funds:</b>	Provide a summary and brief background of why Board of Supervisors should accept this grant application/award, and how the grant will be implemented.	
Funds are requested to cover project costs needed to construct Brea Boulevard and Tonner Canyon intersection improvements. Public Works will oversee and obtain contractor services for the construction of the project.		
<b>Board Resolution/Special Instructions:</b>		
OC Public Works proposes a Recommended Action to request authorization for the Director of OC Public Works, or designee, to apply for and accept the Highway Safety Improvement Program (HSIP) Cycle 8 grant monies for each eligible project, to sign such applications, and to invoice Caltrans/FHWA for payment of allocated funds as appropriate.		
<b>Will the grant/program create new part or full-time positions?</b>	No new positions will be necessary. OC Public Works will oversee and obtain contractor services for the implementation of the project.	
<b>Contact:</b>	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.	
Sam Ali, 714-245-4585, <a href="mailto:sam.ali@ocpw.ocgov.com">sam.ali@ocpw.ocgov.com</a> Eileen Depuy, 714-955-0255, <a href="mailto:eileen.depuy@ocpw.ocgov.com">eileen.depuy@ocpw.ocgov.com</a>		

ORANGE COUNTY  
OC Community Resources  
Our Community. Our Commitment.  
MEMORANDUM

STEVE FRANKS  
DIRECTOR  
OC COMMUNITY RESOURCES

JENNIFER HAWKINS, DVM  
DIRECTOR  
OC ANIMAL CARE

RENEE RAMIREZ  
INTERIM DIRECTOR  
OC COMMUNITY SERVICES

JULIA BIDWELL  
INTERIM DIRECTOR  
HOUSING & COMMUNITY  
DEVELOPMENT & HOMELESS  
PREVENTION

STACY BLACKWOOD  
DIRECTOR  
OC PARKS

HELEN FRIED  
COUNTY LIBRARIAN  
OC PUBLIC LIBRARIES

DATE: July 7, 2016  
TO: County Executive Office  
FROM: Steve Franks, Director, OC Community Resources

**SUBJECT: GRANT AWARD ACCEPTANCE – LESS THAN \$50,000**

On April 26, 2016, the Board of Supervisors approved the grant application to California Humanities for a requested amount of \$50,000 as part of OC Community Resources' FY 2016-17 Grant Matrix. California Humanities focuses on strengthening community life by creating, sponsoring and promoting humanities programs for the general public.

The notification of funding award of \$10,000 was received by OC Public Libraries on June 27, 2016. Acceptance of grant funding will allow OC Public Libraries to produce, publicize and preserve a series of digital videos that highlight the culture, tradition, heritage and contemporary daily life of the Acjachemen (Juanefio) Community in Orange County.

OC Community Resources is requesting authorization to execute the Contract with California Humanities to hold events and preserve digital videos between July 1, 2016, and March 31, 2018. The Contract has been reviewed by County Counsel and Risk Management and Board approval is not required to accept the grant award. No Board resolution is required to accept this grant award.

  
\_\_\_\_\_  
Department Head or Designee

Approved:   
\_\_\_\_\_  
County Executive Officer or Designee

ORANGE COUNTY  
**OC Community Resources**  
*Our Community. Our Commitment*  
**MEMORANDUM**

**STEVE FRANKS**  
DIRECTOR  
OC COMMUNITY RESOURCES

**JENNIFER HAWKINS, DVM**  
DIRECTOR  
OC ANIMAL CARE

**RENEE RAMIREZ**  
INTERIM DIRECTOR  
OC COMMUNITY SERVICES

**JULIA BIDWELL**  
INTERIM DIRECTOR  
HOUSING AND COMMUNITY  
DEVELOPMENT & HOMELESS  
PREVENTION

**STACY BLACKWOOD**  
DIRECTOR  
OC PARKS

**HELEN FRIED**  
COUNTY LIBRARIAN  
OC PUBLIC LIBRARIES

**DATE:** 07/18/2016  
**TO:** County Executive Office  
**FROM:** Steve Franks, Director, OC Community Resources

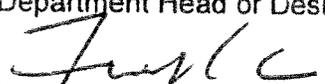
**SUBJECT: GRANT AWARD ACCEPTANCE – LESS THAN \$50,000**

On April 26, 2016, the Board of Supervisors approved the grant application from the California State Library for a requested amount of \$300,000 as part of OC Community Resources' FY 2016-17 Grant Matrix. The California State Library assists libraries to develop programs and projects that enhance library services for all Californians, in particular funding may be used for training, materials or programming.

The notification of five scholarships awarded was received by OC Public Libraries on July 7, 2016. Accepting the scholarships will allow OC Public Libraries to offer an online high school program to prepare adults to be successful in their career or continuing education by earning an accredited high school diploma and career certificate. OC Public Libraries will offer an additional five scholarships, so that a total of ten scholarships will be available throughout the County. Each scholarship is valued at \$1,095.

OC Community Resources is requesting authorization to execute the Contract with the California State Library to offer the Career Online High School program between July 15, 2016, and January 15, 2018. No Board resolution is required to accept this grant award.

  
\_\_\_\_\_  
Department Head or Designee

Approved:   
\_\_\_\_\_  
County Executive Officer or Designee



# Continuation or Deletion Request

**Date:** July 20, 2016  
**To:** Clerk of the Board of Supervisors  
**From:** Frank Kim, County Executive Officer   
**Re:** ASR Control #: 16-000078, Meeting Date 7/26/16 Agenda Item No. # 40  
**Subject:** RV Storage Depot Lease Option Agreement

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Request to continue Agenda Item No. # \_\_\_\_\_ to the \_\_\_\_\_ Board Meeting.

Comments:

Request deletion of Agenda Item No. # 40

Comments:

RECEIVED  
2016 JUL 21 AM 8:09  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS



# Revision to ASR and/or Attachments

2016 JUL 22 AM 10: 26  
CLERK OF THE BOARD OF SUPERVISORS  
ORANGE COUNTY  
CALIFORNIA

**Date:** 7/22/16  
**To:** Clerk of the Board of Supervisors  
**CC:** County Executive Office  
**From:** Supervisor Shawn Nelson *SN*  
**Re:** ASR Control #: N/A, Meeting Date 7/26/16 Agenda Item No. # 46  
**Subject:** Agenda Item Revision

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Explanation:

Revised Recommended Action(s)

1. Direct the Registrar of Voters to place "AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA ADDING SECTION 1-2-9.1 TO THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE IMPOSING A LIFETIME LIMIT ON THE NUMBER OF TERMS FOR MEMBERS OF THE ORANGE COUNTY BOARD OF SUPERVISORS" on the ballot and to consolidate that election with the Statewide general election to be held on November 8, 2016.
2. Direct County Counsel to prepare the ballot language and the impartial analysis of the ordinance, and to forward them to the Registrar of Voters.
3. Request the County Auditor-Controller review the measure and prepare a fiscal impact statement as required by Article VII, Section 701 of the County Charter.

Make modifications to the:

Subject       Background Information       Summary

Ballot Measure--Lifetime Limit on the Number of Terms for Members of the Board of Supervisors

Revised Attachments (attach copy of revised attachment(s))

Attachment A – Draft Proposed County Ordinance  
Attachment B – Senator Moorlach Letter



## AGENDA STAFF REPORT

ASR Control

**MEETING DATE:** 07/26/16  
**TO:** Orange County Clerk of the Board  
**LEGAL ENTITY TAKING ACTION:** Board of Supervisors  
**SUBMITTING AGENCY/DEPARTMENT:** Supervisor Nelson (714) 834-3440  
**DEPARTMENT CONTACT PERSON(S):** Denis Bilodeau (714) 834-3440

**CATEGORY:** Discussion

**SUBJECT:** Ballot Measure--Lifetime Limit on the Number of Terms for Members of the Board of Supervisors

### RECOMMENDED ACTION:

1. Direct the Registrar of Voters to place "AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA ADDING SECTION 1-2-9.1 TO THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE IMPOSING A LIFETIME LIMIT ON THE NUMBER OF TERMS FOR MEMBERS OF THE ORANGE COUNTY BOARD OF SUPERVISORS" on the ballot and to consolidate that election with the Statewide general election to be held on November 8, 2016.
2. Direct County Counsel to prepare the ballot language and the impartial analysis of the ordinance, and to forward them to the Registrar of Voters.
3. Request the County Auditor-Controller review the measure and prepare a fiscal impact statement as required by Article VII, Section 701 of the County Charter.

### SUMMARY/BACKGROUND:

On February 28, 2012, then Supervisor now Senator John Moorlach brought forward a proposal which would place a lifetime maximum of 12 years of service on the Orange County Board of Supervisors. This proposal at the time failed to garner enough support for placement on ballot. Senator Moorlach has contacted the Board of Supervisors to re-evaluate the proposal and place it before the voters on the November 2016 ballot.

Section 1-2-9 of the Codified Ordinances of Orange County places a two term limit on the number of consecutive terms that an individual can serve as a Board of Supervisor Member. There is, however, no lifetime limitation on the number of terms an individual can serve. Accordingly, an individual can serve one or two terms on the County Board of Supervisors, leave office for a term, and then be re-elected to serve two more consecutive terms. This proposed ordinance would add an additional section to the codified ordinances which would place a lifetime maximum of three full terms on an individual serving as a County Supervisor, thereby closing the aforementioned loophole.

In addition, Section 1-2-9 which currently addresses term limits will remain untouched. This will have the net effect of providing no "reset" in how prior service is counted.

This proposed ordinance also seeks to balance the need for term limits with the concern for taxpayer return on investment. Understanding the complex systems, laws, and policies that govern an organization as large as the County of Orange (18,012 employees, 22 departments) requires years of service. Forcing an individual out of office after eight years of service (as is current practice) only diminishes a Supervisor's and his/her staff's ability to capitalize on the years of education and experience to achieve significant and sustained reforms on behalf of Orange County taxpayers. County Supervisors serve on regional boards in which tenure plays a significant effect on their ability implement good public policy. In addition, of those few counties in California that impose any term limits at all, several (Los Angeles, Santa Clara, San Mateo, Ventura, San Bernardino) utilize a three, four-year term maximum, as is being proposed in this ordinance. As such, this change better positions the County to achieve favorable outcomes in protracted situations that are decided at the state level.

In June of 2012, a similar measure entitled Proposition 28 was presented to the voters of the State of California. It enacted a similar 12 year term limit with a life time limit of 12 years of total service in either the Assembly or the Senate. That proposition passed statewide and in Orange County.

In summary, the intent of the voters of Orange County and the proponents of term limits was to bring fresh ideas and perspectives to government. This proposed ordinance removes an existing loophole for skirting that intent, while also ensuring that policy reforms have sufficient time to be nurtured and implemented.

**EXHIBIT(S):**

Attachment A – Draft Proposed County Ordinance

Attachment B – Senator Moorlach Letter

**COUNTY COUNSEL REVIEW:**

  
APPROVED ORDINANCE  
AS TO FORM.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA ADDING SECTION 1-2-9.1 TO THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE IMPOSING A LIFETIME LIMIT ON THE NUMBER OF TERMS FOR MEMBERS OF THE ORANGE COUNTY BOARD OF SUPERVISORS.

The People of the County of Orange, California ordain as follows:

SECTION 1: Section 1-2-9.1 of Article 1 of Division 2 of Title 1 of the Codified Ordinances of the County of Orange is hereby added as follows:

**1-2-9.1. Lifetime limit**

- (a) During her or his lifetime, no person shall serve more than three (3) four-year terms as a member of the Board of Supervisors, regardless of Supervisorial District represented. Notwithstanding Section 1-2-9, these three (3) four-year terms may be served consecutively. This subdivision shall apply only to those persons who commence a four-year term on the Board of Supervisors after the effective date of this subdivision and who have not previously served on the Board of Supervisors.
- (b) Notwithstanding the limitation on two (2) consecutive terms found in Section 1-2-9, all persons precluded from seeking re-election under Section 1-2-9 shall be entitled to serve one (1) additional four-year term only, provided that he or she has not already served three (3) or more four-year terms on the Board of Supervisors during his or her lifetime. The three (3) four-year terms authorized under this subdivision may be served consecutively.
- (c) The limitation on terms shall not apply to any term to which a person is elected or appointed if the actual time served is one-half or less of the full term of office.
- (d) If any term or provision of Section 1-2-9.1 is found by a court of competent jurisdiction to be illegal, invalid, or unenforceable, such term or provision shall be excluded to the extent of such invalidity or unenforceability. All other terms and provisions shall remain in full force and effect in accordance with the legislative intent to impose a lifetime limit of three (3) four-year terms of service on the Board of Supervisors.

LEGISLATIVE  
STATE CAPITOL  
SACRAMENTO, CA 95814  
916-357-4037

LEGISLATIVE  
SOUTH COAST CR  
SUITE 165  
COSTA MESA, CA 92626  
714-662-6050

# California State Senate



SENATOR

JOHN M. W. MOORLACH

THIRTY-SEVENTH SENATE DISTRICT

LEGISLATIVE  
SECRETARY  
JULIE KASIK  
BUDGET & FISCAL REVIEW  
GOVERNANCE & FINANCE  
PUBLIC EMPLOYMENT AND  
RETIREMENT

June 24, 2016

Hon. Lisa Bartlett  
Chair, Orange County Board of Supervisors  
333 W. Santa Ana Blvd, Fifth Floor  
Santa Ana, CA 92701

Dear Chairwoman Bartlett,

I am writing to urge the Orange County Board of Supervisors to re-evaluate a proposal I previously brought forward while I was a County Supervisor. As you may know, during my service on the Board of Supervisors I asked my colleagues to consider a change from the current two consecutive term soft limit to a three term lifetime term limit. I did not gain the requisite votes to place this proposal on the ballot.

The fact remains that there is still no limit to the number of terms someone may serve on the Board of Supervisors, only a limit on the amount of terms someone may serve consecutively. I believe it is time to ask the voters to consider implementing a hard limit of three life time terms. The current ordinance that is in place contains a massive loophole and I still feel it is important to allow the voters of Orange County to decide this issue.

Term limits clearly serve a purpose, they keep our elected officials accountable to the laws they pass. However, as with any well intended policy, unintended consequences arise. When term limit policies are brought forward, many times public officials must learn on the job and are forced from office before attaining the knowledge and skill set required before they can make substantive positive changes. I believe a hard term limit of three terms for any person elected to the Board of Supervisors would allow members to gain institutional knowledge, govern more effectively and stop the future revolving door of termed out politicians going on and off and on again to the Board of Supervisors. For these reasons I urge the Board of Supervisors to consider putting this issue before the voters.

Please do not hesitate to contact me should you have any questions regarding this issue.

Very truly yours,

John M. W. Moorlach

Cc: Orange County Board of Supervisors



# Continuation or Deletion Request

**Date:** July 13, 2016  
**To:** Clerk of the Board of Supervisors  
**From:** Vice Chair Michelle Steel *MS*  
**Re:** ASR Control #: N/A, Meeting Date 7/26/16 Agenda Item No. # 47  
**Subject:** Second Reading of An Ordinance Regarding the Restraint of Dogs

---

Request to continue Agenda Item No. # 47 to the October 25, 2016 Board Meeting.

Comments:

Request deletion of Agenda Item No. # \_\_\_\_\_

Comments:

RECEIVED  
2016 JUL 13 PM 3:48  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS



## MEMORANDUM

To: Robin Stieler, Clerk of the Board

From: Supervisor Andrew Do, First District

CC: Brian Probolsky, Valerie Sanchez

Date: July 19, 2016

**RE: Supplemental Item for July 26 Board Meeting – Remove Xuan-Nhi Van Ho from the OC Waste Commission effective immediately**

S47A

Please place a supplemental item on the consent agenda for the July 26 meeting of the Board of Supervisors. The item proposes to remove Xuan-Nhi Van Ho from the OC Waste Management Commission effective immediately.

2016 JUL 20 PM 2:56  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS

547B



*County Executive Office*

**Memorandum**

July 20, 2016

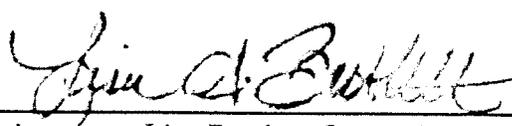
**To:** Clerk of the Board of Supervisors  
**From:** Frank Kim, County Executive Officer  
**Subject:** Exception to Rule 21

2016 JUL 21 AM 8:55  
CLERK OF SUPERVISORS  
ORANGE COUNTY

The County Executive Office is requesting a supplemental for the July 26, 2016, Board Hearing Meeting.

**Agency:** OC Public Works  
**Subject:** Approve Contract Change Order with KEC Engineering for Edinger Storm Channel  
**Districts:** 1 and 2

**Reason for supplemental:** OC Public Work requests this supplemental agenda item be placed on the July 26, 2016, Board meeting due to a recently negotiated settlement agreement. The Agenda Staff Report and attachments were not finalized until after the filing deadline to the Clerk of the Board.

**Concur:**   
Chairwoman Lisa Bartlett, Supervisor, Fifth District

**cc:** Board of Supervisors  
County Executive Office  
County Counsel



**SUPPLEMENTAL AGENDA ITEM  
 AGENDA STAFF REPORT**

**MEETING DATE:** 07/26/16  
**LEGAL ENTITY TAKING ACTION:** Orange County Flood Control District  
**BOARD OF SUPERVISORS DISTRICT(S):** 1, 2  
**SUBMITTING AGENCY/DEPARTMENT:** OC Public Works  
**DEPARTMENT HEAD REVIEW:** Shane Silsby  
*Department Head Signature*  
**DEPARTMENT CONTACT PERSON(S):** Shane Silsby (714) 667-9700  
 Octavio Rivas (714) 245-4520

2016 JUL 21 AM 9:57  
 CLERK OF THE BOARD  
 OFFICE OF THE CLERK OF THE BOARD  
 COUNTY OF ORANGE, CALIFORNIA

**SUBJECT:** Approve Contract Change Order with KEC Engineering for Edinger Storm Channel

**CEO CONCUR**

**COUNTY COUNSEL REVIEW**

**CLERK OF THE BOARD**  
 Discussion

[Signature]  
*CEO Signature*

Approve amendment to form  
*Action*  
[Signature]  
*County Counsel Signature*

3 Votes Board Majority

**Budgeted:** Yes                      **Current Year Cost:** N/A                      **Annual Cost:** N/A  
**Staffing Impact:** No                      **# of Positions:**                      **Sole Source:** No  
**Current Fiscal Year Revenue:** N/A  
**Funding Source:** Flood Fund 400: 100%                      **County Audit in last 3 years** N/A

**Prior Board Action:** 4/20/2010 #26, 7/27/2010 #31, 8/21/2012 #36A3

**RECOMMENDED ACTION(S)**

1. Approve Contract Change Order No. 29 with KEC Engineering for settlement of KEC Engineering's disputed Work Claim dated February 19, 2015, and Delay Impact Analysis dated March 2, 2015, for construction of the Edinger Storm Channel Project.
2. Direct Auditor-Controller to compensate KEC Engineering a total of \$2,114,461.15, which includes the settlement amount of \$352,290.14, credit of liquidated damages assessed in the amount of \$1,664,148.15 and release of retention withheld in the amount of \$98,023, at no increase to the Contract total.

**SUMMARY:**

Approval of Contract Change Order No. 29 to Agreement No. D10-035 with KEC Engineering will compensate KEC Engineering for settlement of disputed work claim for the Edinger Storm Channel Project.

## **BACKGROUND INFORMATION:**

Edinger Storm Channel (C05S05) was originally constructed in 1963 to provide flood control protection for low lying areas in unincorporated Midway City, portions of the City of Huntington Beach and portions of the City of Westminster. The segment of Edinger Storm Channel from approximately 65 feet west of Newland Street to approximately 1,646 feet upstream of Edinger Avenue, required improvements in order to provide sufficient flood control capacity to convey the 100-year storm runoff. The new Edinger Storm Channel Project (Project) was completed on March 26, 2015.

On April 20, 2010, the Board of Supervisors (Board) approved the Plans and Special Provisions; made CEQA findings; and set the bid opening date for this Project. This Project replaced the existing concrete trapezoidal channel with a larger 20-foot wide by 10-foot deep reinforced concrete rectangular channel from Interstate-405 (I-405) to Edinger Avenue (1,290 linear feet of channel) and a 20-foot wide by 9-foot deep reinforced concrete rectangular channel from Edinger Avenue to 1,646 feet upstream of Edinger Avenue at the confluence of the County's improvements to the Midway City Streets and Drainage project. The existing Edinger Avenue undercrossing was replaced by a larger capacity double 9-foot wide by 9-foot deep reinforced concrete box. The desired flood control capacity of the I-405 freeway undercrossing was accomplished by tunneling a 72-inch by 113-inch elliptical reinforced concrete pipe (RCP) under the freeway adjacent to an existing 63-inch RCP.

On July 27, 2010, the Board awarded the construction contract to KEC Engineering (Contractor) in the amount of \$7,815,062 and construction began in October 2010.

Due to the complexity of conducting a tunneling operation under I-405, a proprietary method was required by Caltrans via a two-permit process. The first part of the permit is based on Contract Plans and Special Provisions. Caltrans approved the first part of the permit on March 15, 2010, prior to award of the construction contract to the Contractor. The second part of the permit is based on the Contractor's selected choice of construction methods required to build the tunnel. Caltrans approved the second part of the permit on June 4, 2012.

On August 21, 2012, the Board approved Contract Change Order (CCO) No. 16 to Agreement D10-035 (Agreement) with the Contractor for the estimated amount of \$3,096,695 to restart and prepare the project for tunneling work, perform extra work included within the Engineer's report and for an extension of time for completion of the Contract work.

In March 2013, the Contractor was unable to complete the tunnel per the approved Caltrans permit and claimed it was due to different site conditions. Orange County Flood Control District (OCFCD) determined that the claim had no merit and asserted that adequate geotechnical information was provided in contract documents. The Contractor proposed an alternate plan to complete the tunnelling, which was not approved by Caltrans until June 19, 2014.

The Project was completed on March 26, 2016 and, per the Agreement, OCFCD assessed liquidated damages of \$2,532.95 per calendar day from May 31, 2013 to March 26, 2015, for a total of \$1,664,148.15.

On February 19, 2015, the Contractor submitted a Notice of Potential Claim (NOPC) for disputed work associated with differing site conditions. The Contractor requested compensation for disputed work, release of all assessed liquidated damages and interest on liquidated damages in the amount of \$4,121,155.47.

After extensive discussions from February 2015 to June 2016, OCFCD and the Contractor agreed to the terms of CCO No. 29, which will compensate the Contractor for the remaining Contract amount of \$352,290.14 with no increase to the Contract total. CCO No. 29 also credits back liquidated damages assessed in the amount of \$1,664,148.15 and releases retention withheld in the amount of \$98,023. This CCO constitutes a full and final resolution of any and all claims filed by the Contractor and will eliminate any potential litigation regarding the Contractor. This CCO also includes a release of all claims by the Contractor against the County.

**Compliance with CEQA:** On March 6, 2007 Negative Declaration No. IP03-105 was found adequate to satisfy the requirements of CEQA and was approved for this Project.

**FINANCIAL IMPACT:**

Appropriations and revenue of \$1,762,171.15 are included in the FY 2016-17 Adopted Budget. The amount includes \$98,023 retention withheld and \$1,664,148.15 in liquidated damages, which were previously encumbered. The remaining \$352,290.14 payment amount equals the remaining Contract amount and will be absorbed within existing appropriations.

**STAFFING IMPACT:**

N/A

**ATTACHMENT(S):**

Attachment A - Contract Change Order No. 29 to Agreement No. D10-035

OC PUBLIC WORKS  
CONTRACT CHANGE ORDER NO. 29  
AGREEMENT NO. D10-035

For Construction of: Edinger Storm Channel Improvement - EGG-Wintersburg Channel to 1,646 Feet U/S of Edinger Ave.

To: KEC Engineering

You are hereby directed to make the following described changes from the plans and specifications, or do the following described work not included in the plans and specifications for this contract.

-----  
Description of work to be done, estimate of quantities and prices to be paid as determined in accordance with the Specifications. In accordance with *Section 3-5 Resolution of Construction Claims* of the Standard Specifications for Public Works Construction and the Special Provisions, this change order provides the following adjustments to the contract as an agreed upon settlement for the resolution of the Contractor's disputed work claim dated February 19, 2015 and delay impact analysis dated March 2, 2015:

1. Compensation for the remaining Contract amount, including the remaining Contract Change Order amount, with no increase to the Contract total.
2. Credit liquidated damages assessed.
3. Release retention withheld.

**Compensation for the above change(s) will be as follows:**

1. Compensation for the remaining Contract amount, including the remaining Contract Change Order amount, with no increase to the Contract total.

**Adjustment in Compensation at an Agreed Upon Lump Sum Price:**

Description	Unit	Quantity	Unit Price	Total
A. Full and final settlement and release of all Contractor's disputed work and delay impacts	LS	1.00	\$352,290.14	\$352,290.14
			Subtotal:	\$352,290.14

**Decrease in Bid Item Quantity at Contract Unit Price:**

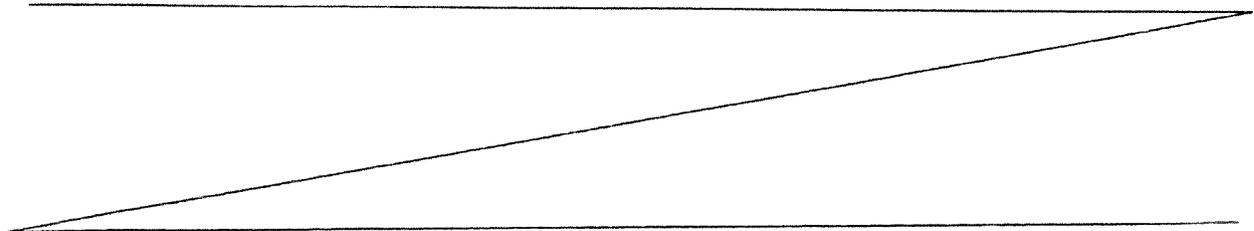
Description	Unit	Quantity	Unit Price	Total
A. Decrease in quantity reflected in Bid Item 25, Unclassified Excavation	CY	-3,298.00	\$21.00	-\$69,258.00
B. Decrease in quantity reflected in Bid Item 42, Rib and Lag Tunnel	LF	-19.00	\$4,825.00	-\$91,675.00
C. Decrease in quantity reflected in Bid Item 73, Planting Irrigation (Caltrans)	SF	-7,240.00	\$1.00	-\$7,240.00
			Subtotal:	-\$168,173.00

**Decrease in Contract Change Order Quantity at an Agreed Upon Unit Price**

Description	Unit	Quantity	Unit Price	Total
A. Decrease in quantity reflected on CCO 16 Item O, Slotted Well Screen inside casing	EA	-1.00	\$112,500.00	-\$112,500.00
B. Delete portion of CCO 5 Item A, Premium time for expediting tunnel work. Decrease in cost reflected on CCO 5, Item A.	T&M	-1.00	\$43,802.62	-\$43,802.62
C. Delete portion of CCO 16, Item IV-B, Premium time for expediting tunnel work. Decrease in cost reflected on CCO 16, Item IV-B	T&M	-1.00	\$27,814.52	-\$27,814.52
			Subtotal:	-\$184,117.14

1. Credit liquidated damages assessed in the amount of \$1,664,148.15 on the July 2016 progress payment.
2. Release retention withheld in the amount of \$98,023.00 on the July 2016 progress payment.

**TOTAL COST OF THIS SETTLEMENT.....\$0.00**



-----  
SUMMARY OF CONTRACT COST STATUS:

Original Contract award:	\$7,815,061.79
This Change	(+)\$0.00

-----  
By reason of this change order, the time for completion shall remain unchanged.  
-----

We, the undersigned contractor, agree that this change order constitutes full compensation for all claims of any nature known or unknown, including but not limited to claims for direct costs, indirect costs, profits, lost productivity, overhead, impacts, ripple effects, or consequential damages of any nature asserted by KEC Engineering, its subcontractors of any tier, and the suppliers of any of them, arising out of or related to the disputed work claim dated February 19, 2015 and delay impact analysis dated March 2, 2015.

Upon payment of the funds discussed herein, KEC and the County, on behalf of themselves and their respective representatives, employees, agents, officers, directors, successors and assigns, hereby fully release and discharge each other and their respective successors, assigns, representatives, officers, directors, employees, and agents from any and all claims, rights debts, liabilities, liens, losses, demands, obligations, promises, acts, representations, costs, expenses (including without limitation, attorney's fees), damages, suits, actions and causes of action, of whatever kind or nature, whether known or unknown, suspected or unsuspected, which have been brought or asserted and/or could have been brought or asserted in the lawsuits, and/or which are related to or arise from the Project with the following exception:

As to KEC, notwithstanding the foregoing, the County is in no way releasing KEC from, waiving or in any way impairing rights against KEC for the following: (1) all express and implied warranties arising from or related to the work to be performed by KEC pursuant to this Change Order; (2) all rights or causes of action by the County for indemnity and contribution with respect to any claim by a third party for personal injury or property damage arising from or related to the work to be performed by KEC pursuant to this Change Order; and (3) any claims for latent defects arising from or related to the work to be performed by KEC pursuant to this Change Order.

KEC knowingly and voluntarily waives and relinquishes all rights under California Civil Code section 1542, which provides as follows:

“a general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release which, if known by him or her, must have materially affected his or her settlement with the debtor.”

Notwithstanding the provisions of Civil Code section 1542, KEC, hereby expressly waives those provisions and acknowledges that it is aware that claims or facts in addition to or different from those which are known or believed to exist with respect to the matters mentioned herein, may be discovered hereafter, and that the releases exchanged above are intended to fully and forever settle and release any and all such matters, claims or disputes.

Notwithstanding the foregoing, the County is fully releasing KEC from any and all involvement and/or obligation(s) necessary to resolve and/or closeout any open Caltrans Permits.

Acceptance Date: 7-13-16

Contractor: KEC Engineering

By: [Signature]

Title: V.P.

Print Name: SCOTT PFEIFFER

Approved as to Form  
County Counsel

By: [Signature]

Date: 7-12-16

Submitted By: [Signature] 7/11/2016  
Richard Patricelli, P.E.  
Senior Civil Engineer

Approval Recommended: [Signature] 7/11/16  
Edward Frondoso, P.E.  
Engineering Supervisor

Approval Recommended: [Signature] 7-13-16  
Octavio Rivas, P.E., Deputy Director  
OC Public Works/OC Construction

Approved By: \_\_\_\_\_  
Chair, Orange County Board of Supervisors

Date: \_\_\_\_\_

Signed and certified that a copy of this document  
has been delivered to the Chair of the Board per  
Government Code Section 25103, Resolution 79-1535.  
Attest:

\_\_\_\_\_  
Robin Stieler  
Clerk of the Board of Supervisors  
County of Orange, California



OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

333 West Santa Ana Boulevard, Suite 407  
Santa Ana, California 92701  
Direct No.: (714) 834-3303  
E-Mail: leon.page@coco.ocgov.com

LEON J. PAGE  
COUNTY COUNSEL

Agenda Item No. SCS- 2  
July 26, 2016

MEMORANDUM

TO: Robin Stieler, Clerk of the Board of Supervisors  
FROM: Leon J. Page, County Counsel  
SUBJECT: Request for Supplemental Closed Session

RECEIVED  
2016 JUL 19 PM 1:02  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS

I am requesting a supplemental closed session on Tuesday, July 26, 2016, to discuss with the Board the status of existing litigation, pursuant to Government Code section 54956.9(d)(1).

Accordingly, please prepare the Agenda Item to read:

“CONFERENCE WITH LEGAL COUNSEL --  
EXISTING LITIGATION Pursuant to Government Code Section  
54956.9(d)(1).  
Name of Case: *W.A. Rasic Construction Co., Inc. v. Orange  
County Flood Control District and the County of Orange*, Orange  
County Superior Court Case No. 30-2015-00767173.

RECOMMENDED ACTION: Conduct Closed Session.”

Thank you.

LDK:nr

cc: Members of the Board of Supervisors  
Frank Kim, CEO



OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

333 West Santa Ana Boulevard, Suite 407  
Santa Ana, California 92701  
Direct No.: (714) 834-3303  
E-Mail: leon.page@coco.ocgov.com

LEON J. PAGE  
COUNTY COUNSEL

Agenda Item No. SCS-3  
July 26, 2016

MEMORANDUM

July 20, 2016

TO: Robin Stieler, Clerk of the Board of Supervisors  
FROM: Leon J. Page, County Counsel  
SUBJECT: Request for Supplemental Closed Session

RECEIVED  
2016 JUL 20 PM 2:14  
CLERK OF THE BOARD OF SUPERVISORS  
ORANGE COUNTY  
BOARD OF SUPERVISORS

I am requesting a supplemental closed session on Tuesday, July 26, 2016, to discuss with the Board the status of existing litigation, pursuant to Government Code section 54956.9(d)(1).

Accordingly, please prepare the Agenda Item to read:

“CONFERENCE WITH LEGAL COUNSEL --  
EXISTING LITIGATION Pursuant to Government Code Section  
54956.9(d)(1).  
Name of Case: *County of Orange v. Tata Consultancy Services  
Ltd., et al.*, United States District Court Case No. SACV13-683  
JST (JCx).

RECOMMENDED ACTION: Conduct Closed Session.”

Thank you.

JPC:nr

cc: Members of the Board of Supervisors  
Frank Kim, CEO



RECEIVED

2016 JUL 20 PM 2:41

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

333 West Santa Ana Boulevard, Suite 407  
Santa Ana, California 92701  
Direct No.: (714) 834-3303  
E-Mail: leon.page@coco.ocgov.com

LEON J. PAGE  
COUNTY COUNSEL BOARD OF SUPERVISORS

Agenda Item No. SCS- 4  
July 26, 2016

MEMORANDUM

July 20, 2016

TO: Robin Stieler, Clerk of the Board of Supervisors  
FROM: Leon J. Page, County Counsel  
SUBJECT: Request for Supplemental Closed Session

I am requesting a supplemental closed session on Tuesday, July 26, 2016, to discuss with the Board the status of existing litigation, pursuant to Government Code section 54956.9(d)(1).

Accordingly, please prepare the Agenda Item to read:

“CONFERENCE WITH LEGAL COUNSEL --  
EXISTING LITIGATION Pursuant to Government Code Section  
54956.9(d)(1).  
Name of Cases: *Steve Castillo v. County of Orange, Code  
Enforcement*, Orange County Superior Court Case No.  
30-2014-00763116  
*Diane Le v. County of Orange Code Enforcement*,  
Orange County Superior Court Case No. 30-2014-00763184;  
*Thank Le v. County of Orange Code Enforcement*,  
Orange County Superior Court Case No. 30-2014-00763189.

RECOMMENDED ACTION: Conduct Closed Session.”

Thank you.

NMW:nr

cc: Members of the Board of Supervisors  
Frank Kim, CEO

---

**Subject:** FW: Comment Letter-Agenda SCS5 7/26/16 Meeting  
**Attachments:** John Wayne Airport Lease\_Oppose\_OC Board of Sup.pdf

*Correspondence*  
*7/26/16*  
*SCS-5*

**From:** Lindsay Anderson [<mailto:landerson@ocbc.org>]  
**Sent:** Monday, July 25, 2016 1:23 PM  
**To:** COB\_Response  
**Cc:** Bryan Starr  
**Subject:** Comment Letter-Agenda SCS5 7/26/16 Meeting

Please see the attached comment letter in regards to **Agenda Item SCS5** for the July 26, 2016 Board meeting.

Thank you.

**Lindsay Anderson**  
Legislative Analyst  
Orange County Business Council

2 Park Plaza, Suite 100 | Irvine, CA 92614  
Tel: 949.794.7218  
Fax: 949.476.9240  
Cell: 949.241.9447  
[landerson@ocbc.org](mailto:landerson@ocbc.org)

ORANGE COUNTY BUSINESS COUNCIL 2016



Join the Leading Voice of Business in Orange County...  
[www.ocbc.org](http://www.ocbc.org)



July 25, 2016

The Honorable Lisa Bartlett  
Chairman  
Orange County Board of Supervisors  
333 W. Santa Ana Blvd.  
Santa Ana, CA 92701

**RE: AGENDA ITEM SCS5**

Dear Chairman Bartlett and Orange County Board of Supervisors,

Orange County Business Council (OCBC) is committed to advocating for a competitive, fair and open bidding process. As such, we ask you to reconsider Agenda Item SCS5, which would grant a privately-owned company a lease at John Wayne Airport for the purpose of operating a General Aviation facility at John Wayne Airport outside of the normal procurement process.

This lease would be contradictory to conducting a fair, transparent and competitive county procurement process. Therefore, we urge the Board of Supervisors to reject the request for a sole source contract and remain committed to ensuring the County of Orange's contract opportunities remain competitive.

Thank you for your thoughtful consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Starr".

Bryan Starr  
Senior Vice President Government Affairs

cc: Board of Supervisors



County Executive Office

Memorandum

SLS-5

July 21, 2016

To: Robin Stieler, Clerk of the Board

From: Frank Kim, County Executive Officer

Subject: Request for Supplemental Closed Session on July 26, 2016

2016 JUL 21 AM 8:23  
BOARD OF SUPERVISORS  
ORANGE COUNTY

Accordingly, please prepare the Agenda item to read:

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – County Executive Office requests a Closed Session pursuant to Government Code Section 54956.8, to confer with its real property negotiator.

Property Location: John Wayne Airport  
County Negotiator: Scott D. Mayer, Chief Real Estate Officer  
Negotiating Party: Signature Combs, Inc.  
Newport FBO Two, LLC dba Atlantic Aviation  
Under Negotiation: Terms and Value of Future Leases

**Recommended Action: Conduct Closed Session**

cc: Members, Board of Supervisors  
Chief Executives  
Leon Page, County Counsel