

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.

June 18, 2013

CONSENT

- 21. Deleted
- 29. Revised Title to read:
OC Public Works - Approve plans and specifications and set bid opening for ~~6/5/13~~ 7/10/13, 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; 5/7/13, Item 18; 5/14/13, Item 15)

DISCUSSION

- 61. Deleted
- 78. Revised Title to read:
County Executive Office - Approve grant application/award submitted by Sheriff-Coroner and ratify retroactive grant application/awards submitted by District Attorney and OC Public Works in 6/18/13 grant report and other actions recommended; and adopt resolution authorizing District Attorney or designee to execute grant award agreement and amendments with State Department of Insurance for Disability and Healthcare Insurance Fraud Program, 7/1/13 - 6/30/14 (~~\$598,301~~-\$2,199,841) - All Districts

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

Items: 29 & 78

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

- S81A. **John Wayne Airport** - Adopt hearing officer's recommendation authorizing subcontractor substitution for Seismic Remediation of Elevated Roadways project; alternatively set matter for a de novo hearing; and make California Environmental Quality Act findings – District 2
- S81B. **County Executive Office** – Approve cancellation of regular meeting on 6/25/13, 9:30 a.m., and approve special meeting for 6/24/13, 9:30 a.m.; and authorize Clerk of the Board to post notice of cancellation of the 6/25/13 regular meeting – All Districts

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.

- S81C. **County Counsel** - Consider first reading of “An Ordinance of the County of Orange, California Repealing Ordinance No. 3883 and Ordinance No. 01-004 of the County of Orange Prescribing the Daily Attendance Fees and Mileage Allowance for Grand Jurors”; and set second reading and adoption for 6/25/13, 9:30 a.m. - All Districts
- SCS8. **Human Resource Services** - PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code Section 54957:
Title: Director of Internal Audit
- SCS9. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: 301 S. State College, Fullerton, CA
County Negotiator: Michael B. Giancola
Negotiating Party: 301 S. State College, a California General Partnership
Under Negotiations: Terms and value of future sale and acquisition



Continuation – Deletion Memo

2013 MAY 31 PM 4:45

Steve Franks

Date: 5/30/2013

To: Clerk of the Board of Supervisors

From: Steve Franks, Director, OC Community Resources

ASR Control #: 13-000137 Agenda Item # for the 6/18/2013 Board Meeting

Subject: MOUs with OneOC for Court Referral Program

3/A2

Request to continue Agenda Item(s) _____ to the _____ Board Meeting.

Comments:

Request deletion of Agenda Item(s) _____

Comments:

CC: County Executive Office

Handwritten initials



Revision to ASR and/or Exhibits/Attachments

Date: May 23, 2013

To: Susan Novak, Clerk of the Board of Supervisors

From: Ignacio G. Ochoa, P.E., Interim Director, OC Public Works

ASR Control #(s): 13-000211 for the June 18, 2013 Board Meeting

Subject: Advertise Job Order Contract for Asbestos Abatement Services

For Board for

Explanation:

OC Public Works is requesting to revise the bid opening date and bid documents. The item was previously scheduled for the April 16, 2013 Board Meeting and it was continued to: May 7, 2013; May 14, 2013; and June 18, 2013.

Revised Recommended Action(s)

Recommended Action 4:

Authorize the Clerk of the Board to advertise the JOC Asbestos Removal and Decontamination Contracts for bids, with the bid opening date of Wednesday, ~~June 5~~ July 10, 2013 at 2:00 p.m.

Revised Exhibits/Attachments (attached)

Exhibit A - Notice Inviting Bids

cc: County Executive Office

2013 MAY 30 PM 1:56
CLERK OF THE BOARD OF SUPERVISORS
ORANGE COUNTY
1001 N. GATE AVENUE, SUITE 1000
ORANGE, CA 92667
TEL: 714/937-1000 FAX: 714/937-1001

EXHIBIT A
NOTICE INVITING BIDS
IFB#080-P26003

1. NOTICE IS HEREBY GIVEN that the Board of Supervisors of Orange County, California will **receive sealed bids up to 2:00 p.m., on Wednesday, July 10, 2013, in the office of the Clerk of the Board of Supervisors**, Hall of Administration, 333 West Santa Ana Boulevard, Bldg. 10 Civic Center Plaza, Room 101 (corner of Santa Ana Boulevard and Broadway), Santa Ana, California, at which time said bids will be publicly opened and read in Room 169 on the first floor for the following:

Project: **Job Order Contract for Asbestos Removal & Decontamination Services**

Location: Various

Total Contract Amount Not-to-Exceed: \$500,000

2. All **questions** must be posted at www.BidSync.com and are due by 4:00 pm on July 9, 2013.
3. The classification of contractor's license required in the performance of this contract is **Class C21** Contractor's license and hold a valid ASB Certification issued by the California State Contractor's License Board and valid registration with the California Department of Safety and Health
4. All of said work to be performed in accordance with the requirements of County IFB 080-P26003 (hereinafter IFB), including the Construction Task Catalog. The Construction Task Catalog will be handed out at the Mandatory Pre-Bid Meeting. The Invitation for Bids will be available for download after July 18, 2013 through the County's online bid system at www.BidSync.com. It is the responsibility of each Bidder to periodically check the County's on-line bid system to ensure that they have received and reviewed any and all addenda to this solicitation. The County will not be responsible for any other explanations, corrections to, or interpretations of the documents, including any oral information.
5. A **Mandatory Pre-Bid Meeting** will be conducted on July 2, 2013 at 9:00am sharp at OC Public Works, 300 N. Flower, Conference Room B-10, Santa Ana, CA 92703. No one will be admitted after 9:10 am. The pre-bid meeting will allow bidders to acquaint themselves of the terms and conditions under which the JOC work will be conducted. Failure of any bidder to attend the mandatory pre-bid meeting shall constitute a substantial variation from the requirements of the contract and the bid of any bidder not in attendance will be rejected. *Please confirm your attendance by noon July 1, 2013 by sending an email to anita.cerda@ocpw.ocgov.com. An attendance sign-in sheet will be available and all potential bidders must sign-in to verify their attendance.*
6. Pursuant to the provisions of Section 1773 of the Labor Code of the State of California, this contract requires payment of not less than the general prevailing rate of per diem wages. The Board of Supervisors has obtained the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in this locality for each craft, classification, or type of workman needed to execute the contract from the Director of the Department of Industrial Relations. These rates are on file with the Board of Supervisors or visit the website of Department of Industrial Relations, Prevailing Wage Unit at www.dir.ca.gov/DLSR/PWD.
7. Each bidder must submit with his bid a certified or cashier's check, cash or an *original* bidder's bond issued and executed by an admitted Surety insurer (authorized to transact surety insurance in California), made payable to the order of the County of Orange in an amount not less than ten percent of the Total Contract Amount (as stated above) as a guarantee that the bidder will enter into the proposed contract if the same is awarded him. (e.g., if the bidder's bond is issued through a surplus line broker, both the surplus line broker and the insurer with whom he is doing business for purposes of this project must be licensed in California to issue such bonds.) In the event of failure to enter into such contract, the said amount will be forfeited to said County of Orange.
8. The successful bidder shall be required to furnish a Performance Bond in an amount equal to 100 percent of the amount of the contract and a Payment Bond in the amount of 100 percent of the contract, said bonds to be first approved by the County Counsel and the Risk Manager of Orange County.
9. Pursuant to Section 22300 of the Public Contract Code of the State of California, the contract will contain provisions permitting the successful bidder to substitute securities for any monies withheld by the County of Orange to ensure performance under the contract.
10. The Board of Supervisors reserves the right to reject any or all bids and to waive any informality in any bid received.

BY ORDER OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, CALIFORNIA

Dated _____

SUSAN NOVAK
Clerk of the Board of Supervisors
of Orange County, California



Continuation – Deletion Memo

Date: June 12, 2013

To: Clerk of the Board of Supervisors

CC: County Executive Office

From: Alan L. Murphy, Airport Director, John Wayne Airport

ASR Control #: 12-000924 Agenda Item # 61 for the June 18, 2013 Board Meeting

Subject: Approve updated General Aviation Tie-Down/Hangar License Agreement.

A handwritten signature in black ink, appearing to read "Alan L. Murphy", written over the "From:" line.

2013 JUN 14 PM 11:16

Request to continue Agenda Item(s) _____ to the _____ Board Meeting.

Comments:

Request deletion of Agenda Item(s) #61

Comments:

Please delete the subject agenda staff report from the agenda for the June 18, 2013 Board Meeting.



County Executive Office
Memorandum

Date: June 12, 2013
To: Susan Novak, Clerk of the Board of Supervisors
From: Robert J. Franz, Deputy CEO/Chief Financial Officer
RE: **Agenda Item(s) #78 for the June 18, 2013, Board Meeting**
ASR Control 13-000690
Subject: **Grant Applications/Awards Report**

2013 JUN 13 AM 8:52
CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

RECEIVED

RECOMMENDED ACTIONS/EXHIBITS:

By this memo, we are requesting the following changes to ASR Control #:13-000690, Agenda Item # 78 for the June 18, 2013, Board Meeting:

Recommended Action No. 1.

Revise the grant application amount from \$598,301 to \$2,199,841 to reflect the most updated information on the Request-For-Applications (RFA) to read:

1. Ratify the Retroactive Grant Application and Adopt Resolution – District Attorney – Disability and Healthcare Insurance Fraud Program (~~\$598,301~~) **\$2,199,841**.

Enclosures: Revised: Board Resolution - Disability and Healthcare Insurance Fraud Program

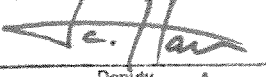
RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA

WHEREAS, the County of Orange desires to undertake its project designated "The Disability and Healthcare Insurance Fraud Program" to be funded in part from funds made available through the California Insurance Code Section 1872.85 and administered by the California Department of Insurance (hereafter referred to as CDI).

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Authorize the District Attorney, or his designee, to sign and execute, on behalf of the County of Orange, a Grant Award Agreement with CDI for the Disability and Healthcare Insurance Fraud Program, effective from July 1, 2013 through June 30, 2014, in the amount not to exceed \$2,199,841.
2. Authorize the District Attorney, or his designee, to execute, on behalf of the County of Orange, any extensions or amendments that do not materially alter the terms of the grant award.
3. Assure that the County of Orange assumes any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages. The State of California and the California Department of Insurance disclaim responsibility for any such liability.
4. Assure that the County of Orange will not use grant funds to supplant expenditures controlled by the Board of Supervisors.

APPROVED AS TO FORM
OFFICE OF THE COUNTY CLERK
ORANGE COUNTY, CALIFORNIA

By 
Deputy
Date 06/12/13



County Executive Office
Memorandum

June 13, 2013

To: Susan Novak, Clerk of the Board
From: Michael B. Giancola, County Executive Officer
Subject: Exception to the Rule 21

RECEIVED
2013 JUN 13 PM 2:38
CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

381A

The County Executive Office is requesting a supplemental for the June 18, 2013 Board Hearing Meeting.

Agency: John Wayne Airport
Subject: P269-Seismic Remediation Elevated Roadways – Subcontractor Substitution Recommendation.
District: 2nd

Reason for supplemental: To expedite the completion of the Seismic Remediation Project.

Concur: DB for SN
Shawn Nelson, Chairman, Board of Supervisors

cc: Rob Richardson, County Executive Office

S81A



SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT

ASR Control

MEETING DATE: 06/18/2013
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): 2
SUBMITTING AGENCY/DEPARTMENT: John Wayne Airport (Approved)
DEPARTMENT CONTACT PERSON(S): Alan L. Murphy 949-252-5183

2013 JUN 13 PM 2:58
RECEIVED
CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

SUBJECT: P269-Seismic Remediation Elevated Roadways – Subcontractor Substitution Recommendation

CEO CONCUR

COUNTY COUNSEL REVIEW
No Legal Objection

6/12/2013

CLERK OF THE BOARD
Discussion

Budgeted: N/A Current Year Cost: N/A Annual Cost: N/A

Staffing Impact: No # of Positions: N/A Sole Source: N/A
Current Fiscal Year Revenue: N/A
Funding Source: N/A

Prior Board Action: 12/11/2012 # 24; 08/23/2011 # 39

RECOMMENDED ACTION(S)

1. Find that the subject project was previously determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1) of the CEQA Guidelines, which provides for the exemption of minor alterations to public facilities or structures, on June 27, 2000.
2. Adopt the written recommendation authorizing subcontractor substitution based on Public Contract Code sections 4107 (a)(3) and (a)(7).
3. Alternatively, set the matter for a de novo hearing before the Board of Supervisors pursuant to Public Contract Code §4114.

SUMMARY:

Pursuant to Public Contract Code 4114, adopt the hearing officer's written recommendation authorizing subcontractor substitution based on Public Contract Code sections 4107 (a)(3) and (a)(7); or alternatively set the matter for a de novo hearing. Authorize the Chair to make CEQA findings.

BACKGROUND INFORMATION:

The John Wayne Airport (JWA) Seismic Remediation project provides for the seismic retrofit of the second-level, departures roadway at John Wayne Airport. Project limits include the entire second-level roadway (approximately 3,300 feet). All existing structures are cast-in-place concrete box girders. Work includes column casing, hinge restraint, footing overlay, and strengthening of outrigger beams. All planned work is contained within JWA boundaries.

On August 23, 2011 the Orange County Board of Supervisors awarded the construction contract for the project to SEMA Construction Inc. (SEMA). In the bid form submitted by SEMA, West Coast Welding Inc. (WCW) was listed as a subcontractor.

In a letter dated May 9, 2013 the prime contractor, SEMA, notified JWA that it was having a contractual dispute with its subcontractor WCW and of their desire to substitute a new subcontractor in place of WCW due to WCW's refusal to perform under its contract.

In accordance with Public Contract Code (PCC) §4107(a)(9) JWA notified WCW by certified mail of SEMA's request to substitute. WCW by letter dated May 13, 2013 stated their objection to the substitution and requested a hearing pursuant to PCC §4107. On May 15, 2013 JWA notified both parties that a hearing would be held on May 23, 2013 at JWA offices located at 3160 Airway Avenue, Costa Mesa.

LEGAL AUTHORITY

PCC §4107(a) provides in part that an awarding authority may consent to the substitution of another person as a subcontractor in any of the following situations:

(3)When the listed subcontractor fails or refuses to perform his or her subcontract.

(7)When the awarding authority, or its duly authorized officer, determines that the work performed by the listed subcontractor is substantially unsatisfactory and not in substantial accordance with the plans and specifications, or that the subcontractor is substantially delaying or disrupting the progress of the work.

PCC §4107(c) provides in part that a prime contractor whose bid is accepted may not "[o]ther than in the performance of "change orders" causing changes or deviations from the original contract, sublet or subcontract any portion of the work...."

HEARING OFFICER FINDINGS

The hearing was held on May 23, 2013 and the following findings were made by the hearing officer:

1. WCW is a listed subcontractor on the referenced project;
2. SEMA and WCW both agree that some portion of the work at issue consists of change order work not in the original subcontract scope;
3. WCW is refusing to perform their subcontract work until its contractual dispute with SEMA has been resolved;
4. WCW is refusing to perform any additional change order work until its contractual dispute with SEMA has been resolved;

5. The work that WCW is refusing to perform is “critical path work” placing the project in a day for day delay;
6. WCW’s refusal to perform any additional work is substantially delaying and disrupting the progress of the Seismic Remediation project;
7. WCW has protected itself from financial risk by filing Stop Payment Notices pursuant to Civil Code §9100.
8. WCW has alternative means to enforce its contractual rights if it feels substitution is improper by filing a court action against SEMA.

HEARING OFFICER RECOMMENDATION

Based on the hearing officer’s findings, and pursuant to PCC §4114, JWA recommends that the Board of Supervisors adopt the hearing officer’s recommendations as follows:

1. To the extent that the work at issue is change order work as described in PCC §4107(c) no consent for substitution is required and SEMA may use an alternate subcontractor after JWA has had an opportunity to investigate and approve the proposed subcontractor’s qualifications;
2. To the extent that the work at issue is within the scope of the original contract, approve SEMA’s request to substitute another JWA-approved subcontractor to perform WCW’s outrigger erection and welding work pursuant to PCC §4107(a)(3) and (a)(7). (See Exhibit A)

CEQA COMPLIANCE

The subject project was previously determined on June 27, 2000 to be Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1) of the CEQA Guidelines which provides for the exemption for minor alterations to public facilities or structures.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

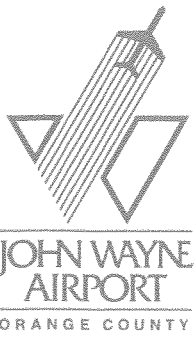
N/A

EXHIBIT(S):

Exhibit A: Subcontractor Substitution Recommendation

ATTACHMENT(S):

N/A



Alan L. Murphy
Airport Director

Date: May 23, 2013
To: Board of Supervisors, County of Orange
From: Lawrence G. Serafini, Hearing Officer, John Wayne Airport
Subject: Subcontractor Substitution Recommendation
Reference: Seismic Remediation – Elevated Roadways, 281-281-4200-P 269

Background

Public Contract Code (PCC) §§4107 – 4114 contains the California law pertaining to the listing and substitution of subcontractors. In a letter dated May 9, 2013 the prime contractor, SEMA Construction Inc. (SEMA) notified John Wayne Airport (JWA) of their desire to substitute a new subcontractor in place of West Coast Welding Inc. (WCW). In accordance with PCC §4107(a)(9) JWA notified WCW by certified mail of SEMA's request. WCW by letter dated May 13, 2013 stated their objection to the substitution and requested a hearing. On May 15, 2013 JWA notified both parties that pursuant to the PCC a hearing would be held on May 23, 2013 at JWA offices located at 3160 Airway Avenue, Costa Mesa.

Representatives from JWA, SEMA and WCW were in attendance at the May 23rd hearing. Information provided in documents and testimony provided at the hearing include:

- WCW is a listed subcontractor on the referenced project;
- SEMA claims that WCW is refusing to perform their subcontract work;
- SEMA claims that WCW is substantially delaying the progress of the work;
- WCW claims that there are additions (changes) to the work that are beyond the scope of their contract with SEMA;
- WCW claims that they are not being paid by SEMA for the additional (change) work which they have performed;
- WCW claims that SEMA's failure to promptly pay them for the claimed additional (change) work is grounds under the terms of their subcontract with SEMA to stop working until paid.
- SEMA argued that PCC §4107 (c) exempts change order work from the PCC §4107 substitution requirements and that to the extent the work at issue is for change work, PCC substitution requirements are inapplicable.

3160 Airway Avenue
Costa Mesa, CA
92626-4608
(949) 252-5171
(949) 252-5178 FAX
www.ocair.com



Findings of Fact

1. WCW is a listed subcontractor on the referenced project;
2. SEMA and WCW both agree that some portion of the work at issue consists of change order work not in the original subcontract scope;
3. WCW is refusing to perform their subcontract work until its contractual dispute with SEMA has been resolved;
4. WCW is refusing to perform any additional change order work until its contractual dispute with SEMA has been resolved;
5. The work that WCW is refusing to perform is “critical path work” placing the project in a day for day delay;
6. WCW’s refusal to perform any additional work is substantially delaying and disrupting the progress of the Seismic Remediation project;
7. WCW has protected itself from financial risk by filing Stop Payment Notices pursuant to Civil Code §9100.
8. WCW has alternative means to enforce its contractual rights if it feels substitution is improper by filing a court action against SEMA.

Recommendations to the Board of Supervisors

1. To the extent that the work at issue is change order work as described in PCC §4107(c) no consent for substitution is required and SEMA may use an alternate subcontractor after JWA has had an opportunity to investigate and approve the proposed subcontractor’s qualifications;
2. Because WCW is refusing to perform its subcontract, SEMA’s request for subcontractor substitution should be approved based on PCC sec. 4107 (a), (3), which provides for substitution “When the listed subcontractor fails or refuses to perform his or her subcontract.”
3. Because WCW is delaying critical path work, causing the contractor to be subject to liquidated damages, SEMA’s request for subcontractor substitution should be approved based on PCC sec. 4107 (a), (7), which provides for substitution “When the awarding authority, or its duly authorized officer, determines that the work performed by the listed subcontractor is substantially unsatisfactory and not in accordance with the plans and specifications, or that the subcontractor is substantially delaying or disrupting the progress of the work.”

Sincerely,



L.G. Serafini, P.E.
Deputy Airport Director, Facilities
John Wayne Airport



County Executive Office
Memorandum

June 13, 2013

To: Susan Novak, Clerk of the Board
From: Michael B. Giancola, County Executive Officer
Subject: Exception to the Rule 21

2013 JUN 13 PM 4:58
581B

The County Executive Office is requesting a supplemental for the June 18, 2013 Board Hearing Meeting.

Agency: County Counsel
SUBJECT: Upcoming Board Schedule; Cancellation of Regular Meeting on June 25, 2013, and calling a Special Meeting for June 24, 2013.
District All

Reason for supplemental: Directed by the Board of Supervisors

Concur: ML for SN
Shawn Nelson, Chairman, Board of Supervisors

cc: Rob Richardson, County Executive Office



SUPPLEMENTAL AGENDA STAFF REPORT

S81B

MEETING DATE: 06/18/13
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Executive Office
DEPARTMENT CONTACT PERSON(S): Michael Giancola (714) 834-6200

2013 JUN 13 PM 1:57
 CLERK OF THE BOARD
 DISCUSSION

SUBJECT: Upcoming Board Schedule; Cancellation of Regular Meeting on June 25, 2013, and calling a Special Meeting for June 24, 2013.

CEO CONCUR N/A	COUNTY COUNSEL REVIEW Approved as to Form	CLERK OF THE BOARD Discussion 3 Votes Board Majority
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Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A
Staffing Impact: N/A **# of Positions:** 0 **Sole Source:** No
Current Fiscal Year Revenue: N/A
Funding Source: General Fund

Prior Board Action: On 6/11/2013, the Board continued to 6/25/13 final adoption of the FY 2013-2014 Budget.

RECOMMENDED ACTION(S):

1. Cancel the Regular Meeting calendared for 6/25/2013.
2. Call a Special Meeting of the Board for 6/24/2013 at 9:30 a.m.
3. Advance all items of business previously calendared for 6/25/2013, including final adoption of the FY 2013-2014 budget, to the 6/24/2013 Special Meeting.
4. Direct the Clerk of the Board to promptly post notice of the cancellation of the 6/25/2013 Regular Meeting, and to provide notice of the 6/24/2013 Special Meeting pursuant to Government Code section 54956.

SUMMARY: Cancellation of Regular Meeting on June 25, 2013, and advancement of all items of business, previously calendared for June 25, 2013, to a special meeting of the Board on June 24, 2013.

BACKGROUND INFORMATION:

To allow all members of the Board to participate in the discussion relating to adoption of the FY 2013-2014 Budget, the recommended actions, if approved by the Board, would cancel the Regular Meeting scheduled for June 25, 2013, and advance all items of business previously calendared for June 25, 2013, to a Special Meeting of the Board on June 24, 2013.

Under Rule 4 of the Board's Rules of Procedures, "any scheduled meeting may be canceled upon order of the Chair, or a majority of the members, of the Board." Pursuant to Government Code section 54956, a special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

N/A

ATTACHMENT(S):

N/A



County Executive Office
Memorandum

June 13, 2013

To: Susan Novak, Clerk of the Board
From: Michael B. Giancola, County Executive Officer
Subject: Exception to the Rule 21

RECEIVED
2013 JUN 13 PM 2:56
CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

581C

The County Executive Office is requesting a supplemental for the June 18, 2013 Board Hearing Meeting.

Agency: County Counsel
Subject: Grand Jury Fee Ordinance Repeal
District: All

Reason for supplemental: Directed by the Board of Supervisors

Concur: DB for SN
Shawn Nelson, Chairman, Board of Supervisors

cc: Rob Richardson, County Executive Office



SUPPLEMENTAL AGENDA STAFF REPORT

2013 JUN 13 PM 2:56
RECEIVED
CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS
S8/C

MEETING DATE: 06/18/13
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Counsel
DEPARTMENT CONTACT PERSON(S): Nicholas S. Chrisos (714) 834-3304
Leon J. Page (714) 834-6238

SUBJECT: REPEAL OF COUNTY ORDINANCES PRESCRIBING DAILY ATTENDANCE FEES AND MILEAGE FOR GRAND JURORS.

CEO CONCUR N/A	COUNTY COUNSEL REVIEW Approved as to Form	CLERK OF THE BOARD Discussion 3 Votes Board Majority
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Budgeted: Yes **Current Year Cost:** N/A **Annual Cost:** N/A
Staffing Impact: N/A **# of Positions:** 0 **Sole Source:** No
Current Fiscal Year Revenue: N/A
Funding Source: General Fund

Prior Board Action: County Ordinance No. 01-004; County Ordinance No. 3883

RECOMMENDED ACTION(S):

1. Read title of ordinance.
2. Order further reading of the ordinance be waived.
3. Consider the matter.
4. Direct ordinance be placed on agenda of the next regularly scheduled board meeting for adoption.
5. At the next regularly scheduled meeting, consider the matter, and adopt the ordinance.

SUMMARY:

An ordinance of the County of Orange, California repealing Ordinance No. 3883 and Ordinance No. 01-004 of the County of Orange prescribing the daily attendance fees and mileage allowance for grand jurors.

BACKGROUND INFORMATION:

California Penal Code section 890 states, "Unless a higher fee or rate of mileage is otherwise provided by statute or county or city and county ordinance, the fees for grand jurors are fifteen dollars (\$15) a day for each day's attendance as a grand juror, and the mileage reimbursement applicable to county employees for each mile actually traveled in attending court as a grand juror."

On March 13, 2001, the Board adopted Ordinance No. 01-004, which amended prior County Ordinance No. 3883, to increase the daily attendance rate (per diem) paid to Orange County grand jurors from \$25.00 per day to \$50.00 per day. Ordinance No. 3883 and Ordinance No. 01-004 both provide that grand jurors shall receive mileage reimbursement at such a rate per mile applicable to County employees.

Approval of the proposed ordinance repealing County Ordinance No. 01-004 and County Ordinance No. 3883 will reduce the daily attendance fee for grand jurors from fifty dollars (\$50) to fifteen dollars (\$15) a day. Approval of the proposed ordinance repealing County Ordinance No. 01-004 and County Ordinance No. 3883 will not affect the mileage reimbursement rate available to grand jurors.

When the Board adopted Ordinance No. 01-004, the Board took related action to approve Board Resolution No. 01-11 to authorize payment to prospective grand jurors for attendance at training/orientation sessions. At the time, grand jurors received approximately six days of training and orientation on such matters as the legal aspects of the Grand Jury's civil and criminal functions, jurisdiction, interviewing, and report writing. Board Resolution No. 01-11 has not been repealed, meaning that, if the draft ordinance is approved by the Board, prospective grand jurors would still be eligible to receive both per diem payments for attendance at training/orientation sessions, at the per diem rate set by state law, and also mileage reimbursement at the rate applicable to County employees.

FINANCIAL IMPACT:

Minor General Fund savings.

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

N/A

ATTACHMENT(S):

Proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA REPEALING
ORDINANCE NO. 3883 AND ORDINANCE NO. 01-004 OF THE COUNTY
OF ORANGE PRESCRIBING THE DAILY ATTENDANCE
FEES AND MILEAGE ALLOWANCE FOR
GRAND JURORS**

The Board of Supervisors of the County of Orange, California, ordains as follows:

SECTION 1: Ordinance No. 3883 is hereby repealed.

SECTION 2: Ordinance No. 01-004 is hereby repealed.



Human Resource Services
Memorandum

2013 JUN 12 AM 10:25
HUMAN RESOURCE SERVICES
COUNTY OF ORANGE

June 12, 2013

To: Susan Novak, Clerk of the Board
From: Steve Danley, Human Resource Director *sd*
Subject: Request for Supplemental Closed Session for June 18, 2013

SCSB

I am requesting a Supplemental Closed Session for Tuesday, June 18, 2013, Board of Supervisors Meeting pursuant to Government Code Section 54957 regarding Public Employee Performance Evaluation.

Accordingly, please prepare the Agenda Item to read:

“PUBLIC EMPLOYEE PERFORMANCE EVALUATION” – Pursuant to Government Code Section 54957.

Title: Director of Internal Audit

Recommended Action: Conduct Closed Session.

Thank You.

cc: Members, Board of Supervisors
Michael B. Giancola, County Executive Officer
Nicholas Chrisos, County Counsel



County Executive Office

Memorandum

SPS9

Date: June 10, 2013
To: Susan Novak, Clerk of the Board
From: Michael B. Giancola, County Executive Officer
Subject: Request for Closed Session on June 18, 2013

2013 JUN 12 PM 4: 12
CLERK OF THE BOARD
SUSAN NOVAK

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: 301 S. State College, Fullerton, CA

County Negotiator: Michael B. Giancola

Negotiating Party: 301 S. State College, a California General Partnership

Under Negotiations: Terms and value of future sale and acquisition

Recommended Action: Conduct Closed Session

cc: Members, Board of Supervisors
Nicholas Chrisos, County Counsel