February 5, 2019

DISCUSSION

21. Revised Title to read:
   County Executive Office - Approve grant applications/awards submitted by Sheriff-Coroner and OC Community Resources in 2/5/19 grant report and other actions as recommended - All Districts

23. Revised Title to read:
   County Executive Office - Approve amendment 6 to master services agreement with Atos Governmental IT Outsourcing Services, LLC for voice and data network services, ($8,524,420; new cumulative total $150,565,233), 3/17/19 - 12/31/19; renewable month to month up to a maximum of 24 months; and authorize Chief Information Officer or designee to execute amendment and related agreements and documents under certain conditions, through 12/31/19 - All Districts

CLOSED SESSION

CS-1. Revised Title to read:
   County Executive Office - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
   Agency Negotiator: Robert Leys Tom Hatch
   Employee Organizations: Orange County Employees Association (OCEA), Orange County Managers Association (OCMA), Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Teamsters Local 952 (Teamsters), Orange County Attorneys Association (OCAA), Association of Orange County Deputy Sheriffs (AOCDS), International Union of Operating Engineers (IUOE), United Domestic Workers of America (UDWA), and other non-represented employees
   RE: Terms and Conditions of Employment

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

Items: 21 and 23

Supplemental Item(s)

S23A. Sheriff-Coroner - Approve appointment of Marten Miller as Extra Help Working Retiree Administrative Manager I, to provide 800 MHz NextGen Project coordination for Communications and Technology Division pursuant to Section 7522.56 (f) of Public Employee’s Pension Reform Act 2013 - All Districts
SCS2. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Ricardo and Rachel Bruno v. County of Orange, USDC Case No. 8:17-cv-1301-CJC

SCS3. **County Executive Office** - PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: Internal Audit Director
AGENDA STAFF REPORT

MEETING DATE: 02/05/19

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

SUBJECT: Grant Applications/Awards Report

Receiv 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
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, February 5, 2019 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 – Sheriff-Coroner Department – Alcohol Beverage Control (ABC) Grants for Local Law Enforcement – $100,000.

2. Approve Grant Award – OC Community Resources – Family Literacy Award – $80,000.

3. Approve Grant Award – OC Community Resources – READ OC – $90,000.

GRANT APPLICATION / ☑ GRANT AWARD

<table>
<thead>
<tr>
<th>Today's Date:</th>
<th>January 24, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requesting Agency/Department:</td>
<td>Sheriff-Coroner Department</td>
</tr>
<tr>
<td>Grant Name and Project Title:</td>
<td>Alcohol Beverage Control (ABC) Grants for Local Law Enforcement</td>
</tr>
<tr>
<td>Sponsoring Organization/Grant Source:</td>
<td>State Department of Alcoholic Beverage Control</td>
</tr>
<tr>
<td>Application Amount Requested:</td>
<td>$100,000</td>
</tr>
<tr>
<td>Application Due Date:</td>
<td>March 29, 2019</td>
</tr>
<tr>
<td>Board Date when Board Approved this Application:</td>
<td>March 29, 2019</td>
</tr>
<tr>
<td>Awarded Funding Amount:</td>
<td></td>
</tr>
<tr>
<td>Notification Date of Funding Award:</td>
<td></td>
</tr>
<tr>
<td>Is this an Authorized Retroactive Grant Application/Award?</td>
<td>No</td>
</tr>
<tr>
<td>Recurrence of Grant</td>
<td>New ☐ Recurrent ☑ Other ☐ Explain:</td>
</tr>
<tr>
<td>If this is a recurring grant, please list the funding amount applied for and awarded in the past:</td>
<td>The Sheriff-Coroner Department received ABC Grant Funding for two years in the past:</td>
</tr>
<tr>
<td>Fiscal Year</td>
<td>Amount</td>
</tr>
<tr>
<td>2012</td>
<td>$100,000</td>
</tr>
<tr>
<td>2013</td>
<td>$100,000</td>
</tr>
<tr>
<td>Does this grant require CEQA findings?</td>
<td>No ☒</td>
</tr>
<tr>
<td>What Type of Grant is this?</td>
<td>Competitive ☐ Other Type ☑ Explain: Formula program</td>
</tr>
<tr>
<td>County Match?</td>
<td>Yes ☑ Amount _____ or _____ %</td>
</tr>
<tr>
<td>How will the County Match be Fulfilled? (Please include the specific budget)</td>
<td>N/A</td>
</tr>
<tr>
<td>Will the grant/program create new part or full-time positions?</td>
<td>No</td>
</tr>
</tbody>
</table>

Purpose of Grant Funds:
The purpose of the grant project is to enable local law enforcement agencies to expand their efforts in addressing alcohol-related problems, emphasizing enforcement efforts toward licensed establishments that operate in a disorderly manner, create an undue burden on law enforcement, or affect the quality of life for the surrounding community. The areas that are patrolled by the Sheriff-Coroner Department (Sheriff) – the unincorporated areas and contract cities – have approximately 1,260 ABC-licensed establishments. If awarded, the Sheriff will use the $100,000 grant funding to expand its existing specialized task forces to target specific crimes related to the sale of alcohol, over-intoxication, and narcotic-related problems through the use of undercover operations. Grant funds will be used for the Minor Decoy Program to reduce the number of licensees who sell alcoholic beverages to minors and for the Shoulder Tap Program which targets adults who furnish alcoholic beverages to minors. “Shoulder Tapping” refers to the practice used by minors to obtain alcohol from adult strangers near off-sale retail outlets. The grant period will begin on July 1, 2019 and end on June 30, 2020.
<table>
<thead>
<tr>
<th><strong>Board Resolution Required?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(Please attach document to eForm)</td>
</tr>
<tr>
<td>Yes ☐ No ☒</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Deputy County Counsel Name:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(Please list the Deputy County Counsel that approved the Resolution)</td>
</tr>
<tr>
<td>Nicole Sims, Supervising Deputy County Counsel, reviewed the application packet.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Recommended Action/Special Instructions</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(Please specify below)</td>
</tr>
<tr>
<td>1. Authorize the Sheriff-Coroner to submit, on behalf of the County of Orange, the Alcohol Beverage Control (ABC) Program application to the State of California.</td>
</tr>
<tr>
<td>2. Authorize the Sheriff-Coroner, or his designee, to sign all necessary application documents required for the submission of the application and supporting documentation to the State of California.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Department Contact:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.</td>
</tr>
<tr>
<td>Nancy M. Nguyen, Grants Manager Research and Development Division 714.935.6869 <a href="mailto:nmnguyen@ocsd.org">nmnguyen@ocsd.org</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Name of the individual attending the Board Meeting:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>List the name of the individual who will be attending the Board Meeting for this Grant Item:</td>
</tr>
<tr>
<td>Nancy M. Nguyen, Grants Manager Research and Development Division 714.935.6869 <a href="mailto:nmnguyen@ocsd.org">nmnguyen@ocsd.org</a></td>
</tr>
</tbody>
</table>
**CEO-Legislative Affairs Office**

**Grant Authorization eForm**

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Today's Date</td>
<td>January 24, 2019</td>
</tr>
<tr>
<td>Requesting Agency/Department:</td>
<td>OC Community Resources/ OC Public Libraries</td>
</tr>
<tr>
<td>Grant Name and Project Title:</td>
<td>California Library Literacy Services/ Family Literacy Award</td>
</tr>
<tr>
<td>Sponsoring Organization/Grant Source:</td>
<td>California State Library</td>
</tr>
<tr>
<td>Application Amount Requested:</td>
<td>N/A</td>
</tr>
<tr>
<td>Application Due Date:</td>
<td>11/21/2018</td>
</tr>
<tr>
<td>Board Date when Board Approved this Application:</td>
<td>5/8/2018</td>
</tr>
<tr>
<td>Awarded Funding Amount:</td>
<td>$80,000</td>
</tr>
<tr>
<td>Notification Date of Funding Award:</td>
<td>January 23, 2019</td>
</tr>
<tr>
<td>Is this an Authorized Retroactive Grant Application/Award?:</td>
<td>No  (If yes, attach memo to CEO)</td>
</tr>
<tr>
<td>Recurrence of Grant</td>
<td>New ☒ Recurrent ☐ Other ☐ Explain:</td>
</tr>
<tr>
<td>If this is a recurring grant, please list the funding amount applied for and awarded in the past:</td>
<td>This grant is a new addition to the California Library Literacy Services (CLLS) grant to which OC Public Libraries has received funding in FY 2018-19 as well as previous years. Going forward, this grant will be included under the CLLS grant rather than receiving separate funding.</td>
</tr>
<tr>
<td>Does this grant require CEQA findings?:</td>
<td>Yes ☐ No ☒</td>
</tr>
<tr>
<td>What Type of Grant is this?</td>
<td>Competitive ☐ Other Type ☒ Explain: California State Library notified organizations of the funding.</td>
</tr>
<tr>
<td>County Match?</td>
<td>Yes ☐ Amount____ or _____ % No ☒</td>
</tr>
<tr>
<td>How will the County Match be Fulfilled?:</td>
<td>N/A</td>
</tr>
<tr>
<td>Will the grant/program create new part or full-time positions?:</td>
<td>No</td>
</tr>
<tr>
<td>Purpose of Grant Funds:</td>
<td>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. The Family Literacy Award will support family literacy programming for low-literate adults in the Orange County community. Specifically, it will help adults develop confidence and skills in supporting their children’s literacy. The funding will allow for program opportunities and services for families to develop a culture of positive learning experiences together. With the funding, OC Public Libraries will offer family reading times at all 33 library locations, family learning cohort sessions, family read and create clubs as well as creating Stay and Play areas for families.</td>
</tr>
<tr>
<td>Board Resolution Required?</td>
<td>Yes ☐ No ☒</td>
</tr>
<tr>
<td>Deputy County Counsel Name:</td>
<td>(Please list the Deputy County Counsel that approved the Resolution)</td>
</tr>
<tr>
<td>Recommended Action/Special Instructions</td>
<td>(Please specify below)</td>
</tr>
</tbody>
</table>

The Family Literacy Award is part of the California Library Literacy and English Acquisition Service (CLLS) grant to which OC Public Libraries has received funding in FY 2018-19 as well as previous years.
years. The California State Library asked interested organizations to submit an application for funding. CLLS funding was determined by the proposed program, service area and number of interested participating organizations. OC Public Libraries has received $80,000 in funding to implement family literacy activities. This award did not require an application to receive funding, instead the California State Library reached out to organizations that had received CLLS funding to determine the level of interest in the program. Funding was determined by the California State Library and the organizations were notified.

<table>
<thead>
<tr>
<th>Department Contact :</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beatriz Preciado, Program Coordinator, 714-566-3065</td>
<td><a href="mailto:Beatriz.preciado@occr.ocgov.com">Beatriz.preciado@occr.ocgov.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of the individual attending the Board Meeting:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sherry Toth, Acting County Librarian</td>
<td>Susan Pina, Librarian IV, OC Read</td>
</tr>
<tr>
<td>Beatriz Preciado, Programs Coordinator</td>
<td></td>
</tr>
</tbody>
</table>
Today's Date: January 24, 2019
Requesting Agency/Department: OC Community Resources/ OC Public Libraries
Grant Name and Project Title: California Library Literacy and English Acquisition Services Program (CLSS)/ READ OC
Sponsoring Organization/Grant Source: California State Library
Application Amount Requested: $90,000
Application Due Date: June 1, 2018
Board Date when Board Approved this Application: 5/8/2018
Awarded Funding Amount: $64,066
Notification Date of Funding Award: January 10, 2019

Is this an Authorized Retroactive Grant Application/Award? No

Recurrence of Grant

<table>
<thead>
<tr>
<th>Recurrence of Grant</th>
<th>New</th>
<th>Recurrent</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>If this is a recurring grant, please list the funding amount applied for and awarded in the past:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The California Library Literacy and English Acquisition Services Program has been received during the following fiscal years to provide literacy services to Orange County residents:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY: 2017-2018 Amount: $82,895</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY: 2016-2017 Amount: $82,105</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY: 2015-2016 Amount: $93,302</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY: 2013-2014 Amount: $54,733</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY: 2012-2013 Amount: $64,647 + an additional CALIFA (1 time) reimbursement of $5220.26 for materials</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Does this grant require CEQA findings? Yes No

What Type of Grant is this? Competitive Other Type

County Match?

<table>
<thead>
<tr>
<th>County Match?</th>
<th>Yes</th>
<th>Amount _____ or _____ %</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>How will the County Match be Fulfilled?</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Will the grant/program create new part or full-time positions? No

Purpose of Grant Funds:

Provide a summary and brief background of why Board of Supervisors should accept this grant application/award, and how the grant will be implemented.

Read OC provides tutoring in basic reading and writing to adult learners throughout Orange County. Lessons are individualized and highly goal-oriented. Tutors structure the learning process around the goals of the learner, using materials that relate to those goals. The mission is to create a more literate community by providing diversified services of the highest quality to all who seek them. The funding will be used to offset department salaries and benefits, literacy materials and supplies, and office equipment.
**Board Resolution Required?**
(Please attach document to eForm)

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

**Deputy County Counsel Name:**
(Please list the Deputy County Counsel that approved the Resolution)

**Recommended Action/Special Instructions**
(Please specify below)

OC Public Libraries is the recipient of the California Library Literacy and English Acquisition Services (CLLS) program for FY 2018-19. As part of the program participation, the funding is disbursed in two installments: a baseline pay and a per capita amount per learners served during the previous fiscal year. On August 11, 2018, OC Public Libraries was notified it would receive a baseline funding amount of $18,000. On January 10, 2019, the second installment notification was received. The per capita amount is $64,066. For FY 2018-19, OC Public Libraries has been awarded a total of $82,066.

**Department Contact:**
List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.

Beatriz Preciado, Program Coordinator, 714-566-3065
Beatriz.preciado@occr.ocgov.com

**Name of the individual attending the Board Meeting:**
List the name of the individual who will be attending the Board Meeting for this Grant Item:

Sherry Toth, Acting County Librarian
Susan Pina, Librarian IV
Beatriz Preciado, Programs Coordinator
Revision to ASR and/or Attachments

Date: January 25, 2019
To: Clerk of the Board of Supervisors
CC: County Executive Office
From: Joel Golub, Chief Information Officer
Re: ASR Control #: 18-001335, Meeting Date: 2/5/2019, Item No.: #23
Subject: Amendment #6 with Atos Governmental IT Outsourcing Services, LLC

Explanation: Per County Counsel’s recommendations, revisions to the following Recommended Actions are reflected below to: 1) Clarify that County Counsel will be approving “as to form” the transfer and assignment agreements for Recommended Actions #2 - #5; and 2) Clarify the delegated authority in Recommended Action #5.

☐ Revised Recommended Action(s)

2. Delegate to the County Chief Information Officer or designee the authority to execute the Transfer and Assignment of Essential Agreements agreement substantially in the form attached as Appendix 21.2 to Schedule 21 to the Master Services Agreement with Atos Governmental IT Outsourcing Services, LLC (Attachment I hereto) for no additional cost when (1) the list of licenses, agreements, and contracts to be transferred by Atos to the County has been finalized; (2) County Counsel approves the Transfer and Assignment of Essential Agreements agreement as to form has been approved by County Counsel, and (3) the County’s standard Indemnification and Limitation of Liability Analysis form has been completed for such document, if applicable.

3. Delegate to the County Chief Information Officer or designee the authority to execute the Transfer, Assignment, and Sale Agreement for Assets substantially in the form attached as Appendix 21.1 to Schedule 21 to the Master Services Agreement with Atos Governmental IT Outsourcing Services, LLC (Attachment H hereto) for no additional cost when (1) the list of equipment, assets, and other tangible items to be transferred from Atos to the County has been finalized, (2) County Counsel approves the Transfer, Assignment, and Sale Agreement for Assets as to form has been approved by County Counsel, and (3) the County’s standard Indemnification and Limitation of Liability Analysis form has been completed for such document, if applicable.
4. Delegate to the County Chief Information Officer or designee the authority to execute agreements including, but not limited to, transfer and assumption agreements, end user license agreements, and maintenance agreements, with Atos and third party vendors used by Atos to provide products or services to the County, for no additional cost, when (1) the execution of such agreements are necessary to facilitate the transition of services provided by Atos, or equipment, assets, other tangible items, licenses, and agreements used in connection with Atos’s provision of services, from Atos to the County or the County’s third party vendors, (2) County Counsel approves all such agreements have been approved by County Counsel as to form, and (3) the County’s standard Indemnification and Limitation of Liability Analysis form has been completed for such documents, if applicable.

5. Delegate to the County Chief Information Officer or designee the authority through December 31, 2019 to execute further agreements including, but not limited to, transfer and assumption agreements, with Atos and the third party circuit providers Atos used to provide circuit services to the County, CenturyLink, Level 3 Communications, and their affiliates, and/or each of them, when (1) the execution of such agreements is necessary to facilitate the transition of circuit services, long distance services, and internet bandwidth services, and other related circuit services, to the County or the County’s third party vendors, (2) County Counsel approves all such agreements as to form have been approved by County Counsel, (3) the County’s standard Indemnification and Limitation of Liability Analysis form has been completed for such documents, if applicable, and (4) the monthly financial obligations for such services do not exceed $581,556, which is 105% of the amount the County will pay Atos for such services until such services are transferred; (5) the monthly financial obligations payable to the circuit providers replace and eliminate the monthly financial obligations for similar services payable to Atos (currently $553,863 per month) under the County’s Master Services Agreement with Atos; and (6) any agreements executed pursuant to this delegated authority shall not exceed a one year term.

☐ Make modifications to the:
☐ Subject ☐ Background ☐ Summary ☐ Financial Impact

☐ List of Revised Attachments (attach revised attachment(s) and redlined copy(s))
January 29, 2019

To: Clerk of the Board of Supervisors

From: Frank Kim, County Executive Officer

Subject: Exception to Rule 21

The County Executive Office is requesting a Supplemental Agenda Staff Report for the February 5, 2019, Board Hearing.

Agency: Sheriff-Coroner
Subject: Appointment of Retiree Pursuant to Public Employee's Pension Reform Act 2013
Districts: All Districts

Reason for supplemental: The item must be heard on February 5, 2019, to allow for the Sheriff-Coroner Department to extend Extra-Help employment to Mr. Marten Miller to help complete the 800MHz Next Gen Project. Mr. Miller has been the Project Manager of this project for five years and will retire on February 15, 2019. A replacement has not been hired; therefore, given the importance of the project to public safety in the county, the Sheriff-Coroner is asking the Board for approval of Mr. Miller's Extra-Help hire under Government Code Section 7522.56(f).

Concur: Chairwoman Lisa A. Bartlett, Supervisor, Fifth District

cc: Board of Supervisors
County Executive Office
County Counsel
SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT

MEETING DATE: 2/5/2019
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: Sheriff-Coroner
DEPARTMENT HEAD REVIEW: [Signature]
DEPARTMENT CONTACT PERSON(S): Brian Wayt (714) 647-1803
Dave Fontneau (714) 704-7919

SUBJECT: Appointment of Retiree Pursuant to Public Employee's Pension Reform Act 2013

<table>
<thead>
<tr>
<th>CEO CONCUR</th>
<th>COUNTY COUNSEL REVIEW</th>
<th>CLERK OF THE BOARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Signature]</td>
<td>No Legal Objection Action</td>
<td>3 Votes Board Majority</td>
</tr>
</tbody>
</table>

Budgeted: Yes  
Current Year Cost: $40,653.60  
Annual Cost: FY 2019-20 $40,653.60

Staffing Impact: Yes  
# of Positions: +1 Extra Help

Current Fiscal Year Revenue: N/A

Funding Source: See Financial Impact Section  
County Audit in last 3 years N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S):
Approve the appointment of Mr. Marten Miller as an Extra Help Working Retiree Administrative Manager I to perform the role of Project Manager providing 800 MHz NextGen Project coordination for the Sheriff-Coroner Department’s Communications and Technology Division pursuant to Government Code Section 7522.56 (f) of the Public Employees' Pension Reform Act of 2013.

SUMMARY:
Approval of the appointment of the extra help retiree, in accordance with the Public Employees' Pension Reform Act of 2013, will allow the Sheriff-Coroner Department to provide coordination with the 800 MHz NextGen Project to replace and upgrade all the mobile, portable, dispatch center and mountaintop radios.

BACKGROUND INFORMATION:
The Sheriff-Coroner Department (Sheriff) requests Board of Supervisors (Board) approval to hire an Extra Help Working Retiree staff effective February 16, 2019: Marten Miller, Administrative Manager I.
Marten Miller, who retires on February 15, 2019, is the 800 MHz NextGen Project Manager (Administrative Manager I) of Sheriff's Communications & Technology Division (Communications). The Sheriff received notice of Mr. Marten's impending retirement in January 2019. An Administrative Manager I recruitment to replace Mr. Miller is pending.

The Sheriff requests approval to re-hire Mr. Marten as an Extra Help 800 MHz NextGen Project Manager (Administrative Manager I). Communications is in the middle of a Next Generation Project-25, Interoperability System Upgrade. During this project, all the mobile, portable, dispatch center and mountaintop radios are being replaced and upgraded.

This project is so large that during the cutover phase Communications will have 80 percent of its staff dedicated full time to this project. There are several project tasks that Communications will not be able to absorb within its current staff. Mr. Marten, working as a temporary Extra Help employee, will be used to facilitate and manage this project from a technical and administrative point of view. The Sheriff would like to hire Mr. Marten in an extra help capacity as quickly as possible and assign him to the 800 MHz NextGen project to coordinate and oversee activities so that none are overlooked or handled incorrectly during this time-sensitive transition. The cutover phase of the project is expected to begin on March 4, 2019 and last approximately nine months. Mr. Marten has been directly involved in the 800 MHz NextGen project since inception. He is very capable of working in this capacity in the short term and will only be working on this project. The Sheriff requests Mr. Marten's immediate Extra Help services, through project completion, for a total of approximately nine months.

Since Mr. Marten retired from his position less than 180 days ago, his immediate appointment to an Extra Help position requires Board approval in order to comply with Public Employees' Pension Reform Act of 2013 (PEPRA), Government Code Section 7522.56(f), which states, in relevant part:

"A retired person shall not be eligible to be employed pursuant to this section for a period of 180 days following the date of retirement unless he or she meets one of the following conditions:

(1) The employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days has passed and the appointment has been approved by the governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar."

Upon the Board's approval of these appointments, this Extra Help employee will be governed by the County of Orange's Working Retiree Reemployment Policy which limits assignments to no more than 960 hours per fiscal year.

FINANCIAL IMPACT:
Appropriations for the limited use of this Extra Help Retiree is included in the Sheriff-Coroner's FY 2018-19 Budget for Budget Control 060, and will be included in the budgeting process for future years. Contract partners of the Sheriff-Coroner Department will fund 60% of this Extra Help Retiree salary through Fund 15L, with the remainder of 40% being funded by Net County Cost. The estimated total cost is $81,307.20.

STAFFING IMPACT:
Add 1 Part Time Extra Help Administrative Manager I (8011FE) position
ATTACHMENT(S):
Attachment A - Government Code Section 7522.56(f)
Attachment B - Working Retiree Reemployment Policy
State of California

GOVERNMENT CODE

Section 7522.56

7522.56. (a) This section shall apply to any person who is receiving a pension benefit from a public retirement system and shall supersede any other provision in conflict with this section.

(b) A retired person shall not serve, be employed by, or be employed through a contract directly by, a public employer in the same public retirement system from which the retiree receives the benefit without reinstatement from retirement, except as permitted by this section.

(c) A person who retires from a public employer may serve without reinstatement from retirement or loss or interruption of benefits provided by the retirement system upon appointment by the appointing power of a public employer either during an emergency to prevent stoppage of public business or because the retired person has skills needed to perform work of limited duration.

(d) Appointments of the person authorized under this section shall not exceed a total for all employers in that public retirement system of 960 hours or other equivalent limit, in a calendar or fiscal year, depending on the administrator of the system. The rate of pay for the employment shall not be less than the minimum, nor exceed the maximum, paid by the employer to other employees performing comparable duties, divided by 173.333 to equal an hourly rate. A retired person whose employment without reinstatement is authorized by this section shall acquire no service credit or retirement rights under this section with respect to the employment unless he or she reinstates from retirement.

(e) (1) Notwithstanding subdivision (c), any retired person shall not be eligible to serve or be employed by a public employer if, during the 12-month period prior to an appointment described in this section, the retired person received any unemployment insurance compensation arising out of prior employment subject to this section with a public employer. A retiree shall certify in writing to the employer upon accepting an offer of employment that he or she is in compliance with this requirement.

(2) A retired person who accepts an appointment after receiving unemployment insurance compensation as described in this subdivision shall terminate that employment on the last day of the current pay period and shall not be eligible for reappointment subject to this section for a period of 12 months following the last day of employment.

(f) A retired person shall not be eligible to be employed pursuant to this section for a period of 180 days following the date of retirement unless he or she meets one of the following conditions:
(1) The employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed and the appointment has been approved by the governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar.

(2) (A) Except as otherwise provided in this paragraph, for state employees, the state employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed state employment position before 180 days have passed and the appointment has been approved by the Department of Human Resources. The department may establish a process to delegate appointing authority to individual state agencies, but shall audit the process to determine if abuses of the system occur. If necessary, the department may assume an agency’s appointing authority for retired workers and may charge the department an appropriate amount for administering that authority.

(B) For legislative employees, the Senate Committee on Rules or the Assembly Rules Committee certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed and approves the appointment in a public meeting. The appointment may not be placed on a consent calendar.

(C) For employees of the California State University, the Trustees of the California State University certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed and approves the appointment in a public meeting. The appointment may not be placed on a consent calendar.

(3) The retiree is eligible to participate in the Faculty Early Retirement Program pursuant to a collective bargaining agreement with the California State University that existed prior to January 1, 2013, or has been included in subsequent agreements.

(4) The retiree is a public safety officer or firefighter hired to perform a function or functions regularly performed by a public safety officer or firefighter.

(g) A retired person who accepted a retirement incentive upon retirement shall not be eligible to be employed pursuant to this section for a period of 180 days following the date of retirement and subdivision (f) shall not apply.

(h) This section shall not apply to a person who is retired from the State Teachers’ Retirement System, and who is subject to Section 24214, 24214.5, or 26812 of the Education Code.

(i) This section shall not apply to (1) a subordinate judicial officer whose position, upon retirement, is converted to a judgeship pursuant to Section 69615, and he or she returns to work in the converted position, and the employer is a trial court, or (2) a retiree of the Judges’ Retirement System or the Judges’ Retirement System II who is assigned to serve in a court pursuant to Section 68543.5.

(Amended by Stats. 2014, Ch. 238, Sec. 1. (AB 2476) Effective January 1, 2015.)
Working Retiree Reemployment Policy

Policy Number:

Policy:

Reemployment of personnel who have retired from their positions with the County of Orange may be hired as temporary employees, under specific circumstances.

Purpose:

To provide policies and procedures related to the temporary hiring of retirees only for the purpose of either preventing the stoppage of public business during an emergency or because the retiree has specialized skills that are needed by the County for a limited duration.

Authority:


Procedure:

Retirees receiving pension benefits from the Orange County Retirement System ("OCERS") may temporarily serve the County under the following conditions:

Guidelines:

- The retiree must either have a specialized skill that is needed by the County for a limited duration (960 hrs. or less) or their service must be necessary to prevent the stoppage of public business during an emergency;

- The classification to which the retiree will be assigned matches the position’s responsibilities and the employee's skillset;

- Justification of an ongoing need for a working retiree must be submitted on an annual basis to CEO/Budget and the Human Resource Services department. If the justification for the working retiree is approved for reoccurring seasonal workloads, the justification for the working retiree must be resubmitted for approval every two years.

- Per the PEPRA Act of 2013, any employee returning after January 1, 2013, except for public safety officers receiving benefits from OCERS shall not be eligible to be reemployed for a period of 180 days following the date of retirement unless the County Executive Office certifies the critical nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days has passed. The retiree's appointment must then be approved by the Board of Supervisors during a public meeting. The item requesting such appointment must be placed on the discussion calendar.
Compensation and Terms of Employment:

The working retiree may be appointed according to the salary parameters listed below, unless, in an exceptional circumstance, a higher salary is approved by the CEO:

- If the retiree is returning to an equivalent or higher level position, the hourly rate cannot exceed 80% of the hourly rate that the employee earned at the time of retirement or Step 1 of the salary range if 80% is less than Step 1.

- For retirees in classifications on a salary range without steps, the employee is to be placed on a step closest to, but not to exceed, 80% of the hourly rate the employee earned at the time of retirement.

- If the retiree is returning to a lower level classification, the hourly rate cannot exceed the midpoint of the salary range of the lower classification.

- The working retiree's hourly rate shall not increase for the duration of the working retiree's assignment.

- The working retiree may work for not more than nine hundred sixty (960) hours in any one fiscal year. If the maximum hours are exceeded, the position will be deleted and the working retiree will be separated. A working retiree who is separated under this circumstance will not be eligible for reemployment as a working retiree.

- The working retiree shall acquire no service credit or additional retirement rights with respect to the reemployment unless the retiree is formally reinstated from retirement as an active employee.

- Employment as a working retiree is at the pleasure of the County of Orange and the working retiree may be released at any time, for any reason.

- The retired person must certify in writing to the County that he or she did not, during the 12-month period preceding the reemployment date, receive unemployment insurance arising from prior employment with the County or any other public employer.

- The approved request shall be scanned into the employee's “Sign-ups and Salary Records” file in the electronic employment file.
The table below describes the process for requesting and approving the filling of an existing position with a Working Retiree or to request an annual or bi-annual extension for an existing Working Retiree.

<table>
<thead>
<tr>
<th>Stage</th>
<th>Who</th>
<th>Does What</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Department</td>
<td>Completes Request for Working Retiree Form, obtains required departmental approvals, and forwards to Human Resource Services (HRS).</td>
</tr>
<tr>
<td>2</td>
<td>HRS</td>
<td>Reviews the Request for Working Retiree Form for consistency with policy/MOU including proper classification and pay and forwards approved request to CEO Budget. Denied requests will be sent back to the Department.</td>
</tr>
<tr>
<td>3</td>
<td>CEO Budget</td>
<td>Reviews Request for Working Retiree Form for consistency with budget and process, approves or denies the request and returns it to the Department.</td>
</tr>
<tr>
<td>4</td>
<td>Department</td>
<td>Scans the approved Request for Working Retiree Form and attaches the form to the REHRW action. Note: The documents will proceed through workflow, be processed with the transaction through the nightly batch cycle, and permanently retained in OnBase.</td>
</tr>
</tbody>
</table>

Steve Danley, Human Resource Director

Date: 2/24/13
MEMORANDUM

January 30, 2019

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, February 5, 2019, 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: Ricardo and Rachel Bruno v. County of Orange,
USDC Case No. 8:17-cv-1301-CJC

RECOMMENDED ACTION: Conduct Closed Session.”

Thank you.

LJP:jr

cc: Members of the Board of Supervisors
Frank Kim, CEO
January 31, 2019

To: Clerk of the Board of Supervisors

From: Tom Hatch, Chief Human Resources Officer

Concur: Frank Kim, County Executive Officer

Subject: Request for a Supplemental Closed Session for February 5, 2019

For the February 5, 2019 meeting of the Board of Supervisors, the Human Resource Services Department requests a Supplemental Closed Session regarding the appointment of a public employee be added to the agenda:

Accordingly, please prepare the Agenda item to read:

"PUBLIC EMPLOYEE APPOINTMENT" – Pursuant to Government Code Section 54957(b).

Title: Internal Audit Director

Recommended Action: Conduct Closed Session.

Thank you.

cc: Members, Board of Supervisors  
Frank Kim, Chief Executive Officer  
Leon J Page, County Counsel