REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 12, 2013, 9:30 A.M.
BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

SHAWN NELSON
CHAIRMAN
Fourth District

PATRICIA BATES
VICE CHAIRMAN
Fifth District

JANET NGUYEN
SUPERVISOR
First District

JOHN M.W. MOORLACH
SUPERVISOR
Second District

TODD SPITZER
SUPERVISOR
Third District

ATTENDANCE: Supervisors: Bates, Nelson, Nguyen and Moorlach

EXCUSED: Supervisor Spitzer (Teleconferenced on items 2 & 11)

PRESENT:	INTERIM COUNTY EXECUTIVE OFFICER	Robert J. Franz
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

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

NOTICE IS HEREBY GIVEN that the Orange County Board of Supervisors conducted its regular March 12, 2013, 9:30 a.m. meeting as a teleconferenced meeting with one of its members who was out of the State on County business:

The teleconferenced location and member:

Member: **Supervisor Spitzer**

Location: **Harvard Kennedy School**
79 JFK Street
Cambridge, MA 02138
Room: Allison Dinning Room
Building: Taubman 520

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-10)

25134 XX **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 2 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Nguyen -** Regional Recreational Trails Advisory Committee - Appoint Roseanne Greenfield, Fountain Valley, for term concurrent with 1st District Supervisor's term of office

DEPARTMENT APPOINTMENTS

2. **Health Care Agency -** Emergency Medical Care Committee - Appoint Chief Wolfgang Knabe, Orange County Fire Chiefs Association, to complete term ending 6/30/14; and appoint Dennis Knox, Hospital Association of Southern California, to complete term ending 6/30/13 - All Districts

25134 **APPOINTED CHIEF WOLFGANG KNABE TO COMPLETE TERM ENDING 6/30/14 AND KENN MCFARLAND TO COMPLETE TERM ENDING 6/30/13**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve agreement MA-060-13011157 with Educational Testing Service for scoring of inmate GED tests, 3/15/13 - 1/31/14 ($15,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

4. Approve amendment 3 to agreement MA-060-10011712 renewing as MA-060-13011365 with Fujitec America, Inc. for elevator maintenance and repair services, 3/16/13 - 3/15/14 ($32,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

OC COMMUNITY RESOURCES

5. Approve amendment 2 to renew agreement MA-012-11011754 with RPW Services, Inc. for herbicide spraying services, 3/15/13 - 3/14/14 ($200,000); authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act findings - All Districts

OC PUBLIC WORKS

6. Approve plans and specifications and set bid opening for 4/3/13, 2:00 p.m., for Paving Services Job Order Contract; and make California Environmental Quality Act findings - All Districts

7. Approve amendment 3 to Proposition 1B 4th allocation project list for street improvements, traffic congestion relief and traffic safety; authorize OC Public Works to submit list to State Department of Finance; and make California Environmental Quality Act findings - All Districts

8. **Acting as the Orange County Flood Control District -** Approve amendment 1 to agreement D12-002 with Jacobs Associates for architect and engineering services, extending term nine months ($160,000; new total $640,000); and make California Environmental Quality Act findings - Districts 1 and 2

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

9. Select various firms in ranked list for on-call geotechnical services and authorize use of list for five years; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

10. Select various firms in ranked list for on-call materials testing services and authorize use of list for three years; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 11-S18A)

GENERAL ADMINISTRATION

11. **County Executive Office -** Provide recommended names for interview for position of Clerk-Recorder candidates by the Board of Supervisors; select candidates and set date for final interview; and provide additional direction to County Executive Office and Human Resource Services - All Districts (Continued from 3/5/15, Item S24B)

45123 **SELECTED THE FOLLOWING ELEVEN CANDIDATES TO BE INTERVIEWED BY THE BOARD OF SUPERVISORS: RICHARD ACKERMAN, LARRY BALES, MICHAEL FOX, STEVEN MADOFF, HIEU NGUYEN, CHRIS NORBY, BRUCE PEOTTER, RENEE RAMIREZ, ROY REYNOLDS, STEVEN ROSANSKY AND HARRY SIDHU ON A DATE TO BE DETERMINED**

ELECTED DEPARTMENT HEADS

12. **Sheriff-Coroner -** Ratify and approve amendment 6 to agreement MA-060-11011620 with Randstad North America L.P. dba Randstad Technologies, L.P. for information technology services, effective 2/1/12, extending term to 4/7/14 ($1,100,000; new total $3,289,816); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts (Continued from 3/5/13, Item 12)

B.O. **CONTINUED TO 3/19/13, 9:30 A.M.**

13. **Treasurer-Tax Collector -** Adopt resolution authorizing Treasurer to make temporary transfers of monies to Orange County Educational School and Community College Districts from the Orange County Educational Investment Pool for FYs 2013-14 and 2014-15; approve temporary transfer agreements; authorize Treasurer to execute agreements; and make related findings - All Districts

15234 **APPROVED AS RECOMMENDED**
X

RESO: 13-016

HEALTH CARE AGENCY

14. Approve amendment 1 to agreement EPO 12-30 with State Department of Public Health for Center for Disease Control Public Health Emergency Preparedness Grant, State General Fund Pandemic Influenza Grant, and Health and Human Services Hospital Preparedness Program funds, FY 2012-13 ($4,175,938) - All Districts

12354 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

15. Select Stantec as primary and APA Engineering as alternate firms for design and construction support services for Campus Dr./Bristol St. Right Turn Lane project; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 2

21354 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

16. Ratify retroactive grant applications/awards submitted by District Attorney, and Orange County Sheriff-Coroner in 3/12/13 grant report and other actions as recommended - All Districts
14235 X **APPROVED AS RECOMMENDED**

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

18. Approve selection of Stradling Yocca Carlson & Rauth as bond counsel firm for proposed Tustin Regional Park financing project - District 3
21354 X **CONTINUED TO 3/19/13, 9:30 A.M.**

S18A. **Chairman Nelson -** Discussion of selection and appointment process for position of Auditor-Controller
24135 X **DIRECTED CEO TO PROVIDE THE BOARD WITH A LIST OF THE QUALIFIED CANDIDATES AND TO IDENTIFY THOSE WHO ARE RECEIVING A GOVERNMENT PENSION, EXCLUDING MILITARY RELATED BENEFITS**

IV. PUBLIC HEARINGS (Item 19)

GENERAL ADMINISTRATION

19. **County Executive Office -** Public Hearing to consider first reading and adoption of "An Ordinance of the County of Orange, California Approving a Public/Private Partnership with Related/Griffin for the Assessment and Construction of an Office Building for Governmental and Commercial Uses in the Santa Ana Civic Center"; approve agreement CT-080-13010515 with Griffin Structures, Inc. for Building 16/Civic Center Master Plan Study, 2/26/13 - 2/25/14 ($459,450); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - District 1 (4/5 vote of membership)
(Continued from 2/26/13, Item 52)
B.O. **CONTINUED TO 3/19/13, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-SCS4)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Morrison Pump Company v. SSC Construction, Inc., OCSC Case No. 30-2010 00365657
B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR SPITZER BEING ABSENT, AUTHORIZED ORANGE COUNTY FLOOD CONTROL DISTRICT STAFF TO TERMINATE FOR CAUSE SSC**

CONSTRUCTION'S RIGHT TO PROCEED WITH ALL REMAINING WORK ON THE LOS ALAMITOS PUMP STATION PROJECT, AND CANCELLED THE CONSTRUCTION AGREEMENT BETWEEN SSC CONSTRUCTION AND THE ORANGE COUNTY FLOOD CONTROL DISTRICT FOR THAT PROJECT BECAUSE SSC HAS FAILED TO COMPLY, AND IS FAILING TO COMPLY, WITH THE AGREEMENT IN GOOD FAITH.

CS-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant ot Government Code Section 54956.9(d)(2):
Number of Cases: One Case

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

CS-3. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Robert J. Franz
Employee Organizations: Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), Alliance of Orange County Workers (AOCW), In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA), International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), Orange County Employees Association (OCEA) and other non-represented employees
RE: Terms and Conditions of Employment

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

SCS4. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2): Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR SPITZER BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO RETAIN LIEBERT CASSIDY WHITMORE, TO HANDLE THE DEFENSE OF ANY PERB CHARGE OR CIVIL ACTION INITIATED BY OCAA.**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:
Robert MacHale, Maureen Becerra, Barry Levinson, Eric Coulter and Conrad DeWitte - Oral Re: Proposed permanent homeless shelter in Fullerton

Michael Klubnikin - Oral Re: Court-ordered sale of property, Nate Tseglin

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: Directed CEO to provide the Board a status report on the development of a "pay as you go" policy for annual leave, vacation and sick time

Supervisor Moorlach and Chairman Nelson - Oral Re: Siting homeless shelters

ADJOURNED: 11:30 A.M.

54123 **Adjourned in memory of Jane Crosby**
X

24135 **Adjourned in memory of Harold De Boer**
X

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Spitzer
4. = Supervisor Nelson
5. = Supervisor Bates

ORD. = Ordinance
RESO. = Resolution

A. = Abstained
X. = Excused
N. = No
BO = Board Order

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

Chair, Orange County Board of Supervisors

Orange County Clerk of the Board