REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, January 15, 2013, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

SHAWN NELSON
CHAIRMAN
Fourth District

PATRICIA BATES
VICE CHAIRMAN
Fifth District

JANET NGUYEN
SUPERVISOR
First District

JOHN M. W. MOORLACH
SUPERVISOR
Second District

TODD SPITZER
SUPERVISOR
Third District

ATTENDANCE: All Present

EXCUSED: None

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

INVOCATION: Supervisor Nguyen, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-19)

51234 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 11 WHICH WAS DELETED; AND ITEMS 12, 14 & 19 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Chairman Nelson:

1. Senior Citizens Advisory Council - Reappoint Irene Lange, Fullerton, for term ending

12/31/14

2. Waste Management Commission - Reappoint Chad Wanke, Placentia, for term ending 11/14/14

Supervisor Moorlach:

3. Orange County Veterans Advisory Council - Reappoint Chase Wickersham, Corona Del Mar, for term ending 1/2/15

4. Audit Oversight Committee - Appoint Mark Wille, Newport Beach, for term ending 12/31/16

Supervisor Nguyen:

5. Senior Citizens Advisory Council - Reappoint Patricia McGuigan, Santa Ana, for term ending 12/31/14

6. Public Financing Advisory Committee - Appoint John J. Moohr, Fountain Valley, to complete term ending 5/1/13

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

7. Approve agreement PO-060-13011277 with NetXperts, Inc. for purchase of Cisco computer equipment and licenses ($26,293); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

8. Approve license agreement with Regents of the University of California, for University of California, Irvine (UCI) Police Department's rental of Katella Training Facility for training purposes, Orange; and make California Environmental Quality Act findings - District 3

9. Approve agreement PO-060-13011455 with Staples Contract & Commercial, Inc. dba Staples Advantage for toner purchases ($8,674); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

10. Approve amendment 3 to agreement MA-060-11010660 renewing as MA-060-12010783 with Sirron Software Corporation for maintenance of civil process software, 2/9/13 - 2/8/14 ($43,089); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

11. Approve agreement MA-060-13010885 with Thermo Electron North America, LLC for purchase and maintenance of controlled substances analysis equipment, commencing on 1/8/13; extending for three years from date of installation ($191,251); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

51234 **DELETED**

12. Approve amendment 4 to agreement MA-060-12011434 with Pacific Maritime Industries Corporation for mattress purchase and recover services, term ending 6/28/13

($125,000; new total $430,000); renewable for two additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

32154 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

13. Approve master agreement MA-042-13010653 with Decade Software Company, LLC for software licensing, maintenance and support services for Environmental Health Division, 2/1/13 - 1/31/14 ($334,101); renewable for one additional year, 2/1/14 - 1/31/15 ($275,601); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

OC COMMUNITY RESOURCES

14. Approve amended bylaws to Senior Citizens Advisory Council - All Districts (Continued from 12/11/12, Item 8; 12/18/12, Item 14)

21354 **APPROVED AS RECOMMENDED**

15. Approve and accept quitclaim and trail easement deeds from City of Mission Viejo for facility/parcels PR51A-912 and PR51A-913; approve quitclaim deed to City of Mission Viejo for facility/parcel PR51A-701.2, O'Neill Regional Park; and make California Environmental Quality Act findings - District 5

OC PUBLIC WORKS

16. **Acting as the Orange County Flood Control District -** Approve agreement MA-080-13010838 with HydroLynx Systems, Inc. for upgrades, maintenance and repair of County's flood detection system, 1/15/13 - 1/14/18 ($123,500); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

17. Approve agreement with Orange County Sanitation District to deliver waste to the Orange County Disposal System, 1/15/13 - 6/30/20; authorize Director or designee to execute agreement; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

18. **County Counsel -** Select law firm of McKenna, Long & Aldridge LLP to provide primary advisory and litigation services for land use, environmental law and planning related legal services at former Marine Corps Air Station El Toro; authorize County Counsel to execute agreement and a conflict of interest waiver with selected law firm to represent Newport Dunes RV Park and Marina and Paradies-OC, LLC - All Districts (4/5 vote of the membership)

19. **Human Resource Services -** Ratify actions of County Counsel to initiate legal services agreement and approve agreements CT-054-13010483 with Debra L. Reilly, DBA Reilly Workplace Investigations, 8/9/12 - 8/8/13 ($30,000; new total $55,000); and CT-054-13010255 with Bickmore and Associates, Inc., 8/8/12 - 8/7/13 ($9,832.50; new total $33,832.50) for as-needed Personnel Investigative Legal Services; and authorize Purchasing Agent or authorize Deputy to execute agreement - All Districts

32154 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 20-S30A)

ELECTED DEPARTMENT HEADS

20. **Clerk-Recorder -** Approve agreement with Corelogic Solutions, LLC for creation and mailing of Property Fraud Prevention Courtesy Notices, 2/1/13 - 12/31/13 ($216,000); renewable for two additional one-year periods; and authorize Clerk-Recorder or designee to execute agreement and exercise contingency contract cost increase not to exceed 10% - All Districts

25134 **APPROVED AS RECOMMENDED**

21. **Treasurer-Tax Collector -** Adopt resolution authorizing issuance and sale of Westminster School District General Obligation Bonds, Election 2008, Series 2013 ($21,000,000); and authorizing execution of necessary documents and other related actions - District 1

15234 **APPROVED AS RECOMMENDED**

NN

RESO: 13-002

OC PUBLIC WORKS

22. **Acting as the Orange County Flood Control District -** Direct staff to obtain a price from SS Mechanical for procurement and installation of four new pumps and to return to Board to approve final plans and specifications and award contract to SS Mechanical for Los Alamitos Pump Station Project; and make California Environmental Quality Act findings - District 2 (Continued from 12/18/12, Item S57A, Recommended Actions 1 - 4)

25134 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

23. **Probation -** Approve performance agreement with Boys Republic for Children's Services Program Development for probation-supervised youth placed at Boys Republic Chino-Pomona Program RCL-10, 4/2/13 - 4/1/16; authorize Chief Probation Officer or designee to execute placement waiver extension request and endorsement of the Performance Outcome Update Report; and make California Environmental Quality Act findings - All Districts

53124 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

24. Approve master agreement MA-063-13010738 with The Center to Promote Healthcare Access, Inc., dba Social Interest Solutions for One-e-App hosted software maintenance support, 2/1/13 - 1/31/16 ($765,408); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

35124 **APPROVED AS RECOMMENDED**

25. Approve amended agreement MA-063-12011048 to renew as MA 063-13010817 with SBC Global Services, Inc. DBA AT&T Global Services for automated call distribution services, 1/30/13 - 1/29/14 ($873,561); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

24135 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

35124 **APPROVED AS RECOMMENDED WITH DIRECTION TO OCCR (OC HOUSING AUTHORITY) TO COORDINATE A WORK GROUP THAT INCLUDES THE SOCIAL SERVICES AGENCY AND OTHER AFFECTED/APPROPRIATE PUBLIC AGENCIES CONCERNING THE 'HOUSING CHOICE VOUCHER MOVING TO WORK PROGRAM'; CONDUCT A TOWN HALL MEETING IN THE FIRST DISTRICT ON THIS TOPIC AND OFFER TO CONDUCT SIMILAR TOWN HALL MEETINGS IN EACH DISTRICT AS REQUESTED.**

27. Approve grant applications/awards submitted by District Attorney, OC Public Works and OC Community Resources/OC Public Libraries in 1/15/13 grant report and other actions as recommended; and adopt resolution authorizing District Attorney or designee to execute grant agreement and amendments with State Office of Traffic Safety (OTS) for Alcohol and Drug Impaired Driver Vertical Prosecution Program, 10/1/13 - 9/30/14 ($628,326); and make California Environmental Quality Act and other findings - All Districts

54123 **APPROVED AS RECOMMENDED**
RESO: 13-003

28. Approve amendment 1 to agreement N1000009636 with SBC Global Services, Inc. dba AT&T Global Services on behalf of Pacific Bell Telephone Company dba AT&T California (AT&T) for voice, data and long distance services, term ending 2/29/14 ($5,000,000); and authorize Purchasing Agent or authorized Deputy to execute amendment and add or delete services as required - All Districts

52134 **APPROVED AS RECOMMENDED**

29. Approve the purchase and sale agreement with 301 S. State College, a California General Partnership for the purchase of property at 301 S. State College, Fullerton to facilitate a year-round emergency shelter and multi-service center for homeless families and individuals ($3,150,000); authorize County Executive Officer or designee to sign related documents, make minor modifications under certain conditions and perform related actions; authorize funding not to exceed $50,000 to conduct due diligence investigations to comply with applicable County ordinances and best practices; approve agreement CT-080-13010503 with Vanguard Commercial for commercial real estate brokerage services and authorize Purchasing Agent or authorized Deputy to execute agreement; direct County Executive Officer or designee to return to the Board in the event due diligence investigations regarding the real estate are not completed and the contingencies set forth in the purchase and sale agreement are not fulfilled; and make California Environmental Quality Act findings - District 4

42135 **APPROVED AS RECOMMENDED**

30. **Human Resource Services** - Approve agreement with Alliance of Orange County Workers for Operations and Service Maintenance bargaining unit requiring employees hired on or after 1/1/13 to pay Reverse Pick-up for incremental cost of 2.7% @ 55 retirement formula provided to certain County employees effective, 1/11/13 - All Districts

24135 **APPROVED AS RECOMMENDED**
N

HEALTH CARE AGENCY

S30A. Approve agreement with American Correctional Solutions, Inc. for provision of direct digital radiology services, 2/1/13 - 6/30/18 ($4,632,528); and authorize Director or designee to execute agreement

34125 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-5)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d):
Name of Case: California Department of Finance, et al. v. Jan Grimes, etc., OCSC Case No. 30-2012-00559592-CU-WM-CJC

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d):
Name of Case: Saddleback Canyons Conservancy, et al, v. County, et al., OCSC Case No. 30-2012-00609766

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, DIRECTED COUNTY COUNSEL TO REPRESENT THE COUNTY OF ORANGE IN THE MATTER OF SADDLEBACK CANYONS CONSERVANCY, ET AL. V. COUNTY OF ORANGE, ET AL., LIMITED TO ISSUES REGARDING AMENDMENTS TO THE COUNTY GENERAL PLAN AND THE FOOTHILL/TRABUCO SPECIFIC PLAN APPROVED BY THE BOARD ON OCTOBER 2, 2012.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO ENGAGE THE SERVICES OF BAKER HOSTETLER.**

CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d):
Name of Case: Marcus & Raelyn Stokes, et al. v. County of Orange, et al., OCSC Case No. 30-2010-00351398

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MARCUS & RAELYNN STOKES, ET AL. V. COUNTY OF ORANGE, ET AL. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK**

MANAGEMENT TO ANY PERSON WHO INQUIRES.

CS-5. **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 Orange County Managers Association (OCMA) and other non-represented employees
RE: Terms and Conditions of Employment

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:
Michael Klubnikin, Ilya Tseglin - Oral Re: Nate Tseglin

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Spitzer - Oral Re: Need for ad hoc committee to look at risk management, litigation and use of outside investigatory services for employee complaints against elected officials and high level managers

Chairman Nelson - Oral Re: Forming an Ad Hoc Committee of Chairman Nelson and Supervisor Spitzer to review county policies for risk management, litigation and investigatory services

Supervisor Nguyen - Oral Re: Directed HR and CFO staff to provide a memo to the Board within 2 weeks with an update on the transition to a centralized human resources model for both operational and budgetary issues, including cost savings to date and projected overall cost savings

ADJOURNED: 1:40 P.M.

24135 **Adjourned in memory of Wilma Davenport**

24135 **Adjourned in memory of Ruth Dutro**

54123 **Adjourned in memory of Debra Lee Ann**

54123 **Adjourned in memory of Beverly Ann Sels**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach

A. = Abstained
X. = Excused

3. = Supervisor Campbell
4. = Supervisor Nelson
5. = Supervisor Bates

N. = No
BO = Board Order

ORD. = Ordinance
RESO. = Resolution

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

Chair, Orange County Board of Supervisors

Orange County Clerk of the Board