REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 23, 2012, 9:30 A.M.

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

JOHN M. W. MOORLACH
CHAIRMAN
Second District

SHAWN NELSON
VICE CHAIRMAN
Fourth District

JANET NGUYEN
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

PATRICIA BATES
SUPERVISOR
Fifth 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 Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nelson, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-6)

34152 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 4 & 5 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

HEALTH CARE AGENCY

1. Approve selection of and agreement with Pharmacy Healthcare Solutions, Ltd. for Behavioral Health Patient Assistance Program Management services, 10/24/12 - 6/30/13; and authorize Director or designee to extend agreement one-year; and authorize Director or designee to

execute agreement and extension - All Districts
51342 **APPROVED AS RECOMMENDED**

2. Approve CalRecycle Enforcement Assistance grant agreement EA 23-12-31 for solid waste management, 7/1/12 - 10/28/13 ($44,869); and authorize Director or designee to execute agreement - All Districts

OC PUBLIC WORKS

3. Receive bids and award contract to Link-Nilsen Corporation for replacement of fire suppression and leak detection systems project, OC Data Center ($318,675); and make California Environmental Quality Act findings - District 1

PUBLIC PROTECTION

4. **Probation -** Receive and file update of Orange County Public Safety Realignment and Postrelease Community Supervision 2012 Implementation Plan - All Districts
23145 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

5. Approve and authorize Social Services to make revisions to the General Relief Regulations Manual - All Districts
41352 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

6. **Supervisor Moorlach -** Adopt resolution proclaiming November 2012 as "National Pancreatic Cancer Awareness Month"
RESO: 12-155

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 7-25)

ELECTED DEPARTMENT HEADS

7. **Sheriff-Coroner -** Approve amendment four to agreement MA-060-13010493 with Computer Deductions, Inc. for Unisys Dorado 4080 mainframe computer hardware/software license, maintenance and support, 12/14/12 - 12/13/13 ($386,518); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

45132 **APPROVED AS RECOMMENDED**

8. **District Attorney, Sheriff, and Probation -** Approve use of Prop 172 funding to replace Neighborhood Development and Preservation Program (NDAPP) funding to continue anti-gang efforts, Central/North Orange County, including areas in unincorporated islands, Midway City, Stanton and portions of Garden Grove and Orange - Districts 1, 2, 3 & 4

31452 **CONTINUED TO 1st QUARTER BUDGET REPORT SCHEDULED FOR 11/20/12, 9:30 A.M.**

HEALTH CARE AGENCY

9. Approve renewal of ten year lease agreements with CGJP-1, LLC for adult mental health services, alcohol and drug abuse services and mental health services act programs, Westminster; and make California Environmental Quality Act findings - District 1

13452 **APPROVED AS RECOMMENDED**

10. Approve amendment 2 to lease agreement with Margery Geiler, Trustee of the Margery G. Geiler Trust and Leland W. Geiler II, Trustee of the Leland W. Geiler Separate Property Trust for office space and negotiated reduction of rent for adult mental health services, alcohol and drug abuse services and mental health services act program, Aliso Viejo; and make California Environmental Quality Act findings - District 5

54132 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

11. Select and approve lease with XpresSpa dba XpresSpa John Wayne Airport, LLC for operation of specialty concession; and make California Environmental Quality Act findings - District 2 (4/5 vote of the members present)

24135 **CONTINUED TO 10/30/12, 9:30 A.M.**

12. Approve plans and specifications and set bid opening for 11/28/12, 2:00 p.m., for Perimeter Road Reconstruction- Phase 2 project; authorize Director or designee to sign plans and specifications and extend bid opening if required up to 55 days; and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**

13. Response to 11/22/11 Board Directive - Approve amendment 6 to agreement with Orange County Fire Authority for Aircraft Rescue Fire Fighting (ARFF) services, 12/1/12 - 11/30/13 ($5,032,644); authorize Purchasing Agent or authorized Deputy to execute amendment, extend agreement up to 90 days and to issue Request for Statement of Qualifications for ARFF; and make California Environmental Quality Act findings - District 2 (Continued from 10/16/12, Item 22)

B.O. **CONTINUED TO 10/30/12, 9:30 A.M.**

OC PUBLIC WORKS

14. Approve agreement MA-080-13010705 with Parking Concepts Inc. for management and operation of multi-facility parking complexes, 12/1/12 - 11/30/13 ($2,148,562); renewable for four additional years; and make California Environmental Quality Act findings - Districts 1 and 3

35142 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

15. Approve master agreement MA-299-13010437 with Tetra Tech BAS, Inc. for landfill gas operation and maintenance services, South Region Landfills, 12/1/12 - 11/30/15 ($4,200,000) with option to renew for two additional one-year periods ($1,400,000 per year); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 3 & 5

B.O. **CONTINUED TO 11/20/12, 9:30 A.M.**

SOCIAL SERVICES AGENCY

16. Select and approve agreement CMC0113 with Professional Tutors of America, Inc., for individual academic tutoring services, 11/1/12 - 6/30/15 ($320,000) - All Districts

13452 **APPROVED AS RECOMMENDED**

17. Ratify emergency agreement PO-063-13010834 with OP Almaraz dba Allied Restoration Services Inc. for emergency sanitation clean-up at 800/840 N. Eckhoff St., Orange, 9/1/12 - 9/3/12 ($182,186.05); and make related findings - District 3 (4/5 vote of the members present)

31452 **CONTINUED TO 11/20/12, 9:30 A.M.**

GENERAL ADMINISTRATION

County Executive Office:

18. Approve grant applications/awards submitted by OC Public Works and Sheriff-Coroner in 10/23/12 grant report and other actions as recommended; adopt resolutions authorizing OC Public Works Director or designee to submit and execute applications for Renewed Measure M2 Regional Traffic Signal Synchronization Program and M2 Regional Capacity Program and to invoice Orange County Transportation Authority for payment - All Districts

14352 **APPROVED AS RECOMMENDED**
RESO: 12-156 - 12-157

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

13452 **RECEIVED AND FILED**

20. Approve renewal agreement MA-017-10012843 with York Risk Services Group, Inc. for administration of County's self-insured workers' compensation claims, through 6/30/16; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

15342 **APPROVED AS RECOMMENDED**

21. Adopt resolution establishing 2012 Mortgage Credit Certificate Program; authorizing County Executive Officer, Public Finance Director or designees to file all necessary notices with appropriate State and Federal agencies and to develop rules and guidelines for the program; authorizing submission of application to California Debt Limit Allocation Committee for authority to issue mortgage credit certificates; authorizing County Executive Officer, Public Finance Director or designees to enter into cooperative agreements with participating cities; approving other related actions and making related findings - All Districts

31452 **APPROVED AS RECOMMENDED**

RESO: 12-158

22. Approve reassignment of Corporate Real Estate unit from OC Public Works to County Executive Office; direct County Executive Offer (CEO) to return to the Board with necessary budget transfers needed to fully implement reassignment in First Quarter Budget Report - All Districts

13452 **APPROVED AS RECOMMENDED**

N

23. **Human Resources Department -** Approve amendment to Short-Term Disability Plan Document, effective 10/23/12; and authorize Director or designee to make changes as required by law or regulatory authority - All Districts

53142 **APPROVED AS RECOMMENDED**

X

24. **Supervisor Campbell -** Approve renaming 401 S. Tustin Mental Health Campus, Orange as "Juliette A. Poulson Behavioral Health Campus" with informal name of "Poulson Campus" in honor of former Health Care Agency Director Juliette A. Poulson (Continued from 10/16/12, Item S29A)

B.O. **DELETED**

25. **Supervisor Nguyen -** Receive and file 18th Annual Report on the Conditions of Children in Orange County

13452 **RECEIVED AND FILED**

IV. PUBLIC HEARINGS (Items 26-27)

HEALTH CARE AGENCY

26. Public Hearing to consider adopting resolution approving Drinking Driver Program Fee update; superseding and rescinding Resolution 08-128; effective 11/1/12, 7/1/13 and 7/1/14; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

43152 **APPROVED AS RECOMMENDED**

X

RESO: 12-159

27. Public Hearing to consider adopting resolution approving PC 1000 Drug Diversion Program Fee update; superseding and rescinding Resolution 08-129; effective 11/1/12, 7/1/13 and 7/1/14; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

34152 **APPROVED AS RECOMMENDED**
X

RESO: 12-160

V. CLOSED SESSION (Items CS-1-SCS10)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Andrea Harris v. County of Orange, Workers' Compensation Appeal Board Case No. ADJ2156512

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CLAIM OF ANDREA HARRIS V. COUNTY OF ORANGE. 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-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Jill Abbott v. County of Orange, Workers' Compensation Appeal Board Case Nos. ADJ3440086 and ADJ626726

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CLAIM OF JILL ABBOTT V. COUNTY OF ORANGE. 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-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Robert J. Sellers v. County of Orange, Workers' Compensation Claim

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, WITH SUPERVISORS NELSON, NGUYEN, CAMPBELL AND BATES VOTING IN FAVOR, SUPERVISOR MOORLACH VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE CLAIM OF ROBERT J. SELLERS V. COUNTY OF ORANGE. 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-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):

Name of Case: Souhair Khatib v. County of Orange, et al., United States District Court Case No. SACV07-1012 DOC (MLGx)

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 3 TO 2, WITH SUPERVISORS NGUYEN, CAMPBELL AND BATES VOTING IN FAVOR, SUPERVISORS MOORLACH AND NELSON VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE MATTER OF SOUHAIR KHATIB 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. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: California Department of Finance, et al. v. Jan Grimes, etc. OCSC Case No. 30-2012-00559592-CU-WM-CJC

B.O. **CONTINUED TO 10/30/12, 9:30 A.M.**

CS-6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Lea Riley v. County of Orange, et al. United States District Court Case No. SACV11-00773 JST (ANx)
HELD, THE CLERK READ: THE BOARD BY A VOTE OF 3 TO 2, WITH SUPERVISORS MOORLACH, CAMPBELL AND BATES VOTING IN FAVOR, SUPERVISORS NELSON AND NGUYEN VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE MATTER OF LEA RILEY 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-7. **Human Resources Department** - 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)
RE: Terms and Conditions of Employment

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

SCS8. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Lyle Wilson v. County of Orange, United States District Court Case No. 30-2012-00601570

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED THE CEO OR HIS DESIGNEE TO RETAIN THE LAW FIRM OF**

LIEBERT CASSIDY WHITMORE, TO REPRESENT THE COUNTY IN THE MATTER OF LYLE WILSON V. COUNTY OF ORANGE.

SCS9. **Human Resources Department -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: Performance Audit Director
B.O. **HELD, NO REPORTABLE ACTION**

SCS10. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: County parcels located on the former Marine Corps Air Station El Toro
County Negotiator: Robert J. Franz
Negotiating Party: Lowe Enterprises, Inc.
Under Negotiation: Terms and Value of Future Sale
B.O. **HELD, NO REPORTABLE ACTION**

VI. PUBLIC, CEO, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Public Guardian

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Bates - Oral Re: directive to CEO to report back at 10/30/12 Board meeting regarding process to fill vacant Orange County elected positions

Chairman Moorlach - Oral Re: directed Clerk of the Board to include the 11/13/12 Special Meetings on Strategic Planning and IT Sourcing under the list of upcoming meetings on the 10/30/12 agenda

ADJOURNED: 2:00 P.M.
32145 **Adjourned in memory of Ray Watson and Todd Mathews**

52134 **Adjourned in memory of Dealva "Dee" Hedborg**

*** KEY ***

Left Margin Notes

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

A. = Abstained
X. = Excused
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