A G E N D A

REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 5, 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

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

This agenda contains a brief description of each item to be considered. Except as provided by law, no action shall be taken on any item not appearing in the agenda. To speak on an item, complete a Speaker Request Form(s) identifying the item(s) and deposit it in the box to the left of the podium. To speak on a matter not appearing in the agenda, but under the jurisdiction of the Board of Supervisors, you may do so during Public Comments at the end of the meeting. Speaker request forms must be deposited prior to the beginning of the consent calendar, the reading of the individual agenda items and/or the beginning of Public Comments. When addressing the Board, it is requested that you state your name for the record. Address the Board as a whole through the Chair. Comments to individual Supervisors or staff are not permitted. Speakers are limited to three (3) minutes per item with nine (9) minutes cumulative for the entire meeting. Power Point and video presentations must be requested in advance of the meeting through the Clerk.

Supporting documentation is available for review in the Clerk of the Board of Supervisors office in the Hall of Administration, 333 W. Santa Ana Blvd., Room 465, Santa Ana, 92701 8:00 am - 5:00 pm, Monday-Friday.
The Agenda is available online at: http://ocgov.com/gov/bos/agenda
Meetings are broadcast live at http://bos.ocgov.com/video/video.html

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In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the Clerk of the Board's Office 72 hours prior to the meeting at (714) 834-2206

INVOCATION: Supervisor Spitzer, Third District

PLEDGE OF ALLEGIANCE: Supervisor Moorlach, Second District

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Bates will be presenting a resolution proclaiming February 2013 as "American Heart Month"

Supervisor Moorlach will make a presentation entitled, "The State of the County, 2012: A Year in Review"

II. CONSENT CALENDAR (Items 1-14)

All matters are approved by one motion unless pulled by a Board Member for discussion or separate action. At this time, any member of the public may ask the Board to be heard on any item on the Consent Calendar.

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

1. Ratify and approve agreement PO-060-13011191 with Brad Smith dba Canine Tactical Operations and Consulting for provision of training class, 10/15/12 - 10/17/12 ($1,860); and authorize Purchasing Agent to execute agreement - All Districts

2. Approve plans and specifications and set bid opening for 3/13/13, 2:00 p.m., for American with Disabilities Act (ADA) Accessibility Modifications, Central Women's Jail, Tank P-13; and make California Environmental Quality Act findings - District 1

JOHN WAYNE AIRPORT

3. Approve consent to relieve Mel Smith Electric, Inc. from bid obligation; award contract to Palp, Inc., dba Excel Paving Company for Baker Street Gate Improvements project ($348,946); and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

4. Approve amendment 2 to agreement MA-012-11011489 with Igi's Landscape Services and Phillips and Jordan, Inc. for weed abatement, fuel modification, mowing, and discing services, 3/15/13 - 3/14/14 ($85,167; new total $292,000); authorize Purchasing Agent or designee to execute amendment; and make California Environmental Quality Act findings - All Districts

5. **Acting as the Successor Agency to the Orange County Development Agency** - Adopt Recognized Obligation Payment Schedule (ROPS), 7/1/13- 12/31/13; direct staff to submit ROPS to County's Oversight Board; upon approval of County's Oversight Board, authorize staff to submit ROPS to State Department of Finance and State Controller's Office; and direct staff to notify Board of any changes made to ROPS by County Auditor-Controller, County's Oversight Board, State Department of Finance, and/or State Controller's Office; and make California Environmental Quality Act findings - All Districts

OC PUBLIC WORKS

6. Approve plans and specifications and set bid opening for 2/27/13, 2:00p.m., for Twin Towers Parking Structure Elevator Controls project; and make California Environmental Quality Act findings - District 1

7. Approve agreement MA-080-13010919 with Environ Strategy Consultants, Inc. for waste water system maintenance & analysis services, 3/21/13 - 3/20/14 ($164,775); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 3 & 5

Acting as the Orange County Flood Control District:

8. Approve license agreement, quitclaim and easement deeds with City of San Juan Capistrano for conveyance of property to make street and trail improvements in the vicinity of Del Obispo Street and Paseo Adelanto Avenue; and make California Environmental Quality Act and other findings - District 5

9. Approve agreement and easement deeds with Orange County Transportation Authority for construction of street overpass of railroad crossing; authorize Director or designee to execute related documents; and make California Environmental Quality Act findings - Districts 3 and 4

PUBLIC PROTECTION

10. **Probation -** Approve amendment 1 to Memorandum of Understanding with Superior Court for reimbursement of Court expenditures related to Parent Empowerment Program services, 4/1/12 - 6/30/13; and make California Environmental Quality Act findings - All Districts

11. **Public Defender -** Approve agreement MA-058-13011004 with GB Global LLC dba LegalEdge Software for maintenance and support on American Defender Software, 3/1/13 - 2/28/14 ($123,197.67); renewable for two additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

SOCIAL SERVICES AGENCY

12. Approve amendment 1 to agreements CLC3311A with Aspiranet and CLC3211A with New Alternatives, Incorporated to expand Transitional Housing Program Plus services, Scattered Site Apartments, beginning 3/1/13 for contractual period of 7/1/11 - 6/30/14 - All Districts (Continued from 1/29/13, Item 35)

GENERAL ADMINISTRATION

13. **Clerk of the Board -** Approve proposed amendment to the Conflict of Interest Code Designated Filers Exhibits for Probation - All Districts (Continued from 1/29/13, Item 37)

14. **County Counsel -** Approve amendment 1 to agreement with Spiegel & McDiarmid for legal services for federal airport law legal services; and authorize County Counsel to execute amendment - District 2

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 15-29)

ELECTED DEPARTMENT HEADS

15. **District Attorney -** Approve amendment 5 to agreement MA-026-12011323 with Astrid Hagen, term ending 8/31/13 ($50,000; new total $190,000); and approve amendment 6 to agreement MA-026-12011381 with Global works, Inc. dba Western Interpreting Network for professional sign language interpreting services, term ending 8/31/13 ($50,000 decrease; new total $50,000) - All Districts

16. **Sheriff-Coroner -** Approve agreement MA-060-13011246 with TriTech Software Systems for software support, 2/16/13 - 11/14/13 ($242,891); renewable for four additional one year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

JOHN WAYNE AIRPORT

17. Approve agreement with Snyder Langston, LP for design and construction to Maintenance Building project ($8,683,862); and make California Environmental Quality Act findings - District 2

OC DANA POINT HARBOR

18. Approve amendment 5 to agreement MA-108-10012441 with Project Dimensions, Inc. (PDI) for project management services associated with Dana Point Harbor Revitalization Plan, extending term five years ($4.7 million); and authorize Director or designee to execute amendment - District 5
Continued to 2/26/13, 9:30 a.m.

OC COMMUNITY RESOURCES

19. Determine that the Orange County Parks Foundation's Investment Plan (for the endowment portion of the Restricted Fund) provides a diversified asset allocation approach appropriate for the Endowment Funds donated to the County by the Irvine Company and The Nature Conservancy (Endowment Funds); approve restated and amended endowment agreement OCP10-020 with The Nature Conservancy and Orange County Parks Foundation to allow funding to be held and managed by the Foundation ($2,000,000); approve restricted fund agreement with Orange County Parks Foundation for management of endowment funds; authorize Auditor-Controller to transfer funds as designated; and make California Environmental Quality Act findings - All Districts

20. Approve Workforce Investment Act (WIA) Youth Cost Reimbursement agreement with Irvine Unified School District to fund WIA employment and training services for in-school and out-of-school youth, 2/5/13 - 6/30/13 ($144,512.50; new total $992,955.50); and authorize Director or designee to execute amended agreements, exercise a cost contingency increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts

OC PUBLIC WORKS

21. Approve renewal of agreement MA-080-11010652 with Aquatic Bioassay & Consulting and Nautilus Environmental for water toxicity testing services, 3/10/13 - 11/9/14 ($1,000,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

22. Approve renewal of agreement MA-080-11010376 with AndersonPenna Partners, Inc. for on-call code enforcement services, 3/22/13 - 3/21/14 ($275,000); authorize Purchasing Agent or authorized Deputy to execute agreement and make necessary changes; and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

23. Approve agreement MA-299-13010956 with Discovery Science Center to operate and maintain the EcoChallenge exhibits, promote brand and manage the EcoChallenge Strategic Marketing Plan, 2/5/13 - 2/4/16 ($1,500,000); renewable for two additional one-year periods ($500,000 per year); approve agreement MA-299-13010957 with Angels Baseball LP for marketing and media outreach elements to promote EcoChallenge exhibits, 2/5/13 - 2/4/16 ($477,822); renewable for two additional one-year periods ($159,274 per year); authorize Purchasing Agent or authorized Deputy to execute agreements; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

24. **County Counsel -** Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 1-6-5 and 1-6-6 of the Codified Ordinances of the County of Orange Adjusting the Limitations on Campaign Contributions" - All Districts (Continued from 1/29/13, Item 52)

County Executive Office:

25. Receive and file Quarterly Information Technology (IT) Project Status Detail, Executive Summary and Risk Assessment Reports for October - December 2013 - All Districts

26. Approve cancellation of FY 2012-13 OC Green Fair; and authorize CEO or designee to work with local private sector trade organizations to take over the administration and promotion of future events - All Districts

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

28. Approve grant applications/awards submitted by OC Community Resources in 2/5/13 grant report and other actions recommended; and adopt resolution authorizing Director or designee to apply for the Congestion Mitigation and Air Quality funding under the Moving Ahead for Progress in the 21st Century Act for the Antonio Parkway Class I Bikeway Spur Project ($611,760) - All Districts

29. **Human Resource Services -** Approve agreement with Orange County Employees Association (OCEA) for all bargaining units represented by OCEA requiring all employees hired on or after January 1, 2013 ("new members" and "new employees," as these terms are defined in the Public Employees' Pension Reform Act of 2013), to pay for past service liability associated with the 2.7% @ 55 retirement formula provided to certain County employees and commonly referred to as the "Reverse Pick-up", effective January 25, 2013 - All Districts

Supplemental Item(s)

S29A. **OC Public Works – Acting as the Orange County Flood Control District** - Approve plans and specifications and award contract to SS Mechanical for construction of the Los Alamitos Pump Station Main Pump Replacement Project ($2,967,000); and make California Environmental Quality Act findings – District 2

SCS4. **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

SCS5. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: California Department of Finance, et al. v. Jan Grimes, etc., OCSC Case No. 30-2012-00559592-CU-WM-CJC

SCS6. **Chairman Nelson -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: County Executive Officer

SCS7. **County Executive Office -** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Counsel

IV. PUBLIC HEARINGS (None Scheduled)

V. CLOSED SESSION (Items CS-1-CS-3)

The Board will break for lunch at approximately 12:00 PM and may consider closed session matters during that break. The Board will then resume to handle any remaining business if necessary.

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Lyle Wilson v. County of Orange, Court of Appeal Case No. G046625

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Gregory Moore v. County of Orange, et al., Orange County Superior Court Case No. 30-2011 00476941

CS-3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One Case

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

At this time, members of the public may address the Board of Supervisors regarding any off-agenda items within the subject matter jurisdiction of the Board of Supervisors provided that NO action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three minutes per person and twenty minutes for all comments, unless different time limits are set by the Chairman subject to the approval of the Board.

COUNTY EXECUTIVE OFFICER COMMENTS:

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

At this time, members of the Board of Supervisors may comment on agenda or non-agenda matters and ask questions of or give directions to staff, provide travel or member committee, commission reports; provided that NO action may be taken on off-agenda items unless authorized by law.

ADJOURNED:

NEXT MEETINGS:

February 12, 2013	**No Scheduled Meeting**
February 19, 2013	**No Scheduled Meeting**
February 26, 2013	**Regular Meeting**