REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 27, 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:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Nelson, Fourth 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 1-27)

34152 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 11 WHICH WAS CONTINUED TO 4/17/12, 9:30 A.M.; ITEMS 13 & 21 WHICH WERE CONTINUED TO 4/3/12, 9:30 A.M.; ITEM 19 WHICH WAS DELETED; AND ITEMS 9, 25, & 27 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Orange Park Acres Advisory Committee - Reappoint Mike Forkert and appoint John Cox; Fran Klovstad; Laura Thomas; Kathy Lucas; Peter Jacklin; Sue Philipp; Keith Dombroske; Don Bradley, all from Orange, for terms ending 1/10/13

Supervisor Nguyen:

2. Waste Management Commission - Reappoint Xuan-Nhi Van Ho, Westminster, for term ending 3/21/14

3. Orange County Veterans Advisory Council - Appoint Miguel A. Vazquez, Westminster, to complete term ending 3/27/14

4. Emergency Medical Care Committee - Appoint Chan Lee Nguyen, MD, Fountain Valley, to complete term ending 6/30/13

COMMENDATIONS/PROCLAMATIONS/REPORTS

5. **Supervisor Nguyen -** Adopt resolution proclaiming April 22-28 as "Week of the Young Child"
RESO: 12-032

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

6. Approve plans and specifications and set bid opening for 5/2/12, 2:00 p.m., for dehumidification system, Coroner Facility; and make California Environmental Quality Act findings - District 1

7. Approve plans and specifications and set bid opening for 5/2/12, 2:00 p.m., for replacement of three hot water heat exchangers, Central Men's Jail; and make California Environmental Quality Act findings - District 1

8. Approve amendment 3 to agreement N1000008677 with KONE Inc. for elevator preventative maintenance and repair services, extending term to 6/26/12; and authorize Purchasing Agent or authorized deputy to execute amendment - All Districts

9. Accept grant award from State Emergency Management Agency for 2011 Emergency Management Performance Grant funds ($687,703); approve agreement to transfer funds to participating cities; authorize Sheriff-Coroner or designee to execute individual agreements and related documents; and authorize Auditor Controller to transfer funds to other entities under certain conditions - All Districts

21345 **APPROVED AS RECOMMENDED**

10. Approve plans and specifications and set bid opening for 5/2/12, 2:00p.m., for Phase II of overhaul of electric sliding door, Central Men's and Women's Jails; and make California Environmental Quality Act findings - District 1

OC DANA POINT HARBOR

11. Select Dana Point Marina Company as primary, Almar Management as first alternate and TBW Company as second alternate firms for marina management services for West Basin Marina, Dana Point Harbor; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 5

34152 **CONTINUED TO 4/17/12, 9:30 A.M.**

OC COMMUNITY RESOURCES

12. Approve assignment, novation and consent agreement with Swift Lee Office, Inc. for on-call architect-engineer services, effective 3/30/12; and authorize Director or designee to execute agreement - All Districts

13. Approve consent to assignment agreement assigning Aliso Viejo Branch Library food and beverage concession lease from The Neighborhood Cup, LLC to Match Point Co., Inc.; and make California Environmental Quality Act findings - District 5

34152 **CONTINUED TO 4/3/12, 9:30 A.M.**

OC PUBLIC WORKS

14. Approve plans and specifications and set bid opening for 5/2/12, 2:00 p.m., for slurry seal of various streets in Orange County; and make California Environmental Quality Act findings - Districts 2 and 3

15. Approve plans and specifications and set bid opening for 5/16/12, 2:00 p.m., for Job Order Contract O&M 004, FY 2012-13, General Engineering-Road Projects; and make California Environmental Quality Act findings - All Districts

16. Approve plans and specifications and set bid opening for 5/26/12, 2:00 p.m., for Job Order Contract O&M 005, FY 2012-13, Earthwork & Paving-Road Projects; and make California Environmental Quality Act findings - All Districts

17. Approve plans and specifications and set bid opening for 5/16/12, 2:00 p.m., for Job Order Contract O&M 006, FY 2012-13, General Engineering-Flood Projects; and make California Environmental Quality Act findings - All Districts

18. Approve agreement MA-080-12011186 with A Lighting By Design for lighting maintenance and repair, 4/1/12 - 3/31/13 ($288,016); renewable for four one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

19. Approve and accept for recording quitclaim deed from the City of Irvine for conveyance of three parcels totaling approximately 60 acres; and make California Environmental Quality Act findings - Districts 3 and 5 (Continued from 1/24/12, Item 17; 2/28/12, Item 17; 3/20/12, Item 8)

34152 **DELETED**

20. **Acting as the Orange County Flood Control District -** Approve plans and specifications and set bid opening for 5/2/12, 2:00 p.m., for the Trabuco Creek Channel Levee Protection Project, Phase VII; approve agreement D10-037 with Moulton Niguel Water District and Santa Margarita Water District; and make California Environmental Quality Act findings - District 5

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

21. Approve agreement MA-080-12011216 with MRF Geosystems Corporation for GeoResearch Land Records E-Commerce System software maintenance and technical support, 3/27/12 - 3/26/13 ($66,456); renewable for two additional years; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California

Environmental Quality Act findings - All Districts

34152 **CONTINUED TO 4/3/12, 9:30 A.M.**

22. Approve agreement D11-073 with Dudek for on-call habitat creation, restoration and enhancement services, three-year term ($400,000); and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

23. Approve grant award 12179 with South Coast Air Quality Management District for Surplus Off-Road Opt-In for Nitrogen Oxides Program, term ending 6/30/20 ($86,612); and authorize Director or designee to execute grant award agreement - Districts 3 & 5

24. Receive and file AB 939 Surcharge Implementation Semi-Annual Report - All Districts

PUBLIC PROTECTION

25. **Probation -** Approve Memorandum of Understanding with Superior Court for reimbursement of Court expenditures related to Parent Empowerment Program services, 4/1/12 - 3/31/13 ($120,000); and make California Environmental Quality Act findings - All Districts

24135 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

26. **County Executive Office -** Approve amendment 1 to lease agreement OCPW/RLS/CEO-10-026 with CalOptima for 462 useable square feet of floor space, Santa Ana; authorize Manager of CEO/IT to increase the size of premises at same per square foot rental rate; and make California Environmental Quality Act findings - District 1

27. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for February 2012 - All Districts

23145 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 28-S47A)

ELECTED DEPARTMENT HEADS

28. **District Attorney -** Approve lease agreement DA-11-002 with Birtcher Anderson Investors, LLC for office space at 801 Civic Center Drive West, Santa Ana; and make California Environmental Quality Act findings - District 1 (Continued from 12/13/11, Item 27; 1/10/12, Item 24; 2/7/12, Item 27; 2/28/12, Item 30; 3/6/12, Item 18)

B.O. **CONTINUED TO 4/17/12, 9:30 A.M.**

HEALTH CARE AGENCY

29. Approve amendment 6 to master agreement MA-042-11011686 with RxAmerica, LLC for pharmacy benefits manager services ($7,500,000; new total $31,982,098) and master agreement MA-042-12011480 with Ramsell Corporation for 340B program pharmacy benefits administrator services, 5/1/12 - 8/31/12 ($2,600,000); authorize Purchasing Agent or authorized Deputy to execute agreements; and approve master agreement with participating providers for 340B Covered Entity Pharmacy services, 5/1/12 - 12/31/13; and authorize Director or designee to execute individual agreements - All Districts

41352 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

30. Approve renewal of agreement with CH2M HILL for environmental services, 4/1/12 - 3/31/13 ($800,000); and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**

31. Approve amendment 1 to agreement with Amtech Elevator Services for elevator and escalator preventative maintenance and repair services, term ending 6/6/13 ($181,187; new total $1,151,795); renewable for one additional year ($492,699); and authorize Purchasing Agent or authorized deputy to execute amendment - District 2

24135 **APPROVED AS RECOMMENDED**

32. Reject all bids and return bid bonds for Bristol Street Slope Stabilization project; and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

33. Approve amendment 2 to lease with Sea Styles, LLC dba Sea Styles, for early termination of lease, term ending 10/1/12, with the option for 90-day extension prior to 6/30/15; authorize Director or designee to execute amendment; and make California Environmental Quality Act findings - District 5

54132 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

34. Approve agreement MA-080-12011291 with American Integrated Services, Inc., Double Barrel Environmental Services, Inc., O.C. Vacuum, Inc., Ocean Blue Environmental Services, Inc. and United Pumping Service, Inc. for on-call environmental cleanup services, 3/27/12 - 3/26/15 ($1,500,000); renewable for two additional one-year periods ($1,000,000 for two years);

authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

41352 **APPROVED AS RECOMMENDED**

35. **Acting as the Orange County Flood Control District -** Approve acquisition contract, residential rental agreement and grant deed with Helen Dominguez for purchase of real property within the Prado Dam Project area; authorize Auditor Controller to make related payments; authorize Purchasing Agent or authorized Deputy to execute related documents; and make California Environmental Quality Act findings - All Districts

B.O. **CONTINUED TO 5/1/12, 9:30 A.M.**

OC WASTE & RECYCLING

36. Select SCS Field Services as primary and Tetra Tech BAS as alternate firms for landfill gas services, North Region Landfills; and authorize negotiation of agreement for Board approval - Districts 3 & 4

43152 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

37. Approve amendment 1 to agreement MA-063-10012366 with Majestic Systems Integration Co., Inc.; Randstad North America LP dba Randstad Technologies LP; Sarcom, Inc. and Soft-Train, Inc. for Information Technology Professional services, extending term through 5/31/13 ($4,203,700); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

43152 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

38. **Clerk of the Board -** Children and Families Commission - Approve selection of one individual to the Health Category (annual alternating category); one individual to the Health Category; and one individual to the Education Category, for terms ending 3/31/14 - All Districts

32145 **APPOINTED DR. MARIA MINON TO THE HEALTH CATEGORY FOR TERM OF APRIL 1, 2012 - MARCH 31, 2014**

52134 **APPOINTED KATHERINE AHN TO THE HEALTH CATEGORY FOR TERM OF APRIL 1, 2012 - MARCH 31, 2014**

42135 **APPOINTED SANDRA PIERCE TO THE EDUCATION CATEGORY FOR TERM OF APRIL 1, 2012 - MARCH 31, 2014**

County Executive Office:

39. Response to 10/18/11 Board Directive - Direct County Executive Office and Sheriff-Coroner to pursue options for establishing long-term law enforcement services contracts; and direct CEO to pursue options for legislative solutions - All Districts (Continued from 1/24/12, Item 44; 2/7/12, Item 42)

51342 **APPROVED RECOMMENDED ACTION 1 AS AMENDED TO DIRECT STAFF TO PURSUE CONTRACTS WITH TERMS OF NOT LESS THAN 5 YEARS BEGINNING IN FY 2013-14 AND APPROVED RECOMMENDED ACTION 2**

40. Approve Performance Incentive Award to ACS State and Local Solutions ($183,175.58) for provision of information technology and telephony services - All Districts

13452 **APPROVED AS RECOMMENDED**

41. Ratify amendment 2 to agreement MA-017-11011395 with En Pointe Technologies for Cisco Smartnet onsite software maintenance & support, 12/10/11 - 12/9/12 ($16,205.93); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

31452 **APPROVED AS RECOMMENDED**

42. Ratify agreement MA-017-12010492 with Govplace for Secure Computing Equipment Maintenance, 1/1/12 - 12/31/12 ($8,892.36); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

35142 **APPROVED AS RECOMMENDED**

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

42135 **APPROVED RECOMMENDED ACTIONS WITH DIRECTION FOR STAFF TO REVISE LETTER OF OPPOSITION TO AB 1670 TO STRESS BOARD'S CONCERN THAT A FOREIGN NOMINEE TO ADMINISTER AN ESTATE IS NOT SUBJECT TO ENFORCEMENT ACTIONS IN OUR JUDICIAL SYSTEM**

44. Approve grant application/award submitted by OC Community Resources in 3/27/12 grant report and other actions as recommended - All Districts

31452 **APPROVED AS RECOMMENDED**

45. Response to 9/21/10 Board Directive - authorize staff to return to the Board in September, 2012 for extension of agreement with Platinum Advisors, LLC for State Legislative Advocacy services - All Districts

31452 **WAIVED POLICY REQUIRING BIDDING OUT CONTRACTS EVERY 5 YEARS AND APPROVED RECOMMENDED ACTION AS AMENDED DIRECTING STAFF TO RETURN TO THE BOARD WITH AN EXTENSION OF PLATINUM ADVISORS AGREEMENT THROUGH 9/30/2014**

46. Appoint Shaun Skelly as Auditor-Controller - All Districts

51342 **CONTINUED TO 4/17/12, 9:30 A.M.**

47. **Human Resources Department -** Receive and file progress report on implementation of Performance Audit recommendations - All Districts

B.O. **CONTINUED TO 4/3/12, 9:30 A.M.**

ELECTED DEPARTMENT HEADS

S47A. **Auditor-Controller -** Approve contracts MA-003-12011617 with Macias, Gini & O'Connell, LLP ($168,935) and MA-003-12011623 with Vavrinek, Trine, Day & Co., LLP ($52,800) for agreed upon procedures related to the dissolution of redevelopment agencies; authorize Purchasing Agent or authorized Deputy to execute agreements and exercise a contingency contract increase not to exceed 10% and make related budget adjustments - All Districts (4/5 vote of members present)

43152 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 48)

OC COMMUNITY RESOURCES

48. **Acting as the Board of Supervisors and Orange County Housing Authority -** Public Hearing to consider approving Orange County Housing Authority Annual Public Housing Agency Plan (PHA), FY 2012-13; and authorize Executive Director of OCHA or designee to execute related documents and to submit Plan to U.S. Department of Housing and Urban Development - All Districts

B.O. **CLOSED PUBLIC HEARING**

41352 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Items CS-1-SCS3)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):Number of Cases: One Case

B.O. **DELETED**

Human Resources Department:

CS-2. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Alliance of Orange County Workers (AOCW), 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**

SCS3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Executive Officer

B.O. **CONTINUED TO 4/3/12, 9:30 A.M.**

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

PUBLIC COMMENTS:

Opinion Online

Michael Klubnikin - Oral Re: Public Guardian

Darrell Nolta - Oral Re: Documents shown on overhead projector should be included on video of Board

meeting

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Bates - Oral Re: thank you to all who assisted with the Annual Senior Summit

Supervisor Nguyen - Oral Re: thank you to all who assisted with the 3rd Annual Health Expo and visit to Santa Ana Armory

Supervisor Campbell - Oral Re: directed staff to work with video company to show documents placed on the overhead projector during the Board meeting videos

ADJOURNED: 1:30 P.M.

52134 **Adjourned in memory of Rabbi Allen Krause**

52134 **Adjourned in memory of Harry Lawrence**

12345 **Adjourned in memory of Donald P. Kennedy**

*** 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