A G E N D A

REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 26, 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 Bates, Fifth District

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-32)

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.

BOARD APPOINTMENTS

Supervisor Nelson:

1. Law Library Trustees - Reappoint Richard Price, Fullerton and appoint Linda Kawaguchi, Orange, for terms ending 12/31/13

2. Assessment Appeals Board No. 1 - Appoint Paul Jenican, Fullerton, to complete term ending 9/6/15

DEPARTMENT APPOINTMENTS

3. **Health Care Agency -** Alcohol & Drug Advisory Board - Reappoint Lorraine Martinez, Garden Grove, for term ending 10/18/15 and Alin Hamade, Westminster, for term ending 12/3/15 - All Districts

4. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Dr. Loretta P. Adrian, Costa Mesa, to complete term ending 12/31/14 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

5. Approve amendment 1 to agreement MA-060-13010460 with Intoximeters Incorporated for Alco-Sensor Instruments parts and accessories, term ending 10/21/13 ($31,000; new total $70,000); renewable for four additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

6. Approve plans and specifications and set bid opening for 4/3/13, 2:00 p.m., for replacement of kitchen floor, floor drains and waste lines at Intake Release Center (IRC); and make California Environmental Quality Act findings - District 1

7. Approve plans and specifications and set bid opening for 4/3/13, 2:00 p.m., for overhaul of electric sliding doors, Phase III, Central Men's and Women's Jails; and make California Environmental Quality Act findings - District 1

8. Approve agreement MA-060-13011270 with Satellite Tracking of People, LLC for continuous GPS electronic monitoring services and equipment, 2/26/13 - 2/25/14 ($520,125); renewable for four additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts
Continued to 3/5/13, 9:30 a.m.

9. Approve plans and specifications and set bid opening for 4/3/13, 2:00 p.m., for East Kitchen Rehabilitation project, James A. Musick Facility; and make California Environmental Quality Act findings - District 3

10. Approve plans and specifications and set bid opening for 4/3/13, 2:00 p.m., for replacement of HVAC water lines, Central Men's Jail; and make California Environmental Quality Act findings - District 1

11. Approve agreement MA-060-13010844 with Collaborative Testing Services, Inc. for forensic test samples, 2/26/13 - 9/30/13 ($8,500); renewable for five additional one-year periods ($17,500 per year); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

12. Ratify and approve amendment 1 to agreement MA-060-12010599 renewing as MA-060-13010732, assigning from Applied Biosystems LLC to Life Technologies Corporation for maintenance of genetic analyzers, 11/1/12 - 10/31/13 ($32,838); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

13. **Treasurer-Tax Collector -** Approve agreement with City of Westminster for water billing and payment processing services, 3/1/13 - 2/28/18; and authorized Treasurer-Tax Collector to execute agreement - District 1

HEALTH CARE AGENCY

14. Approve Memorandum of Agreement with The Regents of the University of California for behavioral health screening, brief intervention and referral to treatment services for UC Irvine Family Health Center-Santa Ana, through 6/30/14 ($44,554); and authorize Director or designee to execute agreement - All Districts

JOHN WAYNE AIRPORT

15. Approve agreement with Toltz, King, Duvall, Anderson & Associates, Inc. for preparation of design documents and bidding and construction administrative services for Runway Re-designation project ($159,100); and make California Environmental Quality Act findings - District 2

16. Approve agreement with Transportation Security Administration (TSA) for funding of Checked Baggage Recapitalization Screening Design Services project for Terminal A; approve agreement with BNP Associates for design and construction support services for Terminals A & B Baggage Handling Systems Enhancement project ($571,294); authorize Director or designee to execute TSA agreement and future TSA related agreements; and make California Environmental Quality Act findings - District 2

17. Receive and file staff report regarding "in house" option for Aircraft Rescue and Fire Fighting (ARFF) services; receive and file results of Statement of Qualifications for ARFF services; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

18. Approve amendment 2 to agreement OCP10-006 with GHD, Inc. for on-call civil engineering services, term ending 3/15/15; approve amendment 1 to agreement OCP10-007 with RBF Consulting for on-call environmental, regulatory & permitting services, term ending 5/3/15; approve amendment 1 to agreement OCP10-008 with RJM Design Group for on-call landscape architecture services, term ending 5/3/15; approve amendment 2 to OCP10-013 with AECOM for on-call contract administration and contract management services, term ending 5/24/15; and make California Environmental Quality Act findings - All Districts

OC PUBLIC WORKS

19. Receive bids and award contract to National Demolition Contractors for demolition services ($500,000); and make California Environmental Quality Act findings - All Districts

20. Approve Tract Map 17058, RMV Community Development, LLC and Ryland Homes of California, Inc.; accept dedication for street purposes and vehicular access rights; accept easements for street lights, sewer and water and survey monumentation; approve agreement S1112-163 and accept bonds guaranteeing construction improvements; and make California Environmental Quality Act findings - District 5

21. Approve license agreement with the Department of the Navy for access to groundwater monitoring wells on unincorporated County property; authorize Director or designee to perform related duties; and make California Environmental Quality Act Findings - District 3

22. Approve Tract Map 17462, RMV Community Development, LLC and Pulte Home Corporation; accept dedication for street purposes and vehicular access rights; accept easements for street lights, sewer and water and survey monumentation; approve agreement S1112-165 and accept bonds guaranteeing construction improvements; and make California Environmental Quality Act findings - District 5

23. Approve plans and specifications and set bid opening for 3/27/13, 2:00 p.m., for Youth Guidance Center Main Building-Kitchen/Dining Upgrade Project; and make California Environmental Quality Act findings - District 1

24. Receive and file Traffic Committee Report dated 12/13/12; approve recommendations; adopt necessary resolution; and make California Environmental Quality Act findings - Districts 3 and 5

25. Declare bid of Excavating Engineers Inc., T. W. Contracting Inc. and C.S. Legacy Construction to be non-responsive; receive bids and award contract to Patriot Contracting and Engineering Inc. for construction of San Juan Creek Bike Trail ($540,405); authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 5 (RA #6 4/5 vote of members present)

26. Approve agreement MA-080-13011105 with Jonset Corporation, dba Sunset Property Services for janitorial services at Social Services Agency Eckhoff Facilities, 3/1/13 - 2/28/14 ($165,040); renewable for four additional years; and make California Environmental Quality Act findings - District 3

OC WASTE & RECYCLING

27. Approve plans and specifications and set bid opening for 3/27/13, 2:00 p.m., for Pavement Rehabilitation project, Olinda Alpha Landfill; and make California Environmental Quality Act findings - District 4

GENERAL ADMINISTRATION

County Executive Office:

28. Approve amendment to Orange County Employees Retirement Systems Bylaws concerning election of its officers and other administrative procedures - All Districts

29. Approve amendment 1 to agreement MA-017-11011954 with Finite Matters Ltd. for PatternStream software maintenance, 3/14/13 - 3/13/14 ($3,400); renewable for two additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

30. Approve amended agreement with Scott & Whitehead, R. Craig Scott for personnel investigative legal services, 9/28/12 - 9/27/13 ($15,000; new total $40,000); approve amended agreement with Norman Traub for personnel investigate legal services, 8/16/12 - 8/16/13 ($25,000; new total $49,000); and authorize Purchasing Agent or authorized Deputy to execute agreements - All Districts
Revised Title to read:
County Executive Office - Approve amended agreement with Scott & Whitehead, R. Craig Scott for personnel investigative legal services, 9/28/12 - 9/27/13 ($15,000; new total $40,000); approve amended agreement with Norman Traub for personnel investigate legal services, 8/16/12 - 8/16/13 ($25,000; new total $49,000); and authorize Purchasing Agent or authorized Deputy to execute agreements – All Districts

31. **Human Resource Services -** Reappointment of Nicholas S. Chrisos as County Counsel, effective 2/26/13 - All Districts
Revised Title to read:
Human Resources Services - Reappointment of Nicholas S. Chrisos as County Counsel, effective 2/26/13 *4/1/13* - All Districts

32. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for January 2013 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 33-51)

ELECTED DEPARTMENT HEADS

Assessor Department:

33. Approve Joint Powers agreement with other California County Assessors and the Board of Equalization for e-Forms Network Group, effective 3/1/13 - 6/30/16; and authorize Assessor or designee to execute agreement; renewable for one additional year - All Districts

34. Approve amendment 1 to agreement MA-002-12011886 with Napoleon Dogaru, dba Modern eConcepts for technical system services and application support of the Assessment Tax System, 7/1/12 - 6/30/13 ($73,600; new total $239,200); and 7/1/13 - 6/30/14 ($257,600; new total $423,200); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute agreement and exercise contingency contract increase not to exceed 10% - All Districts

Sheriff-Coroner:

35. Approve amendment 4 to agreement MA-060-13011212 with Life Technologies Corporation for purchase of DNA analysis kits and supplies, 3/2/13 - 3/1/14 ($455,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

36. Approve amendment 2 to agreement with County of San Diego for 2012 Operation Stonegarden Grant; accept 2012 grant award funds from State Emergency Management Agency ($283,567); and authorize Sheriff Coroner to execute amendment and related documents - All Districts

37. **Treasurer-Tax Collector** - Approve amendment 4 to agreement MA-074-10012363 with Bloomberg for on-line financial information services and Oder Management Systems, 3/15/13 - 3/14/14 ($309,880); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

HEALTH CARE AGENCY

38. Approve amendment 1 to master agreement with various providers for adult mental health inpatient services, 7/1/12 - 6/30/13 ($101,743; new total $4,375,163); and authorize Director or designee to execute amendments - All Districts
Continued to 4/23/13, 9:30 a.m.

39. Approve amendment 1 to agreement with College Community Services for criminal justice full service partnership services, 7/1/12 - 6/30/14 ($379,507; new total $4,915,797); approve amendment 1 to master agreement with various providers for short term housing services, 7/1/12 - 6/30/14 ($27,272; new total $347,272); and authorize Director or designee to execute amended agreements, and exercise a cost contingency increase not to exceed 10% under certain conditions - All Districts

JOHN WAYNE AIRPORT

40. Approve consent to relieve Minako America Corporation dba Minco Construction from bid obligation; award contract to Sully-Miller Contracting Company for Perimeter Road Construction Phase 2 project ($4,939,218); and make California Environmental Quality Act findings - District 2

OC DANA POINT HARBOR

41. 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 from 2/5/13, Item 18)
Continued to 3/5/13, 9:30 a.m.

OC COMMUNITY RESOURCES

42. 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 (Continued from 2/5/13, Item 19)
Revised Title to read:
OC Community Resources – 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); *A*pprove 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 make related payments; direct Orange County Parks Director or designee to establish a schedule of biennial audits of endowments funds paid to Orange County Parks Foundation, beginning FY 14-15; and require County Directors serving on Orange County Parks Foundation to annually file Statement of Economic Interests with the Foundation;* and make California Environmental Quality Act *and other* findings - All Districts (Continued from 2/5/13, Item 19)

43. Approve amendment 5 to agreement KC09111 with Mercy House Living Centers, Inc. for assistance in utilizing previously approved Neighborhood Stabilization Program funding and meet U.S. Department of Housing and Urban Development requirements for use of funds, through 3/16/14 ($1,004,948; new total $2,006,053.22); and authorize Director or designee to execute agreement, exercise a cost contingency increase or decrease not to exceed 10% - All Districts

OC PUBLIC WORKS

44. Approve amendment 4 to agreement MA-080-10012351 with Hardy & Harper, Inc. for asphalt pavement maintenance, 3/11/13 - 3/10/14 ($38,000; new total $965,000); and make California Environmental Quality Act findings - All Districts

45. **Acting as the Orange County Flood Control District -** Approve amendment 3 to agreement D07-043 with Santa Ana Watershed Protection Authority for reduction of loan obligation for Santa Ana River Interceptor Line; authorize Auditor-Controller to make related payment; and make California Environmental Quality Act findings - District 3

GENERAL ADMINISTRATION

Chairman Nelson:

46. Discuss and provide direction to staff for preparation of draft response to the Grand Jury Report "CalOptima Burns While Majority of Supervisors Fiddle"

47. Discussion of range of total compensation for the position of County Executive Officer

48. **Supervisor Spitzer -** Consideration of County Affiliate Membership in Association of California Cities - Orange County and Discussion of County participation in Community Leader Summit
Continued to 3/5/12, 9:30 a.m.

County Executive Office:

49. Approve FY 2012-13 Second Quarter Budget Report; approve related budget adjustments and amend master position control - All Districts (R.A. 1 4/5 vote of the members present)

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

51. Receive Slate of Clerk-Recorder candidates for interview; set date for Board of Supervisors Interview of Clerk-Recorder candidates; and provide additional direction to County Executive Office and Human Resource Services staff concerning the interview process - All Districts
Revised Title to read:
County Executive Office - Receive Slate of *Review timeline refinements for* Clerk-Recorder candidates for interview *process*; *set 3/5/13 as date to provide open session recommended names for interview by Board of Supervisors and select candidates for final interview;* set date for Board of Supervisors Interview of Clerk-Recorder candidates; and provide additional direction to County Executive Office and Human Resource Services staff concerning the interview process - All Districts

Supplemental Item(s)

S51A. **Chairman Nelson** - Orange County Human Relations Commission - Appoint David Rader, Brea, for term ending 2/25/15

IV. PUBLIC HEARINGS (Item 52)

GENERAL ADMINISTRATION

52. **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 to 3/12/13, 9:30 a.m.

V. CLOSED SESSION (Items CS-1-CS-8)

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: County of Colusa, et al. v. Toby Douglas, etc., Sacramento County Superior Court Case No. 34-2012-80001053

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

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Cedars Engineering and Construction, Inc., etc. v. County of Orange, etc., et al., Orange County Superior Court Case No. 30-2013-00628719-CU-BC-CJC

CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: John Charles English v. County of Orange, et al. Orange County Superior Court Case No. 30-2012-00559110

CS-5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Barry Scott, et al. v. Brad Gates, et al., United States District Court Case Number CV 84-2647

CS-6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: County of Orange v. Asfour Family Corporation, et al., Orange County Superior Court Case No. 30-2012 00542187

CS-7. **County Executive Office -** 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); Orange County Managers Association (OCMA) and other non-represented employees
RE: Terms and Conditions of Employment

CS-8. **Human Resource Services -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: Performance Audit Director

SCS9. **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

SCS10. **Chairman Nelson -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957: Title: County Executive Officer

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:

March 5, 2013	**Regular Meeting**
March 12, 2013	**Regular Meeting**
March 19, 2013	**Regular Meeting**