REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 7, 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
	INTERIM 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

Chairman Moorlach presented Board goals for 2012

Supervisor Bates presented a resolution proclaiming February 2012 as "American Heart Month"

Chairman Moorlach recognized graduates of Orange County Leadership Academy XVI

II. CONSENT CALENDAR (Items 1-24)

31452 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 9 WHICH WAS CONTINUED TO 2/28/12, 9:30 A.M.; AND ITEMS 8, 22 AND 24 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Nguyen:

1. Senior Citizens Advisory Council - Reappoint Jerry Margolin, Garden Grove, for term ending 12/31/13

2. Community Action Partnership of Orange County - Reappoint Alberta Christy, Santa Ana, for term ending 12/8/14

Supervisor Nelson:

3. Orange County Veterans Advisory Council - Appoint Jerry Powell, La Habra, to complete term ending 6/20/12

4. Public Financing Advisory Committee - Appoint Wallace Rodecker, Fountain Valley, to complete term ending 6/9/12

DEPARTMENT APPOINTMENTS

Health Care Agency:

5. Emergency Medical Services Quality Assurance Board - Appoint Dr. Alan Heilpern, Los Angeles; Janet Hewson, Santa Ana; Dr. Robert Katzer, Irvine and Joelle Samsel, Fullerton, to complete terms ending 6/30/13; reappoint Mary Christine Carroll, Corona; Christopher Eric McCoy, Orange; Robert Morris, Murrieta and Catherine Ord, Fountain Valley, for terms ending 6/30/13; and appoint Tammi McConnell, RN, MSN, Santa Ana, for term concurrent with position - All Districts

6. Mental Health Board - Appoint Michaell Rose, Fountain Valley, to complete term ending 5/20/14 - All Districts

7. Alcohol & Drug Advisory Board - Appoint Stacy Deeble-Reynolds, Long Beach, to complete term ending 6/3/12 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

8. Ratify approval of agreement PO-060-12010857 with Culver - Newlin Inc. dba McMahan Business Interiors for purchase of office furniture, effective 7/1/11 ($214,569) - All Districts

23145 **APPROVED AS RECOMMENDED**

9. Accept donation from Drug Use Is Life Abuse to fund one Deputy Sheriff I position for one year ($150,000) - All Districts

31452 **CONTINUED TO 2/28/12, 9:30 A.M.**

10. Ratify and accept grant award from California Emergency Management Agency for 2011 Paul Coverdell Forensic Science Improvement Program ($187,454); and authorize Sheriff-Coroner to execute agreement and related documents - All Districts

11. **Treasurer-Tax Collector -** Approve amendment 3 to agreement MA-074-10012363 with Bloomberg for on-line financial information services and Order Management Systems (OMS/AIM), 3/15/12 - 3/14/13 ($291,904); and authorize Purchasing Agent or authorized

deputy to execute amended agreement - All Districts

HEALTH CARE AGENCY

12. Approve Medi-Cal Administrative Activities/Targeted Case Management (MAA/TCM) Consortium Participation agreement for FY 2011-12 and FY 2012-13 with Marin County for claim reimbursements; and authorize Director or designee to execute agreement - All Districts

13. Ratify amendment 1 to Memorandum of Understanding with Children and Families Commission of Orange County for Child Abuse Services Team Medical Director services, 7/1/09 - 6/30/12 ($137,500) - All Districts

14. Approve Children's Medical Services Plan with State Department of Health Care Services for Child Health and Disability Prevention Program, Health Care Program for Children in Foster Care and Children's Services Program, 7/1/11 - 6/30/12 - All Districts

OC COMMUNITY RESOURCES

15. Acting as the Board of Supervisors - Approve quitclaim deed to City of Newport Beach for Parcel 304; and make findings; Acting as Board of Supervisors and Orange County Flood Control District - Approve access easement deed from City of Newport Beach for Parcel 303 for permanent public access purposes from Mesa Drive to Upper Newport Bay Nature Preserve and Santa Ana-Delhi Channel, Santa Ana Heights area; and make California Environmental Quality Act findings - District 2

16. Approve agreement for exchange of real property with South Orange County Community College District for a property exchange at Tustin Legacy; authorize Director or designee to execute all necessary documents; and California Environmental Quality Act findings - District 3

OC PUBLIC WORKS

17. Approve renewal of agreement MA-080-10011307 with Golden State Constructors, Inc. for portland cement concrete repair services, 3/17/12 - 3/16/13 ($250,000); authorize Purchasing Agent or his authorized deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

18. Approve plans and specifications and set bid opening for 3/21/12, 2:00 p.m., for Landfill Gas Header Extension project, Prima Deshecha Landfill; and make California Environmental Quality Act findings - District 5

19. Receive bids and award contract to Superior Tank Company, Inc. for Reclaimed Water Tank Replacement project, Frank R. Bowerman Landfill, ($146,500); and make California Environmental Quality Act findings - District 3

PUBLIC PROTECTION

20. **Probation -** Approve agreement with Matthew Bolton for transfer of ownership of narcotic detection dog at no cost to former handler; authorize Chief Probation Officer to execute

agreement; and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

21. Approve amended agreement MA-063-12010116 with National Council on Crime and Delinquency for web-based application for structured decision making tool for adult protective services ($34,900; new total $72,500 per year); and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts

GENERAL ADMINISTRATION

County Executive Office:

22. Appoint Frank Ospino as Orange County Public Defender, effective 1/27/12 ($207,979.20) - All Districts (Continued from 1/24/12, Item 21)

35142 **APPROVED AS RECOMMENDED**

23. Receive and file Quarterly Information Technology Project Status Detail and Executive Summary Reports for October - December 2011 and Risk Assessment Report for October - December 2011 - All Districts

24. Approve memorandum of agreement for appointment of Susan Novak as Clerk of the Board of Supervisors, effective 2/10/12 ($138,590.40) - All Districts

31452 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 25-48)

ELECTED DEPARTMENT HEADS

Auditor-Controller:

25. Response to 12/6/11 Board Directive regarding Property Tax Management System Project update - All Districts
PRESENTED

26. Approve amended agreement MA-003-11012381 with GCAP Services Inc., for Property Tax Management System Project support, FY 2011/12; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts
34152 **APPROVED AS RECOMMENDED**

27. **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)
B.O. **CONTINUED TO 2/28/12, 9:30 A.M.**

Sheriff-Coroner:

28. Approve amendment 3 to agreement MA-060-10012166 renewing as MA-060-12011079 with Enterprise Rent-A-Car of Los Angeles, LLC for rental of vehicles for undercover surveillance work, 3/1/12 - 2/28/13 ($1,101,100); and authorize Purchasing Agent or authorized deputy to execute amendment - All Districts
14352 **APPROVED AS RECOMMENDED**

29. Approve revised maximum amount of amendment 3 to agreement MA-060-12010823 with Computer Deductions, Inc. for Unisys Dorado 4080 mainframe computer hardware/software license, maintenance and support, term ending 12/13/12 ($20,531; new total $354,518) - All Districts
34152 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

30. Approve master agreement with various school districts for Educationally Related Mental Health services, 7/1/11 - 6/30/12; authorize Director or designee to execute individual agreements - All Districts
15342 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

31. Approve Concept Plan for Regional Park at former Marine Corps Air Station (MCAS) Tustin for preparation of a General Development Plan; authorize OC Parks Director or designee to submit Concept Plan to the National Park Service as Program of Utilization for conveyance of park property from the Federal Government to the County; authorize OC Parks Director or designee to negotiate an agreement with Orange County Sports Foundation to enable development and operation of a water polo/ice hockey complex within the Regional Park; and authorize CEO/Public Finance to develop a financing plan for the Regional Park with no impact

on the General Fund; and make California Environmental Quality Act and other findings - District 3 (Continued from 1/24/12, Item 30)

B.O. **CONTINUED TO 2/28/12, 9:30 A.M.**

OC PUBLIC WORKS

32. Approve agreements D11-084 with URS Corporation, D11-077 with Bureau Veritas North America Inc., D11-085 with PENCO Engineering Inc., D11-079 with Harris & Associates, D11-078 with PSOMAS and D11-080 with RBF Consulting for on-call architect-engineer services for road projects, three-year terms ($300,000 each); and make California Environmental Quality Act findings - All Districts

31452 **APPROVED RECOMMENDED ACTIONS 1 - 6**

31452 A **APPROVED RECOMMENDED ACTION 7**

33. Approve agreements D11-081 with Biggs Cardosa Associates Inc. and D11-082 with Atkins North America Inc. for on-call support services for bridge projects, three-year terms ($400,000 each); and make California Environmental Quality Act findings - All Districts

41352 **APPROVED AS RECOMMENDED**

34. Oral Report on El Toro Development Plan Options (Continued from 11/8/11 # 29 Board Directive)

DELETED

35. Consider first reading of "An Ordinance of the County of Orange, California Designating Very High Fire Hazard Severity Zones Within the County Unincorporated Areas"; and set second reading and adoption for 2/28/12, 9:30 a.m. - All Districts

43152 **APPROVED AS RECOMMENDED**

36. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreements D11-074 with Fuscoe Engineering, Inc. and D11-075 with Johnson-Frank & Associates, Inc. for on-call land surveying services, three-year terms ($600,000 each); and make California Environmental Quality Act findings - All Districts

51342 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

37. Receive bids and award contract to Excel Paving Company for Asphalt Overlay Resurfacing of Bee Canyon Access Road project, Frank R. Bowerman Landfill ($977,300); and make California Environmental Quality Act findings - District 3

31452 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

38. Approve agreement WAM0711 with City of Anaheim for vocational training activities, 3/7/12 - 6/30/12 ($200,000) and 7/1/12 - 6/30/13 ($600,000); approve agreement WAM0811 with City of Santa Ana for vocational training activities and work experience, 3/7/12 - 6/30/12 ($200,000) and 7/1/12 - 6/30/13 ($600,000); and authorize Director or designee to extend terms and conditions twelve additional months under certain conditions without further Board approval - All Districts

41352 **APPROVED AS RECOMMENDED**

39. Approve agreement CHT4111 and license GA 1213-203 with Rite of Passage Athletic Training Centers and Schools, Inc. for Tustin Family Campus high needs youth services, 3/7/12 - 6/30/13; and make California Environmental Quality Act findings - All Districts

53142 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

23145 **APPROVED AS RECOMMENDED**

41. Acting as the South Orange County Public Financing Authority - Adopt resolution establishing regular meeting dates which coincide with Board of Supervisors meeting dates - All Districts

43152 **APPROVED AS RECOMMENDED**
RESO: 12-015

42. 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)

B.O. **CONTINUED TO 3/27/12, 9:30 A.M.**

43. Approve grant applications/awards submitted by Health Care Agency in 2/7/12 grant report and other actions as recommended - All Districts

14352 **APPROVED AS RECOMMENDED**

44. Approve FY 2011-12 Second Quarter Budget Report; approve related budget adjustments and amend master position control; authorize OCCR, OC Public Libraries to accept donation of $75,000 from Friends of the Laguna Niguel Library - All Districts (RA #1 4/5 vote)

31452 **APPROVED AS RECOMMENDED**

45. Authorize County Executive Officer, Chief Information Officer or designees to deliver notification to ACS State and Local Solutions, Inc. to extend term of agreement for one or more periods of not less than 120 days each - All Districts

14352 **APPROVED AS RECOMMENDED**

46. Approve amendment 4 to price agreement N1000011007 with Avasant for Information Technology Sourcing Advisory services, 4/1/12 - 9/30/12 ($247,500) - All Districts

35142 **APPROVED AS RECOMMENDED**

47. Adopt resolution authorizing issuance and delivery of Multifamily Housing Revenue Bonds (San Clemente Senior Apartments Project) Series 2012A, in an aggregate principal amount not to exceed $17,600,000; approval of Bond Issuance; approve all other documents as necessary - All Districts (Continued from 1/24/12, Item 42)

53142 **APPROVED AS RECOMMENDED**

N

RESO: 12-016

48. Approve selection of Fieldman, Rolapp & Associates as financial advisor and Orrick, Herrington & Sutcliffe as bond counsel for Irvine Coast Assessment District No. 88-1; authorize Public Finance Director to execute agreements - District 2

51342 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 49-50)

OC COMMUNITY RESOURCES

49. Public Hearing to consider adopting resolution of abandonment for park parcel BE74M-101, Laguna Beach; approve offer and agreement to purchase real property and quitclaim deed to Jack B. Corwin ($225,000); authorize Director or designee to execute deed; and make California Environmental Quality Act and other findings - District 5 (unanimous vote) (Continued from 12/6/11, Item 25)

B.O. **CONTINUED TO 3/6/12, 9:30 A.M.**

PUBLIC PROTECTION

50. **Probation -** Public Hearing to consider adopting resolution approving application and administrative fees for provision of continuous electronic monitoring services; and making California Environmental Quality Act and other findings - All Districts (Continued from 12/6/11, Item 15; 12/13/11, Item 25; 1/24/12, Item 52)

B.O. **DELETED**

V. CLOSED SESSION (Items CS-1-SCS-7)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Stueve Bros. Farms, LLC v. Orange County Flood Control District, San Bernardino County Superior Court Case No. CIV RS 1110297

B.O. **HELD, THE CLERK READ: BY A VOTE OF 4 TO O, WITH SUPERVISORS MOORLACH, NELSON, CAMPBELL AND BATES VOTING IN FAVOR, SUPERVISOR NGUYEN ABSTAINING. THE BOARD AUTHORIZED COUNTY COUNSEL TO ENGAGE THE SERVICES OF MURPHY & EVERTZ TO REPRESENT THE ORANGE COUNTY FLOOD CONTROL DISTRICT, THE COUNTY, AND THE BOARD OF SUPERVISORS IN THE CASE OF STUEVE BROS. FARMS, LLC V. ORANGE COUNTY FLOOD CONTROL DISTRICT.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Deanna Fogarty-Hardwick v. County of Orange, et al., Orange County Superior Court Case No. 01CC02379

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE,**

AUTHORIZED CEO/RISK MANAGEMENT TO SEND A DEMAND LETTER TO INITIATE THE ARBITRATION PROCESS WITH INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA ("ICSOP") AND TO INITIATE LITIGATION AGAINST GREAT LAKES REINSURANCE (UK) PLC ("GREAT LAKES") IN THE CASE OF DEANNA FOGARTY-HARDWICK V. COUNTY OF ORANGE, ET AL.

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: John Williams v. Orange County Board of Supervisors, Orange County Superior Court Case No. 30-2012-00540289-CU-WM-CJC

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

CS-4. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Locations: Various locations, including - County-owned Civic Center Property, Santa Ana, CA; 1770 North Broadway, Santa Ana, CA; 405 W. 5th Street, Santa Ana, CA; 200 Santa Ana Blvd., Santa Ana, CA; 801 W. Civic Center Drive, Santa Ana, CA; County-Owned Fruit Street Complex, Santa Ana, CA; County-Owned Property Alton Parcels, Irvine, CA; Former South Court Justice Center, Laguna Niguel, CA; Orange County Flood Control District Property, Costa Mesa, CA; 3320 E. La Palma Avenue, Anaheim, CA; Santa Ana Transit Terminal
County Negotiator: Thomas G. Mauk
Negotiating Party: Purchasers and sellers of buildings
Under Negotiation: Terms and value of future sale(s) and acquisition(s)
(Response from 9/6/11 Board Directive) (Continued from 12/13/11, Item CS-4; 1/10/12, Item CS-2; 1/24/12, Item CS-4)

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

CS-5. **Human Resources Department** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Orange County Attorneys Association (OCAA) and Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

B.O. **DELETED**

SCS-6. **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: Thomas G. Mauk
Negotiating Party: Wild Rivers
Big League Dreams
Under Negotiations: Terms and value of property
(Response from 11/8/11 Board Directive)

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

SCS-7. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange v. Asfour Family corporation, et al., Orange County Superior Court Case No. 30-2012-00542187

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

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

PUBLIC COMMENTS:
Frank Woodard - Oral Re: Laura's Law

Michael Klubnikin - Oral Re: Public Guardian

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Bates - Oral Re: Update on CalOptima dual eligibility

Supervisor Campbell - Oral re: Chairman's and District goals

ADJOURNED: 12:51 P.M.

52134 **Adjourned in memory of Cpl. Christopher Singer**

52134 **Adjourned in memory of Dr. Richard McCullough**

25134 **Adjourned in memory of Paul Finkenbinder**

25134 **Adjourned in memory of Vance R. Thompson**

12345 **Adjourned in memory of William Stanley Ungerman Jr.**

*** 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