REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 31, 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 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 a resolution proclaiming August 5-11, 2012 as "National Health Center Week"

II. CONSENT CALENDAR (Items 1-11)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 2 & 11 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairman Moorlach -** State Council on Developmental Disabilities Area Board XI - Appoint Buddy Schreiber, Costa Mesa, for term ending 7/23/15 (Continued from 7/24/12, Item 1)

DEPARTMENT APPOINTMENTS

2. **OC Community Resources -** Acting as Board of Supervisors and Orange County Housing Authority - Housing and Community Development Commission - Reappoint Ron Garcia, Brea and appoint Jan Horton, Yorba Linda as Member-At-Large representatives; reappoint Helen Smith-Gardner, Mission Viejo and appoint Phan Vu, Westminster as Tenant Commission Member representatives; and reappoint Kathryn McCullough, Lake Forest as designated by City Selection Committee for terms ending 6/30/14 - All Districts

34152 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve amendment 2 to agreement MA-060-12012115 with Siemens Industry Inc. for preventive maintenance and repairs to Coroner facility energy management system hardware and software, 9/13/12 - 9/12/13 ($18,516); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 1

4. Approve amendment 1 to agreement MA-060-12012125 with Siemens Industry Inc. for preventive maintenance and repairs to Theo Lacy facility energy management system hardware and software, 9/1/12 - 8/31/13 ($50,624); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 3

5. Adopt resolution accepting grant award from the Department of Alcoholic Beverage Control for local law enforcement project ($100,000); and authorize Sheriff-Coroner to execute agreement and related documents - All Districts
RESO: 12-095

6. Approve five year agreement with Rancho Santiago Community College District for coroner courses, 8/1/12 - 7/31/17 ($25,000 reimbursement per year); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

OC COMMUNITY RESOURCES

7. Adopt resolution authorizing Director or designee to sign required certification forms to receive subvention and Medi-Cal cost avoidance funding from State Department of Veterans Affairs - All Districts
RESO: 12-096

OC PUBLIC WORKS

8. Approve agreement MA-080-13010051 with SIX Payment Services (USA) Corp for credit card transaction gateway services at Santa Ana Civic Center and Manchester Parking Complex Facilities, 5 year term ($75,000); and make California Environmental Quality Act findings - Districts 1 & 3

9. **Acting as the Orange County Flood Control District -** Approve Purchase and Sale Agreement for Acquisition of Real Property and Joint Escrow Instructions and related documents for conveyance of certain parcels to Orange County Transportation Authority for

Orangethorpe Railroad Grade Separation Project ($208,703); authorize Director or designee to accept easement deeds and to execute an access license with Burlington Northern Santa Fe Railway; and make California Environmental Quality Act and other findings - District 3

PUBLIC PROTECTION

10. **Probation -** Approve amendment 1 to agreement MA-057-12011052 with Intratek Computer, Inc. for information technology professional support services, 12/5/11 - 12/4/12 ($46,000; new total $143,000); authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

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

43152 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 12-30)

HEALTH CARE AGENCY

12. Approve agreement 11-73031-000 with State Departments of Mental Health and Health Care Services for Consolidated Medi-Cal Mental Health services, 4/1/12 - 12/31/12 ($72,432,606); and authorize Director or designee to execute agreement - All Districts

35142 **APPROVED AS RECOMMENDED**

13. Approve amendment 3 to agreement 10-NNA30 with State Department of Alcohol and Drug Programs for alcohol and drug abuse treatment and prevention services, FY 2011-12 ($116,157 decrease; new total $19,233,056); and authorize Director or designee to execute amendment - All Districts

35142 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

14. Approve grant deed to United States Department of Agriculture - Forest Service for transfer of Santiago Truck Trail Property for public access to Cleveland National Forest; authorize Director or designee to execute grant deed and related documents; and make California Environmental Quality Act and other findings - All Districts (4/5 vote of members present) (Continued from 5/22/12, Item 70; 6/26/12, Item 58)

B.O. **CONTINUED TO 8/21/12, 9:30 A.M.**

15. Approve cooperative agreement OCP12-001 with City of Newport Beach for funding of maintenance dredging of Lower Newport Bay; and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**

16. Acting as the Housing Successor Agency to the Orange County Development Agency - Approve Affordable Housing Asset List; direct staff to submit list to Department of Finance; and direct staff to notify Board of any changes made by Department of Finance - All Districts

31452 **APPROVED AS RECOMMENDED**

17. **Acting as the Board of Supervisors and Orange County Housing Authority -** Consider second reading and adoption of "An Ordinance of the County of Orange, California, Amending Section 1-2-302 of the Codified Ordinances of the County of Orange to make changes to One Housing and Community Development Commission Appointing Body Pursuant to Government Code Section 50270"; and approve amended Housing and Community Bylaws - All Districts (Continued from 7/24/12, Item 21)

43152 **APPROVED AS RECOMMENDED**
ORD: 12-004

OC PUBLIC WORKS

18. Approve lease with Wild Rivers Irvine, LLC for development and operation of waterpark on approximately 17 acres of County's El Toro 100 acre parcel; authorize Director or designee to execute lease and related documents; and make California Environmental Quality Act findings - District 3

31452 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

19. Select Geosyntec Consultants and Advanced Earth Sciences, Inc. as primary and Tetra Tech BAS as alternate firms for environmental multi-discipline engineering support services; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - All Districts

15342 **APPROVED AS RECOMMENDED**

20. Select Tetra Tech BAS, Inc. as primary and SCS Field Services as alternate firms for landfill gas services, South Region Landfills; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - Districts 3 & 5

35142 **APPROVED AS RECOMMENDED**

21. Select Natures Image, Inc. as primary and Habitat West, Inc. as alternate firms for landscape habitat maintenance services, South Region Landfills; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 5

B.O. **DELETED**

GENERAL ADMINISTRATION

County Executive Office:

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

35142 **APPROVED MODIFIED RECOMMENDED ACTION 1 FOR SB 1094 TO SUPPORT IF AMENDED TO INCLUDE LANGUAGE THAT THIS BILL WILL NOT PRECLUDE OTHER FINANCIAL ALTERNATIVES TO SATISFY CALIFORNIA DEPARTMENT OF FISH AND GAME REQUIREMENTS**

53142 **APPROVED MOTION AUTHORIZING THE CHAIRMAN TO SEND LETTER TO CALIFORNIA PARKS DEPARTMENT EXPRESSING CONCERNS REGARDING THEIR INTENT TO DEFUND BOATING AND WATERWAYS AND COMBINE WITH PARKS AND LOSING INFRASTRUCTURE MONEY THAT IS DESIGNATED FOR ALL HARBORS IN THE STATE**

23. Approve grant applications/awards submitted by Social Services Agency, District Attorney and Health Care Agency in 7/31/12 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute agreement 12-0299-SA and amendments with State Department of Food and Agriculture for Inedible Kitchen Grease Targeted Prosecution Program, 7/1/12 - 6/30/13 ($50,000); and make California Environmental Quality Act and other findings - All Districts

53142 **APPROVED AS RECOMMENDED**
RESO: 12-097

24. Acting as the Community Facilities Districts - Consider first reading of "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3727 Authorizing the Levy of a Special Tax Within Community Facilities District No. 86-1 (Rancho Santa Margarita) of the County of Orange"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3760 Authorizing the Levy of a Special Tax Within Community Facilities District No. 86-2

(Rancho Santa Margarita) of the County of Orange"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3902 Authorizing the Levy of a Special Tax Within Community Facilities District No. 86-2 (Rancho Santa Margarita) of the County of Orange Improvement Area No. 1"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 0-98-7 Authorizing the Levy of a Special Tax Within Community Facilities District No. 86-2 (Rancho Santa Margarita) of the County of Orange Improvement Area No. 2"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3696 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-1 of the County of Orange (Dimensions Business Park)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3714 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-2 of the County of Orange (Portola Hills)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3715 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-3 of the County of Orange (Mission Viejo)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3734 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-4 of the County of Orange (Foothill Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3738 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-5A of the County of Orange (Rancho Santa Margarita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3739 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-5B of the County of Orange (Rancho Santa Margarita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3740 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-5C of the County of Orange (Rancho Santa Margarita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3741 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-5D of the County of Orange (Rancho Santa Margarita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3882 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-5E of the County of Orange (Rancho Santa Margarita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3735, as Amended by Ordinance No. 99-06 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-6 of the County of Orange (Baker Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3736 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-7 of the County of Orange (Los Alisos)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3733 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-8 of the County of Orange (Coto De Caza)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3737 Authorizing the Levy of A Special Tax Within Community Facilities District No. 87-9 of the County of Orange (Santa Teresita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3716 Authorizing the Levy of a Special Tax Within Community Facilities District No. 88-1 of the County of Orange (Aliso Viejo)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3730 Authorizing the Levy of a Special Tax Within Community Facilities District No. 88-2 of the County of Orange (Lomas

Laguna)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 99-09 Authorizing the Levy of a Special Tax Within Community Facilities District No. 99-1 of the County of Orange (Ladera Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 00-9 Authorizing the Levy of a Special Tax Within Community Facilities District No. 2000-1 of the County of Orange (Ladera Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 01-007 Authorizing the Levy of a Special Tax Within Community Facilities District No. 2001-1 of the County of Orange (Ladera Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 02-013 Authorizing the Levy of a Special Tax Within Community Facilities District No. 2002-1 of the County of Orange (Ladera Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 03-016 Authorizing the Levy of a Special Tax Within Community Facilities District No. 2003-1 of the County of Orange (Ladera Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 04-012 Authorizing the Levy of a Special Tax Within Community Facilities District No. 2004-1 of the County of Orange (Ladera Ranch)"; and set second reading and adoption for 8/14/12, 9:30 a.m. - Districts 3 & 5 (Continued from 7/24/12, Item 34)

35142 **APPROVED AS RECOMMENDED**

25. Receive and file Quarterly Information Technology (IT) Project Status Detail and Executive Summary and Risk Assessment Reports for April - June 2012 - All Districts

RECEIVED AND FILED

26. Acting as the Community Facilities Districts 86-1, 86-2, 87-5A, 87-5B, 87-5C, 87-5D, 87-5E (Rancho Santa Margarita); 87-1 (Dimensions Business Park); 87-2 (Portola Hills); 87-3 (Mission Viejo); 87-4 (Foothill Ranch); 87-6 (Baker Ranch); 87-7 (Los Alisos); 87-8 (Coto de Caza); 87-9 (Santa Teresita); 88-1 (Aliso Viejo) and 99-1, 2000-1, 2001-1, 2002-1, 2003-1, 2004-1 (Ladera Ranch) - Adopt resolutions levying special taxes for Community Facilities Districts, FY 2012-13 - Districts 3 & 5

53142 **APPROVED AS RECOMMENDED**

RESO: 12-098 - 12-121

Human Resources Department:

27. Adopt Employee Health Plan Rate Table with Cigna and Kaiser Health Plans for 2013; and authorize Director or designee to sign Group Service Policies with Cigna and Kaiser after approval by State Department of Managed Care - All Districts (Continued from 7/24/12, Item 35)

34152 **APPROVED AS RECOMMENDED**

28. Adopt Retiree Insured Health Plan Rates for 2013; and authorize Director or designee to sign Group Benefit/Service Policies with Anthem Blue Cross, Kaiser Permanente Health Plan, Inc. and SCAN after approval by State Department of Managed Care or Centers of Medicare and Medicaid services - All Districts (Continued from 7/24/12, Item 36)

43152 **APPROVED AS RECOMMENDED**

29. Adopt Employee Rate Tables for Self-funded PPO Premier Wellwise and Premier Sharewell Health Plans for 2013; approve amendment 4 to agreement with California

Physician Services, Inc. dba Blue Shield of California for claims administration, cost management services and preferred provider organization network for Self-Funded PPO Health Plans and Management and Attorney Dental Plan and amendment 5 to agreement with Catalyst Rx Health Initiatives, Inc. for administration of prescription drug card and mail order program, 1/1/13 - 12/31/13; and authorize Purchasing Agent to execute amendments - All Districts (Continued from 7/24/12, Item 37)

43152 **APPROVED AS RECOMMENDED**

30. Adopt Retiree Self-funded PPO Health Plan Rates for Wellwise and Sharewell for 2013; and authorize Director or designee to continue to apply for federal subsidy under Medicare Prescription Drug, Improvement and Modernization Act of 2003 for Wellwise Retiree health plan - All Districts (Continued from 7/24/12, Item 38)

43152 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One case
HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange v. Eastcom Corp., etc., et al., OCSC Case No. 30-2011-00526759

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

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: William D. Fitzgerald v. Orange County, et al., United States District Court Case No. SACV 11-01355

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

Human Resources Department:

CS-4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Counsel

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

SCS-5. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:

Agency Negotiator: Thomas G. Mauk
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), 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**

SCS-6. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to
Government Code Section 54956.8:
Property Location: 7531 Santiago Canyon Road, Unincorporated County of Orange
County Negotiator: Thomas G. Mauk
Negotiating Party: Orange Unified School District
Under Negotiation: Terms and Value of Possible Purchase

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

SCS-7. **Chair Moorlach -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: Interim County Executive Officer

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

SCS-8. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Various Locations
County Negotiator: Thomas G. Mauk
Negotiating Party: Purchasers and sellers of buildings
Under Negotiation: Terms and Value of future sale(s) and acquisitions(s), including - County owned property in Santa Ana Civic Center; 801 W. Civic Center Drive, Santa Ana, CA; 405 W. 5th Street, Santa Ana, CA; 200 Santa Ana Blvd., Santa Ana, CA

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

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

PUBLIC COMMENTS:
Charles Griffin - Oral Re: thanked Board for proclamation and CEO Tom Mauk for his service to the County and provided Board with summary of his professional background

Elias Alcarez - Oral Re: Santa Ana River project

Darrell Nolta - Oral Re: Grand Jury Report on emergency medical response in Orange County

COUNTY EXECUTIVE OFFICER COMMENTS:
Thomas Mauk - Oral Re: Reflected on his 8 years as Orange County's CEO

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisors Campbell, Nguyen, Bates & Moorlach - Oral Re: Tom Mauk's accomplishments and thanking him for his service to Orange County

Supervisor Nguyen - Oral Re: Thanked all County employees who continue to work hard every day in spite of difficult circumstances during this time of transition

ADJOURNED: 4:00 P.M.

32145 **Adjourned in memory of Rev. Elmer Mathias**

52134 **Adjourned in memory of Mike Fisher**

32145 **Adjourned in memory of Jack Roberts**

*** 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