REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 9, 2011, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

BILL CAMPBELL
CHAIRMAN
Third District

JOHN M. W. MOORLACH
VICE CHAIRMAN
Second District

JANET NGUYEN
SUPERVISOR
First District

SHAWN NELSON
SUPERVISOR
Fourth 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, Chief Deputy

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

Chairman Campbell presented a resolution proclaiming August 2011 as "Eligibility Professionals Recognition Month"

II. CONSENT CALENDAR (Items 1-23)

21453 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 11, 19 & 23 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Chairman Campbell:

1. Waste Management Commission - Reappoint Donald R. Froelich, Laguna Hills, to complete term ending 1/18/13

2. Assessment Appeals Board No. 4 - Reappoint Mary Aileen Matheis, Irvine, for term

ending 8/31/14

3. **Supervisor Moorlach** - Public Financing Advisory Committee - Reappoint Lisa Bergman Hughes, Tustin, for term ending 8/11/14

4. **Supervisor Nguyen** - Assessment Appeals Board No. 5 - Reappoint Scott Weimer, Garden Grove, for term ending 8/31/14

Supervisor Nelson:

5. Regional Recreational Trails Advisory Committee - Reappoint Vince Buck, Fullerton, for term concurrent with 4th District Supervisor's term of office

6. Emergency Medical Care Committee - Reappoint Jon Gilwee, Fullerton, for term ending 6/30/13

DEPARTMENT APPOINTMENTS

7. **Social Services Agency** - Orange County Child Care and Development Planning Council - Appoint Anne Broussard, Costa Mesa; Michelle Pellicino, Irvine; Debbie Warren, Laguna Niguel and Jia Xu, Irvine, to complete terms ending 8/5/12; appoint Faith Polk, Ladera Ranch, for term ending 8/5/13; and reappoint Roseann Andrus, City of Industry; Ann Saneto, Irvine; Valerie Padilla, Hacienda Heights; Marilee Cosgrove, Fullerton; Gwen Morgan-Beazell, Santa Ana; Yvonne Gonzalez Duncan, Huntington Beach; Dorene Ruse, Tustin; Maureen Fitzpatrick, San Clemente and Annette Jewell, Costa Mesa, for terms ending 8/5/13 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

8. Approve agreement 11112445 with State of California for Peace Officer Standards and Training (POST) Supervisory Course, 7/1/11 - 6/30/12; accept reimbursement for training costs ($32,580); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

9. Approve agreement 11112111 with State of California for Peace Officer Standards and Training (POST) Basic Narcotics Investigation course, 7/1/11 - 6/30/12; accept reimbursement for training costs ($43,200); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

10. Approve amendment A1 to agreement 00112123 with State of California for coroner training courses for Commission on Peace Officer Standards and Training (POST), extending term to 9/30/11; and authorize Sheriff-Coroner or designee to execute amendment - All Districts

HEALTH CARE AGENCY

11. Approve Nurse-Family Partnership Implementation agreement with Nurse-Family Partnership, 9/1/11 - 12/31/14 ($150,000); and authorize Director or designee to execute agreement - All Districts

51243 **APPROVED AS RECOMMENDED**

12. Approve amendment 2 to agreement MA-042-11011146 with Alquest Technologies, Inc. for voice and data related cabling services, 1/1/11 - 12/31/11 ($102,000; new total $200,000); and authorize Purchasing Agent or deputy to execute agreement - All Districts

13. Approve agreement with Cerner Corporation for provision of HIPAA 5010 Conversion Services, 8/10/11 - 2/29/12 ($118,720); and authorize Director or designee to execute agreement - All Districts

JOHN WAYNE AIRPORT

14. Approve amendment 1 to agreement MA-280-CVPAN1000010150 with Siemens Industry, Inc. for software maintenance of John Wayne Airport's Interior Environmental Control System, 9/1/11 - 10/31/13 ($93,508.66); and authorize Purchasing Agent or deputy to execute agreement; and make California Environmental Quality Act findings - District 2

OC PUBLIC WORKS

15. Approve renewal of contract MA-080-11010177 with Republic Intelligent Transportation Services, Inc. for traffic signal maintenance services, 10/1/11 - 9/30/12 ($507,317); and make California Environmental Quality Act findings - All Districts

16. Receive bids and award contract to Highland Construction, Inc. for Black Star Canyon Road Bridges Project ($704,081); and make California Environmental Quality Act findings - District 3

17. Receive bids and award contract to Mamco, Inc. for the Kline Drive Improvements Project ($538,538.00); adopt resolution declaring Kline Drive to be a County highway for construction purposes; and make California Environmental Quality Act findings - District 2
RESO: 11-136

18. **Acting as the Orange County Flood Control District -** Approve cooperative agreement and grant deed with Orange County Transportation Authority for sale of real property, 10,033 square-foot segment of Bixby Storm Channel ($35,115); and make California Environmental Quality Act and other findings - District 2

OC WASTE & RECYCLING

19. Ratify termination of Horizons Construction Company's right to proceed with incomplete portions of work; authorize OC Waste & Recycling to perform incomplete work utilizing County resources and private sector contractors for office building, Prima Deshecha Landfill; and make California Environmental Quality Act findings - District 5

52143 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

20. **Probation -** Ratify execution of agreement with and accept grant award from The Annie E. Casey Foundation for Juvenile Detention Alternatives Initiative 12/1/10 - 11/30/11 ($78,585); and make California Environmental Quality Act findings - All Districts

21. **Public Defender -** Approve amendment 1 to lease agreement with Cornerstone Partners IV,

LLC for additional early termination provisions; and make California Environmental Quality Act findings - District 2

GENERAL ADMINISTRATION

County Executive Office:

22. Receive and file Quarterly Information Technology Project Status Detail and Executive Summary Reports for April - June 2011 and Risk Assessment Report for April - June 2011 - All Districts

23. Authorize payment to William D. Mahoney for services related to the Public Administrator/Public Guardian Office from 4/4/11 - 4/15/11 ($13,345) - All Districts

51243 **CONTINUED TO 8/23/11, 9:30 A.M.**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 24-43)

ELECTED DEPARTMENT HEADS

24. **Auditor-Controller -** Receive and file PTMS Quarterly Project Status Report for May - July 2011- All Districts
RECEIVED AND FILED

25. **Sheriff-Coroner -** Approve amendment 3 to agreement 12-04-0028 with United States Marshals Service regarding release of federal inmates housed in Central Jails Complex - All Districts
42153 N **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

26. Approve master agreement and selection of various vendors for outreach and engagement services, 8/1/11 - 6/30/13 ($4,699,995); and authorize Director or designee to execute agreements - All Districts (Continued from 7/26/11, Item 18)
15243 **APPROVED AS RECOMMENDED**

27. Approve master agreement and selection of various vendors for Socialization Program for isolated adults and older adults, 8/1/11 - 6/30/13 ($2,414,499); and authorize Director or designee to execute agreements - All Districts (Continued from 7/26/11, Item 19)
42153 **APPROVED AS RECOMMENDED**

28. Approve agreement with Advanced Medical Management, Inc. for Fiscal Intermediary services for Medical Services Initiative program, 8/10/11 - 9/30/14 ($10,351,603); authorize the Director or designee to execute agreement; and authorize Director, purchasing agent or designee to exercise cost contingency increase for agreement not to exceed 10% under certain conditions - All Districts
41253 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

29. Approve amendment 4 to agreement with T.Y. Lin International/Integrated Design Services for changes in design engineering services ($250,898; new total $1,747,625); and make California Environmental Quality Act findings - District 2
24153 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

30. Response to 5/24/11 Board Directive - Receive and file Alternatives for Armory Emergency Shelter Program Report - All Districts (Continued from 7/19/11, Item 18)
RECEIVED AND FILED

31. **Acting as the Board of Supervisors and Orange County Development Agency -** Consider first reading of "An Ordinance of the County of Orange, California, Determining It Will Comply With the Voluntary Alternative Redevelopment Program Pursuant To Part 1.9 of Division 24 of the California Health and Safety Code In Order To Permit the Continued Existence and Operation of the Orange County Development Agency"; and set second reading

and adoption for 8/23/11, 9:30 a.m. - All Districts

31245 NN **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

32. Approve Notice of Option to Convey and grant deed with Eastcom Corporation for purchase of real property located at 888 North Main Street, Santa Ana; authorize Director or designee to execute all necessary documents and perform related actions; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - All Districts

13245 **APPROVED AS RECOMMENDED**

33. **Acting as the Orange County Flood Control District -** Declare bids of W.A. Rasic Construction Co., Inc.; J.F. Shea Construction, Inc. and Flatiron West, Inc. to be non-responsive; receive bids and award contract to Spiniello Companies. for the Santa Ana River Interceptor Mainline Project ($45,006,800); make budgetary adjustments; and make California Environmental Quality Act findings - District 3 (RA 6, 4/5 vote of members present) (Continued from 7/26/11, Item 24)

35124 N **APPROVED RECOMMENDED ACTIONS 1 THRU 5 AS SUBMITTED ON JULY 26, 2011 AGENDA STAFF REPORT**

35124 **APPROVED RECOMMENDED ACTION 6 AS SUBMITTED ON JULY 26, 2011 AGENDA STAFF REPORT**

GENERAL ADMINISTRATION

County Executive Office:

34. Approve proposed response to FY 2010-11 Grand Jury Report "Orange County Sheriff's Department Inmate Re-Entry Unit" - All Districts

45123 **APPROVED AS RECOMMENDED**

35. Approve recommended grant applications submitted by District Attorney, OC Community Resources/OC Community Services/Orange County Investment Board and Social Services Agency in 8/9/11 grant report and other actions as recommended - All Districts

15243 **APPROVED AS RECOMMENDED**

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

21453 **APPROVED AS RECOMMENDED**

AB 1234 TRIP REPORT - SUPERVISOR NGUYEN TRAVELED TO WASHINGTON D. C. AT THE END OF JULY AND MET WITH VARIOUS AGENCIES TO DISCUSS PENSION REFORM, HOUSING, FLOOD CONTROL PROJECTS, TRANSPORTATION AND CALOPTIMA ISSUES.

37. Approve agreements with Stephen Connolly as Executive Director, 9/1/11 - 6/30/14 ($210,000 per year plus County Executive Manager car allowance subject to continuing appropriations) and with John W. Harris as Investigations Analyst, 9/1/11 - 6/30/14 ($91,800 per year) for Office of Independent Review - All Districts

B.O. **CONTINUED TO 8/23/11, 9:30 A.M.**

Human Resources Department:

38. Approve 2011-2013 Memorandum of Understanding with Orange County Managers Association (OCMA) - All Districts (Continued from 6/21/11, Item 57; 6/28/11, Item 62; 7/26/11, Item 34)

32145 **CONTINUED TO 9/13/11, 9:30 A.M.**

39. Adopt Employee Health Plans Rate Tables with CIGNA and Kaiser for 2012 - All Districts (Continued from 7/26/11, Item 35)

23145 **APPROVED AS RECOMMENDED**

40. Adopt Employee Health Plan Rate Tables for Self-funded PPO Premier Wellwise and Premier Sharewell for 2012; approve third amended and restated Premier Wellwise Health Plan Document and second amended and restated Premier Sharewell Health Plan Document for employees, effective 1/1/12; and establish an Internal Service Fund 292 target reserve amount of 30% of estimated annual claim expense for employee self-funded PPO Plans - All Districts (Continued from 7/26/11, Item 36)

34125 N **APPROVED RECOMMENDED ACTION 1 AS MODIFIED TO APPROVE 16.8% RATE INCREASE**

24153 **APPROVED RECOMMENDED ACTIONS 2 & 3**

41. Approve Retiree Insured Health Plan Rates for 2012; 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 Department of Managed Care or Centers of Medicare and Medicaid Services - All Districts (Continued from 7/26/11, Item 37)

24153 **APPROVED AS RECOMMENDED**

42. Adopt 2012 Retiree Self-Funded PPO Health Plan Rates, Plan Changes and Plan Documents, effective 1/1/12; authorize Human Resources Department/Employee Benefits Deputy Purchasing Agent to execute amendment 3 to agreement with California Physician Services, Inc. dba Blue Shield of California for claims administration, cost management services and preferred provider organization network and amendment 2 to agreement with Walgreens Health Initiatives, Inc. for administration of prescription drug card and mail order program, 1/1/12 - 12/31/12; establish an Internal Service Fund 292 target reserve amount of 30% of estimated annual claim expense for retiree self-funded PPO Plans; and authorize Director or designee to continue to apply for Retiree Drug Subsidy Program for Wellwise Retiree health plan - All Districts (Continued from 7/26/11, Item 38)

24153 **APPROVED RECOMMENDED ACTIONS 1, 2, 4, 5, & 6**

24153 **CONTINUED RECOMMENDED ACTION 3 TO 8/23/11, 9:30 A.M.**

43. **Supervisor Nelson and Supervisor Bates -** Response to 6/14/11 Board Directive regarding audit of Human Resources Department action plan and status report and approval of subcommittee recommendations on audit findings 1-8 and 24-50 - All Districts

45123 **APPROVED SUBCOMMITTEE RECOMMENDATIONS AS MODIFIED TO: 1. CHANGE RECOMMENDATION 28 TO DIRECT PREPARATION OF SUCCESSION PLAN INSTEAD OF INITIATING A RECRUITMENT FOR HUMAN RESOURCES**

DIRECTOR; 2. ADD TO RECOMMENDATION 4g)i THAT A MEMO RE: TEMP STATUS BE PLACED IN EACH AFFECTED EMPLOYEE'S PERSONNEL FILE AND THE MEMO IS TO BE REMOVED FROM FILE UPON BOARD APPROVAL OF THE POSITION'S CLASSIFICATION STUDY; AND 3. POSITION 67 TO BE REMOVED FROM RECOMMENDATION 4g)i PENDING FURTHER REVIEW BY COUNTY COUNSEL & ADDRESSED SEPARATELY BY BOARD ON 8/23/11.

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS7)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Fred Pierce, et al. v. County of Orange, et al., United States District Court Case No. SACV01-981ABC

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, DIRECTED THE CHAIRMAN OF THE BOARD TO EXECUTE THE JAIL MONITORING AGREEMENT WITH PUBLIC INTEREST INVESTIGATIONS, INC., AS ORDERED BY THE COURT IN THE CASE OF FRED PIERCE, ET AL VS. COUNTY OF ORANGE, ET AL., BY ITS ORDER DATED JUNE 28, 2011.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Alliance of Orange County Workers v. County of Orange, Orange County Superior Court Case No. 30-2008-00105827

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED THE FILING OF AN APPEAL IN THE CASE OF ALLIANCE OF ORANGE COUNTY WORKERS V. COUNTY OF ORANGE.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case

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

CS-4. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange v. Association of Orange County Deputy Sheriffs, et al., California Court of Appeal, 2d District Case No. B218660 (LACS Case No. BC389758)

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 3 TO 2, SUPERVISORS CAMPBELL, NELSON AND BATES VOTING IN FAVOR, SUPERVISORS MOORLACH AND NGUYEN VOTING AGAINST, APPROVED THE MEDIATED SETTLEMENT PROPOSAL OF AOCD'S ATTORNEYS' FEES AND COSTS CLAIM AND OCERS SETTLEMENT PROPOSAL ON ITS ATTORNEYS' FEES AND COSTS CLAIM IN THE CASE OF COUNTY OF ORANGE V. ASSOCIATION OF ORANGE COUNTY**

DEPUTY SHERIFFS, ET AL. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.

CS-5. CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION -
Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case

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

CS-6. **Human Resources Department** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

B.O. **HELD, NO REPORTABLE ACT ION**

SCS7. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR -
Pursuant to Government Code Section 54956.8:
Property: 2.5-Acre Site, Intersection of Crawford Canyon Road and Newport Avenue, Unincorporated Area of Orange County known as North Tustin, California
County Negotiator: County Executive Officer
Negotiation Party: Alex Shawn Mann
Under Negotiation: Terms and Conditions of Purchase

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

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

PUBLIC COMMENTS:

Joy Torres - Oral Re: Responsibility & accountability of mental health clients

Michael Klubnikin & Robert Grosz - Oral Re: PA/PG issues

Frank Woodard, Amanda LaPera, Maryellen Musgrave, Dana Atkin, Nomi Lonky, Cynthia Sitton, Jonathan Adler, Brian Jacobs, Janice DeLoof, Gregory Wright - Oral Re: Laura's Law

William Fitzgerald - Oral Re: Placement of public comments on agenda

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Vice Chairman Moorlach - Oral Re: Treasurer Tax Collector communicating with Board regarding downgrade of Treasury bonds and a revised Investment Policy statement at next meeting, retirement of Deborah Kwast, Public Defender, and National Recreational Trail designation given to Santa Ana River Regional Riding & Hiking Trail.

Supervisor Nguyen - Oral Re: Voted no on Closed Session 4 to be consistent with her previous votes against the lawsuit and article in The Register describing arrest and false accusations made by homeless man upset over death in Fullerton, saying Supervisor Nguyen cost him $20,000 by refusing to let him

film homeless persons.

ADJOURNED: 5:26 P.M.

13245 **Adjourned in memory of Vivanne Haskin**

32145 **Adjourned in memory of John D. Fader**

23145 **Adjourned in memory of Colonel John Arnold Lindvall**

53124 **Adjourned in memory of Dorothy Francis Huber**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Supervisor Nelson
5. = Supervisor Bates

ORD. = Ordinance
RESO. = Resolution

A. = Abstained
X. = Excused
N. = No
BO = Board Order

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