REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, May 8, 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 Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Bates presented the Beautification Award from the Dana Point Chamber of Commerce for Dana Point Harbor maintenance and landscaping

II. CONSENT CALENDAR (Items 1-15)

34152 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 11 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE; AND SUPERVISOR BATES ABSTAINED ON ITEM 14**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Orange County Human Relations Commission - Appoint Dr. Ruben

Barron, Yorba Linda, for term ending 5/7/14

ELECTED DEPARTMENT HEADS

2. **Sheriff-Coroner -** Approve Memorandum of Understanding with Orange County's incorporated cities, public universities and water agencies for use of Countywide Mass Notification System, 7/1/12 - 6/30/13; and authorize Sheriff-Coroner or designee to execute and manage MOU - All Districts

HEALTH CARE AGENCY

3. Approve agreement with The Regents of the University of California, on behalf of University of California Irvine School of Medicine, Department of Psychiatry for Physician services, 7/1/12 - 6/30/15 ($225,843 per year); and authorize Director or designee to execute agreement - All Districts

4. Approve agreements with Cooper Fellowship, Inc. ($167,353), Phoenix House Orange County, Inc. (&179,365) and Korean Community Services ($60,000) for Parolee Services Network residential and outpatient services, 7/1/12 - 6/30/13; and authorize Director or designee to execute agreements - All Districts

5. Approve master agreement MA-042-12011424 with The Regents of the University of California, on behalf of its UCLA Integrated Substance Abuse Programs for consultation, training and technical assistance services, 6/1/12 - 5/31/13 ($87,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

6. Approve master agreement MA-042-12011613 with Thompson Cobb, Bazilio & Associates, P.C., KNL Support Services, Mayer Hoffman McCann P.C., and David L. Gruber and Associates, Inc., dba Gruber and Associates for auditing services, 5/15/12 - 5/31/15 ($439,500); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

7. Approve master agreement MA-042-12010421 with Hospital Association of Southern California for ReddiNet software license, maintenance and hardware support services, 6/1/12 - 5/31/13 ($32,450), renewable annually for two years; and authorize Purchasing Agent or authorized Deputy to renew agreement for third year ($32,066) and to execute agreement - All Districts

8. Approve master agreement with various providers for Point of Dispensing Site services, 7/1/12 - 6/30/13 ($250,000); and authorize Director or designee to execute agreements - All Districts

9. Approve agreement with The Regents of the University of California, on behalf of UC Irvine School of Medicine, Department of Pediatrics for child abuse medical evaluation and physician services, 7/1/12 - 6/30/13 ($120,000); and authorize Director or designee to execute agreement - All Districts

10. Approve amendment 2 to agreement with AIDS Services Foundation Orange County for HIV Housing services, 7/1/11 - 6/30/12 ($72,965; new total $549,609); and authorize Director or designee to execute amendment - All Districts

OC COMMUNITY RESOURCES

11. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve permit P2012-00037 with Orange County Coastkeeper to conduct a guided kayak program on Santa Ana River Channel from Gypsum Canyon Bridge to Weir Canyon Bridge; authorize OC Parks Director or designee to execute permit and make related California Environmental Quality Act findings - District 3

31452 **APPROVED AS RECOMMENDED AND DIRECTED STAFF TO SUBMIT A REPORT TO THE BOARD BY 6/12/12 ADDRESSING THE COUNTY'S LIABILITY FOR USE OF THE SANTA ANA RIVER CHANNEL UNDER THIS CONTRACT AND UNAUTHORIZED PUBLIC USE AND THE RELATED FINANCIAL IMPACT TO THE COUNTY FOR COSTS SUCH AS SIGNAGE, ENFORCEMENT AND MAINTENANCE**

OC PUBLIC WORKS

12. Approve amendment 2 to agreement MA-080-10013286 with West Coast Arborists, Inc. for annual tree trimming services, 6/10/12 - 6/9/13 ($655,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

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

13. Approve agreement MA-080-12011601 with Tetra Tech, Inc. for on-call watershed planning and engineering support services, 5/8/12 - 5/7/15 ($400,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

14. Approve agreement MA-080-12011554 with RBF Consulting for on-call watershed planning and engineering support services, 5/8/12 - 5/7/15 ($400,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

34152 A **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

15. Approve non-financial master Memorandum of Understanding CMJ1612 for multidisciplinary team to provide differential response-path one services, 7/1/12 - 6/30/15; and authorize Director or designee to execute master MOU - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 16-S39B)

ELECTED DEPARTMENT HEADS

16. **Treasurer-Tax Collector** - Receive and file 2011 Treasury Oversight Committee (TOC) Annual Report - All Districts (Continued from 4/17/12, Item 37)
43152 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

17. Approve agreement with South Coast Children's Society, Inc. dba South Coast Community Services for Transitional Age Youth Crisis Residential services, 7/1/12 - 6/30/13 ($1,353,350); and authorize Director or designee to execute agreement - All Districts
43152 **APPROVED AS RECOMMENDED**

18. Approve agreement with Saint Anselm's Cross-Cultural Community Center for Peer Mentoring services for adults and older adults, 7/1/12 - 6/30/13 ($1,124,888); and authorize Director or designee to execute agreement - All Districts
13452 **APPROVED AS RECOMMENDED**

19. Approve agreement with Orange County Health Authority dba CalOptima for Administrative Services Organization services, 7/1/12 - 6/30/14 ($4,860,845 per year); authorize Director or designee to execute agreement and to exercise cost contingency increase not to exceed 10% under certain conditions - All Districts
54132 **APPROVED AS RECOMMENDED**

20. Approve master agreement with various providers of Behavioral Health CalWORKs services, 7/1/12 - 6/30/13 ($2,869,243); and authorize Director or designee to execute agreements - All Districts
31452 **APPROVED AS RECOMMENDED**

21. Approve agreements with Straight Talk Clinic, Inc. for Substance Use Disorder Residential Treatment services ($174,490 per year), HIV Transitional Housing services ($192,685 per year) and HIV Substance Use Disorder Residential Treatment services ($248,264 per year), 7/1/12 - 6/30/14; authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions; and authorize Director or designee to execute agreements - All Districts
13452 **APPROVED AS RECOMMENDED**

22. Approve agreements with Southern California Alcohol and Drug Programs, Inc. for Perinatal Residential Substance Use Disorder Treatment services, 7/1/12 - 6/30/14 ($1,384,917 per year) and master agreement with various providers of Post Custody Re-entry services, 7/1/12 - 6/30/13 ($364,983); authorize Director or designee to exercise cost contingency increase of master agreement not to exceed 10% under certain conditions; and authorize Director or designee to execute agreements - All Districts
14352 **APPROVED AS RECOMMENDED**

23. Approve agreements with Community Service Programs, Inc. ($1,554,700) and National Council on Alcoholism and Drug Dependence - Orange County ($777,350) for Community Based Alcohol and Other Drug Prevention services, 7/1/12 - 6/30/14; and authorize Director or designee to execute agreements - All Districts

54132 **APPROVED AS RECOMMENDED**

24. Approve agreement with The Regents of the University of California, on behalf of UC Irvine Healthcare for Public Health Medical services, 7/1/12 - 6/30/14; and authorize Director or designee to execute agreement - All Districts

54132 **APPROVED AS RECOMMENDED**

25. Approve agreements with Phoenix House Orange County, Inc. ($2,581,306) and Social Model Recovery Systems, Inc. ($1,393,328) for Substance Use Disorder Adolescent Residential Recovery and Recovery Maintenance services, 7/1/12 - 6/30/14; and authorize Director or designee to execute agreements - All Districts

34152 **APPROVED AS RECOMMENDED**

26. Approve renewal of master agreement MA-042-11011768 as MA-042-12011459 with The Regents of the University of California, on behalf of UC Irvine Pathology Services for phlebotomy and laboratory testing services, 7/1/12 - 6/30/13 ($850,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

14352 **APPROVED AS RECOMMENDED**

27. Approve selection of and agreement with Orange County Child Abuse Prevention Center, Inc. for Parent Education and Support services, 5/2/12 - 6/30/12 ($74,636) and 7/1/12 - 6/30/14 ($507,590 per year); and authorize Director or designee to execute agreement - All Districts (Continued from 5/1/12, Item 26)

43152 **APPROVED AS RECOMMENDED AND DIRECTED STAFF TO PROVIDE THE BOARD WITH AN OFF-AGENDA UPDATE ON THE PROGRAM IN 6 MONTHS**

JOHN WAYNE AIRPORT

28. Approve amendment 1 to agreement with California Building Evaluation and Construction, Inc. for Terminal Generator Replacement project, ($324,632.28; new total $1,183,632.28); extend time of completion by 727 days; and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

29. **Acting as the Board of Supervisors and Orange County Flood Control District -** Declare bid of Environmental Construction, Inc. to be non-responsive; receive bids and award contract to Shimmick Construction Inc. for construction of Haster Retarding Basin, Pump Station and Recreational Field Project ($25,167,119); approve grant agreement with State Department of Water Resources for Prop 1E reimbursement funds ($15,677,100) and authorize Director or designee to execute agreement ; approve amendment 3 to agreement D03-024 with AKM Consulting Engineers for engineering support services of construction project, extending term to 11/4/16 ($1,200,000; new total $2,927,000); authorize expedite of Request for Proposal for award of agreement for independent construction management and inspection services and return to the Board with recommendation for approval; authorize Auditor-Controller to transfer funds as designated and to make related payments; and make California Environmental Quality Act findings - District 1

B.O. **CONTINUED TO 5/22/12, 9:30 A.M.**

OC WASTE & RECYCLING

30. Approve agreement MA-299-12011560 with Natures Image, Inc. for native plant habitat management and maintenance services, Central Region Landfills, 7/1/12 - 6/30/15 ($1,500,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - District 3

34152 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

31. Approve master agreement CDB0212 for child abuse and/or neglect prevention/intervention counseling services, 7/1/12 - 6/30/15; approve expenditures for counseling services through subordinate agreements, 7/1/12 - 6/30/13 ($678,996); and authorize Director or designee to execute master agreement and subordinate agreements - All Districts

34152 **APPROVED AS RECOMMENDED**

32. Approve agreement CNH0612 and license agreement GA 1213-200-2 with Olive Crest for sibling residential homes services, Tustin Family Campus, 7/1/12 - 6/30/13; and make California Environmental Quality Act findings - District 3

34152 **APPROVED AS RECOMMENDED**

33. Approve agreement CNH0112 and license GA 1213-185-3 with New Alternatives, Inc. for transitional residential homes services, Tustin Family Campus, 7/1/12 - 6/30/15; approve agreement CNH0412 with PROTOTYPES, Centers for innovation in health, mental health and social services for mother and child residential homes services, Tustin Family Campus, 7/1/12 - 6/30/15 ($2,665,000); and make California Environmental Quality Act findings - District 3

31452 **APPROVED AS RECOMMENDED**

34. Approve agreement WSD1111 with Foster Assessment Center and Testing Service, Inc. for vocational assessment services, 7/1/12 - 6/30/15 ($1,737,000); and authorize Director or designee to exercise a contingency contract cost increase not to exceed 10% under certain conditions - All Districts

34152 **APPROVED AS RECOMMENDED**

35. Approve master agreement CSC3811-00 for foster family agency services, 7/1/12 - 6/30/15; and authorize Director or designee to execute master agreement with individual providers - All Districts

43152 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

36. Approve Funding Policy for Workers' Compensation and Property & Casualty Risk Internal Service Funds (ISFs) - All Districts

41352 **APPROVED AS RECOMMENDED**

37. Approve grant applications/awards submitted by Sheriff-Coroner and OC Public Works in 5/8/12 grant report and other actions as recommended - All Districts

13452 **APPROVED AS RECOMMENDED**
RESO: 12-046 - 12-049

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

31452 **APPROVED AS RECOMMENDED**

39. Receive and file status report and approve continuance of emergency pursuant to Public Contract Code Section 22050 (c)(1) for Emergency Project Data Center HVAC 2012 Upgrades and set review to determine continuing need for emergency action for 5/22/12, 9:30 a.m. and every 14 days thereafter - All Districts (Continued from 5/1/12, Item 40)

43152 **APPROVED AS RECOMMENDED**

S39A. **Chairman Moorlach -** Chairman Moorlach - Approve modification to 2012 Chairman Appointments to the Southern California Association of Governments and the Orange County Council of Governments

42135 **APPOINTED SUPERVISOR BATES TO OCCOG AS BOS SCAG REPRESENTATIVE**

S39B. **Supervisor Campbell -** Supervisor Campbell - Foothill Trabuco Specific Plan Review Board - Appoint John "Jake" Reed Jr., Trabuco Canyon, for term ending 6/30/13

34152 **APPROVED AS RECOMMENDED**

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: Elaine Webb v. County of Orange, Workers' Compensation Appeals Board Case No. ANA 306751

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ELAINE WEBB V. COUNTY OF ORANGE. 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 CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

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: California Department of Finance and Dr. Jack Scott, Chancellor of the California Community Colleges v. Jan Grimes, in her official capacity as Interim Orange County Auditor-Controller OCSC Case No. 30-2012-00559592-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 Location: 888 North Main Street, Santa Ana, California
County Negotiator: Thomas G. Mauk
Negotiating Party: Purchasers and sellers of buildings
Under Negotiation: Terms and value of potential future sale(s) and acquisition(s)
(Continued from 5/1/12, Item CS-4)

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

SCS5. **County Counsel -** County Counsel - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of the Case: Eric Ocloo v. County of Orange, et al. Orange County Superior Court Case No. 30-2011 00439701

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, SUPERVISORS MOORLACH, NGUYEN, CAMPBELL AND BATES VOTING IN FAVOR AND SUPERVISOR NELSON VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ERIC OCLOO V. COUNTY OF ORANGE. 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 CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS6. **Human Resources Department -** Human Resources Department - 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), 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**

SCS7. **County Counsel -** County Counsel - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Government Code Section 54956.9(a):
Names of Cases: Margaret Reed v. County of Orange, United States District Court Case No. SACV 05-1103 CJC (ANx); Jeffory Weaver v. County of Orange, United States District Court Case No. SACV10-00101 CJC; Aaron Brady v. County of Orange, United States District Court Case No. SACV 10-0805 CJC

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, SUPERVISORS NELSON, NGUYEN, CAMPBELL AND BATES VOTING IN FAVOR AND SUPERVISOR MOORLACH VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE CASES OF MARGARET REED V. COUNTY OF ORANGE, JEFFORY WEAVER V. COUNTY OF ORANGE, AND AARON BRADY V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENTS REMAIN SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENTS BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

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

PUBLIC COMMENTS:
Robert Curtis - Oral Re: Ordinance prohibiting registered sex offenders from entering County Parks

Michael Klubnikin - Oral Re: Public Guardian

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Nelson - Oral Re: Direction for staff to agendize within 60 days a discussion of policy to prevent "double-dipping" by employees of cities who retire and then return to same jobs when County takes over providing services, such as law enforcement services.

Chairman Moorlach - Oral Re: Direction for CEO to monitor number of agenda items planned for June Board meetings and possible need to add a meeting on 6/5/12; resignation of Jim McAleer from CalOptima; and congratulated Paul Reddam of Sunset Beach, owner of the Kentucky Derby winner "I'll Have Another"

Supervisor Nelson - Oral Re: Ordinance prohibiting registered sex offenders from entering County Parks

ADJOURNED: 1:30 P.M.
52134 **Adjourned in memory of Dr. Joseph M. Baloga**

*** 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