REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, August 23, 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 Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

## I. PRESENTATIONS/INTRODUCTIONS

Supervisor Nelson welcomed John Semcken, Vice President of Majestic Realty Co to provide a briefing on plans for a new NFL stadium/complex in Industry Hills

Chairman Campbell recognized OC Crime Lab staff for achieving Breath Alcohol Calibration Laboratory accreditation

## II. CONSENT CALENDAR (Items 1-36)

54123 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 25 & 35 WHICH WERE DELETED; ITEM 27 WHICH WAS CONTINUED TO 9/13/11, 9:30 A.M.; AND ITEMS 7, 13, 16, 17, 19, 23, 28 & 34 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

## BOARD APPOINTMENTS

1. **Chairman Campbell -** Assessment Appeals Board No. 2 - Appoint Claude Parrish, Tustin, to

complete term ending 9/1/13

54123 **DELETED**

**Supervisor Moorlach:**

2. Assessment Appeals Board No. 2 - Reappoint Janine Heft, Laguna Hills, for term ending 8/31/14

3. Assessment Appeals Board No. 3 - Reappoint John W. Briscoe, Fountain Valley, for term ending 8/31/14

4. Assessment Appeals Board No. 4 - Reappoint Ben Selcho, Fountain Valley, for term ending 8/31/14

5. Assessment Appeals Board No. 5 - Reappoint Irene E. Ziebarth, Newport Beach, for term ending 8/31/14

## ELECTED DEPARTMENT HEADS

**District Attorney:**

6. Adopt resolution approving FY 2010-11 Federal Equitable Sharing agreement and Certification Report - All Districts
*RESO: 11-137*

7. Approve Real Estate Fraud Prosecution Annual Report, FY 2010-11 Pursuant to Government Code Section 27388 (d) (1) & (d) (2) - All Districts

15243 **APPROVED AS RECOMMENDED**

**Sheriff-Coroner:**

8. Approve agreement 11112308 with State of California for Peace Officer Standards and Training (POST) Driving and Force Option Simulator courses, 7/1/11 - 6/30/12 ($158,000); and authorize Sheriff-Coroner or designee to execute - All Districts

9. Approve agreement MA-060-12010125 with Siemens Industry Inc. for maintenance of energy management system, Theo Lacy Facility, 9/1/11 - 8/31/12 ($49,292); renewable annually for three years ($50,624 year two; $51,536 year three; $52,928 year four); and authorize Purchasing Agent or deputy to execute agreement - District 3

10. Approve renewal of agreement MA-060-12010120 with Siemens Industry Inc. for maintenance and repairs of Coroner facility energy management system hardware and software, 9/13/11 - 9/12/12 ($17,988); and authorize Purchasing Agent or deputy to execute agreement - District 1

11. Approve FY 2010-11 Federal Equitable Sharing Agreements and Certification Reports for federally forfeited property or proceeds received for Sheriff-Coroner Department, Regional Narcotics Suppression Program and Orange County Pro-Active MethLab Investigative Task Force - All Districts

12. **Treasurer-Tax Collector -** Approve amendment 1 to agreement MA-074-10010576 with SalePoint for additional programming to J-Point Cashiering System ($33,600; new total $232,280); and authorize Purchasing Agent to execute agreement - All Districts

**HEALTH CARE AGENCY**

13. Approve agreement with Hospital Association of Southern California for administrative services for Medical Services Initiative Program, 9/1/11 - 6/30/12 ($293,555); authorize Director or designee to execute agreement - All Districts

41253 **APPROVED AS RECOMMENDED**

14. Authorize Purchasing Agent or authorized deputy to execute amendment 6 to subordinate agreement DO-042-11011098 as master agreement MA-042-11012582 with Cellco Partnership dba Verizon Wireless for wireless services and equipment purchases, 10/1/11 - 9/30/12 ($400,000) - All Districts

15. Approve agreements with Community Action Partnership of Orange County for Network for a Healthy California - Children's Power Play! Campaign services ($140,000) and Latino Campaign services ($155,000), 10/1/11 - 9/30/12; and authorize Director or designee to execute agreements - All Districts

**JOHN WAYNE AIRPORT**

16. Adopt resolution approving Terminal C and Parking Structure C Opening Events Sponsor Program; authorize Airport Enterprise funds for food and beverages supporting the grand opening events; and make California Environmental Quality Act and other findings - District 2

4 **MOTION TO REJECT STAFF RECOMMENDATIONS FAILED TO RECEIVE A SECOND**

23145 ANN **MOTION TO APPROVE STAFF RECOMMENDATIONS FAILED TO CARRY**

52143 AN **APPROVED RA 1 & 3 AND APPROVED RA 2 & 4 WITH A BUDGET FROM AIRPORT OPERATING FUND 280 LIMITED TO $25,000. STAFF TO REPORT TO THE BOARD ON THE FULL BUDGET ONCE THAT INFORMATION IS KNOWN**
*RESO: 11-138*

17. Approve plans and specifications and set bid opening for 10/11/11, 2:00 p.m. for Bristol Street Slope Stabilization project; authorize Director or designee to sign plans and specifications and extend bid opening if required up to 60 days; and make California Environmental Quality Act findings - District 2

24153 **APPROVED AS RECOMMENDED**

18. Approve plans and specifications and set bid opening for 9/28/11, 2:00 p.m. for Pavement Maintenance and Repairs project; authorize Director or designee to sign plans and specifications and extend bid opening if required up to 60 days; and make California Environmental Quality Act findings - District 2

**OC COMMUNITY RESOURCES**

19. Approve easement agreement with T-Mobile West Corporation for utility line purposes , O'Neill Regional Park; and make California Environmental Quality Act findings - District 5

51243 N **APPROVED AS RECOMMENDED**

20. Approve Declaration of Restrictions for 14.1 acres of coastal sage scrub habitat at Clark Regional Park; and make California Environmental Quality Act findings - District 4

21. Approve Master Agreement with various providers for veterinary services at OC Animal Care shelter, 9/29/11 - 9/28/13 ($232,000 per year with an aggregate amount not to exceed $464,000); and authorize Director or designee to execute agreements - All Districts

22. Accept donation of $10,500 from Friends of El Toro Library to purchase library books and materials for El Toro Branch Library - District 5

23. Receive bids and award contract to Roofing Standards, Inc. for replacement of roof, OC Public Libraries Headquarters ($168,000) - District 1

41253 **APPROVED AS RECOMMENDED**

24. **Acting as the Orange County Housing Authority** - Authorize Executive Director or designee to sign Section 8 Management Assessment Program Certification and related documents for monitoring key areas of performance of Section 8 Housing Choice Voucher Program - All Districts

**OC PUBLIC WORKS**

25. Approve agreement D11-013 with State Department of Transportation for documentation of State Route 241 traffic circulation; and make California Environmental Quality Act findings - Districts 3 & 5 (Continued from 5/24/11, Item 28; 6/28/11, Item 18)

54123 **DELETED**

26. Authorize Purchasing Agent or designee to execute amendment 1 to agreement MA-080-11010082 with Webco, LB LLC, for annual North County street sweeping services, 9/15/11 - 9/14/12 ($180,544); and make California Environmental Quality Act findings - Districts 2, 3, 4 & 5

27. Receive and file Traffic Committee Report dated 6/16/11; approve recommendations and adopt necessary resolution; rescind resolution 01-194; and make California Environmental Quality Act findings - District 5

54123 **CONTINUED TO 9/13/11, 9:30 A.M.**

28. Approve contract CT-080-12010053 with Curiosity Quest for sponsorship of television programming concerning pollution clean-up and pollution prevention, 8/23/11 - 8/22/12 ($150,000); and make California Environmental Quality Act findings - All Districts

41253 **CONTINUED TO A DATE TO BE DETERMINED**

29. **Acting as the Orange County Flood Control District** - Approve agreement D11-002 with Riverside County Flood Control and Water Conservation District, and Riverside County Transportation Commission for cost-sharing of design and construction of permanent bridge and driveway, temporary bikeway detour and various utility relocations for Santa Ana River Mainstem Reach 9 Phase 2B Project; and make California Environmental Quality Act findings

- District 3

**PUBLIC PROTECTION**

**Probation:**

30. Approve Federal Equitable Sharing agreement, 10/1/11 - 9/30/12 and Federal Annual Certification Report, FY 2010 - 11; authorize Chief Probation Officer to execute agreement and report; and make California Environmental Quality Act findings - All Districts

31. Approve agreement with Orange County Superintendent of Schools for provision of Probation Officer and support services for Community School Program, 9/1/11 - 8/31/12 ($389,885) - All Districts

32. Approve agreement MA-057-12010326 with North Orange County Regional Occupational Program for personnel support services, Youth Guidance Center and Youth Leadership Academy, 9/1/11 - 8/31/12 ($160,000); renewable for one year; authorize Purchasing Agent or designee to execute; and make California Environmental Quality Act findings - Districts 1 & 3

**GENERAL ADMINISTRATION**

33. **Clerk of the Board -** Approve agreement MA-011-10210155 with SouthTech Systems, Inc. for licensing, software maintenance and technical support of agenda automation software, 9/1/11 - 8/31/14 ($163,425) - All Districts

34. **County Executive Office -** Authorize retroactive payment to William Mahoney for oversight and evaluation of Public Administrator/Public Guardian Office from 4/4/11 - 4/15/11 ($13,345) and 7/25/11 - 7/29/11 ($7,735) - All Districts (Continued from 8/9/11, Item 23)

31245 N **APPROVED AS RECOMMENDED**

35. **Human Resources Department -** Approve agreements with Alliance of Orange County Workers (AOCW), American Federation of State, Municipal and County Employees (AFSCME), International Union of Operating Engineers (IUOE) and Orange County Employees Association (OCEA) for 2011 Salary Reopener - All Districts (Continued from 7/19/11, Item 11)

54123 **DELETED**

36. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for July 2011 - All Districts

END OF CONSENT CALENDAR

## III. DISCUSSION ITEMS (Items 37-60)

## HEALTH CARE AGENCY

37. Approve master agreement with various providers of professional medical, dental, behavioral and other support services, 9/29/11 - 9/28/12; and authorize Director or designee to execute agreements - All Districts

45123 **APPROVED AS RECOMMENDED**
X

## JOHN WAYNE AIRPORT

38. Approve agreement with Flagship Airport Services, Inc. for janitorial services, 10/1/11 - 9/30/12 ($4,115,071); renewable for four additional one-year periods with Board approval beyond second year; authorize Purchasing Agent or designee to execute agreement and exercise contingency contract cost increase not to exceed 1.5% and $306,065 for carpet cleaning contingency without further Board action; and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**
X

39. Receive bids and award contract to SEMA Construction, Inc. for Seismic Remediation Elevated Roadway project ($4,762,425.35); and make California Environmental Quality Act findings - District 2

24153 **APPROVED AS RECOMMENDED**
X

40. Approve amendment 1 to agreement with Butier Engineering, Inc. for project management services ($773,853; new total $2,273,853); and make California Environmental Quality Act findings - District 2

24153 **APPROVED AS RECOMMENDED**
X

41. Approve amendment 1 to agreement MA-280-CVPAN1000010024 with International Business Machines (IBM) for Information Systems Security Outsourcing, 7/1/08 - 6/30/13 ($71,962; new total $858,966); authorize Purchasing Agent or deputy to execute; and make California Environmental Quality Act findings - District 2

24153 **APPROVED AS RECOMMENDED**

42. Approve amendment 4 to agreement with Orange County Fire Authority for aircraft rescue fire fighting services, 9/1/11 - 11/30/11 ($1,186,391); authorize Purchasing Agent or deputy to execute; and make California Environmental Quality Act findings - District 2

25143 **APPROVED AS RECOMMENDED**
N

## OC DANA POINT HARBOR

43. Select various firms in ranked lists for on-call professional Coastal Engineering, Environmental Engineering, General Engineering, Geotechnical Engineering and Architectural services; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

51243 **APPROVED STAFF RECOMMENDED ACTIONS 1, 3, 4, 5 AND COASTAL ENGINEERING, GEOTECHNICAL ENGINEERING & ARCHITECTURAL SERVICES IN RECOMMENDED ACTION 2**

31245 A **APPROVED STAFF RECOMMENDED ACTION 2 FOR ENVIRONMENTAL ENGINEERING & GENERAL ENGINEERING**

## OC COMMUNITY RESOURCES

44. Approve agreement for purchase and sale and joint escrow instructions with Saddleback Vineyards,100, LLC for purchase of 100 acres to enhance recreational opportunities by providing permanent trail access to Cleveland National Forest from Modjeska Grade Road ($2,300,000); authorize Director or designee to sign escrow documents; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 3

31245 **CONTINUED TO DATE TO BE DETERMINED**

45. Approve agreement MA-012-12010099 with Merchants Landscape Services, Inc. for landscape maintenance services at five regional parks, 9/1/11 - 8/31/12 ($1,642,869); renewable for four one-year periods; make California Environmental Quality Act findings; and authorize Purchasing Agent or designee to execute agreement - All Districts

45123 **APPROVED AS RECOMMENDED**

46. **Acting as the Board of Supervisors and Orange County Development Agency -** Consider second reading and adoption 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"; adopt Enforceable Obligation Payment Schedule as required by AB 1X 26; and approve Transfer agreement with Orange County Development Agency authorizing County Executive Officer or designee to execute on behalf of the Orange County Development Agency - All Districts (Continued from 8/9/11, Item 31)

35124 NN **APPROVED AS RECOMMENDED**

*ORD: 11-015*

## SOCIAL SERVICES AGENCY

47. Approve agreement RTM0311 with ACCESS California Services and Vietnamese Community of Orange County, Inc. to provide, employment, support, mentoring, and citizenship and naturalization services for refugees, 10/1/11 - 9/30/14 ($356,126 per year; new total $1,068,378); authorize Director or designee to extend term for twelve additional months under certain conditions and to exercise contingency increase not to exceed 10% - All Districts

14253 **APPROVED AS RECOMMENDED**

## GENERAL ADMINISTRATION

48. **County Counsel -** Response to 8/9/11 Board Directive - Human Resources Department Audit Subcommittee Report - classification study of Executive Management position 67 - All Districts

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

**County Executive Office:**

49. Consider directing staff to develop legislative proposals to implement options for New Elected Members of the Board of Supervisors Retirement Plan - All Districts (Continued from 6/21/11, Item 55; 7/19/11, Item 24)
B.O. **CONTINUED TO 9/13/11, 9:30 A.M.**

50. Consider first reading of "An Ordinance of the County of Orange, California, Approving and Adopting a Boundary Change Between the County of Orange and the County of Los Angeles" along Coyote Creek Channel near the cities of Seal Beach and Los Alamitos; and set second reading and adoption for 9/13/11, 9:30 a.m. - All Districts (Continued 1st reading from 7/26/11, Item 31)
B.O. **CONTINUED TO 9/20/11, 9:30 A.M.**

51. Approve proposed response to FY 2010-11 Grand Jury Report "County of Orange Compensation Disclosure" - All Districts
52143 **APPROVED AS RECOMMENDED**

52. Approve proposed response to FY 2010-11 Grand Jury Report "Addictive Prescription Drugs and Orange County Seniors" - All Districts
53124 X **APPROVED AS RECOMMENDED**

53. Approve proposed response to FY 2010-11 Grand Jury Report "The Youth Leadership Academy: A Program Review" - All Districts
53124 **APPROVED AS RECOMMENDED**

54. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
**RECEIVED & FILED**

55. 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 (Continued from 8/9/11, Item 37)
52143 NN **APPROVED STAFF RECOMMENDATIONS WITH MODIFICATIONS TO RECOMMENDED ACTIONS 1 & 2 CHANGING THE CONTRACT TERMS TO 1 YEAR FOR THE PERIOD 9/1/11 – 8/31/2012, CONTINGENT UPON AN ACCEPTABLE PERFORMANCE EVALUATION AFTER 6 MONTHS**

56. Approve recommended grant applications submitted by Health Care Agency, OC Public Works, Sheriff-Coroner and District Attorney in 8/23/11 grant report and other actions as recommended; adopt resolutions authorizing District Attorney or designee to execute grant agreements and amendments under certain conditions with State Department of Insurance (DOI) for Disability and Healthcare Insurance Fraud Program, 7/1/11 - 6/30/12 ($586,500) and for Life and Annuity Consumer Protection Program, 7/1/11 - 6/30/12 ($300,000) - All Districts
13245 **APPROVED AS RECOMMENDED**
*RESO: 11-139 - 11-140*

57. **Supervisor Nelson and Supervisor Bates -** Response to 8/9/11 Board Directive - Approve Scope of Work for Request for Proposals for Outside Contract Negotiator for 2012 labor negotiations - All Districts

45123 **APPROVED PROPOSED SCOPE OF WORK FOR RFP WITH MODIFICATIONS TO ELIMINATE "NEGOTIATE 2011 RE-OPENERS THROUGH SUCCESSFUL AGREEMENT" FROM CONTRACT TERM SECTION & UNDER CONTRACT NEGOTIATION ACTIVITIES SECTION INSERT "AND CEO" FOLLOWING "BOARD OF SUPERVISORS" IN: 1ST SENTENCE OF 2ND BULLET, 3RD BULLET, 1ST USE OF BOARD OF SUPERVISORS IN 4TH BULLET, AND IN 5TH BULLET**

**Human Resources Department:**

58. 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 for the Self-Funded PPO Health Plans and Management and Attorney Dental Plan, 1/1/12 - 12/31/12 - All Districts (Continued from 7/26/11, Item 38; RA #3 from 8/9/11, Item 42)

23145 X **CONTINUED TO A DATE TO BE DETERMINED**

59. Authorize Purchasing Agent or authorized deputy to execute agreement with Mercer Health & Benefits LLC for employee benefits consulting and actuarial services, 12/8/11 - 12/7/14 ($1,230,000); renewable for two additional one year periods - All Districts

53124 X **APPROVED AS RECOMMENDED**

60. Approve amendment 2 to agreement N10000010242 with Mercer Investment Consulting, Inc. for investment consultant services for County's Defined Contribution Programs and Extra Help Employee Defined Benefit Plan, 11/19/11 - 11/18/12 and authorize Director or designee to execute amendment - All Districts

45123 X **APPROVED AS RECOMMENDED**

## IV. PUBLIC HEARINGS (Item 61)

## GENERAL ADMINISTRATION

61. **County Executive Office -** Public Hearing to consider selection of Redistricting Proposal; direct OC Public Works to prepare a legal description of selected proposal for inclusion in final redistricting ordinance and return to the Board for a second Public Hearing and proposal adoption on 9/13/11, 9:30 a.m. - All Districts

B.O. **CLOSED PUBLIC HEARING**

42153 NAN **MOTION TO SELECT PLAN 21 FAILED TO CARRY**

35124 N **APPROVED SELECTION OF PLAN 21C**

31245 **APPROVED RA 3 WITH MODIFICATION THAT DATE AND TIME OF PUBLIC HEARING AND PROPOSAL ADOPTION TO BE DETERMINED**

**V. RECESS & DISCUSSION (Items 62)**

**1:00 P.M.**

62. **County Executive Office -** Discussion of Strategic Real Estate/Facility Issues and Board Policy Directives

B.O. **DELETED**

**VI. CLOSED SESSION (Items CS-1-CS-3)**

**GENERAL ADMINISTRATION**

**County Counsel:**

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: State of California v. Kirkhill-TA, Co., Orange County Superior Court Case No. 30-2011-00463149-CU-TT-CJC

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION - Pursuant to Government Code Section 54956.9(b):Number of Cases: One Case

B.O. **DELETED**

CS-3. **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. **HELD, NO REPORTABLE ACTION**

**VII. PUBLIC, CEO, BOARD & EMAIL COMMENTS & ADJOURNMENT**

**PUBLIC COMMENTS:**
Robert Grosz, Tanya Klubnikin & Michael Klubnikin - Oral Re: Public Guardian issues

Darrell Nolta - Oral Re: Redistricting, District Attorney's role in investigation of Kelly Thomas' death

**COUNTY EXECUTIVE OFFICER COMMENTS:**
None

**BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:**
Chairman Campbell - Oral Re: Directed CEO & COB to provide board with report on where cities place public hearings on their agendas and recommendation re: placement on Orange County's agenda; announced a Special Meeting will be called for 9/6/11 for various items including Redistricting and Strategic Real Estate/Facility issues

**ADJOURNED: 4:58 P.M.**

52143 **Adjourned in memory of Shirley Mayfield**

25143 **Adjourned in memory of Irwin Haydock**

32145 **Adjourned in memory of Lisa Galvan Casillas**

35124 **Adjourned in memory of Cherri A. Olson**

*** 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*