REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 17, 2013, 9:30 A.M.

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

SHAWN NELSON
CHAIRMAN
Fourth District

PATRICIA BATES
VICE CHAIRMAN
Fifth District

JANET NGUYEN
SUPERVISOR
First District

JOHN M.W. MOORLACH
SUPERVISOR
Second District

TODD SPITZER
SUPERVISOR
Third District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Michael B. Giancola
	COUNTY COUNSEL	Jack Golden, Chief Assistant
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Moorlach, Second District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-35)

25134 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 19, 30, 34 AND 35 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Spitzer:

1. Assessment Appeals Board No. 1 - Appoint Kevin Rice, Tustin, to complete term ending 9/4/16

2. Assessment Appeals Board No. 2 - Appoint Danna Campbell, Orange, to complete term ending 9/4/16

3. **Supervisor Nguyen -** Waste Management Commission - Appoint Hoa Van Nguyen, Fountain Valley, to complete term ending 7/25/14

ELECTED DEPARTMENT HEADS

Auditor-Controller:

4. Authorize Auditor-Controller to delete dismantled, missing, obsolete, stolen and surplused equipment items from department capital asset inventories - All Districts

5. Receive and file Annual Report of Revolving Funds for FY 2012-13 - All Districts

6. Receive and file Annual Report of Cash Difference Funds, Overage Fund and Cash Losses for FY 2012-13 - All Districts

7. Receive and file Fund/Budget Control Semi-Annual Report for 1/1/13 - 6/30/13 - All Districts

8. Receive and file Report of Refunds for FY 2012-13 - All Districts

Sheriff-Coroner:

9. Approve amendment 1 to agreement MA-060-13010844 with Collaborative Testing Services, Inc. for forensic test samples, 10/1/13 - 9/30/14 ($2,500; new total $20,000); renewable for three additional years; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

10. Authorize Sheriff-Coroner to divert food waste from solid waste generated at Theo Lacy Facility to Standard Feed, Ontario; and make related findings - All Districts

11. Authorize Sheriff-Coroner to donate excess produce grown from James A. Musick Jail Facility to Orange County Food Bank; and make related findings - All Districts

12. Accept grant award from U.S. Department of Justice for FY 2013 DNA Backlog Reduction Program ($418,184); and authorize Sheriff-Coroner to execute agreement and related documents - All Districts

13. Approve agreement MA-060-14010264 with Nusura, Inc. for Disabilities and Access and Functional Needs Planning Consultant services, 9/17/13 - 9/16/14 ($297,391); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

CHILD SUPPORT SERVICES

14. Approve agreement MA-027-13011727 with Orange County Superior Court of California for Family Law Facilitator services, one year period ($160,000); renewable for two additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute agreements - All Districts

HEALTH CARE AGENCY

15. Approve renewal of master agreement MA-042-12011804 as MA-042-14010212 with ImageTrend, Inc. for Orange County Medical Emergency Data System, 11/1/13 - 10/31/14 ($142,908); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

JOHN WAYNE AIRPORT

16. Approve plans and specifications and set bid opening for 10/23/13, 2:00 p.m., for Terminal C Baggage Handling System Checked Baggage Resolution Area Upgrades project; authorize Director or designee to sign plans and specifications and extend bid opening if required up to 90 days; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

17. Approve amendment 1 to agreement OCP10-027 with John M. Cruikshank Consultants, Inc. for on-call civil engineering services, extending term to 10/4/14; approve amendment 2 to agreement OCP10-014 with Harris and Associates for on-call project management/contract administration services, extending term to 10/18/14; and approve amendment 1 to agreement OCP10-028 with Nuvis Landscape Architecture & Planning for on-call landscape architecture services, extending term to 12/13/14; and make California Environmental Quality Act findings - All Districts

18. Approve ranked lists of firms for on-call professional consultant services for capital improvement, repair and maintenance projects; authorize negotiation of agreements as needed for Board approval; and make California Environmental Quality Act findings - All Districts

19. Approve restated amendment 2 to agreement D06-085 with West Cities Police Communications Center Joint Powers Authority for radio communication and dispatch services for County Park Rangers - All Districts

3 **MOTION TO APPROVE RECOMMEND ACTION DIED FOR LACK OF A SECOND**

OC PUBLIC WORKS

20. Approve plans and specifications and set bid opening for 10/16/13, 2:00 p.m., for Cerritos Avenue Reconstruction and Sewer Improvements Project; and make California Environmental Quality Act findings - District 4

21. Adopt resolution updating South Orange County Integrated Regional Watershed Management Plan; authorizing Director or designee to accept amendments and approve minor modifications; and make California Environmental Quality Act findings - District 5
RESO: 13-089

22. Approve agreement D13-081 with the City of Newport Beach for asphalt overlay of Irvine Avenue from University Drive to Monte Vista Avenue ($150,832); adopt resolution declaring City of Newport project area to be a County highway; and make California Environmental Quality Act findings - District 2
RESO: 13-088

23. Approve amendment 3 to agreement MA-080-12010056 with Tyco dba SimplexGrinnell LP for fire alarm system maintenance and repair services, 12/1/13 - 11/30/14 ($211,911); and make California Environmental Quality Act findings - Districts 1, 2, 3 and 5

24. Receive and file Traffic Committee Report dated 7/18/13; approve recommendations and adopt

necessary resolutions; rescind Resolutions 85-1164 and 02-051; and make California Environmental Quality Act findings - Districts 3, 4 and 5
RESO: 13-090 - 13-092

25. Approve Tract Map 17061, RMV Community Development, LLC; accept dedication for vehicular access rights; accept easements for streets, street lights, sewer, water and survey monumentation; approve agreement S1112-164 and accept bonds guaranteeing construction improvements; and find Final EIR 589 previously certified 11/8/04 with Addendum 1.0 and 1.1, reflects the independent judgement of the County of Orange and satisfies requirements of California Environmental Quality Act - District 5

26. Adopt resolution vacating Tract 15105 fire and fuel modification access easements affecting property in Newport Coast, City of Newport Beach; and make California Environmental Quality Act and other findings - District 2
RESO: 13-093

Acting as the Orange County Flood Control District:

27. Approve easement deeds with Christ Catholic Cathedral Facilities Corporation for conveyance of property for parking and landscaping purposes; authorize Director or designee to perform related actions; and make California Environmental Quality Act and other findings - District 1

28. Based upon Final Mitigated Negative Declaration IP 11-424 as compliance under the California Environmental Quality Act, approve amendment 1 to lease PRC 7312.9 with the State Lands Commission for Talbert Channel Ocean Outlet operation and maintenance - District 2

OC WASTE & RECYCLING

29. Approve plans and specifications and set bid opening for 10/23/13, 2:00 p.m., for Northern Access Road project, Prima Deshecha Landfill; and find that Final Environmental Impact Report 575 originally certified November 6, 2001, reflects the independent judgment of the County and satisfies requirements of California Environmental Quality Act - District 5

30. Approve agreement MA-299-14010260 with Adam's Falconry Service, Airstrike Bird Control, LLC and Avian Entertainment for bird abatement services, North, Central and South Region Landfills, 9/20/13 - 9/19/14 ($380,000); renewable for four additional one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreements; and find that Final Environmental Impact Report 588, RELOOC Strategic Plan, previously certified by the Board of Supervisors on April 17, 2007, Final Environmental Impact Report 604, previously certified by the Board of Supervisors on 8/15/06, and Final Environmental Impact Report 575, previously certified by the Board of Supervisors on 11/6/01 reflect the independent judgment of the County of Orange and satisfy the requirements of California Environment Quality Act for the proposed project, which is a necessarily included element contemplated as part of this action - Districts 3, 4 & 5

34125 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

31. **Clerk of the Board** - Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Capistrano Unified School District and the South Orange County Community College District - District 5

County Executive Office:

32. Receive and file annual Report of Real Property actions taken under Delegated Authority for period of 7/1/12 - 6/30/13; and make California Environmental Quality Act findings - All Districts

33. Acting as the Orange County Flood Control District - Approve selection of proposals submitted by Ganahl Lumber Company, R.D. Olson Development, Lyon-NCA Bristol Venture, LCC, and Clearview Hotel Capital, LLC as finalists in response to Request for Proposals for leasing and development of 1100 S.E. Bristol Street, Costa Mesa; authorize Chief Real Estate Officer or designee to negotiate proposal modifications and lease options and return to the Board with successful respondent; and make California Environmental Quality Act findings - District 2

34. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for August 2013 - All Districts
35124 **APPROVED AS RECOMMENDED**

35. **Supervisor Nguyen -** Adopt resolution declaring September 2013 as Hunger Awareness Month
12354 **APPROVED AS RECOMMENDED**
RESO: 13-094

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 36-53)

ELECTED DEPARTMENT HEADS

36. **Sheriff-Coroner -** Accept 2012 Homeland Security Grant Program award from California Emergency Management Agency ($2,352,421); authorize Purchasing Agent or authorized Deputy to purchase related equipment; approve related documents and authorize Sheriff-Coroner or designee to execute agreement; and authorize Auditor-Controller to transfer funds or property to other entities under certain conditions - All Districts

32154 **APPROVED AS RECOMMENDED**

37. **Treasurer-Tax Collector -** Adopt resolution authorizing issuance and sale of Garden Grove Unified School District General Obligation Bonds, Election 2010, Series C ($119,999,840); and authorizing execution of necessary documents and other related actions; and adopt FY 2013-14 property tax rate of .00718 for each $100 of assessed value for Garden Grove Unified School District Obligation Bonds, Election 2010, Series C - Districts 1 & 2

21354 **APPROVED AS RECOMMENDED**
N N

RESO: 13-095

HEALTH CARE AGENCY

38. Approve agreement EPO 13-32 with State Department of Public Health for Center for Disease Control Public Health Emergency Preparedness Grant, State General Fund Pandemic Influenza Grant, and Health and Human Services Hospital Preparedness Program funds, FY 2013-14 ($3,650,707) - All Districts

14235 **APPROVED AS RECOMMENDED**

39. Approve amendment to agreement 12-78008-000 with State Department of State Hospitals for conditional release program, 7/1/12 - 12/31/13 ($1,708,210); and authorize Director or designee to execute amendment - All Districts (Continued to 9/17/13, Item 30)

54123 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

40. Consider first reading of "An Ordinance of the County of Orange, California Amending Sections 4-1-23 and 4-1-95 of the Codified Ordinances of the County of Orange to Amend the Definitions of "Vicious Dog" and "Potentially Dangerous Dog" and Make Various Other Amendments to Facilitate the Implementation of Safety Restrictions on Vicious and Potentially Dangerous Dogs"; and set second reading and adoption for 10/1/13, 9:30 a.m.; and authorize Director of OC Animal Care to establish a website, accessible to the public, listing the address of each dog that has been declared vicious or potentially dangerous under Section 4-1-95 - All Districts

53124 **APPROVED AS RECOMMENDED; DIRECTED STAFF TO WORK WITH COUNTY**
X **COUNSEL AND RISK MANAGEMENT AND RETURN TO BOARD ON 10/1/13, 9:30 A.M., TO DISCUSS WHETHER ANIMAL CONTROL ORDINANCE CAN BE AMENDED TO STATE OC ANIMAL CARE WILL PRESUMPTIVELY DESTROY A DOG THAT MEETS THE DEFINITION OF VICIOUS OR POTENTIALLY DANGEROUS UNLESS THE DIRECTOR OF OC ANIMAL CARE MAKES FINDINGS TO ALLOW THE OWNER TO KEEP THE DOG. DOG OWNER STILL HAS DUE PROCESS BEFORE DESTRUCTION BUT WILL HAVE BURDEN OF PROOF TO ATTEMPT TO PREVENT DESTRUCTION**

41. Approve amendment 1 to Workforce Investment Act Training Account Master agreement with training providers ($6,500 per person) to include California Work Opportunity and Responsibility to Kids Welfare-to-Work Vocational Training funding, 7/1/13 - 6/30/14 ($162,000; new total $2,662,000 aggregate amount); and authorize Director or designee to execute amendments - All Districts

32154 X **APPROVED AS RECOMMENDED**

42. Authorize OC Community Resources to receive funds up to $400,000 from State Employment Development for Veterans' Employment-Related Assistance Program, 6/1/13 - 3/31/15; approve Workforce Investment Act Master Cost Reimbursement agreements with Pacific Gateway Workforce Investment Network/City of Long Beach ($180,000) and Arbor E&T, LLC dba ResCare Workforces Services ($155,000), 8/1/13 - 2/28/15; and authorize Director or designee to exercise contingency cost increase or decrease not to exceed 10%, make line item budget transfers and amend service levels should funding levels change - All Districts

32154 **APPROVED AS RECOMMENDED**

43. Based upon Final Mitigated Negative Declaration IP 08-537 as compliance under the California Environmental Quality Act, approve amendment 1 to agreement OCP 12-016 with Orange County Conservation Corps to support long term ecological and resource protection benefits to Aliso Creek watershed ($82,000; new total $897,000) - District 5

54123 **APPROVED AS RECOMMENDED**

44. Find that Final Environmental Impact Report 557 previously certified by the Board of Supervisors on 5/2/95, and Addendum IP 10-26, together reflect the independent judgement of County and satisfy the requirements of California Environmental Quality Act; and receive bids and award contract to Spectra Company for Irvine Ranch Historic Park Campus Improvements project ($5,844,720) - District 3

32154 **APPROVED AS RECOMMENDED**

45. Approve agreement MA 012-14010024 with Parking Concepts, Inc. for parking management services, 10/1/13 - 12/31/14; renewable for four one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

31254 N **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

46. Approve agreement MA-299-14010178 with Simplus Management Corporation for construction management, quality assurance/quality control, and support services, North Region Landfills, 9/17/13 - 9/16/16 ($1,200,000); and make California Environmental Quality Act findings - Districts 3 & 4

34125 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

47. Accept Governor's California Office of Emergency Services Child Abuse Treatment Program grant funds for comprehensive treatment services to child victims of abuse and neglect, 10/1/13 - 9/30/14 ($255,033) - All Districts

13254 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

48. Approve proposed response to FY 2012-13 Grand Jury Report "The Goal of Equal Employment Opportunity: NO VICTIMS" - All Districts

32145 **APPROVED AS AMENDED; FINDING 3, REGARDING REVIEW OF EEO COMPLAINTS SHOULD INCLUDE THE FORMAL REVIEW PROCESS APPROVED BY THE BOARD'S COMPLIANCE OVERSIGHT COMMITTEE (COC) THAT WAS INCLUDED IN A MEMO FROM CEO TO ALL DEPARTMENT HEADS**

49. Acting as the legislative body of Community Facilities Districts Nos. 2002-1, 2003-1 and 2004-1 (Ladera Ranch) - Approve in concept proposed refunding of CFD No. 2002-1, Series A of 2002 Special Tax Bonds; CFD No. 2003-1, Series A of 2003 Special Tax Bonds and CFD No. 2004-1, Series A of 2004 Special Tax Bonds; approve selection of and agreements 13-004FA with Fieldman, Rolapp & Associates as financial advisor, term ending 9/30/14 ($60,000); renewable for one additional year and 13-005BC with Stradling Yocca Carlson & Rauth for bond and disclosure counsel ($85,000), term ending 9/30/14; and select Piper Jaffray and Company as underwriter for proposed refunding; and authorize Public Finance Manager to execute agreements - District 5

53124 **APPROVED AS RECOMMENDED**

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

54123 **APPROVED AS RECOMMENDED**

51. Approve grant applications/awards submitted by Health Care Agency, OC Public Works and OC Community Resources/OC Parks in 9/17/13 grant report and other actions as recommended; adopt resolution authorizing HCA Director or designee to submit grant applications for continued funding of various department programs and directing annual submittal of a list of routine continued funding grant applications for Board approval; adopt resolutions authorizing HCA Director or designee to submit and execute applications, related documents and amendments to State Department of Resources Recycling and Recovery (CalRecycle) for Local Enforcement Agency grant, Used Oil Payment Program and Waste Tire Enforcement grant; adopt resolution authorizing OC Public Works Director or designee to submit and execute application and amendments for Bicycle Corridor Improvement Program for Lambert Road Bikeway Project and to invoice Orange County Transportation Authority for payment; and adopt resolution authorizing OC Community Resources Director or designee to submit and execute application with Orange County Transportation Authority and related documents for Environmental Cleanup Tier 2 Grant Program for Wagon Wheel Creek Restoration and Stormwater Management within San Juan Creek Watershed; and make California Environmental Quality Act findings - All Districts

14235 **APPROVED AS RECOMMENDED**
RESO: 13-096 - 13-101

52. Approve FY 2012-13 Fourth Quarter Budget Report and related budget adjustments, amend master position control and reserve changes - All Districts (R.A. 1, 2, & 3, 4/5 vote of the members present)

15234 **APPROVED AS RECOMMENDED**

53. **Chairman Nelson -** Board of Retirement, OCERS - Appoint David L. Ball, Newport Beach for term ending 12/31/13 (Continued from 9/10/13, Item S44A)

24135 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-5)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: California Department of Finance, et al. v. Jan Grimes, etc., OCSC Case No. 30-2012-00559592-CU-WM-CJC
HELD, NO REPORTABLE ACTION

CS-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One Case
HELD, NO REPORTABLE ACTION

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: County of Orange v. Tata Consultancy Services Ltd., et al., United States District Court Case No. SACV13-683 JST (JCx)
HELD, NO REPORTABLE ACTION

CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Eric Johnson Peacock v. County of Orange, et al., Orange County Superior Court Case No. 00CC08681
HELD, NO REPORTABLE ACTION

CS-5. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Steve Danley
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), In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA), International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), Orange County Employees Association (OCEA) and other non-represented employees
RE: Terms and Conditions of Employment
HELD, NO REPORTABLE ACTION

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Opinion Online

Ilya & Robert Tseglin - Oral Re: Nate Tseglin, Regional Center

Michael Klubnikin - Oral Re: Internal Audit, his mother's estate

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Spitzer - Oral Re: Visited Greenspot property last week. Directed staff to add to list of Restaurant Inspector duties to check if restaurant is displaying an expired Award of Excellence beyond the year it is valid

Supervisor Moorlach - Oral Re: 9/21/13, is Coastal Cleanup Day. Press conference last Thursday introducing the public to the Adopt a Channel Program

ADJOURNED: 3:40 P.M.

14235 **victims of Washington, DC Naval yard**

54123 **Adjourned in memory of Debra Healy Deem**

14235 **Adjourned in memory of Dorie Devine**

54123 **Adjourned in memory of Dwayne Harry Berger**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Spitzer
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