REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 30, 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: Supervisors Moorlach, Campbell, Nelson & Bates

EXCUSED: Supervisor Nguyen

PRESENT:	INTERIM COUNTY EXECUTIVE OFFICER	Robert J. Franz
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Jamie Ross, Deputy Clerk

INVOCATION: Supervisor Nelson, Fourth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chairman Moorlach presented a resolution proclaiming "Grand Jury Awareness Month"

Steve Keil, Interim Executive Director, California State Association of Counties, presented 2012 CSAC Challenge Awards

Chairman Moorlach recognized Orange County Olympic Athletes

II. CONSENT CALENDAR (Items 1-16)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 10 WHICH**

X **WAS DELETED; AND ITEMS 2, 6, 8, 13, 14, 15 & 16 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Bates -** Assessment Appeals Board No. 5 - Reappoint Gary Kreitz, Rancho Santa Margarita, for term ending 9/6/15

ELECTED DEPARTMENT HEADS

2. **Auditor-Controller -** Authorize Auditor-Controller to delete dismantled, missing, obsolete, stolen and surplused equipment items from department capital asset inventories - All Districts (Continued from 9/25/12, Item 3; 10/16/12, Item 3)

43152 **APPROVED AS RECOMMENDED**
X

Sheriff-Coroner:

3. Receive and file annual Inmate Welfare Fund Expenditure and Funding Reports for FY 11-12 - All Districts

4. Accept grant award from University of California, Berkley/State Office of Traffic Safety for Sobriety Checkpoint Program, 10/1/12 - 9/30/13 ($39,150); and authorize Sheriff-Coroner to execute grant award agreement - All Districts

5. **Treasurer-Tax Collector -** Approve agreement MA-074-13010621 with OPEX Corporation for mail extraction and payment processing equipment maintenance services, 12/1/12 - 11/30/15 ($113,650); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

HEALTH CARE AGENCY

6. Approve master agreements MA-042-13010571 with Ruth S. Grubb ($99,800) and MA-042-13010572 with Shadrach Smith ($99,800) for professional services to support implementation of Orange County Medical Emergency Data System, 1/2/13 - 12/31/13; and authorize Purchasing Agent or authorized Deputy to execute agreements and renew agreements for two additional one year periods - All Districts

34152 **APPROVED AS RECOMMENDED**
X

7. Approve renewal of master agreement MA-042-12010268 as MA-042-13010056 with UMS, Inc. dba United Maintenance Systems for janitorial services, 11/1/12 - 10/31/13 ($171,000); renewable for two additional years; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

OC COMMUNITY RESOURCES

8. Reject all bids received on 9/12/12; re-advertise and set bid opening for 12/12/12, 2:00 p.m., for beam replacement project, Costa Mesa Donald Dungan Branch Library; and make

California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

9. Approve quitclaim deed from City of Irvine for conveyance of three parcels totaling approximately 60 acres; and make California Environmental Quality Act findings - Districts 3 and 5

10. Approve plans and specifications and set bid opening for 11/21/12, 2:00 p.m., for Youth Leadership Academy security upgrades project; and make California Environmental Quality Act findings - District 3

35142 **DELETED**
X

PUBLIC PROTECTION

Probation:

11. Approve amendment 1 to Administrative Memorandum of Understanding with Orange County Superintendent of Schools for support services for Accountability Commitment Program, extending term two months to 12/31/12; and make California Environmental Quality Act findings - All Districts

12. Approve agreement MA-057-13010676 with American Alarm Systems, Inc. for fire and security alarm monitoring services, North County Field Office, 11/1/12 - 10/31/17 ($49,500); and make California Environmental Quality Act findings - District 4

SOCIAL SERVICES AGENCY

13. Approve plans and specifications and set bid for 12/19/12, 2:00 p.m. to repair parking lot paving at 840 N. Eckhoff, Orange; and make California Environmental Quality Act findings - District 3

32145 **APPROVED AS AMENDED; DIRECTED OCPW TO OVERSEE PROJECT**
X

14. Approve Notice of Intent to contract with public or private nonprofit agencies to provide family support and child abuse and neglect prevention services; approve combined Child Abuse Prevention, Intervention and Treatment (CAPIT), Community-Based Child Abuse Prevention (CBCAP) and Promoting Safe and Stable Families (PSSF) services and expenditure summaries, 11/7/12 - 6/30/14; designate Social Services Agency as the public agency to administer plan; and authorize Director or designee to submit plan to the California Department of Social Services, Office of Child Abuse Prevention - All Districts

34152 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

15. **Human Resource Services -** Adopt resolution reaffirming commitment to Equal Employment Opportunity (EEO) and Harassment Policy and Procedure and approve revisions, effective

10/30/12 - All Districts

34152 **APPROVED AS RECOMMENDED**

X

RESO: 12-161

16. **Internal Audit -** Receive and file Internal Audit Department Monthly Activity Status Report for September 2012 - All Districts

34152 **APPROVED AS RECOMMENDED**

X

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 17-S37C)

ELECTED DEPARTMENT HEADS

Assessor Department:

17. Oral Report - ATS Re-Engineering Project Update - All Districts
RECEIVED AND FILED

18. Approve price agreement MA-002-13010579 with Brainsharp Inc., for Assessment Tax System (ATS II) application support for operations and adjustments, 11/12/12 - 6/30/13 ($881,100); renewable for two additional years; and authorize Purchasing Agent or authorized Deputy to execute agreement and exercise contingency contract cost increase not to exceed 10% - All Districts
34152 **APPROVED AS RECOMMENDED**
X

Sheriff-Coroner:

19. Approve amendment five to agreement MA-060-12010296 with Visionair, Inc. for software maintenance, 11/15/12 - 2/15/13 ($72,772); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts
43152 **APPROVED AS RECOMMENDED**
X

20. Approve amendment eight to agreement MA-060-13010685 with Taser International, Inc. for repair and replacement of tasers and taser accessories, 11/18/12 - 11/17/13 ($144,088); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts
34152 **APPROVED AS RECOMMENDED**
X

HEALTH CARE AGENCY

21. Approve amendment to agreement with State Department of Health Care Services for Medi-Cal Targeted Case Management, extending to 6/30/13; and authorize Director or designee to execute amendment - All Districts
43152 **APPROVED AS RECOMMENDED**
X

22. Approve amendment 2 to agreement 10-95277 - A02 with State Department of Public Health for AIDS related services, 7/1/10 - 6/30/13 ($675,532; new total $9,936,638); and authorize Director or designee to sign Memoranda of Understanding incorporated in amendment and Contractor's Release form upon submission of final invoice - All Districts
54132 **APPROVED AS RECOMMENDED**
X

23. Approve agreement 12-78008-000 with State Department of State Hospitals for conditional release program, 7/1/12 - 6/30/13 ($1,173,543); and authorize Director or designee to execute agreement - All Districts
43152 **APPROVED AS RECOMMENDED**

X

24. Ratify amendment 4 to master agreement M-042-11011520 as MA-042-12011181 with Medicatech USA for direct digital radiography systems rental, 2/1/12 - 1/31/13 ($197,754); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

43152 **APPROVED AS RECOMMENDED**

X

JOHN WAYNE AIRPORT

25. Approve amendment 5 to agreement with McCarthy Building Companies, Inc. for construction of Terminals C and improvements to Terminals A and B ($1,453,691; new total $127,813,015); and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**

X

26. Response to 11/22/11 Board Directive - Authorize Purchasing Agent or authorized Deputy to issue Request for Statement of Qualifications for Aircraft Rescue Fire Fighting services - District 2 (Continued from 10/16/12, Item 22; 10/23/12, Item 13)

23145 **APPROVED TO CONTINUE RECOMMENDED ACTIONS 1, 2 & 3 TO 11/20/12, 9:30 A.M.**

X

23145 **APPROVED RECOMMENDED ACTION 4**

X

27. Select and approve lease with XpresSpa dba XpresSpa John Wayne Airport, LLC for operation of specialty concession; and make California Environmental Quality Act findings - District 2 (4/5 vote of members present) (Continued from 10/23/12, Item 11)

24135 **APPROVED AS RECOMMENDED**

X

OC PUBLIC WORKS

28. Approve agreement D12-055 with Nichols Consulting Engineers, Chtd for pavement distress surveys, reports and technical services, three-year term ($800,000); and make California Environmental Quality Act findings - All Districts

43152 **APPROVED AS RECOMMENDED**

X

29. Approve agreements with Families Forward and Community Action Partnership of Orange County for Base Closure Homeless Assistance, Warehouse 360, Marine Corps Air Station, El Toro; authorize Director or designee to execute agreement and related documents; and make California Environmental Quality Act findings - District 3

34152 **APPROVED AS RECOMMENDED**

X

PUBLIC PROTECTION

Probation:

30. Approve master Memorandum of Understanding (MOU) with various cities for

enhanced law enforcement services and other authorized expenses for continued implementation plan for Public Safety Realignment and Postrelease Community Supervision, 7/1/12 - 6/30/13; authorize Chief Probation Officer to execute and renew individual MOU's; and make California Environmental Quality Act findings - All Districts

34152 X **APPROVED AS RECOMMENDED**

31. Approve agreement with Satellite Tracking of People, LLC for GPS electronic monitoring services and equipment, 12/15/12 - 12/14/13 ($500,000); renewable for four additional one-year periods; and make California Environmental Quality Act findings - All Districts

53142 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

32. Approve amendment 7 to agreement N1000008297 as MA-017-10011150 with TW Telecom Holdings, Inc. for wide area network services, 11/14/12 - 11/13/13 ($457,728; new total $3,172,778.34); authorize Purchasing Agent or authorized Deputy to execute agreement and to add or delete services in an amount not to exceed 10% of the agreement total without further Board action - All Districts

35142 X **APPROVED AS RECOMMENDED**

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

RECEIVED AND FILED

34. Receive and file Quarterly Information Technology (IT) Project Status Detail, Executive Summary and Risk Assessment Reports for July - September 2012 - All Districts

35142 X **APPROVED AS RECOMMENDED**

35. Approve grant applications/awards submitted by OC Public Works, Health Care Agency and OC Community Resources in 10/30/12 grant report and other actions as recommended; adopt resolution authorizing OC Public Works Director or designee to execute grant application, amendments and related documents with State Department of Resources Recycling and Recovery (CalRecycle) for Rubberized Pavement Grant Program - All Districts

43152 X **APPROVED AS RECOMMENDED**

RESO: 12-162

36. Response to 10/23/12 Board Directive - Report to Board on process necessary to fill vacant Orange County Elected positions; and direct County Executive Office to work with Human Resource Services to prepare draft selection timeline, update Job Descriptions for each position if needed and to develop a draft interview process - All

Districts - All Districts

54132 **APPROVED AS RECOMMENDED**
X

37. **Human Resource Services -** Approve proposed major reorganization for Countywide Human Resources Services; approve change of Department name from Human Resources Department to Human Resource Services; approve shift of all County human resource personnel to become employees of Human Resource Services department with the exception of human resource staff employed by the Assessor, Clerk-Recorder, Treasurer-Tax Collector, Sheriff-Coroner and District Attorney, effective 12/3/12; and direct Human Resource Services department to return to the Board as necessary for implementation of all recentralization activities that require formal Board approval - All Districts

45132 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

S37A. Approve an exclusive negotiating agreement with Lowe Enterprises Inc. to prepare a developer agreement for master planning, entitlement and development of 100 acre parcel, MCAS El Toro; authorize Director or designee to execute related documents; and make California Environmental Quality Act findings - District 3

34152 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

S37B. **Chairman Moorlach -** Senior Citizens Advisory Council - Appoint Ronald Langer, Laguna Niguel, to complete term ending 12/31/12

25134 **APPROVED AS RECOMMENDED**
X

HEALTH CARE AGENCY

S37C. Provide direction to HCA regarding Orange County Fire Authority's request for agency to contact Cal Environmental Protection Agency (CalEPA) and request a waiver of mandate within Section 25404.5 of the Health and Safety Code regarding requirements to consolidate Certified Unified Program Agency (CUPA) program fees into one invoice for FY 2012-13 - All Districts

B.O. **DIRECTED STAFF TO SUBMIT BOTH BILLINGS AS ONE INVOICE COORDINATING WITH OCFA STAFF**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS3)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: California Department of Finance, et al. v. Jan Grimes, etc. OCSC Case No. 30-2012-00559592-CU-WM-CJC (Continued from 10/23/12, Item CS-5)

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

CS-2. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Robert J. Franz
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 Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

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

SCS3. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Greenspot Property, Highland, CA
County Negotiator: Robert J. Franz
Negotiating Party: The Lewis Companies, City of Highland
Under Negotiation: Terms and Value of Future Sale

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

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

PUBLIC COMMENTS:
Michael Klubnikin - Oral Re: Internal Audit department

Robert Curtis - Oral Re: sex offender park ordinance

Darrell Nolta - Oral Re: OCPW Director appointment; death of George McGovern; hurricane Sandy

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Bates - Oral Re: Update on IT Ad Hoc Committee

Supervisor Moorlach - Oral Re: IT Ad Hoc Committee procedures for Board office staff

ADJOURNED: 1:12 P.M.

52134 **Adjourned in memory of Col. Dennis Fitz**
X

25134 **Adjourned in memory of Yolanda Radig**
X

*** 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