REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 13, 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	Darlene J. Bloom

INVOCATION: Supervisor Nelson, Fourth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chairman Campbell and representatives of the Orange County Business Council recognized recipients of the "Turning Red Tape into Red Carpet" Awards

Supervisor Bates recognized Orange County Eagle Scout Ryan P. Pugh for earning his 131st merit badge

II. CONSENT CALENDAR (Items 1-22)

42153 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 22 WHICH WAS CONTINUED TO 1/24/12, 9:30 A.M.; ITEMS 2, 9, 20 & 21 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Chairman Campbell:

1. Waste Management Commission - Reappoint John Beauman, Brea, for term ending

2. Board of Retirement, OCERS - Appoint Charles Packard, Irvine; and reappoint Thomas E. Flanigan, Newport Beach, and Reed Royalty, San Juan Capistrano, for terms ending 12/31/13

32145 **APPROVED AS RECOMMENDED**

3. **Supervisor Bates -** Orange County Historical Commission - Appoint Carlos Olvera, Dana Point, for term concurrent with 5th District Supervisor's term of office

DEPARTMENT APPOINTMENTS

4. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Enrique Perez, Santa Ana, for term ending 12/31/12; Jim Clouse, Irvine, for term ending 12/31/14; and reappoint Bob Bunyan, Mission Viejo; Maria-Jean Caterinicchio, Laguna Hills; Janelle Cranch, Irvine; Alireza Jazayeri, Irvine; Doug Mangione, Mangione; Ernesto Medrano, Orange; Julio Perez, Orange; Tom Porter, Lake Forest; Tod Sword, Santa Ana; Ruby Yap, Cypress; Yasith Weerasuriya, Irvine, for terms ending 12/31/14 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

5. Approve agreement with Aviation Facilities, Inc. for use of two hangars at Fullerton Airport; and make California Environmental Quality Act findings - District 4

6. Approve amendment 2 to agreement MA-060-10011733 renewing as MA-060-12010735 with Orange County Pumping, Inc. for septic tank cleaning services, 2/1/12 - 1/31/13 ($120,000); renewable for two additional years; and authorize Purchasing Agent or authorized deputy to execute amendment - All Districts

7. Approve agreement MA-060-12010709 with NEC Corporation of America for maintenance of Automated Fingerprint Identification System, 12/31/11 - 12/12/12 ($200,813); renewable for one additional year; and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts

8. **Treasurer-Tax Collector -** Approve amendment 9 to agreement MA-074-CVPAN4000004597 with Wausau Financial Systems for software and hardware maintenance services, 1/1/12 - 2/29/12 ($13,176; new total $127,969); and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts

HEALTH CARE AGENCY

9. Approve master agreement MA-042-12010831 with The Regents of the University of California dba University of California, Irvine for Technical Assistance for expanded HIV Testing services, 12/23/11 - 12/31/13 ($180,709); authorize Purchasing Agent or authorized deputy to execute master agreement - All Districts

23145 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

10. Approve assignment novation and consent agreement with Winzler & Kelly and GHD, Inc. for completion of OC Parks maintenance and facility improvement projects; and authorize Director or designee to execute agreement - All Districts

11. Approve plans and specifications and set bid opening for 1/25/12, 2:00 p.m., for upgrade of heating, ventilating and air conditioning system, Westminster Branch Library; and make California Environmental Quality Act findings - District 1

12. Approve amendments renewing New Freedom Agreements with St. Anselm's Cross-Cultural Community Center ($96,296), Age Well Senior Services, Inc. ($92,020), Abrazar, Inc. ($127,543), for Senior Non-Emergency Medical Transportation, 12/13/11 - 6/30/12; authorize Director or designee to execute agreements and exercise contingency cost increase or decrease not to exceed 10% - All Districts

13. Receive and file Developer Fee Deposit Balance Reports, FY 2010-11 - All Districts

OC PUBLIC WORKS

14. Approve Parcel Map 2003-247, east of Hewes Avenue, El Modena area; approve agreement S-0211-156 and accept bond guaranteeing setting of survey monuments; and make California Environmental Quality Act findings - District 3

15. Deny bid protest of Rubberized Crackfiller Sealant, Inc.; receive bids and award contract to American Asphalt South, Inc. for crack sealing of various streets in Orange County, 2011-12 ($159,727); and make California Environmental Quality Act findings - Districts 2, 3 and 4

16. Approve renewal of agreement MA-080-10011716 with Sentry Control Systems, Inc. for operation of parking access and revenue control equipment, Civic Center and Manchester parking facilities, 1/1/12 - 12/31/12 ($99,000); authorize Purchasing Agent or authorized deputy to execute agreement; and make California Environmental Quality Act findings - Districts 1 and 3

17. Adopt resolution approving FY 2010-11 Measure M2 Expenditure Report; and make California Environmental Quality Act findings - All Districts
RESO: 11-190

18. Receive and file development fee deposit balance reports FY 2010-11; and find deposits held more than five years be retained for future projects within specified fee programs - All Districts

SOCIAL SERVICES AGENCY

19. Approve Memorandum of Understanding WMZ1011 with State Department of Child Support Services for access to Child Support Enforcement System, 1/1/12 - 12/31/14; and authorize Director or designee to execute MOU - All Districts

GENERAL ADMINISTRATION

20. **Clerk of the Board -** Adopt resolution approving list of recurring Board resolutions for 2012; and authorizing Chair or other Supervisor to draft and execute said resolutions - All Districts

51243 **APPROVED AS RECOMMENDED**

N

RESO: 11-191

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

32145 **APPROVED AS RECOMMENDED**

22. **Chairman Campbell -** Approve amendment 5 to Memorandum of Agreement with Thomas G. Mauk, County Executive Officer

42153 **CONTINUED TO 1/24/12, 9:30 A.M.**

END OF CONSENT CALENDAR

III. PUBLIC HEARINGS (Items 23-25)

HEALTH CARE AGENCY

23. Public Hearing to consider adopting resolution approving update of maximum basic life support ambulance rate, and advanced life support paramedic assessment and transportation reimbursement rate of Orange County Fire Authority; rescinding Resolution 08-075 effective 12/13/11; and considering and selecting options for amending Board policy in calculation and application of future rate adjustments - All Districts

B.O. **CLOSED PUBLIC HEARING**

43125 N **APPROVE RECOMMENDATIONS 1 AND 2 AS AMENDED TO ADOPT RESOLUTION IMPLEMENTING THE CURRENT RATE FOR ALL SERVICES CALCULATED BASED ON THE LA-RIVERSIDE-ORANGE COUNTY "ALL ITEMS" CONSUMER PRICE INDEX (CPI), CALCULATED FROM THE LAST INCREASE.**
RESO: 11-192

OC PUBLIC WORKS

24. Public Hearing to consider first reading and adoption of "An Ordinance of the Board of Supervisors of the County of Orange, California Amending the Coto de Caza Specific Plan to Modify Exhibits 3, 6, and 7 Regarding Open Space and the Development of Seven Rural Residential Lots"; adopt Mitigation Monitoring and Reporting Program for Supplemental EIR No. 608 for the Coto de Caza Estates, Khalda Development Project; and adopt resolutions certifying Supplemental EIR No. 608 and approving planning application PA090036 for specific plan amendment, area plan and amendment to existing grant of easement; and make California Environmental Quality Act and other findings - District 5

B.O. **CLOSED PUBLIC HEARING**

54123 **APPROVED AS RECOMMENDED**
RESO: 11-193 - 11-194
ORD: 11-020

PUBLIC PROTECTION

25. **Probation -** Public Hearing to consider adopting resolution approving application and administrative fees for provision of continuous electronic monitoring services; and making California Environmental Quality Act and other findings - All Districts (Continued from 12/6/11, Item 15)

B.O. **CONTINUED TO 1/24/12, 9:30 A.M.**

IV. DISCUSSION ITEMS (Items 26-S41G)

ELECTED DEPARTMENT HEADS

District Attorney:

26. Approve amendment 7 to renew agreement MA-026-11011258 with The Bode Technology Group, Inc. for DNA processing services, 1/1/12 - 12/31/12 ($1,368,000); renewable for one additional year; and authorize Purchasing Agent or authorized deputy to execute amendment - All Districts

21453 **APPROVED AS RECOMMENDED**

27. Approve lease agreement DA-11-002 with Birtcher Anderson Investors, LLC for office space at 801 Civic Center Drive West, Santa Ana; and make California Environmental Quality Act findings - District 1

B.O. **CONTINUED TO 1/10/12, 9:30 A.M.**

28. **Sheriff-Coroner -** Approve agreement MA-060-12010912 with Knowledge & Intelligence Program Professionals, Inc. for terrorism liaison officer training, 1/1/12 - 12/31/12 ($151,380); renewable for four additional years; and authorize Purchasing Agent or deputy to execute agreement - All Districts

21453 **APPROVED AS RECOMMENDED**

29. **Treasurer-Tax Collector -** Adopt resolution authorizing temporary transfers of monies to Orange County School and Community College Districts for the Orange County Educational Money Market Fund, part of the Orange County Educational Investment Pool for FYs 2011-12 and 2012-13; approve form of temporary transfer agreement; and authorize Treasurer to execute agreement - All Districts

42153 **APPROVED AS RECOMMENDED**
RESO: 11-195

HEALTH CARE AGENCY

30. Approve master agreement with various providers of Substance Use Disorder Treatment Services, 12/19/11 - 6/30/12 ($1,500,000) and 7/1/12 - 6/30/13 ($1,875,000); authorize Director or designee to execute agreements and amendments under certain conditions - All Districts

15243 **APPROVED AS RECOMMENDED**

31. Approve amendment 1 to agreements with AIDS Services Foundation Orange County, 3/1/11 - 2/29/12 ($183,993; new total $1,712,238) and Straight Talk Clinic, Inc., 7/1/11 - 6/30/12 ($32,000; new total $254,764) for HIV services and HIV Residential Alcohol and Drug Abuse Treatment services; authorize Director or designee to execute amendments - All Districts

54123 **APPROVED AS RECOMMENDED**

32. Approve amendment 1 to Negotiated Net Amount/Drug Medi-Cal agreement with State Department of Alcohol and Drug Programs for alcohol and drug abuse treatment and prevention services for FY 2011-12 and 2012-13 ($19,172,701 per year); and authorize Director or designee to execute agreement - All Districts

41253 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

33. Approve amendment 3 to agreement with Faithful+Gould for Project Controls-Master Scheduling services, extending term one year ($387,660; new total $5,270,900); and make California Environmental Quality Act findings - District 2
21453 N **APPROVED AS RECOMMENDED**

34. Approve amendment 3 to agreement with Faithful+Gould for Project Controls-Master Estimating services, extending term one year ($281,860; new total $3,107,960); and make California Environmental Quality Act findings - District 2
21453 N **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

35. Receive bids and award contract to Rock Bottom, Inc. for Antonio Parkway Landscape Project from 900 feet south of Ortega Highway to Cow Camp Road and from Cow Camp Road to 2,000 feet south of Covenant Hills Drive ($1,284,946); approve program supplement agreement N045 to receive up to $1,000,000 in Orange County Transportation Authority Funds; and make California Environmental Quality Act findings - District 5
54123 **APPROVED AS RECOMMENDED**

36. Approve amendment 1 to standard agreement 10-0342-1 with State Department of Food and Agriculture for inspection services in the Pierce's Disease Program, 7/1/10 - 6/30/12 ($163,462.12 reduction; $1,189,582.38); authorize Director or designee to execute agreement; and make California Environmental Quality Act findings - All Districts
14253 **APPROVED AS RECOMMENDED**

37. Rescind Resolution 03-293; adopt resolution approving revised OC Landbase fee schedule and agreements for licensing and usage of OC Landbase; authorize Director or designee to execute agreements; and make California Environmental Quality Act and other findings - All Districts (Continued from 12/6/11, Item 28)
23145 **APPROVED AS RECOMMENDED**
RESO: 11-196

GENERAL ADMINISTRATION

County Executive Office:

38. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
35124 **APPROVED SUPPORT OF CSAC'S INITIATIVE SUPPORTING CONTINUED FUNDING FOR AB 109 ACTIVITIES WITHOUT FINANCIAL COMMITMENT**

B.O. **RECEIVED AND FILED LEGISLATIVE BULLETIN**

39. Approve recommended grant application submitted by OC Community Resources in 12/13/11 grant report and other actions as recommended - All Districts
15243 **APPROVED AS RECOMMENDED**

40. Adopt resolution authorizing issuance of a Pension Obligation Debenture; issuance and sale of short-term Taxable Pension Obligation Bonds, 2012 Series A ($240,000,000); and execution and delivery of Second Supplemental Trust agreement, Bond Purchase agreement and Continuing Disclosure Certificate; approve Preliminary Official Statement form; and authorize Public Finance Director to execute related documents; and approve related budget adjustments and related payments - All Districts (RA 2, 3, 4 & 5 4/5 vote of the members present)

42153 **APPROVED AS RECOMMENDED**

RESO: 11-197

41. **Supervisor Nguyen -** Consider second reading and adoption of "An Ordinance of the County of Orange, California, Amending Sections 4-11-11, 4-11-12 and 4-11-16 to the Codified Ordinances of the County of Orange Regarding the Orange County Health Authority" (Continued from 11/22/11, Item 28; 12/6/11, Item 40)

15243 **APPROVED AS RECOMMENDED**

NN

ORD: 11-021

S41A. **Supervisor Nelson and Supervisor Bates -** Consider approving additional subcommittee recommendations or other options regarding the Performance Audit of the Human Resources Department - All Districts (Continued RA # 2 & 4 from 11/8/11, Item 39; 12/6/11, Item 41)

45123 **APPROVED SUBCOMMITTEE'S RECOMMENDATIONS FOR APPENDIX B**

N N

S41B. **Chairman Campbell -** Discussion and consideration of requests for changes in the composition of County of Orange representatives to the Foothill/Eastern Transportation Corridor Agency and the San Joaquin Hills Transportation Corridor Agency

41253 **RECEIVED AND FILED REPORT, NO ACTION TAKEN**

S41C. **County Executive Office -** Status Report on Chairman's 2011 Goals - All Districts **PRESENTED**

S41D. **Clerk of the Board -** Approve cancellation of 12/20/11 regular meeting of the Board of Supervisors - All Districts

41253 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

S41E. **Clerk-Recorder -** Approve agreement with BMI Imaging Systems for microfilm conversion of death and marriage records; including amended records, from 1889 - 1981, 12/13/11 - 6/13/12 ($45,000); and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts

51243 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S41F. **Human Resources Department -** Select option to authorize Purchasing Agent or designee to enter into negotiations with Liebert Cassidy Whitmore for labor negotiations services and return to the Board for approval or to initiate interview process - All Districts

21453 **MOTION TO SCHEDULE INTERVIEW WITH TOP 2 FIRMS FAILED TO CARRY**

NNN

45123 **APPROVED AS RECOMMENDED**
N

ELECTED DEPARTMENT HEADS

S41G. **Clerk-Recorder -** Approve price agreement with SouthTech Systems, Inc. for SECURE multi-county Electronic Document Delivery System maintenance services, 12/2/11 - 12/31/13 ($55,000); and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts
21453 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Items CS-1-SCS8)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: William D. Fitzgerald v. Orange County, et al., United States District Court Case No. SACV 11-01355
HELD, NO REPORTABLE ACTION

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Orange County Patients Collective v. County of Orange, Orange County Superior Court Case No. 30-2011-00450929
HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ORANGE COUNTY PATIENTS COLLECTIVE 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 COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Keith Miller (Deceased) v. County of Orange, Worker's Compensation Matter (no case number)
12345 **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF KEITH MILLER (DECEASED) 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.**

County Executive Office:

CS-4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Various locations
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) (Response from 9/6/11 Board Directive)
B.O. **CONTINUED TO 1/10/12, 9:30 A.M.**

CS-5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:Property Location: Various locationsCounty Negotiator: Thomas G. MaukNegotiating Party: Purchasers and sellers of buildingsUnder Negotiation: Terms and value of potential future sale(s) and acquisition(s)(Continued from 12/6/11, Item CS-5)
B.O. **DELETED**

Human Resources Department:

CS-6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Director of Internal Audit
B.O. **HELD, NO REPORTABLE ACTION**

CS-7. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Association of Orange County Deputy Sheriffs (AOCDS)
RE: Terms and Conditions of Employment
B.O. **HELD, NO REPORTABLE ACTION**

SCS8. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: Two Cases
B.O. **HELD, NO REPORTABLE ACTION**

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

PUBLIC COMMENTS:

Additional Public Comments

Darrell Nolta - Oral Re: Ambulance rates and Clerk of the Board Darlene Bloom's retirement

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Moorlach - Oral Re: Announced that Auditor Controller, David Sundstrom accepted the position of Auditor-Controller/Treasurer-Tax Collector with Sonoma County; stated that he appreciated the services of his Chief of Staff, Rick Francis who has accepted a position with the City of Costa Mesa and wished him well; and directed CEO-Budget staff to provide the Board with an update on our budget

impacts as a result of the implementation of the State Budget trigger cuts.

Supervisor Nguyen - Oral Re: Travel Report AB 1234: Reported out on last week's trip to Seattle, WA regarding examination of King County Governmental Agency's successful program creating efficient/effective public service.

Chairman Campbell - Oral Re: Discussed the huge loss to OC as a result of David Sundstrom accepting another position in Sonoma County; Thanked Darlene Bloom, Clerk of the Board and Matt Petteruto, his Chief of Staff who recently accepted another position with the Orange County Business Council for their service and wished them the best; expressed his enjoyment in serving as Chairman for 2011.

ADJOURNED: 4:00 P.M.

53124 **Adjourned in memory of Rick Reavis**

13245 **Adjourned in memory of Bill Tapia**

32145 **Adjourned in memory of Don Koll**

*** 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