REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 4, 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:	INTERIM COUNTY EXECUTIVE OFFICER	Robert J. Franz
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

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

II. CONSENT CALENDAR (Items 1-22)

34152 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 16 WHICH WAS CONTINUED TO 1/29/13, 9:30 A.M.; ITEMS 19 AND 21 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 10 WHICH WAS MOVED TO DISCUSSION TO BE HEARD WITH PUBLIC HEARING FOR ITEM 37**

BOARD APPOINTMENTS

1. **Supervisor Bates -** Orange County Cemetery District - Reappoint Leslie Ann Keane, Laguna

Woods, for term ending 1/4/16

2. **Supervisor Nguyen -** Orange County Historical Commission - Appoint Philip C. Chinn, Santa Ana, for term concurrent with 1st District Supervisor's term of office

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve amendment 5 to agreement MA-060-13010622 with Susan Saxe-Clifford, Ph.D. for psychological evaluation services, 12/31/12 - 12/30/13 ($115,000 decrease; new total $465,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

4. Approve agreement 12-204-799 with State Department of Boating and Waterways for marine law enforcement training classes ($23,000); and authorize Sheriff-Coroner Sandra Hutchens to execute agreement - All Districts

5. **Treasurer-Tax Collector -** Adopt resolution approving public auction sale #1384 of tax-defaulted real property - All Districts
RESO: 12-166

HEALTH CARE AGENCY

6. Approve renewal of master agreement MA-042-12011118 as MA-042-13010727 with Insight Enterprises, Inc. for software maintenance and support services, 1/1/13 - 12/31/13 ($138,000); authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

JOHN WAYNE AIRPORT

7. Approve agreement with United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services for Wildlife Hazard Assessment and Mitigation services, 12/5/12 - 12/4/17 ($335,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings -District 2

OC COMMUNITY RESOURCES

8. Approve amendment 1 to agreement MA-012-13010672 with Sirsi Corporation dba SirsiDynix for software maintenance service for Integrated Library System, 12/16/12 - 7/31/13 ($82,500) - All Districts

9. Approve lease with City of Villa Park for Villa Park Branch Library space at no-cost; and make California Environmental Quality Act findings - District 3

OC PUBLIC WORKS

10. Approve agreement D12-073 with Orange County Transportation Authority and the Cities of Irvine, Laguna Hills, and Lake Forest to amend Master Plan of Arterial Highways; approve reprogramming of Coastal Area Roadway Improvements and Traffic Signal Program funds; direct Auditor-Controller to make related payments; and make California Environmental Quality Act and other findings - District 5

35142 **APPROVED AS RECOMMENDED**

11. Approve agreement D12-067 with Orange County Transportation Authority for La Colina Drive Pavement Rehabilitation Project funding North Tustin area ($763,680); and make California Environmental Quality Act findings - District 3

12. Approve agreement D12-069 with Orange County Transportation Authority for funding of Dale Street Reconstruction Project ($157,800); and make California Environmental Quality Act findings - District 2

13. Approve agreement D12-068 with Orange County Transportation Authority for funding of Skyline Drive Reconstruction Project North Tustin area ($251,935); and make California Environmental Quality Act findings - District 3

14. Approve plans and specifications and set bid opening upon federal approval for San Juan Creek Bike Trail Improvement Project; and make California Environmental Quality Act findings - District 5

15. Approve plans and specifications and set bid opening for 1/9/13, 2:00 p.m., for slurry seal of various streets; make California Environmental Quality Acts findings; and approve agreement D12-037 with the City of Tustin for rehabilitation of streets (Phase 1 Project, $72,532; Phase 2 Project $25,945) - Districts 2 and 3

SOCIAL SERVICES AGENCY

16. Approve plans and specifications and set bid opening for 1/30/13, 2:00 p.m., for replacement of energy management system at Orangewood Children and Family Center; and make California Environmental Quality Act findings - District 3 (Continued from 11/20/12, Item 27)

34152 **CONTINUED TO 1/29/13, 9:30 A.M.**

GENERAL ADMINISTRATION

Clerk of the Board:

17. Approve proposed amendments to the Conflict of Interest Code Designated Filers Exhibits for Assessor, Health Care Agency, John Wayne Airport, OC Community Resources and the Public Administrator/Public Guardian Department - All Districts

18. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Anaheim Union High School District, Irvine Unified School District, Nova Academy Early College High School, Ocean View School District, Buena Park Library District, Rancho Santiago Community College District, Orange County Employees Retirement System, Municipal Water District of Orange County, Municipal Water District of Orange County Water Facilities Corporation, Yorba Linda Water District and Yorba Linda Water District Public Financing Corporation - All Districts

19. Adopt amended Board of Supervisors Rules of Procedure, Chapter VIII Participation by the Public, Rules 44, 45, 46 and 47 to be effective upon adoption - All Districts

32145 N **APPROVED RECOMMENDED RULE AMENDMENTS AS MODIFIED TO REMOVE THE THIRD SENTENCE IN PROPOSED RULE 47 BEGINNING WITH "EACH TIME A MEMBER OF THE PUBLIC..."**

20. **County Executive Office -** Adopt resolution approving FY 2011-12 Measure M2 Expenditure Report; and make California Environmental Quality Act findings - All Districts
RESO: 12-167

Registrar of Voters:

21. Receive and file certification of election results for November 6, 2012 General Election - All Districts

23145 **APPROVED AS RECOMMENDED**

22. Receive and file certification of results of October 23, 2012 Board of Retirement election; and declare elected the person having the highest number of votes for General Member for three year term, commencing 1/1/13 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 23-34)

ELECTED DEPARTMENT HEADS

District Attorney:

23. Approve agreement MA-026-13010867 with Southern California Private Investigators, Inc. for document analysis services, 1/1/13 - 12/31/13; renewable for four one-year periods ($200,000); and authorize Purchasing Agent to execute agreement and exercise contingency contract cost increase not to exceed 10% without further Board action - All Districts

43152 **APPROVED AS RECOMMENDED**

24. Approve amendment 8 to renew agreement MA-026-112011015 with The Bode Technology Group, Inc. for DNA processing services, 1/1/13 - 12/31/13 ($1,368,000); and authorize
Purchasing Agent or authorized Deputy to execute amendment - All Districts

45132 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

25. Approve lease with Dana Point Yacht Club for continuation of ocean access, membership provisions and services for boating community and general public, ten year term, renewable with additional option to extend lease up to 10 years; and make California Environmental Quality Act findings - District 5 (4/5 vote of the members present)

51342 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

26. Approve plans and specifications and set bid opening for 1/23/13, 2:00 p.m., for Job Order Contract P010 thru P015; and make California Environmental Quality Act findings - All Districts

35142 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

27. Authorize Director or designee to adjust Manchester Parking Facility parking rates effective 1/1/13; and make California Environmental Quality Act findings - District 3

B.O. **CONTINUED TO1/29/13, 9:30 A.M.**

28. Receive bids and award contract to Griffith Company for construction of Moulton Parkway Widening Segment 3, Phase II Project ($9,302,214.25); approve Proposition 1B State-Local Partnership Program funds ($3,421,017); approve agreement D12-052 with El Toro Water District for relocation and adjustment of District facilities within Moulton Parkway Widening project; and make California Environmental Quality Act findings - District 5

54132 **APPROVED AS RECOMMENDED**

29. **Acting as the Orange County Flood Control District** - Approve agreements D12-056 with Hunsaker & Associates Irvine, Inc., D12-057 with WRC Consulting Services, Inc., and D12-058 with PENCO Engineering, Inc., for on-call architect and engineering professional services to supplement County resources for completing Orange County Flood Control District projects,

three-year terms ($400,000 each); and make California Environmental Quality Act findings - All Districts

34152 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

30. Approve agreement with New Irvine Ranch Conservancy to restore and enhance habitat in Agua Chinon Wash area of Limestone-Whiting Wilderness Park, 1/1/13 - 6/30/23 ($2,832,000); and adopt resolution approving escrow agreement with State Department of Fish and Game ($879,010); and authorize Treasurer-Tax Collector or designee to execute agreement; adopt resolution approving pledge of revenue with U.S. Army Corps of Engineers for wetland creation and Agua Chinon Wash riparian restoration and enhancement mitigation sites, Frank R. Bowerman Landfill ($10,221 per year; adjusted annually by CPI); authorizing Auditor-Controller to make related payments and dissolve existing escrow agreement for the San Joaquin Marsh Phase II project; and make California Environmental Quality Act findings - District 3 (4/5 vote of the members present)

35142 **APPROVED AS RECOMMENDED**
RESO: 12-168 - 12-169

SOCIAL SERVICES AGENCY

31. Ratify emergency agreement PO-063-13010834 with OP Almaraz dba Allied Restoration Services Inc. for emergency sanitation clean-up at 800/840 N. Eckhoff St., Orange, 9/1/12 - 9/3/12 ($182,186.05); and make related findings - District 3 (4/5 vote of members present) (Continued from 10/23/12, Item 17; 11/20/12, Item 43)

31452 N **APPROVED AT REVISED AGREEMENT AMOUNT OF $122,880.42**

GENERAL ADMINISTRATION

County Executive Office:

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

53142 **RECEIVED & FILED**

33. Approve grant applications/awards submitted by District Attorney and Sheriff-Coroner in 12/4/12 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute grant agreement and amendments with State Office of Traffic Safety (OTS) for Alcohol and Drug Impaired Driver Vertical Prosecution Program, 10/1/12 - 9/30/13 ($480,000); and make California Environmental Quality Act and other findings; adopt resolution authorizing Sheriff-Coroner to submit and execute application with Board of State and Community Corrections (BSCC) for 2012-13 Anti-Drug Abuse (ADA) Enforcement Teams Program ($528,547) - All Districts

14352 **APPROVED AS RECOMMENDED**
RESO: 12-170 - 12-171

34. Response to 10/30/12 Board Directive - Direct CEO and Human Resource Services to modify draft job descriptions for Clerk-Recorder and Public Administrator as needed; and provide direction to staff concerning selection process and timing to fill vacant

countywide elected positions - All Districts (Continued from 11/20/12, Item 50)

51342 **ADOPTED STAFF RECOMMENDED TIMELINE FOR THE BOARD TO MAKE INTERIM APPOINTMENTS TO THE POSITIONS OF AUDITOR/CONTROLLER, CLERK-RECORDER AND PUBLIC ADMINISTRATOR; DIRECTED STAFF TO PROVIDE AN OPEN PROCESS FOR INTERESTED PERSONS TO APPLY FOR AN APPOINTMENT AND DIRECTED COUNTY COUNCIL TO DETERMINE WHO IS ELIGIBLE TO APPLY AND WHETHER AN INTERIM APPOINTEE CAN REMAIN AS A COUNTY EMPLOYEE AND NOT ASSUME THE ELECTED OFFICE**

IV. PUBLIC HEARINGS (Items 35-37)

ELECTED DEPARTMENT HEADS

35. **Sheriff-Coroner -** Public Hearing to consider adopting resolution approving fee for each inmate-initiated medical visit, effective 2/15/13 ($3.00); and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

43152 **APPROVED AS RECOMMENDED**
X

RESO: 12-172

OC COMMUNITY RESOURCES

36. **Acting as the Board of Supervisors and Orange County Housing Authority -** Conduct Public Hearing to consider adopting FY 2013-14 Funding Allocation Policy and process for Housing and Community Development activities - All Districts

B.O. **CLOSED PUBLIC HEARING**

45132 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

37. Public Hearing to consider adopting resolution approving General Plan Amendment GPA 12-03 for Transportation and Recreation Element update; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

35142 **APPROVED AS RECOMMENDED**
RESO: 12-173

V. CLOSED SESSION (Items CS-1-SCS6)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO RETAIN JACOBS & DODDS, AND TO FILE LITIGATION. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: John Doe v. City of Costa Mesa, et al., United States District Court Case No. SACV12-1665-AG

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

CS-3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case

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

CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Arnold and Mei-Ling Applebaum v. County of Orange, et al., Orange County Superior Court Case No. 30-2010 00405587

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ARNOLD AND MEI-LING APPLEBAUM V. COUNTY OR ORANGE, ET AL. 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.**

Human Resource Services:

CS-5. 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**

SCS6. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: County Executive Officer

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

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

PUBLIC COMMENTS:
Michael Lerman - Oral Re: unlawful election of Barrack Obama to President of the United States

Michael Klubnikin, Ilya Tseglin, Robert Tseglin, Tim Hoover and Daniel Sulton - Oral Re: Nate Tseglin

Darrell Nolta - Oral Re: Shoreline Ambulance Service in Westminster, theft of bicycle, Sheriff Hutchens

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Chairman Moorlach - Oral Re: AB 1234 trip report to CSAC conference and Urban County Caucus meetings; congratulated Edison High school on their CIF Title victory

ADJOURNED: 1:00 P.M.
52134 **Adjourned im memory of John "Jack" Leahy**

32145 **Adjourned in memory of Bob Santos**

*** 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