REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 2, 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 Bates, Fifth 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 1-14)

31452 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 12, 13 & 14 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 7 WHICH WAS DELETED**

DEPARTMENT APPOINTMENTS

1. **Treasurer-Tax Collector -** Treasury Oversight Committee - Appoint Laura Parisi, Laguna Beach, for term ending 3/17/14 - All Districts

ELECTED DEPARTMENT HEADS

2. **Sheriff-Coroner -** Approve amendment 2 to agreement MA-060-12010783 with Sirron Software Corporation for purchase of civil process software and annual maintenance, term ending 2/8/13 ($48,377; new total $82,685); renewable for three additional one-year periods ($43,089 year three; $43,784 year four; $44,493 year five); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

HEALTH CARE AGENCY

3. Approve agreement with Association of Public Health Laboratories (APHL) for Evaluation of Molecular Tests for TB, 7/15/12 - 6/30/13 ($119,366); and authorize Director or designee to execute agreement - All Districts

JOHN WAYNE AIRPORT

4. Authorize Director to allocate regulated Class A average daily departures, seat capacity, remain overnight and passenger capacity to scheduled commercial passenger, cargo and commuter carriers under Phase 2 Commercial Airline Access Plan and Regulation for 2013 Plan Year; approve related actions; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

5. Approve amendment 3 to agreement M1-ED-11 with Orange County Business Council for additional services under Workforce Innovation Fund Project, 9/1/12 - 6/30/13 ($315,000; new total $540,000); and authorize Director or designee to execute amendment and exercise cost contingency increase or decrease not to exceed 10%; and make line item budget transfers and changes to scope of work under certain conditions - All Districts

6. Approve termination agreement with United States Fish and Wildlife Service, California Department of Fish and Game and Shea Homes Limited Partnership for Aliso Creek Wildlife Habitat Enhancement Project; and make California Environmental Quality Act findings - District 5

OC PUBLIC WORKS

7. Select Jones Lang LaSalle Americas Inc. as primary and Keyser Marston Associates as alternate firms to assist with negotiations and development oversight of the master developer for 100 acre parcel at former MCAS El Toro and to develop disposition strategy for Alton parcels; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3 (Continued from 9/11/12, Item 27)

31452 **DELETED**

8. Approve plans and specifications and set bid opening for 10/31/12, 2:00 p.m., for Osborne Building elevator controls and controllers replacement project; and make California Environmental Quality Act findings - District 1

9. Approve agreement 12-0083 with the State Department of Food and Agriculture for reimbursement of costs related to inspection of high-risk plant shipments, 7/1/12 - 6/30/13 ($159,572); authorize Director or designee to execute agreement; and make California Environmental Quality Act findings - All Districts

10. Adopt resolution vacating reserved utility easement located on Collins Avenue, Anaheim; and make California Environmental Quality Act and other findings - District 4 (Continued from 9/25/12, Item 20)
RESO: 12-141

11. **Acting as the Board of Supervisors and Orange County Flood Control District -** Select various firms in ranked list for on-call map checking services; authorize negotiation of agreements for Board approval for up to 3 years; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

12. Approve 2013 Board of Supervisors Meeting Schedule - All Districts
13452 **APPROVED RECOMMENDED MEETING SCHEDULE WITH MODIFICATIONS TO ADD A MEETING ON 1/7/13 FOR THE SWEARING-IN OF SUPERVISORS TO BE HELD AT THE OLD COUNTY COURTHOUSE WITH TIME TO BE DETERMINED AND TO REMOVE THE MEETING ON 11/26/13**

13. Approve proposed amendments to the Conflict of Interest Code Designated Filers Exhibits for County Executive Office, District Attorney and OC Waste & Recycling - All Districts

43152 **APPROVED AS RECOMMENDED**

14. **County Counsel -** Authorize County Counsel to execute a waiver of any actual and/or potential conflict of interest and provide consent on specific conditions to Best Best & Krieger, LLP to represent Santa Margarita Water District in connection with Gobernadora Multi-Purpose Basin Implementation agreement - All Districts
43152 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 15-S22A)

DEPARTMENT APPOINTMENTS

15. **Health Care Agency -** CalOptima Board of Directors - Select and appoint one candidate to serve as community clinic representative and one candidate to serve as for-profit business representative, for terms ending 9/30/16 - All Districts (Continued from 9/25/12, Item 26)

14352 N **APPOINTED TRICIA NGUYEN TO COMMUNITY CLINIC REPRESENTATIVE AND PETER AGARWAL TO FOR-PROFIT BUSINESS REPRESENTATIVE**

ELECTED DEPARTMENT HEADS

16. **Treasurer-Tax Collector -** Adopt resolution authorizing Tustin Unified School District to issue General Obligation Bonds of School Facilities Improvement District No. 2008-1, 2008 Election, Series C, accepting District obligation for payment of County costs of issuing bonds and taking related actions - District 3

35142 **APPROVED AS RECOMMENDED**
RESO: 12-142

OC COMMUNITY RESOURCES

17. Deny bid protest from Facility Builders and Erectors, Inc.; receive bids and award contract to Silver Creek, Inc. for Irvine Regional Park Maintenance Yard Project ($1,761,669); and make California Environmental Quality Act findings - District 3

31452 **APPROVED AS RECOMMENDED**

18. Select LPA, Inc. as primary and MIG, Inc. as alternate firms to prepare a General Development Plan for Regional Park, former Marine Corps Air Station (MCAS) Tustin; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3

31452 **APPROVED AS RECOMMENDED**

19. Select Moffatt & Nichol as primary and Noble Consultants, Inc. as alternate firms for design and consulting services for Sunset Harbour maintenance dredging project; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

20. Acting as the legislative body of Community Facilities Districts - Select VA Consulting, Inc. and approve agreement 12-010DE to provide District Engineer services for Community Facilities Districts and Assessment Districts; effective upon approval and terminating on 9/30/17 ($400,000 per year); and authorize Public Finance Manager or designee to execute agreement - All Districts

53142 **APPROVED AS RECOMMENDED**

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

35142 **APPROVED AS RECOMMENDED**

22. Approve grant applications/awards submitted by Health Care Agency in 10/2/12 grant report and other actions as recommended; adopt resolution authorizing Director or designee to submit grant applications for continued funding of various department programs, rescinding Resolution 11-153 and directing annual submittal of a list of routine continued funding grant applications for Board approval; and adopt resolutions authorizing 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 - All Districts

13452 **APPROVED AS RECOMMENDED**
RESO: 12-143 - 12-146

S22A. **Chairman Moorlach -** California State Association of Counties - Appoint Supervisor Moorlach as Regular Member and Supervisor Nelson as Alternate Member for term 11/27/12 - 11/26/13

25134 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 23-24)

ELECTED DEPARTMENT HEADS

23. **Sheriff-Coroner -** Public Hearing to consider approving use of FY 2012-13 State Citizens' Options for Public Safety (COPS) Program Supplemental Law Enforcement Services Funds - All Districts

B.O. **CLOSED PUBLIC HEARING**

14352 **APPROVED AS RECOMMENDED**

1:30 P.M.TIME CERTAIN

OC PUBLIC WORKS

24. Public hearing to consider reading and adopting "An Ordinance of the Board of Supervisors of the County of Orange, California Amending the Foothill/Trabuco Specific Plan"; adopt resolutions certifying final EIR No. 661 and planning application PA110027 for Saddle Crest Homes Project for a General Plan Amendment, Foothill/Trabuco Specific Plan amendment and area plan; and make California Environmental Quality act findings - District 3

B.O. **CLOSED PUBLIC HEARING**

32145 **APPROVED AS RECOMMENDED**
RESO: 12-147 - 12-149
ORD: 12-031

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: Dorothy McKay, et al. v. Sheriff Sandra Hutchens, et al., United States District Court Case No. SACV 12-1458JVS (JPRx)

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

SCS2. **Human Resources Department -** 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: 801 W. Civic Center Drive, Santa Ana, CA; 405 W. 5th Street, Santa Ana, CA; 200 W. Santa Ana Blvd., Santa Ana, CA
County Negotiator: Robert J. Franz
Negotiating Party: Old Republic Default Management Services; Birtcher Anderson Investors, LLC; Greenwich Capital Financial Products, Inc.
Under Negotiation: Terms and value of acquisition

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

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

PUBLIC COMMENTS:
Michael Klubnikin - Oral Re: seizure of estate

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
None

ADJOURNED: 3:52 P.M.

52134 **Adjourned in memory of Richard & Lenore Oyler**

32145 **Adjourned in memory of Jim Sleeper**

12345 **Adjourned in memory of previous Supervisor Charles "Chuck" Smith**

*** 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