REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 19, 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	Bob Franz, Chief Financial Officer
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Campbell recognized the efforts of staff from OC Parks to reuse and relocate native plants endangered by winter storms in Modjeska Canyon

Chairman Campbell presented a resolution honoring Robert B. Nelsen for his extraordinary achievements in Scouting and for being the first Boy Scout in Orange County and California to earn 130 merit badges

II. CONSENT CALENDAR (Items 1-12)

54123 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 11 WHICH WAS CONTINUED TO 8/23/11, 9:30 A.M.; AND ITEMS 2, 5, 6, 7, & 12 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

District Attorney:

1. Accept $15,000 donation from National Insurance Crime Bureau (NICB) for investigation of motor vehicle theft crimes - All Districts

2. Approve agreement MA-026-11012745 with Southern California Private Investigators, Inc. (SCPI) for real estate document analysis services, 8/1/11 - 7/31/12 ($100,000); renewable for four additional one-year periods; and authorize Purchasing Agent or deputy to execute - All Districts

14253 **APPROVED AS RECOMMENDED**

3. **Sheriff-Coroner -** Approve ten-year license agreement with Southern California Edison to operate radio equipment at Loma Ridge Communications Facility; and make California Environmental Quality Act findings - District 3

OC COMMUNITY RESOURCES

4. Approve Orange County Workforce Investment Act Local Plan Modification, FY 2011-12 - All Districts

OC PUBLIC WORKS

5. Approve Contract Change Order No. 6 to agreement D09-092 with Sukut Construction, Inc. for shoring, constructing a retaining wall, and performing earthwork, Alton Parkway extension ($298,810.58); and make California Environmental Quality Act findings - Districts 3 & 5

43125 **APPROVED AS RECOMMENDED**

6. Receive bids and award contract to Fast-Track Construction Corporation for Sheriff-Coroner Department DNA freezer expansion and upgrade project ($106,000); and make California Environmental Quality Act findings - District 1

14253 **APPROVED AS RECOMMENDED**

7. Receive bids and award contract to FM & Sons, Inc. for Trabuco Creek Road Resurfacing and Improvement Project ($659,572.55); and make California Environmental Quality Act findings - Districts 3 & 5

35124 N **APPROVED AS RECOMMENDED**

8. **Acting as the Orange County Flood Control District -** Approve easement deed with City of Tustin for improvements to Peters Canyon Channel; and make California Environmental Quality Act findings - District 3

OC WASTE & RECYCLING

9. Receive and file AB 939 Surcharge Implementation Semi-Annual Report - All Districts

PUBLIC PROTECTION

10. **Probation -** Approve amendment 1 to agreement with PCR Services Corporation for biological monitoring services for On-Site Habitat Restoration and Mitigation for Joplin Youth Center Pond and Road Repair project ($20,000; new total $60,000) - District 3

GENERAL ADMINISTRATION

Human Resources Department:

11. Approve agreements with Alliance of Orange County Workers (AOCW), American Federation of State, Municipal and County Employees (AFSCME), International Union of Operating Engineers (IUOE) and Orange County Employees Association (OCEA) for 2011 Salary Reopener - All Districts

54123 **CONTINUED TO 8/23/11, 9:30 A.M.**

12. Response to 5/10/11 Board Directive - Direct staff to pursue legislation relating to tax arising from proposed pension formula election - All Districts

21453 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-S28B)

ELECTED DEPARTMENT HEADS

13. **Sheriff-Coroner -** Approve amendment 6 to agreement, renewing as MA-060-11012269 with Heli-Mart, Inc. for helicopter airframe components repair and maintenance services, 9/1/11 - 8/31/12 ($300,000) - All Districts

23145 X **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

14. Approve selections of and agreements with AHMC Anaheim Regional Medical Center ($201,247), Nhan Hoa Comprehensive Health Care Clinic ($201,247), Community Service Programs, Inc. ($201,247), National Council on Alcoholism and Drug Dependence - Orange County ($201,247) and America On Track dba Orange County On Track ($201,247) for Tobacco Cessation and Prevention services, 7/1/11 - 6/30/12; and authorize Director or designee to exercise cost contingency increase for agreements not to exceed 15% under certain conditions - All Districts (Continued from 6/21/11, Item 36)

53124 X **APPROVED AS RECOMMENDED**

15. Approve cooperative agreement with City of Santa Ana for HIV housing and supportive services, 7/1/11 - 6/30/12 ($921,133) - All Districts

15243 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

16. Select option for TruGreen Landcare contract renewal for exterior landscape maintenance services; authorize Purchasing Agent or deputy to execute agreement; and make California Environmental Quality Act findings - District 2 (Continued from 6/28/11, Item 47)

54123 N **APPROVED R.A. 1 AND SELECTED OPTION 1 FOR 1 YEAR EXTENSION**

OC COMMUNITY RESOURCES

17. Approve three Master Cost Reimbursement agreements with various vendors for Workforce Investment Board Professional and Training Workforce services, 7/19/11 - 6/30/12 ($1,000,000); renewable for three additional one-year periods; and authorize Director or designee to execute agreements and exercise a cost contingency increase or decrease not to exceed 10% and make line item budget transfers under certain conditions- All Districts

14253 **APPROVED AS RECOMMENDED**

18. Response to 5/24/11 Board Directive - Receive and file Alternatives for Armory Emergency Shelter Program Report - All Districts

B.O. **CONTINUED TO 8/9/11, 9:30 A.M.**

OC PUBLIC WORKS

19. Approve agreement C-1-2758 with Orange County Transportation Authority for Measure M2 Region Capacity Program/Arterial Capacity Enhancement funding ($12,259,585); approve

agreement D11-040 with Rancho Mission Viejo, LLC for reimbursement of engineering services for Cow Camp Road, term ending 6/30/12 ($1,000,000); and authorize Director or designee to execute related documents - Districts 1, 2 & 5

54123 **APPROVED AS RECOMMENDED**

20. Select Parsons Transportation Group, Inc. as primary and Huitt-Zollars, Inc. as alternate firms for preparation of plans, specifications, and cost estimate for La Pata Avenue/Camino Del Rio Extension project; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 5

31245 NNA **MOTION TO APPROVE STAFF RECOMMENDATION FAILED TO CARRY**

24153 A **APPROVED R.A. 1 - 3 AS MODIFIED TO SELECT HUITT-ZOLLARS, INC. AS PRIMARY FIRM WITH NO SECONDARY FIRM**

Acting as the Orange County Flood Control District:

21. Receive bids and award contract to Zusser Company, Inc. for Cathodic Protection Systems for Huntington Beach Channel and Talbert Channel ($4,238,252); and make California Environmental Quality Act findings - District 2 (Continued from 6/21/11, Item 46; 6/28/11, Item 54)

24153 **APPROVED AS RECOMMENDED**

22. Receive bids and award contract to Garcia Juarez Construction, Inc. for Lewis Storm Channel Improvements Project ($821,349); and make California Environmental Quality Act findings - District 1

12453 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

23. Approve amendment 1 to lease with Anaheim La Palma Partners LP for office space for mandated CalWORKs, Medi-Cal and CalFresh services, extending lease for an additional 5 years; and make California Environmental Quality Act findings - District 4

42153 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

24. Consider directing staff to develop legislative proposals to implement options for New Elected Members of the Board of Supervisors Retirement Plan - All Districts (Continued from 6/21/11, Item 55)

B.O. **CONTINUED TO 8/23/11, 9:30 A.M.**

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

25143 **APPROVED STAFF RECOMMENDATIONS WITH DIRECTION FOR STAFF TO REMOVE "AND HAS NO PLANS TO DO SO IN THE FUTURE" FROM THE LEGISLATIVE BULLETIN PAGE 4 UNDER SB931 HUMAN RESOURCES AND CEO/LEGISLATIVE AFFAIRS COMMENTS**

26. Approve lease agreement with Judicial Council of California, Administrative Office of the Courts for office space at North Justice Center Trial Court Facility, Fullerton, effective 7/1/11 - 6/30/12; renewable for five additional one year terms; and make California Environmental Quality Act findings - District 4

41253 **APPROVED AS RECOMMENDED**

27. Approve recommended grant applications submitted by Sheriff-Coroner, Probation Department and District Attorney in 7/19/11 grant report and other actions as recommended; adopt resolution authorizing Chief Probation Officer to execute and submit grant application with Corrections Standards Authority for participation in Office of Juvenile Justice and Delinquency Prevention Formula Grants program - All Districts

14253 **APPROVED AS RECOMMENDED**
RESO: 11-109

28. **Office of the Performance Audit Director -** Approve selection of specific audit engagements of work plan for the Office of Performance Audit Director - All Districts (Continued from 6/28/11, Item 63)

34125 **SELECTED 6 AUDIT ENGAGEMENTS: COUNTYWIDE CONSTRUCTION MANAGEMENT (PRIORITY 1); OC PUBLIC WORKS/FLEET SERVICES AND COUNTYWIDE PURCHASING SERVICES (PRIORITY 2) AND SSA/CHILD PROTECTIVE SERVICES, CLERK-RECORDER FUND 12D & AGENDA STAFF REPORT (ASR) REVIEW PROCESS (PRIORITY 3)**

ELECTED DEPARTMENT HEADS

S28A. **Sheriff-Coroner -** Approve Indemnification and Hold Harmless agreement with SNAFUEL Inc. and Aircraft Service International Inc. for purchase of aircraft fuel; and authorize Purchasing Agent or deputy to execute - District 2

24153 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S28B. **Vice Chairman Moorlach -** Discussion of proposed candidate, Steven Kight, for Chief Strategy Officer, Ending Homelessness 2020 Board

23145 **RECEIVE AND FILE**

IV. PUBLIC HEARINGS (Items 29-30)

HEALTH CARE AGENCY

29. Public Hearing to consider adopting resolution approving basic life support ambulance rates, and advanced life support paramedic assessment and transportation fee for Orange County Fire Authority jurisdictional areas (excepting San Clemente, Westminster and Buena Park); rescinding Resolution 08-075 effective 7/1/11; and make California Environmental Quality Act findings - All Districts (Continued from 6/28/11, Item 64)

B.O. **DELETED**

GENERAL ADMINISTRATION

30. **County Executive Office -** Public Hearing to consider selection of Redistricting Proposal;

direct OC Public Works to prepare a legal description of selected proposal for inclusion in final redistricting ordinance and return to the Board for a second Public Hearing and proposal adoption on 9/13/11, 9:30 a.m. - All Districts

B.O. **PUBLIC HEARING HELD AND CLOSED**

V. CLOSED SESSION (Items CS-1-CS-6)

GENERAL ADMINISTRATION

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

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

CS-2. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property: 888 North Main Street, Santa Ana, California
County Negotiator: County Executive Officer
Negotiating Parties: County of Orange and an entity known as Mr. Michael Harrah, dba EASTCOMP Corporation and Caribou Industries Inc.
Under Negotiation: Negotiations regarding 888 North Main Street, Santa Ana
(Continued from 6/28/11, Item CS-1)

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

Human Resources Department:

CS-3. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Orange County Attorneys Association (OCAA)
RE: Terms and Conditions of Employment

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

CS-4. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Association of County Law Enforcement Management (ACLEM)
RE: Terms and Conditions of Employment

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

CS-5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Counsel

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

CS-6. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b)(i):
Title: Interim Public Defender

B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, APPOINTED FRANK OSPINO TO THE POSITION OF INTERIM PUBLIC**

DEFENDER EFFECTIVE AUGUST 2, 2011

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

PUBLIC COMMENTS:
William Fitzgerald & Gerald Del Rosario - Oral Re; County termination policy

Art Montez & Zeke Hernandez - Oral Re: County redistricting

Herbert Nakasone - Oral Re: Santa Ana River Flood Protection Agency

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Vice Chairman Moorlach - Oral Re: Red Rock hike on 7/23/11, O.C. Fair Foster Kids Night and hike last week at Whitney Portal

Supervisor Nguyen - Oral Re: AB 1234 trip report to NACO conference in Portland, Oregon

Supervisors Nelson & Bates - Oral Re: Status report from HR Performance Audit Ad-Hoc Advisory Subcommittee at 8/9/11 Board meeting

Chairman Campbell - Oral Re: Presentation to California Redistricting Committee on 7/22/11

ADJOURNED: 2:30 P.M.
52143 **Adjourned in memory of Scott Sellman**

*** 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