REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 20, 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:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nelson, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Moorlach presented a resolution on Tsunami Preparedness Week

II. CONSENT CALENDAR (Items 1-11)

34152 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 8 WHICH WAS CONTINUED TO 3/27/12, 9:30 A.M.; AND ITEMS 4 & 11 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

1. Approve agreement MA-060-11012050 with EZ Card and Kiosk LLC for jail kiosk services, 3/20/12 - 3/19/14; renewable for three additional one-year periods; and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts

2. Approve amendment 2 to agreement MA-060-11012207 with Intratek Computer, Inc. for information technology professional services and printer repair services, term ending 6/28/12 ($14,000; new total $300,200); renewable for one additional year ($364,200); and authorize Purchasing Agent or authorized deputy to execute amendment - All Districts

HEALTH CARE AGENCY

3. Approve amendment 3 to agreements with Cooper Fellowship, Inc. ($37,770; new total $205,123) and Phoenix House Orange County, Inc. ($98,929; new total $184,399) for Parolee Services Network Residential services, 7/1/11 - 6/30/12; and authorize Director or designee to execute amendments - All Districts

4. Approve master agreement with various providers for community-based stigma reduction art event services, 3/21/12 - 6/30/15 ($475,000); authorize Director or designee to execute agreements - All Districts

31452 **APPROVED WITH AMENDMENT TO DIRECT HCA PROVIDE A REPORT TO THE BOARD ON STATUS AND EFFECTIVENESS OF PROGRAM WHEN 1/3 AND AGAIN WHEN 2/3 OF FUNDS HAVE BEEN COMMITTED**

OC COMMUNITY RESOURCES

5. Accept donation from Friends of the Laguna Beach Library to purchase new furniture for the Laguna Beach Library ($41,661.53); and authorize Director or designee to execute receipt and release of all claims - District 5

6. Approve plans and specifications and set bid opening for 4/18/12, 2:00 p.m., for Domestic Water Lines Replacement Project, Irvine Regional Park; and make California Environmental Quality Act findings - District 3

7. Accept bequest from Betty Lou Faust Trust to purchase library books and media collections for the Costa Mesa/Mesa Verde Library ($21,000); and authorize Director or designee to execute receipt and release of all claims - District 2

OC PUBLIC WORKS

8. Approve and accept for recording quitclaim deed from the City of Irvine for conveyance of three parcels totaling approximately 60 acres; and make California Environmental Quality Act findings - Districts 3 and 5 (Continued from 1/24/12, Item 17; 2/28/12, Item 17)

34152 **CONTINUED TO 3/27/12, 9:30 A.M.**

9. Adopt resolution approving agreement D11-091 with Orange County Transportation Authority and City of Laguna Woods for funding of Moulton Parkway Smart Street Segment 3 Phase II Project; authorizing Director or designee to execute grant related or Proposition 1B SLPP-related forms and making findings; approve revised County 7-Year Transportation Capital Improvement Program FY 2011-12 - FY 2017-18; and make California Environmental Quality Act findings - All Districts (4/5 vote of the membership)

RESO: 12-026

10. Receive and file Traffic Committee Report dated 1/19/12; approve recommendations and adopt necessary resolution; rescind Resolution 03-248; and make California Environmental Quality Act findings - District 5
RESO: 12-027

11. **Acting as the Orange County Flood Control District -** Approve agreement D12-002 with Jacobs Associates for tunnel design services and on-call construction monitoring and support services for Edinger Storm Channel Improvement project, two-year term ($480,000); and make California Environmental Quality Act findings - Districts 1 and 2

25134 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 12-22)

ELECTED DEPARTMENT HEADS

12. **District Attorney -** Adopt resolution approving extension of $3.00 recording fee on certain real estate instruments for funding prosecution and deterrence of real estate fraud crimes, 4/1/12 - 3/31/15; and make related findings - All Districts (Continued from 3/6/12, Item 17)

53142 **APPROVED AS RECOMMENDED**
RESO: 12-028

HEALTH CARE AGENCY

13. Approve amendment 1 to agreement 10-95277 with State Department of Public Health for AIDS related services, 7/1/10 - 6/30/13 ($869,172; new total $9,261,106); 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 (Continued from 3/6/12, Item 20)

45132 **APPROVED AS RECOMMENDED**

14. Approve agreement 11-10303 with State Department of Public Health for Childhood Lead Poisoning Prevention Program, 7/1/11 - 6/30/14 ($2,503,220); and authorize Director or designee to execute Contractor's Release form upon submission of final invoices - All Districts (Continued from 3/6/12, Item 22)

45132 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

15. **Acting as the Board of Supervisors and Orange County Housing Authority -** Approve to fund Doria Apartment Homes - Phase II County HOME Investment Partnership Act loan ($1,170,296); approve subordination of loan to construction loan ($9,989,019) and authorize Director or designee to exercise 10% contingency increase to senior debt; approve subordination of permanent financing to an amortized first trust deed conventional loan ($4,023,677) and authorize Director or designee to subordinate additional senior debt up to 100% of cumulative loan-to-value based on as-built appraised market value and any necessary future changes in project financing; authorize Director or designee to execute related documents; approve selection of Doria Apartment Homes - Phase II for 10 housing choice vouchers for units as described; and make California Environmental Quality Act and other findings - District 3

31452 **APPROVED AS RECOMMENDED**
N

OC PUBLIC WORKS

16. Approve agreement MA-080-12010736 with Roger Faubel Public Affairs, Inc. for mandated public education and outreach assistance to support water quality enhancement and regulatory compliance, 3/21/12 - 3/20/13 ($500,000); renewable for four additional one-year periods; and make California Environmental Quality Act findings - All Districts

45132 **APPROVED AS RECOMMENDED**

17. Receive and file status report on Santa Ana River Interceptor Mainline and Yorba Linda Spur projects as of March 12, 2012 - District 3

B.O. **DELETED**

GENERAL ADMINISTRATION

County Executive Office:

18. Approve in concept the issuance of Tax and Revenue Anticipation Notes for purpose of financing General Fund cash flow needs for FY 2012-13; and continuation of Orrick, Herrington & Sutcliffe LLP as note and disclosure counsel, KNN Public Finance as financial advisor - All Districts

45132 **APPROVED AS RECOMMENDED**

19. Adopt resolution approving substitution of an alternate Letter of Credit for an existing Letter of Credit for Irvine Coast Assessment District No. 88-1 Limited Obligation Improvement Bonds; approve conversion of Bonds from Daily Interest Mode to Variable Interest Mode; authorizing execution and delivery of Substitution and Conversion Costs agreement, Reimbursement, Credit and Security agreement, Letter agreement, amendment 1 to Protocol agreement and amendment 1 to Remarketing agreement; authorizing preparation and distribution of Preliminary Remarketing Memorandum and Remarketing Memorandum relating to Bonds; and authorizing execution of related documents - District 2

24135 **APPROVED AS RECOMMENDED**
RESO: 12-029

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

43152 **APPROVED AS RECOMMENDED**

21. Approve grant applications/awards submitted by Health Care Agency, OC Public Works and Sheriff-Coroner in 3/20/12 grant report and other actions as recommended - All Districts

34152 **APPROVED AS RECOMMENDED**

22. **Chairman Moorlach -** Acting as the Board of Supervisors - Approve appointment of Thomas Dean to the position slot to be nominated by Chair of the Board of Supervisors to the Oversight Board of the Successor Agency to the Orange County Development Agency; appoint Cheryl Brothers, Fountain Valley; Jeff Dill, Vern Jones, Lake Forest; Patrick Imburgia, Robert Breton, Mission Viejo; Holly Veale, Candace Haggard, San Clemente; Virginia Kerr, Bruce Tatarian, San Juan Capistrano; Tony Lam, Don Anderson, Westminster to the respective Oversight Boards of the Successor Agencies to the City Redevelopment Agencies; Acting as the Orange County Flood Control District - Appoint Robert Woodings, Lake Forest; Joe Anderson, San Clemente and C. Lawrence Thomas, San Juan Capistrano to the respective Oversight Boards of the Successor Agencies to the City Redevelopment Agencies (Continued from 2/28/12, Item S51C; 3/6/12, Item 26)

21345 **APPROVED AS RECOMMENDED; SUPERVISOR NELSON NOTED FOR THE RECORD HE WAS CASTING A NO VOTE FOR ALL APPOINTMENTS ON ATTACHMENT B OF A CITY COUNCIL MEMBER, CITY PLANNING COMMISSION MEMBER OR CITY STAFF MEMBER TO THAT CITY'S OVERSIGHT BOARD**

IV. PUBLIC HEARINGS (Item 23)

GENERAL ADMINISTRATION

23. **County Executive Office -** Public Hearing to consider adopting resolution approving execution and delivery of Site Lease, Termination agreement, Purchase agreement, Official Statement, Continuing Disclosure Certificate and related documents; approve certain actions in connection with issuance of South Orange County Public Financing Authority Juvenile Justice Center Facilities Lease Revenue Refunding Bonds, Series 2012; Acting as the Board of Directors of South Orange County Public Financing Authority - adopt resolution authorizing issuance, sale and delivery of Lease Revenue Refunding Bonds, Series 2012 in an amount not to exceed $40,000,000; approve all other documents as necessary; and make related findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

45132 **APPROVED AS RECOMMENDED**
RESO: 12-030 - 12-031

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Albert Macias v. County of Orange, Workman's Compensation Appeal Board Case No. ADJ2579613

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ALBERT MACIAS 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.**

CS-2. 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

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

CS-3. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Various locations, including: 1770 North Broadway, Santa Ana, CA; 405 W. 5th Street, Santa Ana, CA; 200 Santa Ana Blvd., Santa Ana, CA; 801 W. Civic Center Drive, Santa Ana, CA; Santa Ana Transit Terminal
County Negotiator: Thomas G. Mauk
Negotiating Party: Purchasers and sellers of buildings
Under Negotiation: Terms and value of future sale(s) and acquisition(s)
(Continued from 2/28/12, Item CS3)

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

Human Resources Department:

CS-4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Counsel
B.O. **HELD, NO REPORTABLE ACTION**

CS-5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Executive Officer
B.O. **HELD, NO REPORTABLE ACTION**

SCS6. **County Counsel** - 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**

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

PUBLIC COMMENTS:

Opinion Online

Michael Klubnikin - Oral Re: Public Guardian

Darrell Nolta - Oral Re: Agendizing Tsunami Preparedness Week presentation, permanent HCA Director, funding for Musick jail expansion, $3.2 million court award against the County, Officer involved shooting

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Chairman Moorlach - Oral Re: Appointment of Shaun Skelly as Auditor-Controller will be agendized for 3/27/12, 9:30 A.M.

ADJOURNED: 3:15 P.M.
12345 **Adjourned in memory of Caroline Mary Orsinelli**

52134 **Adjourned in memory of Scott L. Allen**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell

A. = Abstained
X. = Excused
N. = No

4. = Supervisor Nelson
5. = Supervisor Bates

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