REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 14, 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:	ACTING 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

Chairman Moorlach presented a resolution proclaiming August 2012 as " Eligibility Professionals Recognition Month"

II. CONSENT CALENDAR (Items 1-14)

13452 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3 & 9 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; ITEM 10 WHICH RECEIVED AN ABSTENTION FROM SUPERVISOR BATES ON RECOMMENDED ACTIONS 2 & 4; ITEM 11 WHICH RECEIVED A NO VOTE FROM SUPERVISOR NELSON; AND ITEM 12 WHICH WAS CONTINUED TO**

9/11/12, 9:30 A.M.

DEPARTMENT APPOINTMENTS

1. **Social Services Agency -** Orange County Child Care and Development Planning Council - Appoint Melinda Konoske, Orange; Donna McInteer, Fullerton; Karen Littlefield, Orange; and Krista Murphy, Costa Mesa, for terms ending 8/5/14; and reappoint Fredrika Gragg, Santa Ana; Marcia Rudolph, Lake Forest; Anne Broussard, Santa Ana; Constance White, Glendora; Kathleen McFarlin, Irvine; and Michelle Pelliccino, Santa Ana, for terms ending 8/5/14 - All Districts

2. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Frank Talarico, Santa Ana and Jamie Evanoff, Santa Ana, to complete terms ending 12/31/13 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve amendment 7 to agreement MA-060-11010866 with Taser International, Inc. for repair and replacement of tasers and accessories, term ending 11/17/12 ($9,000; new total $144,088); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

43152 **APPROVED AS RECOMMENDED**

4. Approve agreement MA-060-12012251 with Hunter Consulting, Inc. dba HCI Environmental & Engineering Services for replacement and disposal of lead contaminated filters, 8/14/12 - 8/13/13 ($350,000); renewable for four additional years; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

5. Accept grant award from U.S. Department of Justice for Edward Byrne Memorial Justice Assistance Grant Program, FY 2012 ($465,007); approve form of agreement to transfer funds to participating cities; and authorize Sheriff-Coroner or designee to execute individual city agreements - All Districts

6. Authorize Purchasing Agent or authorized Deputy to purchase physical security enhancement equipment funded by FY 2009 Buffer Zone Protection Program grant ($388,000); and make related budget adjustments - All Districts (4/5 vote of the members present)

7. **Treasurer-Tax Collector -** Approve agreement MA-074-13010137 with Wells Fargo Merchant Services, L.L.C. and Wells Fargo Bank, N.A. (collectively "Wells Fargo") for electronic payment acceptance and processing for non-convenience credit and debit card transactions, through 8/13/15; approve agreement MA-074-13010138 with Wells Fargo Bank, N.A. for internet payment gateway services required for accepting and processing credit and debit cards and eChecks via internet, through 8/13/13; and authorize Purchasing Agent or authorized Deputy to execute agreements - All Districts

HEALTH CARE AGENCY

8. Approve amendment 1 to lease agreement with Santa Ana Horton Investment Group, Inc. for office space at 517 N. Main Street, Santa Ana; and make California Environmental Quality Act findings - District 1

OC COMMUNITY RESOURCES

9. Approve revised Orange County Workforce Investment Board Bylaws to include revision of annual date of the election of Board officers, notification timing of meeting absences, Youth Council membership and Executive Committee quorum - All Districts

13452 **APPROVED AS RECOMMENDED**

10. Approve amendment 1 to agreement OCP09-013 with RBF Consulting for on-call civil engineering services, extending term to 9/28/14; approve amendment 1 to agreement OCP09-015 with Schmidt Design Group, Inc. for on-call landscape architecture services, extending term to 9/28/14; approve amendment 1 to agreement OCP09-017 with RBF Consulting for on-call contract administration and contract management services, extending term to 10/15/14; and make California Environmental Quality Act findings - All Districts

13452 **APPROVED AS RECOMMENDED - SUPERVISOR BATES ABSTAINED ON RECOMMENDED ACTIONS 2 & 4**

11. **Acting as the Housing Successor Agency to the Orange County Development Agency -** Adopt Recognized Obligation Payment Schedule (ROPS), 1/1/13 - 6/30/13; direct staff to submit ROPS to County's Oversight Board; upon approval of County's Oversight Board, authorize staff to submit ROPS to State Department of Finance and State Controller's Office; and direct staff to notify Board of any changes made to ROPS by County Auditor-Controller, County's Oversight Board, State Department of Finance, and/or State Controller's Office - All Districts

13452 **APPROVED AS RECOMMENDED**
N

OC PUBLIC WORKS

12. Adopt resolution vacating a portion of Marcy Drive road easement; and make California Environmental Quality Act and other findings - District 3 (Continued from 7/24/12, Item 13)

13452 **CONTINUED TO 9/11/12, 9:30 A.M.**

PUBLIC PROTECTION

13. **Probation -** Approve agreement with Orange County Superintendent of Schools for Probation Officer and support services for Community School Program, 9/1/12 - 8/31/13 ($396,094); and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

14. **Human Resources Department -** Approve amendment 2 to agreement with The Hartford Life and Accident Insurance Company for Accidental Death and Dismemberment (AD&D) Insurance, 1/1/13 - 12/31/13 ($110,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 15-29)

ELECTED DEPARTMENT HEADS

Treasurer-Tax Collector:

15. Adopt resolution authorizing Savanna Elementary School District to issue Savanna Elementary School District General Obligation Bonds, 2012 Election Series A, without further Board action, accepting District Obligation for payment of County costs of issuing such bonds and taking related actions ($27,000,000) - Districts 2 & 4
42135 **APPROVED AS RECOMMENDED**
RESO: 12-122

16. Approve amendment 6 agreement to MA-074-10010309 with Financial Statement Services, Inc. for tax bill printing and mailing services, 8/25/12 - 8/24/13 ($510,000) - All Districts
53142 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

17. Approve amendment 1 to agreement 10-NNA30 with State Department of Alcohol and Drug Programs for alcohol and drug abuse treatment and prevention services, FY 2012-13 ($106,088; new total $19,278,789); and authorize Director or designee to execute amendment - All Districts
53142 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

18. Approve agreement with TruGreen LandCare LLC for exterior landscape maintenance services, 9/11/12 - 9/10/13 ($400,520); renewable for four additional one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - District 2
35142 **APPROVED AS RECOMMENDED**
N

19. Approve amendment 1 to agreement with Helix Electric, Inc. for additional design-build services for Parking Access and Revenue Control System Project, extending term 30 days ($198,000; new total $11,146,813.61); and make California Environmental Quality Act findings - District 2
23145 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

20. Reject Traffic Committee recommendations dated 5/17/12; adopt resolution rescinding resolution 86-1588 that established a 40 mph speed limit on Gilbert Street, and establish a 35 mph"Radar Enforced" limit; and make California Environmental Quality Act findings - District 4
43152 **APPROVED AS RECOMMENDED**
RESO: 12-123

21. Select Nichols Consulting Engineers, Chtd. as primary and Buckman Infrastructure Group as

alternate firms for roadway pavement distress evaluations; authorize negotiation of agreement for Board approval; authorize Director or designee to negotiate additional workscope for contracted cities; and make California Environmental Quality Act findings - All Districts

53142 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

22. Approve amendment 5 to price agreement N1000011007 with Avasant for Information Technology Sourcing Advisory services, 10/1/12 - 12/31/12 ($123,750); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

34152 **APPROVED AS RECOMMENDED**

23. Approve proposed response to FY 2011-12 Grand Jury Report "Elder Abuse - The Perfect Storm" - All Districts

35142 **APPROVED AS RECOMMENDED**

24. Approve proposed response to FY 2011-12 Grand Jury Report "Transparency Breaking Up Compensation Fog - But Why Hide Pension Costs?" - All Districts

43152 **APPROVED AS RECOMMENDED**

25. Approve grant applications/awards submitted by Sheriff-Coroner and OC Community Resources in 8/14/12 grant report and other actions as recommended; adopt resolutions authorizing Sheriff-Coroner or designee to execute and submit to State Emergency Management Agency the FY 2012 Emergency Management Performance Grant Application for assistance ($738,609) and grant assurances and Homeland Security Grant Program, FY12 ($2,352,421) and to execute related documents - All Districts

54132 **APPROVED AS RECOMMENDED**
RESO: 12-124 - 12-125

26. Approve compensation of $200 per meeting (maximum 12 meetings per year) for appointed members of Public Financing Advisory Committee (PFAC); and direct staff to amend PFAC Bylaws to include compensation - All Districts

B.O. **CONTINUED TO 8/21/12, 9:30 A.M.**

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

35142 **APPROVED AS RECOMMENDED**

28. Acting as the Community Facilities Districts - Consider second reading and adoption of "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3727 Authorizing the Levy of a Special Tax Within Community Facilities District No. 86-1 (Rancho Santa Margarita) of the County of Orange"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3760 Authorizing the Levy of a Special Tax Within Community Facilities District No. 86-2 (Rancho Santa Margarita) of the County of Orange"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3902 Authorizing the Levy of a Special Tax Within Community Facilities District No. 86-2 (Rancho Santa Margarita) of the County of Orange Improvement Area No. 1"; "An Ordinance of the Board of Supervisors of Orange

County Amending and Restating Ordinance No. 0-98-7 Authorizing the Levy of a Special Tax Within Community Facilities District No. 86-2 (Rancho Santa Margarita) of the County of Orange Improvement Area No. 2"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3696 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-1 of the County of Orange (Dimensions Business Park)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3714 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-2 of the County of Orange (Portola Hills)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3715 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-3 of the County of Orange (Mission Viejo)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3734 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-4 of the County of Orange (Foothill Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3738 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-5A of the County of Orange (Rancho Santa Margarita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3739 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-5B of the County of Orange (Rancho Santa Margarita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3740 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-5C of the County of Orange (Rancho Santa Margarita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3741 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-5D of the County of Orange (Rancho Santa Margarita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3882 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-5E of the County of Orange (Rancho Santa Margarita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3735, as Amended by Ordinance No. 99-06 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-6 of the County of Orange (Baker Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3736 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-7 of the County of Orange (Los Alisos)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3733 Authorizing the Levy of a Special Tax Within Community Facilities District No. 87-8 of the County of Orange (Coto De Caza)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3737 Authorizing the Levy of A Special Tax Within Community Facilities District No. 87-9 of the County of Orange (Santa Teresita)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3716 Authorizing the Levy of a Special Tax Within Community Facilities District No. 88-1 of the County of Orange (Aliso Viejo)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 3730 Authorizing the Levy of a Special Tax Within Community Facilities District No. 88-2 of the County of Orange (Lomas Laguna)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 99-09 Authorizing the Levy of a Special Tax Within Community Facilities District No. 99-1 of the County of Orange (Ladera Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 00-9 Authorizing the Levy of a Special Tax

Within Community Facilities District No. 2000-1 of the County of Orange (Ladera Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 01-007 Authorizing the Levy of a Special Tax Within Community Facilities District No. 2001-1 of the County of Orange (Ladera Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 02-013 Authorizing the Levy of a Special Tax Within Community Facilities District No. 2002-1 of the County of Orange (Ladera Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 03-016 Authorizing the Levy of a Special Tax Within Community Facilities District No. 2003-1 of the County of Orange (Ladera Ranch)"; "An Ordinance of the Board of Supervisors of Orange County Amending and Restating Ordinance No. 04-012 Authorizing the Levy of a Special Tax Within Community Facilities District No. 2004-1 of the County of Orange (Ladera Ranch)" - Districts 3 & 5 (Continued from 7/24/12, Item 34; 7/31/12, Item 24)

53142 **APPROVED AS RECOMMENDED**
ORD: 12-005 - 12-029

29. **Human Resources Department -** Approve amendment 3 to agreement with Mercer Investment Consulting, Inc. for investment consultant services for County's Defined Contribution Programs and Extra Help Employee Defined Benefit Plan, 11/19/12 - 11/18/13; and authorize Director or designee to execute amendment - All Districts

45132 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

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: Paul Milligan, et al. v. County of Orange, et al., United States District Court Case No. SACV10-1874 JVS (RNBx) Consolidated with SACV 11-1693-JVC (RNBx)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF PAUL MILLIGAN, ET AL. V. COUNTY OF 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.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Kathleen Tahilramani v. County of Orange, Orange Court Superior Court Case No. 30-2-11-00518003-CU-OE-CJC; Kathleen Tahilramani v. County of Orange, Workers' Compensation Appeals Board Case No. ADJ7847575

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**

Human Resources Department:

CS-4. 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), 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**

SCS5. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: Interim County Executive Officer

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:

Elias Alcaraz - Oral Re: Santa Ana River Flood Control Project

Mary Palafax - Oral Re: Selection of qualified Behavioral Health Director

Michael Klubnikin - Oral Re: Public Guardian

Darrell Nolta - Oral Re: CalOptima and private ambulance services in Westminster

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Nguyen - Oral Re: Caloptima

Supervisor Bates - Oral Re: Board of Supervisors' commitment to accountability and transparency

Chairman Moorlach - Oral Re: Prior directive for CEO to provide a "legal roadmap" for appointment of a Public Administrator and to also determine whether the same process will be applicable if the Office of

Clerk-Recorder becomes vacant

ADJOURNED: 12:30 P.M.

52134 **Adjourned in memory of George Frank Ceithaml**

*** 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