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

INTERIM COUNTY EXECUTIVE OFFICER	COUNTY COUNSEL	CLERK OF THE BOARD
Robert J. Franz	Nicholas S. Chrisos	Susan Novak

County of Orange Mission Statement

Making Orange County a safe, healthy, and fulfilling place to live, work, and play, today and for generations to come,
by providing outstanding, cost-effective regional public services.

- **Vision Statement for Business Values - We strive to be a high quality model governmental agency that delivers services to the community in ways that demonstrate:**
  - EXCELLENCE – Provide responsive and timely services
  - LEADERSHIP – Leverage available resources as we partner with regional businesses and other governmental entities
  - STEWARDSHIP – Seek cost-effective and efficient methods
  - INNOVATION – Use leading-edge innovative technology

- **Vision Statement for Cultural Values - We commit to creating a positive, service-oriented culture which:**
  - Attracts and retains the best and the brightest
  - Fosters a spirit of collaborations and partnership internally and externally
  - Supports creativity, innovation, and responsiveness
  - Demonstrates a "can-do" attitude in accomplishing timely results
  - Creates a fun, fulfilling, and rewarding working environment
  - Models the following core values in everything we do: Respect, Integrity, Caring, Trust & Excellence

The Orange County Board of Supervisors welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action shall be taken on any item not appearing in the agenda.

If you wish to speak on an item contained in the agenda, please complete a Speaker Request Form(s) identifying the item(s) and deposit it in the box to the left of the podium. If you wish to speak on a matter which does not appear on the agenda, but is under the jurisdiction of the Board of Supervisors, you may do so during the Public Comments period at the end of the meeting. Your speaker request form must be deposited prior to the beginning of the consent calendar, the Clerk's reading of the title for individual agenda items and/or the beginning of Public Comments.

When addressing the Board, it is requested that you state your name for the record. Please address the Board as a whole through the Chair. Comments to individual Supervisors or staff are not permitted. Speakers will be limited to three (3) minutes. Power Point and video presentations must be requested prior to the start of the meeting. Please see the Clerk for assistance.

In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Clerk of the Board's Office 72 hours prior to the meeting at (714) 834-2206

All supporting documentation is available for public review in the office of the Clerk of the Board of Supervisors located in the Hall of Administration Building, 333 W. Santa Ana Blvd., 10 Civic Center Plaza, Room 465, Santa Ana, 92701 during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Friday. Agenda Items are also available online at: http://www.ocgov.com/supervisors/agenda/supervisorsagenda.asp

Tuesday, December 4, 2012
9:30 A.M.

INVOCATION: Supervisor Nelson, Fourth District

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District

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I. PRESENTATIONS/INTRODUCTIONS (None Scheduled)

II. CONSENT CALENDAR (Items 1-22)

All matters are approved by one motion unless pulled by a Board Member for discussion or separate action. At this time, any member of the public may ask the Board to be heard on any item on the Consent Calendar.

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

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

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. Continued to 1/29/13, 9:30 a.m.

Revised Title to read:
Social Services Agency - Approve plans and specifications and set bid opening for 1/16/13 *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)

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. Moved to Discussion
Clerk of the Board - 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

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

Registrar of Voters:

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

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

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

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)

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

OC PUBLIC WORKS

27. Continued to 1/29/13, 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

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

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)

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)

GENERAL ADMINISTRATION

County Executive Office:

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

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

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)

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

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

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

V. CLOSED SESSION (Items CS-1-CS-5)

The Board will break for lunch at approximately 12:00 PM and may consider closed session matters during that break. The Board will then resume to handle any remaining business if necessary.

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

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

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

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

CS-5. **Human Resource Services -** 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

SCS-6. **Human Resources Services** - PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: County Executive Officer

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

PUBLIC COMMENTS:

At this time, members of the public may address the Board of Supervisors regarding any off-agenda items within the subject matter jurisdiction of the Board of Supervisors provided that NO action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three minutes per person and twenty minutes for all comments, unless different time limits are set by the Chairman subject to the approval of the Board.

COUNTY EXECUTIVE OFFICER COMMENTS:

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

At this time, members of the Board of Supervisors may comment on agenda or non-agenda matters and ask questions of or give directions to staff, provide travel or member committee, commission reports; provided that NO action may be taken on off-agenda items unless authorized by law.

ADJOURNED:

NEXT MEETINGS:

December 11, 2012	**Regular Meeting**
December 18, 2012	**Regular Meeting**
December 25, 2012	**No Scheduled Meeting**