REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 20, 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: Supervisors: Bates, Moorlach, Nelson and Nguyen

EXCUSED: Supervisor Campbell

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Nelson, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

None

II. CONSENT CALENDAR (Items 1-32)

14253 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 12, & 17 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 23 WHICH RECEIVED AN ABSTENTION FROM SUPERVISOR BATES**

COMMENDATIONS/PROCLAMATIONS/REPORTS

Chairman Campbell:

1. Adopt resolution recognizing October 10, 2011 as the 100th Anniversary of California Women's Suffrage

25143 X **APPROVED AS RECOMMENDED**

RESO: 11-148

2. Adopt resolution proclaiming last full week in September of each year as Childhood Obesity Prevention and Fitness Week
RESO: 11-149

ELECTED DEPARTMENT HEADS

Auditor-Controller:

3. Receive and file Report of Refunds for FY 2010-11 - All Districts

4. Receive and file Annual Report of Revolving Funds for FY 2010-11 - All Districts

5. Receive and file Fund/Budget Control Semi-Annual Report for 1/1/11 - 6/30/11 for new and closed funds - All Districts

6. Receive and file Annual Report of Cash Difference Funds, Overage Fund and Cash Losses for FY 2010-11 - All Districts

7. Authorize Auditor-Controller to delete dismantled, missing, obsolete, stolen and surplused equipment items from department capital asset inventories - All Districts

Sheriff-Coroner:

8. Approve agreement 6044R-1 with the California Emergency Management Agency (CALEMA) for provision of emergency management training services, 9/26/11 - 9/29/11 ($23,116); and authorize Purchasing Agent or deputy to execute - All Districts

9. Approve license agreements with Orange County Fire Authority to operate radio equipment at Bolero Peak, Santiago Peak, Silverado Canyon, Laguna Beach Moorhead, Seal Beach, Laguna Beach South Coast Medical Center, Laguna Beach Fire Station #2 and Laguna Beach Fire Station #3 Communications Facilities; and make California Environmental Quality Act findings - Districts 2, 3 & 5

10. Approve amendment 1 to agreement with J.C. Chang & Associates for Americans with Disabilities Act modifications to shower and toilet facilities at Central Men's and Women's Jails and Intake Release Center ($52,230; new total $95,180); and make California Environmental Quality Act findings - District 1

11. Approve agreement MA-060-11010635 with TRIRIGA, Inc. for facility maintenance software support, 9/20/11 - 9/19/12 ($44,096); renewable for four additional one-year periods; and authorize Purchasing Agent or deputy to execute - All Districts

12. Accept grant award from U.S. Department of Justice for FY 2011 Forensic DNA Backlog Reduction Program ($484,711); and authorize Sheriff-Coroner to execute agreement and related documents - All Districts

41253 X **APPROVED AS RECOMMENDED**

13. Accept grant award from U.S. Department of Justice for Edward Byrne Memorial Justice Assistance Grant Program, FY 2011 ($606,689); approve form of agreement to transfer funds to participating cities; and authorize Sheriff-Coroner or designee to execute individual city agreements - All Districts

HEALTH CARE AGENCY

14. Authorize Purchasing Agent or deputy to renew master agreement as MA-042-12010156 with Matrix Imaging Products, Inc. for data conversion digital imaging services, 11/1/11 - 10/31/12 ($250,000) - All Districts

OC COMMUNITY RESOURCES

15. Authorize Purchasing Agent or deputy to execute amendment 1 to agreement MA-012-11012324 with AT&T Mobility National Accounts, LLC for wireless services and equipment, 10/1/10 - 9/30/11 ($60,001; new total $160,000); and renew agreement for one additional year, 10/1/11 - 9/30/12 ($200,000) - All Districts

16. Approve agreement MA-012-11011996 with TALX Corporation for The Work Number for employment and income verification services for Orange County Housing Authority, 10/1/11 - 9/30/16 ($24,960 per year); and authorize Purchasing Agent or deputy to execute agreement - All Districts

OC PUBLIC WORKS

17. Authorize Purchasing Agent or deputy to execute contract CT-080-12010065 with LA Consulting for support of integration of various Facilities and Real Estate systems into MainStar System ($216,468); and make California Environmental Quality Act findings - All Districts

24153 **APPROVED AS RECOMMENDED**
X

18. Approve agreements D11-054 with AECOM Technical Services, Inc. ($375,000) and D11-055 with McLean & Schultz Corporation ($400,000) for on-call architect-engineering services for bridge projects, 9/13/11 - 9/13/14; and make California Environmental Quality Act findings - All Districts

19. Approve easement deed with Rancho Mission Viejo Headquarters, LLC for continued water service of property adjacent to Ortega Highway; and make California Environmental Quality Act findings - District 5

20. Approve agreement CT-080-12010124 with Daniel B. Stephens and Associates, Inc. for groundwater and surface water study in Newport Bay Watershed, one-year period ($129,991); and make California Environmental Quality Act findings - Districts 1, 2, 3 and 5

21. Receive and file Report of Real Property Interests under delegated authority, 7/1/10 - 6/30/11 - All Districts

22. Approve agreement D11-057 with Orange County Transportation Authority for landscape component of 17th Street North Tustin Pavement Rehabilitation and Landscape Improvement Project; adopt resolution authorizing Director or designee to approve and execute any further

Federal or State grant-related agreement; and make California Environmental Quality Act findings - All Districts
RESO: 11-150

Acting as the Orange County Flood Control District:

23. Approve amendment 1 to agreement D04-017 with the City of Irvine and The Irvine Company; approve grant deeds with City of Irvine and quitclaim deed with The Irvine Company for Marshburn Retarding Basin improvements; and make California Environmental Quality Act findings - District 3
14253 AX **APPROVED AS RECOMMENDED**

24. Approve agreement D11-050 with HDR Engineering, Inc., for on-call architect-engineering services, three-year term ($400,000); and make California Environmental Quality Act findings - All Districts

Acting as the Board of Supervisors and Orange County Flood Control District:

25. Approve agreement D10-015 with City of San Juan Capistrano for the bike and pedestrian way improvements and maintenance, ten-year term; renewable for 40 additional one-year terms without further Board action; and make California Environmental Quality Act findings - District 5

26. Approve Lease PRC 8888.9 with California State Lands Commission for operation and maintenance of newly proposed access ramp and park trail, East Garden Grove-Wintersburg Channel; and make California Environmental Quality Act findings - District 2

SOCIAL SERVICES AGENCY

27. Approve amendment 1 to master agreement CLC2010-00A for Transitional Housing Placement Program services, 7/1/10 - 6/30/13; and authorize Director or designee to execute agreement - All Districts

28. Approve amended State Standard Agreement 75318689 with Office of Systems Integration for CWS/Web Project County Consultant Subject Matter Expert, 10/1/09 - 6/30/11 ($252,334.64); and authorize Director or designee to execute agreement - All Districts

29. Approve agreement MA-063-12010116 with National Council on Crime and Delinquency for web-based Structured Decision Making and Family Strengths and Needs Assessment Tools, 10/1/11 - 9/30/12 ($37,600); renewable for four additional one-year periods; and authorize Purchasing Agent or his authorized deputy to execute agreement - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

30. Approve 2012 Board of Supervisors Meeting Schedule - All Districts

31. Approve proposed amendments to the Conflict of Interest Code Designated Filer

Exhibits for the Capistrano Unified School District - All Districts

32. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for August 2011 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 33-S51A)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

33. Approve amendment 3 to agreement MA-060-11010680 renewing as MA-060-12010141 with Computer Deductions, Inc., to manage, supervise and operate the Unisys mainframe computer and all Sheriff Data Center operations, 11/1/11 - 10/31/12 ($650,000); and authorize Purchasing Agent or deputy to execute - All Districts

45123 N X **APPROVED AS RECOMMENDED**

34. Approve agreement with City of San Clemente for transfer of eight County vehicles - District 5

54123 X **APPROVED AS RECOMMENDED**

35. Approve amendment 5 to agreement N1000009185 with Rancho Santiago Community College District for registration and tuition fees for Criminal Justice Academy classes, term ending 9/17/12 ($55,000; new total $150,000); and authorize Purchasing Agent or deputy to execute - All Districts

45123 X **CONTINUED TO 10/4/11, 9:30 A.M.**

HEALTH CARE AGENCY

36. Approve agreement with State Department of Health Care Services for Low Income Health Program, 11/1/10 - 12/31/13; authorize Director or designee to execute final agreement and amendments under certain conditions - All Districts

14253 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

37. Approve grant deed with State Department of Transportation for Laguna Canyon Road Realignment Project; and make California Environmental Quality Act findings - Districts 3 and 5

54123 X **APPROVED AS RECOMMENDED**

38. Approve renewal of agreement MA-080-11010908 with Hunsaker & Associates Irvine, Inc., RBF Consulting, and Winzler & Kelly for plan check on-call support services, 11/1/11 - 10/31/12 ($950,000); and make California Environmental Quality Act findings - All Districts

14253 AX **APPROVED AS RECOMMENDED**

39. Approve agreements D11-038 with Huitt-Zollars Inc. ($215,500), D11-051 with Stantec Consulting Services, Inc., D11-052 with CivilSource Inc. and D11-053 with AECOM Technical Services, Inc., for on-call architecture-engineering support services, three year terms ($300,000 each); and make California Environmental Quality Act findings - All Districts

41253 **APPROVED AS RECOMMENDED**
X

40. Approve agreement CT-080-12010108 with LSA Associates, Inc. for preparation of National Environmental Policy Act documents for La Pata Avenue Project, 9/13/11 - 9/12/13 ($640,000); and make Final Environmental Impact Report 610 findings - District 5 (Continued from 9/13/11, Item 34)
41253 **APPROVED AS RECOMMENDED**
X

41. **Acting as the Orange County Flood Control District -** Approve acquisition and occupancy agreement and accepts grant deed from Pete T. Wassenaar and Julie I. Wassenaar for purchase of real property in the Prado Dam Basin area ($3,600,000); authorize Director or designee to execute related documents and make minor modifications under certain conditions; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - All Districts
25143 **APPROVED AS RECOMMENDED**
NX

OC WASTE & RECYCLING

42. Select Clean Harbors Environmental Services, Inc. as primary and PSC Environmental Services, LLC as alternate firms to provide collection, packaging, transportation and disposal of hazardous waste for Household Hazardous Waste Collection Centers and Landfill Load Check programs; and authorize negotiation of agreement for Board approval - All Districts
15243 **APPROVED AS RECOMMENDED**
X

43. Select Quinn Company as primary and First Vehicle Services, Inc. as alternate firms for heavy equipment maintenance and repair services; and authorize negotiation of agreement for Board approval - All Districts
15243 **APPROVED AS RECOMMENDED**
X

PUBLIC PROTECTION

44. **Probation -** Appoint Health Care Agency Director to Executive Committee of the Community Corrections Partnership, pursuant to AB 109 and AB 117 - All Districts
14253 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

45. Approve acceptance of Governor's California Emergency Management Agency's Child Abuse Treatment Program grant funds, 10/1/11 - 9/30/12 ($238,731) and approve agreement FSD1411 with Community Service Programs, Inc., Child Guidance Center, Inc., and Olive Crest, 10/1/11 - 9/30/14 ($1,082,742) for comprehensive treatment services to child victims of abuse, neglect and violence; and authorize Director or designee to execute all documents and amendments related to the acceptance and administration of grant funds and to exercise contingency contract cost increase not to exceed 10% under certain conditions - District 1
15243 **APPROVED AS RECOMMENDED**

X

GENERAL ADMINISTRATION

46. **County Counsel -** Response to 8/9/11 Board Directive - Human Resources Department Audit Subcommittee Report - classification study of Executive Management position 67 - All Districts (Continued from 8/23/11, Item 48; 9/13/11, Item 36)
B.O. **DELETED**

County Executive Office:

47. Consider first reading of "An Ordinance of the County of Orange, California, Approving and Adopting a Boundary Change Between the County of Orange and the County of Los Angeles" along Coyote Creek Channel near the cities of Seal Beach and Los Alamitos; and set second reading and adoption for 10/4/11, 9:30 a.m. - All Districts (Continued 1st reading from 7/26/11, Item 31; 8/23/11, Item 50)
25143 **APPROVED AS RECOMMENDED**
X

48. Approve requested appropriation, revenue, operating transfer and reserve changes as summarized within the recommended actions section of the FY 2010-11 Fourth Quarter Budget Report - All Districts (R.A. 1, 2, & 3, 4/5 vote)
14253 **APPROVED AS RECOMMENDED**
X

49. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
14253 **APPROVED AS RECOMMENDED**
X

50. Approve recommended grant application submitted by Sheriff-Coroner in 9/20/11 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner or designee to execute and submit grant application to State Emergency Management Agency for Homeland Security Grant Program, FY11 ($4,938,238) and to execute related documents - All Districts
14253 **APPROVED AS RECOMMENDED**
X

RESO: 11-151

51. **Registrar of Voters -** Response to 6/14/11 Board Directive regarding presentation on the impacts of redistricting - All Districts
B.O. **CONTINUED TO 10/18/11, 9:30 A.M.**

OC COMMUNITY RESOURCES

S51A. Approve refinancing of loan for Crestwood Apartments and amendment to Ground Lease and Ground Lessor's Estoppel Certificate for continued maintenance and operation; and authorize Director or designee to execute amendment and related documents - All Districts
45123 **APPROVED AS RECOMMENDED**
X

IV. PUBLIC HEARINGS (None)

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

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 Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE 4 TO 0, SUPERVISORS MOORLACH, NGUYEN, NELSON AND BATES VOTING IN FAVOR, SUPERVISOR CAMPBELL BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Gary Byerley v. County of Orange, WCAB Nos. LBO0324714, ADJ6827852
HELD, THE CLERK READ: THE BOARD BY A VOTE 4 TO 0, SUPERVISORS MOORLACH, NGUYEN, NELSON AND BATES VOTING IN FAVOR, SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF GARY BYERLEY 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-3. 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**

Human Resources Department:

CS-4. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment
(Continued from 9/13/11, Item CS-4)

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

CS-5. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Acting as IHSS Public Authority - In-Home Supportive

Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA)
RE: Terms and Conditions of Employment
(Continued from 9/13/11, Item CS-5)

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

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

PUBLIC COMMENTS:

Tanya & Michael Klubnikin - Oral Re: Concerns over the Public Guardian's handling of their family's estate

Darrell Nolta - Oral Re: Public Guardian's oversight in the Klubnikin estate and questions regarding lobbyist's registration and possible violations

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

None

ADJOURNED: 12:37 P.M.

52143 **Adjourned in memory of Jacqueline Schaar**
X

*** 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)

Vice Chairman, Orange County Board of Supervisors

Orange County Clerk of the Board