REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 17, 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: Supervisors: Bates, Campbell, Moorlach & Nelson

EXCUSED: Supervisor Nguyen

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	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 will be presenting a resolution to Thomas V. McKernan, Chief Executive Officer, Automobile Club of Southern California on his retirement
DELETED

Chairman Moorlach recognized graduates of Orange County Leadership Academy XVII

Chairman Moorlach presented a resolution proclaiming July 15-21, 2012 as "Probation Services Week"

OCFEC Chair Joyce Tucker presented a ceremonial basket of Fair to Remember Packets to the Board of Supervisors & Social Services Agency to commemorate the 15,000 participants that will benefit from the 2012 partnership between the Fair and County

II. CONSENT CALENDAR (Items 1-14)

34152 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 14 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Campbell:

1. Orange County Historical Commission - Appoint Marilyn Thoms, North Tustin, for term concurrent with 3rd District Supervisor's term of office

2. North Tustin Advisory Committee - Reappoint Manuel T. Padilla and John Secor, for terms ending 3/31/13; Merlin Henry, Jr., Gail J. Michelsen and Peter Schneider, for terms ending 3/31/14; and Sara Gerrick and Lance Jensen, for terms ending 3/31/15, all from North Tustin

Chairman Moorlach:

3. Orange County Veterans Advisory Council - Appoint Donald J. Dillon, Newport Beach, to complete term ending 6/20/14

4. Audit Oversight Committee - Reappoint David M. Carlson, Irvine, to complete term ending 12/31/14

ELECTED DEPARTMENT HEADS

District Attorney:

5. Accept cash donation from Angels Outfielder Torii Hunter for Orange County Gang Reduction and Intervention Partnership (OC GRIP) ($50,000) - All Districts

6. Approve agreement DA-12-018 with Santa Ana Arts IV, Inc. for storage space at 811 N. Broadway, Santa Ana; and make California Environmental Quality Act findings - District 1

7. **Sheriff-Coroner -** Approve amendment 4 to agreement MA-060-12010462 with Susan Saxe-Clifford, Ph.D. for psychological evaluation services, term ending 12/30/12 ($350,000; new total $580,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

OC DANA POINT HARBOR

8. Approve Public Interest/Public Access agreement with California Ocean Institute and Coastal Conservancy for access to Maddie James Seaside Learning Center; and make California Environmental Quality Act findings - District 5

OC PUBLIC WORKS

9. Adopt resolutions approving Traffic Committee Reports dated 4/19/12; and report

recommendations; and make California Environmental Quality Act findings - District 3
RESO: 12-082 - 12-083

10. Approve plans and specifications and set bid opening for 8/22/12, 2:00 p.m., for replacement of Fire Suppression & Leak Detection Systems project, Orange County Data Center; and make California Environmental Quality Act findings - District 1

PUBLIC PROTECTION

11. **Probation -** Approve agreement with City of Orange for gang reduction, intervention and prevention services and truancy and curfew sweep services; ($14,104 reimbursement); authorize Chief Probation Officer to execute agreement; and make California Environmental Quality Act findings - District 3

GENERAL ADMINISTRATION

12. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Placentia Library District - All Districts

13. **County Counsel -** Select law firm of Kutak Rock, LLP for legal services related to base closure and reuse; authorize County Counsel to execute agreement and a conflict of interest waiver allowing the firm to represent the City of Tustin - All Districts

14. **Chairman Moorlach -** Receive and file Annual Report from Orange County Juvenile Justice Commission

34152 **RECEIVED AND FILED**
X

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 15-31)

HEALTH CARE AGENCY

15. Adopt resolution approving standard agreement 12-007-250 with State Water Resources Control Board for County oversight of Leaking Underground Storage Tank Cleanup, 7/1/12-6/30/13 ($1,072,470); authorize Director or designee to execute any subsequent amendments under certain conditions - All Districts

43152 **APPROVED AS RECOMMENDED**
X

RESO: 12-084

16. Approve cooperative agreement with City of Santa Ana for HIV housing and supportive services, 7/1/12 - 6/30/13 ($902,159) - All Districts

34152 **APPROVED AS RECOMMENDED**
X

OC DANA POINT HARBOR

17. Approve agreements DP12-001 with Moffatt & Nichol for on-call Coastal Engineering services; DP12-002 with Chambers Group, Inc. for on-call Environmental Engineering services; DP12-003 with Moffatt & Nichol for on-call General Engineering services; DP12-004 with Geosyntec Consultants for on-call Geotechnical Engineering services; DP12-005 with Bryant Palmer Soto, Inc. for on-call Architectural services, 7/17/12 - 7/16/15 ($300,000 each); and make California Environmental Quality Act findings - District 5

54132 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

18. Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Section 4-1-95 of the Codified Ordinances of the County of Orange to Authorize the Director of OC Animal Care to Impose Dog Ownership Restrictions on the Owners or Custodians of Dogs Declared to be Vicious" - All Districts (Continued from 6/19/12, Item 64; 6/26/12, Item 60)

34152 **APPROVED AS RECOMMENDED**
X

ORD: 12-003

19. Approve continued use of State Eligible Training Provider List for Workforce Investment Act training provider selection; and authorize Director or designee to execute individual agreements varying terms within 7/1/12 - 6/30/14 ($5,000,000; $6,500 per person) - All Districts (Continued from 6/19/12, Item 65; 6/26/12, Item 63)

45132 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

20. Approve agreement 12-0123-SF with State Department of Food and Agriculture for reimbursement of costs related to inspection services for Pierce's Disease Program, 7/1/12 - 6/30/14 ($955,336); authorize Director or designee to execute agreement; and make California

Environmental Quality Act findings - All Districts
54132 **APPROVED AS RECOMMENDED**
X

21. Approve FY 2012-13 OC Civic Center Parking/Maintenance Fund 828 Budget ($6,530,385); authorize Auditor-Controller to make related payments and advance funds from Parking Facilities Fund 137 not to exceed $577,693; and make California Environmental Quality Act findings - District 1
34152 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

22. Select Environ Strategy Consultants, Inc. as primary and Shaw Environmental, Inc. as alternate firms for operation and maintenance services of groundwater control and monitoring and water supply systems, North Region Landfills; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - Districts 3 & 4
43152 **APPROVED AS RECOMMENDED**
X

23. Select Simplus Management as primary and Tetra Tech BAS as alternate firms for construction management, quality assurance/quality control and archaeological/paleontological services, Central Region Landfills; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3
34152 **APPROVED AS RECOMMENDED**
X

24. Select LSA Associates, Inc. as primary and ECORP Consulting, Inc. as alternate firms for biological and archaeological/paleontological services, South Region Landfills; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - Districts 2, 3 & 5
35142 **APPROVED AS RECOMMENDED**
X

PUBLIC PROTECTION

25. **Public Defender -** Approve lease agreement with CGJP-1, LLC for office space at 14120 Beach Blvd., Westminster; and make California Environmental Quality Act findings - District 1
43152 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

26. Adopt resolution authorizing execution and delivery of Fifth Supplemental Trust Indenture for Irvine Coast Assessment District No. 88-1 Limited Obligation Improvement Bonds and related actions - District 2
24135 **APPROVED AS RECOMMENDED**
X

RESO: 12-085

27. Approve revised 2007 Contract Policy Manual; and authorize County Purchasing Agent to execute 2012 manual incorporating all revised policies - All Districts (Continued from 6/26/12, Item 72)

B.O. **CONTINUED TO 7/24/12, 9:30 A.M.**

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

35142 **APPROVED AS RECOMMENDED**
X

29. Approve Memorandums of Understanding with Superior Court of California for provision of services between the County and the Courts, 7/1/12 - 6/30/13; authorize CEO or designee to execute MOUs; and authorize Purchasing Agent or authorized Deputy to adjust annual contract amount for mid-year budget adjustments without further Board approval - All Districts

34152 **APPROVED AS RECOMMENDED**
X

30. Approve grant applications/awards submitted by Health Care Agency, John Wayne Airport and OC Public Works in 7/17/12 grant report and other actions as recommended; adopt resolution authorizing Health Care Agency Director or designee to submit to State Department of Resources Recycling and Recovery (CalRecycle) a regional application and execute application, related documents and amendments for Used Oil Payment Program - All Districts

53142 **APPROVED AS RECOMMENDED**
X

RESO: 12-086

31. **Office of the Performance Audit Director -** Receive and file follow-up Audit of OC Planning and Development Services report - All Districts

B.O. **RECEIVED AND FILED**

IV. PUBLIC HEARINGS (Items 32-35)

ELECTED DEPARTMENT HEADS

32. **Sheriff-Coroner -** Public Hearing to consider adopting resolution approving penalty of $50 to be charged upon order of the Court based upon a person's ability to pay, to persons convicted of driving under the influence of alcohol or drugs (Vehicle Code Sections 23152 or 23153), effective 9/1/12; rescinding Resolution 91-1123; and making California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

43152 **APPROVED AS RECOMMENDED**
X

RESO: 12-087

33. **Treasurer-Tax Collector -** Public Hearing to consider adopting resolution approving use of credit and debit cards as permitted under State Statute and reduction of convenience fees for

Internet transactions for tax payments paid by credit and debit card; approving agreement MA074-12012200 with Official Payments Corp. for processing payments; authorizing the Treasurer-Tax Collector to execute agreement; and make California Environmental Quality Act findings - All Districts

B.O. **CONTINUED TO 7/24/12, 9:30 A.M.**

HEALTH CARE AGENCY

34. Public Hearing to consider adopting resolution approving recommended methodology for calculation and application of future annual adjustments for 911 emergency Basic Life Support maximum ambulance rates, effective July 1st of each year; and updating maximum Basic Life Support Ambulance and Orange County Fire Authority's advanced life support paramedic assessment and transportation rates; rescinding Resolution 08-075, effective 7/1/12 - All Districts (Continued from 6/26/12, Item 75)

B.O. **CONTINUED TO 7/24/12, 9:30 A.M.**

GENERAL ADMINISTRATION

35. **County Executive Office -** Public Hearing to consider adopting resolution approving issuance of Multifamily Housing Revenue Bonds and Refunding Bonds for San Clemente Senior Apartments Project in an aggregate principal amount not to exceed $17,600,000 for construction of Senior Apartments in City of San Clemente; and authorizing County Officers to execute and deliver any and all required documents - District 5

B.O. **CLOSED PUBLIC HEARING**

52134 **APPROVED AS RECOMMENDED**
X N

RESO: 12-088

V. CLOSED SESSION (Items CS-1-SCS5)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange v. First National Insurance Company of America, Horizons Construction Company, etc., et al., Los Angeles County Superior Court Case No. BD72901

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Morrison Pump Company v. SSC Construction, Inc., Orange County Superior Court Case No. 30-2010 00365657

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR NGUYEN BEING ABSENT, DIRECTED AND AUTHORIZED COUNTY COUNSEL TO PURSUE CROSS-CLAIMS IN THE MATTER OF MORRISON PUMP COMPANY V. SSC CONSTRUCTION, INC.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):Name of Case: Foothill Communities Coalition v. County of Orange, Orange County Superior Court Case No. 30-2011-00467132

B.O. **DELETED**

CS-4. **County Executive Office -** Acting as the Board of Supervisors and Orange County Flood Control District - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Orange County Flood Control District owned 5.9 acre parcel on Bristol Street in the City of Costa Mesa adjacent to the 73 Freeway
County Negotiator: Thomas G. Mauk
Negotiating Party: Potential Lessees of Property
Under Negotiation: Lease Terms for Property/Release Request for Proposal

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

SCS5. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange v. Asfour Family Corporation OCSC Case No. 30-2012 00542187

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

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

PUBLIC COMMENTS:

Opinion Online

Donald Ritze - Oral Re: Condition of roads in Silverado Canyon area

Michael Klubnikin - Oral Re: Internal Audit

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Campbell - Oral Re: AB 1234 trip report to Pittsburgh, PA for National Association of County Parks & Recreation (NACPRO) and National Association of Counties (NACo) conferences; Directed SSA to report at 7/24/12 Board meeting on impact of Obama's changes to welfare work requirement; On Item 28 - AB 1234 trip report for his 6/26/12 trip to Sacramento to meet with Senator Kehoe on proposed amendments to SB 1094 and with other Legislators on bills of interest to Orange County

ADJOURNED: 12:48 P.M.

52134 **Adjourned in memory of Paul Kochendorfer**
X

52134 **Adjourned in memory of Beverly Ann Nelson**
X

32145 **Adjourned in memory of Robert Gerrara**
X

32145 **Adjourned in memory of Steve Covey**
X

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Supervisor Nelson
5. = Supervisor Bates

ORD. = Ordinance
RESO. = Resolution

A. = Abstained
X. = Excused
N. = No
BO = Board Order

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