REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, May 1, 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 Nelson, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Moorlach presented a proclamation for May 2012 as "Older Americans Month"

II. CONSENT CALENDAR (Items 1-21)

31452 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 11 WHICH WAS CONTINUED TO 5/22/12, 9:30 A.M.; AND ITEMS 9, 10, 13 & 15 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Orange County Veterans Advisory Council - Appoint Robert McDonald, Anaheim Hills, to complete term ending 4/14/13

2. **Chairman Moorlach -** Orange County Human Relations Commission - Appoint Timothy M. Kowal, Huntington Beach, for term ending 4/30/14

ELECTED DEPARTMENT HEADS

3. **Assessor Department -** Approve master agreement MA-002-12011738 with American Mail Centers, Inc., for development, print and mail out of notices to taxpayers, 5/18/12 - 5/17/13 ($115,000); renewable for four additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement and exercise contingency contract increase not to exceed 10% - All Districts

Sheriff-Coroner:

4. Approve agreements SA-59-12IE with the State 32nd District Agricultural Association and with the State to provide law enforcement services for events held at the Orange County Fairgrounds, 7/1/12 - 6/30/13 ($390,000); and authorize Sheriff-Coroner or designee to execute contractor certification clauses form CCC-307 - District 2

5. Approve agreements SA-58-12FT with the State 32nd District Agricultural Association and with the State to provide law enforcement services for 2012 Orange County Fair, 7/13/12 - 8/12/12 ($445,000); and authorize Sheriff-Coroner or designee to execute contractor certification clauses form CCC-307 - District 2

CHILD SUPPORT SERVICES

6. Approve agreement MA-027-12011501 with Hyland Software, Inc. as subordinate County Regional Cooperative agreement MA-017-10012546 for Onbase licenses, software maintenance and support, 5/1/12 - 6/30/13 ($95,467); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

HEALTH CARE AGENCY

7. Approve renewal of master agreement MA-042-11012445 as MA-042-12011513 with Global Works Inc. dba Western Interpreting Network for sign language interpretation services, 7/1/12 - 6/30/13 ($145,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

8. Approve PC 1000 Drug Diversion Certification Program with various providers, 7/1/12 - 6/30/13 - All Districts

9. Approve agreement 11-445-550 with State Water Resources Control Board for Ocean Water Quality Monitoring and Public Notification, term ending 6/30/12 ($93,322) - All Districts

41352 **APPROVED AS RECOMMENDED**

10. Approve agreement 11-10775 with State Department of Public Health for Beach Environmental Assessment and Coastal Health Act Grant, term ending 9/30/12 ($25,000); and authorize Director or designee to execute Contractors Release form upon submission of final invoice - All Districts

41352 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

11. Select Dana Point Marina Company as primary, Almar Management as first alternate and TBW Company as second alternate firms for marina management services for West Basin Marina, Dana Point Harbor; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 5 (Continued from 3/27/12, Item 11; 4/17/12, Item 19)

31452 **CONTINUED TO 5/22/12, 9:30 A.M.**

OC COMMUNITY RESOURCES

12. Approve agreement with Kishimoto Architects, Inc. to design plans and specifications for San Clemente Branch Library Expansion Project ($120,000); and make California Environmental Quality Act findings - District 5

13. Adopt resolution amending Bylaws of the Orange County Animal Care Community Outreach Committee - All Districts

51342 **APPROVED AS RECOMMENDED**
RESO: 12-042

14. Approve payment to Irvine Ranch Water District for services provided by NMG Geotechnical, Inc. for slope repair feasibility study, Limestone Canyon and Whiting Ranch Wilderness Park ($29,579); and make California Environmental Quality Act findings - District 5

OC PUBLIC WORKS

15. Adopt resolution extending certain development impact fees deferral for one additional year; direct Director or designee to return to the Board no later than 6/30/13 with status update; and make California Environmental Quality Act findings - All Districts

25134 **APPROVED AS RECOMMENDED**
RESO: 12-043

16. Approve agreement D12-016 with the City of Fountain Valley for rehabilitation of pavement surface on Edinger Avenue between Harbor Boulevard and Santa Ana River ($150,000); direct Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 1

17. **Acting as the Board of Supervisors and Orange County Flood Control District** - Adopt resolution adopting "Standard Specifications for Public Works Construction (Greenbook), 2012 Edition", excluding Sections 209, 214, 307 and 314; California Manual on Uniform Traffic Control Devices (California MUTCD), 2012 Edition; and establishing certain portions of the 2010 Caltrans Standard Plans and Standard Specifications; repeal all previously adopted versions and supplements of the "Standard Specifications for Public Works Construction (Greenbook) and California Department of Transportation (Caltrans) Standard Plans and Standard Specifications; and make California Environmental Quality Act findings - All Districts
RESO: 12-044

OC WASTE & RECYCLING

18. Receive bids and award contract to SCS Field Services for Landfill Gas Header Extension project, Prima Deshecha Landfill ($457,650); and make California Environmental Quality Act

findings - District 5

SOCIAL SERVICES AGENCY

19. Approve amendment 1 to agreement MA-063-11012163 renewing as MA-063-12011704 with Quakleen Co. Inc. for janitorial and day porter services, Orangewood Children and Family Center, 6/1/12 - 5/31/13 ($207,540); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

GENERAL ADMINISTRATION

20. **County Executive Office -** Approve lease with State of California to use a portion of County's Data Services Center for operations of telecommunications equipment, 1/1/12 - 12/31/16; and make California Environmental Quality Act findings - District 1

21. **Human Resources Department -** Approve amendment 2 to agreement with Health and Human Resource Center dba Aetna Resources for Living for employee assistance program (EAP) for County employees and their dependents, 7/1/12 - 6/30/13 ($106,754); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 22-S44B)

ELECTED DEPARTMENT HEADS

22. **Auditor-Controller -** Approve renewal of price agreement MA-003-11012006 with Vavrinek, Trine, Day & Co., LLP for independent audit and related services, FY 2011-12 ($540,441); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

31452 **APPROVED AS RECOMMENDED**

23. **District Attorney -** Approve lease agreement DA-11-002 with Birtcher Anderson Investors, LLC for office space at 801 Civic Center Drive West, Santa Ana; and make California Environmental Quality Act findings - District 1 (Continued from 12/13/11, Item 27; 1/10/12, Item 24; 2/7/12, Item 27; 2/28/12, Item 30; 3/6/12, Item 18; 3/27/12, Item 28; 4/17/12, Item 35)

14352 X **CONTINUED TO 5/22/12, 9:30 A.M.**

Sheriff-Coroner:

24. Approve amendment 2 to agreement MA-060-12011706 with Blackboard Connect, Inc. for public mass notification system services, 5/6/12 - 5/5/13 ($380,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

43152 **APPROVED AS RECOMMENDED**

25. Approve amendment 6 to agreement MA-060-12010183 with Rancho Santiago Community College District for registration and tuition fees for Criminal Justice Academy classes, term ending 9/17/12 ($40,000; new total $190,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

13452 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

26. Approve selection of and agreement with Orange County Child Abuse Prevention Center, Inc. for Parent Education and Support services, 5/2/12 - 6/30/12 ($74,636) and 7/1/12 - 6/30/14 ($507,590 per year); and authorize Director or designee to execute agreement - All Districts

B.O. **CONTINUED TO 5/8/12, 9:30 A.M.**

27. Approve agreement with Telecare Corporation for Adult Mental Health Crisis Residential services, 7/1/12 - 6/30/14 ($1,854,537 per year); and authorize Director or designee to execute agreement - All Districts

43152 **APPROVED AS RECOMMENDED**

28. Approve agreement with Dong II Lee, M.D., Inc. for Mental Health Psychiatric services, 7/1/12 - 6/30/14 ($1,232,134 per year); and authorize Director or designee to execute agreement - All Districts

41352 **APPROVED AS RECOMMENDED**

29. Approve agreement with Goodwill Industries of Orange County for Supported Employment services, 7/1/12 - 6/30/14 ($1,021,417 per year); and authorize Director or designee to execute agreement - All Districts

43152 **APPROVED AS RECOMMENDED**

30. Approve agreement with Telecare Corporation for Enhanced Recovery Full Service Partnership services, 7/1/12 - 6/30/13 ($2,318,993); and authorize Director or designee to execute agreement - All Districts
41352 **APPROVED AS RECOMMENDED**

31. Approve agreement with Cerner Corporation for System Enhancement and Upgrade services for Integrated Records Information Systems (IRIS), 5/1/12 - 6/30/13 ($772,144); and authorize Director or designee to execute agreement - All Districts
13452 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

32. Approve quitclaim deed to the City of Laguna Beach for 4,692-square foot park parcel; and make California Environmental Quality Act and other findings - District 5 (4/5 vote of members present)
53142 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

33. Receive and file County of Orange General Plan Progress Report and authorize submittal to California Department of Housing and Urban Development and the Governor's Office of Planning and Research; and make California Environmental Quality Act findings - All Districts
13452 **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

34. Approve acquisition contract, residential rental agreement and grant deed with Helen Dominguez for purchase of real property within the Prado Dam Project area; authorize Auditor Controller to make related payments; authorize Purchasing Agent or authorized Deputy to execute related documents; and make California Environmental Quality Act findings - All Districts (Continued from 3/27/12, Item 35)
35142 **APPROVED AS RECOMMENDED**

35. Approve agreement D12-006 with the Orange County Water District for construction improvements to Fletcher Retarding Basin ($3,000,000); and make California Environmental Quality Act findings - District 3 (Continued from 4/17/12, Item 46)
34152 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

36. Receive bids and award contract to Harper Contracting Inc. for Middle East Channel Improvement project, Olinda Alpha Landfill ($1,435,937); and make California Environmental Quality Act findings - District 4
43152 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Probation:

37. Approve submission of Orange County Comprehensive Multi-Agency Juvenile Justice Plan modification for FY 2012-13 to State Corrections Standards Authority; and

authorize Chief Probation Officer to execute application - All Districts

43152 **APPROVED AS RECOMMENDED**

38. Approve renewal of agreement with C.M. Tipton Polygraph and Associates for adult sex offender post conviction polygraph examination services, 6/1/12 - 5/31/13 ($170,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

31452 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

14352 **APPROVED AS RECOMMENDED**

40. Receive and file status report and approve continuance of emergency pursuant to Public Contract Code Section 22050 (c)(1) for Emergency Project Data Center HVAC 2012 Upgrades and set review to determine continuing need for emergency action for 5/8/12, 9:30 a.m. and every 14 days thereafter - All Districts

14352 **APPROVED AS RECOMMENDED**

41. Approve grant applications/awards submitted by District Attorney, Probation and Sheriff-Coroner in 5/1/12 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner or designee to execute all documents necessary for FY2012 Operation Stonegarden Grant Program application and grant assurances and authorize submittal of grant application to County of San Diego and any action necessary for obtaining and expending related funds provided by the U.S. Department of Homeland Security - All Districts

53142 **APPROVED AS RECOMMENDED**
RESO: 12-045

42. Approve amendment to FY 2011-12 Memorandum of Understanding with Orange County Superior Court of California for Court Security services provided by Sheriff-Coroner; authorize County Executive Officer or designee to execute amendment - All Districts

31452 **APPROVED AS RECOMMENDED**

43. Receive and file Quarterly Information Technology Project Status Detail and Executive Summary Reports and Risk Assessment Report for January - March 2012 - All Districts

13452 **APPROVED AS RECOMMENDED**

44. Approve FY 2011-12 Third Quarter Budget Report: approve related budget actions and amend master position control - All Districts (RA 1 & 5 requires 4/5 vote of members present)

43152 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

S44A. CalOptima Board of Directors - Select and appoint one Physician in Current Practice; one

Independent Physician's Association/Health Network Representative, one County Resident/Non-Consumer; and one CalOptima Recipient/501 (c)(3) Representative, for terms ending 4/30/16 - All Districts

13452 N N **APPOINTED DR. VIET VAN DANG TO "PHYSICIAN IN CURRENT PRACTICE" POSITION**

13452 NNN **MOTION TO APPOINT DR. KEITH WILSON TO "INDEPENDENT PHYSICIAN'S ASSOCIATION/HEALTH NETWORK REPRESENTATIVE" POSITION FAILED TO CARRY**

1 **MOTION TO CONTINUE RECOMMENDED ACTION 2 FAILED FOR LACK OF A SECOND**

24135 N **APPOINTED DR. SAMARA CARDENAS TO "INDEPENDENT PHYSICIAN'S ASSOCIATION/HEALTH NETWORK REPRESENTATIVE" POSITION**

14352 **APPOINTED STEVEN KNOBLOCK TO "COUNTY RESIDENT/NON-CONSUMER" POSITION**

13452 **APPOINTED ELLEN AHN TO "CALOPTIMA RECIPIENT/501C3 REPRESENTATIVE" POSITION**

OC COMMUNITY RESOURCES

S44B. Adopt Recognized Obligation Payment Schedule, 7/1/12 - 12/31/12; 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 the ROPS by County Auditor/Controller, County's Oversight Board, State Department of Finance, and/or State Controller's Office - All Districts

35142 N **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 45)

OC COMMUNITY RESOURCES

45. Public Hearing as to Recommended Actions 2, 3 and 5 to consider approving FY 2012-13 Annual Action Plan and Federal Allocation of U.S. Department of Housing and Urban Development new, reprogrammed and program income Community Development Block Grant, HOME Investment Partnership Act funds, Emergency Solutions grant (ESG) funds and local 15U Housing Funds ($5,314,262); approve amended FY 2011-12 Annual Action Plan for ESG funding; select providers and projects and approve agreement for Public Facilities and improvements and Housing Rehabilitation activities and exempt/public services; approve recommended funding allocations; approve agreement with Mercy House Living Centers, Inc. for Armory Emergency Shelter Program ($770,286); approve license to use state military facility agreement with California National Guard for Santa Ana and Fullerton Armory facilities ($134,100); and authorize Director or designee to execute all agreements and related documents and renew agreements under certain conditions - All Districts

B.O. **CLOSED PUBLIC HEARING**

14352 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Items CS-1-SCS8)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Joseph James v. County of Orange, Workers' Compensation Appeal Board Case No. ADJ7109457

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 0, SUPERVISORS MOORLACH, NELSON, NGUYEN AND BATES VOTING IN FAVOR, SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF JOSEPH JAMES 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: Orange County Flood Control District v. Altfillisch Construction Co., Riverside County Superior Court Case No. RIC 10013337

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

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

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

County Executive Office:

CS-4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: 888 North Main Street, Santa Ana, California
County Negotiator: Thomas G. Mauk
Negotiating Party: Purchasers and sellers of buildings
Under Negotiation: Terms and value of potential future sale(s) and acquisition(s)

B.O. **CONTINUED TO 5/8/12, 9:30 A.M.**

CS-5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Various locations
County Negotiator: Thomas G. Mauk
Negotiating Party: Purchasers and sellers of buildings
Under Negotiation: Terms and value of future sale(s) and acquisition(s), including: County owned property in Santa Ana Civic Center; 801 W. Civic Center Drive, Santa Ana, CA; 405 W. 5th Street, Santa Ana, CA; 200 Santa Ana Blvd., Santa Ana, CA; 1770 North Broadway, Santa Ana, CA

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

CS-6. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), 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**

County Counsel:

SCS7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: California Department of Finance and Dr. Jack Scott, Chancellor of the California Community Colleges v. Jan Grimes, in her official capacity as Interim Orange County Auditor-Controller OCSC Case No. 30-2012-00559592-CU-WM-CJC

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED THE AUDITOR-CONTROLLER'S OFFICE AND INTERIM AUDITOR-CONTROLLER JAN GRIMES TO RETAIN THE LAW FIRM OF BELL, MCANDREWS & HILTRACHK TO REPRESENT THEM IN THE MATTER OF CALIFORNIA DEPARTMENT OF FINANCE, ET AT. V. JAN GRIMES, ETC.**

SCS8. CONFERENCE WITH LEGAL COUNSEL - EXISITNG LITIGTION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Association of Orange County Deputy Sheriffs v. County of Orange, Orange County Superior Court Case No. 30-2010-00400085

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

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

PUBLIC COMMENTS:

Opinion Online

Michael Klubnikin - Oral Re: Public Guardian

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Nguyen - Oral Re: Congratulated Dr. Clayton Chau, Associate Medical Director, Health Care Agency, for being awarded the Visionary Leadership Award by the National Council for Community Behavioral Healthcare

Chairman Moorlach - Oral Re: Congratulated Karen Roper, OC Community Services, for her presentation to Kansas Statewide Homeless Coalition 2012 Summit Planning Committee on Orange

County's Ending Homelessness Commission; negotiations on John Wayne Airport Settlement Agreement

ADJOURNED: 1:45 P.M.

24135 **Adjourned in memory of Eunice K. Cluck**

24135 **Adjourned in memory of Alan Travis Beimfohr**

24135 **Adjourned in memory of Rich Saul**

52134 **Adjourned in memory of Dr. Lee Allan Hartman**

12345 **Adjourned in memory of Ralph Perez**

32145 **Adjourned in memory of Esther Cramer**

*** 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