REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 16, 2013, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

SHAWN NELSON
CHAIRMAN
Fourth District

PATRICIA BATES
VICE CHAIRMAN
Fifth District

JANET NGUYEN
SUPERVISOR
First District

JOHN M.W. MOORLACH
SUPERVISOR
Second District

TODD SPITZER
SUPERVISOR
Third District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Michael B. Giancola
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Spitzer, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Nguyen presented a resolution to the Discovery Science Center in honor of receiving the National Medal for Museum and Library Service

II. CONSENT CALENDAR (Items 1-12)

51234 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3, 6, 10 & 12 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **Social Services Agency -** Orange County Child Care and Development Planning Council - Appoint Krista Murphy, Costa Mesa; Darcie Kass, Laguna Hills; Marcia Rudolph, Lake Forest, to complete terms ending 8/5/14; appoint Traci Stubbler, Irvine, for term ending 8/5/15; and reappoint Faith Polk, Ladera Ranch; Ann Saneto, Irvine; Valerie Padilla, Hacienda Heights; Marilee Cosgrove, Fullerton; Gwen Morgan-Beazell, Santa Ana; Yvonne Gonzalez-Duncan, Huntington Beach; Doreen Ruse, Tustin; Maureen Fitzpatrick, San Clemente; Annette Jewell, Costa Mesa, for terms ending 8/5/15 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

2. Approve agreement MA-060-13012001 with Association of Public Safety Communications Officials International Inc., dba APCO International Inc., for radio frequency coordination services, 7/24/13 - 7/23/14 ($30,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

3. Approve amendment 1 to license with City of Orange for use of office space for Orange County Intelligence Assessment Center; and make California Environmental Quality Act findings - District 3

25134 **APPROVED AS RECOMMENDED**

4. **Treasurer-Tax Collector -** Approve agreement MA-074-13012237 with S&P Capital IQ for credit analysis and research process, 7/16/13 - 7/15/14 ($31,525); renewable for two additional one-year terms ($31,525 per year); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

OC PUBLIC WORKS

5. **Acting as the Orange County Flood Control District -** Approve amendment 1 to agreement D10-032 with Steinberg & Associates for professional and technical services related to U.S. Army Corps of Engineers projects, studies and permits including the Santa Ana River Mainstem Project, extending term two years; and make California Environmental Quality Act findings - All Districts

PUBLIC PROTECTION

6. **Probation -** Accept grant award and approve agreement 15881 with National Council on Crime and Delinquency to establish "zero tolerance" cultures for sexual abuse in juvenile detention facilities and implement Prison Rape Elimination Act standards in probation programs and practices, 4/1/13 - 3/31/14 ($100,000); and authorize Chief Probation Officer to submit and execute agreement - All Districts

32154 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

7. Receive bids and award contract to Robinson Company Contractors, Inc. dba Robinson Electric for Orangewood Children and Family Center- Energy Management System Replacement Project ($398,312); and make California Environmental Quality Act findings - District 3

8. Ratify and approve renewal of agreement 08-6060 with State Department of Social Services for Supplemental Security Income for the aged, blind and disabled for reimbursement to California's Interim Assistance Agencies for interim assistance payments, 7/1/13 - 6/30/18 - All Districts

9. Approve Memorandum of Understanding 13-6019 with State Department of Social Services for installation and maintenance of State owned video conference equipment for state hearings, 7/1/13 - 6/30/18; and authorize Director or designee to execute agreement and related documents - All Districts

10. **Acting as the Board of Supervisors and OC In-Home Supportive Services Public Authority -** Approve non-financial Memorandum of Understanding ATM0512 with Orange County Health Authority, dba CalOptima, for In-Home Supportive Services Managed Care Support, 1/1/14 - 12/31/16; Acting as the Board of Supervisors - Approve non-financial Memorandum of Understanding ATM0412 with Orange County Health Authority, dba CalOptima, for In-Home Supportive Services Managed Care Support, 1/1/14 - 12/31/16; and authorize Social Services Agenda Director or designee to execute MOU ATM0412 - All Districts

53124 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

11. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Irvine Ranch Water District - All Districts

12. **Human Resource Services -** Select Navex Global, Inc. for on-line Equal Employment training for County's non-management/supervisory staff; and authorize negotiation of agreement for Board approval - All Districts (Continued from 6/25/13, Item 24)

43125 **APPROVED STAFF RECOMMENDED ACTIONS. DIRECTED COUNTY COUNSEL AND HUMAN RESOURCES SERVICES TO DEVELOP A PROGRAM TO BRING THE TRAINING IN-HOUSE THROUGH COUNTY COUNSEL AND DIRECTED CEO/BUDGET STAFF TO TRACK COSTS AND ENSURE THEY ARE ALLOCATED TO THE APPROPRIATE FUNDS/PROGRAMS TO MAXIMIZE NON-GENERAL FUND REVENUES.**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-24)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

13. Approve change order 3 to agreement with JAM Fire Protection, Inc. dba JAM Corporation for installation of dry fire suppression system, Loma Ridge Emergency Operations Center ($228,800); authorize Sheriff-Coroner or designee to execute change order; and make California Environmental Quality Act findings - District 3

32154 **APPROVED AS RECOMMENDED**

14. Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Division 1 of Title 8, Section 16 Fee for Removing and Keeping Dead Bodies" - All Districts (Continued from 6/25/13, Item 52)

24135 **MOTION TO APPROVE STAFF RECOMMENDED ACTIONS FAILED TO PASS**
NNN

OC DANA POINT HARBOR

15. Approve lease with Pacific Harbor Hospitality Group LLC, for restaurant space, ten year term; renewable for two additional ten year terms; authorize Director or designee to execute agreement and related documents; and make California Environmental Quality Act findings - District 5 (4/5 vote of the members present)

52134 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

16. Approve agreements OCP13-004 with WRC Consulting Services, Inc. for on-call civil engineering services, three year term ($400,000); OCP13-005 with AECOM Technical Services, Inc. for on-call environmental and regulatory permitting services, three year term ($400,000); OCP13-006 with Moffatt & Nichol for on-call coastal engineering services, three year term, ($400,000); OCP13-008 with Thirtieth Street Architects, Inc. for on-call architectural services, three year term ($400,000); and make California Environmental Quality Act findings - All Districts

23154 **APPROVED AS RECOMMENDED**

17. Approve agreement with Parking Concepts, Inc. for parking management services, 7/23/13 - 12/31/14, with option to renew for four additional one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

32154 **DIRECTED EVALUATION PANEL TO CONDUCT ORAL INTERVIEWS OF THE TWO**
N **VENDORS TO VET THEIR PROPOSALS AND RETURN BACK TO THE BOARD NO LATER THAN 9/17/13 WITH A STAFF REPORT PROVIDING BETTER EXPLANATION OF PANEL'S RECOMMENDATION. AUTHORIZED PURCHASING AGENT OR AUTHORIZED DEPUTY TO EXTEND CURRENT AGREEMENT WITH PCI TO 9/30/13.**

OC WASTE & RECYCLING

18. Select SWT Engineering as primary and Advanced Earth Sciences, Inc. as alternate firms for design of East Canyon Landslide Mitigation Measures, Frank R. Bowerman Landfill; authorize negotiation of agreement for Board approval; and find that Final Environmental Impact Report 604, RELOOC Strategic Plan, previously certified by the Board of Supervisors on August 15, 2006, in combination with Addendum 604-3, reflects the independent judgment of the County of Orange and satisfies the requirements of California Environmental Quality Act for the proposed project, which is a necessarily included element contemplated as part of this action - District 3

32154 **APPROVED AS RECOMMENDED**

19. Select Simplus Management Corporation as primary and Tetra Tech BAS, Inc. as alternate firms for construction management, quality assurance/quality control, and support services, North Region Landfills; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - Districts 3 & 4

34125 **APPROVED AS RECOMMENDED**

20. Select Tetra Tech BAS, Inc. as primary and SCS Field Services as alternate firms for landfill gas services, Central Region Landfills; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - Districts 2 & 3

23154 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

21. Adopt resolution approving property tax exchange with City of Mission Viejo for annexation of 4.0 acres of territory - District 5

52134 **APPROVED AS RECOMMENDED**
RESO: 13-066

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

32154 **APPROVED AS RECOMMENDED**

23. Approve grant applications/awards submitted by Health Care Agency and OC Public Works and ratify retroactive grant application/awards submitted by OC Community Resources in 7/16/13 grant report and other actions as recommended; and authorize OC Community Resources Director or designee to execute amendment 3 to agreement 11-W124 with South Bay Workforce Investment Board for Dislocated Worker Additional Assistance Program, ending 3/31/14 ($235,051; new total $612,792) - All Districts

51234 **APPROVED AS RECOMMENDED**

24. Approve proposed response to FY 2012-13 Grand Jury Report "Best Interest of the Child" - Lost Child Support Costs $1.3 Billion - All Districts

25134 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 25)

ELECTED DEPARTMENT HEADS

25. **Treasurer-Tax Collector -** Public Hearing to consider adopting resolution increasing fee charged for the collection of delinquent unsecured taxes from $75.00 to $79.00 per assessment, effective 9/1/13; and make appropriate findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

2 **MOTION TO APPROVE STAFF RECOMMENDED ACTIONS FAILED TO RECEIVE A SECOND**

V. CLOSED SESSION (Items CS-1-SCS4)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Autum Koertgen, an individual, v. County of Orange, et al., Orange County Superior Court Case No. 30-2009 00332120

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF AUTUM KOERTGEN, AN INDIVIDUAL, 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.**

County Executive Office:

CS-2. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Michael B. Giancola
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 other non-represented employees
RE: Terms and Conditions of Employment

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

SCS3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Internal Audit Director

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

SCS4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: County Property Located at Former MCAS El Toro
County Negotiator: Scott D. Mayer
Negotiating Party: Wild Rivers Irvine, LLC
Under Negotiations: Terms and value of lease

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Opinion Online

Joseph Gabrill - Fax Received - Regarding civil rights violations

Michael Klubnikin - Oral Re: Criminal cover-up by County and Court officials

Joseph Pereira - Oral Re: Bid protest of Sheriff-Coroner purchase

Darrell Nolta - Oral Re: Passing of James Mitchell Waller and bicycle safety

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Spitzer - Oral Re: Directed CEO to provide Board Offices with a list of contact persons to refer constituents for assistance on the most common citizen questions regarding County processes

Supervisor Nguyen - Oral Re: Attendance at Army Corp of Engineers Change of Command Ceremony for Los Angeles District; AQMD Hearing on beach fire rings

Supervisor Moorlach - Oral Re: Attended Tustin Public Library to hear former O.C. Librarian John Adams discuss his book, The Millionaire and the Mummies

ADJOURNED: 12:32 P.M.

14235 **Adjourned in memory of James Mitchell Waller**

24135 **Adjourned in memory of Raymond Wells**

24135 **Adjourned in memory of Kevin J. Woyjeck, Grant Quinn McKee and Andrew Sterling Ashcraft**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Spitzer
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