REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 19, 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:	INTERIM COUNTY EXECUTIVE OFFICER	Robert J. Franz
	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

II. CONSENT CALENDAR (Items 1-17)

13254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 6 & 17 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Nguyen -** Oversight Board of the Successor to the City Redevelopment Agencies, Westminster - Appoint Sandy J. Hemphill

21354 **CONTINUED TO 4/9/13, 9:30 A.M.**

2. **Supervisor Nelson -** Development Processing Review Committee - Appoint Lawerence P. Woodard, Sr., Anaheim, for term concurrent with 4th District Supervisor's term of office

COMMENDATIONS/PROCLAMATIONS/REPORTS

3. **Supervisor Bates -** Adopt resolution congratulating members of El Viaje de Portola (The Portola Riders) on their 50th anniversary celebration
RESO: 13-017

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

4. Approve agreement PO-060-13012102 with Helinet Aviation Services LLC for purchase and installation of helicopter video downlink equipment ($159,207); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

5. Approve agreement MA-060-13011271 with HL Miller, Inc. for general construction and maintenance services, 3/19/13 - 1/8/14 ($325,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

HEALTH CARE AGENCY

6. Adopt resolution authorizing application of Article 4.7 of Chapter 2 of the Lanterman-Petris Short Act as an alternative to conservatorship under certain conditions - All Districts
25134 **APPROVED AS RECOMMENDED**
RESO: 13-019

7. Authorize Health Care Agency to utilize necessary funding required to meet actual service level as requested by user departments for agreement with Occupational Health Centers of California, dba Concentra Medical Centers for physical examination services, 7/1/12 - 6/30/13 - All Districts

JOHN WAYNE AIRPORT

8. Select Ninyo & Moore Geotechnical & Environmental Sciences Consultants and MTGL, Inc. as primary and Twining, Inc. as alternate firms for testing and inspection services; authorize Director or designee to negotiate agreements for Board approval; and make California Environmental Quality Act findings - District 2

OC PUBLIC WORKS

9. Approve Tract Map 17060, Tri Point Homes, Inc. and RMV Community Development, LLC; accept dedication for street purposes and vehicular access rights; accept easements for street lights, sewer and water and survey monumentation; approve agreement S1112-168 and accept bonds guaranteeing construction improvements; and make California Environmental Quality Act findings - District 5

10. Approve Tract Map 17059, Tri Point Homes, Inc. and RMV Community Development, LLC; accept dedication for street purposes and vehicular access rights; accept easements for street

lights, sewer and water and survey monumentation; approve agreement S1112-167 and accept bonds guaranteeing construction improvements; and make California Environmental Quality Act findings - District 5

11. Approve plans and specifications and set bid opening for 5/1/13, 2:00 p.m., for asphalt overlay resurfacing of various streets in Orange County, 2012-13; approve agreement D12-010 with Orange County Sanitation District for raising of manhole installations ($110,250); and make California Environmental Quality Act findings - Districts 1, 2 and 3

12. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve amendment 2 to agreement MA-080-11012476 with LA Consulting, Inc. for maintenance system enhancements and program management support services, 5/3/13 - 5/2/14 ($238,548); and make California Environmental Quality Act findings - All Districts

PUBLIC PROTECTION

13. **Probation -** Accept grant award and approve agreement with Board of State and Community Corrections, for Phase III of Enhanced Disproportionate Minority Contact-Technical Assistance Project II, 10/1/12 - 12/31/13 ($150,000); authorize Chief Probation Officer or designee to execute grant agreement; approve agreement with The W. Haywood Burns Institute for consulting services, term ending 12/31/13 ($75,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

14. Approve the proposed amendments to the Conflict of Interest Code Designated Filers Exhibits for the County Executive Office and Treasurer-Tax Collector - All Districts

15. Approve initial Conflict of Interest Code for El Sol Science & Arts Academy of Santa Ana, a California Public Charter School - All Districts

16. Approve re-adoption of the State's Model Code by reference and modifications to Designated Filer Positions and Disclosure Categories Exhibits A & B for Orange County Fringe Benefits Joint Powers Authority, Public Cable Television Authority and Rossmoor Community Services District - All Districts

17. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for February 2013 - All Districts

24135 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 18-S33A)

ELECTED DEPARTMENT HEADS

Assessor Department:

18. Approve amendment 1 to agreement MA-002-12011886 with Napoleon Dogaru, dba Modern eConcepts for technical system services and application support of the Assessment Tax System, 7/1/12 - 6/30/13 ($73,600; new total $239,200); and 7/1/13 - 6/30/14 ($257,600; new total $423,200); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute agreement and exercise contingency contract increase not to exceed 10% - All Districts (Continued from 2/26/13, Item 34; 3/5/13, Item 11)
32154 **APPROVED AS RECOMMENDED**

19. Approve amended agreement MA-002-13010579, 11/12/12 - 6/30/13, ($452,100; new total $1,333,200) and renewal of agreement MA-002-13010579, 7/1/13 - 6/30/14 ($1,333,200) with Brainsharp Inc., for Assessment Tax System (ATS II) application support, operations and adjustments; and authorize Purchasing Agent or authorized Deputy to execute amendment and agreement - All Districts
35124 **APPROVED AS RECOMMENDED**

20. **Auditor-Controller -** Adopt recommendation of the Audit Oversight Committee and the RFP evaluation panel to select Macias, Gini & O'Connell or alternatively select Vavrinek, Trine, Day & Co., for independent auditing and related services, FYs 12-13, 13-14 and 14-15 renewable for two additional years; and authorize negotiation of agreement for Board approval - All Districts
12354 **APPROVED AS RECOMMENDED**

21. **Sheriff-Coroner -** Ratify and approve amendment 6 to agreement MA-060-11011620 with Randstad North America L.P. dba Randstad Technologies, L.P. for information technology services, effective 2/1/12, extending term to 4/7/14 ($1,100,000; new total $3,289,816); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts (Continued from 3/5/13, Item 12; 3/12/13, Item 12)
35124 **APPROVED AS RECOMMENDED**
A

22. **Treasurer-Tax Collector -** Receive and file 2012 Treasury Oversight Committee Annual Report - All Districts
32154 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

23. Approve amendment 5 to agreement MA-108-10012441 with Project Dimensions, Inc. for project management services associated with Dana Point Harbor Revitalization Plan, extending term five years ($4.7 million); and authorize Director or designee to execute amendment - District 5 (Continued from 2/5/13, Item 18; 2/26/13, Item 41; 3/5/13, Item 14)
B.O. **CONTINUED TO 4/9/13, 9:30 A.M.**

OC COMMUNITY RESOURCES

24. Receive bids and award contract to Big Ben, Inc. for construction of the Irvine Ranch Historic Park Utility Infrastructure Project ($1,899,286); and make California Environmental Quality Act findings - District 3

31254 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

25. Approve selection of various providers to provide Wraparound Orange County services, 7/1/13 - 6/30/18; and authorize negotiation of agreements for Board approval - All Districts

14235 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

26. Approve grant applications/awards submitted by Health Care Agency, OC Public Works and Sheriff-Coroner in 3/19/13 grant report and other actions recommended; and adopt resolution authorizing Director or designee to negotiate and execute agreements with California Department of Water Resources and with cities/water districts, on behalf of South Orange County Integrated Regional Water Management Group and to approve amendments under certain conditions and execute related documents - All Districts

15234 **APPROVED AS RECOMMENDED**
RESO: 13-018

27. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts (Continued RA #1 from 3/5/13, Item 22)

51234 **APPROVED AS RECOMMENDED**

28. Approve proposed follow-up responses to pending recommendations for FY 2011-12 Grand Jury Reports - All Districts

51234 **APPROVED AS RECOMMENDED**

29. Approve amendment 2 to Memorandum of Understanding for services provided by Superior Court to the County to allow for additional human resource services for OC Public Works, term ending 6/30/13 ($70,000); and authorize County Executive Officer or designee to execute amendment - All Districts

31254 **APPROVED AS RECOMMENDED**

30. Approve selection of Stradling Yocca Carlson & Rauth as bond counsel firm for proposed Tustin Regional Park financing project - District 3 (Continued from 3/12/13, Item 18)

31254 **APPROVED AS RECOMMENDED**

31. Provide slate of names for interview by the Board of Supervisors for position of Auditor-Controller; select final candidates and set date for interviews; and provide additional direction to County Executive Office and Human Resource Services - All Districts

35124
N **SELECTED THE FOLLOWING SEVEN CANDIDATES TO BE INTERVIEWED BY THE BOARD OF SUPERVISORS ON A DATE TO BE DETERMINED: GEORGE BECK, JAMES BENUZZI, JAN GRIMES, NICK**

PHAM, GUSTAVO RODRIGUEZ, ERIC WOOLERY AND ALEXANDER YU

32. **Chairman Nelson -** Discuss and provide direction to staff for preparation of draft response to the Grand Jury Report "CalOptima Burns While Majority of Supervisors Fiddle" (Continued from 2/26/13, Item 46)

31254 N N **APPROVED DRAFT RESPONSES SUBMITTED BY STAFF AS MODIFIED ADDING TO RECOMMENDATIONS 1 AND 2 THAT THE BOARD OF SUPERVISORS HAS FORMED AN AD HOC COMMITTEE OF SUPERVISORS NGUYEN AND SPITZER TO STUDY, IN CONJUNCTION WITH COUNTY STAFF AND CALOPTIMA, THE APPROPRIATE GOVERNANCE STRUCTURE AND TO RETURN TO THE BOARD WITH THEIR FINDINGS AND RECOMMENDATIONS.**

33. **Supervisor Bates and Supervisor Nguyen -** Determine and approve annual salary to be paid to County Executive Officer; Appoint Chandra L. Wallar as County Executive Officer for a two year term and ratify employment agreement - All Districts
DISCUSSED

S33A. **Human Resource Services -** Appoint Philip Cheng and approve agreement for position of Performance Audit Director - All Districts

23154 **DIRECTED COUNTY COUNSEL TO AMEND AGREEMENT ADDING AUTOMATIC TERMINATION CLAUSE IN THE EVENT MR. CHENG APPLIES FOR A PENSION OR SIMILAR DEFINED BENEFIT RETIREMENT PAYMENT FROM ANY PUBLIC PENSION SYSTEM DURING THE LIFE OF THIS AGREEMENT AND AUTHORIZED CHAIRMAN TO EXECUTE AMENDED AGREEMENT UPON ACCEPTANCE AND SIGNATURE BY MR. CHENG.**

IV. PUBLIC HEARINGS (Item 34)

GENERAL ADMINISTRATION

34. **County Executive Office -** Public Hearing to consider first reading and adoption of "An Ordinance of the County of Orange, California Approving a Public/Private Partnership with Related/Griffin for the Assessment and Construction of an Office Building for Governmental and Commercial Uses in the Santa Ana Civic Center"; approve agreement CT-080-13010515 with Griffin Structures, Inc. for Building 16/Civic Center Master Plan Study, 2/26/13 - 2/25/14 ($459,450); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - District 1 (4/5 vote of membership) (Continued from 2/26/13, Item 52; 3/12/13, Item 19)

B.O. **CLOSED PUBLIC HEARING**

34125 NA **MOTION TO APPROVE STAFF RECOMMENDED ACTIONS FAILED TO OBTAIN REQUIRED 4/5 VOTE**

43125 NA **CONTINUED TO 4/16/13, 9:30 A. M.**

V. CLOSED SESSION (Items CS-1-CS-7)

GENERAL ADMINISTRATION

CS-1. **Chairman Nelson -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code

Section 54957:
Title: County Executive Officer

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

County Counsel:

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: William J. Hunt v. County of Orange, et al., Orange County Superior Court Case No. 30-2009 00313239

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF WILLIAM J. HUNT V. COUNTY OF ORANGE, ET AL. 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 OT ANY PERSON WHO INQUIRES.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Jo Ann Galisky v. County of Orange, et al., Orange County Superior Court Case No. 30-2009 00122880

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF JO ANN GALISKY V. COUNTY OF ORANGE, ET AL. 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 OT ANY PERSON WHO INQUIRES.**

CS-4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: Multiple Potential Actions

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

CS-5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, SUPERVISORS NELSON, BATES, NGUYEN AND SPITZER VOTING IN FAVOR, SUPERVISOR MOORLACH VOTING AGAINST, AUTHORIZED COUNTY COUNSEL TO RETAIN THE LAW FIRM OF THEODORA OHRINGER TO PROVIDE ADVISORY AND LITIGATION SERVICES CONCERNING POTENTIAL LITIGATION.**

CS-6. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8: Property Location: County Owned and Leased Buildings, Civic Center, Santa Ana, CA County Negotiator: Robert J. Franz Negotiating Party: Related/Griffin, and future sellers or lessors in the Civic Center area, Santa CA
Under Negotiations: Terms and potential development(s)

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

CS-7. **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 Employees Association (OCEA) and other non-represented employees
RE: Terms and Conditions of Employment

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

America Bracho, Lyndee Knox, Dr. Christine Jorl, Dr. Patricia Canten, Gloria Ambriz, Javier Ubach, Teresa Cuin, Shahab Mirzapian, Nancy Mejia - Oral Re: Latino Health Access contract

Ilya Tseglin and Robert Tseglin - Oral Re: Nate Tseglin

Michael Klubnikin - Oral Re: Nate Tseglin and illegal sale of property

Darrell Nolta - Oral Re: war on Iraq and Sheriff deputy shooting of Marine Sgt. Manuel Loggins

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Nguyen - Oral Re: Annual Fishing Derby at Mile Square Park

Supervisor Moorlach - Oral Re: congratulations to Brent Scarborough on his retirement

ADJOURNED: 4:50 P.M.

None

*** KEY ***

Left Margin Notes

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