REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 1, 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: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Nguyen, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nelson, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Presentation of District goals for 2011

II. CONSENT CALENDAR (Items 1-12)

24153 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 9 & 12 WHICH WERE CONTINUED TO 3/1/11, 9:30 A.M; AND ITEMS 3 & 6 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairman Campbell -** In-Home Supportive Services Advisory Committee - Reappointment Dustin Manhart, Anaheim, for term ending 12/31/11

2. **Supervisor Moorlach -** Orange County Veterans Advisory Council - Reappoint Angela K. Rigdon, Huntington Beach, for term ending 1/2/13

COMMENDATIONS/PROCLAMATIONS/REPORTS

3. **Supervisor Bates -** Adopt resolution proclaiming February 6, 2011 as "Ronald Reagan Day"
52143 **APPROVED AS RECOMMENDED**
RESO: 11-014

HEALTH CARE AGENCY

4. Approve agreement with The Regents of the University of California for Primary Medical Care services, 3/1/11 - 2/28/13 ($230,000); and authorize Purchasing Agent or designee to exercise contingency contract increase not to exceed 10% under certain conditions - All Districts

OC COMMUNITY RESOURCES

5. Approve agreement CT-012-11010446 with Milbrand Cinema to produce a nature film for Upper Newport Bay Nature Preserve, 2/1/11 - 7/31/12 ($146,830) - All Districts

6. Accept donation of a piano and horse-drawn surrey from Linda Irvine Smith for display at OC Parks facilities ($31,000) - All Districts
25143 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

7. Receive bids and award contract to JAM Fire Protection, Inc. dba JAM Corporation for Youth Guidance Center fire alarm upgrade project at 3030 N. Hesperian Way, Santa Ana ($132,900) - District 1

8. Reject all bids and re-advertise at a future date for construction of Laguna Canyon Road Segment 4, Phase 1 Widening project - District 5

9. Approve Gobernadora Multi-Purpose Basin Memorandum of Understanding with Rancho Santa Margarita Water District and Rancho Mission Viejo LLC for funding, design, construction and operation of multi-purpose water quality and flood retention basin; and make findings - District 5
24153 **CONTINUED TO 3/1/11, 9:30 A.M.**

OC WASTE & RECYCLING

10. Approve amendment 1 to renew agreement MA-299-11010701 with Associated Laboratories and Weck Laboratories, Inc. for water quality analytical services, 4/1/11 - 3/31/12 ($150,000) - All Districts

GENERAL ADMINISTRATION

11. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Local Agency Formation Commission, Orange County Cemetery District, Moulton Niguel Water District and Santa Margarita Water District - All Districts

12. **County Executive Office -** Authorize County Executive Officer, Thomas G. Mauk, to act as designated negotiating representative to enter into negotiations with City of Santa Ana and

State Administrative Offices of the Courts to determine appropriate disposition of the Santa Ana Civic Center Joint Powers Authority and return to the Board within 180 days with recommendations - District 1 (Board Directive 8/17/10)
(Continued from 11/23/10, Item 19; 12/7/10, Item 16; 12/14/10, Item 34; 1/25/11, Item 22)

24153 **CONTINUED TO 3/1/11, 9:30 A.M.**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-28)

HEALTH CARE AGENCY

13. Approve amendment 1 to agreements with National Council on Alcoholism and Drug Dependence - Orange County, 12/1/09 - 6/30/11 ($20,000; new total $294,000), AHMC Anaheim Regional Medical Center ($20,000; new total $177,000) and Nhan Hoa Comprehensive Health Care Clinic ($20,000; new total $177,000) for Tobacco Cessation services, 7/1/10 - 6/30/11; and amendment 1 to master agreement with various providers of Community Clinic services, 7/1/10 - 6/30/11 ($191,702; new total $5,083,080); authorize Director or designee to execute individual amendments to master agreement - All Districts

B.O. **CONTINUED 2/8/11, 9:30 A.M.**

14. Approve selection of and agreement with Telecare Corporation for Enhanced Recovery Full Service Partnership Services for Adults, 2/1/11 - 6/30/11 ($1,188,364) and 7/1/11 - 6/30/12 ($2,318,993) - All Districts

54123 **APPROVED AS RECOMMENDED**

15. Approve selection of and agreements with AIDS Services Foundation Orange County ($1,528,245), Delhi Center ($142,958), Laguna Beach Community Clinic, Inc. ($241,581) and Shanti Orange County ($178,413) for HIV services, 3/1/11 - 2/29/12; and authorize Purchasing Agent or designee to exercise contingency increase not to exceed 10% under certain conditions - All Districts

54123 **APPROVED AS RECOMMENDED**

16. Approve amendment 5 to agreement with Advanced Medical Management, Inc. for Fiscal Intermediary services, 9/1/08 - 12/31/11 ($8,943,380 decrease; new total $204,149,945); amendment 1 to Medical Services Initiative Program master agreements for provision of hospital services, 9/1/09 - 4/30/11 ($6,503,634 increase; new total $45,757,940), clinic services, 9/1/09 - 4/30/11 ($406,219 Increase; new total $3,373,531), hospital services, 11/1/09 - 12/31/11 ($12,111,062 decrease; new total $28,910,744), clinic services, 11/1/09 - 12/31/11 ($659,552 decrease; new total $1,777,760); and authorize Director or designee to execute individual provider amendments with providers - All Districts

21453 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

17. **Acting as the Board of Supervisors and Orange County Flood Control District -** Consider first reading of "An Ordinance of the County of Orange, California, Amending Articles 1 Through 9 of Title 4, Division 13 Regarding Water Quality" and "An Ordinance of the Orange County Flood Control District, California, Amending Articles 1 Through 9 of Title 9, Division 1 Regarding Water Quality"; set second readings and adoptions for 2/8/11, 9:30 a.m.; and make California Environmental Quality Act findings - All Districts

B.O. **CONTINUED TO 2/8/11, 9:30 A.M.**

SOCIAL SERVICES AGENCY

18. Approve amendment 1 to agreement WCI0110A with Arbor E & T, LLC for employment support services, 7/1/10 - 6/30/11 ($1,174,638; new total $11,197,812) - All Districts

54123 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

19. **County Counsel -** Select law firm to provide special advisory and litigation legal services related to County's 2011 redistricting process; and authorize County Counsel to execute agreement with selected firm - All Districts (4/5 vote of membership)

51243 NN **MOTION TO SELECT AND AWARD CONTRACT TO WOODRUFF, SPRADLIN & SMART FAILED DUE TO LACK OF 4/5 VOTE**

51243 NN **SELECTED WOODRUFF, SPRADLIN & SMART AND AWARDED MODIFIED CONTRACT EXCLUDING LITIGATION SERVICES; DIRECTED STAFF TO REPORT TO THE BOARD IF BILLINGS REACH CAP OF $50,000**

County Executive Office:

20. Approve amendment 4 to price agreement N1000008540 with Network Television Time, Inc. for Board Meeting Broadcast services and equipment, effective 4/1/11 - 3/31/12 ($280,000) - All Districts (Continued from 1/11/11, Item 28)

51243 **APPROVED AS RECOMMENDED**

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

42153 **APPROVED AS RECOMMENDED**

22. Approve amended legal fees for Workers' Compensation defense services (up to $140 per hour for associates and junior partners) (up to $150 per hour for senior partners or defense attorneys), effective 1/1/11 - All Districts (Continued from 11/23/10, Item 36; 1/25/11, Item 40)

B.O. **CONTINUED TO 3/1/11, 9:30 A.M.**

23. Response to 11/23/10 Board Directive regarding Policy on Donations - All Districts (Continued from 1/25/11, Item 45)

43125 **APPROVED AS RECOMMENDED**

24. Consider first reading of "An Ordinance of the County of Orange, California Adding Article 5 to Division 1 of Title 1 of the Codified Ordinances of the County of Orange Pertaining to Lobbyist Registration and Reporting" ; and set second reading and adoption for 2/8/11, 9:30 a.m. - All Districts (Response to 11/23/10) Continued from 1/25/11, Item 46)

15243 **DIRECTED CEO AND COUNTY COUNSEL TO MAKE THE FOLLOWING MODIFICATIONS TO THE ORDINANCE AND RETURN TO THE BOARD ON 2/8/11 FOR SECOND READING AND ADOPTION: REMOVE SECTION 501(C)(3) NON-PROFIT ASSOCIATIONS OR CORPORATIONS FROM 1-1-80(B)(3); ADD "SOLICITING COUNTY CONTRACTS OR FUNDS" TO 1-1-80(E); ADD 1-1-80(G)(8) EXEMPTING ELECTED OFFICIALS AND PUBLIC EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITY; ADD DEFINITION OF COUNTY AGENCY OR COMMISSION TO 1-1-80(I); CHANGE 1-1-82 FROM QUARTERLY TO ANNUAL REPORTING WITH ANY MID-YEAR CHANGES FILED WITH THE CLERK OF THE BOARD ON AMENDMENT TO REGISTRATION FORM; REMOVE "ATTEMPT TO DECEIVE" AND ADD "OR SUPERVISORS STAFF'S" AFTER "COUNTY SUPERVISOR" FROM 1-1-83(B); REMOVE "FALSELY" FROM 1-1-83(E); DIRECTED CEO**

TO RETURN TO THE BOARD ON 2/8/11 WITH JUSTIFICATION FOR INITIAL AND ANNUAL REGISTRATION FEE AMOUNTS AND RETURN TO THE BOARD IN 60 DAYS WITH PROPOSED MODIFICATION TO ORDINANCE DEFINING CONDITIONS THAT SECTION 501(C)(3) NON-PROFIT ASSOCIATIONS OR CORPORATIONS WILL BE EXEMPT.

25. Approve revised Voluntary Contract Cost Reduction Program to incorporate Board recommendations to provide more program oversight, regular reporting on status of program and performance assurance measures - All Districts

54123 **APPROVED AS RECOMMENDED**

26. Approve recommended grant application submitted by Health Care Agency in 1/25/11 grant report and other actions as recommended - All Districts (Continued RA #6 from 1/25/11, Item 44)

24153 **APPROVED AS RECOMMENDED**

27. Approve agreement for data support services required for County decennial redistricting project - All Districts

B.O. **CONTINUED TO 2/8/11, 9:30 A.M.**

28. **Human Resources Department -** Direct staff to take the necessary steps to authorize the County's bi-weekly contribution to the Elected Officials 401(a) Alternative Retirement (defined contribution) plan to match the percentage of wages that is contributed by a private sector employer to Social Security (the Federal Insurance Contributions Act (FICA) tax) and to implement a mandatory employee bi-weekly contribution matching that required for a private sector employee to FICA and to take the necessary steps to implement the Elected Officials 401(a) Alternative Retirement plan as a retirement plan option for future Elected Officials - All Districts (Continued from 12/14/10, Item S66B; 1/11/11, Item 32; 1/25/11, Item 47)

43125 **CONTINUED TO 2/8/11, 9:30 A.M.**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS6)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: John White v. County of Orange, WCAB Case Nos. ADJ 301970 and ADJ 435376

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF JOHN WHITE 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: Kendall Sanders (deceased) v. County of Orange, Claim No. CTOP-030878

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF KENDALL SANDERS 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 - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Names of Cases: Margaret Reed v. County of Orange, United States District Court Case No. SACV 05-1103 CJC (ANx);
Weaver v. County of Orange, United States District Court Case No. SACV10-00101 CJC;
Aaron Brady v. County of Orange, United States District Court Case No. SACV 10-0805 CJC

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

CS-4. CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION - Pursuant to Government Code Section 54956.9(b):Number of Cases: One Case

B.O. **DELETED**

CS-5. **Human Resources Department** - 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 1/25/11, Item CS-6)

B.O. **CONTINUED TO 2/8/11, 9:30 A.M.**

SCS6. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Marilyn Maddox v. County of Orange, Workers' Compensation Appeals Board Case Nos. ADJ2854680; ADJ2701571; ADJ3085602

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, SUPERVISORS CAMPBELL, NGUYEN, NELSON AND BATES VOTING IN FAVOR, SUPERVISOR MOORLACH VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MARILYN MADDOX 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.**

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

PUBLIC COMMENTS:
Salam-Al Marayati, Saadia Khan, Adel Syed, Mohy, Sahar Aziz, Summer Cook and Rania Abdellatif - Oral Re: UCI student protest case

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: Directed CEO to set up page on County website listing items available for donation to OC schools and non-profits

ADJOURNED: 12:20 P.M.

13245 **Adjourned in memory of Helen Bader**

53124 **Adjourned in memory of Erwin L. Stuller**

13245 **Adjourned in memory of Specialist Jose A. Torre, Jr.**

*** 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