Due to several brief power outages experienced during the 12/14/10 Board of Supervisors meeting, parts of the meeting are missing from the recording.

REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 14, 2010, 9:30 A.M.

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

JANET NGUYEN
CHAIR
First District

BILL CAMPBELL
VICE CHAIRMAN
Third District

JOHN M. W. MOORLACH
SUPERVISOR
Second 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 Nelson, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-36)

32451 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 34 WHICH WAS CONTINUED TO 1/25/11, 9:30 A.M.; AND ITEMS 3, 10, 20, 21 & 35 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Senior Citizens Advisory Council - Reappoint Nancy Cheng, City of Irvine, for term ending 12/31/12

DEPARTMENT APPOINTMENTS

2. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Maria-Jean Caterinicchio, City of Laguna Hills, to complete term ending 12/31/11; Samantha Simonnet, Redwood City, to complete term ending 12/31/13; and Karen Tarca, City of Irvine, to complete term ending 12/31/12; and reappoint Jim Adams, City of Los Angeles; Peter Agarwal, City of Fullerton; William Habermehl, City of Costa Mesa; Ronnie Lam, City of Arcadia; Kevin Landry, City of Anaheim; Laurary Holland-Leis, City of Newport Beach; John Luker, City of Tustin; Don McCrea, City of Irvine; Scott McKenzie, City of Fullerton; Bonny Perez, City of Mission Viejo; and Alan Woo, City of Garden Grove, for terms ending 12/31/13 - All Districts

ELECTED DEPARTMENT HEADS

3. **Clerk-Recorder -** Approve amendment 1 to lease agreement with City of Laguna Hills for South County branch office for five year lease extension, effective 2/1/11; renewable for two additional five year terms; and make California Environmental Quality Act findings - District 5

15234 **APPROVED AS MODIFIED TO REQUIRE BOARD APPROVAL OF LEASE RENEWALS**

4. **District Attorney -** Approve agreement MA-026-11010754 with National Corrective Group, Inc. dba Corrective Solutions for administration of bad check restitution/diversion program, 1/1/11 - 12/31/13; renewable for two additional one-year periods - All Districts

Sheriff-Coroner:

5. Approve amendment 3 to agreement N1000010798 with Sally Anne Broder dba Chiron Concepts for law enforcement training, term ending 6/2/10 ($1,662; new total $26,662) - All Districts

6. Approve amendment 2 to agreement N1000010519 renewing as MA-060-11010911 with Susan Saxe-Clifford, Ph.D., for psychological evaluation services, 12/31/10 - 12/30/11 ($242,000) - All Districts

7. Approve agreement MA-060-11010909 with Rancho Santiago Community College District for law enforcement training programs, 1/1/11 - 12/31/15 ($110,000) - District 3

8. Approve amendment 1 to agreement with HDR, Inc. for design of tenant improvements ($21,333); and make California Environmental Quality Act findings - District 1

Treasurer-Tax Collector:

9. Approve agreement MA-074-11011315 with Standard & Poors (S&P) for credit research services for US Investment Grade Research (Corporate), Asset Backed Commercial Paper (ABCP) Research/Query (Structured Finance), Banking Capital Markets (Top 200 Banks), 1/1/11 - 12/31/11 ($24,225); and authorize

Purchasing Agent or designee to execute agreement - All Districts

10. Approve agreement MA-074-11011264 with GM Business Interiors for purchase of free-standing furniture and design and installation services, 12/15/10 - 4/12/13 ($29,600); and authorize Purchasing Agent or designee to execute agreement - All Districts

52341 **CONTINUED TO 1/25/11, 9:30 A.M.**

HEALTH CARE AGENCY

11. Approve master agreement MA-042-11011120 with Insight Enterprises, Inc. for software maintenance and support services, 1/1/11 - 12/31/ 11 ($63,432); renewable for two additional years - All Districts

12. Approve amendment 1 to agreement with City of Fullerton for implementation of Unified Program Element Requirements, effective 1/1/11 - District 4

JOHN WAYNE AIRPORT

13. Approve allocation of regulated average daily departures and related capacity, 4/1/11 - 12/31/15; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

14. Approve agreement OCP10-028 with NUVIS Landscape Architecture and Planning for on-call landscape architecture services, three-year term commencing date of execution ($400,000), plus the potential for additional $26,500 for extra work - All Districts

15. Receive and file Developer Fee Deposit Balance Reports, FY 2009-10; and make appropriate findings - All Districts

16. Approve access license agreement with Saddleback Vineyards 100, LLC for Santiago Truck Trail to enable public to continue to access Cleveland National Forest from Modjeska Grade Road, 1/1/11 - 4/30/11, with two four-month extensions by mutual agreement; and make California Environmental Quality Act findings - District 3

17. Approve amended Bylaws to Orange County Workforce Investment Board - All Districts

18. Declare bid of Bon Air, Inc. to be non-responsive; receive bids and award contract to Riverside Construction Company, Inc., for upgrade of heating, ventilation and air conditioning (HVAC) system, Aliso Viejo library ($216,755) - District 5

Acting as the Board of Supervisors and Orange County Development Agency:

19. Adopt resolutions approving agreement 10-61 with City of Fountain Valley for installation and construction of fire hydrant and supporting water line within a County unincorporated area ($40,000); authorizing Director or designee to execute agreement; and making related findings - District 2
RESO: 10-199 - 10-200

20. Adopt resolutions approving agreement with Children and Families Commission of Orange County to recruit, hire, house, compensate and report activities of Ten-Year Plan Executive Director, term ending 12/13/11 ($75,000), renewable for one additional year; and authorize Director or designee to execute agreement, renew agreement under certain conditions and make future non-monetary and non-material changes to agreement - All Districts

23451 N **APPROVED AS RECOMMENDED**

RESO: 10-201 - 10-202

OC PUBLIC WORKS

21. Adopt resolution approving and confirming Local Signal Synchronization Plan for FY 2011-12 to 2013-14 is consistent with Regional Signal Synchronization Master Plan; direct staff to submit plan to Orange County Transportation Authority for funding; and make California Environmental Quality Act findings - All Districts

35241 **APPROVED AS RECOMMENDED**
RESO: 10-203

22. Approve agreement D10-060 with Camp, Dresser & McKee, Inc. for watershed management services, three-year term ($300,000); and make California Environmental Quality Act findings - All Districts

23. Approve offer and agreement and quitclaim deed with City of Garden Grove for purchase of real property near Avalon Avenue and Fairview Street ($16,635); and make California Environmental Quality Act and other findings - District 1 (4/5 vote of the members present)

Acting as the Orange County Flood Control District:

24. Approve agreement D10-014 with Orange County Sanitation District and City of Yorba Linda for clarifying responsibilities for design, construction, ownership, operations, maintenance and permitting related to the Yorba Linda Spur Project - District 3

25. Approve easement deed to City of Laguna Niguel for widening of Crown Valley Parkway over Oso Creek Channel ($45,485); and make California Environmental Quality Act and other findings - District 5

Acting as the Board of Supervisors and Orange County Flood Control District:

26. Approve agreement CCC-96 and addendum with California Conservation Corps for various maintenance activities within unincorporated areas of Orange County, 12/15/10 - 6/30/11 ($297,000); renewable for two additional one year periods; and make California Environmental Quality Act findings - All Districts

27. Approve agreement MA-080-11010899 with Environmental Systems Research Institute, Inc. for software licensing and support for Geographic Information Systems analysis and production of maps, 1/1/11 - 12/31/11 ($191,850); renewable for four additional years; and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

28. Receive and file AB 939 Surcharge Implementation Semi-Annual Report - All Districts

SOCIAL SERVICES AGENCY

29. Approve agreement ATM1010 with Volunteer Center of Greater Orange County, dba One OC for training, implementation and technical support of One-e-App Electronic Application System, 1/1/11-1/1/13 ($150,000); and authorize Director or designee to extend agreement up to twelve additional months under certain conditions - All Districts

30. Approve renewal of agreement MA-063-10011059 as agreement MA-063-11010871 with Insight Public Sector, Inc. for Cisco Smartnet maintenance services, 1/1/11 - 12/31/11 ($175,912); renewable for one year - All Districts

31. Approve license agreement with Olive Crest for sibling residential homes services, Tustin Family Campus (up to $14,710.40 per month in license fees paid to the County); and make California Environmental Quality Act findings - District 3

GENERAL ADMINISTRATION

Clerk of the Board:

32. Adopt resolution approving list of recurring Board resolutions for 2011 and authorizing the Chair or other Supervisor to draft and execute said resolutions - All Districts
RESO: 10-204

33. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Orange County Employees Retirement System - All Districts

County Executive Office:

34. 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)
32451 **CONTINUED TO 1/25/11, 9:30 A.M.**

35. Approve Performance Incentive Award to ACS State and Local Solutions ($254,609) for provision of information technology and telephony services - All Districts (Continued from 11/23/10, Item 20; 12/7/10, Item 17)
23451 N **APPROVED AS RECOMMENDED**

36. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for November 2010 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 37-S66B)

ELECTED DEPARTMENT HEADS

37. **District Attorney -** Approve amendment 5 to agreement MA-026-10011753 with The Bode Technology Group, Inc. for DNA processing services, 1/1/11 - 12/31/11 ($1,368,000); renewable for two additional one year periods; and authorize Purchasing Agent to exercise contingency contract cost increase not to exceed 10% under certain conditions - All Districts

34251 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

38. Ratify approval of amendment 1 to agreement Z1000000068 with Rancho Santiago Community College District for provision of law enforcement training consultant services, 8/22/10 - 8/21/11 ($30,000) - All Districts

43251 **APPROVED AS RECOMMENDED**

39. Ratify approval of agreement MA-060-11010469 with Siemens Building Technologies, Inc. for maintenance and repairs of Coroner facility energy management system hardware and software, 9/13/10 - 9/12/11 ($17,484); renewable for four additional one-year periods ($17,988 year two; $18,516 year three; $19,056 year four; $19,620 year five); and authorize Purchasing Agent or designee to execute agreement - All Districts

43251 **APPROVED AS RECOMMENDED**

40. Approve agreement MA-060-11010394 with Juguilon Medical Corporation for forensic pathology/autopsy services, 2/1/11 - 1/31/12 ($1,707,000); renewable for four additional years - All Districts

45231 **APPROVED AS RECOMMENDED**

41. Approve amendment 3 to agreement N1000009457 with California Forensic Phlebotomy, Inc. for phlebotomy services related to blood alcohol testing, 12/18/10 - 4/17/11 ($75,000; new total $300,000) - All Districts

45231 **APPROVED AS RECOMMENDED**

42. Approve agreement with County of San Diego for 2010 Operation Stonegarden Grant; accept grant award funds from State Emergency Management Agency ($828,799); authorize Sheriff-Coroner to execute agreement and related documents; authorize Purchasing Agent or designee to purchase related equipment; and make related budget adjustments - All Districts (4/5 vote of the members present)

23451 **APPROVED AS RECOMMENDED**

43. **Treasurer-Tax Collector -** Consider second reading and adoption of "An Ordinance of the County of Orange, California, Adding Section 1-2-320 to the Codified Ordinances of the County of Orange Delegating to the County Treasurer Authority to Invest and Reinvest the Funds of the County of Orange and All Other Depositors in the County Treasury"; authorize transfer of Treasurer-Tax Collector employees temporarily assigned to Chief Financial Officer back to the Treasurer-Tax Collector; and approve other directions necessary to implement this action - All Districts

(Continued from 12/7/10, Item 23)
42351 **APPROVED AS RECOMMENDED**
ORD: 10-019

DANA POINT HARBOR DEPARTMENT

44. Response to 12/8/09 Board Directive regarding direction to staff to return to the Board with lease document for shipyard services - District 5 (Continued from 11/23/10, Item 28; 12/7/10, Item 24)
B.O. **CONTINUED TO 1/25/11, 9:30 A.M.**

JOHN WAYNE AIRPORT

45. Approve lease with CKE Restaurants Inc., dba Carl's Jr./Green Burrito for operation of fast food concession; authorize Director to terminate existing lease with McDonald's Corporation; and make California Environmental Quality Act findings - District 2 (4/5 vote of the members present)
21345 **CONTINUED TO 1/25/11, 9:30 A.M.**

46. Select and approve lease with Seven Hills, Inc. for operation of fast food concession in Terminal C; and make California Environmental Quality Act and other findings - District 2 (4/5 vote of the members present)
B.O. **CONTINUED TO 1/25/11, 9:30 A.M.**

47. Approve amendment 3 to agreement with Parsons Transportation Group for Improvement Program Management services, term ending 6/30/12 ($4,190,965; new total $18,698,862); and make California Environmental Quality Act findings - District 2
23451 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

48. Approve allocation of carryover New Freedom funds from FY 2009-10 to FY 2010-11 ($301,928); approve amendments to new freedom agreements with existing Senior Non-Emergency Medical Transportation contracts for services, through 6/30/11 ($301,928; new total $751,928); and authorize Director or designee to execute amendments to agreements and exercise a contingency contract cost increase or decrease not to exceed 10% under certain conditions and other amendments under certain conditions - All Districts
42351 **APPROVED AS RECOMMENDED**

49. Approve one-time use of Tobacco Settlement Revenue for Senior Non-Emergency Medical Transportation (SNEMT) Program, FY 2010-11 ($250,000); and approve amendments with approved contractors for existing SNEMT services; and authorize Director or designee to execute amendments and to exercise contingency contract increase or decrease with respect to agreements not to exceed 10% under certain conditions - All Districts
43251 **APPROVED AS RECOMMENDED**

50. Approve amendment 2 to Master agreement with various providers for Workforce Investment Act Youth Cost Reimbursement services, 12/14/10- 6/30/11 ($400,000;

new total $2,554,382); and authorize Director or designee to execute individual amendments and exercise cost contingency increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts

13245 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

51. Approve agreement D10-029 with 11 cities and 8 special districts for framework to plan and implement water resource management strategies in South Orange County Watershed Management Area and provide reimbursement for related County support activities; and make California Environmental Quality Act findings - Districts 3 and 5

53241 **APPROVED AS RECOMMENDED**

52. Adopt resolution approving amendment 2 to Proposition 1B 1st allocation agreements D08-042 and D08-035 project list for cities of Santa Ana and Laguna Hills and approving amendment 1 to fourth allocation agreements D10-075, D10-076 and D10-077 project list for cities of Garden Grove, Santa Ana, Westminster and unincorporated areas for local streets and roads funding; authorize OC Public Works to submit project lists to State Department of Finance; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act and other findings - Districts 1, 4 & 5 (4/5 vote of the membership)

14235 **APPROVED AS RECOMMENDED**
RESO: 10-205

53. Consider first reading of "An Ordinance of the County of Orange, California, Repealing the International Building Code, 2006 Edition; Repealing Ordinance 08-005 and Adopting by Reference The California Building Code, 2010 Edition; The International Building Code, 2009 Edition; The California Residential Code, 2010 Edition; and The California Green Building Standards Code, 2010 Edition; With Amendments Thereto"; "An Ordinance of the County of Orange, California, Repealing the 2006 Edition of the Uniform Plumbing Code Repealing Ordinance 08-006, and adopting by Reference the Uniform Plumbing Code, 2009 Edition and the California Plumbing Code, 2010 Edition, Including Appendices, With Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing the 2006 Edition of the Uniform Mechanical Code, Repealing Ordinance 08-007, and Adopting by Reference the Uniform Mechanical Code, 2009 Edition and the California Mechanical Code, 2010 Edition, Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing the National Electrical Code, 2005 Edition, Repealing Ordinance 08-008 and Adopting by Reference the National Electrical Code, 2008 Edition and the California Electrical Code, 2010 Edition With Amendments Thereto"; and "An Ordinance of the County of Orange, California Repealing the California Fire Code, 2007 Edition Ordinance 08-009 and Adopting by Reference the California Fire Code, 2010 Edition With Appendix B, BB, C, CC and Amendments Thereto"; and set second reading and adoption for 1/25/11, 9:30 a.m. - All Districts

53241 **APPROVED WITH DIRECTION TO COUNTY COUNSEL TO PROVIDE REVISED LANGUAGE FOR 2ND READING OF ORDINANCE ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION WITH THE EXCEPTION OF THE CODE RESTRICTIONS TO OUTDOOR BARBECUES IN MULTI-FAMILY UNITS**

OC WASTE & RECYCLING

54. Select Paradigm Software, L.L.C. as primary and Sierra Systems as alternate contractors for redesign of Disposal Reporting System website; and authorize negotiation of agreement for Board approval - All Districts

24351 **APPROVED AS RECOMMENDED**

55. Approve renewal of agreement MA-299-10011283 as MA-299-11010696 with Clean Harbors Environmental Services, Inc. for hazardous waste collection and disposal services, 2/1/11 - 1/31/12 ($5,501,000); and authorize Purchasing Agent or designee to execute agreement - All Districts

15234 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

56. **Probation -** Approve renewal of agreement with Satellite Tracking of People, LLC for GPS electronic monitoring services, 12/15/10 - 12/14/11 ($700,000); renewable for one additional year; and make California Environmental Quality Act findings - All Districts

25341 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

57. Renewal agreement N1000010918 as MA-063-11010819 with Transnational Computer Tech for technical support for child welfare services case management system, 1/1/11 - 12/31/12 ($1,114,880); and authorize Purchasing Agent or designee to execute agreement - All Districts

13245 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

58. Approve qualified panels of bond/disclosure counsel and underwriter firms for assistance in formulating and executing future financings; and direct staff to complete Request for Qualifications for underwriter firms in two years, and bond/disclosure counsel firms in four years - All Districts

23451 A **REJECTED ALL SUBMISSIONS FOR BOND/DISCLOSURE COUNSEL AND DIRECTED STAFF TO CONDUCT NEW REQUEST FOR QUALIFICATIONS PROCESS**

32151 A **APPROVED RECOMMENDED ACTIONS 2 & 3**

59. Under direction of CEO, authorize County Purchasing Agent to implement a Voluntary Contract Cost Reduction Program and solicit voluntary contract discounts of 10% of most recent contract price, effective 7/1/11 - 6/30/12; and in exchange for participation, authorize County Purchasing Agent or designee to execute up to one additional year renewal to take effect at end of originally negotiated contract term, without further Board action; and under direction of CEO, authorize County Purchasing Agent to accept alternative discount proposals submitted by current vendors that are in the best interest of the County

and return to the Board for approval of contract amendments that exceed the County Purchasing Agent's monetary authority - All District

35241 **APPROVED WITH DIRECTION FOR STAFF TO RETURN TO THE BOARD ON 2/2/11 WITH OVERSIGHT POLICIES AND PROCEDURES AND TO SUBMIT QUARTERLY STATUS REPORTS BEGINNING IN MID-MARCH 2011**

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

31245 **APPROVED AS RECOMMENDED**

61. Adopt resolution approving property tax exchange with City of La Habra for annexation of unincorporated territory (Brenda Lane and Hensel Drive) - District 4

B.O. **CONTINUED TO 1/25/11, 9:30 A.M.**

62. Approve agreement 10-001AC with Bartel Associates, LLC for actuary consultant services related to County's pension system and retiree healthcare plan, effective upon Board approval through 12/31/13 ($300,000); renewable for an additional two year term ($200,000); and authorize Public Finance Director to execute agreement - All Districts

43251 **APPROVED AS RECOMMENDED**

63. Approve recommended grant application submitted by OC Public Works and Health Care Agency in 12/14/10 grant report and other actions as recommended; adopt resolution authorizing OC Public Works Director or designee to submit, execute and approve minor modifications to application to State Department of Water Resources for Proposition 84 implementation grant; and adopt resolution authorizing Director or designee to submit grant application for continued funding of various department programs; and rescinding Resolution 09-148 - All Districts

53241 **APPROVED AS RECOMMENDED**
RESO: 10-207 - 10-208

64. Receive and file Redistricting 2011 Ad Hoc Committee Second Report and approve Structure for Supervisorial Redistricting Committee as recommended - All Districts

45231 **APPROVED WITH EXCLUSION OF COMMITTEE MEMBER AND**
NN **ALTERNATE DISCLAIMER**

65. Approve 2010 Strategic Financial Plan; direct CEO to develop recommended salary and benefit cost reduction plan, implement a 5% Net County Cost reduction to all General Fund departments in developing the proposed FY 2011-12 budget and implement a hard hiring freeze, with limited exceptions; approve revised Reserve Policy; and delete all vacant positions within General Fund that have been vacant longer than 12 months - All Districts

34251 **APPROVED AS RECOMMENDED AND DIRECTED STAFF TO PROVIDE QUARTERLY REPORTS TO THE BOARD IDENTIFYING ALL EXCEPTIONS MADE TO THE HIRING FREEZE**

66. **Internal Audit -** Approve Audit Oversight Committee (AOC) Charter; and approve

amended Audit Oversight Committee bylaws to remove any inconsistencies with AOC Charter - All Districts

34251 **APPROVED AS RECOMMENDED**

S66A. **Supervisor Nelson -** Development Processing Review Committee - Reappoint Carl F. Taylor, City of Irvine, for term concurrent with 4th District Supervisor's term of office

43251 **APPROVED AS RECOMMENDED**

S66B. **Human Resources Department -** Direct staff to take the necessary steps to implement the Elected Officials 401(a) Alternative Retirement (define contribution) plan as the only retirement plan option for future elected officials; authorize the County's bi-weekly contribution and a mandatory employee bi-weekly contribution matching those required if the elected official were participating in the 1.62@65 plan - All Districts

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

IV. PUBLIC HEARINGS (Item 67)

OC PUBLIC WORKS

67. Public hearing to consider reading and adoption of "An Ordinance of the County of Orange, California, Adding Section 7-9-146.8 to the Codified Ordinances of the County of Orange Establishing Performance and Development Standards For Small Wind Energy Systems"; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

45231 **APPROVED AS AMENDED WITH MODIFIED SEC. 7-9-146.8(a): PERMITTED USE. (1) THE INSTALLATION OF A SMALL WIND ENERGY SYSTEM OF 45 FEET OR LESS WILL BE PERMITTED IN THE NON-URBANIZED AREA IN ANY DISTRICT SUBJECT TO THE APPROVAL OF A USE PERMIT APPROVED BY THE ZONING ADMINISTRATOR UNLESS OTHERWISE PROHIBITED BY ANY OF THE FOLLOWING: GENERAL PLAN, SPECIFIC PLAN, PLANNED COMMUNITY TEXT, CALIFORNIA COASTAL COMMISSION, A LOCAL COASTAL PROGRAM: A LAND USE PLAN ADOPTED BY AIRPORT LAND USE COMMISSION; A ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING ACT; A SCENIC HIGHWAY PLAN; A CONSERVATION OR OPEN SPACE EASEMENT; A PROTECTED OPEN SPACE AGREEMENT; A LISTING OF THE SITE IN A HISTORIC REGISTER; OR A WILLIAMSON ACT CONTRACT. (2) THE INSTALLATION OF A SMALL WIND ENERGY SYSTEM OF MORE THAN 45 FEET AND UP TO 80 FEET WILL BE PERMITTED IN THE NON-URBANIZED AREA IN ANY DISTRICT SUBJECT TO THE APPROVAL OF A USE PERMIT APPROVED BY THE PLANNING COMMISSION UNLESS OTHERWISE PROHIBITED BY ANY OF THE FOLLOWING: GENERAL PLAN, SPECIFIC PLAN, PLANNED COMMUNITY TEXT, CALIFORNIA COASTAL COMMISSION, A LOCAL COASTAL PROGRAM; A LAND USE PLAN ADOPTED BY AIRPORT LAND USE COMMISSION; A ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING ACT; A SCENIC HIGHWAY PLAN; A CONSERVATION OR OPEN SPACE EASEMENT; A PROTECTED OPEN SPACE AGREEMENT; A LISTING OF THE SITE IN A HISTORIC REGISTER; OR A WILLIAMSON ACT CONTRACT.**

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Morrison Pump Company, Inc., etc. v. SSC Construction, Inc., etc., et al., Orange County Superior Court Case No. 30-2010 00365657

B.O. **HELD, THE CLERK READ: TH E BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO ENGAGE THE SERVICES OF SHEPPARD MULLIN RICHTER & HAMPTON LLC TO REPRESENT THE COUNTY OF ORANGE AND ORANGE COUNTY FLOOD CONTROL DISTRICT IN THE MATTER OF MORRISON PUMP COMPANY, INC., ETC. V. SSC CONSTRUCTION, INC., ETC., ET AL.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

CS-3. **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

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

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

PUBLIC COMMENTS:
Darrell Nolta - Oral Re: West County Connector freeway project, District Attorney release of officer-involved shooting findings, China's refusal to allow Liu Xiaobo to travel to Norway to receive Nobel Peace Prize, congratulations to Supv Nguyen for her year as Chair

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: Directed staff to report back to him re: constituent e-mail alleging prohibition against taking pictures of pets in shelter and whether this impacts publishing photos of animals on sites such as Facebook

Chair Nguyen - Oral Re: Thanks to HCA for flu vaccination clinics, thanks to OCWR for food

dehydrator at Bella's Kitchen used to make mulch from food waste, directed County Counsel to agendize a closed session on 1/11/11 to discuss status of pension lawsuit including CEO hiring of legal consultant

ADJOURNED: 3:51 P.M.

53241 **Adjourned in memory of John B. Parker**

35241 **Adjourned in memory of William Joseph Gannon**

*** 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