REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 8, 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	Jack Golden, Chief Assistant County Counsel
	CLERK OF THE BOARD	Darlene J. Bloom

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

Chairman Campbell presented a resolution proclaiming November 2011 as "Grand Jury Awareness Month"

Chairman Campbell accepted the Seven Seals Award being presented to the County by representatives of the California Employer Support of the Guard and Reserve.

II. CONSENT CALENDAR (Items 1-17)

14253 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3, 4, & 14 WHICH WERE DELETED; AND ITEMS 1, 7, 9, 11, 13 & 16 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Campbell:

1. Public Financing Advisory Committee - Reappoint Carl Groner, Irvine, to complete term ending 5/1/14

25143 **APPROVED AS RECOMMENDED**

2. Orange County Human Relations Commission - Reappoint Kenneth Inouye, Laguna Hills, for term ending 11/7/13

3. **Supervisor Moorlach -** State Council On Developmental Disabilities Area Board XI - Appoint Buddy Schreiber, Costa Mesa, for term ending 11/7/14

14253 **DELETED**

DEPARTMENT APPOINTMENTS

Health Care Agency:

4. Emergency Medical Services Quality Assurance Board - Appoint Dr. Alan Heilpern, Los Angeles, Janet Hewson, Santa Ana and Joelle Samsel, Fullerton to complete terms ending 6/30/13; reappoint Larry Grihalva, Mission Viejo and Catherine Ord, Fountain Valley to complete terms ending 6/30/13; and appoint Tammi McConnell as Health Care Agency Emergency Medical Services Program Manager for term concurrent with position - All Districts

14253 **DELETED**

5. Alcohol & Drug Advisory Board - Appoint Arthur Amidon, Westminster, for term ending 10/28/14; Lorraine Martinez, Garden Grove, to complete term ending 10/18/12; Roy Richardson, Huntington Beach, for term ending 12/3/14; Lori Sanjuan, Garden Grove, for term ending 10/27/14; Elaine Werner-Hudson, Laguna Beach, to complete term ending 3/6/14; and reappoint Rolf Parkes, Irvine, for term ending 10/28/14; and Stephen Secord, Huntington Beach, to complete term ending 10/28/14 - All Districts

ELECTED DEPARTMENT HEADS

District Attorney:

6. Approve lease agreement renewals with Santa Ana Arts IV, Inc. for secure file and record storage space; and make California Environmental Quality Act findings - All Districts

7. Approve agreement PO-026-12011087 with LDV, Inc. for DNA Sample Collection and Emergency Response Command Center Vehicle ($329,852.92); and authorize Purchasing Agent or deputy to execute agreement - All Districts

23145 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

8. Approve agreement MA-060-12010139 with Premier Computing Inc. for help desk support for commissary operations system, 11/8/11 - 11/7/13 ($48,000); renewable for three additional years ($24,000 annually); and authorize Purchasing Agent or deputy to execute agreement - All Districts

9. Approve amendment 6 to agreement MA-060-12010829 with Taser International, Inc. for repair and replacement of tasers and taser accessories, 11/18/11 - 11/17/12; and authorize Purchasing Agent or deputy to execute agreement - All Districts

21453 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

10. Approve CalRecycle Enforcement Assistance grant agreement EA 22-11-66 for solid waste management, 7/1/11 - 10/28/12 ($43,659); and authorize Director or designee to execute agreement - All Districts

OC PUBLIC WORKS

11. Adopt proposed policy and procedure for emergency response and recovery work on private property; and make California Environmental Quality Act findings - All Districts (Continued from 10/4/11, Item 13)

31245 **APPROVED AS RECOMMENDED**

12. Approve agreements MA-080-12010056 with SimplexGrinnell LP ($211,911) and MA-080-12010058 with Carter Brothers, Inc. ($146,274) for fire alarm system maintenance and repair, 12/1/11 - 11/30/12; renewable for four one-year periods; and make California Environmental Quality Act findings - Districts 1, 2, 3 and 5

13. Approve plans and specifications and set bid opening for 12/7/11, 2:00 p.m., for Modjeska Canyon road storm drain improvement project; and make California Environmental Quality Act findings - District 3 (Continued from 10/25/11, Item 16)

35124 NN **APPROVED AS RECOMMENDED**

14. Approve agreement 080-12010246 with HOV Services, Inc., for scanning, indexing and micrographic services, 11/8/11 - 11/7/12 ($357,124.67); renewable for four one-year periods; and make California Environmental Quality Act findings - All Districts

14253 **DELETED**

15. **Acting as the Orange County Flood Control District -** Approve agreement and Memorandum of Agreement with F-B Huntington, LLC and Huntington Coastal, LLC for continued access and staging support of Edinger Storm Channel improvements; authorize Director or designee to execute agreement and related documents and make minor modifications under certain conditions; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - Districts 1 & 2

GENERAL ADMINISTRATION

County Executive Office:

16. Receive and file Quarterly Information Technology Project Status Detail and Executive Summary Reports for July - September 2011 and Risk Assessment Report for July - September 2011 - All Districts

21453 **RECEIVED AND FILED**

17. Approve amendment 3 to agreement MA-017-10011031 with ACS State & Local

Solutions, Inc. for Foundry Network Equipment Maintenance, 12/1/11 - 11/30/12 ($137,687.20); authorize Purchasing Agent or designee to add or delete equipment within the established monetary limits - All Districts

END OF CONSENT CALENDAR

III. PUBLIC HEARINGS (Item 18)

HEALTH CARE AGENCY

18. Public Hearing to consider first reading of "An Ordinance of the County of Orange, California Amending Section 4-9-12 to the Codified Ordinances of the County of Orange Regarding Regulation of Provision of Ambulance Service"; and set second reading and adoption for 11/22/11, 9:30 a.m. - All Districts

B.O. **CLOSED PUBLIC HEARING**

43125 **MOTION TO APPROVE RECOMMENDATIONS FAILED TO CARRY**
NNN

IV. DISCUSSION ITEMS (Items 19-39)

ELECTED DEPARTMENT HEADS

19. **Assessor Department** - Oral Report - ATS Re-Engineering Project Quarterly Update - All Districts
RECEIVED AND FILED

Sheriff-Coroner:

20. Approve major reorganization; revised class specifications for Assistant Sheriff; and reallocation of four existing to executive management positions, effective 10/21/11 - All Districts (Continued from 10/25/11, Item 30)
B.O. **CONTINUED TO 12/6/11, 9:30 A.M.**

21. Approve agreement MA-060-12010532 with Computer Deductions, Inc. for software development, maintenance and support, 12/1/11 - 11/30/14 ($2,208,941 per year); renewable for two additional years; and authorize Purchasing Agent or deputy to execute agreement - All Districts
15243 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

22. Response to 10/4/11 Board Directive regarding Presentation on CalOptima Board - All Districts (Continued from 10/18/11, Item 17; 10/25/11, Item 33)
PRESENTED

23. Select appointment of one provider candidate to the CalOptima Board of Directors for term ending 9/30/15 - All Districts (Continued from 10/25/11, Item 32)
51243 **APPOINTED LEE PENROSE AS PROVIDER CANDIDATE TO SERVE ON CALOPTIMA, TERM ENDING 9/30/15.**

24. Approve agreement EPO 11-30 with State Department of Public Health that includes funding for Center for Disease Control Public Health Emergency Preparedness Grant, State General Fund Pandemic Influenza Grant, and Health and Human Services Hospital Preparedness Program, FY 2011-12 ($3,990,354) - All Districts
24153 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

25. Approve amendment to Phase 2 Commercial Airline Access Plan and Regulation to provide capacity for commercial air carrier operations servicing international destinations; approve Air Service Development Incentive Program; approve User Fee Airport Memorandum of Agreement with U.S. Customs and Border Protection for inspectional services; authorize Director to execute future amendments under certain conditions; and make California Environmental Quality Act findings - District 2
24153 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

26. Approve agreements with Cities of Aliso Viejo, Dana Point, Laguna Hills, Laguna Niguel and

Laguna Woods for distribution of Coastal Area Road Improvements and Traffic Signals Road Fee Program funds; authorize Auditor-Controller or designee to make related payments and budget adjustments; and make California Environmental Quality Act and other findings - District 5 (4/5 vote of the members present)

51243 **APPROVED AS RECOMMENDED**

27. Approve agreement MA-080-12010736 with S. Groner Associates, Inc. for Stormwater Education and Outreach Campaign services, 11/9/11 - 11/8/12 ($500,000); renewable for four one-year periods; and make California Environmental Quality Act findings - All Districts

2 **MOTION TO APPROVE STAFF RECOMMENDATIONS DIED FOR LACK OF SECOND**

53124 N **THE BOARD SELECTED FAUBEL & ASSOCIATES FOR THIS PROJECT AND AUTHORIZED STAFF TO NEGOTIATE AGREEMENT FOR BOARD APPROVAL**

28. Approve agreement D11-069 with Huitt-Zollars, Inc. for preparation of plans, specifications and cost estimates for La Pata Avenue/Camino Del Rio Extension project, two-year term ($6,000,000); authorize Auditor-Controller to make related budget adjustments; approve reallocation of Proposition 1B Funds from Antonio Parkway Widening Project ($1,600,000); and make California Environmental Quality Act findings - District 5 (4/5 vote of the members present)

51243 **APPROVED AS RECOMMENDED**

29. Receive and file El Toro Development Strategy Presentation directing OC Public Works to explore viable development options for County parcels at El Toro MCAS; and make California Environmental Quality Act findings - District 3

35124 **APPROVED AS RECOMMENDED**

30. **Acting as the Orange County Flood Control District -** Adopt resolution requiring County to annually appropriate revenue for management of habitat restoration measures, San Diego Creek Reach II; approving agreement D11-064 with State Department of Fish and Game for transfer of funds to Escrow Account 203 ($262,405); and make California Environmental Quality Act findings - District 3

32145 **APPROVED AS RECOMMENDED**
RESO: 11-170

OC WASTE & RECYCLING

31. Approve master agreement MA-299-12010620 with Quinn Company for heavy equipment maintenance and repair services for North, Central and South Region Landfills, 12/1/11 - 11/30/14 ($22,500,000); renewable for two additional one-year periods ($7,500,000 annually); and authorize Purchasing Agent or deputy to execute agreement - Districts 3, 4 & 5

53124 **APPROVED AS RECOMMENDED**

32. Approve Second Amended and Restated Landfill Gas Rights & Production Facilities agreement with Bowerman Power, LLC for gas disposal system, Frank R. Bowerman Landfill; authorize Director to execute agreement and to make minor modifications to license; accept ownership of landfill gas collection and control system; authorize Auditor-Controller to make related payment; and make California Environmental Quality Act findings - District 3

31245 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

33. **Probation -** Approve renewal of agreement with Satellite Tracking of People, LLC for GPS electronic monitoring services, 12/15/11 - 12/14/12 ($700,000); and make California Environmental Quality Act findings - All Districts
15243 **APPROVED AS RECOMMENDED**
NX

GENERAL ADMINISTRATION

County Executive Office:

34. Approve proposed follow-up response to pending recommendation for FY 2010-11 Grand Jury Report entitled Child Abuse Emergency Response Effectiveness - All Districts
52143 **APPROVED AS RECOMMENDED**
X

35. Consider second reading and adoption of "An Ordinance of the County of Orange, California, Adding Section 3-3-200 of the Codified Ordinances of the County of Orange to Assume Responsibility for Fire Protection in State Responsibility Areas" - All Districts (Continued from 10/25/11, Item 42)
15243 **APPROVED AS RECOMMENDED**
X

ORD: 11-019

36. Approve 2012 County of Orange Legislative Platform and consider other legislative subject matters - All Districts
25143 **APPROVED AS RECOMMENDED**

37. Approve recommended grant applications submitted by OC Waste & Recycling and OC Community Resources/OC Community Services in 11/8/11 grant report and other actions as recommended; adopt resolution authorizing Director of OC Waste & Recycling or designee to submit, and execute agreement and amendments with State Department of Resources Recycling and Recovery (CalRecycle) for funding Rubberized Pavement Grant Program for resurfacing landfill access road at Frank R. Bowerman Landfill with Rubberized Asphalt Concrete - All Districts
13245 **APPROVED AS RECOMMENDED**
RESO: 11-171

38. Approve amendment 5 to agreement N1000011088 with Teogas, Inc., dba Advanced Systems Group for AIX Operating Software and Software Maintenance, 12/30/10 - 12/29/11 ($132,557.19); authorize Purchasing Agent or designee to execute agreement - All Districts
24153 **APPROVED AS AMENDED TO MODIFY AGREEMENT TERM TO 12/30/11 - 12/29/12**

39. **Supervisor Nelson and Supervisor Bates -** Approve additional subcommittee recommendations or other options regarding the Performance Audit of the Human Resources Department - All Districts
45123 **APPROVED SUBCOMMITTEE'S RECOMMENDED ACTIONS 1, 3 & 5 ON PAGE 10**

OF THE REPORT

32145 **CONTINUED SUBCOMMITTEE'S RECOMMENDATIONS 2 & 4 TO 12/6/11, 9:30 A.M.; DIRECTED CEO TO WORK WITH THE SUBCOMMITTEE ON RECOMMENDATION 2 AND TO PROVIDE THE BOARD WITH PLAN/RECOMMENDATION FOR ITEM 4**

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Sarkis Nargizian v. County of Orange, WCAB Case: ADJ3196920

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF SARKIS NARGIZIAN 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: GMC Engineering, Inc., etc. v. Orange County Public Works, etc., et al., Orange County Superior Court Case No. 30-2010-00420598

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, SUPERVISORS CAMPBELL, MOORLACH, BATES & NELSON VOTING IN FAVOR AND SUPERVISOR NGUYEN VOTING AGAINST, APPROVED SETTLEMENT IN THE CASE OF GMC ENGINEERING, INC. V. ORANGE COUNTY PUBLIC WORKS, ETC., ET AL, AUTHORIZED THE DIRECTOR OF OC PUBLIC WORKS OR HIS DESIGNEE TO EXECUTE A SETTLEMENT AGREEMENT. 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 COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

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**

CS-4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO RETAIN BEST, BEST & KRIEGER AS SPECIAL COUNSEL TO REPRESENT THE COUNTY AND COUNTY**

PARTIES FOR ALL PURPOSES REGARDING STATE TAXATION ISSUES.

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED THE CHAIRMAN OF THE BOARD TO SEND A MEMORANDUM TO THE AUDITOR-CONTROLLER, REQUESTING THAT HE MAKE PROPERTY TAX ALLOCATIONS IN ACCORDANCE WITH THE REVENUE & TAXATION CODE.**

CS-5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Marley and Fred Knox v. County of Orange, et al. Orange County Superior Court Case No. 30-2010 00414270

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MARLEY AND FRED KNOX 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 TO ANY PERSON WHO INQUIRES.**

Human Resources Department:

CS-6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Executive Officer

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

CS-7. 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), Orange County Attorneys Association (OCAA) and Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 0, SUPERVISORS CAMPBELL, MOORLACH, BATES & NELSON VOTING IN FAVOR AND SUPERVISOR NGUYEN ABSTAINING, AGREED TO FOREGO ARBITRATION WITH ORANGE COUNTY MANAGERS ASSOCIATION CONCERNING THE 2010 PAY 4 PERFORMANCE (P4P) CONTRACTUAL OBLIGATION AND TO ACCEDE TO THAT TERM.**

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

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Public Guardian

Additional Public Comments

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Bates - Oral Re: AB 1234 Travel Report - Announced last week's travel to Washington, D.C. to meet with legislators on County Pension issue and La Pata Project funding.

Supervisor Moorlach - Oral Re: Announced that on November 18, 2011, at 8:30 a.m., Village of Hope, at Orange County Rescue Mission he and the Ending Homelessness 2020 Committee would be meeting to discuss Laura's Law and invited interested parties to attend.; he announced the November 14, 2011 dedication ceremonies at JWA; and directed staff to contact So. Cal Edison to see if they can provide the Board with a presentation on the new Smart Meters being installed around the County as he has many concerns expressed by constituents.

ADJOURNED: 6:35 P.M.

53124 **Adjourned in memory of Doris Walker-Smith and Jack Smith**

53124 **Adjourned in memory of Victor Harris, Robert Ramos, Edmund Wanner, Richard McCarthy, Kenneth Bennet and Jeffery Maner of Laguna Woods American Legion Post 257**

*** 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