REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, January 25, 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 Moorlach, Second 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 his State of the County Address including the County and District accomplishments for 2010 and Chairman's goals for 2011

II. CONSENT CALENDAR (Items 1-25)

24153 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 6 & 18 WHICH WERE DELETED; ITEM 22 WHICH WAS CONTINUED TO 2/1/11, 9:30 A.M.; AND ITEMS 8, 12, 15, 19, 23 & 24 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairman Campbell -** Approve 2011 Chairman appointments of Board Members to various Boards, Commissions and Committees

2. **Supervisor Moorlach -** Public Financing Advisory Committee - Appoint Lisa Bergman

Hughes, Tustin, to complete term ending 8/11/11

3. **Supervisor Nelson -** Senior Citizens Advisory - Reappoint Irene Lange, Fullerton, for term ending 12/31/12

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

4. Approve license agreements with State for State Parks to install and operate upgraded radio equipment, San Clemente, Sierra, Peak and Signal Peak Communications Facilities; and make California Environmental Quality Act findings - Districts 2, 3 & 5

5. Approve amendment A1 to agreement 00112308 with State of California for Peace Officer Standards and Training (POST) Driving and Force Option Simulator courses, ($47,000: new total $158,000) term ending 6/30/11 - All Districts

Treasurer-Tax Collector:

6. 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 (Continued from 12/14/10, Item 10)

24153 **DELETED**

7. Approve agreement MA-074-11011486 with Bloomberg LLP for data license feed, 2/1/11 - 1/31/12 ($12,000); renewable for four additional years - All Districts

HEALTH CARE AGENCY

8. Approve amendment 1 to agreement with AIDS Services Foundation Orange County for HIV Prevention services, 7/1/10 - 6/30/11 ($50,000; new total $225,000) - All Districts

21453 **APPROVED AS RECOMMENDED**

9. Approve master agreement with various providers of HIV Health Care services, 3/1/11 - 2/28/13; and authorize Director or designee to execute individual agreements - All Districts

10. Approve grant agreement with Blue Shield of California Foundation for coverage initiative expansion of Medical Services Initiative Program, 1/1/11 - 12/31/11 ($100,000); and authorize Director or designee to execute grant - All Districts

OC COMMUNITY RESOURCES

11. Approve Memorandum of Understanding with Orange County Workforce Investment Board and Orange County Conservation Corps and approve Memorandum of Understanding with Orange County Workforce Investment Board and Orange County Asian and Pacific Islander Community Alliance for one-stop services and programs for economically disadvantaged youth who have one or more barriers to employment; and authorize Director or designee to make amendments to MOUs under certain conditions - All Districts

OC PUBLIC WORKS

12. Approve standard agreement 10-0536 with State Department of Food and Agriculture for reimbursement of costs related to inspection of high-risk plant shipments, 7/1/10 - 6/30/11 ($223,296); and authorize Director or designee to execute agreement - All Districts

21453 **APPROVED AS RECOMMENDED**

13. Approve agreement MA-080-11010985 with Quality Fence, Inc. for repairs of gates and fences in various County facilities, 2/1/11 - 1/31/12 ($200,000); renewable for four additional one year periods; and make California Environmental Quality Act findings - All Districts

14. Approve plans and specifications and set bid opening for 2/23/11, 2:00 p.m., for replacement of electric transformer and switch gear distribution panels, Central Utility Facility; and make California Environmental Quality Act findings - District 1

15. Approve plans and specifications and set bid opening for 3/2/11, 2:00 p.m., for replacement of emergency generator, Hall of Administration; and make California Environmental Quality Act findings - District 1

15243 **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

16. Approve plans and specifications and authorize submission to City of Yorba Linda for approval; and set bid opening for 3/9/11, 2:00 p.m., for Santa Ana River Interceptor Line Relocation, Yorba Linda Spur Project; and make California Environmental Quality Act findings - District 3

17. Approve plans and specifications and set bid opening for 3/2/11, 2:00 p.m., for the Prado Demolition - 16920-17190 Cucamonga Avenue Project; and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

18. Approve agreement MA-299-11011178 with Braeutigam Construction and Fasone Construction, Inc. for facility maintenance and repair services, 1/27/11 - 1/26/12 ($194,400); renewable for two additional one-year periods - All Districts (Continued from 1/11/11, Item 12)

24153 **DELETED**

19. Approve agreement MA-299-11011462 with Paradigm Software, LLC for software maintenance and support services, 3/15/11 - 3/14/12 ($59,000) - All Districts

25143 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

20. Approve agreement MA-063-11011435 with ANI Acquisition Sub, Inc. for document conversion-imaging services, 2/1/11 - 5/31/11 ($505,000) - All Districts

GENERAL ADMINISTRATION

21. **Clerk of the Board -** Approve modification to the Board of Supervisors' regular meeting schedule to cancel the 4/12/11 meeting and add meeting on 4/19/11 - All Districts

22. **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)

24153 **CONTINUED TO 2/1/11; 9:30 A.M.**

Human Resources Department:

23. Approve three-year agreement with Brandman University for reduced tuition for County employees; and authorize County Executive Office to execute agreement - All Districts

25143 **APPROVED AS MODIFIED TO CHANGE "SHALL" TO "MAY" IN SECTION I OF AGREEMENT**

24. Select Great-West Retirement Services for County's IRC Section 457 defined contribution plan, 401(a) retirement plan and 3121 plan for extra help employees and TIAA-CREF for County's "1.62 Defined Contribution Plans"; and return to the Board for approval of agreements - All Districts

31245 **APPROVED AS RECOMMENDED**

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

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 26-S47A)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

26. Adopt resolution approving use of revolving cash fund to pay U.S. Immigration and Customs Enforcement (ICE) detainees for participation in ICE Detainee Work Program - All Districts
25143 NN **APPROVED AS RECOMMENDED**

RESO: 11-001

27. Receive and file status report on Emergency Declaration Conditions resulting from weather, and continue declaration of Local State of Emergency and set review to determine continuing need for emergency action for 3/1/11, 9:30 a.m. and every 30 days thereafter - All Districts (Continued from 12/27/10, Item 1 Special Meeting)
12453 **APPROVED AS RECOMMENDED**

28. Ratify approval of amendment 1 to agreement F1000003521 renewing as MA-060-10013230 with West Marine Products, Inc. dba Port Supply for purchase of marine hardware, supplies and foul weather gear, 8/6/10 - 8/5/11 ($30,000) - All Districts (Continued from 1/11/11, Item 22)
21453 N **APPROVED AS RECOMMENDED**

29. Response to 7/20/10 Board Directive regarding status of implementing Immigration and Customs Enforcement (ICE) agreement - All Districts
B.O. **CONTINUED TO 3/1/11, 9:30 A.M.**

DANA POINT HARBOR DEPARTMENT

30. 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; 12/14/10, Item 44)
B.O. **DELETED**

HEALTH CARE AGENCY

31. Approve amendment 1 to agreement with Pacific Clinics for Consumer Training Program, 7/1/10 - 6/30/11 ($151,974; new total $744,954) and 7/1/11 - 6/30/12 ($714,954) - All Districts
13245 **APPROVED AS RECOMMENDED**

32. Approve amendment 1 to six leases with 1200 Main Partners, LLC for office space at 1200 N. Main Street, Santa Ana for use by Behavioral Health and Public Health programs; and make California Environmental Quality Act findings - District 1
12345 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

33. 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)
(Continued from 12/14/10, Item 46)

15243 **APPROVED RECOMMENDED ACTION 1 AND SELECTED CKE RESTAURANTS, INC. DBA CARL'S JR./GREEN BURRITO FOR AWARD OF FAST FOOD CONCESSION LEASE FOR TERMINAL C AND AUTHORIZED THE CHAIRMAN TO EXECUTE THE LEASE AGREEMENT; APPROVED GIVING CKE RESTAURANTS, INC. THE OPPORTUNITY TO EVALUATE INCLUSION OF GREEN BURRITO AND GIVING DIRECTOR AUTHORITY TO APPROVE REMOVAL OF GREEN BURRITO FROM LEASE**

34. 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)
(Continued from 12/14/10, Item 45)

23145 NNN **MOTION TO APPROVE STAFF RECOMMENDATIONS FAILED TO CARRY**

14253 N **APPROVED RECOMMENDED ACTION 1 AND SELECTED MCDONALD'S CORPORATION FOR AWARD OF FAST FOOD CONCESSION LEASE FOR TERMINALS A & B AND AUTHORIZED THE CHAIRMAN TO EXECUTE THE LEASE AGREEMENT**

35. Receive bids and award contract to INET Airport Systems, Inc. for design, fabrication and installation of Aircraft 400 Hz Ground Power Units, Preconditioned Air Units, and Potable Water Cabinets at Terminals A, B and C passenger boarding bridges; ($1,962,000); and make California Environmental Quality Act findings - District 2

21453 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

36. Receive bids and award contracts to Ben's Asphalt, Inc. for Job Order Contract (JOC) P001, paving and earthwork ($1,000,000); Mackone Development, Inc. for JOC P003, general engineering ($1,500,000), and Angeles Contractor, Inc. for JOC P004, general building ($1,500,000); reject bid received from Mission Paving and Sealing, Inc. for JOC P002, paving and earthwork; and approve plans and specifications and set bid opening for 3/2/11, 2:00 p.m., for JOC P002, paving and earthwork, for support in expediting completion of OC Parks repair and rehabilitation projects and enhanced customer service - All Districts

21453 **APPROVED AS RECOMMENDED**

37. Approve agreement Y4 with The Regents of the University of California, on behalf of University Extension at the University of California, Irvine (UCI Extension) to provide Workforce Investment Act Individual Training Accounts, 2/1/11 - 6/30/12 ($6,500 per person); and authorize Director or designee to execute agreement - All Districts

53124 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

38. Approve agreement MA-299-11011299 with Bryan A. Stirrat & Associates for landfill gas services, Central Region Landfills, 2/1/11 - 1/31/14 ($5,100,000) - District 3

32145 **APPROVED AS RECOMMENDED**

39. Select Paradigm Software, LLC, as primary and Southtech Systems as alternate firms for Landfill Fee Collection Accounting System; and authorize negotiation of agreement for Board approval - Districts 1, 3 & 5

25143 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

40. 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)

B.O. **CONTINUED TO 2/1/11, 9:30 A.M.**

41. Adopt resolution approving property tax exchange with City of La Habra for annexation of unincorporated territory (Brenda Lane and Hensel Drive) - District 4 (Continued from 12/14/10, Item 61)

42153 **APPROVED AS RECOMMENDED**
RESO: 11-002

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

24153 **APPROVED AS RECOMMENDED**

43. Approve in concept issuance of short-term Taxable Pension Obligation Notes for early prepay of County's FY 2011-12 pension obligation; and select KNN Public Finance as financial advisor and Orrick, Herrington & Sutcliffe, LLP as bond counsel; and authorize Public Finance Director to execute agreement No. 11-001BC with bond counsel - All Districts

24153 **APPROVED AS RECOMMENDED**

44. Approve recommended grant applications submitted by OC Public Works and District Attorney in 1/25/11 grant report and other actions as recommended; adopt resolutions authorizing OC Public Works Director or designee to submit and execute applications for Renewed Measure M funded Comprehensive Transportation Program and to invoice Orange County Transportation Authority for payment; and adopt resolution authorizing District Attorney or designee to execute grant agreement with State Department of Insurance (DOI) and amendments under certain conditions for Organized Automobile Fraud Activity Interdiction Investigation and Prosecution Program, 7/1/10 - 6/30/11 ($434,994) -All Districts

21453 **APPROVED AS MODIFIED TO CONTINUE RECOMMENDED ACTION #6 TO 2/1/11, 9:30 A.M.**
RESO: 11-003 - 11-008

45. Response to 11/23/10 Board Directive regarding Policy on Donations - All Districts

B.O. **CONTINUED TO 2/1/11, 9:30 A.M.**

46. Response to 11/23/10 Board Directive regarding Lobbyist Ordinance - All Districts

B.O. **CONTINUED TO 2/1/11, 9:30 A.M.**

47. **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 (Continued from 12/14/10, Item S66B; 1/11/11, Item 32)

B.O. **CONTINUED TO 2/1/11, 9:30 A.M**

S47A. **Chairman Campbell -** Orange County Cemetery District - Reappoint Bill Nelson, Villa Park, for term ending 1/1/15

31245 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 48)

OC PUBLIC WORKS

48. Conduct Public Hearing and consider second reading and adoption 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" - All Districts (Continued from 12/14/10, Item 53)

B.O. **CLOSED PUBLIC HEARING**

51243 **APPROVED AS RECOMMENDED**
RESO: 11-009 - 11-013
ORD: 11-001 - 11-005

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. 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. **DELETED**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Maria Inez Chavez Garcia & the Estate of Hector Quirarte-Medrano v. County of Orange, et al., United States District Court Case No. SACV 09-01082 AG

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MARIA INEZ CHAVEZ GARCIA & THE ESTATE OF HECTOR QUIRARTE-MEDRANO 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 ONE WHO INQUIRES.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Loren A. Reeves, et al. v. County of Orange Orange County Superior Court Case No. 30-2008 00112888

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED THE FILING OF AN APPEAL IN THE CASE OF LOREN A. REEVES, ET AL. V. COUNTY OF ORANGE.**

CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Cases: Netjets Aviation, et al. v. Webster Guillory, et al., Orange County Superior Court Case No. 30-2008 00107805; Flight Options LLC v. Webster Guillory, Orange County Superior Court Case No. 30-2008-00110932

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

CS-5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: In the Matter of the Orange County Health Care Agency, Department of Health Care Services, Office of Administrative Hearings and Appeals Nos. TC10-0603-385G-MJN and TC10-0604-385G-MJN

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF IN THE MATTER OF THE ORANGE COUNTY HEALTH CARE AGENCY. 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-6. **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. **CONTINUED TO 2/1/11, 9:30 A.M.**

SCS-7. **County Counsel -** 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**

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

PUBLIC COMMENTS:
None

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: American Community Survey and directed CEO and County Counsel to explore establishing a separate trust fund to protect contributions made to new retirement plans which have different benefits

Supervisor Nelson - Oral Re: Encouraged CEO to "sooner than later" develop a long-term facilities plan

Chairman Campbell - Oral Re: Directed Clerk of the Board to agendize 2011 District Goals under presentations for 2/1/11 agenda

ADJOURNED: 3:57 P.M.

13245 **Adjourned in memory of Sue Butler**

53124 **Adjourned in memory of Steve Swiderski**

13245 **Adjourned in memory of Kiet Chieu Chau**

13245 **Adjourned in memory of Andrew Brumback**

*** 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