REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 4, 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	Darlene J. Bloom

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-17)

45123 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 11 WHICH WAS CONTINUED TO 10/18/11, 9:30 A.M.; AND ITEMS 5, 8, 9 & 13 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Chairman Campbell:

1. Assessment Appeals Board No. 5 - Reappoint Benjamin M. Smith, Irvine, for term ending 8/31/14

2. Emergency Medical Care Committee - Appoint Dr. Nick Anas, Orange, to complete term ending 6/30/13

COMMENDATIONS/PROCLAMATIONS/REPORTS

3. **Chairman Campbell -** Adopt resolution recognizing October as "Irvine Ranch Natural Landmarks Month"
RESO: 11-152

ELECTED DEPARTMENT HEADS

4. **Clerk-Recorder -** Approve reduction in fees for regular Marriage License, ($0.50 reduced; new total $61.00); Confidential Marriage License, ($0.25 reduced; new total $66.00); Notary Public Registration ($0.25 reduced; new total $28.00); Certificate of Filing/Non-Filing Fictitious Business Name/registrant, ($0.25 reduced; new total $9.00) - All Districts

Sheriff-Coroner:

5. Receive and file report on status of implementing agreement with U.S. Immigration and Customs Enforcement (ICE) for detention and care of ICE detainees in jail system - All Districts

21453 **APPROVED AS AMENDED TO DELETE RECOMMENDED ACTION #2 AND DIRECTED THAT REPORTING TO THE BOARD CONTINUE**

6. Approve amendment 1 to agreement with The Reynolds Group for additional testing, monitoring and preparation of scope of work to complete remediation of underground fuel tank, James A. Musick Facility ($70,590; new total $94,120); and make California Environmental Quality Act findings - District 3

7. Approve amendment 1 to agreement MA-060-11012207 with Intratek Computer, Inc. for information technology professional services and printer repair services, term ending 6/28/12 ($11,200; new total $286,200); renewable for two additional one year periods; and authorize Purchasing Agent or deputy to execute agreement - All Districts

JOHN WAYNE AIRPORT

8. Authorize Director to allocate regulated average daily departures, seat capacity, remain over night and passenger capacity to scheduled commercial air, cargo and commuter carriers under Phase 2 Commercial Airline Access Plan and Regulation for 2012 Plan Year; approve related actions; and make California Environmental Quality Act findings - District 2

21453 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

9. Select MVE as primary and Bryant Palmer Soto and Tate Snyder Kimsey as alternate firms for architectural engineering services for work associated with Harbor Revitalization Plan; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 5

21453 **APPROVED RECOMMENDED ACTION #1**

14253 A **APPROVED RECOMMENDED ACTIONS #2-5**

OC COMMUNITY RESOURCES

10. Approve lease and agreement with City of San Clemente for construction and funding of expansion of San Clemente Library; and make California Environmental Quality Act findings - District 5

11. Approve creation of Orange County Parks Foundation as a nonprofit Public Benefit Corporation; approve appointments to County Board of Directors seat and direct Clerk of the Board to add to the Chairman's annual appointments, Articles of Incorporation, Bylaws and Cooperative agreement between the Corporation and the County; authorize Director or designee to execute Articles of Incorporation and agreement and take related actions to create foundation; and make California Environmental Quality Act and other findings - All Districts

45123 **CONTINUED TO 10/18/11, 9:30 A.M.**

OC PUBLIC WORKS

12. Approve plans and specifications and set bid opening for 11/2/11, 2:00 p.m., for Antonio Parkway Landscaping Project; and make California Environmental Quality Act findings - District 5

13. Adopt proposed policy and procedure for emergency response and recovery work on private property; and make California Environmental Quality Act findings - All Districts

41253 **CONTINUED TO 11/8/11, 9:30 A.M.**

14. **Acting as the Orange County Flood Control District -** Approve agreement D11-043 with VA Consulting, Inc., for on-call architect and engineering professional services, three-year term ($400,000); and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

15. Approve agreement MA-299-11012591 with The Hoagy Company, Inc., Titanium Construction Group, Inc. and Mesa Energy Systems, Inc. dba Emcor Service for facility maintenance and repair services, 10/4/11 - 10/3/12 ($194,400); renewable for two additional one year periods; and authorize Purchasing Agent or deputy to execute agreement - All Districts

GENERAL ADMINISTRATION

16. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Orange County Sanitation District - All Districts

17. **County Executive Office -** Receive and file status of IT Sourcing Request for Proposal (RFP) and revised project timeline - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 18-S38A)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

18. Select AVO Training Institute as primary and Lopez Engineering Inc. as alternate firms for developing and implementing Arc Flash Hazard Analysis Program; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - All Districts
13245 **APPROVED AS RECOMMENDED**

19. Approve amendment 5 to agreement N1000009185 with Rancho Santiago Community College District for registration and tuition fees for Criminal Justice Academy classes, term ending 9/17/12 ($55,000; new total $150,000); and authorize Purchasing Agent or deputy to execute - All Districts (Continued from 9/20/11, Item 35)
B.O. **CONTINUED TO 10/18/11, 9:30 A.M.**

20. Response to 9/20/11 Board Directive regarding agreement with Rancho Santiago Community College District and Registration and Tuition Fees for Academy Classes - All Districts
B.O. **DELETED**

HEALTH CARE AGENCY

21. Approve amendment 1 to lease agreement with Blackmon Investments, LLC for office space for Behavioral Health Services program, Costa Mesa; and make California Environmental Quality Act findings - District 2
21453 **APPROVED AS RECOMMENDED**

22. Approve agreement 1178003-000 with State Department of Mental Health for Conditional Release Program, 7/1/11 - 6/30/12 ($1,173,543); authorize Director or designee to execute agreement - All Districts
41253 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

23. Approve lease with Dana Point Shipyard for shipyard services, two year term effective 11/1/11; renewable with four additional options to extend lease up to 45 years; and make California Environmental Quality Act findings - District 5
54123 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

24. Approve agreement for purchase and sale and joint escrow instructions with Saddleback Vineyards,100, LLC for purchase of 100 acres to enhance recreational opportunities by providing permanent trail access to Cleveland National Forest from Modjeska Grade Road ($2,300,000); authorize Director or designee to sign escrow documents; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 3 (Previously agendized on 8/23/11, Item 44; Special Meeting 9/6/11, Item 24)
31245 **APPROVED AS RECOMMENDED**

NN

OC PUBLIC WORKS

25. Approve FY 2011-12 OC Civic Center Parking/Maintenance Fund 828 Budget ($6,546,070); authorize Auditor-Controller to make related payments and advance funds from Parking Facilities Fund 137 not to exceed $599,035; and make California Environmental Quality Act findings - District 1 (Continued from 9/13/11, Item 35)

B.O. **CONTINUED TO 10/18/11, 9:30 A.M.**

26. Authorize reallocation in Trust Fund 153 Local Park Fees ($990,000) for purchase of property; approve acquisition agreement and accept grant deed with Alex Shawn Mann for North Tustin park project; authorize Director or designee to execute agreement and related documents, make minor modifications under certain conditions and return to Board with updated Engineer's Report for North Tustin Landscape and Lighting District; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 3

31245 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

27. Approve renewal of agreement MA-299-11010355 with Environ Strategy Consultants, Inc. for operation and maintenance services of groundwater control and monitoring and water supply systems, North Region Landfills, 11/23/11 - 11/22/12 ($350,000); and authorize Purchasing Agent or deputy to execute agreement - District 3

45123 **APPROVED AS RECOMMENDED**

28. Approve agreements D11-001, D11-002 and D11-003 with Discovery Science Center ($250,000), Inside the Outdoors ($172,471) and Pretend City ($77,529) for Nonprofit Organization Environmental Education and Outreach Grant Programs, one year terms; renewable for one additional year; and authorize Director or designee to execute agreements and amendments under certain conditions - All Districts

B.O. **CONTINUED TO 10/25/11, 9:30 A.M.**

GENERAL ADMINISTRATION

29. **County Counsel -** Consider first reading of "An Ordinance of the County of Orange, California, Amending Sections 4-11-11, 4-11-12 and 4-11-16 to the Codified Ordinances of the County of Orange Regarding the Orange County Health Authority"; and set second reading and adoption for 10/18/11, 9:30 a.m.

42153 NNN **MOTION TO TABLE MATTER UNTIL 2/7/12 AND DIRECT STAFF TO WORK WITH STAKEHOLDERS ON REVISIONS TO PROPOSED ORDINANCE FAILED TO CARRY**

15243 N **DIRECTED THAT HEALTH CARE AGENCY PROVIDE THE BOARD WITH A PRESENTATION ON CALOPTIMA'S FUNCTIONS AND IMPLICATIONS OF DISBANDING CALOPTIMA ON 10/18/11, 9:30 A.M. AND DIRECTED SUPERVISOR NGUYEN TO RETURN TO THE BOARD ON 11/22/11, 9:30 A.M. WITH A PROPOSED ORDINANCE AFTER WORKING WITH STAKEHOLDERS**

County Executive Office:

30. Approve in concept issuance of short-term Taxable Pension Obligation Bonds for early payment of County's FY 2012-13 employer pension obligation; and select KNN Public Finance as financial advisor and Orrick, Herrington & Sutcliffe, LLP as bond counsel and Morgan Stanley as underwriter - All Districts

14253 N **APPROVED AS RECOMMENDED**

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

52143 **APPROVED AS RECOMMENDED**

32. Consider second reading and adoption of "An Ordinance of the County of Orange, California, Approving and Adopting a Boundary Change Between the County of Orange and the County of Los Angeles" along Coyote Creek Channel near the cities of Seal Beach and Los Alamitos - All Districts (Continued 1st reading from 7/26/11, Item 31; 8/23/11, Item 50; 9/20/11, Item 47)

24153 **APPROVED AS RECOMMENDED**
ORD: 11-017

33. Approve recommended grant applications submitted by Health Care Agency, District Attorney, OC Public Works and Sheriff-Coroner in 10/4/11 grant report and other actions as recommended; adopt resolution authorizing Health Care Agency Director or designee to submit grant application for continued funding of various department programs; and rescinding Resolution 10-208; adopt resolutions authorizing HCA Director or designee to submit to and execute application, related documents and amendments for State Department of Resources Recycling and Recovery (CalRecycle) for Waste Tire Enforcement Grant 19th Cycle Local Enforcement Agency, Enforcement Assistance 23rd (EA23) grant cycle and Used Oil Payment Program; and adopt resolution authorizing District Attorney or designee to execute grant agreement and certain amendments with State Department of Insurance (DOI) for Automobile Insurance Fraud Program, 7/1/11 - 6/30/12 ($1,402,843); and adopt resolution authorizing District Attorney ($292,882) and Sheriff-Coroner ($350,000) or designees to execute grant agreement and certain amendments with State Department Office of Traffic Safety (OTS) for Partnership to Deter DUID Program, 10/1/11 - 9/30/12; and adopt resolution authorizing Sheriff-Coroner or designee to execute grant agreement and certain amendments with State Department Office of Traffic Safety (OTS) for Portable Evidential Breath Test (PEBT) Program, 10/1/11 - 9/30/12 ($547,484); and make California Environmental Quality Act findings; and Acting as the Orange County Flood Control District - adopt resolution authorizing OC Public Works Director to execute and submit application for Proposition 84 funds for East Garden Grove Wintersburg (C05) Channel - All Districts

14253 **APPROVED AS RECOMMENDED**
RESO: 11-153 - 11-160

34. Approve recommended budget adjustments presented in the Vehicle License Fee (VLF) Budget Reduction Plan to balance FY 2011-12 General Fund budget; approve related budget adjustments and amend master position control - All Districts (R.A. 1, 4/5 vote)

35124 NN **APPROVED EXCEPTION OF PHOENIX HOUSE REDUCTION AS PROPOSED BY STAFF**

35124 **MOTION TO APPROVE EXCEPTION OF PERFORMANCE AUDITOR**

ANN **FOLLOW UP ACTIVITY REDUCTION AS PROPOSED BY STAFF FAILED TO CARRY**

35124 N **APPROVED BALANCE OF STAFF RECOMMENDATIONS**

35. Approve amendment 6 to agreement N1000008297 with TW Telecom Holdings, Inc. to upgrade telecommunication circuit to Disaster Recovery Site at Solano County Data Center, 11/1/11 - 11/13/12 ($71,957.20) - All Districts

14253 **APPROVED AS RECOMMENDED**

Human Resources Department:

36. Approve 2011-2013 Memorandum of Understanding with Orange County Managers Association (OCMA) - All Districts (Continued from 6/21/11, Item 57; 6/28/11, Item 62; 7/26/11, Item 34; 8/9/11, Item 38; 9/13/11, Item 41)

B.O. **DELETED**

37. Receive and file progress report on implementation of Performance Audit recommendations; approve Executive Management Salary Adjustment and Position Policies; and direct staff to update Personnel and Salary Resolution - All Districts

45123 **APPROVED AS RECOMMENDED**

38. **Chairman Campbell -** Consider first reading of "An Ordinance of the County of Orange, California, Amending Section 1-2-335 of the Codified Ordinances of the County of Orange Pertaining to Article 25 Children and Families Commission of Orange County"; and set second reading and adoption for 10/18/11, 9:30 a.m.

35124 **APPROVED AS RECOMMENDED**

S38A. **County Executive Office -** Approve revised Quitclaim Deed transferring-owned property in Sunset Beach annexation to City of Huntington Beach to clarify permitted used on existing street right-of-ways in County-owned property - District 2

21453 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 39)

GENERAL ADMINISTRATION

39. **County Executive Office -** Public Hearing to consider adopting resolution authorizing Southern California Home Financing Authority to issue single family mortgage revenue bonds to fund Home Financing Program and authorize submission of applications to California Debt Limit Allocation Committee; authorize CEO or designee to execute related documents; and make appropriate findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

41253 **APPROVED AS RECOMMENDED**
RESO: 11-161

V. CLOSED SESSION (Items CS-1-SCS4)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: William D. Fitzgerald v. Orange County, et al., United States District Court Case No. SACV 11-01355
B.O. **HELD, NO REPORTABLE ACTION**

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, NO REPORTABLE ACTION**

Human Resources Department:

CS-3. 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**

SCS4. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Acting as IHSS Public Authority - In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA)
RE: Terms and Conditions of Employment
B.O. **HELD, NO REPORTABLE ACTION**

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

PUBLIC COMMENTS:
Debbie Schmidt - Oral Re: Caltrans complaint

Tanya & Michael Klubnikin - Oral Re: Public Guardian's handling of family trust

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Bates - Oral Re: Direction for item 24 - Directed that staff follow-up with Modjeska Park District on their participation in oversight & management of property and directed staff to report back to the Board at the appropriate time; invited and announced the grand opening of Laguna Niguel's City Hall on 10/15/11; discussed Youth Summit of South County education programs and activities

Supervisor Moorlach - Oral Re: Announced Dave Riley, HCA Director's birthday and upcoming retirement.

Supervisor Nguyen - Oral Re: Announced the success of the recently held Senior & Care Giver Expo in Garden Grove and thanked the participants.

Chairman Campbell - Oral Re: Announced he was reconvening the adhoc Public Safety Working Group (Chair Campbell, Supervisor Bates, CEO, DA, Sheriff and Probation Officer) to assess budgetary impacts and use of funds re: AB109 and other public safety budgetary concerns

ADJOURNED: 6:05 P.M.

32145 **Adjourned in memory of Joe Conway**

23145 **Adjourned in memory of Jerry Schad**

53124 **Adjourned in memory of Sgt. Tyler N. Holtz**

32145 **Adjourned in memory of Sherrie Underwood**

53124 **Adjourned in memory of Alice Herzog Davis**

*** 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