REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 23, 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 Moorlach, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Moorlach and Supervisor Nelson presented awards from the California State Association of Counties to County Agencies/Departments

Supervisor Moorlach presented a resolution commending Judge Carolyn Kirkwood on her retirement

II. CONSENT CALENDAR (Items 1-22)

32451 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 19 & 20 WHICH WERE CONTINUED TO 12/7/10, 9:30 A.M.; AND ITEMS 6, 12, 16 & 22 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Moorlach -** Assessment Appeals Board No. 4 - Appoint Ben Selcho, City of Fountain Valley, to complete term ending 9/4/11 (Continued from 11/9/10, Item 1)

2. **Chair Nguyen -** Waste Management Commission - Reappoint Bryan Starr, City of Irvine, for term ending 7/25/12

ELECTED DEPARTMENT HEADS

3. **District Attorney -** Approve renewal of agreement MA-026-10011378 with Southern California Private Investigators, Inc., 11/24/10 - 11/23/11 ($200,000); renewable for one additional one-year period; and authorize purchasing agent to exercise contingency contract cost increase not to exceed 10% without further Board action - All Districts

Sheriff-Coroner:

4. Approve agreement with J.C. Chang & Associates, Inc. for design services for modular buildings for office space and courtrooms related to housing Immigration and Customs Enforcement detainees, James A. Musick Facility ($114,100) - District 3

5. Approve change order 2 to agreement with TBC Contractors Corporation for tenant improvements project ($50,789); and make California Environmental Quality Act findings - District 1

6. Ratify donation of surplus camera equipment and supplies to Venice Community Housing Corporation; and make related findings - All Districts

15234 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

7. Approve renewal of master agreement MA-042-10010892 as master agreement MA-042-11010468 with Southwest Imaging, Inc. for hardware and software maintenance and support services, 1/1/11 - 12/31/11 ($31,900) - All Districts

OC COMMUNITY RESOURCES

8. Approve agreement CT-012-11010234 with Southern California Tree Care, Inc. for tree trimming services at eight OC Parks, 11/23/10 - 2/27/11 ($130,476); and make California Environmental Quality Act findings - Districts 2, 3 & 5

9. Approve agreement MA-11010818 with Marina Landscape for landscape maintenance services at Clark Regional Park, 12/1/10- 11/30/11 ($138,640.94); renewable for two additional one-year periods; and make California Environmental Quality Act findings - District 4

10. Approve certificates of acceptance for Quitclaim Deed for portion of Dana Strand Road for road purposes (Parcel 117) and Grant Deed for portion of stairs and restroom at bottom of stairs of North Strand Beach accessway (Parcels 118 and 120) from City of Dana Point; approve Grant Deed for overlook portion along easterly edge of Strand Vista Park (Parcel 119) Easement Deed for portion of Dana Strand Road for road purposes (Parcel 153) and Easement Deed for underground storm drain purposes

(Parcel 154) to City of Dana Point; approve maintenance agreement OCP10-015 with the City of Dana Point for maintenance of North Strand Beach accessway, 1/1/11 - 12/31/13 ($39,000 per year); renewable for two additional three-year periods; and make California Environmental Quality Act findings - District 5

11. Receive bids and award contract to Sanders Construction Services, Inc. for replacement of picnic shelters, Bluff Park, Salt Creek Beach ($155,000) - District 5

12. Accept $40,000 donation from Friends of the Library to offset cost of refurbishing new Laguna Niguel Interim Library - District 5

53241 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

13. Approve agreement MA-080-11010203 with AshBritt, Inc. for disaster-related debris management and recovery services, 11/23/10 - 11/22/13; renewable for two additional one year periods; and make California Environmental Quality Act findings - All Districts

14. **Acting as the Orange County Flood Control District -** Approve easement deed to City of Orange for street and highway purposes for widening of Eckhoff Street; and make California Environmental Quality Act findings - District 3

OC WASTE & RECYCLING

15. Approve agreement MA-299-11010941 with Ron Dietz, Inc., dba Dietz Hydroseeding Company for hydroseeding services, 11/23/10 - 11/22/11 ($270,000); renewable for two additional one-year periods - Districts 3 & 5

PUBLIC PROTECTION

16. **Probation -** Approve lease with Anaheim Business Campus, LLC, for operation of North Orange County Youth Reporting Center, 160 W. Cerritos Ave., Anaheim - District 4

32451 **CONTINUED TO 12/7/10, 9:30 A.M.**

GENERAL ADMINISTRATION

Clerk of the Board:

17. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for John Wayne Airport, OC Waste & Recycling, Office of the Performance Audit Director and Registrar of Voters - All Districts

18. Approve re-adoption of the State's Model Code by reference and modifications to Designated Filer Positions and Disclosure Categories Exhibits A & B for Orange County Fire Authority, Surfside Colony Storm Water Protection District, Surfside Colony Community Services District, Sunset Beach Sanitary District and Capistrano-Laguna Beach Regional Occupational Program - All Districts

County Executive Office:

19. 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)

32451 **CONTINUED TO 12/7/10, 9:30 A.M.**

20. Approve Performance Incentive Award to ACS State and Local Solutions ($254,609) for provision of information technology and telephony services - All Districts

32451 **CONTINUED TO 12/7/10, 9:30 A.M.**

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

22. **Registrar of Voters -** Appoint District Officers in lieu of election on 11/2/10 for various districts where no candidate filed a declaration of candidacy, with appointee to take office at noon on 12/3/10 - All Districts

24351 **APPROVED AS RECOMMENDED, RECOMMENDED ACTIONS 1, 2 & 4**

34251 **RECOMMENDED ACTION 3 - APPOINT GREG BATES, RON SHEPSTON, THOMAS SMISEK TO 4 YR TERMS AS DIRECTORS OF SILVERADO-MODJESKA RECREATION & PARKS DISTRICT**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 23-S45A)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

23. Adopt resolution approving certain volunteer Professional Services Responders and Law Enforcement Explorers to operate County vehicles - All Districts
52341 **APPROVED AS RECOMMENDED**
RESO: 10-191

24. Accept grant award from U.S. Department of Justice for Edward Byrne Memorial Justice Assistance Grant Program, FY 2010 ($796,439); ratify execution of grant agreement; approve agreement to transfer funds to participating cities form; and authorize Sheriff-Coroner or designee to execute individual agreements - All Districts
54231 **APPROVED AS RECOMMENDED**

25. Approve agreement CT-060-11010184 with Helinet Aviation Services, LLC for purchase of Phase 1 of Digital Video Downlink System ($1,199,377) - All Districts
42351 **APPROVED AS RECOMMENDED**

26. Accept grant funds from the City of Santa Ana for FY 07 Public Safety Interoperable Communications (PSIC) for Phase 1 of the 800 MHz Countywide Coordinated Communications System (CCCS) ($2,130,000); approve agreement MA-060-11011193 with Motorola, Inc. for purchase of equipment and services related to Phase 1 of CCCS ($2,797,153); and authorize Sheriff-Coroner to execute amendment to grant agreement - All Districts
45231 **APPROVED AS RECOMMENDED**

27. Approve amendment 5 to agreement N1000008350 with Computer Deductions, Inc. for software development, maintenance and support, 12/1/10 - 11/30/11 ($2,208,941) - All Districts
13245 **APPROVED AS RECOMMENDED**

DANA POINT HARBOR DEPARTMENT

28. Response to 12/8/09 Board Directive regarding status report on letter of intent with Anchor Marine for execution of new lease for shipyard services - District 5
B.O. **CONTINUED TO 12/7/10, 9:30 A.M.**

HEALTH CARE AGENCY

29. Approve agreement with Advanced Medical Management, Inc. for patient and provider support services for Medical Services Initiative Program, 9/1/10 - 8/31/13 ($6,879,894) - All Districts (Continued from 8/17/10, Item 27; 8/31/10, Item 26)
B.O. **DELETED**

30. Approve amendment to master agreement MA-042-10012932 with NetChemistry, Inc. for Medical Services Initiative Electronic Eligibility System services, 12/1/10 - 6/30/11

($41,561; new total $436,161) - All Districts
34251 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

31. Approve agreement MA-012-10013347 with Coastalwatch for installation, maintenance and operation of a CoastalCOMS (Conditions, Observations, and Monitoring) camera monitoring system at three County beaches, 11/23/10 - 11/22/11, ($56,246); renewable for two additional years ($46,200 per year) - District 5
53241 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

32. Consider first reading of "An Ordinance of the County of Orange, California, Adding Sections 5-1-31 through 5-1-33 to Article 2 of Division 1 of Title V of the Orange County Codified Ordinances Prohibiting the Approval of Any Permits in Orange County Unincorporated Areas that Involve the Sale or Distribution of Medical Marijuana or Any Other Illegal Controlled Substance and Prohibiting Businesses or Activities in Orange County Unincorporated Areas Involving the Sale or Distribution of Marijuana or Any other Illegal Controlled Substance and Setting Civil Fine," and set second reading and adoption for 12/7/10, 9:30 a.m.; and Make California Environmental Quality Act findings - All Districts (Continued from 9/21/10, Item 26; 11/9/10, Item 52)
53421 **APPROVED AS RECOMMENDED**
N

33. Declare bid of Kennedy Pipeline Company, Inc. to be non-responsive; reject bid protest of Sully-Miller Contracting Company; receive bids and award contract to R.J. Noble Company for Midway City Street and Storm Drain Improvements Phase I and II Projects ($9,847,257) - District 1
13245 **APPROVED AS RECOMMENDED**

34. Approve amendment 3 to agareement Z1000000050 with Parking Concepts, Inc. for maintenance and operation of multiple parking facilities, Manchester and Santa Ana Civic Center complexes, 12/1/10 - 11/30/11 ($1,915,000); renewable for one additional year; and make California Environmental Quality Act findings - Districts 1 and 3
13245 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

35. Approve master agreement CDB0111 for drug patch testing services, 1/1/11 - 6/30/13; authorize Director or designee to execute master agreement; and approve expenditures for services provided under master agreement, 1/1/11 - 6/30/11 ($75,000) - All Districts
23451 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

36. 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

13245 X **CONTINUED TO 1/25/11, 9:30 A.M.**

37. Approve 2011 County of Orange Legislative Platform and consider other legislative subject matters - All Districts

35241 **APPROVED AS RECOMMENDED**

38. Approve recommended grant application submitted by OC Community Resources in 11/23/10 grant report and other actions as recommended - All Districts

13245 X **APPROVED AS RECOMMENDED**

39. Approve FY 2010-11 First Quarter Budget Report; approve related budget adjustments and amend master position control; and Response to Board Directive - RE: Human Relations Commission - All Districts (R.A. 1 & 2 4/5 vote of the members present)

45231 **APPROVED AS RECOMMENDED**

40. Approve re-activation of Avasant agreement for IT Sourcing Advisory services - All Districts

B.O. **CONTINUED TO 12/7/10, 9:30 A.M.**

41. Receive and file presentation on "The State of Orange County's Infrastructure 2010" - All Districts

24351 **RECEIVED AND FILED**

42. Board Directive Report - Receive and file cost evaluation report for Independent Medical Examiner Office (8/31/10 Directive) - All Districts (Continued from 11/9/10, Item 63)

31245 N X **APPROVED AS RECOMMENDED**

43. Approve pre-annexation agreement with City of Huntington Beach for Sunset Beach; approve transfer of quitclaim deed and facilities to City of Huntington Beach; and approve and authorize OC Parks Director to execute the Assignment, Novation and Consent Agreement to assign County Contract #MA-012-11010397 with US Ocean Safety, Inc. for lifeguard services at Sunset Beach to Huntington Beach - District 2

23451 X **APPROVED AS RECOMMENDED**

44. Direct County Executive Officer to conduct an investigation of alleged improprieties in the Public Administrator/Public Guardian office; approve agreement with Colantuono & Levin, PC for professional legal services for preparation of a confidential report to the CEO and direct CEO to file with this Board a confidential report describing the results of the investigation and

findings no later than January 1, 2011 - All Districts

53241 NN **APPROVED AS RECOMMENDED**

45. **Supervisor Campbell** - Discussion regarding Board Rules relating to electronic communication between the public and Supervisors during Board of Supervisors meetings

DISCUSSED

S45A. **Supervisor Nelson and Supervisor Bates -** 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 Reporting"; and set second reading and adoption for 12/7/10, 9:30 a.m.

25341 **DIRECTED CEO AND COCO TO RETURN TO THE BOARD IN 60 DAYS WITH A PROPOSED ORDINANCE**

IV. PUBLIC HEARINGS (Item 46)

HEALTH CARE AGENCY

46. Public Hearing to consider adopting resolution approving Prop 36 - Substance Abuse and Crime Prevention Act (now Penal Code 1210) Program Enrollment Fee update; effective 12/1/10, 7/1/11, 7/1/12; rescinding Resolution 09-154; and making California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

43251 X **APPROVED AS RECOMMENDED**

RESO: 10-192

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

GENERAL ADMINISTRATION

CS-1. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Case: One Case
(Continued from 11/9/10, CS1)

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

CS-2. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Future County of Orange Property at Former MCAS Tustin
County Negotiator: Thomas G. Mauk, County Executive Officer
Negotiating Party: South Orange County Community College District
Under Negotiation: Terms of Possible Property Exchange at Former MCAS Tustin

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

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:

Bud Reveley - Oral Re: Archery range at Mile Square Park

Lorri Galloway, Kim Tulleners & Priscilla Perez - Oral Re: Eli Home

Darrell Nolta - Oral Re: Pat-downs & scanners in airports

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Moorlach - Oral Re: AB 1234 Report on trip last week to Riverside County for California State Assoc of Counties (CSAC) annual conference and lunch with Steve Delaney, CEO, Orange County Employees Retirement System (OCERS), regarding information on defined contribution plans of other states

Supervisor Campbell - Oral Re: The Eli Home and directed CEO to work with Registrar of Voters to ensure if there are no candidates for a District Office that the appropriate Supervisors is informed at least 2 - 3 weeks before the new filing deadline

ADJOURNED: 3:56 P.M.

12345 **Adjourned in memory of John Seymour**
X

*** 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