REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 7, 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 Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nelson, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Nguyen - CCS Partnership presented an award to various County Agencies/Departments for Gang Prevention Intervention Partnership (GRIP)

II. CONSENT CALENDAR (Items 1-21)

43251 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 16 WHICH WAS CONTINUED TO 12/14/10, 9:30 A.M.; AND ITEMS 5, 7, 10, 17, 19 & 21 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Moorlach:

1. Senior Citizens Advisory Council - Appoint Pat Davis, City of Huntington

Beach, to complete term ending 12/31/11; and reappoint David Sullivan, City of Huntington Beach, for term ending 12/31/12

2. Sunset Beach LCP Advisory Committee - Appoint Dr. Anthony A. Nobles, unincorporated area of Sunset Beach, to complete term ending 12/31/11

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve agreement 09-204-796 with State Department of Boating and Waterways for marine law enforcement training classes ($22,600); and authorize Sheriff-Coroner Sandra Hutchens or designee to execute agreement - All Districts

4. Receive bids and award contract to Norment Security Group, Inc. for air-operated lock replacement project, Theo Lacy Facility ($348,200) - District 3

JOHN WAYNE AIRPORT

5. Approve amendment 1 to agreement with DMC Design Group, Inc. for additional service to Bristol Street Slope Stabilization project, ($23,288; new total $180,978); and make California Environmental Quality Act findings - District 2

23451 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

6. Approve Memorandum of Understanding with South Orange County Community College District for proposed property exchange at former MCAS Tustin (Tustin Legacy) to facilitate acquisition of land for new OC Animal Care Center and Regional Law Enforcement Training Center - All Districts

OC PUBLIC WORKS

7. Approve contract PO-080-11010612 with Construction Industry Coalition on water quality for Low Impact Development Cost Estimation Study ($96,000); and make California Environmental Quality Act findings - All Districts

23451 **APPROVED AS RECOMMENDED**

8. Approve plans and specifications and set bid opening for 1/12/11, 2:00 p.m., for Skyline Drive Storm Drain Phase III Project; and make California Environmental Quality Act findings - District 3

9. Receive and file Development FY 2009-10 Fee Deposit Reports; and make appropriate findings - All Districts

OC WASTE & RECYCLING

10. Authorize Director or designee to issue Request for Proposals for projects to beneficially utilize landfill gas at Santiago Canyon, Villa Park and Gothard Street closed landfills - Districts 2 & 3

32451 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

11. **Probation -** Approve lease with Anaheim Business Campus, LLC, for operation of North Orange County Youth Reporting Center, 160 W. Cerritos Ave., Anaheim; and make California Environmental Quality Act findings - District 4 (Continued from 11/23/10, Item 16)

12. **Public Defender -** Approve agreement MA-058-11011031 with Certified Records Management for off-site storage and retrieval services, 1/1/11 - 12/31/11 ($54,090); renewable for four additional one-year periods ($59,850 year 2; $65,610 year 3; $71,370 year 4; $77,130 year 5); and authorize Purchasing Agent or authorized Deputy to execute agreement – All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

13. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Garden Grove Unified School District - All Districts

14. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for Clerk of the Board, Health Care Agency and Probation - All Districts

15. Approve re-adoption of the State's Model Code by reference and modifications to Designated Filer Positions and Disclosure Categories Exhibits A & B for Children and Families Commission of Orange County - All Districts

County Executive Office:

16. 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)

43251 **CONTINUED TO 12/14/10, 9:30 A.M.**

17. 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)

15234 **CONTINUED TO 12/14/10, 9:30 A.M.**

Registrar of Voters:

18. Receive and file Certification of results November 2, 2010 Board of Retirement election; and declare elected the persons having the highest number of votes for General member and Retired member for a three year term commencing 1/1/11 - All Districts

19. Receive and file certification of election results for November 2, 2010 General Election - All Districts

23451 **APPROVED AS RECOMMENDED**

20. Appoint District Officers in lieu of election on 11/2/10 for various districts where the number of persons filing a declaration of candidacy equals the number of positions to be filled - All Districts

21. **Supervisor Moorlach -** Adopt resolution supporting construction and operation of the proposed Huntington Beach Water Desalination Facility

24351 **APPROVED AS RECOMMENDED**

RESO: 10-193

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 22-36)

ELECTED DEPARTMENT HEADS

22. **Sheriff-Coroner -** Approve amendment 4 to agreement N1000008652 renewing as MA-060-11010536 with Turbomeca USA, Inc. for helicopter engine maintenance, overhaul and repair services, 1/1/11 - 12/31/11 ($500,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

43251 **APPROVED AS RECOMMENDED CONTINGENT UPON COUNTY AND CONTRACTOR RECONCILING CONFLICTING PROVISIONS RE: EQUIPMENT RENTAL IN SCOPE OF WORK, SCOPE OF SERVICES, SECTION 3 (90 DAYS VS 60 DAYS) AND PROVIDING DEFINITION OF "CURRENT ECONOMIC CONDITIONS" USED IN SAME SECTION**

23. **Treasurer-Tax Collector -** Approve proposed 2011 Investment Policy Statement; consider first reading 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"; and set second reading and adoption for 12/14/10, 9:30 a.m.; authorize Chief Financial Officer (CFO), Human Resources and County Counsel to take all necessary steps to transfer Treasurer-Tax Collector (TTC) employees temporarily assigned to report to CFO back to report to TTC; and upon assumption of office, TTC shall direct staffing of County's Treasury Oversight Committee meetings, statutory membership of Treasury Oversight Committee shall not change and will continue to function in accordance with Bylaws and Rules of Procedure of County's Treasury Oversight Committee - All Districts

25341 **APPROVED AS RECOMMENDED**

DANA POINT HARBOR DEPARTMENT

24. 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)

B.O. **CONTINUED TO 12/14/10, 9:30 A.M.**

HEALTH CARE AGENCY

25. Approve agreement 10-95277 with State Department of Public Health for AIDS related services, 7/1/10 - 6/30/13 ($8,391,934); and authorize Director or designee to sign memorandum of understanding incorporated in agreement and Contractors Release form upon submission of final invoice - All Districts

45231 **APPROVED AS RECOMMENDED**

26. Approve amendment to agreement EPO 10-30 with State Department of Public Health which includes Center of Disease Control and Prevention Public Health Emergency Preparedness Grant, State General Fund Pandemic Influenza Grant and Department of Health and Human Services Hospital Preparedness Program Grant for support of planning and preparing public health and healthcare systems for emergencies, 7/1/10 - 8/9/11 ($4,904,153) - All Districts

43251 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

27. Select RBF Consulting as primary and CDM as alternate firms for National Pollutant Discharge Elimination System permit implementation assistance; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - All Districts

43251 A **APPROVED AS RECOMMENDED**

28. Consider second reading and adoption 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," - All Districts (Continued from 9/21/10, Item 26; 11/9/10, Item 52; 11/23/10, Item 32)

35241 N **APPROVED AS RECOMMENDED**

ORD: 10-018

PUBLIC PROTECTION

29. **Probation -** Adopt resolution approving destruction of recordings of routine video monitoring after one year and destruction of recordings of telephone and radio communications after 100 days under certain conditions; and make California Environmental Quality Act findings – Districts 1 & 3

13245 **APPROVED AS RECOMMENDED**
RESO: 10-194

SOCIAL SERVICES AGENCY

30. Approve selection of and agreement WMC0910 with Phoenix House Orange County, Inc., for wraparound services, 1/1/11 - 6/30/13 ($3,125,000) - All Districts

53241

GENERAL ADMINISTRATION

County Executive Office:

31. Approve re-activation of Avasant agreement for IT Sourcing Advisory services - All Districts (Continued from 11/23/10, Item 40)

B.O. **DELETED**

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

25341 **APPROVED AS RECOMMENDED WITH ADDITIONAL DIRECTION FOR STAFF TO RETURN TO THE BOARD ON 12/14/10 WITH 1) DRAFT LETTER TO THE STATE (WITH COPIES TO BOARDS & SUPERINTENDENTS OF IMPACTED SCHOOL DISTRICTS) RE: AB 3632 PROGRAM, REQUESTING STATE TO BECOME FACILITATOR**

TO INVOLVED AGENCIES SO THERE IS NO LOSS IN CONTINUUM OF CARE TO CHILDREN RECEIVING MENTAL HEALTH SERVICES AND 2) COUNTY COUNSEL TO REPORT TO THE BOARD RE: POTENTIAL REQUEST FOR FEDERAL COURT REMEDY

33. Approve selection of Bartel Associates, LLC for retirement and benefit actuarial and consulting services; and authorize negotiation of agreement for Board approval - All Districts

43251 **APPROVED AS RECOMMENDED**

34. Approve amendment 4 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) - All Districts

43251 **APPROVED AS RECOMMENDED**

35. Approve proposed response to 2009-10 Grand Jury Report "Lobbying: The Shadow Government." - All Districts

43251 **APPROVED WITH MODIFICATION THAT COUNTY'S RESPONSE TO FINDING #3 BE EXPANDED TO DISCUSS TINCUP AND GIFT BAN ORDINANCES AND FORM 460 DISCLOSURE MANDATES, INCLUDING THAT ORANGE IS ONLY COUNTY WITH TINCUP**

36. Approve recommended grant application submitted by Sheriff's Department and District Attorney's Office in 12/7/10 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute grant award agreement and amendments with State Emergency Management Agency (CalEMA) for the Violence Against Women Vertical Prosecution Program, 7/1/10 - 6/30/11 ($296,000); and adopt resolution authorizing District Attorney or designee to execute grant award agreement and amendments with State Emergency Management Agency (CalEMA) for the Central District's Project Safe Neighborhoods Program, 10/1/10 - 9/30/11 ($12,000) - All Districts

24351 **APPROVED AS RECOMMENDED**
X

RESO: 10-195 - 10-196

IV. PUBLIC HEARINGS (Items 37-38)

ELECTED DEPARTMENT HEADS

37. **Sheriff-Coroner -** Public Hearing to consider adopting resolution approving 2010-A Uniform Traffic Bail Schedule for parking citations in unincorporated areas and on County property, effective 12/7/10 – All Districts

B.O. **CLOSED PUBLIC HEARING**

23451 **APPROVED AS RECOMMENDED**
X

RESO: 10-197

OC COMMUNITY RESOURCES

38. Public Hearing to consider adopting resolution approving revised OC Parks fee schedule, effective 1/1/11; and making California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

43251 A **APPROVED AS RECOMMENDED**

RESO: 10-198

V. CLOSED SESSION (Items CS-1-CS-4)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Maria Ramirez v. County of Orange, et al., United States District Court Case No. SACV 07-0645 JVS

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MARIA RAMIREZ 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.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Aloha Cooper v. Britney Serafin, et al. Orange County Superior Court Case No. 30-2009 00302790

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ALOHA COOPER V. BRITNEY SERAFIN, 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.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Robert K. Guidus, et al v. County of Orange, Orange County Superior Court Case No. 30-2009 00120130

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ROBERT K. GUIDUS, ET AL 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-4. **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:
None

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: 12/6 anniversary of Orange County's bankruptcy, 12/7 anniversary of bombing of Pearl Harbor and reminder that first property tax installment due 12/10

Chair Nguyen - Oral Re: Congratulations to Matt Harper on his swearing-in to Huntington Beach City Council

ADJOURNED:

35241 **Adjourned in memory of Joan Marie Smith**

53241 **Adjourned in memory of Marie Osborne Yeats**

23451 **Adjourned in memory of Rabbi Bernard King**

*** 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