REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, January 10, 2012, 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
	INTERIM CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Nguyen, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Campbell presented a resolution commending David L. Riley, Health Care Agency Director, on his retirement

Chairman Campbell recapped 2011 Chairman Goals

Chairman Campbell presented a resolution commending David Sundstrom, Auditor/Controller, for his service to Orange County

II. CONSENT CALENDAR (Items 1-22)

24153 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 5 WHICH WAS CONTINUED TO 1/24/12, 9:30 A.M.; AND ITEMS 8, 21 AND 22 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Moorlach:

1. Sunset Beach Local Coastal Program Advisory Committee - Appoint Linda L. Lyon, Sunset Beach; and reappoint Aurea Hoad, Sunset Beach, for terms ending 12/18/14; reappoint Stanley Wolf, Sunset Beach and Dr. Anthony A. Nobles, Sunset Beach, for terms ending 12/31/14

2. Senior Citizens Advisory Council - Reappoint Pat Davis, Huntington Beach, for term ending 12/31/13

3. **Supervisor Nelson -** Orange County Veterans Advisory Council - Reappoint Marilyn Harris, Fullerton, for term ending 12/31/13

DEPARTMENT APPOINTMENTS

4. **Health Care Agency -** Orange County HIV Planning Council - Appoint John Paquette, Orange and Jennifer Vivar, Santa Ana; and reappoint Renee Austin, Huntington Beach; Clayton Chau, Santa Ana; Mitch Cherness, Santa Ana; Donna Fleming, Santa Ana; Kelly Gomez, Fullerton; Christopher Ried, Santa Ana and Jeremiah Tilles, Irvine, for terms ending 12/31/13 - All Districts

ELECTED DEPARTMENT HEADS

5. **District Attorney -** Approve agreement with District Attorney Fellows for Certified Law Student and Legal Services; Approve Memorandum of Understanding (MOU) and Cooperative agreement with participating Schools of Law for Orange County District Attorney Fellowship Program; and authorize District Attorney or designee to execute individual agreements and MOUs - All Districts

14253 **CONTINUED TO 1/24/12, 9:30 A.M.**

6. **Sheriff-Coroner -** Approve amendment 2 to agreement MA-060-10012201 with Parson Vending, Inc. assigning to JCK Vending, Inc. for coin-operated lockers at jail facilities, term ending 5/31/12; and authorize Purchasing Agent or authorized deputy to execute amendment - All Districts

HEALTH CARE AGENCY

7. Approve master agreement MA-042-12010888 with Public Health Institute for Adult Alcohol and Other Drugs Survey 2012, 1/23/12 - 8/31/12 ($166,516); and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts

JOHN WAYNE AIRPORT

8. Receive bids and award contract to All American Asphalt, Inc. for pavement maintenance and repairs project ($500,000); and make California Environmental Quality Act findings - District 2

24153 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

9. Accept donation of $24,849.70 from The Janet L. Leland Trust for caring of animals at OC

Animal Care Shelter - All Districts

OC PUBLIC WORKS

10. Approve agreement MA-080-12011062 with Habitat Restoration Sciences, Inc. for mitigation site maintenance and establishment services for Peters Canyon Wash, 1/10/12 - 1/10/14 ($700,000); and make California Environmental Quality Act findings - District 3

11. Adopt resolution approving amendment 3 to Proposition 1B First Allocation Project list; approve amendment 2 to agreement D08-034 with City of Garden Grove and agreement D11-089 with City of Fountain Valley for street improvements, traffic congestion relief and traffic safety; authorize OC Public Works to submit amended project list to State Department of Finance; authorize Auditor-Controller to make related payments; authorize County staff to furnish labor within Garden Grove for purposes consistent with Proposition 1B; and make California Environmental Quality Act and other findings - All Districts (4/5 vote of the membership)
RESO: 12-001 , 12-001

12. Approve revised Health Care Agency Records Control Schedules 8A, 9A, 25C, 28A, 184B and 273A to supersede existing Schedules; and rescind Health Care Agency Records Control Schedules 20A, 181A, 182A and 183A - All Districts

OC WASTE & RECYCLING

13. Approve plans and specifications and set bid opening for 2/29/12, 2:00 p.m., for construction of Zone 1 Phase C3 Groundwater Protection Composite Liner project, Prima Deshecha Landfill; and make California Environmental Quality Act findings - District 5

14. Approve plans and specifications and set bid opening for 2/22/12, 2:00 p.m., for Middle East Channel Improvement project, Olinda Alpha Landfill; and make California Environmental Quality Act findings - District 4

15. Approve easement deed and agreement with Southern California Edison Company for utility purposes, Olinda Alpha Landfill; and make California Environmental Quality Act findings - District 4

GENERAL ADMINISTRATION

Clerk of the Board:

16. Approve the proposed amendments to the Conflict of Interest Code Designated Filers Exhibits for the Santa Ana Unified School District - All Districts

17. Approve re-adoption of the State's Model Code by reference and modifications to Designated Filer Positions and Disclosure Categories Exhibits A & B for Ocean View School District - All Districts

18. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Orange County Employees Retirement System - All Districts

19. Approve agreement MA-011-12010935 with Municipal Code Corporation for Codified

Ordinance Supplement services, 1/20/12 - 12/31/15 ($18,000) - All Districts

20. **Human Resources Department -** Approve amendment 6 to Memorandum of Agreement for appointment of Dr. Peter Hughes, Director of Internal Audit, extending term to 7/1/13 - All Districts

Chairman Campbell:

21. Acting as the Orange County Flood Control District - Adopt resolution supporting Prado Basin Feasibility Study
32145 **APPROVED AS RECOMMENDED**
RESO: 12-002

22. Adopt resolution supporting Groundwater Replenishment System Initial Expansion
25143 **APPROVED AS RECOMMENDED**
RESO: 12-003

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 23-36)

ELECTED DEPARTMENT HEADS

23. **Treasurer-Tax Collector -** Adopt resolution approving 2012 Investment Policy Statement delegating authority, as authorized by Codified Ordinance Section 1-2-320 to the Treasurer-Tax Collector; and approve amended Treasury Oversight Committee Bylaws and Rules of Procedures - All Districts

24153 **APPROVED STAFF RECOMMENDATIONS WITH AMENDMENTS TO THE 2012 INVESTMENT POLICY STATEMENT TO DELETE SECTION VI.8 STATE POOL - LOCAL AGENCY INVESTMENT FUND FROM AUTHORIZED INVESTMENTS AND TO ADD TO SECTION XVII THAT UPON THE TREASURER'S APPROVAL OF VOLUNTARY PARTICIPANTS TO JOIN THE POOL, THE TREASURER WILL NOTIFY THE BOARD OF SUPERVISORS WITHIN 5 DAYS**
RESO: 12-004

24. **District Attorney -** Approve lease agreement DA-11-002 with Birtcher Anderson Investors, LLC for office space at 801 Civic Center Drive West, Santa Ana; and make California Environmental Quality Act findings - District 1 (Continued from 12/13/11, Item 27)

B.O. **CONTINUED TO 2/7/12, 9:30 A.M.**

25. **Sheriff-Coroner -** Approve amendment 1 to agreement MA-060-12011039 with Juguilon Medical Corporation for forensic pathology/autopsy services, 2/1/12 - 1/31/13 ($1,707,000); renewable for four additional one-year periods; and authorize Purchasing Agent or authorized deputy to execute amendment - All Districts

21453 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

26. Approve amended agreement EPO 11-30 with State Department of Public Health for funding of 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 ($190,980; new total $4,181,334) - All Districts

21453 **APPROVED AS RECOMMENDED**

27. Approve agreement 11-10601 with State Department of Public Health for Pediatric Immunization Project, 7/1/11 - 6/30/13 ($1,367,162); and authorize Director or designee to execute Contractor's Release form upon submission of final invoice - All Districts

12345 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

28. Approve agreement with Heritage Security Services for Armed Security Guard services, 1/11/12 - 1/31/13 ($756,490); renewable for four additional one-year periods; and authorize Purchasing Agent or authorized deputy to execute agreement; and make California Environmental Quality Act findings - District 2

B.O. **CONTINUED TO 1/24/12, 9:30 A.M.**

29. Approve amendment 4 to agreement with McCarthy Building Companies, Inc. for additional construction work for Terminal C, extending time 94 additional days ($3,424,933; new total $116,328,991.66); and make California Environmental Quality Act findings - District 2

24153 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

30. Select Natures Image, Inc. as primary and Habitat Restoration Sciences, Inc. as alternate firms for native plant habitat management and maintenance services, Central Region Landfills; and authorize negotiation of agreement for Board approval - District 3

31245 **APPROVED AS RECOMMENDED**

31. Approve master agreement MA-299-12010665 with Clean Harbors Environmental Services, Inc. for hazardous waste collection and disposal services, 2/1/12 - 1/31/15 ($17,736,300); renewable for two additional one-year periods ($5,912,100 annually); and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts

51243 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

32. Approve agreements MA-063-12010636 with SOS Staffing Services Inc. dba Devon & Devon ($1,198,100); MA-063-12010658 with Amtec Human Capital Inc. dba Amtec Engineering Corp ($340,200) and MA-063-12010703 with Lloyd Personnel Systems, Inc ($209,600) for temporary help services, 2/1/12 - 1/31/13; and authorize Purchasing Agent or authorized deputy to execute agreements - All Districts

41253 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

33. Approve recommended grant applications submitted by OC Public Works, OC Community Resources and OC Waste & Recycling in 1/10/12 grant report and other actions as recommended; adopt resolution approving grant application for development and implementation of trash management plan in Newport Bay Watershed as Tier 1 and development of habitat restoration plan for South Talbert Preserve as Tier 2 for funding under Coastal Impact Assistance Program; authorize Directors of OC Public Works and OC Community Resources or their designees to apply for funds - All Districts

25143 **APPROVED AS RECOMMENDED**
RESO: 12-005

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

B.O. **RECEIVED AND FILED**

35. **Human Resources Department** - Determine Auditor-Controller appointment process - All Districts

24153 **ADOPTED EXHIBIT A - SELECTION TIMELINE AND DIRECTED CEO TO RETURN TO THE BOARD ON 1/24/12 WITH A PROPOSED INTERVIEW PANEL THAT INCLUDES A MEMBER WITH IT EXPERTISE**

36. **Board of Supervisors** - Election of 2012 Officers

35124 **NOMINATED AND ELECTED SUPERVISOR MOORLACH AS 2012 CHAIRMAN OF THE BOARD AND SUPERVISOR NELSON AS 2012 VICE-CHAIRMAN OF THE**

BOARD

IV. PUBLIC HEARINGS (None)

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

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: In re AMR Corporation, debtor, United States Bankruptcy Court, Southern District of New York, Case No. 11-15463 (SHL)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED RATIFIED THE ENGAGEMENT BY COUNTY COUNSEL OF THE SERVICES OF FOLEY & LARDNER AS LITIGATION COUNSEL IN THE MATTER OF IN RE AMR CORPORATION (AMERICAN AIRLINES CORPORATION), DEBTOR.**

CS-2. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Various locations
County Negotiator: Thomas G. Mauk
Negotiating Party: Purchasers and sellers of buildings
Under Negotiation: Terms and value of potential future sale(s) and acquisition(s)
(Response from 9/6/11 Board Directive) (Continued from 12/13/11, Item CS-4)

B.O. **CONTINUED TO 1/24/12, 9:30 A.M.**

CS-3. **Human Resources Department -** 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) and Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

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

SCS4. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: 1 Case

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

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

PUBLIC COMMENTS:

Sarah Kirk & Louisa Hernandez - Oral Re: Request for soil testing at 840 Eckolf

Darrell Nolta - Oral Re: Serial killer of homeless persons; congratulations to Supervisor Campbell on his year as Chairman

Charles Griffin - Oral Re: Passings of Jim Whittier and his wife, Mary Alice Griffin

Michael Klubnikin - Oral Re: Public Guardian

David Chavez - Oral Re: Teaching religion in schools

COUNTY EXECUTIVE OFFICER COMMENTS:

Thomas Mauk - Oral Re: Report back to Board in response to 12/13/11 directive on Performance Audit of Human Resources Department. All Attachment B actions taken by the Board have been implemented and a reorganization proposal will be brought back to the Board at a future date.

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Nguyen - Oral Re: Wishing all a happy Lunar New Year, receipt of $15.6 million grant for Haster Basin project and a report on CalOptima issues

Supervisor Moorlach - Oral Re: AB 1234 report on trip last week to CSAC Special Meeting on CSAC's and Governor's proposed budget ballot measures; directed County Counsel and CEO to report back at 1/24/12 meeting on Redevelopment agencies status now that Supreme Court has made decision; requested Supervisors to provide him with suggestions for 2012 Chairman's Goals and announced that Ian Rudge will be taking over as his Chief of Staff on 1/23/12 with the departure of Rick Francis to the city of Costa Mesa

Supervisor Bates - Oral Re: Appreciation to Supervisor Campbell on his year as Chairman

Chairman Campbell - Oral Re: AB 1234 report on trip last weekend to Hoover Dam and Colorado River Aquaduct with Metropolitan Water District

ADJOURNED: 12:34 P.M.

53124 **Adjourned in memory of Jessica Joy Rees**

53124 **Adjourned in memory of William Morton Harcum**

13452 **Adjourned in memory of Dennis Hollow**

23145 **Adjourned in memory of Marilyn Jean MacAllister**

23145 **Adjourned in memory of Mary Alice "Tabe" Griffin**

*** 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