REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 1, 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 Nelson, Fourth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chairman Campbell recognized graduates of Orange County Leadership Academy XIV

Chairman Campbell presented a resolution commending William "Bill" Castro on his 37 years of outstanding service

II. CONSENT CALENDAR (Items 1-27)

24153 **APPROVED AS RECOMMENDED WITH THE EXCEPTION ITEMS 3, 4 & 26 WHICH WERE DELETED; ITEMS 11, 13 & 22 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 20 WHICH RECEIVED AN ABSTENTION FROM SUPERVISOR BATES**

BOARD APPOINTMENTS

1. **Chairman Campbell -** Law Library Board of Trustees - Appoint Richard S. Price, II, Fullerton and reappoint Beatrice A. Tice, Irvine, for terms ending 12/31/11

Supervisor Nelson:

2. Orange County Tourism Council - Appoint Sharon Nelson, Fullerton, for term concurrent with 4th District Supervisor's term of office

3. Waste Management Commission - Reappoint Peter Agarwal, Anaheim Hills, for term ending 11/14/12

24153 **DELETED**

4. Public Finance Advisory Committee - Appoint Craig Walker, Fullerton, to complete term ending 6/9/12

24153 **DELETED**

5. Regional Recreational Trails Advisory Committee - Reappoint Denny Bean, Fullerton, for term concurrent with 4th District Supervisor's term of office

6. Waste Management Commission - Reappoint Anthony Florentine, Fullerton, to complete term ending 2/2/13

7. Orange County Historical Commission - Appoint David Bailey, Fullerton, for term concurrent with 4th District Supervisor's term of office

DEPARTMENT APPOINTMENTS

Health Care Agency:

8. Alcohol and Drug Advisory Board - Reappoint Johnnie Harris, Long Beach, for term ending 1/9/14; Milton Mucker, Orange, for term ending 10/18/13; Michael Kelley, Santa Ana, for term ending 11/16/13; Mark Yokoyama, Fullerton, for term ending 3/6/14; and Cathy Stills, Orange, for term ending 3/8/14; and appoint Shelly Lummus, Orange, to complete term ending 12/3/13 - All Districts

9. Mental Health Board - Reappoint Carol Langone, Laguna Niguel, for term ending 12/11/13 and Gregory Wright, Anaheim, for term ending 3/4/14 - All Districts

10. Well Standards Advisory Board - Reappoint John Gregg, Signal Hill; Roy L. Herndon, Fountain Valley; Bruce M. Moore, Orange and Nabil B. Saba, Santa Ana, for terms ending 1/6/14; and appoint Robert R. McVicker, Fountain Valley, to complete term ending 1/6/14 - All Districts

ELECTED DEPARTMENT HEADS

11. **District Attorney -** Approve master agreement for Certified Law Student and Legal Services; Approve Memorandum of Understanding (MOU) with participating Schools of Law for Orange County District Attorney Fellowship Program; Adopt resolution approving Fellowship Program participants are entitled to defense for acts or omissions occurring within the scope of their duties; and authorize District Attorney or designee to execute individual agreements and MOUs - All Districts

51243 **APPROVED AS RECOMMENDED**
RESO: 11-023

Sheriff-Coroner:

12. Approve plans and specifications and set bid opening for 4/13/11, 2:00 p.m., for overhaul of electric sliding doors at Central Men's and Women's jails; and make California Environmental Quality Act findings - District 1

13. Receive and file annual Inmate Welfare Fund Expenditure and Funding Reports for FY 09-10 - All Districts

25143 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

14. Adopt resolution approving grant agreement EA21-10-46 with State Department of Resources Recycling and Recovery for CalRecycle enforcement assistance and payment request for solid waste management, 7/1/10 - 10/28/11 ($43,361); and authorize Director or designee to execute grant agreement and related documents - All Districts
RESO: 11-024

OC COMMUNITY RESOURCES

15. Authorize Director or designee to accept $12,000 donation from Angels Baseball Foundation to support caring for animals at OC Animal Care Shelter - All Districts

16. **Acting as the Board of Supervisors and Orange County Development Agency** - Receive and file Orange County Development Agency's FY 2009-10 Annual Report - All Districts

OC PUBLIC WORKS

17. Approve Gobernadora Multi-Purpose Basin Memorandum of Understanding with Rancho Santa Margarita Water District and Rancho Mission Viejo LLC for funding, design, construction and operation of multi-purpose water quality and flood retention basin; and make findings - District 5 (Continued from 2/1/11, Item 9)

18. Approve Orange Park Boulevard Bridge Replacement at Handy Creek for needed permits from three regulatory agencies as of 1/14/11; direct OC Public works to return to Board for adoption of plans and specifications; and make California Environmental Quality Act findings - District 3

19. Authorize Director or designee to execute Contract for Extension of Electric Distribution Line with Southern California Edison for Alton Parkway Extension Project and to pursue discount payment option ($248,870.28) - Districts 3 & 5

20. **Acting as the Orange County Flood Control District** - Approve agreements D10-064 with RBF Consulting, Inc.; D10-065 with Pacific Advanced Civil Engineering, Inc.; and D10-082 with Tetra Tech, Inc. for on-call professional services, three year terms ($400,000 each); and make California Environmental Quality Act findings - All Districts

21. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve acquisition contract, cooperative agreement and settlement contract including easement deeds with Canyon Recreational Vehicle Park for transfer of property rights; authorize Auditor-

Controller to make related payments; authorize Director or designee to execute related documents; and make California Environmental Quality Act and other findings; Acting as Orange County Flood Control District approve plans and specifications and set bid opening for 4/27/11. 2:00 p.m., for Santa Ana River Interceptor Mainline Project - District 3

PUBLIC PROTECTION

22. **Probation -** Approve amendment to existing subordinate agreement with The Alpha & Omega Group Security Services, Inc. (A&O) for unarmed security guard services at the Los Pinos Conservation Camp, extending term by four months to 6/30/11 ($50,000; new total $150,000 7/1/10 - 6/30/11); authorize new subordinate agreements with A&O for same services from 7/1/11 - 6/30/12 ($150,000); authorize one year renewal (7/1/12 - 6/30/12) as needed, under same pricing, terms and conditions; and make California Environmental Quality Act findings - District 5

52143 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

Clerk of the Board:

23. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Rossmoor Community Services District, Anaheim Union High School District and Mesa Consolidated Water District - All Districts

24. Approve re-adoption of the State's Model Code by reference and modifications to Designated Filer Positions and Disclosure Categories Exhibits A & B for CalOptima, Metro Cities Fire Authority, Orange County Department of Education and Laguna Beach Unified School District - All Districts

25. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for OC Public Works - All Districts

County Executive Office:

26. 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; 1/25/11, Item 22; 2/1/11, Item 12)

24153 **DELETED**

27. Approve amendment 2 to agreement MA-017-10011031 with ACS State & Local Solutions, Inc. for purpose of adding additional Foundry Brand Network Equipment maintenance services, 4/1/11 - 11/30/11 ($24,558.91); and authorize Purchasing Agent or designee to add or delete equipment within the established monetary limits - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 28-S51C)

ELECTED DEPARTMENT HEADS

28. **Auditor-Controller -** Approve price agreement MA-003-11010642 with CGI Technologies and Solutions Inc., for CAPS Proprietary 3.x Software Maintenance, 3/1/11 - 6/30/11 ($152,814.80) - All Districts
42153 N **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

29. Response to 7/20/10 Board Directive regarding status of implementing Immigration and Customs Enforcement (ICE) agreement - All Districts (Continued from 1/25/11, Item 29)
B.O. **CONTINUED TO 3/15/11, 9:30 A.M.**

30. 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 3/22/11, 9:30 a.m. and every 30 days thereafter - All Districts (Continued from Special Meeting 12/27/10, Item 1; 1/25/11, Item 27; 2/8/11, Item 25)
35124 **APPROVED AS RECOMMENDED**

31. Approve agreement MA-060-11011129 with California Forensic Phlebotomy, Inc. for phlebotomy services related to blood alcohol testing, 4/18/11 - 4/17/12 ($225,000); renewable for four additional one-year periods - All Districts
24153 **APPROVED AS RECOMMENDED**

32. Approve agreement with City of Anaheim for transfer or purchase of equipment/services or reimbursement of training costs for Urban Areas Security Initiative, FY 10; accept Urban Areas Security Initiative funds from Anaheim, FY 10 ($958,648); authorize purchasing agent or designee to purchase related equipment; and authorize Sheriff-Coroner to execute agreement and amendments under certain conditions - All Districts
52143 **APPROVED AS RECOMMENDED**

33. **Treasurer-Tax Collector -** Adopt resolution authorizing issuance and sale of Santa Ana Unified School District 2010-11 Tax and Revenue Anticipation Notes on behalf of Santa Ana Unified School District ($50,000,000) - District 1
12453 **APPROVED AS RECOMMENDED**
RESO: 11-025

HEALTH CARE AGENCY

34. Approve renewal of master agreement MA-042-11011686 with RxAmerica, LLC for pharmacy benefits management services for Medical and Behavioral Health Services Programs, 3/16/11 - 6/30/12 ($24,482,098) - All Districts
14253 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

35. Approve renewal of agreement with CH2M HILL for environmental services, 4/1/11 - 3/31/12 ($800,000); and make California Environmental Quality Act findings - District 2
21453 **APPROVED AS RECOMMENDED**

36. Approve amendment 2 to agreement with McCarthy Building Companies, Inc. for additional construction work for Terminal C ($342,000; new total $105,638,766.17); and make California Environmental Quality Act findings - District 2
21453 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

37. Approve amendment 1 to agreement MA-012-11010396 with U.S. Ocean Safety, Inc. to add lifeguard services at Santa Ana River Jetty Beach to support public safety, 3/1/11 - 12/31/13 ($25,000; new total $1,820,433 per year); and make California Environmental Quality Act findings - Districts 2 & 5
52143 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

38. Approve agreement MA-063-11011565 with SOS Staffing dba Devon and Devon for temporary help services to maximize resources, improve customer service and ensure performance mandate compliance for Medi-Cal, CalFresh and CalWorks programs, 3/15/11 - 1/31/12 ($1,128,232) - All Districts
54123 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

39. **County Counsel -** Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 1-6-5 and 1-6-6 of the Codified Ordinances of the County of Orange Adjusting the Limitations on Campaign Contributions" - All Districts (Continued from 2/8/11, Item 35)
42153 **APPROVED AS RECOMMENDED**
ORD: 11-007

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; 1/25/11, Item 40; 2/1/11, Item 22)
43125 **APPROVED AS RECOMMENDED**

41. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
35124 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF RA 3, AB80 (FONG), WHICH IS CONTINUED TO 3/15/11**

42. Approve agreement MA-017-11011702 with CSU Fullerton Auxiliary Services Corporation for data support services required for County decennial redistricting project, effective 2/2/11 - 1/31/12 ($43,925) - All Districts (Continued from 2/1/11,

Item 27; 2/8/11, Item 40)
35124 **APPROVED AS RECOMMENDED**
NN

43. Approve qualified panel of financial advisor firms to assist in formulating and executing future financings; and direct staff to complete Request for Qualifications process in four years and to include a contractual agreement from all financial advisor firms involved in any County transaction that they will not participate in any underwriting capacity with the County of Orange - All Districts
15243 **APPROVED AS RECOMMENDED**

44. Adopt resolution authorizing issuance of a Pension Obligation Debenture; issuance and sale of short-term Taxable Pension Obligation Bonds, 2011 Series A ($310,000,000); and execution and delivery of First Supplemental Trust agreement and Bond Purchase agreement; and authorize Public Finance Director to execute related documents; and approve related budget adjustments - All Districts (RA 2, 3, 4, 5 & 6 4/5 vote of the members present)
24153 **APPROVED AS RECOMMENDED**
RESO: 11-027

45. Receive and file Quarterly Report on Competitive Grant Activity - All Districts
15243 **APPROVED AS RECOMMENDED**

46. Approve new Countywide Information Technology Governance Model developed in response to 2010 Performance Audit recommendations - All Districts
15243 **APPROVED AS RECOMMENDED**

47. Receive and file progress to date on Performance Audit findings; and approve release of IT Sourcing Request for Proposal (RFP) - All Districts
54123 **APPROVED AS RECOMMENDED**
X

48. Adopt resolution considering initiation of boundary line adjustments between Orange and Los Angeles Counties along Coyote Creek Channel; and make California Environmental Quality Act findings - District 2
25143 **APPROVED AS RECOMMENDED**
RESO: 11-028

49. Approve recommended grant applications submitted by District Attorney, Registrar of Voters and Sheriff-Coroner in 3/1/11 grant report and other actions as recommended - All Districts
15243 **APPROVED AS RECOMMENDED**

50. Authorize Acting Chief Information Officer or designee to provide 120 days written notification to ACS State and Local Solutions of County's determination to extend effective date of agreement term for 360 days from current expiration of 6/30/11 - All Districts
45123 **APPROVED AS RECOMMENDED**

51. Consider first reading of "An Ordinance of the County of Orange, California Repealing Ordinance No. 07-008, Which Designated the Public Administrator as the Ex Officio

Public Guardian"; and set second reading and adoption for 3/15/11, 9:30 a.m. - All Districts

42153 **APPROVED AS RECOMMENDED**

S51A. Presentation on status report on implementation plan for Chairman's 2011 goals

B.O. **CONTINUED TO 3/15/11, 9:30 A.M.**

S51B. **Supervisor Bates -** Airport Commission - Appoint Neil Blais, Rancho Santa Margarita, for term concurrent with 5th District Supervisor's term of office

51243 **APPROVED AS RECOMMENDED**

S51C. **County Executive Office -** Adopt resolution approving property tax exchange with Garden Grove Sanitary District and City of Fountain Valley; approve Out-of-Area Service agreement with City of Fountain Valley and Local Agency Formation Commission Office (LAFCO) for sanitary sewer services to 21 acre unincorporated area - District 2

24153 **APPROVED AS RECOMMENDED**
RESO: 11-029

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-2)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: In the Matter of the Petition of: County of Orange and Orange County Flood Control District For Review Of Action By The California Regional Water Quality Control Board, San Diego Region, In Adopting Order No. R9-2009-0002, NPDES Permit No. CAS0108740, State Water Resources Control Board Case No. A-2073(g)

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

CS-2. 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:
Loren Reeves, Frances Reeves - Oral Re: County's appeal of their lawsuit judgment

Wiley Drake - Oral Re: reform of Child Protective Services

Peter Comiskey - Oral Re: TrashARTist Challenge

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Moorlach - Oral Re: Directed CEO and Clerk of the Board to review Boards, Commissions and Committees appointments made by League of Cities Orange County now that the group has been dissolved and report back to the Board.

ADJOURNED: 1:16 P.M.

52143 **Adjourned in memory of Ruby Mary Davis**

25143 **Adjourned in memory of Lily Aratani**

25143 **Adjourned in memory of Steve Horn**

23145 **Adjourned in memory of Sanford C. Sigoloff**

32145 **Adjourned in memory of James Wallace**

32145 **Adjourned in memory of Ty Snook**

*** 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