REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 22, 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: Supervisors Campbell, Moorlach and Nguyen

EXCUSED: Supervisors Bates and Nelson

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

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 recognized staff from the County Veterans Service Office and presented results from the 2011 Veterans survey of County employees

II. CONSENT CALENDAR (Items 1-12)

12453 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 8, 11 & 12**
XX **WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Moorlach -** Emergency Medical Care Committee - Appoint Patrick J. Powers, Huntington Beach, to complete term ending 6/30/13

ELECTED DEPARTMENT HEADS

2. **Sheriff-Coroner** - Approve amendment 3 to agreement N1000010519 renewing as MA-060-12010462 with Susan Saxe-Clifford, Ph.D. for psychological evaluation services, 12/31/11 - 12/30/12 ($230,000); and authorize Purchasing Agent or deputy to execute amendment - All Districts

HEALTH CARE AGENCY

3. Approve renewal of master agreement MA-042-12010604 with Netsmart Technologies, Inc. for software maintenance and support services, 1/1/12 - 12/31/12 ($77,872); renewable annually for two years; and authorize Purchasing Agent or authorized deputy to execute master agreement - All Districts

4. Approve agreement 11-10049 with State Department of Public Health for STD Community Interventions Program, STD Intervention and Surveillance Program, Chlamydia Screening Project, Syphilis Elimination and Gonorrhea Isolate Surveillance Project, 7/1/11 - 6/30/13 ($345,766); authorize Director or designee to execute Contractor's Release form upon submission of final invoice - All Districts

JOHN WAYNE AIRPORT

5. Approve agreement CT-280-12010253 with Transcore LP for purchase of Automatic Vehicle Identification (AVI) system hardware and software upgrade ($89,404); approve agreement MA-280-12010549 with Transcore LP for AVI system maintenance services, 1/1/12 - 12/31/12 ($40,676); renewable for four additional one-year periods ($40,676 annually); authorize Purchasing Agent or deputy to execute agreements; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

6. Approve cooperative agreement with South Orange County Wastewater Authority for restoration of Aliso Water Management Agency bridge; authorize Director or designee to execute agreement; and make California Environmental Quality Act findings - District 5

7. Approve North Orange County Economic Development Memorandum of Understanding with Cities of Brea, Buena Park, Fullerton, La Habra, Placentia and Yorba Linda for implementation of the Comprehensive Economic Development Strategic Plan; and authorize Director or designee to make amendments to MOU under certain conditions - Districts 2, 3 & 4

8. Approve selection of Jamboree Housing Corporation, Mercy House Living Centers and Premier Housing Services, Inc. for Mental Health Services Act capacity building grants for permanent shared housing; and authorize negotiation of agreements for Board approval - All Districts

21453 **APPROVED AS RECOMMENDED**
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SOCIAL SERVICES AGENCY

9. Approve amended agreement MA-063-11010871 renewing as MA-063-12010755 with Insight Public Sector, Inc., for Cisco Smartnet maintenance services, 1/1/12 - 12/31/12 ($179,700); and authorize Purchasing Agent or deputy to execute agreement - Al Districts

GENERAL ADMINISTRATION

10. **Clerk of the Board -** Abolish the Sober Living Facilities Certification Appeals Board and adopt Resolution approving revised Sober Living Facilities Certification Guidelines that authorizes the use of the Clerk of the Board's Administrative Hearing Officers to hear and decide appeals - All Districts
RESO: 11-172

11. **County Counsel -** Approve amendment 4 to agreement with Groom Law Group for professional legal services ($20,000; new total $130,000); and authorize County Counsel or designee to execute amendment - All Districts
32145 **APPROVED AS RECOMMENDED**
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12. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for October 2011 - All Districts
23145 **APPROVED AS RECOMMENDED**
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END OF CONSENT CALENDAR

III. PUBLIC HEARINGS (Items 13-14)

OC PUBLIC WORKS

13. Public Hearing to consider approving weight limit reduction for Edinger Avenue Bridge over Bolsa Chica Channel; and make California Environmental Quality Act findings - District 2
B.O. **CLOSED PUBLIC HEARING**

21453 **APPROVED AS RECOMMENDED**
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GENERAL ADMINISTRATION

14. **County Counsel -** Acting as the Orange County Flood Control District - Public Hearing to consider adopting Resolution of Necessity acquiring by eminent domain real property for the Santa Ana River/Prado Dam Project; authorizing County Counsel or litigation counsel to take steps to initiate and facilitate the condemnation action; authorizing Auditor-Controller to make related payments; and making California Environmental Quality Act and other findings - All Districts (2/3 vote of membership) (Continued from 10/25/11, Item 44)
B.O. **CONTINUED TO 12/6/11, 9:30 A.M.**

IV. DISCUSSION ITEMS (Items 15-28)

ELECTED DEPARTMENT HEADS

15. **Sheriff-Coroner -** Approve amendment 6 to agreement N1000008652 renewing as MA-060-11010536 with Turbomeca USA, Inc. for helicopter engine maintenance, overhaul and repair services, 1/1/12 - 12/31/12 ($500,000); and authorize Purchasing Agent or deputy to execute amendment - All Districts

21453 XX **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

16. Approve agreement 11-10235 with State Department of Public Health for the Network for Healthy California Local Incentive Award ($465,910) and agreement 11-10241 for Healthy California Regional Grant ($820,000), 10/1/11 - 9/30/12; authorize Director or designee to execute Contractor's Release form upon submission of final invoices - All Districts

12453 XX **APPROVED AS RECOMMENDED**

17. Approve selection of and agreement with Coast Community College District, Orange Coast College for Alcohol Prevention Services on Community College Campuses, 12/1/11 - 6/30/12 ($100,000) and 7/1/12 - 6/30/13 ($120,000) - All Districts

12453 XX **APPROVED AS RECOMMENDED**

18. Response to 10/19/10 Board Directive regarding Collaborative Primary Care Integration Project - All Districts

B.O. **DELETED**

JOHN WAYNE AIRPORT

19. Select one of three options; (1.) approve agreement with Orange County Fire Authority for Aircraft Rescue Fire Fighting services (ARFF), 12/1/11 - 6/30/16 ($23,794,937); (2.) approve agreement with Orange County Fire Authority for ARFF services and direct JWA to pursue Request For Proposal (RFP), 12/1/11 - 11/30/12; or (3.) approve agreement with Orange County Fire Authority for ARFF services, 12/1/11 - 11/30/12 and direct JWA to pursue in-house program; authorize Purchasing Agent or deputy to execute selected agreement; and make California Environmental Quality Act findings - District 2

23145 XX **APPROVED RECOMMENDED ACTION 1; AUTHORIZED THE PURCHASING AGENT OR HIS AUTHORIZED DEPUTY TO EXECUTE AN AGREEMENT WITH THE FIRE AUTHORITY FOR AIRCRAFT RESCUE FIRE FIGHTING SERVICES AT CURRENT STAFFING LEVEL, EFFECTIVE DECEMBER 1, 2011 THROUGH NOVEMBER 30, 2010 AND DIRECTED STAFF TO FURTHER ASSESS IN-HOUSE AND REQUEST FOR PROPOSAL OPTIONS FOR BOARD CONSIDERATION**

OC COMMUNITY RESOURCES

20. Approve amendment 1 to Workforce Investment Act (WIA) One-Stop Cost Reimbursement agreements with various providers to fund additional employment and training services, 11/22/11 - 6/30/12 ($1,870,000; new total $7,912,264); and authorize Director or designee to

execute agreements and exercise a cost contingency increase or decrease not exceed 10% and make line item budget transfers - All Districts

13245 **APPROVED AS RECOMMENDED**
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OC PUBLIC WORKS

21. Approve amendment 4 to agreement Z1000000050 with Parking Concepts, Inc. for maintenance and operation of parking facilities, Manchester and Santa Ana Civic Center complexes, 12/1/11 - 11/30/12 ($1,975,000); and make California Environmental Quality Act findings - Districts 1 & 3

31245 **APPROVED AS RECOMMENDED**
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OC WASTE & RECYCLING

22. Approve amendment 1 to third amended and restated landfill gas rights & production facilities agreement with Brea Parties for water systems, Olinda Alpha Landfill; authorize Director to execute amendment and make minor modifications to license under certain conditions; and make California Environmental Quality Act findings - District 4

31245 **APPROVED AS RECOMMENDED**
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GENERAL ADMINISTRATION

County Executive Office:

23. Acting as the Board of Supervisors and the Legislative Body of Community Facilities Districts 99-1, 2000-1 and 2001-1 (Ladera Ranch) - Adopt resolutions authorizing reimbursement of Library Fees to CFD 99-1 ($220,400), CFD 2000-1 ($240,000) and CFD 2001-1 ($300,000); and make related findings - District 5

32145 **APPROVED AS RECOMMENDED**
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RESO: 11-173 - 11-175

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

B.O. **RECEIVED AND FILED**

25. Approve recommended grant applications submitted by OC Public Works and OC Community Resources in 11/22/11 grant report and other actions as recommended; Acting as the Orange County Flood Control District - adopt resolutions authorizing OC Public Works Director or designee to submit and execute applications with State Department of Water Resources (DWR) for funding of repairs to Trabuco Creek Levee and East Garden Grove Wintersburg Channel Levee and to invoice DWR for payment; and making related findings; and adopt resolutions authorizing OC Public Works Director or designee to submit and execute applications for Renewed Measure M funded Comprehensive Transportation Programs and to invoice Orange County Transportation Authority for payment; and adopt resolution authorizing OC Public Works Director or designee to co-sign Oso Parkway Corridor Traffic Signal Synchronization Project funding application; and adopt resolution authorizing

submission of application to State Department of Housing and Community Development for CalHome Program funds for mortgage assistance and owner occupied rehabilitation ($1,000,000); authorizing OC Community Resources Director or designee to execute application amendments and all other related documents; and making related findings - All Districts

12453 XX **APPROVED AS RECOMMENDED**

RESO: 11-176 - 11-183

26. Approve FY 2011-12 First Quarter Budget Report; approve related budget adjustments and amend master position control; authorize County Executive Officer or designee to execute amendment 1 to FY2010-11 Memorandum of Understanding with OC Superior Court for retroactive Alternate Defense costs ($365,000); approve deletion of Information Technology classifications, effective 11/22/11 - All Districts (R.A. 1, 2 & 5 4/5 vote)

21453 XX **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF TRANSFER FROM STRATEGIC PLAN RESERVES OF $1.3 MILLION TO INCREASE APPROPRIATIONS FOR CONTINGENCIES FOR PREAPPROVED PAYMENTS REGARDING 3% AT 50 LAWSUIT SETTLEMENT AGREEMENT INCLUDED IN RECOMMENDED ACTION 1 (PAGE 118, FUND 100, DEPT. 017, BUDGET CONTROL 004) AND CONTINUED THAT MATTER TO 12/6/11**

27. **Human Resources Department -** Acting as the In-Home Supportive Services Public Authority - Approve 2011-12 IHSS Provider Unit Memorandum of Understanding with United Domestic Workers of America (UDWA) - All Districts

21453 XX **APPROVED AS RECOMMENDED**

28. **Supervisor Nguyen -** 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 12/6/11, 9:30 a.m.

B.O. **CONTINUED TO 12/6/11, 9:30 A.M.**

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD WITH A VOTE OF 3 TO 0, SUPERVISORS CAMPBELL, MOORLACH AND NGUYEN VOTING IN FAVOR, SUPERVISORS BATES AND NELSON BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of Cases: One Case
B.O. **HELD, NO REPORTABLE ACTION**

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

PUBLIC COMMENTS:
Darrell Nolta - Oral Re: Taser use, jail populations and impact of transfers from State, impact of State budget problems on the County of Orange

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
None

ADJOURNED: 11:47 P.M.

12453 **Adjourned in memory of Ralph Jensen**
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13245 **Adjourned in memory of Justin Barnett**
XX

23145 **Adjourned in memory of Doreen Demond Marshall**
XX

*** 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