REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 13, 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 Nguyen, Moorlach, Campbell & Nelson

EXCUSED: Supervisor Bates

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Al Baca, Frank Stern, Maria Khani, Jasdeep Singh Mann & Sanmay Mukhopadhyay, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nelson, Fourth District and OC Sheriff Color Guard, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Campbell and the Board of Supervisors commemorated the Ten Year Anniversary of the Events of September 11, 2001

Chairman Campbell presented a resolution proclaiming September 2011 as National Preparedness Month in Orange County

II. CONSENT CALENDAR (Items 1-30)

42153 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 11, 13, 14, 22, 23 & 30 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Waste Management Commission - Appoint John Beauman, Brea, to

complete term ending 1/18/12

Supervisor Nguyen:

2. Orange County Human Relations Commission - Appoint Leslie K. Le, Santa Ana, for term ending 9/12/13

3. Orange County Historical Commission - Appoint Ki Hong Park, Garden Grove, for term concurrent with 1st District Supervisor's term of office

4. Acting as the Housing Authority - Housing and Community Development Commission - Reappoint Honorable Margie Rice, Westminster, for term ending 6/30/13

5. Assessment Appeals Board No. 3 - Reappoint Nolan Alejandro, Garden Grove, for term ending 8/31/14

6. Assessment Appeals Board No. 1 - Reappoint Min K. Chai, Irvine, for term ending 8/31/14

7. Senior Citizens Advisory Council - Reappoint Honorable Patricia McGuigan, Santa Ana, for term ending 12/31/12

8. Animal Care Community Outreach Committee - Reappoint Dr. Leslie Malo, Garden Grove, for term ending 3/31/13

Supervisor Nelson:

9. Assessment Appeals Board No. 4 - Reappoint Steven Douglas White, Anaheim, for term ending 8/31/14

10. Waste Management Commission - Appoint Chad Wanke, Placentia, to complete term ending 11/14/12

COMMENDATIONS/PROCLAMATIONS/REPORTS

11. **Supervisor Nelson -** Adopt resolution in support of Los Angeles Football Stadium in Industry Hills

43125 AX **APPROVED AS RECOMMENDED**

RESO: 11-141

ELECTED DEPARTMENT HEADS

12. **Auditor-Controller -** Adopt resolution approving property tax rates, delinquency/roll change/refund factors and reserve of disputed values for FY 2011/12 - All Districts
RESO: 11-142

13. **District Attorney -** Approve amendment 2 to lease agreement #DA-06-007 with Equitable Properties Management Group, Inc. to reduce space, rental rate, and eliminate early termination provisions; and make California Environmental Quality Act findings - District 1

41253 **APPROVED AS RECOMMENDED**

X

Sheriff-Coroner:

14. Approve Memorandum of Agreement with Anaheim, Santa Ana, Irvine, Huntington Beach, Orange, Orange County Fire Authority and Health Care Agency for participation in Intelligence Assessment Center - All Districts

41253 **APPROVED AS RECOMMENDED**
X

15. Approve license and hold harmless and indemnity agreement with U.S. Department of the Navy for use of ranges and training facilities, Marine Corps Base Camp Pendleton; authorize Sheriff-Coroner or designee to execute agreement - All Districts

16. Approve agreement MA-060-12010047 with Premier Computing Inc. for maintenance of software license for Commissary inventory system, 9/26/11 - 9/25/13 ($48,786); renewable for three additional one-year periods ($24,393 per year); and authorize the Purchasing Agent or deputy to execute agreement - All Districts

OC COMMUNITY RESOURCES

17. Approve agreement MA-012-11012702 with Carol Tsai for literacy assessment and READ Jr. outreach services, 10/1/11 - 9/30/12 ($38,000); renewable for four additional one-year periods and authorize the Purchasing Agent or Deputy to execute agreement - All Districts

OC PUBLIC WORKS

18. Receive and file Traffic Committee Report dated 6/16/11; approve recommendations and adopt necessary resolution; rescind resolution 01-194; and make California Environmental Quality Act findings - District 5 (Continued from 8/23/11, Item 27)
RESO: 11-143

19. Approve plans and specifications and set bid opening for 10/19/11, 2:00 p.m., for crack sealing of various streets in Orange County, 2011-12; and make California Environmental Quality Act findings - Districts 2, 3, & 4

20. Adopt resolution declaring a portion of Newport Avenue to no longer be a County Highway; and make California Environmental Quality Act findings - District 3
RESO: 11-144

21. Receive bids and award contract to Angeles Contractor, Inc. for general contracting services ($500,000); and make California Environmental Quality Act findings - All Districts

22. Approve agreement 11-0121 with the State Department of Food and Agriculture for reimbursement of costs related to inspection of high-risk plant shipments, 7/1/11 - 6/30/12 ($192,150); authorize Director or designee to execute agreement; and make California Environmental Quality Act findings - All Districts

14253 **APPROVED AS RECOMMENDED**
NX

23. Approve agreement MA-080-11012373 with Leica Geosystems, Inc. for HDS3000 Laser

Scanning System equipment and software maintenance, 9/13/11 - 9/12/16 ($73,364); authorize Purchasing Agent or deputy to execute agreement; and make California Environmental Quality Act Findings - All Districts

24153 X **APPROVED AS RECOMMENDED**

24. Adopt resolution relinquishing County jurisdiction over portions of Moulton Parkway and Ridge Route Drive, City of Laguna Hills; Adopt resolution relinquishing County jurisdiction over portions of Moulton Parkway, Ridge Route Drive and Santa Maria, City of Laguna Woods; and make California Environmental Quality Act findings - District 5
RESO: 11-145 - 11-146

25. Approve quitclaim deeds to RMV Community Development LLC, DMB San Juan Investment North LLC and RMV Headquarters LLC for support of Rancho Mission Viejo's Planned Community Planning Area 1 development activities, Antonio Parkway; and make California Environmental Quality Act findings - District 5

26. Receive bids and award contract to National Demolition Contractors for demolition services, Santa Ana River MainStem Project ($500,000); and make California Environmental Quality Act findings - All Districts

Acting as the Board of Supervisors and Orange County Flood Control District:

27. Approve agreement D11-056 with Recon Environmental, Inc. for on-call habitat creation, restoration and enhancement services, 9/13/11 - 9/12/14 ($400,000); and make California Environmental Quality Act findings - All Districts

28. Approve amendment 1 to agreement MA-080-10011674 with Orange County Conservation Corps for maintenance of County flood control facilities and roadways, 9/14/11 - 9/12/12 ($297,000); and make California Environmental Quality Act findings - All Districts

PUBLIC PROTECTION

29. **Probation -** Approve agreement MA-057-12010374 with Certified Interpreters, Inc. for interpreter services, 10/1/11 - 9/30/12 ($25,000); renewable for four additional one year periods; and authorize Purchasing Agent or designee to execute - All Districts

GENERAL ADMINISTRATION

30. **County Executive Office -** Approve amendment 1 to agreement with City of Fullerton to redirect funds to the Fullerton Tennis Center Pavilion Renovation Project from Laguna Lake Park Wetlands Project - District 4

41253 NX **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 31-S44A)

ELECTED DEPARTMENT HEADS

31. **Treasurer-Tax Collector -** Approve revised 2011 Investment Policy Statement adding an exemption of US Government Debt from credit rating restrictions due to Standard & Poor's August 5th downgrade of US Government Debt - All Districts

24153 X **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

32. Approve amendment 1 to agreement MA-280-CVPAN1000010523 with John Bean Technologies Corp. dba JBT AeroTech Services to include Passenger Loading Bridge maintenance services for Terminal C, 11/1/11 - 1/13/12 ($62,887); renew agreement for Passenger Loading Bridge for Terminals A, B and C and Terminals A and B Baggage Conveyor system maintenance services, 1/14/12 - 1/13/14 ($9,449,042); authorize Purchasing Agent or deputy to execute agreement and exercise contingency contract cost increase for a potential increase in prevailing wages not to exceed $484,925 without further Board action; and make California Environmental Quality Act findings - District 2

24153 X **APPROVED AS RECOMMENDED**

33. Approve agreement with Vanderlande Industries, Inc. for Terminal C Baggage Handling System Maintenance, 11/1/11 - 1/13/14 ($2,700,431); authorize Purchasing Agent or deputy to execute agreement and exercise contingency contract cost increase for a potential increase in prevailing wages not to exceed $121,743 without further Board action; and make California Environmental Quality Act findings - District 2

24153 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

34. Approve agreement CT-080-12010108 with LSA Associates, Inc. for preparation of National Environmental Policy Act documents for La Pata Avenue Project, 9/13/11 - 9/12/13 ($640,000); and make Final Environmental Impact Report 610 findings - District 5

B.O. **CONTINUED TO 9/20/11, 9:30 A.M.**

35. Approve FY 2011-12 OC Civic Center Parking/Maintenance Fund 828 Budget ($6,546,070); authorize Auditor-Controller to make related payments and advance funds from Parking Facilities Fund 137 not to exceed $599,035; and make California Environmental Quality Act findings - District 1

B.O. **CONTINUED TO 10/4/11, 9:30 A.M.**

GENERAL ADMINISTRATION

36. **County Counsel -** Response to 8/9/11 Board Directive - Human Resources Department Audit Subcommittee Report - classification study of Executive Management position 67 - All Districts (Continued from 8/23/11, Item 48)

B.O. **CONTINUED TO 9/20/11, 9:30 A.M.**

County Executive Office:

37. Consider directing staff to develop legislative proposals to implement options for New Elected Members of the Board of Supervisors Retirement Plan - All Districts (Continued from 6/21/11, Item 55; 7/19/11, Item 24; 8/23/11, Item 49)
B.O. **CONTINUED TO 10/18/11, 9:30 A.M.**

38. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
23145 **APPROVED AS RECOMMENDED**
X

39. Approve recommended grant application submitted by OC Community Resources in 9/13/11 grant report and other actions as recommended - All Districts
42153 **APPROVED AS RECOMMENDED**
X

40. Adopt resolution establishing 2011 Mortgage Credit Certificate Program, authorizing submittal of application to California Debt Limit Allocation Committee and other related actions - All Districts
13245 **APPROVED AS RECOMMENDED**
X

RESO: 11-147

Human Resources Department:

41. Approve 2011-2013 Memorandum of Understanding with Orange County Managers Association (OCMA) - All Districts (Continued from 6/21/11, Item 57; 6/28/11, Item 62; 7/26/11, Item 34; 8/9/11, Item 38)
B.O. **CONTINUED TO 10/4/11, 9:30 A.M.**

42. Authorize Human Resources Director or designee to release a Request for Proposal to solicit for labor negotiation services to conduct 2012 labor contract negotiations per recommendation of Performance Auditor and Board approved scope of work - All Districts
43125 **APPROVED AS AMENDED TO MODIFY SCOPE OF WORK TO ADD**
X **TELECONFERENCING AS AN AVAILABLE OPTION FOR MEETING ATTENDANCE REQUIREMENT**

43. **Public Guardian -** Response to 8/23/11 Board Directive - Oral presentation regarding role/responsibility of Public Guardian
PRESENTED

44. **Registrar of Voters -** Approve agreement MA-031-11012209 with DFM Associates for lease and maintenance of Election Information Management System, 10/1/11 - 9/30/16 ($967,800); and authorize Purchasing Agent or designee to execute agreement and make future non-monetary and non-material changes - All Districts
42153 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

S44A. Select Flex OC Renewables as primary and Janechek & Associates as alternate firms to install and operate landfill gas utilization project, Santiago Canyon Landfill; select STI Engineering as primary to install and operate landfill gas utilization project, Villa Park Landfill; and authorize negotiation of agreement for Board approval – District 3

32145 X **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 45)

ELECTED DEPARTMENT HEADS

45. **Sheriff-Coroner -** Public Hearing to consider approving use of FY 2011-12 State Citizens' Options for Public Safety (COPS) Program Supplemental Law Enforcement Services Funds - All Districts

B.O. **CLOSED PUBLIC HEARING**

41253 X **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Items CS-1-CS-5)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: William Bryan, et al. v. County of Orange, et al. United States District Court Case No. SACV 08-01203 CJC (Ex)

B.O. **HELD, THE CLERK READ: THE BOARD WITH A VOTE OF 3 TO 0, SUPERVISORS CAMPBELL, MOORLACH AND NELSON VOTING IN FAVOR, SUPERVISORS BATES AND NGUYEN BEING ABSENT, THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE CASE OF WILLIAM BRYAN, ET AL. 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: Paul Sosa v. County of Orange, WCAB Case Nos. ADJ291738, ADJ1441816 & ADJ3429077

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 0, SUPERVISORS CAMPBELL, MOORLACH, NGUYEN AND NELSON VOTING IN FAVOR, SUPERVISOR BATES BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF PAUL SOSA 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-3. 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 BY A VOTE OF 3 TO 1, SUPERVISORS CAMPBELL, NGUYEN AND NELSON VOTING IN FAVOR, SUPERVISOR MOORLACH VOTING AGAINST AND SUPERVISOR BATES BEING ABSENT, THE BOARD AUTHORIZED COUNTY COUNSEL TO RETAIN BEST, BEST AND KRIEGER TO ADVISE THE COUNTY IN THE MATTER OF STATE TAXATION ISSUES.**

Human Resources Department:

CS-4. 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. **CONTINUED TO 9/20/11, 9:30 A.M.**

CS-5. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Acting as IHSS Public Authority - In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA)
RE: Terms and Conditions of Employment

B.O. **CONTINUED TO 9/20/11, 9:30 A.M.**

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

PUBLIC COMMENTS:
Michael & Tanya Klubnikin: Oral Re: Concerned over government controls

Darrell Nolta: Oral Re: Opposition to recently adopted Redistricting Plan and concerns over length of time it is taking for the Kelly Thomas death investigation by OC departments

Randy Thomas: Fax Re: Concerns over Mr. Connolly's employment contract

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: AB1234 Travel Report: Discussed travel to Sacramento on September 8 for a CSAC Meeting

Supervisor Moorlach - Oral Re: Discussed recent request from individual for an "official OC video" depicting living and working in OC; also discussed concerns over a recent memo from Assessor Webster Guillory regarding staffing concerns and directed that staff perform a technology audit of the Assessor to ensure maximum workload efficiencies through current technology

Supervisor Moorlach and Chair Campbell - Oral Re: Discussed recent submission of private letter ruling to IRS regarding implementation of new pension plan for existing employees as well as working with Federal delegation on legislative efforts.

ADJOURNED: 12:46 P.M.

23145 **Adjourned in memory of Thich Hanh Dao**
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