REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 25, 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, Nelson and Nguyen

EXCUSED: Supervisor Bates

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

INVOCATION: Supervisor Moorlach, Second District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chairman Campbell - Presentation by Dan Heinfeld of the American Institute of Architects Orange County Chapter 25-Year Award to OC Parks

Chairman Campbell recognized Orange County Housing Authority staff for their Achievements on the Federal Section 8 Management Assessment Program Certification

II. CONSENT CALENDAR (Items 1-27)

14253 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 14 WHICH WAS DELETED; ITEM 16 WHICH WAS CONTINUED TO 11/8/11, 9:30 A.M.; AND ITEMS 7, 8, 12, 13, 20, 25 & 27 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Assessment Appeals Board No. 1 - Reappoint Danna Campbell, Orange, to complete term ending 8/31/14

COMMENDATIONS/PROCLAMATIONS/REPORTS

2. **Supervisor Campbell -** Adopt resolution recognizing November as National American Indian Heritage Month
RESO: 11-166

ELECTED DEPARTMENT HEADS

3. **District Attorney -** Approve renewal of agreement MA-026-11011080 with Southern California Private Investigators, Inc. for document analysis services, 11/24/11 - 11/23/12 ($200,000); and authorize Purchasing Agent to exercise contingency contract cost increase not to exceed 10% without further Board action - All Districts

Sheriff-Coroner:

4. Approve agreement 11112123 with State of California for coroner training courses for Commission on Peace Officer Standards and Training (POST), 10/1/11 - 6/30/12; accept reimbursement for training costs ($129,000); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

5. Approve agreement MA-060-12010640 with All City Management Services for crossing guard services, 11/1/11 - 10/31/12 ($510,000); renewable for four additional one-year periods; and authorize Purchasing Agent or deputy to execute agreement - All Districts

6. Approve amendment 2 to agreement MA-060-12010074 with Aremac Holdings Corporation dba National Law Enforcement Supply assignment to Tri Tech Forensics Inc. for fingerprinting supplies; and authorize Purchasing Agent or deputy to execute agreement - All Districts

7. **Treasurer-Tax Collector -** Approve agreement with Standard Poor's Rating Service for ratings of Money Market Fund and Educational Money Market Fund, 12/1/11 - 11/30/14 ($32,400 per year); and authorize Deputy Purchasing Agent to execute agreement - All Districts

23145 **APPROVED AS RECOMMENDED**
X

HEALTH CARE AGENCY

8. Approve agreement 11-006 with State Department of Public Health for Ocean Water Quality Monitoring and Public Notification ($186,644) - All Districts

24153 **APPROVED AS RECOMMENDED**
X

9. Approve master agreement with various universities for Off-Campus Student Training services, 12/1/11 - 11/30/16; and authorize Director or designee to execute agreements - All Districts

OC COMMUNITY RESOURCES

10. Adopt resolution approving Agreement 11-H9010 with California Health and Human Services Agency for Options Counseling Pilot Project funds, 10/25/11 - 6/30/12 ($39,452.15); and authorizing Director or designee to execute agreement, amendments and extend term of agreement for up to six additional months under certain conditions and exercise cost contingency increase or decrease not to exceed 10% - All Districts
RESO: 11-167

11. Approve cooperative agreement with Tustin Unified School District for public use of fifty-meter pool, Foothill High School; and make California Environmental Quality Act findings - District 3

12. Approve creation of Orange County Parks Foundation as a nonprofit Public Benefit Corporation; approve appointments to County Board of Directors seat and direct Clerk of the Board to add to the Chairman's annual appointments, Articles of Incorporation, Bylaws and Cooperative agreement between the Corporation and the County; authorize Director or designee to execute Articles of Incorporation and agreement and take related actions to create foundation; and make California Environmental Quality Act and other findings - All Districts
(Continued from 10/4/11, Item 11; 10/18/11, Item 6)

21453 X **APPROVED AS RECOMMENDED**

13. Approve selection of Mercy House Living Centers, Inc. as operator of Armory Emergency Shelter Program; and authorize negotiation of one-year agreement with option to renew for two additional one-year periods and return to Board for approval - All Districts

12453 X **APPROVED AS RECOMMENDED**

14. Approve offer and agreement for purchase of real property and quitclaim deed to Jack B. Corwin for 4,692 square foot parcel of surplus land, City of Laguna Beach; authorize OC Parks Director to execute deed; and make California Environmental Quality Act and other findings - District 5

14253 X **DELETED**

OC PUBLIC WORKS

15. Receive bids and award contract CT-080-12010086 to Sentry Control Systems, Inc. for installation of Parking Access Control System equipment, Civic Center lots 1 and 2 and Parking Garage ($235,000); direct Auditor-Controller to make related budget adjustments; and make California Environmental Quality Act and other findings - District 1

16. Approve plans and specifications and set bid opening for 11/23/2011, 2:00 p.m., for Modjeska Canyon road storm drain improvement project; and make California Environmental Quality Act findings - District 3

14253 X **CONTINUED TO 11/8/11, 9:30 A.M.**

17. Approve plans and specifications and set bid opening for 11/16/11, 2:00 p.m., for roofing services Job Order Contract; and make California Environmental Quality Act findings - All Districts

Acting as the Orange County Flood Control District:

18. Approve agreement MA-080-12010493 with Porter Hire LTD dba Heavy Equipment Rentals LLC, Quinn Rental Services and Hertz Equipment Rental for equipment rental, 11/1/11 - 10/31/12 ($240,000); renewable for four additional one-year periods; and make California Environmental Quality Act findings - All Districts

19. Approve agreement with City of Irvine and certificate of acceptance and easement deeds with The Irvine Company for access to Borrego Canyon and Agua Chinon Channels; authorize Director or designee to execute certificate and easement deeds; and make California Environmental Quality Act findings - District 3

20. Approve assignment, assumption and consent to assignment of channel agreements from California BP, LLC to BPI Brea LLC and consent to encumbrance of lease with Ladder Capital Finance III LLC for operation of Loftus Diversion Channel; authorize Director or designee to execute agreements and amendments under certain conditions; and make California Environmental Quality Act findings - District 4

32145 **APPROVED AS RECOMMENDED**
X

PUBLIC PROTECTION

21. **Probation -** Ratify and approve grant award amendment RT10020300 with California Emergency Management Agency for Federal Residential Substance Abuse Treatment funds, extending term to 9/30/12 (200,000; new total $400,000); ratify Chief Probation Officer or designee's execution and submission of amendment; and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

22. Approve Memorandum of Understanding MHT0810 with Santa Ana Unified School District for provision of Partnership Academy Literacy Support Volunteer Reading program, 12/1/11 - 6/30/14; and authorize Director or designee to execute MOU - District 1

23. Approve agreement MA-063-11012263 with Cooperative Personnel Services DBA CPS Human Resource Services for rental of test booklets for recruitment services, 11/1/11 - 10/31/14 ($180,000); renewable for one additional two-year term ($120,000); and authorize Purchasing Agent or deputy to execute agreement - All Districts

24. Approve agreement MA-063-12010477 with TFC Consultants, Inc. for multi-dimensional treatment foster care technical assistance and services, 11/1/11 - 10/31/14 ($22,460); renewable for one additional two-year term ($16,340); and authorize Purchasing Agent or deputy to execute agreement - All Districts

GENERAL ADMINISTRATION

25. **Clerk of the Board and County Counsel -** Response to Board Directive (10/18/11) - Approve revised Board Rules of Procedure - All Districts

43125 **APPROVED AS RECOMMENDED**
X

26. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for September 2011 - All Districts

27. **Supervisor Nguyen -** Receive and file 17th Annual Report on the Conditions of Children in Orange County

12453 **RECEIVED AND FILED**

X

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 28-42)

ELECTED DEPARTMENT HEADS

28. **District Attorney -** Approve amendment 1 to agreement MA-026-11012394 with Community Service Programs, Inc. for administration of Gang Reduction Intervention Partnership Program Case Management Services and Victim Compensation Program ($719,198; new total $3,323,279); authorize Purchasing Agent or deputy to execute agreement; adopt resolution accepting grant award from State Victim Compensation and Government Claims Board ($524,683); authorizing District Attorney or deputy to execute grant agreements; and making California Environmental Quality Act findings - All Districts

14253 X **APPROVED AS RECOMMENDED**

RESO: 11-168

Sheriff-Coroner:

29. Approve amendment 5 to agreement N1000009185 with Rancho Santiago Community College District for registration and tuition fees for Criminal Justice Academy classes, term ending 9/17/12 ($55,000; new total $150,000); and authorize Purchasing Agent or deputy to execute - All Districts (Continued from 9/20/11, Item 35; 10/4/11, Item 19; 10/18/11, Item 15)

14253 X **APPROVED AS RECOMMENDED**

30. Approve major reorganization; revised class specifications for Assistant Sheriff; and reallocation of four existing to executive management positions, effective 10/21/11 - All Districts

B.O. **CONTINUED TO 11/8/11, 9:30 A.M.**

31. Approve amendment MA-060-12010296 to agreement with Visionair, Inc. for software maintenance, 11/15/11 - 11/14/12 ($285,331) - All Districts

14253 X **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

32. Select appointment of one provider candidate to the CalOptima Board of Directors for term ending 9/30/15 - All Districts

B.O. **CONTINUED TO 11/8/11, 9:30 A.M.**

33. Response to 10/4/11 Board Directive regarding Presentation on CalOptima Board - All Districts (Continued from 10/18/11, Item 17)

B.O. **CONTINUED TO 11/8/11, 9:30 A.M.**

JOHN WAYNE AIRPORT

34. Receive bids and award contract to Minako America Corporation dba Minco Construction for P275 Miscellaneous Site Restoration project ($777,000); and make California Environmental Quality Act findings - District 2

21453 **APPROVED AS RECOMMENDED**

X

35. Approve Certificated Passenger Airline leases, Cargo leases, Certificated Passenger Airline Operating License and Commuter Airline Operating Licenses with various airlines; and make California Environmental Quality Act findings - District 2 (4/5 vote of members present)
21453 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

36. Approve Memorandum of Understanding and Partnership Agreement with Orange County Tourism Council for recreational, cultural and historical activities at OC Parks facilities, 10/25/11 - 10/24/12 ($50,000) renewable for two one-year periods under certain conditions; and Make California Environmental Quality Act findings - All Districts
13245 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

37. Approve agreements D11-001, D11-002 and D11-003 with Discovery Science Center ($250,000), Inside the Outdoors ($172,471) and Pretend City ($77,529) for Nonprofit Organization Environmental Education and Outreach Grant Programs, one year terms; renewable for one additional year; and authorize Director or designee to execute agreements and amendments under certain conditions - All Districts (Continued from 10/4/11, Item 28)
12453 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

38. Approve five-year internship & cooperative education site agreement with Chapman University to facilitate undergraduate and graduate fieldwork/internship placement within County agencies/departments; authorize County Executive Officer or designee to modify site agreement to comply with changes in State and/or Federal law or regulations - All Districts
21453 **APPROVED AS RECOMMENDED**
X

39. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
NO ACTION

40. Approve recommended grant applications submitted by District Attorney and OC Community Resources/OC Public Libraries in 10/25/11 grant report and other actions as recommended - All Districts
41253 **APPROVED AS RECOMMENDED**
X

41. Select City Selection Committee to make appointments to various Boards, Commissions and Committees and direct Clerk of the Board to return to the Board with changes to

by-laws, resolutions, ordinances, agreements or other documents necessary to implement changes - All Districts

42153 **APPROVED AS RECOMMENDED**
X

42. Consider first reading of "An Ordinance of the County of Orange, California, Adding Section 3-3-200 of the Codified Ordinances of the County of Orange to Assume Responsibility for Fire Protection in State Responsibility Areas"; and set second reading and adoption for 11/8/11, 9:30 a.m.; adopt resolution approving standard agreement 7CA01421 with State Department of Forestry and Fire Protection for fire protection services, 7/1/11 - 6/30/14 ($16,201,926); and approve assignment of agreement to Orange County Fire Authority; and authorize County Executive Officer or designee to execute Form CCC-307, contractor certification clauses - All Districts

14253 **APPROVED AS RECOMMENDED**
X

RESO: 11-169

IV. PUBLIC HEARINGS (Items 43-44)

OC COMMUNITY RESOURCES

43. Public Hearing to consider adopting FY 2012-13 Funding Allocation Policy and Process for distributing Federal housing and community development funds - All Districts

B.O. **CLOSED PUBLIC HEARING**

41253 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

44. **County Counsel -** Acting as the Orange County Flood Control District - Public Hearing to consider adopting Resolution of Necessity of acquisition by eminent domain of real property for purposes of 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)

B.O. **CONTINUED TO 11/22/11, 9:30 A.M.**

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

GENERAL ADMINISTRATION

County Counsel:

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

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 THREATENED LITIGATION. 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 COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: James Kubeck v. California Department of Transportation, et al OC Superior Court Case #: 30-2008 00109244

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 JAMES KUBECK V. CALIFORNIA DEPARTMENT OF TRANSPORTATION, 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 ONE WHO INQUIRES.**

SCS3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of Cases: One Case
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 AND RATIFIED THE "AGREEMENT BY AND BETWEEN THE AUDITOR-CONTROLLER OF THE COUNTY OF ORANGE AND BELL, MCANDREWS & HILTACHK, LLP, FOR PROFESSIONAL LEGAL SERVICES" ENTERED INTO ON OR ABOUT SEPTEMBER 21, 2011 AND AUTHORIZED THE AUDITOR-CONTROLLER TO PAY FOR THE REASONABLE BILLING BY BELL, MCANDREWS & HILTACHK, LLP, FOR SERVICES RENDERED BY THE FIRM UNDER THE CONTRACT AT THE REQUEST OF THE AUDITOR-CONTROLLER.

SCS4. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Tri-City Park, Placentia, California
County Negotiator: Thomas G. Mauk
Negotiating Party: Tri-City Park Authority
Under Negotiation: Terms of Possible Property Transfer

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

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

PUBLIC COMMENTS:
Darrell Nolta - Oral Re: Sheriff Deputy on active duty after DUI arrest & Laura's Law

Additional Public Comments

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Vice Chairman Moorlach and Chairman Campbell - Oral Re: Direction for public safety ad-hoc committee to review proposed Sheriff reorganization (Item 30 continued to 11/8/11, 9:30 a.m.) prior to its return to the Board

Supervisor Nguyen - Oral Re: Community meetings on composition of CalOptima to be held Wednesday afternoon, 11/26/11, in boardroom

Chairman Campbell - Oral Re: Presentation of resolution to League of Women Voters on anniversary of women's suffrage

ADJOURNED: 12:35 P.M.

13245 **Adjourned in memory of Connie Ockhee Cheong**
X

13245 **Adjourned in memory of Lois Ione Ewin**
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