REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 6, 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	Darlene J. Bloom

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 presented a resolution commending Darlene J. Bloom, Clerk of the Board on her retirement

II. CONSENT CALENDAR (Items 1-14)

41253 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1 & 2 WHICH WERE DELETED, ITEM 9 WHICH RECEIVED AN ABSTENTION FROM SUPERVISOR BATES; AND ITEMS 8 & 14 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairman Campbell -** Board of Retirement, OCERS - Appoint Clyde Kendzierski, Cypress, to complete term ending 12/21/13

41253 **DELETED**

DEPARTMENT APPOINTMENTS

2. **Health Care Agency -** Emergency Medical Care Committee - Appoint Chuck Morse, Orange County Senior Citizens Advisory Council, to complete term ending 6/30/12 - All Districts

41253 **DELETED**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve agreement with the County of Mono for provision of autopsies, 2/1/12 - 1/31/17 - All Districts

4. Approve plans and specifications and set bid opening for 1/25/12, 2:00 p.m., for replacement of one washer extractor, James A. Musick Facility; and make California Environmental Quality Act findings - District 3

CHILD SUPPORT SERVICES

5. Approve Plan of Cooperation with Superior Court for coordination of respective efforts and delineation of responsibilities in relation to Child Support Enforcement Program under Title IV-D of Social Security Act, 1/1/12 - 12/31/12; renewable for one additional year; and authorize Director or designee to execute agreement - All Districts

HEALTH CARE AGENCY

6. Approve Standard Agreement ICHC-11017 and Contract Certification Clauses form with State Department of Corrections and Rehabilitation for claiming and reimbursement of inpatient services to prisoners, 7/1/11 - 6/30/14 - All Districts

OC COMMUNITY RESOURCES

7. Approve agreement MA-012-12010894 with Saint Colombe, LLC for tutor training for adult literacy services, 1/1/12 - 12/31/12 ($11,000); renewal for four additional one-year terms; and authorize Purchasing Agent or deputy to execute agreement - All Districts

8. **Acting as the Board of Supervisors and Orange County Development Agency -** Adopt Orange County Development Agency's FY 2011-12 Budget and Work Program - All Districts

15243 **APPROVED AS RECOMMENDED**
NN

OC PUBLIC WORKS

9. Select various firms in ranked lists for on-call watershed planning and engineering, water quality management plan implementation and environmental regulation; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

41253 **APPROVED AS RECOMMENDED**
A

PUBLIC PROTECTION

Probation:

10. Accept grant award and ratify execution of agreement with State Department of Corrections and Rehabilitation, Corrections Standards Authority Division for Disproportionate Minority Contact-Technical Assistance Project II, 7/1/11 - 9/30/12 ($150,000); approve agreement with The W. Haywood Burns Institute for consulting services, term ending 9/30/12 ($75,000); and authorize Purchasing Agent to execute agreement - All Districts

11. Approve Memorandum of Understanding with State Franchise Tax Board for collection of unpaid court-ordered debts, including other specified fees, 1/1/12 - 12/31/14; and authorize Chief Probation Officer to execute agreement - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

12. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Capistrano-Laguna Beach Regional Occupational Program - All Districts

13. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Children and Families Commission of Orange County - All Districts

14. **County Executive Office -** Authorize Purchasing Agent, or designee to enter into contract negotiations with Civica Software as the primary and CivicPlus as the secondary for Countywide eGovernment Services and return to the Board for approval - All Districts
25143 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. PUBLIC HEARINGS (Items 15-16)

PUBLIC PROTECTION

15. **Probation -** Public Hearing to consider adopting resolution approving application and administrative fees for provision of continuous electronic monitoring services; and making California Environmental Quality Act and other findings - All Districts
B.O. **CONTINUED TO 12/13/11, 9:30 A.M.**

GENERAL ADMINISTRATION

16. **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; 11/22/11, Item 14)
B.O. **CLOSED PUBLIC HEARING**

54123 **APPROVED AS RECOMMENDED**

N

RESO: 11-184

IV. DISCUSSION ITEMS (Items 17-41)

ELECTED DEPARTMENT HEADS

17. **Assessor Department -** Approve amendment 4 to price agreement MA-002-11012392 with ACS State and Local Solutions Inc., for technical IT support staff, ATS Re-Engineering Project 7/1/11 - 6/24/12 ($1,200,000; new total $14,929,039); authorize Purchasing Agent or designee to exercise contingency contract increase not to exceed 10%; and make related budget adjustments - All Districts (4/5 vote of members present)

23145 X **APPROVED AS RECOMMENDED**

18. **Auditor-Controller -** Response to 11/8/11 Board Directive regarding Property Tax Management System Project update - All Districts

PRESENTED

Sheriff-Coroner:

19. Approve major reorganization; approve revised class specifications for Assistant Sheriff; approve new class specifications for Commander; approve reallocation of three Captain positions to Commander, one Lieutenant position and one Assistant Sheriff position to Executive Managers - All Districts (Continued from 10/25/11, Item 30; 11/8/11, Item 20)

23145 X **APPROVED AS RECOMMENDED**

20. Approve amendment 3 to agreement MA-060-12010823 with Computer Deductions, Inc. for Unisys Dorado 4080 mainframe computer hardware/software license, maintenance and support, 12/14/11 - 12/13/12 ($333,987); and authorize Purchasing Agent or deputy to execute amendment - All Districts

42153 X **APPROVED AS RECOMMENDED**

21. Adopt resolution approving request for application to State Department of Corrections and Rehabilitation, Corrections Standards Authority, for AB 900 Phase II funds for jail construction ($100,000,000); authorizing Sheriff-Coroner or designee to execute Request for Application designating Orange County Sheriff's Department staff members to act in specific capacities; and make California Environmental Quality Act and other findings - District 3

43125 **APPROVED AS RECOMMENDED**

RESO: 11-185

22. **Treasurer-Tax Collector -** Adopt resolution authorizing issuance of Savanna Elementary School District General Obligation Bonds, 2008 Election, Series B, accepting District obligation for payment of County costs incurred in conjunction with the School District's bond sale ($17,435,278.55) - Districts 3 & 4

24153 X **APPROVED AS RECOMMENDED**

RESO: 11-186

JOHN WAYNE AIRPORT

23. Approve leases with American and United Airlines for Airline Club Room operations; and make California Environmental Quality Act findings (4/5 vote of members present) - District 2

24153 X **APPROVED AS RECOMMENDED**

24. Approve Certificated Passenger Airline Operating License with Compass Airline, LLC; and make California Environmental Quality Act findings - District 2

24153 X **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

25. Adopt Resolution of Intent to Abandon park parcel, Laguna Beach; and set public hearing for 2/7/12, 9:30 a.m.; and make California Environmental Quality Act findings - District 5 (unanimous vote)

54123 **APPROVED RECOMMENDED ACTION 1; CONTINUED MATTER TO 2/7/12, 9:30 A.M.**
RESO: 11-187

26. Approve amendment 2 to agreement C-9-0647 with Orange County Transportation Authority (OCTA) for Federal New Freedom funding ($965,000; new total $1,965,000) extending term to 9/30/13; and authorize Director or designee to execute agreement and exercise a cost contingency increase or decrease not exceed 10% - All Districts

54123 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

27. Approve agreement MA-080-12010821 with De Par Inc. dba Associated Laboratories, Physis Environmental Laboratories Inc., Truesdail Laboratories Inc. and Weck Analytical Environmental Services Inc. for water quality analytical services, one-year term ($979,500); renewable for four additional one-year terms; and make California Environmental Quality Act findings - All Districts

42153 **APPROVED AS RECOMMENDED**

28. Rescind Resolution 03-293; adopt resolution approving revised OC Landbase fee schedule and agreements for licensing and usage of OC Landbase; authorize Director or designee to execute agreements; and make California Environmental Quality Act and other findings - All Districts

B.O. **CONTINUED TO 12/13/11, 9:30 A.M.**

OC WASTE & RECYCLING

29. Approve landfill gas rights and production facilities agreement and option agreement with Flex OC Renewables, LLC to install and operate landfill gas utilization project, Santiago Canyon Landfill; and authorize Director to execute agreements and make minor modifications to license under certain conditions - District 3

35124 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

30. **Probation -** Approve agreement DO-057-12014892 with Sprint Solutions, Inc. for wireless

services and equipment, 1/1/12 - 9/30/12 ($180,000); authorize Purchasing Agent or deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

14253 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

RECEIVED AND FILED

32. Approve recommended grant applications submitted by District Attorney, OC Public Works and Registrar of Voters in 12/6/11 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute grant award agreement and amendments with State Emergency Management Agency (CalEMA) for Vertical Prosecution Block Grant Program ($25,044; new total $1,694,549); adopt resolution ratifying the grant application submitted to the Orange County Transportation Authority for Measure M2 Regional Traffic Signal Synchronization Program; and authorize Director, OC Public Works, or designee to sign related documents - All Districts

12453 **APPROVED AS RECOMMENDED**

RESO: 11-188 - 11-189

33. Approve in concept economic refunding of Orange County Public Financing Authority Juvenile Justice Center Facilities Lease Revenue Bonds, Series 2002; select Public Resources Advisory Group as financial advisor and Stradling Yocca Carlson & Rauth as bond and disclosure counsel; authorize negotiation of agreements for Board approval; and select Citigroup Global Markets as underwriter - All Districts

24153 **APPROVED RECOMMENDED ACTIONS 1, 2 & 3**

21453 A **APPROVED RECOMMENDED ACTION 4**

34. Approve amendment 6 to agreement N1000008416 with Pacific Bell Telephone Company dba AT&T California for wide area network services, 12/31/11 - 12/30/12 ($300,000) - All Districts

41253 **APPROVED AS RECOMMENDED**

35. Continued item from FY 2011-12 First Quarter Budget Report to approve transfer of $1.3 million from Strategic Plan Reserves to increase Appropriations for Contingencies in Miscellaneous Fund 004 for Board approved payments regarding 3% @ 50 Lawsuit Settlement Agreement – All Districts (4/5 vote of members present) (Continued from 11/22/11, Item 26)

31245 N **APPROVED AS RECOMMENDED**

Human Resources Department:

36. Approve Pay for Performance Pool Funding of two and one-half percent of Law Enforcement Management salaries and two and one-half percent increase to top Law

Enforcement Management salary range, effective 1/13/12; and approve Personnel and Salary Resolution (PSR) amendment eliminating current Performance Based Pay and Market Equity Adjustment provision for ACLEM and update Salary on Promotion provisions - All Districts

3 **MOTION TO APPROVE RECOMMENDATION FAILED FOR LACK OF SECOND**

37. Receive and file progress report on implementation of Performance Audit recommendations; and direct Department to provide quarterly updates - All Districts
RECEIVED AND FILED

38. **Registrar of Voters -** Response to 6/14/11 Board Directive - Receive and file Orange County Impacts of Redistricting Presentation - All Districts (Continued from 9/20/11, Item 51; 10/18/11, Item 28)
RECEIVED AND FILED

39. **Supervisor Moorlach -** Consider directing Registrar of Voters to place on ballot "An Ordinance of the County of Orange, California, Amending Section 103 of Article 1 of the Charter of Orange County to Add An All-Mailed Ballot Election Alternative for Filling Vacancies on the Board of Supervisors"; delete specific reference to March primary; and directing County Counsel to prepare the ballot language and impartial analysis of Ordinance

24153 **MOTION TO APPROVE RECOMMENDATION FAILED TO CARRY**
NNN

40. **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 12/13/11, 9:30 a.m. (Continued from 11/22/11, Item 28)

15243 **APPROVED AS RECOMMENDED**
NN

41. **Supervisor Nelson and Supervisor Bates -** Consider approving additional subcommittee recommendations or other options regarding the Performance Audit of the Human Resources Department - All Districts (Continued RA # 2 & 4 from 11/8/11, Item 39)

B.O. **CONTINUED TO 12/13/11, 9:30 A.M.**

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

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 BY A UNANIMOUS VOTE, 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 - EXISTING LITIGATION - Pursuant to

Government Code Section 54956.9(a):
Name of Case: Jason Deats v. County of Orange, et al. United States District Court No. CV 09-6322 PSG (CTx)
HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, SUPERVISORS CAMPBELL, MOORLACH, NGUYEN AND BATES VOTING IN FAVOR, SUPERVISOR NELSON VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF JASON DEATS 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-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: George Jaramillo v. County of Orange, et al. Orange County Superior Court Case No. 05CCO0422

B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, APPROVED THE FILING OF A PETITION FOR REVIEW IN THE CALIFORNIA SUPREME COURT IN THE MATTER OF GEORGE JARAMILLO V. COUNTY OF ORANGE, ET AL.**

CS-4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: Two Cases

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

CS-5. **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)

B.O. **CONTINUED TO 12/13/11, 9:30 A.M.**

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

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Public Guardian

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: AB1234 Travel Report - Advised Board of activities and travel to San Francisco last week for CSAC Annual Conference attendance.

ADJOURNED: 4:10 P.M.

13245 **Adjourned in memory of Scott Tilton**

13245 **Adjourned in memory of Xavier Preciado**

53124 **Adjourned in memory of Honorable Richard T. Dixon**

53124 **Adjourned in memory of Thomas E. Yott**

*** 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