REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 8, 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 Moorlach, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Bates presented a resolution proclaiming February 2011 as "American Heart Month"

Board of Supervisors Recognition of Employees - Response to Storm December 2010 Event

II. CONSENT CALENDAR (Items 1-22)

42153 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 2, 11, 12, 15 & 19 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Bates -** Senior Citizens Advisory Council - Appoint Elizabeth Busick, Mission Viejo, to complete term 12/31/12

DEPARTMENT APPOINTMENTS

2. **Health Care Agency -** Orange County HIV Planning Council - Appoint Ray Angulo, Trabuco Canyon; Jason Benjamin, San Clemente; John Larson, Westminster; Leslie Lindgren, Santa Ana; Sylvia Mata, Fullerton; Austin Nation, Fullerton; Peter Scheid M.D., Orange and Alexander Trac, Garden Grove, to complete terms ending 12/31/12; and reappoint Amanda Acabeo, Tustin; Tony Barnett, Newport Beach; Sarah Kasman, Laguna Hills; Jonathan Kostka, Huntington Beach and Shelly Lummus, Cypress, for terms ending 12/31/12 - All Districts

24153 **APPROVED AS RECOMMENDED**

COMMENDATIONS/PROCLAMATIONS/REPORTS

3. **Chairman Campbell -** Adopt resolution declaring March 8, 2011 as Claire Trevor Day
RESO: 11-015

ELECTED DEPARTMENT HEADS

4. **District Attorney -** Approve agreement MA-026-11011641 with Astrid Hagen for professional sign language interpreting services, 3/1/11 - 2/29/12 ($140,000) - All Districts

Sheriff-Coroner:

5. Approve amendment 1 to agreement PC 14Q P0900005520 with AECOM Technical Services, Inc. for design of Loma Ridge fire suppression project ($8,249; new total $111,049); and make California Environmental Quality Act findings - District 3

6. Approve agreement PO-060-11011738 with Data Ticket, Inc. for purchase and installation of handheld ticket unit and three year software license and support ($12,851) - All Districts

7. Approve agreement CT-060-11010417 with Pacific Bell Telephone Company dba AT&T California for purchase and installation of wireless 9-1-1 equipment, Loma Ridge Emergency Operations Center ($26,286) - District 3

8. Approve agreement PO-060-11012034 with SBC Global Services Inc. dba AT&T Global Services for voice, data and long distance services ($81,994) - All Districts

9. **Treasurer-Tax Collector -** Approve amendment 1 to agreement MA-074-10012363 with Bloomberg Finance LP for access to Bloomberg's Order Management System real time electronic trading of investments and financial market information, 3/15/11 - 3/14/12 ($276,904) - All Districts

HEALTH CARE AGENCY

10. Approve agreement 10-95390 with State Department of Public Health for Pediatric Immunization Project, 7/1/10 - 6/30/11 ($701,109); and authorize Director or designee to execute Contractor's Release form upon submission of final invoice - All Districts

JOHN WAYNE AIRPORT

11. Approve plans and specifications and set bid opening for 3/16/11, 2:00 p.m. for domestic water line relocation of Thomas F. Riley Terminals A and B project; authorize Director or designee to extend bid opening if required up to 60 days; and make California Environmental Quality Act

findings - District 2

23145 **APPROVED AS RECOMMENDED**

12. Approve plans and specifications and set bid opening for 3/23/11, 2:00 p.m., for construction of tenant improvements for Terminals A, B and C; authorize Director or designee to sign specifications and extend bid opening if required up to 60 days; and make California Environmental Quality Act findings - District 2

21453 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

13. Adopt resolution approving standard agreement 2M-1011-22 and contractor/vendor confidentiality statement with State Department of Aging for Health Insurance Counseling & Advocacy Program expanding Medicare beneficiary enrollment in Prescription Drug Benefit Low Income Subsidy Program, 1/1/11 - 6/30/12 ($201,430); and authorize Director or designee to execute agreement and amendments under certain conditions - All Districts
RESO: 11-016

14. Approve amendment 3 to agreements KP90004 and KP90005 with Illumination Foundation for Post Hospital Recuperative Beds Pilot Program and Mobile Multi-Service Center in support of Homelessness Prevention and Rapid Re-Housing Program; and authorize Director or designee to execute agreement and make future non-monetary and non-material changes - All Districts

OC PUBLIC WORKS

15. Receive and file Traffic Committee Reports dated 10/21/10; approve recommendations; and adopt necessary resolutions - Districts 2, 3 and 5

52143 **APPROVED AS RECOMMENDED**
RESO: 11-017 - 11-018

16. Approve amendment 1 to agreement K1000000103 with LSA & Associates, Inc. for La Pata Avenue Gap Closure/Camino Del Rio Extension Project, 3/10/11 - 3/9/12; and make California Environmental Quality Act findings - District 5

17. Receive bids and award contract to Southern Contracting Company for replacement of electrical high voltage equipment at various County locations ($604,000) - District 1

18. **Acting as the Orange County Flood Control District -** Approve amendment 1 to agreement D99-102 and easement deed with C.J. Segerstrom & Sons, et al. for temporary access to Gisler Channel for inspection and maintenance; authorize Director or designee to execute agreement with Segerstrom and performing other related actions; and make California Environmental Quality Act findings - District 2

19. **Acting as the Board of Supervisors and Orange County Flood Control District -** Select various firms from ranked list for on-call aerial surveying services; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

51243 **APPROVED STAFF RECOMMENDATIONS MODIFIED TO SELECT ONLY THE TOP 4 FIRMS IN RANKED LIST AND TO CONDUCT A NEW QUALIFICATIONS PROCESS WHEN APPROACHING USE OF THE 4TH RATED FIRM**

OC WASTE & RECYCLING

20. Approve plans and specifications and set bid opening for 4/6/11, 2:00 p.m., for West Channel Improvement project, Coyote Canyon Landfill; and make California Environmental Quality Act findings - District 5

PUBLIC PROTECTION

21. **Probation -** Approve interim agreement with Orange County Fire Authority regarding sharing, treatment, and nondisclosure of confidential information pursuant to Fire F.R.I.E.N.D.S. Program for participation in community referral and intervention program for juvenile firesetters; authorize Director or designee to execute successor agreement under certain conditions; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

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

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 23-46)

ELECTED DEPARTMENT HEADS

Auditor-Controller:

23. Approve amendment 1 to agreement MA-017-10013160 with CGI-AMS, Inc. for Property Tax Management System (PTMS) consulting services ($225,000; new total $472,500); and authorize Purchasing Agent or designee to execute agreement - All Districts
35124 **CONTINUED TO 3/15/11, 9:30 A.M.**

24. Receive and file Countywide Accounting & Personnel System (CAPS+) and Property Tax Management System (PTMS) Project Status Reports for November 2010 - January 2011 - All Districts
RECEIVED AND FILED

Sheriff-Coroner:

25. 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 3/1/11, 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)
32145 **APPROVED AS RECOMMENDED**

26. Approve amendment 2 to agreement MA-060-11011317 with Enterprise Rent-A Car of Los Angeles, LLC for rental of vehicles for undercover surveillance work, 3/1/11 - 2/28/12 ($165,300; new total $1,101,100) - All Districts
42153 **APPROVED AS RECOMMENDED**

27. Approve amendment 1 to agreement MA-060-10011200 with Applied Biosystems, LLC for purchase of DNA analysis kits and supplies, 3/2/11 - 3/1/12 ($165,000; new total $515,000) - All Districts
21453 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

28. Approve renewal of master agreements MA-042-11011020, 3/4/11 - 3/3/12 ($432,000) and MA-042-11011316, 7/1/11 - 6/30/12 ($599,553) with Advanced Medical Management, Inc. for fiscal intermediary services in support of HIV Clinic and Tuberculosis Program - All Districts
24153 **APPROVED AS RECOMMENDED**

29. Approve amendment 1 to agreements with National Council on Alcoholism and Drug Dependence - Orange County, 12/1/09 - 6/30/11 ($20,000; new total $294,000), AHMC Anaheim Regional Medical Center ($20,000; new total $177,000) and Nhan Hoa Comprehensive Health Care Clinic ($20,000; new total $177,000) for Tobacco Cessation services, 7/1/10 - 6/30/11; and amendment 1 to master agreement with various providers of Community Clinic services, 7/1/10 - 6/30/11 ($191,702; new total $5,083,080); authorize Director or designee to execute individual amendments to master agreement - All Districts (Continued from 2/1/11, Item 13)

24153 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

30. Approve amendment 1 to agreement with Kimley-Horn and Associates, Inc. for additional construction administration services during construction and post construction phases of Parking Access and Revenue Control system ($162,156); and make California Environmental Quality Act findings - District 2

25143 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

31. Adopt resolution approving amendment 1 to standard agreement AP-1011-22 with State Department of Aging for Older Americans Act Programs and services to Orange County residents, 7/1/10 - 6/30/11 ($156,536; new total $10,140,142); and authorize Director or designee to execute agreement and amendments under certain conditions - All Districts

41253 **APPROVED AS RECOMMENDED**
RESO: 11-019

32. **Acting as the Board of Supervisors and Orange County Housing Authority -** Approve amendment 5 to agreement 122 with Mercy House Living Centers, Inc. for continued operation of Armory Emergency Shelter Program, FY 2010-11 ($350,000; new total $936,267); and authorize Director or designee to execute agreement and make future non-monetary and non-material changes - All Districts

14253 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

33. Approve agreement MA-080-11011082 with Dante Perez DBA Omniclean and ABM Services, Incorporated for janitorial services at various County facilities, 3/1/11 - 2/29/12 ($372,126); renewable for four additional one-year periods; and make California Environmental Quality Act findings - Districts 1 & 3

13245 **APPROVED AS RECOMMENDED**

34. **Acting as the Board of Supervisors and Orange County Flood Control District -** Consider first reading of "An Ordinance of the County of Orange, California, Amending Articles 1 Through 9 of Title 4, Division 13 Regarding Water Quality" and "An Ordinance of the Orange County Flood Control District, California, Amending Articles 1 Through 9 of Title 9, Division 1 Regarding Water Quality"; set second readings and adoptions for 3/1/11, 9:30 a.m.; and make California Environmental Quality Act findings - All Districts (Continued first reading from 2/1/11, Item 17)

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

GENERAL ADMINISTRATION

35. **County Counsel -** Consider first reading 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"; and set second reading and adoption for 3/1/11, 9:30 a.m. - All Districts

42153 **APPROVED AS RECOMMENDED**

County Executive Office:

36. Acting as the Board of Supervisors and the legislative body of Community Facilities District (CFD) No. 99-1 (Ladera Ranch) - Adopt resolution making certain findings and authorizing disbursement of funds to pay for certain improvements to Oso Parkway project - District 5

51243 **APPROVED AS RECOMMENDED**
RESO: 11-020

37. Acting as the Board of Supervisors and the legislative body of Community Facilities District (CFD) No. 2000-1 (Ladera Ranch) - Adopt resolution making certain findings and authorizing disbursement of funds to pay for certain improvements to Oso Parkway project - District 5

51243 **APPROVED AS RECOMMENDED**
RESO: 11-021

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

RECEIVED AND FILED REPORT

39. Response to 11/9/10 Board Directive regarding Office of Performance Auditor Report on Harbor Patrol - All Districts

B.O. **CONTINUED TO 4/5/11, 9:30 A.M.**

40. 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)

54123 **CONTINUED TO 3/1/11, 9:30 A.M.**

41. Consider second reading and adoption of "An Ordinance of the County of Orange, California Adding Article 5 to Division 1 of Title 1 of the Codified Ordinances of the County of Orange Pertaining to Lobbyist Registration and Reporting" - All Districts (Response to 11/23/10)
Continued from 1/25/11, Item 46; 2/1/11, Item 24)

15243 **APPROVED AS RECOMMENDED**
ORD: 11-006

42. Approve FY 2010-11 Second Quarter Budget Report; approve related budget adjustments and amend master position control - All Districts (RA 1 require 4/5 vote of members present)

42153 **APPROVED AS RECOMMENDED**

43. Receive and file Quarterly Information Technology Project Status Detail and Executive Summary Report for October - December 2010 and Risk Assessment Reports for October - December 2010 - All Districts

RECEIVED AND FILED

44. Approve recommended grant applications submitted by Health Care Agency, Orange County Crime Lab and OC Community Resources in 2/8/11 grant report and other actions as recommended; adopt resolution authorizing Health Care Agency Director or

designee to submit to and execute application, related documents and amendments for Department of Resources Recycling and Recovery (CalRecycle) for Waste Tire Enforcement Grant 18th Cycle; and authorize acceptance of grant funds from State Department of Housing and Community Development for CalHome Program for mortgage assistance and owner occupied rehabilitation - All Districts

54123 **APPROVED AS RECOMMENDED**
RESO: 11-022

45. **Human Resources Department -** Direct staff to take the necessary steps to authorize the County's bi-weekly contribution to the Elected Officials 401(a) Alternative Retirement (defined contribution) plan to match the percentage of wages that is contributed by a private sector employer to Social Security (the Federal Insurance Contributions Act (FICA) tax) and to implement a mandatory employee bi-weekly contribution matching that required for a private sector employee to FICA and to take the necessary steps to implement the Elected Officials 401(a) Alternative Retirement plan as a retirement plan option for future Elected Officials - All Districts (Continued from 12/14/10, Item S66B; 1/11/11, Item 32; 1/25/11, Item 47; 2/1/11, Item 28)

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

46. **Chairman Campbell -** Discuss CalOptima and State Health Insurance Exchange

45123 **DIRECTED STAFF TO BRING BACK TO THE BOARD FOR APPROVAL AN AMENDMENT TO THE CALOPTIMA CHARTER ORDINANCE PRECLUDING THEM FROM SELLING INSURANCE TO THE PRIVATE SECTOR AND TO EXPLORE WHETHER THE BOARD CAN PRECLUDE THEM FROM PARTICIPATING IN THE STATE HEALTH INSURANCE EXCHANGE.**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange v. Association of Orange County Deputy Sheriffs, et al., California Court of Appeal, 2d District Case No. B218660 (LACS Case No. BC389758)

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, SUPERVISORS CAMPBELL, MOORLACH, NELSON AND BATES VOTING IN FAVOR, SUPERVISOR NGUYEN VOTING AGAINST, AUTHORIZED THE FILING OF A PETITION FOR REVIEW IN THE CALIFORNIA SUPREME COURT IN THE CASE OF COUNTY OF ORANGE V. ASSOCIATION OF ORANGE COUNTY DEPUTY SHERIFF'S ET AL.**

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**

CS-3. **Human Resources Department -** 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
(Continued from 1/25/11, Item CS-6; 2/1/11, Item CS-5)

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

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

PUBLIC COMMENTS:
None

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Vice Chairman Moorlach - Oral Re: Presented Chairman Campbell with certificate from OC Business Council to the County of Orange for turning red tape into red carpet by implementing economic development strategies that support the local economy and create jobs in Orange County

ADJOURNED: 1:30 P.M.
53124 **Adjourned in memory of Joyce Elizabeth Townsend**

*** 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