REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, March 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: 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 Nguyen, First District, gave the invocation

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

## I. PRESENTATIONS/INTRODUCTIONS

Chairman Campbell - Employee Recognition: Health Care Agency staff for their successful response to the 2010 Pertussis epidemic

## II. CONSENT CALENDAR (Items 1-27)

54123 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 22 & 26 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

## BOARD APPOINTMENTS

**Chairman Campbell:**

1. Orange County Historical Commission - Appoint Lynne Yauger, Yorba Linda, for term concurrent with 3rd District Supervisor's term of office

2. Santa Ana River Flood Protection Agency - Appoint Bill Everest, Orange, to complete term ending 12/31/11

**ELECTED DEPARTMENT HEADS**

**Sheriff-Coroner:**

3. Approve FY 2010-14 Cooperative Law Enforcement agreement and FY 2010-11 Financial and Operating Plan with United States Forest Service for patrol services, Cleveland National Forest; and authorize Sheriff-Coroner or designee to execute related documents - Districts 3 & 5

4. Approve amendment 4 to agreement N1000010235 with Taser International, Inc. for repair and replacement of tasers and taser accessories, term ending 11/17/11 ($15,000; new total $133,000); renewable for two additional one-year periods - All Districts

5. Authorize use of County vehicle and staff for transportation of Foothill High School students and chaperones participating in "Every 15 Minutes" drinking and driving awareness program, 4/6/11 - 4/7/11; and make appropriate findings - District 3

6. Approve agreement PO-060-11012576 with IVA Solutions for purchase of a building security system ($33,772) - District 1

7. Approve plans and specifications and set bid opening for 4/27/11, 2:00 p.m., for refurbishment of inmate showers at Central Men's Jail and replacement of lavatory valves at Central Men's and Women's Jails; and make California Environmental Quality Act findings - District 1

8. Approve amendment 5 to agreement N1000008652 with Turbomeca USA, Inc. for helicopter engine maintenance, overhaul and repair services - All Districts

**OC COMMUNITY RESOURCES**

9. Approve reimbursement of expenditures for the OC Veterans Service Office for veteran projects and events ($4,864.08) - All Districts

10. **Acting as the Orange County Housing Authority -** Approve to receive and administer Housing Choice Voucher funds from U.S. Department of Housing and Urban Development for housing assistance to transition 50 non-elderly disabled persons from institutional care facilities to independent living housing ($459,792); and authorize Executive Director to execute Memorandum of Understanding with Dayle McIntosh Center for the disabled for supportive services for the disabled - All Districts

**OC PUBLIC WORKS**

11. Receive bids and award contract to Sandoval Pipeline Engineering for the Skyline Drive Storm Drain Phase III Project ($673,179) - District 3

12. Approve agreement D11-001 with R. J. Noble Company for contract retention funds to be placed in escrow, Midway City Street and Storm Drain Improvements, Phases I and II; authorize Director or designee to approve future escrow agreements under certain conditions;

and authorize Auditor-Controller to make related payments - District 1

**Acting as the Orange County Flood Control District:**

13. Approve agreements D10-078 with Post Buckley, Schuh & Jernigan, Inc.; D10-079 with Stantec Consulting Services, Inc.; and D10-080 with AKM Engineering, Inc. for on-call professional services, three-year terms ($400,000 each); and make California Environmental Quality Act findings - All Districts

14. Approve easement deeds with City of Corona for right of entry to commence Auto Center Drive Grade Separation project; and make related findings - All Districts

**PUBLIC PROTECTION**

15. **Probation -** Approve agreement MA-057-10012545 renewing as MA-057-11011789 with Redwood Toxicology Laboratory, Inc. for urinalysis and oral fluids laboratory testing services, 5/1/11 - 4/30/12 ($409,155); and make California Environmental Quality Act findings - All Districts

**SOCIAL SERVICES AGENCY**

16. Approve agreement CMJ2012 with Orangewood Children's Foundation for the Annual Report on Conditions of Children in Orange County, 4/22/11 - 2/29/12 ($113,400) - All Districts

17. Approve amendment 1 to agreement CDB2510A with A White and Yellow Cab, Inc. for transportation services to children at Orangewood Children and Family Center and Court Return Facility, 7/1/10 - 6/30/11 ($30,000; new total $80,000) - All Districts

**GENERAL ADMINISTRATION**

**Clerk of the Board:**

18. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for South Orange County Community College District - All Districts

19. Approve re-adoption of the State's Model Code by reference and modifications to Designated Filer Positions and Disclosure Categories Exhibits A & B for Placentia Library District - All Districts

20. Approve initial Conflict of Interest Code for Edward B. Cole, Sr. Academy, a California Public Charter School - All Districts

**County Executive Office:**

21. Approve Memorandum of Understanding (MOU) with Calaveras County for return of a portion of fund balance remaining in Delta Special Revenue Fund 15N in connection with change of venue for the homicide trial of Charles Chitat Ng; and authorize Auditor-Controller to make related payment - All Districts

22. Receive and file 2011 Community Indicators Report - All Districts
**RECEIVED AND FILED**

23. Approve amendment 1 to agreement N1000009880 with Blackboard Connect for Public Mass Notification System Services, 5/6/11 - 5/5/12 ($400,000) - All Districts

24. Receive and file charitable organization actual income/expenses for 2010 and planned activities for 2011 - All Districts

**Human Resources Department:**

25. Adopt resolution approving continuation of military supplemental pay and benefits provided by Resolution Nos. 01-350, 02-061, 02-283, 03-068, 03-300, 04-053, 04-256, 05-044 to be effective until National Emergency ends, unless terminated earlier by the Board of Supervisors; and direct staff to report to the board on annual basis the status of military supplemental pay program - All Districts
*RESO: 11-040*

26. Approve agreement with Great-West Retirement Services as Administrator for IRC Section 457 defined contribution plan, IRC Section 401(a) retirement plan, and IRC Section 3121 plan for extra help employees; and agreement with TIAA-CREF as Administrator for "1.62 Defined Contribution Plans" consisting of IRC Section 457 and IRC Section 401(a) match plan; and amended and restated Plan Documents and agreements; and authorize Director or designee, as Plan Administrator to administer plans, negotiate and execute underlying agreements necessary for proper function and to make changes under certain conditions; and approve amendment to Personnel and Salary Resolution revising contribution periods for Defined Contribution Plan for 1.62 401(a) plan; and letter agreements with applicable labor groups - All Districts
31245 N **APPROVED AS RECOMMENDED**

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

END OF CONSENT CALENDAR

## III. DISCUSSION ITEMS (Items 28-S53A)

## ELECTED DEPARTMENT HEADS

**Auditor-Controller:**

28. Approve amendment 4 to price agreement N1000010722 with Intellitime Systems Corporation for Virtual Timecard Initialization (VTI) support services, 3/31/11 - 3/31/12 ($25,000; new total $75,000) - All Districts
42153 **APPROVED AS RECOMMENDED**

29. Approve amendment 1 to price agreement N1000010041 with ARK Technologies for maintenance support to Assessment Tax System (ATS) and Property Tax Management System (PTMS), ($60,000; new total $442,720) - All Districts
45123 **APPROVED AS RECOMMENDED**

**Sheriff-Coroner:**

30. Approve termination of proclamation of Emergency Declaration resulting from weather conditions originally approved on 12/27/10 - All Districts (Continued from Special Meeting 12/27/10, Item 1; 1/25/11, Item 27; 2/8/11, Item 25; 3/1/11, Item 30)
34125 **APPROVED AS RECOMMENDED**

31. Approve amendment 2 to agreement MA-060-11011620 with Ranstad North America LP dba Sapphire Technologies LP for information technology services, 4/8/11 - 4/7/12 ($1,094,184) - All Districts
23145 **APPROVED AS RECOMMENDED**

32. **Treasurer-Tax Collector -** Adopt resolution authorizing sale and issuance of Anaheim City School District General Obligation Bonds, Election of 2010, Series 2011 ($35,000,000) - District 4
43125 **APPROVED AS RECOMMENDED**
*RESO: 11-041*

## HEALTH CARE AGENCY

33. Select appointment of one candidate to the CalOptima Board of Directors for term ending 1/7/15 - All Districts
B.O. **CONTINUED TO 4/5/11, 9:30 A.M.**

34. Approve agreement with The Regents of the University of California Child Development Center for Positive Behavioral Intervention services, 3/16/11 - 6/30/11 ($28,686), 7/1/11 - 6/30/12 ($400,000) and 7/1/12 - 6/30/13 ($400,000) - All Districts (Continued from 3/15/11, Item 30)
53124 **APPROVED AS RECOMMENDED**

## JOHN WAYNE AIRPORT

35. Approve re-assignment of lease from Budget Rent A Car System, Inc. to MCR Orange LLC for operation of rental car concession; and make California Environmental Quality Act findings - District 2 (4/5 vote of members present and voting)

21453 **APPROVED AS RECOMMENDED**

**OC DANA POINT HARBOR**

36. Approve lease with Pacific Asian Enterprises Inc., for consolidation of yacht sales offices and improvements to Parcel 11 at Dana Point Harbor, ten year term; renewable for two additional ten year periods; and make California Environmental Quality Act findings - District 5

51243 **APPROVED AS RECOMMENDED**

**OC PUBLIC WORKS**

37. Select Harris and Associates, Inc. as primary and TCM Group as alternate firms for resident engineer and construction support services for Antonio Parkway Widening project; and authorize negotiation of agreement for Board approval - District 5

51243 **APPROVED AS RECOMMENDED**

38. Approve contract MA-080-11010376 with Anderson-Penna Partners, Inc. for on-call code enforcement services ($275,000); renewable for four additional one year periods - All Districts

41253 **APPROVED AS RECOMMENDED**

39. Authorize OC Public Works to offer fleet maintenance and repair services proposals and negotiate contracts; authorize County Executive Officer to work with OC Public Works, County Counsel and Auditor-Controller to update Countywide fleet related policies; and make California Environmental Quality Act findings - All Districts

42153 **APPROVED WITH MODIFIED RECOMMENDED ACTION 3 TO ADD THAT ALL BIDS FOR SERVICE TO MUNICIPALITIES OR OTHER GOVERNMENTAL AGENCIES BE PRE-AUDITED TO ENSURE FULL COST RECOVERY, THAT THOSE CONTRACTING FOR SERVICES ARE TO PAY THEIR PROPORTIONATE SHARE OF ANY UNFUNDED LIABILITY CREATED AS A RESULT OF THE CONTRACTED SERVICES AND FOR ANY CAPITAL IMPROVEMENTS REQUIRED AS A RESULT OF THE CONTRACT THAT ITS COST RECOVERY MIRROR THE LENGTH OF THE CONTRACT.**

40. Receive bids and award contract to Beador Construction Company, Inc. for Antonio Parkway Widening project ($20,053,300); approve reimbursement agreements D10-041 with Cox Communications, Inc. ($155,127.12); D10-042 with San Diego Gas and Electric ($331,287.90); D10-045 with DMB Ladera, LLC ($182,418.27); and approve D10-044 with Santa Margarita Water District ($2,346,902.82) - District 5

54123 **APPROVED AS RECOMMENDED**

41. **Acting as the Orange County Flood Control District -** Approve amendment 2 to agreement D06-055 with GRiver Golf, LLC and amendment 2 to agreement D06-056 with GRiver Golf F&B Operators, LLC for extension of existing golf operations contract and food and beverage facility lease, 8/22/11 - 8/21/14 - All Districts

24153 **APPROVED AS RECOMMENDED**

42. **Acting as the Board of Supervisors and Orange County Flood Control District -** Consider second reading and adoption 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" - All Districts (Continued first reading from 2/1/11,

Item 17 and 2/8/11, Item 34; 3/15/11, Item 35)
43125 **APPROVED AS RECOMMENDED**
*ORD: 11-009 - 11-010*

**PUBLIC PROTECTION**

43. **Probation -** Renew agreement with C.M. Tipton Polygraph and Associates for adult sex offender post conviction polygraph examination services, 6/1/11 - 5/31/12 ($145,250); renewable for three additional one-year periods - All Districts
54123 **APPROVED AS RECOMMENDED**

**SOCIAL SERVICES AGENCY**

44. Approve amendment 1 to agreement MA-063-11011435 with ANI Acquisition Sub, Inc., for document conversion-imaging services ($825,234; new total $1,330,234) - All Districts
43125 **APPROVED AS RECOMMENDED**

**GENERAL ADMINISTRATION**

**County Executive Office:**

45. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
25143 **APPROVED AS RECOMMENDED**

46. Approve recommended grant application submitted by OC Public Works in 3/22/11 grant report and other actions as recommended; adopt resolution ratifying the grant application submitted to the Orange County Transportation Authority for Measure M2 Regional Traffic Signal Synchronization Program - All Districts
51243 **APPROVED AS RECOMMENDED**
*RESO: 11-042*

47. Approve in concept issuance of Tax and Revenue Anticipation Notes for purpose of financing General Fund cash flow needs for FY 2011-12; and continuation of Orrick, Herrington & Sutcliffe LLP as note and disclosure counsel, KNN Public Finance as financial advisor; and selection of De La Rosa & Co. as underwriter - All Districts
24153 A **APPROVED RECOMMENDED ACTIONS #1 AND #2**

21453 A **CONTINUED RECOMMENDED ACTION #3 TO 4/5/11, 9:30 A.M.**

48. Approve amendment 3 to agreement N1000010970 with E911 Helpline for IT Infrastructure Design and Implementation services, effective 6/16/11 - 6/15/12 ($331,344) - All Districts
14253 **APPROVED AS RECOMMENDED**

49. Consider second reading and adoption of "An Ordinance of the County of Orange, California Repealing Ordinance No. 07-008, Which Designated the Public Administrator as the Ex Officio Public Guardian"; appoint Public Guardian, effective 4/14/11; direct CEO staff make necessary position transfer and revise organizational

chart; and direct CEO and Auditor-Controller to initiate budgetary and master position control adjustment; adopt resolution superseding Resolution 07-018, directing establishing separate revolving funds for Public Administrator and Public Guardian - All Districts (Continued from 3/1/11, Item 51; 3/15/11, Item 37)

14253 **APPROVED AS RECOMMENDED**
*RESO: 11-043*
*ORD: 11-011*

50. Approve proposed follow-up responses to pending recommendations for FY 2009-10 Grand Jury Reports - All Districts

54123 **APPROVED AS RECOMMENDED**

51. Approve amendment 5 to cooperative agreement MA-017-10010457 with Cello Partnership, dba Verizon Wireless for wireless services and equipment under amended terms and conditions, 4/1/11 - 9/30/12; and authorize Purchasing Agent or authorized deputy to renew department subordinate agreements - All Districts

41253 **APPROVED AS RECOMMENDED**

52. **Registrar of Voters -** Receive and file Orange County Vote by Mail Program Report - All Districts (Board Directive 11/23/10)
**RECEIVED AND FILED**

53. **Supervisor Nelson -** Consider first reading of "An Ordinance of the County of Orange, California Adding Division 18, Article 1 to Title 3 of the Codified Ordinances of the County of Orange Prohibiting Registered Sex Offenders From Entering County Parks"; and set second reading and adoption for 4/5/11, 9:30 a.m. - All Districts

43125 **APPROVED WITH AMENDMENT TO SEC 3-18-3 REPLACING "DIRECTOR OF ORANGE COUNTY PARKS OR DIRECTOR OF OC DANA POINT HARBOR" WITH "ORANGE COUNTY SHERIFF OR DESIGNEE"**

S53A. **Chairman Campbell -** Children and Families Commission of Orange County - Reappoint Sandra Berry, Santa Ana; Kimberly Chavalas Cripe, Orange; and Hugh Hewitt, Newport Beach, for terms ending 3/31/13; and reappoint Crystal Kockendorfer, Dana Point; Sally Snyder, Irvine; and Maria Minon, M.D., Orange, for terms ending 3/31/12

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

## IV. PUBLIC HEARINGS (Items 54-56)

### OC COMMUNITY RESOURCES

54. **Acting as the Orange County Housing Authority -** Public Hearing to consider approving Orange County Housing Authority Annual Public Housing Agency Plan (PHA), FY 2011-12; and authorize Executive Director or designee to execute related documents and to submit Plan to U.S. Department of Housing and Urban Development - All Districts

B.O. **CLOSED PUBLIC HEARING**

14253 **APPROVED AS RECOMMENDED**

### OC PUBLIC WORKS

55. Public Hearing to consider appeal of Planning Commission approval of Planning Application

PA080047 filed by Emerald Bay Community Association and Emerald Bay Service District for construction of improvements to Emerald Bay Community main entrance; and make California Environmental Quality Act findings - District 5

B.O. **CLOSED PUBLIC HEARING**

51243 **APPROVED AS RECOMMENDED**

56. Public Hearing to consider adopting resolution approving General Plan Amendment H11-01 for comprehensive Housing Element update; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

24153 **APPROVED AS RECOMMENDED**
*RESO: 11-044*

## V. CLOSED SESSION (Items CS-1-SCS3)

## GENERAL ADMINISTRATION

CS-1. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:Property Location: 18672 E. Genter Street, El Modena 92869County Negotiator: Thomas G. MaukNegotiation Parties: Diocese of Orange Education & Welfare Corp.Under Negotiation: Terms and Value of Future Sale

B.O. **DELETED**

CS-2. **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

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

SCS3. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Karen Monaghan v. County of Orange, et al., Orange County Superior Court Case No. 30-2009 00121673

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF KAREN MONAGHAN 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 IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

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

**PUBLIC COMMENTS:**
None

**COUNTY EXECUTIVE OFFICER COMMENTS:**
None

**BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:**

Supervisor Nguyen - Oral Re: Directed the CEO to provide the Board with a memo summarizing any earthquake assessments of County buildings that have been done

Supervisor Bates - Oral Re: 40th Anniversary of Dana Point Festival of Whales and whale tail sculpture

**ADJOURNED: 2:40 P.M.**

23145 **Adjourned in memory of Ronald Kenneth Kozak**

53124 **Adjourned in memory of Jordan R. Stanton**

53124 **Adjourned in memory of Mehri Nezami**

53124 **Adjourned in memory of Jeanne Jacques**

*** 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*