REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 6, 2012, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

JOHN M. W. MOORLACH
CHAIRMAN
Second District

SHAWN NELSON
VICE CHAIRMAN
Fourth District

JANET NGUYEN
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

PATRICIA BATES
SUPERVISOR
Fifth District

ATTENDANCE: Supervisors: Bates, Moorlach, Nelson & Nguyen,

EXCUSED: Supervisor Campbell

PRESENT:	COUNTY EXECUTIVE OFFICER	Alisa Drakodaidis, Deputy CEO
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Nelson, Fourth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-16)

41352 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 5, 6, & 16 WHICH WERE PULLED FOR SEPARATE DISCUSSION**

BOARD APPOINTMENTS

1. **Supervisor Bates -** Orange County Historical Commission - Appoint Ronald Langer, Laguna Niguel, for term concurrent with 5th District Supervisor's term of office

Supervisor Nelson:

2. OC Parks Commission - Appoint Paul Kott, Anaheim, for term concurrent with 4th District Supervisor's term of office

3. Orange County Veterans Advisory Council - Appoint Ron Garcia, Brea, for term ending

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

4. Approve amendment 1 to agreement MA-060-11012291 with Goodwill Industries of Orange County for packaging food and personal care items for jail commissary operations, term ending 5/17/12 ($39,000; new total $169,000); renew agreement as MA-060-12011270, 5/18/12 - 5/17/13 ($169,000); renewable for three additional one-year periods; and authorize Purchasing Agent or authorized deputy to execute amendment and renewal agreement - All Districts

5. Approve agreement MA-060-12011355 with Microsoft Corporation for software support services, 5/4/12 - 5/3/13 ($68,730); and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts

24135 X **APPROVED AS RECOMMENDED**

6. Approve agreement MA-060-12011223 with Computer Deductions, Inc. for Live Scan software programming and support, 3/10/12 - 3/9/13 ($87,510); renewable for two additional one-year periods; and authorize Purchasing Agent to execute agreement - All Districts

42135 X **APPROVED AS RECOMMENDED**

7. **Treasurer-Tax Collector -** Approve agreement MA-074-12011056 with Elavon, Inc. for electronic payment acceptance and processing, term ending 5/31/15; renewable for one two-year term without further Board action; and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts

OC COMMUNITY RESOURCES

8. Approve Workforce Investment Act (WIA) Cost Reimbursement agreement with California Manufacturing Technology Consulting (CMTC) to fund layoff aversion and business expansion assistance services, 3/7/12 - 9/30/12 ($100,000); authorize Director or designee to execute agreement and exercise a cost contingency increase or decrease not to exceed 10% for funding level changes and make line item budget transfers under certain conditions - All Districts

OC PUBLIC WORKS

9. Adopt resolution initiating 2012 Weed Abatement Program; and set public hearing for 4/17/12, 9:30 a.m., to consider assessment to private property for removal of weeds by County contractor; and make California Environmental Quality Act findings and other declarations - All Districts
RESO: 12-022

10. Approve plans and specifications and set bid opening for 4/11/12, 2:00 p.m., for Ethelbee Way Storm Drain project, North Tustin area; and make California Environmental Quality Act findings - District 3

11. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement MA-080-12011174 with Pacific Advanced Civil Engineering, Inc. for on-call watershed planning and engineering support services, 3/6/12 - 3/5/15 ($400,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

12. Approve amended Bylaws of the Orange County Waste Management Commission changing appointing authority for seven positions from the League of California Cities, Orange County Division to City Selection Committee and making other administrative changes - All Districts

13. Approve conservation easement PM 126-47 and agreement MA-299-12011363 with The Reserve at Rancho Mission Viejo for habitat mitigation requirements, Prima Deshecha Landfill, 75 year term ($15,320 first year plus annual consumer price index increases); and make California Environmental Quality Act findings - District 5

14. Approve agreement MA-299-12011170 with Associated Laboratories and Weck Laboratories, Inc. for water quality analytical services, 4/1/12 - 3/31/13 ($186,750); renewable for two additional one-year periods; and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts

GENERAL ADMINISTRATION

County Counsel:

15. Authorize County Counsel to execute a waiver of potential conflict of interest and consent on specific conditions to allow Irvine office of the law firm Buchalter Nemer, PLC to represent Airport Working Group of Orange County, Inc., in connection with extension of Settlement Agreement in the litigation County of Orange v. Air California - All Districts

16. Authorize County Counsel to execute a waiver of potential conflict of interest and consent on specific conditions to allow Los Angeles office of the law firm Drinker Biddle & Reath, LLP to represent County of Orange Defined Contribution Plan in connection with the litigation in William Crutchfield v. Great-West Life & Annuity Insurance Company et al. - All Districts

42135 **APPROVED AS RECOMMENDED**
X

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 17-S26B)

ELECTED DEPARTMENT HEADS

District Attorney:

17. Adopt resolution approving extension $3.00 of recording fee on certain real estate instruments for funding prosecution and deterrence of real estate fraud crimes, 4/1/12 - 3/31/15; and make related findings - All Districts

B.O. **CONTINUED TO 3/20/12, 9:30 A.M.**

18. Approve lease agreement DA-11-002 with Birtcher Anderson Investors, LLC for office space at 801 Civic Center Drive West, Santa Ana; and make California Environmental Quality Act findings - District 1 (Continued from 12/13/11, Item 27; 1/10/12, Item 24; 2/7/12, Item 27; 2/28/12, Item 30)

B.O. **CONTINUED TO 3/27/12, 9:30 A.M.**

HEALTH CARE AGENCY

19. Adopt resolution approving agreement 11-10684 with State Department of Public Health for Cancer Detection Partnership services, 1/1/12 - 12/31/14 ($778,678); and authorize Director or designee to execute Contractor's Release form upon submission of final invoice - All Districts

54132 X **APPROVED AS RECOMMENDED**

RESO: 12-023

20. Approve amendment 1 to agreement 10-95277 with State Department of Public Health for AIDS related services, 7/1/10 - 6/30/13 ($869,172; new total $9,261,106); and authorize Director or designee to sign Memoranda of Understanding incorporated in amendment and Contractor's Release form upon submission of final invoice - All Districts

B.O. **CONTINUED TO 3/20/12, 9:30 A.M.**

21. Approve agreement 11-10452 with State Department of Public Health for the Women, Infants and Children Supplemental Nutrition Program, 10/1/11 - 9/30/14 ($18,487,000); and authorize Director or designee to execute Contractor's Release form upon submission of final invoices - All Districts

41352 X **APPROVED AS RECOMMENDED**

22. Approve agreement 11-10303 with State Department of Public Health for Childhood Lead Poisoning Prevention Program, 7/1/11 - 6/30/14 ($2,503,220); and authorize Director or designee to execute Contractor's Release form upon submission of final invoices - All Districts

B.O. **CONTINUED TO 3/20/12, 9:30 A.M.**

OC COMMUNITY RESOURCES

23. Approve amendment 1 to Workforce Investment Act Master Cost Reimbursement agreements for County Workforce Investment Board professional and training workforce services, 7/19/11 - 6/30/13 ($2,000,000; new total $3,000,000); and authorize Director or designee to execute amended agreement, exercise a cost contingency increase or decrease not to exceed 10% and make line item budget transfers - All Districts (Continued from 2/28/12, Item 38)

15342 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

24. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; and adopt resolution supporting AB 1455, High Speed Rail - All Districts

45132 **APPROVED STAFF RECOMMENDATIONS WITH AMENDMENT TO**
X **REQUEST THAT ASSEMBLY MEMBER HARKEY MODIFY AB 1815 TO HAVE FUTURE ORANGE COUNTY BOARD OF SUPERVISORS PARTICIPATE IN SOCIAL SECURITY**
RESO: 12-024

25. Approve grant application/award submitted by District Attorney in 3/6/12 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, term ending 6/30/12 ($8,295; new total $1,702,844) - All Districts

45132 **APPROVED AS RECOMMENDED**
X

RESO: 12-025

26. **Chairman Moorlach -** Approve appointments of Thomas Dean to the position slot to be nominated by Chair of the Board of Supervisors and Bill Steiner to the position slot to be nominated by the Board of Supervisors on the Oversight Board of the Successor Agency to the Orange County Development Agency and Doug Shively, Anaheim; Kent Forte and Don Parker, Brea; David Zenger, Buena Park; Craig Walker and Scott Stanford, Fullerton; Supervisor Nguyen and Christy Delp, Garden Grove; Linda Steves and Ron Shepard, La Habra; Bill Heaton and Ed Garcia, Placentia; John Acosta and Julie Stroud, Santa Ana to the respective Oversight Boards of the Successor Agencies to the City Redevelopment Agencies (Continued from 2/28/12, Item S51C)

51342 **APPROVED RECOMMENDED ACTIONS AS MODIFIED TO CONTINUE**
X **APPOINTMENT OF THOMAS DEAN TO ORANGE COUNTY DEVELOPMENT AGENCY OVERSIGHT BOARD TO 3/20/12. SUPERVISOR NELSON NOTED FOR THE RECORD HE WAS CASTING A NO VOTE FOR ALL APPOINTMENTS ON ATTACHMENT B OF A CITY COUNCIL MEMBER, CITY PLANNING COMMISSION MEMBER OR CITY STAFF MEMBER TO THAT CITY'S OVERSIGHT BOARD.**

S26A. **County Executive Office -** Acting as the Legislative Body of Community Facilities District No. 2004-1 (Ladera Ranch) - Approve amendment 2 to Acquisition, Funding and Disclosure agreement for Series A of 2005 Special Tax Bonds; authorize Public Finance Director to execute amended agreement; approve amendment 1 to Joint Community Facilities agreement with State Department of Transportation; Acting as the Board of Supervisors - Approve cooperative agreement with State Department of Transportation for contribution for improvements on Ortega Highway Interchange project; and approve related budget adjustments - District 5 (4/5 vote of the members present)

54132 **APPROVED AS RECOMMENDED**

X

OC PUBLIC WORKS

S26B. **Acting as the Orange County Flood Control District -** Approve easement deeds and agreement for possession with the City of Highland for construction of public bridge, Greenspot property, Highland; authorize Director to execute easement deeds and agreement; and make California Environmental Quality Act and other findings - All Districts

45132 **APPROVED AS RECOMMENDED**
X

IV. PUBLIC HEARINGS (Item 27)

OC COMMUNITY RESOURCES

27. Public Hearing to consider adopting resolution of abandonment for park parcel BE74M-101, Laguna Beach; approve offer and agreement to purchase real property and quitclaim deed to Jack B. Corwin ($225,000); authorize Director or designee to execute deed; and make California Environmental Quality Act and other findings - District 5 (unanimous vote) (Continued from 12/6/11, Item 25; 2/7/12, Item 49)

B.O. **DELETED**

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):Name of Case: Orange County Flood Control District v. Altfillisch Construction Co., Riverside County Superior Court Case No. RIC 10013337

B.O. **DELETED**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: George Jaramillo v. County of Orange, Orange County Superior Court Case No. 05CC04220

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 0, SUPERVISORS MOORLACH, NELSON, NGUYEN AND BATES VOTING IN FAVOR AND SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF GEORGE JARAMILLO 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.**

SCS3. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk

Employee Organization: Orange County Attorneys Association (OCAA) and Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

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

SCS4. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case

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

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

PUBLIC COMMENTS:

Michael Buss, Jennifer Faiz, Phil Schaefer and Ronald Salem - Oral Re: Save Santiago Creek Alliance

Burl Gregory - Oral Re: Property line issue with Santiago Oaks Park

Darrell Nolta - Oral Re: Appointment of HCA Director, Eckhoff Street facilities soil contamination, Sheriff shooting of Marine and San Onofre

Opinion Online Comments

COUNTY EXECUTIVE OFFICER COMMENTS:

Alisa Drakodaidis, Deputy CEO - Oral Re: CalTrans began work Monday night which will impact traffic on westbound 91 through Thursday morning. Any resident questions should be referred to CalTrans.

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Chairman Moorlach - Oral Re: Requested CEO to work with 3rd District to respond to issue raised by Mr. Gregory during public comments

ADJOURNED: 1:20 P.M.

52134 **Adjourned in memory of Virginia Kincaid**
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