REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 18, 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 Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-13)

14253 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 6 WHICH WAS CONTINUED TO 10/25/11, 9:30 A.M.; AND ITEMS 5, 11 & 12 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

1. Receive and file annual Inmate Welfare Fund Expenditure and Funding Reports for FY 10-11 - All Districts

2. Approve amendment 6 to agreement N3000008663 with Matrix Imaging Products, Inc. for maintenance of Kodak scanners, term ending 3/26/12 ($2,624; new total $84,510);

and authorize Purchasing Agent or deputy to execute agreement - All Districts

3. Approve amendment 1 to agreement with J.C. Chang & Associates for ICE Modular Buildings project, James A. Musick Facility ($62,375; new total $184,560) ; and make California Environmental Quality Act findings - District 3

4. Approve amendment 2 to agreement MA-060-11012256 with Stadium Automotive assigning to Stadium Mercedes Tech, Inc. for vehicle repair and maintenance, term ending 2/17/12; authorize Purchasing Agent or deputy to execute agreement - All Districts

OC COMMUNITY RESOURCES

5. Approve subcontract agreement with South Bay Workforce Investment Board for training and reemployment assistance to dislocated workers, 3/18/11 - 3/17/13; authorize Director or designee to execute agreement and accept funds ($277,704.69) from California Multi-Sector Workforce Partnership National Emergency Grant; and authorize Director or designee to exercise cost contingency increase or decrease under certain conditions and amend service levels if funding changes - All Districts

24153 **APPROVED AS RECOMMENDED**

6. 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)

14253 **CONTINUED TO 10/25/11, 9:30 A.M.**

7. **Acting as the Board of Supervisors and Orange County Housing Authority** - Approve recommended projects for 2011 Continuum of Care Associated Application for Homeless Assistance and submission to U.S. Department of Housing and Urban Development; authorize Director or designee to modify funding requests, terms and services under certain conditions and execute related documents; and authorize acceptance of funds for shelter plus activities - All Districts

OC PUBLIC WORKS

8. Approve agreement D11-034 with Huitt-Zollars, Inc. for land surveying services supporting Antonio Parkway Widening project, three-year term ($711,920); and make related findings - District 5

9. Approve Amendment 1 to Lease with SIC/LEED 1015 Santa Ana, LLC for repair and maintenance obligations for child support services office space, 1015/1055 N. Main Street, Santa Ana; and make California Environmental Quality Act findings - District 1

10. Approve joint funding agreement 12WSCA02340 with the United States Geological Survey for operation and maintenance of four stream gauges, 11/1/11 - 10/31/16 ($499,600); and make California Environmental Quality Act findings - Districts 2, 3 and 4

11. **Acting as the Board of Supervisors and Orange County Flood Control District -** Adopt resolution certifying Final EIR 609 under the California Environmental Quality Act, Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations for the Haster Basin and Recreational Field project; and return to Board for approval of final plans and specifications and authorization to advertise for bids - District 1

12453 **APPROVED AS RECOMMENDED**
NX

RESO: 11-162

OC WASTE & RECYCLING

12. Approve plans and specifications and set bid opening for 12/14/11, 2:00 p.m., for replacement of Reclaimed Water Tank project, Frank R. Bowerman Landfill; and make California Environmental Quality Act findings - District 3

35124 **APPROVED AS RECOMMENDED**

13. Approve plans and specifications and set bid opening for 12/14/11, 2:00 p.m., for Asphalt Overlay Resurfacing of Bee Canyon Access Road project, Frank R. Bowerman Landfill; and make California Environmental Quality Act findings - District 3

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 14-S30A)

ELECTED DEPARTMENT HEADS

14. **Clerk-Recorder -** Approve agreement with SouthTech Systems, Inc. for maintenance of multiple software programs, 10/19/11 - 10/19/12 ($107,400); renewable for three additional years; and authorize Purchasing Agent or deputy to execute agreement - All Districts
12453 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

15. 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)
B.O. **CONTINUED TO 10/25/11, 9:30 A.M.**

16. Approve amendment 2 to the five-year agreement with the City of San Juan Capistrano for law enforcement services, effective 11/4/11 - 6/30/12 (new total $7,158,471) - District 5
51243 N **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

17. Response to 10/4/11 Board Directive regarding Presentation on CalOptima Board - All Districts
B.O. **CONTINUED TO 10/25/11, 9:30 A.M.**

OC COMMUNITY RESOURCES

18. Approve plans and specifications and set bid opening for 11/30/11, 2:00 p.m., for job order contracts P005 thru P009 for support in expediting completion of OC Parks repair and rehabilitation projects and improving customer service; and make California Environmental Quality Act findings - All Districts
51243 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

19. Approve FY 2011-12 OC Civic Center Parking/Maintenance Fund 828 Budget ($6,546,070); authorize Auditor-Controller to make related payments and advance funds from Parking Facilities Fund 137 not to exceed $599,035; and make California Environmental Quality Act findings - District 1 (Continued from 9/13/11, Item 35; 10/4/11, Item 25)
13245 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Probation:

20. Approve agreement MA-057-12010542 with Orange County Transportation Authority for purchase of bus passes, 11/1/11 - 10/31/16 ($1,000,000); and authorize Purchasing

Agent or deputy to execute agreement - All Districts

15243 **APPROVED AS RECOMMENDED**

21. Adopt resolution approving Orange County Public Safety Realignment and Postrelease Community Supervision 2011 Implementation Plan developed by the Orange County Community Corrections Partnership (OCCCP); and authorizing the Chief Probation Officer to administer program using home detention with electronic or GPS monitoring - All Districts (Accepted Unless Rejected by 4/5 vote)

25143 **APPROVED AS RECOMMENDED**
RESO: 11-163

GENERAL ADMINISTRATION

County Executive Office:

22. Consider directing staff to develop legislative proposals to implement options for New Elected Members of the Board of Supervisors Retirement Plan - All Districts (Continued from 6/21/11, Item 55; 7/19/11, Item 24; 8/23/11, Item 49; 9/13/11, Item 37)

45123 **APPROVED STAFF RECOMMENDATIONS AS AMENDED TO REMOVE "WHO ARE NOT A MEMBER OF THE ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM (OCERS)" FROM PART A AND REPLACE CONTRIBUTION PERCENTAGES WITH "THE REQUIRED SOCIAL SECURITY TAX" FOR PART A AND "OF THE AMOUNT ALLOWED UNDER IRS RULES" FOR PART B AND DIRECTED STAFF TO CONCURRENTLY DEVELOP LANGUAGE TO AMEND ORANGE COUNTY'S CHARTER TO MANDATE THAT FUTURE ELECTED BOARD OF SUPERVISORS MUST ELECT THE 1.62% @ 65 RETIREMENT PLAN OPTION.**

23. Adopt resolution approving property tax allocation with City of Los Alamitos for annexation of territory along Coyote Creek Channel - District 2

24153 **APPROVED AS RECOMMENDED**
RESO: 11-164

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

24153 **RECEIVED AND FILED**

25. Approve recommended grant applications submitted by Sheriff-Coroner and Health Care Agency in 10/18/11 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner or designee to execute and submit to State Emergency Management Agency the FY 2011 Emergency Management Performance Grant Application for Assistance ($687,703) and Grant Assurances - All Districts

12453 **APPROVED AS RECOMMENDED**
RESO: 11-165

26. Receive and file Implementation Status Report on Chairman's 2011 Goals - All Districts

24153 **RECEIVED AND FILED**

27. **Human Resources Department -** Approve amendment 1 to agreement N1000010259 with The Hartford Life and Accident Insurance Company for accidental death and dismemberment

insurance, 1/1/12 - 12/31/12 ($163,200) - All Districts

42153 **APPROVED AS RECOMMENDED**

28. **Registrar of Voters -** Response to 6/14/11 Board Directive regarding presentation on the impacts of redistricting - All Districts (Continued from 9/20/11, Item 51)

B.O. **CONTINUED TO 12/6/11, 9:30 A.M.**

Chairman Campbell:

29. Consider second reading and adoption of "An Ordinance of the County of Orange, California, Amending Section 1-2-335 of the Codified Ordinances of the County of Orange Pertaining to Article 25 Children and Families Commission of Orange County" (Continued from 10/4/11, Item 38)

32145 **APPROVED AS RECOMMENDED**
ORD: 11-018

30. Provide direction to staff on Board Agenda structure - All Districts
DIRECTION GIVEN FOR CLERK OF THE BOARD TO RETURN TO THE BOARD WITH AN AMENDMENT TO THE BOARD RULES PLACING PUBLIC HEARINGS AT THE FRONT OF THE DISCUSSION CALENDAR AND GIVING THE CHAIRMAN THE AUTHORITY TO ESTABLISH AS TIME CERTAIN WHEN HIGH PUBLIC INTEREST IS EXPECTED.

S30A. Discussion regarding Board Member authorship of Agenda Staff Reports relating to policies and procedures
DISCUSSED AND DIRECTED COUNTY COUNSEL TO RETURN TO THE BOARD ON 10/25/11 WITH A PROPOSED POLICY

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-2)

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 RETAIN REMCHO, JOHANSEN & PURCELL 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: The Beach Quality Caregivers v. County of Orange, Orange County Superior Court Case No. 30-2011-00456983

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 3 TO 2, SUPERVISORS CAMPBELL, NGUYEN AND BATES VOTING IN FAVOR,**

SUPERVISORS MOORLACH AND NELSON VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF THE BEACH QUALITY CAREGIVERS 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.

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

PUBLIC COMMENTS:
Michael Klubnikin - Oral Re: Public Guardian

Debbie Schmidt - Oral Re: O.C. Sanitation District claim

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: CSAC Achievement Awards

ADJOURNED: 1:55 P.M.

13245 **Adjourned in memory of Steve Jobs**

13245 **Adjourned in memory of Roger Williams**

32145 **Adjourned in memory of George Heidler**

23145 **Adjourned in memory of 8 Victims of Salon Meritage Shooting in Seal Beach**

*** 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