REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 19, 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 Nelson, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Moorlach will be presenting a resolution commending Restaurant Facility Management Association for selfless efforts in renovating Someone Cares Soup Kitchen
CONTINUED TO 5/3/11, 9:30 A.M.

Chair Campbell - Employee Recognition: Sheriff-Coroner 2011 Medal of Valor Recipients

Supervisor Nguyen presented a resolution congratulating 2010 Garden Grove High School Football on their CIF-Southern Section, Southern Division Championship

II. CONSENT CALENDAR (Items 1-22)

21453 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3 AND 22 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Moorlach** - Sunset Beach LCP Advisory Committee - Reappoint Phyllis

Maywhort, Sunset Beach, for term ending 12/31/13 and Thomas Burke, Sunset Beach, for term ending 2/28/14

2. **Supervisor Nelson -** Airport Commission - Appoint David Bailey, Fullerton, for term concurrent with 4th District Supervisor's term of office

COMMENDATIONS/PROCLAMATIONS/REPORTS

3. **Supervisor Nguyen -** Adopt resolution congratulating 2010 Garden Grove High School Football on their CIF-Southern Section, Southern Division Championship

12453 **APPROVED AS RECOMMENDED**
RESO: 11-056

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

4. Approve amendment 2 to agreement MA-060-10012237 with Pacific Maritime Industries Corporation for mattress purchase and re-cover services, term ending 6/28/11 ($55,000; new total $240,000); renewable for one additional year, 6/29/11 - 6/28/12 ($210,000) - All Districts

5. Approve agreement PO-060-11012104 with Dell Marketing L.P. for purchase of Dell computers and accessories ($186,523) - All Districts

HEALTH CARE AGENCY

6. Approve amendment 1 to agreement with Share Our Selves Free Clinic for Specialty Dental services, 10/1/09 - 9/30/11 ($50,000; new total $150,000) - All Districts

7. Authorize Purchasing Agent or deputy to execute purchase order PO-042-11012829 with Pacific Bell Telephone Company, dba AT&T Datacomm for purchase of network core switch and maintenance ($364,028) - All Districts

8. Authorize Purchasing Agent or deputy to execute master agreement MA-042-11011483 with The Regents of the University of California Irvine, a Constitutional Corporation, on behalf of UCI Pathology Services for urinalysis laboratory testing services, 6/1/11 - 5/31/12 ($175,000); renewable annually for four years - All Districts

9. Approve amendment 1 to agreement with City of Los Angeles for FY 2007/2008 Federal Emergency Management Agency Regional Catastrophic Preparedness Grant Program, 9/1/08 - 7/29/11 ($180,000); approve master agreement with various providers for Point of Dispensing Site Planning ($70,000) and Exercise services ($28,000), 7/1/11 - 6/30/12 and First Responder Priority Prophylaxis Storage and Dispensing, 7/1/11 - 6/30/16; and authorize Director or designee to execute individual agreements - All Districts

OC COMMUNITY RESOURCES

10. Select and approve agreement MA-012-11011419 with HAPPY Software, Inc., for purchase of Public Housing Authority Enterprise Application Software upgrades and customization, 4/19/11 - 8/31/12 ($138,982); renewable for two one-year periods ($46,356 per year); and

authorize Purchasing Agent or designee to execute agreement - All Districts

11. Approve agreement OCP11-001 with Jeff Oviedo and Associates for on-call project management/contract administration services for a term of three years commencing on date of execution ($400,000) - All Districts

12. Approve Memorandum of Implementation agreement for enrollment of Caspers Regional Park, O'Neill Regional Park and Thomas Riley Wilderness Park in the Habitat Reserve of Habitat Conservation Plan for Southern Subregion of Orange County; authorize Director or designee to execute and record future memoranda under same conditions; and make California Environmental Quality Act findings - District 5

13. Accept grant deed from Coto de Caza Ltd. for two properties, 0.7 acre parcel and 68 acres parcel, as part of Caspers Wilderness Park corridor, unincorporated area south Orange County; and make California Environmental Quality Act findings - District 5

14. Approve agreement MA-012-11011723 with Environmental Systems Research Institute, Inc. for geodatabase consultant services for OC Parks, term through 12/31/11 ($75,479); and authorize Purchasing Agent or designee to execute agreement - All Districts (Continued from 4/5/11, Item 13)

OC PUBLIC WORKS

15. Approve plans and specifications and set bid opening for 5/18/11, 2:00 p.m., for maintenance of bridges: Phase 1, Santiago Canyon project; and make California Environmental Quality Act findings - Districts 3 & 5

16. Adopt resolution vacating emergency access easement for Parcel Map 2001-101, Lemon Heights area; and make California Environmental Quality Act and other findings - District 3 *RESO: 11-057*

17. Approve plans and specifications and set bid opening for 5/18/11, 2:00 p.m., for replacement of Orange Park Boulevard Bridge project, Handy Creek; and make California Environmental Quality Act findings - District 3

18. Approve agreement D11-010 with Costa Mesa Sanitary District for access and use of OC Landbase Mapping System, 5 year term ($2,658 per year); and make California Environmental Quality Act findings - All Districts

19. **Acting as the Orange County Flood Control District -** Approve plans and specifications and set bid opening for 5/25/11, 2:00 p.m., for Lewis Storm Channel Improvement project - District 1

OC WASTE & RECYCLING

20. Approve agreement CT-299-11010639 with Paradigm Software, LLC for Landfill Fee Collection Accounting System, effective 4/19/11 ($233,600); and authorize Purchasing Agent or designee to execute agreement - Districts 1, 3 & 5

SOCIAL SERVICES AGENCY

21. Approve master agreement CLB0411-00 with qualified foster parents for emergency shelter home services, 7/1/11 - 6/30/14 ; and authorize Director or designee to execute individual agreements - All Districts

GENERAL ADMINISTRATION

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

21453 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 23-S40A)

ELECTED DEPARTMENT HEADS

23. **Assessor Department -** Approve amendment 2 to agreement MA-002-11011618 with DocuSource, LLC., for OnBase document storage and retrieval system maintenance, 4/27/11 - 4/26/12 ($86,134.30) - All Districts (Continued from 4/5/11, Item 27)
51243 **APPROVED AS RECOMMENDED**

24. **Treasurer-Tax Collector -** Treasury Oversight Committee - Approve amended Bylaws and Rules of Procedures; reappoint George W. Jeffries, Tustin, for term ending 3/17/14; and appoint William "Andy" Dunn, Costa Mesa, to complete term ending 3/13/12 - All Districts
25143 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

25. Approve amendment 1 to master agreement with various providers ($56,797; new total $686,700) 7/1/10 - 6/30/11 and master agreement with various providers ($709,000 per year) 7/1/11 - 6/30/13 for Wraparound Mental Health Outpatient services; authorize Director or designee to execute agreement and amendments and exercise cost contingency increase not to exceed 10% under certain conditions - All Districts
14253 **APPROVED AS RECOMMENDED**

26. Approve master agreement with various providers for Adult Mental Health Skilled Nursing with Special Treatment Program services, 7/1/11 - 6/30/12 ($9,573,717); and authorize Director or designee to execute individual agreements - All Districts
25143 **APPROVED AS RECOMMENDED**

27. Approve master agreement with various hospitals for Adult Mental Health Inpatient services, 7/1/11 - 6/30/13 ($4,273,420 per year); and authorize Director or designee to execute individual agreements - All Districts
24153 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

28. Approve agreement CT-080-11010700 with Harris and Associates, Inc. for construction of Antonio Parkway Widening project, 4/19/11 - 4/18/14 ($2.6 Million); and approve agreement D-11-015 with DMB Ladera, LLC for specialized consultant services, term ending 4/19/14 ($400,000); authorize Purchasing Agent or designee to execute agreements; and make California Environmental Quality Act and National Environmental Protection Act findings - District 5
51243 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Probation:

29. Approve amendment 1 to subordinate agreement, 8/21/09 - 8/20/11 ($149,460; new total $1,398,468) and renewal of subordinate agreement, 8/21/11 5/31/12 ($380,465) MA-057-CVPAN2000009135 with 3Di Inc. for information technology professional support services; and make California Environmental Quality Act findings - All

Districts

12453 **APPROVED AS RECOMMENDED**

30. Set Public Hearing for 5/3/11, 9:30 a.m. to consider adoption of resolution approving application and administrative fees for provision of continuous electronic monitoring services; and make California Environmental Quality Act and other findings - All Districts

B.O. **DELETED**

SOCIAL SERVICES AGENCY

31. Approve agreement CDB0611 with Medtox Laboratories, Inc. for drug testing services, 7/1/11 - 6/30/14 ($1,849,563); and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions - All Districts

42153 **APPROVED AS RECOMMENDED**

32. Approve agreement CMJ2011 with Olive Crest for Kinship Support Services Program, 7/1/11 - 6/30/14 ($429,000); and authorize Director or designee to extend agreement up to twelve additional months and to exercise cost contingency increase not to exceed 10% under certain conditions - All Districts

45123 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

33. **County Counsel -** Consider first reading of "An Ordinance of the County of Orange, California Amending Sections 4-11-1 and 4-11-2 Subsections (a), (f) and (g) and Adding Subsection (h) to the Codified Ordinances of the County of Orange Regarding the Orange County Health Authority"; and set second reading and adoption for 5/3/11, 9:30 a.m. - All Districts

54123 **APPROVED AS RECOMMENDED**

County Executive Office:

34. Receive and file response to 11/9/10 Board Directive regarding Office of Performance Audit Director Report on Harbor Patrol - All Districts (Continued from 2/8/11, Item 39; 4/5/11, Item 39)

25143 **APPROVED AS RECOMMENDED**

35. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts (Continued RA 1 & 5 from 4/5/11, Item 42; Continued to 5/17/11)

35124 **APPROVED STAFF RECOMMENDATIONS WITH MODIFIED RECOMMENDED ACTION 1 (AB717) TO "REQUEST AMENDMENTS"**

36. Approve recommended grant applications submitted by District Attorney, OC Waste & Recycling, OC Public Works and OC Community Resources in 4/19/11 grant report and other actions as recommended; adopt resolution authorizing OC Public Works Director or designee to submit and execute application to Department of Water Resources for construction of Haster pump station and basin improvements - All Districts

45123 **APPROVED AS RECOMMENDED**
RESO: 11-058

37. Consider first reading of "An Ordinance of the County of Orange, California Amending Sections 1-1-80 (b) (3) and (h) (8) of the Codified Ordinances of the County of Orange Pertaining to Lobbyist Registration and Reporting"; and set second reading and adoption for 5/3/11, 9:30 a.m. - All Districts (Continued first reading from 4/5/11, Item 46)

45123 **APPROVED AS RECOMMENDED**

38. Approve amendment 1 to agreement MA-017-11011672 with Colantuono & Levin, PC for professional legal services; and authorize County Executive Officer or designee to execute amendment ($15,000; new total $55,000) - All Districts (Continued from 4/5/11, Item 26)

45123 **APPROVED MOTION TO PAY COSTS INCURRED TO DATE AND TERMINATE RELATIONSHIP WITH FIRM**

39. **Human Resources Department -** Approve amendment 1 to agreement N10000010242 with Mercer Investment Consulting, Inc. for investment consultant services for County's Defined Contribution Programs and Extra Help Employee Defined Benefit Plan ($95,000; new total $590,000); and authorize Director or designee to execute amendment - All Districts

41253 **APPROVED AS RECOMMENDED**

40. **Office of the Performance Audit Director -** Receive and file Follow-up Review of the Overtime Audit of Sheriff-Coroner Department report - All Districts

25143 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

S40A. **Acting as the Orange County Flood Control District -** Declare Emergency pursuant to Public Contract Code Section 22050; Receive bids and award contract to Reyes Construction, Inc. for Harding Creek Emergency Gabion Construction project ($335,000); set review to determine continuing need for emergency action for 5/3/11, 9:30 a.m., and every 14 days thereafter; authorize Orange County Flood Control District to seek reimbursements of costs from Natural Resources Conservation Services and California Emergency Management Agency; authorize Director or designee to execute contract; and make California Environmental Quality Act and other findings - District 3 (4/5 vote of the membership)

35124 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS10)

GENERAL ADMINISTRATION

County Counsel:

CS-1. 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-2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION -
Pursuant to Government Code Section 54956.9(c):

Number of Cases: Two Cases

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-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Carol Blair v. County of Orange, WCAB Case Nos. ADJ1152558, ADJ1243324

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF CAROL BLAIR 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.**

CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Loren A. Reeves, et al v. County of Orange, Orange County Superior Court Case No. 30-2008 00112888

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF LOREN A. REEVES, ET AL. 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.**

CS-5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Diane Taylor v. County of Orange, Orange County Superior Court Case No. 30-2010 00358583

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF DIANE TAYLOR 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.**

CS-6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Jose de Jesus Gomez, etc., et al. v. County of Orange, et al., United States District Court Case No. SACV10-2146 SVW (RNBx)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF JOSE DE JESUS GOMEZ, ETC., ET AL. 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.

Human Resources Department:

CS-7. 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. **HELD, NO REPORTABLE ACTION**

CS-8. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Director of Internal Audit
B.O. **HELD, NO REPORTABLE ACTION**

CS-9. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:Title: County Executive Officer
B.O. **DELETED**

SCS10. **County Counsel -** 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**

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

PUBLIC COMMENTS:
Roberto Carbajal – Oral Re: ordinance prohibiting registered sex offenders from entering County parks

Tami Van Thof and Brad Van Thof – Oral Re: creek property damage

Karen Lugo, Gary Fouse and Desare Ferraro – Oral Re: Orange County Human Relations Commission

L. Arnold Bonham – Oral Re: local health care system

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Chairman Campbell – Oral Re: AB 1234 trip report to San Jose and San Francisco to visit Bloom Energy and to tour Fort Mason redeveloped base

Vice Chairman Moorlach – Oral Re: directed CEO to research the previous use by the Board of gold-colored metal cards for honorary OC citizens and to acknowledge retiring employees and report back on when they were used and why they were discontinued

ADJOURNED: 1:43 P.M.
52143 **Adjourned in memory of Leo Hazell**

23145 **Adjourned in memory of Royal J. Spurrier, Patricia Ann Royce & Josesina De La Cruz**

32145 **Adjourned in memory of Maurine McNee Campbell**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Supervisor Nelson
5. = Supervisor Bates

ORD. = Ordinance
RESO. = Resolution

A. = Abstained
X. = Excused
N. = No
BO = Board Order

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