REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 5, 2010, 9:30 A.M.

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

JANET NGUYEN
CHAIR
First District

BILL CAMPBELL
VICE CHAIRMAN
Third District

JOHN M. W. MOORLACH
SUPERVISOR
Second District

SHAWN NELSON
SUPERVISOR
Fourth District

PATRICIA BATES
SUPERVISOR
Fifth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Rob Richardson, Asst CEO
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Campbell, Third District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-18)

32451 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 9, 11, 15 & 17 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

1. Accept grant award from U.S. Department of Justice for FY 2010 Forensic DNA Backlog Reduction Program ($358,567); and authorize Sheriff-Coroner to execute agreement and related documents - All Districts

32451 **APPROVED AS RECOMMENDED**

2. Accept grant award from U.S. Department of Justice for 2010 Paul Coverdell Forensic Science Improvement Program ($116,023); and authorize Sheriff-Coroner to execute agreement and related documents - All Districts

3. Ratify agreement PO-060-10015168 with Cavanaugh and Associates for DUI training, 5/10/10 - 5/14/10 ($1,996) - All Districts

4. Approve amendment 3 to agreement MA-060-10010950 with Voltaic, LLC dba Ampergen for purchase of two-way radio batteries; renew agreement MA-060-11010442 to record change in ownership to Scema LLC dba Alexander Technologies Europe Ltd., 11/1/10 - 10/31/11 ($150,000) - All Districts

5. **Treasurer-Tax Collector -** Approve Local Agency Formation Commission as a voluntary participant of the Orange County Investment Pool for deposit and investment of excess funds; and authorize Chief Financial Officer to execute agreement - All Districts

CHILD SUPPORT SERVICES

6. Approve Plan of Cooperation agreement with State Department of Child Support Services for administration of Title IV-D Program services, 10/1/10 - 9/30/12; and authorize Director or designee to execute agreement - All Districts

JOHN WAYNE AIRPORT

7. Receive bids and award contract to Anderson Air Conditioning, LP for HVAC-VAV Box Replacement project ($120,130); and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

8. Adopt resolution authorizing expenditures in the amount of $16,000 annually to provide appreciation certificates, letters, plaques, awards, meals and refreshments to volunteers at OC Animal Care, OC Community Services, and OC Public Libraries' Volunteer Recognition events; and make related findings - All Districts
RESO: 10-178

9. Approve amendment 3 to price agreement MA 012-10010085 with HLP, Inc. for software services to support OC Animal Care in managing and tracking vaccination certificates, extending term to 6/30/12 ($58,890.80; new total $118,626.80); and authorize Purchasing Agent or his authorized Deputy to exercise a contingency contract cost increase not to exceed 10% - All Districts
53241 **APPROVED AS RECOMMENDED**

10. Approve agreement OCP10-027 with John M. Cruikshank Consultants, Inc. for on-call civil engineering services, three-year term commencing date of execution ($400,000) - All Districts

OC PUBLIC WORKS

Acting as the Orange County Flood Control District:

11. Approve quitclaim deed to the City of Orange for conveyance of 4,375 square feet of County property for public right of way improvements; and make California Environmental Quality Act and other findings - District 3

31245 **APPROVED AS RECOMMENDED**

12. Approve California State Land Commission Lease PRC 217.9 with State of California for the operation and maintenance of the jetties, Santa Ana River; and make California Environmental Quality Act findings - District 2

13. Approve agreement D08-107 with The Irvine Company, The Irvine Land Company and the City of Irvine for creation of new intersection over Veeh Creek and San Diego Creek, Irvine; and authorize Director or designee to execute agreement - District 3

Acting as the Board of Supervisors and Orange County Flood Control District:

14. Approve agreement D07-041 and memorandum of agreement with The Irvine Land Company, LLC and Irvine Community Development Company, LLC for future Gypsum Canyon Channel improvements; and make California Environmental Quality Act findings - District 3

15. Approve Right of Entry agreement with the City of Santa Ana for construction of 1st Street bridge replacement project over the Santa Ana River Channel; and make California Environmental Quality Act and other findings - District 1

13245 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Counsel:

16. Acting as the Board of Supervisors and Orange County Flood Control District - Select law firms of Sheppard, Mullin, Richter & Hampton LLP; Musick, Peeler & Garrett LLP; Woodruff Spradlin & Smart, APC; Gibbs, Giden, Locher, Turner & Senet, LLP; and Theodora Oringher Miller & Richman PC for special construction legal services; and authorize County Counsel to execute agreement for legal services with each of the selected firms - All Districts

17. Approve amendment 2 to agreement with Groom Law Group for legal services ($20,000; new total $90,000); and authorize County Counsel or designee to execute amendment - All Districts

35241 N **APPROVED AS RECOMMENDED**

18. **Supervisor Campbell -** Adopt resolution commemorating 25th Anniversary of Irvine Valley College
RESO: 10-179

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 19-S23A)

ELECTED DEPARTMENT HEADS

19. **Assessor Department -** Oral Report - ATS Re-Engineering Project Quarterly Update - All Districts
B.O. **CONTINUED TO 10/19/10, 9:30 A.M.**

HEALTH CARE AGENCY

20. Approve agreement with Advanced Medical Management, Inc. for Patient and Provider Support Services for Medical Services Initiative Program, 12/1/10 - 12/31/13 ($7,113,095) - All Districts
51234 NN **APPROVED AS AMENDED; AWARDED AGREEMENT TO CCS**

OC PUBLIC WORKS

21. Declare bid of USS Cal Builders, Inc. to be non-responsive; receive bids and award contract to M.S. Construction Management Group for construction of Katella Avenue Smart Street Improvements ($6,306,148) - Districts 1, 2 and 4
24351 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

22. Approve recommended grant applications submitted by OC Public Works and OC Community Resources in 10/5/10 grant report and other actions as recommended - All Districts
34251 **APPROVED AS RECOMMENDED**

23. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
25341 **APPROVED AS RECOMMENDED**

S23A. **Chair Nguyen -** Adopt resolution recognizing the efforts of the Marine Corps Scholarship Foundation and Mr. Parker S. Kennedy, the 2010 Semper Fidelis Award recipient
14235 **APPROVED AS RECOMMENDED**
RESO: 10-180

IV. PUBLIC HEARINGS (Items 24-25)

ELECTED DEPARTMENT HEADS

24. **Sheriff-Coroner -** Public Hearing to consider approval of use of FY 2010-11 State Citizens' Options for Public Safety (COPS) Program Supplemental Law Enforcement Services Funds - All Districts
B.O. **CLOSED PUBLIC HEARING**

13245 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

25. Public Hearing to consider approval of Solar Power Purchase and License agreements with PsomasFMG, LLC for cost savings of electrical energy; authorize Director or designee to execute agreements; and make California Environmental Quality Act and other findings - All Districts (Continued from 9/28/10, Item S33A)

B.O. **CLOSED PUBLIC HEARING**

35241 NN **APPROVED AS AMENDED, DIRECTED STAFF TO ADD ADDITIONAL PROPOSED LANGUAGE REFERENCED AS "GREEN ATTRIBUTES" AND "NO LOSS TO COUNTY GUARANTEE" AS APPROVED BY COUNTY COUNSEL**

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Administrative Appeal: City of Anaheim Redevelopment Agency's Administrative Appeal of Order Issued By Orange County Health Care Agency Local Enforcement Agency

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, GRANTED A REQUEST BY THE LAW FIRM OF MEYERS, NAVE, RIBACK, SILVER & WILSON FOR A WAIVER OF A CONFLICT OF INTEREST AND CONSENTED TO THAT FIRM'S REPRESENTATION OF THE CITY OF ANAHEIM REDEVELOPMENT AGENCY IN THAT AGENCY'S APPEAL OF A NOTICE & ORDER ISSUED BY THE ORANGE COUNTY HEALTH CARE AGENCY'S LOCAL ENFORCEMENT AGENCY ON AUGUST 26, 2010 REGARDING LANDFILL REMEDIATION.**

SCS2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Case: One Case

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

SCS3. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Orange Flood Control District property in Highland CA
County Negotiator: Thomas G. Mauk
Negotiating Party: City of Highland, California and Lewis Community Developers
Under Negotiation: Terms and Value of Future Sale

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

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

PUBLIC COMMENTS:
Vince Briggs - Oral Re: Thanked Board for decision to maintain CCS agreement

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: Discussed PAPG scope of audit requested by Supervisor Bates

ADJOURNED: 12:17 P.M.

51234 **Adjourned in memory of Grace Bradley Boyd**

31245 **Adjourned in memory of Arlene S. Hagan**

13245 **Adjourned in memory of Richard Hahn**

*** 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