REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 30, 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

VACANT
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 Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Nguyen presented a resolution proclaiming April 5 - ll as "National Public Health Week

Chair Nguyen presented a resolution commending Dr. Richard I. Fukumoto, Chief Pathologist on his retirement

Presentation made by OC Community Resources on Pet Adoption and Dog License Amnesty Program

II. CONSENT CALENDAR (Items 1-33)

5321 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 16, 19, 22, 28, 29 & 31 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Bates:

1. Orange County Veterans Advisory Council - Appoint Frank Tucker, Dana Point, to complete term ending 1/4/12

2. Waste Management Commission - Appoint Glenn Acosta, Dove Canyon, to complete term ending 7/1/11

3. **Chair Nguyen -** Orange County Veterans Advisory Council - Reappoint Jack Isaacson, Laguna Woods, for term ending 3/4/12 and Dante Salazar, Garden Grove; John Henage, Anaheim and Lee Dorman, Fountain Valley, for terms ending 3/27/12

DEPARTMENT APPOINTMENTS

4. **Health Care Agency -** Emergency Medical Care Committee - Appoint Chief Bill Walker, Fountain Valley, to complete term ending 6/30/10 and Debbie Graves, Santa Ana, to complete term ending 6/30/11 - All Districts

ELECTED DEPARTMENT HEADS

5. **District Attorney -** Approve assignment of agreement N10000010911 from SIGMAnet, Inc. to Agiline, Inc. for custom application development services for police agencies to submit complaint and supporting documentation electronically, effective 3/1/10 - All Districts

Sheriff-Coroner:

6. Approve change order no. 7 to agreement with KBI General Contractors for Theo Lacy Consolidated Maintenance project ($79,505); authorize Sheriff-Coroner or designee to execute; and make California Environmental Quality Act findings - District 3

7. Approve plans and specifications and set bid opening for 5/5/10, 2:00 p.m., for repair and replacement of Theo Lacy Facility kitchen floors; and make California Environmental Quality Act findings - District 3

8. Approve plans and specifications and set bid opening for 5/5/10, 2:00 p.m., for water softener system at Theo Lacy Facility; and make California Environmental Quality Act findings - District 3

9. Approve plans and specifications and set bid opening for 5/5/10, 2:00 p.m., for replacement of barracks F & H roof and HVAC ducts at Theo Lacy Facility; and make California Environmental Quality Act findings - District 3

10. Approve amendment 3 to price agreement N3000005604 to assign from APCO Automated Frequency Coordination to Association of Public Safety Communications Officials - International, Inc. dba APCO for frequency coordination services - All Districts

11. Approve change order no.1 to agreement with 4C Development Company, Inc. for Theo Lacy Pod A Flood Protection project ($11,557); authorize Sheriff-Coroner or designee to execute; and make California Environmental Quality Act findings - District 3

CHILD SUPPORT SERVICES

12. Approve shared services agreement with Solano County for call center partnership to assist Solano County Child Support Services with client telephone calls, 4/1/10 - 3/31/11; authorize Director or designee to execute agreement; renewable for one additional one-year period - All Districts

OC COMMUNITY RESOURCES

13. Accept donation from the Laguna Beach Friends of the Library to purchase new children's furniture for Laguna Beach Library ($18,885.45) - District 5

14. Approve assignment of agreements PA3000008886, MA10010786 and PA2000009877 from Gus Marquez dba Greentech Landscape, Inc. for landscape maintenance services at Carbon Canyon, Clark, and Mason Regional Parks, effective 1/25/10 - Districts 3 & 4

15. Approve agreement OCP10-09 with Thirtieth Street Architects, Inc. for on-call architectural services in support of OC Parks capital improvement and rehabilitation projects, 3-year term ($400,000) - All Districts

16. Adopt resolution approving Modified Expression of Interest for property at the former Marine Corps Air Station (MCAS) Tustin to incorporate a new OC Animal Care Center; and direct CEO or designee to submit and execute all necessary documents - All Districts

5321 **APPROVED AS RECOMMENDED**
RESO: 10-059

OC PUBLIC WORKS

17. Approve amendment 2 to lease with Tustin Unified School District for office space for Health Care Agency California Children's Services Program, Tustin, extending term to 3/31/12; and make California Environmental Quality Act findings - District 3

18. Approve assignment of agreement MA-080-CVPAN1000009711 from Good Steward Software, LLC to EnergyCAP Incorporated for utility billing management system and maintenance - All Districts

19. Authorize Director or designee to issue a Request for Proposals for disaster related debris management services; and make California Environmental Quality Act findings - All Districts

2351 **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

20. Approve plans and specifications and set bid opening for 5/5/10, 2:00 p.m. for upgrade of four County pump stations; and make California Environmental

Quality Act findings - District 2

21. Approve amendment 1 to agreement D07-005 with AECOM USA, Inc. formerly DMJM Harris, Inc. for on-call engineering services, extending term two additional years - All Districts

PUBLIC PROTECTION

Probation:

22. Approve agreements 2009-1355 and 2009-1351 with The Regents of the University of California, Irvine to provide assistance in off-site research projects, 3/30/10 - 2/1/11 - All Districts

3251 **APPROVED AS RECOMMENDED**

23. Approve Memorandum of Agreement with Orange County Superintendent of Schools for provision of Community Reentry Support Services and Facility, effective 4/1/10; and make California Environmental Quality Act findings - District 1

SOCIAL SERVICES AGENCY

24. Approve license agreement 30-2010 with Consortium for Children for continued use of Structured Analysis Family Evaluation home study methodology with families interested in adopting, 4/15/10 - 4/15/14; and authorize Director or designee to execute license agreement - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

25. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for John Wayne Airport and OC Community Resources - All Districts

26. Approve modification to Board of Supervisors' regular meeting schedule to cancel
meeting of April 13, 2010; and rescheduling of two matters that were previously scheduled for hearing on 4/13/10 by your Board to 4/20/10, 9:30 a.m. - All Districts

27. Approve re-adoption of the State's Model Code by reference to the County's Conflict of Interest Code Designated Filer Exhibits for the Orange County-City Hazardous Material Emergency Response Authority, Rancho Santiago Community College District, Los Alamitos Unified School District, Newport-Mesa Unified School District, Costa Mesa Sanitary District, Orange County Sanitation District, Municipal Water District of Orange County and Municipal Water District of Orange County Water Facilities Corporation - All Districts

County Executive Office:

28. Approve amendment 3 to agreement with Orange County Tourism Council for tourism marketing program - All Districts (Continued from 3/16/10, Item 16)

2135 **APPROVED AS MODIFIED TO DIRECT CEO TO WORK WITH TOURISM COUNCIL TO MODIFY BYLAWS TO PROVIDE THE COUNTY WITH UP TO 6 VOTING MEMBERS**

29. Adopt County Social Media Use Policy; and receive and file new and revised eGovernment policies in support of social media technology use - All Districts

1523 **CONTINUED TO 5/4/10, 9:30 A.M.**

30. Appoint Chief Probation Officer - All Districts

31. **Human Resources Department -** Approve Working Retiree Reemployment Policy for new working retirees, effective after Board adoption and for existing working retirees, effective FY 2010-2011 - All Districts (Continued from 3/16/10, Item 19)

5231 **APPROVED AS RECOMMENDED**

32. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for February 2010 - All Districts

33. **Registrar of Voters -** Approve amendment 2 to master agreement MA-031-CVPAN1000010811 with Pitney Bowes Inc. for hardware maintenance and support services for Automated Absentee Ballot Processing System, 4/8/10 - 4/7/11 ($156,000) - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 34-S59B)

ELECTED DEPARTMENT HEADS

34. **Auditor-Controller -** Approve agreement MA-003-10012248 with Aeris Enterprises, Inc. for functional and technical support to the County-wide Accounting and Personnel System (CAPS) Financial System Upgrade (CAPS+) to complete development of the CAPS+ Data Warehouse, 4/1/10 - 6/30/10 ($200,000) - All Districts
5321 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

35. Approve agreement with Santa Ana for transfer or purchase of equipment/services or reimbursement of training cost for Urban Areas Security Initiative, FY 09; accept Urban Areas Security Initiative funds from Santa Ana, FY 09 ($1,508,886); authorize purchasing agent or designee to purchase related equipment; and authorize Sheriff-Corner to execute agreement and amendments under certain conditions - All Districts
2351 **APPROVED AS RECOMMENDED**

36. Approve amendment 1 to price agreement N1000010832 with Ranstad North America LP dba Sapphire Technologies LP for information technology services, 4/8/10 - 4/7/11 ($1,300,000) - All Districts
2351 **APPROVED AS RECOMMENDED**

37. Approve amendment 3 to price agreement N1000009480 with Southwest Mortuary Services Incorporated for on-call body transport services, 4/15/10 - 4/14/11 ($300,000) - All Districts
2351 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

38. Approve agreement with Orange County Department of Education for Positive Behavioral Intervention and Supports, and Violence Prevention Education services, 3/31/10 - 6/30/10 ($684,956) and 7/1/10 - 6/30/11 ($2,864,000) - All Districts
2351 **APPROVED AS RECOMMENDED**

39. Approve amendment to master agreement CVPAN10000010724 with Advanced Medical Management, Inc. for Fiscal Intermediary Services in support of Public Health Medical Services, 7/1/09 - 6/30/10 ($271,053; new total $599,553); renewable for two-additional one-year periods per Board policy - All Districts
3125 **APPROVED AS RECOMMENDED**

40. Approve amendment to agreement 08-85430 A1 with State Department of Public Health for Women, Infants and Children WIC Supplemental Nutrition Program, 10/1/08 - 9/30/11 ($201,000; new total $19,704,000) - All Districts
2531 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

41. Approve amendment 2 to agreement with Gensler for additional design and

construction services for Terminal C project; ($1,076,102; new total $32,247,824); and find Final EIR 582 and addendum 582-1, as revised by Final Supplemental EIR 582, are adequate to satisfy requirements of California Environmental Quality Act - District 2

2351 **APPROVED AS RECOMMENDED**

42. Approve agreement with Pacific Building Care for janitorial services, 5/1/10 - 4/30/11 ($3,062,213.74); renewable for one additional one- year period; authorize purchasing agent or designee to exercise contingency contract cost increase not to exceed 5% without further Board action; and make California Environmental Quality Act findings - District 2

2351 **APPROVED AS RECOMMENDED**

43. Approve agreement with FreeFi Networks for operation of wireless public internet access service; and make California Environmental Quality Act findings - District 2

2351 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

44. Select AquaTechnex as primary and Marine Biochemist as alternate firms for management and maintenance of lakes at OC Parks; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - Districts 2, 3, 4, & 5

5321 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

45. Approve amendment 2 to lease with Ralph R. Crosswhite and Myrta Crosswhite for office space for Mental Health Services Act Program at 211 West Commonwealth Avenue, Fullerton, extending term to 12/31/15; and make California Environmental Quality Act findings - District 4

1325 **APPROVED AS RECOMMENDED**

46. Receive bids and award contract to R.J. Noble Company ($2,634,198.46) and approve agreement D09-115 with Tustin for Newport Avenue pavement rehabilitation from Wass Street to Hyde Park Drive, North Tustin area ; and adopt resolution declaring a portion of Newport Avenue as County Highway for construction services - District 3 (4/5 vote of the membership - require 4 votes)

3521 **APPROVED AS RECOMMENDED**
RESO: 10-060

47. Consider second reading and adoption of "An Ordinance of the County of Orange, California to adopt the 2010/2011 Building and Planning Schedules including the 2010/2011 Building and Safety Fee Schedule and Planning, Subdivision and Grading permit Deposit and Fee Schedule, and the 2010/2011 Building and Safety and Planning Rate Table" - All Districts (Continued from 3/2/10, Item 39; 3/16/10, Item 34)

3251 **APPROVED AS RECOMMENDED**
ORD: 10-008

48. **Acting as the Orange County Flood Control District -** Ratify emergency contract MA-080-10012187 with Ocean Blue Environmental Services, Inc. for environmental

clean-up services for Huntington Beach Channel oil spill, 1/22/10 - 1/21/11 ($1,500,000) - District 2

2531 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

49. **Probation -** Approve performance agreement with Boys Republic for innovative foster care services, 4/2/10 - 4/1/13; and ratify Chief Probation Officer's execution and submittal of Boys Republic Waiver Demonstration Project - Orange County Waiver Extension Request and Results Report Endorsement to State Department of Social Services - All Districts

5321 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

50. Select Goodwill Industries of Orange County to provide sign language interpretation services, 7/1/10 - 6/30/13; and authorize negotiation of agreement for Board approval - All Districts

3251 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

3521 **APPROVED AS RECOMMENDED**

52. Approve recommended grant applications submitted by Registrar of Voters and OC Public Works in 3/30/10 grant report and other actions as recommended; adopt resolution authorizing Director of OC Public Works or designee to execute agreement with California Energy Commission; and approve and accept Justice Assistance - Offender Treatment Program grant award with State Emergency Management Agency; and authorize Health Care Agency Director or designee to accept grant award - All Districts

5321 **APPROVED AS RECOMMENDED**
RESO: 10-061

53. Report on County financial and budget status - All Districts
PRESENTED

54. Approve transfer of Recovery Zone Facility Bond Allocation to cities of Buena Park, Stanton, Placentia and Anaheim - Districts 1, 2, 3 & 4 (Continued from 3/16/10, Item 30)

2351 **APPROVED AS RECOMMENDED**

55. Approve in concept issuance of Tax and Revenue Anticipation Notes for purpose of financing General Fund cash flow needs for FY 2010-11; and selection of Orrick, Herrington & Sutcliffe LLP as note and disclosure counsel, KNN Public Finance as financial advisor; and
Citigroup Global Markets Inc. as underwriter - All Districts

3251 A **APPROVED AS RECOMMENDED**
(Supervisor Bates abstained from discussion and vote on this matter due to potential conflict of Citigroup/CitiBank stock owned)

56. Approve proposed follow-up responses to pending recommendations for FY 2008-09 Grand Jury Reports - All Districts
3521 **APPROVED AS RECOMMENDED**

57. Consider second reading and adoption of "An Ordinance of the Board of Supervisors of the County of Orange Amending Article 25 of Division 3 of Title 5 of the Codified Ordinances of the County of Orange, Regulating the Operation of Taxicabs and Taxicab Businesses in the Unincorporated Portion of Orange County as a Member of the Orange County Taxi Administration Program" - All Districts (Continued from 3/2/10, Item 34; 3/16/10, Item 29)
2351 **APPROVED AS RECOMMENDED**
ORD: 10-009

58. Delegation of Investment Authority Implementation Update
PRESENTED

59. Adopt resolution supporting Supplemental Targeted Adjustment for Retirees Cost of Living Adjustment (STAR COLA); and receive and file report on STAR COLA projections - All Districts
3521 **APPROVED AS RECOMMENDED**
RESO: 10-062

S59A. **Chair Nguyen -** Adopt resolution proclaiming April 11 - 17 as "Public Safety Telecommunicators Week" and commending Sheriff's Department Telecommunicators
2351 **APPROVED AS RECOMMENDED**
RESO: 10-063

S59B. **Supervisor Bates -** Adopt resolution commending and congratulating Saddleback Church on its 30th Anniversary
5321 **APPROVED AS RECOMMENDED**
RESO: 10-064

IV. PUBLIC HEARINGS (Item 60)

OC COMMUNITY RESOURCES

60. **Acting as the Orange County Housing Authority -** Public Hearing to consider approving Orange County Housing Authority 5-year Public Housing Agency Plan (PHA) and Annual FY 2010-11 Plan; 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**

2351 **APPROVED AS RECOMMENDED**

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: Margaret Reed v. County of Orange, United States District Court Case No. SACV 05-1103 CJC (ANx); Weaver v. County of Orange, United States District Court Case No. SACV10-00101 JVS (MLGx)

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 3 TO 1, SUPERVISORS NGUYEN, CAMPBELL AND BATES VOTING IN FAVOR, SUPERVISOR MOORLACH VOTING AGAINST, PROVIDED STAFF WITH SETTLEMENT AUTHORITY IN THE CASE OF MARGARET REED, ET AL V. COUNTY OF ORANGE. ANY SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS SETTLEMENTS BECOME FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Peter M. Perez v. County of Orange, Workers' Compensation Appeal Board Case Nos. ADJ 301970, ADJ 435376

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE PROVIDED STAFF WITH SETTLEMENT AUTHORITY IN THE CASE OF PETER M. PEREZ V. COUNTY OF ORANGE. ANY SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS SETTLEMENTS BECOME FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

CS-3. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Open Space Property, Irvine, Laguna Woods and Unincorporated Orange County
County Negotiator: Thomas G. Mauk
Negotiating Party: The Irvine Company and The Nature Conservancy
Under negotiation: Terms and Value of Future Transfer

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

SCS4. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant To Government Code Section 54956.9(a):
Name of Case: Shawn Robinson, Amanda Robinson & Monica Robinson v. County of Orange and Michael Matranga, Orange County Superior Court Case No. 30-2009-00119239

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE PROVIDED STAFF WITH THE SETTLEMENT AUTHORITY IN THE CASE OF SHAWN ROBINSON, AMANDA ROBINSON & MONICA ROBINSON V. COUNTY OF ORANGE AND MICHAEL MATRANGA. ANY SETTLEMENTS REMAIN SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS SETTLEMENTS BECOME 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:
Francois Choquette - Oral Re: Abuses by Scientology

Nick Berardino - Oral Re: Assessor Department concerns

Darrell Nolta - Oral Re: President's healthcare plan, sewer spill in 5th District and various Sheriff Dept issues

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: La Palma named California's most affordable suburb, Park Avenue named Orange Coast magazine's restaurant of the year, Los Alamitos Joint Training Base is discontinuing composting, AB 1234 report re: trip to Sacramento last week for CSAC Board meeting and reminder that property taxes are due April 10th

Supervisor Campbell - Oral Re: AB 1234 report re: trip to Washington, DC last week to meet with legal experts on pension matters, Dept. of Energy re: credit guarantees and with Immigration officials re: ICE contract for OC jail beds

Chair Nguyen - Oral Re: 2010 Census and National Social Workers Month

ADJOURNED: 2:42 P.M.

3251 X **Adjourned in memory of Marine Lance Cpt. Rick J. Centanni and Sgt. Major Robert J. Cottle**

3251 X **Adjourned in memory of John Henry Lee**

2351 X **Adjourned in memory of Barry Nestande**

2351 X **Adjourned in memory of Suzanne Williams Dykema**

1325 X **Adjourned in memory of Deputy Sheriff Terry Stepp and father in-law James Kerr**

1325 X **Adjourned in memory of Barry Brief**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Vacant
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