REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 10, 2009, 9:30 A.M.

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

PATRICIA BATES
CHAIR
Fifth District

JANET NGUYEN
VICE CHAIR
First District

JOHN M. W. MOORLACH
SUPERVISOR
Second District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chair Bates - Ryan Drabek from OC Animal Care discussed pet adoptions

Supervisor Nguyen - OC Community Resources made an oral presentation on County Services for Veterans

Supervisor Nguyen presented a resolution proclaiming November 9-15, 2009 as "Veterans Appreciation Week"

II. CONSENT CALENDAR (Items 1-16)

21345
X X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 11 & 12 WHICH WERE DELETED; AND ITEMS 3, 8, 14, 15 & 16 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **Health Care Agency -** Emergency Medical Care Committee - Appoint Juliann Wanstreet, RN, Laguna Hills and reappoint Christopher Kahn, MD, Irvine, to complete terms ending 6/30/11 - All Districts (Continued from 11/3/09, Item 3)

ELECTED DEPARTMENT HEADS

2. **Treasurer-Tax Collector -** Approve contract MA-017-100100889 with Hostbridge Technology for data bridging software and support services for data transfers between mainframe and Property Tax Management System modules, 11/7/09 - 11/6/10 ($49,850); and authorize purchasing agent or designee to execute contract - All Districts

HEALTH CARE AGENCY

3. Approve master agreement with participating cities for Health Disaster Management Cities Readiness Initiative Services and Public Health Emergency Response Services for Point of Dispensing Sites, 11/10/09 - 6/30/10 ($405,000); ratify purchase orders and agreements PO-042-10012026 with Garden Grove, PO-042-10012028 with Rancho Santa Margarita and PO-042-10012030 with Santa Ana for reimbursement of city public safety personnel training for distribution of seasonal vaccine provided on 10/30/09 ($7,000 per city); ratify purchase orders and agreements PO-042-10012031 with Irvine and PO-042-10012032 with Santa Ana for reimbursement of city public safety personnel training for distribution of HINI vaccine provided on 10/31/09 ($15,000 per city); ratify purchase orders and agreements PO-042-10012056 with Cypress, PO-042-10012059 with Fullerton and PO-042-10012060 with Rancho Santa Margarita for reimbursement of city public safety personnel training for distribution of seasonal vaccine provided on 11/7/09 ($15,000 per city); and authorize Director or designee to execute ratified and individual agreements - All Districts

24135 **APPROVED AS RECOMMENDED**
XX

OC COMMUNITY RESOURCES

4. Approve amendment 1 to Workforce Investment Act Cost Reimbursement agreements with various providers for funding of youth employment and training services, 7/1/09 - 6/30/10 ($574,629; new total $1,984,341); authorize Director or designee to execute amendments and to exercise contingency increase or decrease not to exceed 10% based on funding allocations - All Districts

5. Approve amendment 1 to agreement K1000000094 with Geosyntec Consultants, Inc. for on-call post-fire erosion and sediment control engineering services, three year term extension ($75,000; new total $425,000); authorize Director or designee and OC Public Works Director or designee to jointly approve adjustments to allocation of costs between departments; and make California Environmental Quality Act findings - Districts 3 & 5

OC PUBLIC WORKS

6. Receive and file Traffic Committee Report dated 8/20/09; and approve recommendations - District 3

Acting as the Orange County Flood Control District:

7. Approve easement deeds from various firms for the Airport Storm Channel project; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 2

8. Approve amendment no. 2 to agreement D07-123 with RBF Consulting for on-call construction support services for Los Alamitos Pump Station ($150,000; new total $550,000); and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**
XX

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

9. Reject bid of A-1 Nation Security Services; receive bids and award contract to Thomas Protective Service, Inc. for unarmed security guard services, Seven Oaks Dam, 11/16/09 - 11/15/10 ($113,972); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - No Districts

10. Approve amendment no. 2 to contract N1000009489 with MJF Consulting Inc., for on-call regulatory/governmental permitting assistance services for regulatory/governmental permitting assistance,12/1/09 - 11/30/11; and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

11. Approve master Memorandum of Understanding CMJ4209 with qualified Community or Faith-Based Organizations for supervised visitation services, 11/17/09 - 6/30/12; and authorize Director or designee to execute MOU with providers - All Districts

21345 **DELETED**
X X

GENERAL ADMINISTRATION

12. **County Counsel -** Select Musick, Peeler & Garrett LLP and Sheppard, Mullin, Richter & Hampton LLP for special construction legal services; and authorize County Counsel to execute agreements - All Districts (Continued from 10/27/09, Item 12)

21345 **DELETED**
X X

County Executive Office:

13. Adopt resolution approving property tax exchange with San Juan Capistrano for annexation of 132 acres of unincorporated territory - District 5
RESO: 09-177

14. Approve amendment to agreement N1000011007 with Avasant to expand Scope of Work to include development and contract negotiations for combined County-

wide voice and data network Request for Proposal (RFP), 11/10/09 - 6/30/11 ($159,500) - All Districts

14235 **CONTINUED TO 11/24/09, 9:30 A.M.**

Supervisor Nguyen:

15. Children's Services Coordination Committee - Approve expanding membership of Children's Services Coordination Committee from 21 to 22 to include Sheriff-Coroner department

12345 **APPROVED AS RECOMMENDED**
X X

16. Children's Services Coordination Committee - Approve expansion of purpose and changing the name of the Children's Services Coordination Committee to Orange County Children's Partnership and approving mission statement

12345 **APPROVED AS RECOMMENDED**
X X

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 17-S33B)

ELECTED DEPARTMENT HEADS

17. **Auditor-Controller -** Receive and file CAPS + Quarterly Project Status Report - All Districts
PRESENTED

Sheriff-Coroner:

18. Consider first reading of "An Ordinance of the County of Orange, California Adding Section 1-2-126 to the Codified Ordinances of the County of Orange Regarding Bail Bond Agent and Criminal Defense Attorney Advertising Signboards in the County Jails"; and set second reading and adoption for 11/24/09, 9:30 a.m. - All Districts
23145 N **APPROVED AS RECOMMENDED**

19. Approve amendment 2 to price agreement N2000009286 with Visionair, Inc. for software maintenance and additional licenses, 11/15/09 - 11/14/10 ($118,097; new total $372,628); and amended renewal year-four new total $290,985 and renewal year-five new total $299,714 - All Districts
23145 **APPROVED AS RECOMMENDED**

20. Ratify amendment 5 to price agreement N3000008163 with NEC Corporation of America for maintenance of Automated Fingerprint Identification System, 11/1/09 - 10/31/10 ($260,726) - All Districts
41235 **APPROVED AS RECOMMENDED**

CHILD SUPPORT SERVICES

21. Approve master agreement with various providers for Paternity Opportunity Program Services, 12/1/09 - 11/30/14 ($750,000); and authorize Director or designee to execute individual agreements - All Districts
12345 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

22. Approve contract MA-080-10010678 with Aquatic Bioassay and Consulting Laboratories Inc. and Nautilus Environmental, LLC for toxicity testing services, 11/10/09 - 11/9/10 ($700,000); renewable for four additional years per Board policy; and make California Environmental Quality Act findings - All Districts
12345 **APPROVED AS RECOMMENDED**

23. Approve FY 2009-10 Civic Center Parking/Maintenance Budget Fund 828 ($9,979,851); authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 1
13245 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

24. Receive and file federal and state funding allocation for caseload growth for Medi-Cal, Food Stamp and CalWORKs programs - All Districts
13245 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

25. Approve amendment 2 to agreement N1000008297 as MA-017-10011150 with Time Warner Telecom Holdings, Inc. for Wide Area Network services, 11/14/09 - 11/13/10; authorize CEO/IT to amend agreement to add or delete services not to exceed 10% of the contract without further Board action - All Districts
14235 **APPROVED RA #1 AND DELETED RA #2**

26. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; and consider nominations to the California Coastal Commission - All Districts
B.O. **RECEIVED AND FILED REPORT**

45123 **NOMINATED SUPERVISORS CAMPBELL AND MOORLACH FOR POSITIONS ON THE CALIFORNIA COASTAL COMMISSION AND DIRECTED THAT THESE RECOMMENDATIONS BE FORWARDED TO THE STATE SENATE RULES COMMITTEE FOR CONSIDERATION**

27. Approve recommended grant applications submitted by Social Services, District Attorney and Health Care Agency in 11/10/09 grant report and other actions as recommended; adopt resolution authorizing Director or designee to submit grant application for continued funding of various department programs; and rescinding Resolution 08-133 - All Districts
31245 **APPROVED AS RECOMMENDED**
RESO: 09-178

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

29. Receive and file Quarterly Information Technology (IT) Project Status Detail and Executive Summary and Quarterly Information Technology (IT) Project Risk Assessment reports for July - September 2009 - All Districts
B.O. **RECEIVED AND FILED**

30. Approve Transfer and Joint Occupancy agreements with Judicial Council of California, Administrative Office of the Courts for Transfer of Responsibility and Deferred Transfer of Title and related Memorandum of Agreements for North Justice Center Trial Court Facility, Fullerton; instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO or designee to assign any leases for third party tenants and execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 4
21345 **APPROVED AS RECOMMENDED**
XX

31. Approve Transfer and Joint Occupancy agreements with Judicial Council of California, Administrative Office of the Courts for Transfer of Responsibility and Deferred Transfer of Title and related Memorandum of Agreements for West Justice Center Trial Court Facility, Westminster; instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO or designee to assign any leases for third party tenants and execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 1

21345 **APPROVED AS RECOMMENDED**

XX

32. Approve Policies and Procedures for consideration and approval of County Multi-Year Enterprise and Internal Service Fund Borrowings - All Districts

52134 **APPROVED AS AMENDED TO MODIFY POLICIES AND PROCEDURES II.5 TO DELETE "ON A TIMELY BASIS" AND REPLACE WITH "WITHIN FIVE YEARS UNLESS WAIVED BY THE BOARD"**

33. **Human Resources Department -** Approve amendment 2 to agreement with Mercer Health & Benefits, LLC for employee benefits consulting and actuarial services, 12/8/09 - 12/7/10 ($498,000) - All Districts

14235 **APPROVED AS RECOMMENDED**

X

ELECTED DEPARTMENT HEADS

S33A. **Sheriff-Coroner -** Approve amendment 2 to price agreement MA-06-10011076 with Taser International, Inc. for repair and replacement of tasers and accessories, 11/18/09 - 11/17/10 ($128,000) - All Districts

25134 **APPROVED AS RECOMMENDED**

X

DEPARTMENT APPOINTMENTS

S33B. **Supervisor Campbell -** Senior Citizens Advisory Council - Appoint Dr. Nancy C. Cheng, Irvine, to complete term ending 12/31/10

14235 **APPROVED AS RECOMMENDED**

X

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Joann Blackstar, et al. v. County of Orange, et al., United States District Court Case No. CV09-568 DSF (MLGx)

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

Human Resources Department:

CS-2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Performance Auditor
(Previously heard on 11/3/09, Item SCS5)

B.O. **DELETED**

CS-3. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Association of Orange County Deputy Sheriff (AOCDS)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
Darrell Nolta - Oral Re: (1) Protest over OCFA lost equipment due to budget cuts; (2) the passing of Dr. Joel Pasco, founder of Wetlands & Wildlife Care Center, Huntington Beach; (3) the passing of Dr. Jan Vandersloot, environmental activist.

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisors Norby, Campbell & Moorlach - Oral Re: Discussed the status and reporting on the sale and use of the OC Fairgrounds property.

Supervisor Campbell - Oral Re: Discussed the meeting this morning that he and Chair Bates had with the new Commanding General at Camp Pendleton

Chair Bates - Oral Re: Discussed excellent job performed by HCA staff at the recent H1N1 clinic in OC (Cox Communications)

ADJOURNED: 3:20 P.M.

25134 **Adjourned in memory of Dr. Jan Vandersloot**

51234 **Adjourned in memory of Larry Seigel**

45123 **Adjourned in memory of Robert Seamans**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen A. = Abstained

2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Supervisor Norby
5. = Supervisor Bates

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

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PATRICIA BATES
CHAIR
Fifth District

JANET NGUYEN
VICE CHAIR
First District

JOHN M. W. MOORLACH
SUPERVISOR
Second District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

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ELECTED DEPARTMENT HEADS

2. **Treasurer-Tax Collector -** Approve contract MA-017-100100889 with Hostbridge Technology for data bridging software and support services for data transfers between mainframe and Property Tax Management System modules, 11/7/09 - 11/6/10 ($49,850); and authorize purchasing agent or designee to execute contract - All Districts

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12. **County Counsel -** Select Musick, Peeler & Garrett LLP and Sheppard, Mullin, Richter & Hampton LLP for special construction legal services; and authorize County Counsel to execute agreements - All Districts (Continued from 10/27/09, Item 12)

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Supervisor Nguyen:

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X X

16. Children's Services Coordination Committee - Approve expansion of purpose and changing the name of the Children's Services Coordination Committee to Orange County Children's Partnership and approving mission statement

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X X

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 17-S33B)

ELECTED DEPARTMENT HEADS

17. **Auditor-Controller -** Receive and file CAPS + Quarterly Project Status Report - All Districts
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Sheriff-Coroner:

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23. Approve FY 2009-10 Civic Center Parking/Maintenance Budget Fund 828 ($9,979,851); authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 1
13245 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

24. Receive and file federal and state funding allocation for caseload growth for Medi-Cal, Food Stamp and CalWORKs programs - All Districts
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GENERAL ADMINISTRATION

County Executive Office:

25. Approve amendment 2 to agreement N1000008297 as MA-017-10011150 with Time Warner Telecom Holdings, Inc. for Wide Area Network services, 11/14/09 - 11/13/10; authorize CEO/IT to amend agreement to add or delete services not to exceed 10% of the contract without further Board action - All Districts
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26. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; and consider nominations to the California Coastal Commission - All Districts
B.O. **RECEIVED AND FILED REPORT**

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27. Approve recommended grant applications submitted by Social Services, District Attorney and Health Care Agency in 11/10/09 grant report and other actions as recommended; adopt resolution authorizing Director or designee to submit grant application for continued funding of various department programs; and rescinding Resolution 08-133 - All Districts
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RESO: 09-178

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

29. Receive and file Quarterly Information Technology (IT) Project Status Detail and Executive Summary and Quarterly Information Technology (IT) Project Risk Assessment reports for July - September 2009 - All Districts
B.O. **RECEIVED AND FILED**

30. Approve Transfer and Joint Occupancy agreements with Judicial Council of California, Administrative Office of the Courts for Transfer of Responsibility and Deferred Transfer of Title and related Memorandum of Agreements for North Justice Center Trial Court Facility, Fullerton; instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO or designee to assign any leases for third party tenants and execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 4
21345 **APPROVED AS RECOMMENDED**
XX

31. Approve Transfer and Joint Occupancy agreements with Judicial Council of California, Administrative Office of the Courts for Transfer of Responsibility and Deferred Transfer of Title and related Memorandum of Agreements for West Justice Center Trial Court Facility, Westminster; instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO or designee to assign any leases for third party tenants and execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 1

21345 **APPROVED AS RECOMMENDED**
XX

32. Approve Policies and Procedures for consideration and approval of County Multi-Year Enterprise and Internal Service Fund Borrowings - All Districts

52134 **APPROVED AS AMENDED TO MODIFY POLICIES AND PROCEDURES II.5 TO DELETE "ON A TIMELY BASIS" AND REPLACE WITH "WITHIN FIVE YEARS UNLESS WAIVED BY THE BOARD"**

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ELECTED DEPARTMENT HEADS

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DEPARTMENT APPOINTMENTS

S33B. **Supervisor Campbell -** Senior Citizens Advisory Council - Appoint Dr. Nancy C. Cheng, Irvine, to complete term ending 12/31/10

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IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Joann Blackstar, et al. v. County of Orange, et al., United States District Court Case No. CV09-568 DSF (MLGx)

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

Human Resources Department:

CS-2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Performance Auditor
(Previously heard on 11/3/09, Item SCS5)

B.O. **DELETED**

CS-3. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Association of Orange County Deputy Sheriff (AOCDS)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
Darrell Nolta - Oral Re: (1) Protest over OCFA lost equipment due to budget cuts; (2) the passing of Dr. Joel Pasco, founder of Wetlands & Wildlife Care Center, Huntington Beach; (3) the passing of Dr. Jan Vandersloot, environmental activist.

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
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Chair Bates - Oral Re: Discussed excellent job performed by HCA staff at the recent H1N1 clinic in OC (Cox Communications)

ADJOURNED: 3:20 P.M.

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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