REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 16, 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	Darlene J. Bloom

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-20)

3251 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 9 WHICH RECEIVED AN ABSTENTION FROM SUPERVISOR BATES; ITEM 19 WHICH WAS CONTINUED TO 3/30/10, 9:30 A.M.; AND ITEMS 1, 3, 5, 13, 16 & 18 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

1. Approve price agreement MA-060-10011712 with Fujitec America Incorporated for elevator maintenance and repair services, 3/16/10 - 3/15/11 ($32,000);

renewable for four additional one year periods - All Districts

3251 **APPROVED AS RECOMMENDED**

2. Approve donation of five surplus Dell PowerEdge servers to Laguna Beach Unified School District; approve donation of one surplus Dell PowerEdge server to Newport-Mesa Unified School District; and make related findings - Districts 2 & 5

3. **Treasurer-Tax Collector -** Ratify Agreement MA-074-10012363 with Bloomberg for access to real time electronic investment and financial market information, Order Management System, 3/15/10 - 3/14/11 ($246,440); renewable for four one-year terms - All Districts

3251 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

4. Approve amendment 1 to master agreement with various providers for Post Custody Re-Entry services, 7/1/09 - 6/30/10 ($56,700; new total $743,020); and authorize Director or designee to execute amendments - All Districts

5. Approve agreement with The Regents of the University of California Child Development Center for Positive Behavioral Intervention services, 3/16/10 - 6/30/10 ($14,583) and 7/1/10 - 3/15/11 ($35,417) - All Districts

5231 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

6. Approve agreement OCP10-006 with Winzler & Kelly for on-call civil engineering services for three year term ($400,000) - All Districts

OC PUBLIC WORKS

7. Approve agreement with Golden State Constructors for concrete maintenance and repair services, 3/3/10 - 3/2/11 ($250,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts

8. Approve plans and specifications and set bid opening for 4/21/10, 2:00 p.m., for slurry seal of various streets; and make California Environmental Quality Act findings - District 3

9. Approve agreement D09-121 with RBF Consulting, Inc. for professional engineering and consulting services, three-year term ($498,588) - District 3

3251 A **APPROVED AS RECOMMENDED**

10. Select PFM Group as primary and Renewable Funding as alternate firms for OC Sunergy Program Administrator; select Psomas FMG for support of County efforts to obtain available energy-related funding; and authorize negotiation of agreements for Board approval - All Districts

11. **Acting as the Orange County Flood Control District -** Approve plans and

specifications and set bid opening for 4/21/10, 2:00 p.m., for Cypress Retarding Basin/Pump Station Office and Restroom Construction project; authorize Chair to execute related documents; and make California Environmental Quality Act findings - District 2

12. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D09-107 with Geosyntec Consultants for watershed management services, three-year term ($300,000); and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

13. **County Counsel -** Acting as the Board of Supervisors and Orange County Flood Control District - Authorize County Counsel to execute a waiver of a potential conflict of interest and consent to San Francisco office of Sheppard Mullin Richter & Hampton, LLP to represent Heritage Fields El Toro, LLC in connection with Alton Parkway Extension and other issues related to Great Park project - All Districts

3521 N **APPROVED AS AMENDED, TO ENSURE THE CONFLICT WAIVER IS SUBJECT TO THE CONDITION THAT SHEPPARD MULLIN RICHTER & HAMPTON, LLP AGREE NOT TO REPRESENT HERITAGE FIELDS IN ANY LITIGATION AGAINST THE COUNTY**

County Executive Office:

14. Approve amendment 1 extending term to 12/31/10 to agreement with Anaheim for funding for Development of Heritage Park; and direct Clerk of the Board or designee to execute amendment - District 4

15. Receive and file charitable organization actual income/expenses for 2009 and planned activities for 2010 - All Districts

16. Approve amendment 3 to agreement with Orange County Tourism Council for tourism marketing program - All Districts

2351 **CONTINUED TO 3/30/10, 9:30 A.M.**

17. Approve Memorandum of Understanding with Municipal Water District of Orange County and Orange County Water Agencies to allow participating entities to use Countywide Mass Notification System under terms and conditions of countywide usage policy and vendor provider agreements; authorize County Executive Officer or designee to execute and manage MOU - All Districts

18. Approve sole source agreement with William D. Mahoney for professional services, 4/1/10 - 3/31/11 - All Districts

3125 **APPROVED AS RECOMMENDED**

Human Resources Department:

19. Approve Working Retiree Reemployment Policy for new working retirees, effective after Board adoption and for existing working retirees, effective FY 2010-2011 - All Districts

3251 **CONTINUED TO 3/30/10, 9:30 A.M.**

20. Approve Orange County Recruitment, Marketing and Selection Policy and Orange County Merit Selection Rules revised 1/25/10 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 21-S33C)

ELECTED DEPARTMENT HEADS

21. **District Attorney -** Approve amendment 3 to agreement MA-026-10011753 with The Bode Technology Group, Inc. for DNA collection kits and processing services, ($645,000; new total $895,000); and authorize Purchasing Agent to execute agreement and exercise contingency contract increase not to exceed 10% - All Districts

5321 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

22. Approve Certificated Passenger Airline Lease with Air Canada; 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 (4/5 vote of the members present)

2351 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

23. Approve grant award from South Coast Air Quality Management District for Surplus Off-Road Opt-In for NOx program, term ending 6/30/17 ($1,055,705); approve agreement PO-299-1001304 with Quinn Company to purchase and install upgraded Caterpillar engines ($1,266,759.15); and authorize Director or designee to execute grant award agreement - Districts 3 & 5

3521 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

24. Approve selection of Family Support Network for Wraparound Orange County Support Services, 7/1/10 - 6/30/13; and authorize negotiation of agreement for Board approval - All Districts

5231 **APPROVED AS RECOMMENDED**

25. Approve selection of Orange County Child Abuse Prevention Center for Volunteer Advocacy Services, 7/1/10 - 6/30/13; and authorize negotiation of agreement for Board approval - All Districts

5324 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

26. **Auditor-Controller -** Approve price agreement MA-003-10012270 with Saile Technologies, Inc. for functional and technical support to the County-wide Accounting and Personnel System (CAPS) for year-end processing, comprehensive annual financial report (CAFR) and County wide customer allocation program (CWCAP), 3/16/10 - 12/31/10 ($230,000) - All Districts

3251 **APPROVED AS RECOMMENDED**

County Executive Office:

27. Approve recommended positions on introduced or amended legislation and

consider other legislative subject matters; and adopt resolution supporting KORUS FTA that bolsters trade between United States and Korea - All Districts

1325 **APPROVED AS RECOMMENDED**
RESO: 10-028

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

29. Adopt resolution approving revised Orange County Taxi Administration Program regulations; and Consider first reading 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"; and set second reading and adoption for 3/30/10, 9:30 a.m. - All Districts (Continued from 3/2/10, Item 34)

3251 **APPROVED AS RECOMMENDED**
RESO: 10-029

30. Approve transfer of Recovery Zone Facility Bond Allocation to cities of Buena Park, Stanton, Placentia and Anaheim as recommended by staff - Districts 1, 2, 3 & 4

B.O. **CONTINUED TO 3/30/10, 9:30 A.M.**

31. Receive and file 2010 Community Indicators Report - All Districts
RECEIVED AND FILED

32. Approve recommended grant applications submitted by OC Public Works and Registrar of Voters in 3/16/10 grant report and other actions as recommended; adopt resolution approving the filing of an application for HAVA EAID 261 grant funds; and authorize Registrar of Voters or designee as agent to conduct negotiations with and sign and submit all related documents to Secretary of State for completion of project - All Districts

5321 **APPROVED AS RECOMMENDED**
RESO: 10-030

33. **Human Resources Department -** Adopt resolution implementing "3% at 55" Safety Retirement Formula - All Districts

3521 **APPROVED AS RECOMMENDED**
RESO: 10-031

Chair Nguyen:

S33A. Adopt resolutions congratulating recipients of Sheriff-Coroner Departments Medal of Valor Awards

1325 **APPROVED AS RECOMMENDED**
RESO: 10-032 - 10-058

S33B. Authorize waiver of fees for Victim's Rights March and Rally for 4/20/10 at Old County Courthouse

5123 **APPROVED AS RECOMMENDED**

S33C. **Chair Nguyen and Vice Chairman Campbell -** Consider adoption of "An Urgency Ordinance of the County of Orange, California repealing section 1-2-320 of the Codified Ordinances of the County of Orange Delegating Investment Authority to the Treasurer-Tax Collector;" and authorize Chief Financial Officer to assume that authority and approve other directions necessary to implement this action and return to the Board with implementation plan no later than March 30, 2010 (4/5 vote of members present)

3125 **APPROVED AS AMENDED TO MODIFY RECOMMENDED ACTION #9 TO DELETE THE FIRST SENTENCE AND REPLACE WITH "UPON ADOPTION OF THE ORDINANCE, THE TREASURER-TAX COLLECTOR SHALL NO LONGER STAFF THE TREASURY OVERSIGHT COMMITTEE, AND THE COUNTY CHIEF FINANCIAL OFFICER SHALL DIRECT THE STAFFING OF THE TREASURY OVERSIGHT COMMITTEE." AND TO DELETE THE WORD "STATUTORY" IN THE SECOND SENTENCE; DIRECTED CEO TO ELIMINATE THE CAPABILITY OF THE TREASURER-TAX COLLECTOR FROM TRANSACTING BUSINESS USING THE DEPARTMENT'S BLOOMBERG SYSTEM; AND DIRECTED THE INTERNAL AUDITOR TO AUDIT THE TREASURER-TAX COLLECTOR'S TAX COLLECTION AND CASH RECEIPTS POLICIES AND PROVIDE THE BOARD WITH AN AUDIT TIMEFRAME**
ORD: 10-007

IV. PUBLIC HEARINGS (Item 34)

OC PUBLIC WORKS

34. Public Hearing to consider first 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"; and set second reading and adoption for 3/30/10, 9:30 a.m. - All Districts (Continued from 3/2/10, Item 39)

B.O. **CLOSED PUBLIC HEARING**

5321 **APPROVED AS RECOMMENDED**

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. 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**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):

Name of Cases: Weaver v. County of Orange, United States District Court Case No. SACV10-00101 JVS (MLGx); Reed v. County of Orange, United States District Court Case No. SACV05-1103; and Siegmund, et al. v. County of Orange, et al., United States District Court Case No. 07-CV-01387

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO ENTER INTO AN AMENDMENT TO THE EXISTING AGREEMENT FOR PROFESSIONAL LEGAL SERVICES WITH THE LAW FIRM OF LIEBERT CASSIDY WHITMORE, TO REPRESENT THE COUNTY IN THE MATTER OF WEAVER V. COUNTY OF ORANGE.**

CS-3. 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 FILE LITIGATION. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

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

PUBLIC COMMENTS:
Darrell Nolta - Oral Re: Expressed concern about the recent Orange County City Council meeting where the Sheriff's Plan to house Federal detainees was discussed

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisors Campbell & Moorlach - Oral Re: Asked the District Attorney to provided the Board with an update of the recent Toyota Litigation on 3/30/10 meeting

Chair Nguyen - Oral Re: AB 1234 Travel Report - Discussed last week's trip to Washington, D.C. to attend the NACO conference and to meet with legislators on various Flood Control projects

ADJOURNED: 1:00 P.M.

1325 **Adjourned in memory of Helen Davis**

5123 **Adjourned in memory of Sergeant Ira Essoe**

*** KEY ***

Left Margin Notes

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

A. = Abstained
X. = Excused
N. = No

4. = Vacant
5. = Supervisor Bates

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