REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 17, 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	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

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

II. CONSENT CALENDAR (Items 1-23)

32451 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 1 WHICH WAS CONTINUED TO 8/24/10, 9:30 A.M.; AND ITEMS 2, 7, 11 & 19 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chair Nguyen -** Orange County Planning Commission - Appoint Anthony Thuc Nguyen, City of Santa Ana, for term concurrent with 1st District Supervisor's term of office

32451 **CONTINUED TO 8/24/10, 9:30 A.M.**

Supervisor Nelson:

2. Emergency Medical Care Committee - Appoint Jon D. Gilwee, Fullerton, to complete term ending 6/30/11

42351 **APPROVED AS RECOMMENDED**

3. Animal Care Community Outreach Committee - Reappoint Kelvin Okino, Ontario, for term ending 3/31/12

4. Orange County Planning Commission - Appoint Cameron P. Irons, Fullerton, for term concurrent with 4th District Supervisor's term of office

5. Orange County Veterans Advisory Council - Appoint Marilyn Harris, Fullerton, to complete term ending 12/31/11

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

6. Accept donation from Drug Use Is Life Abuse to fund one Deputy Sheriff I position for one year ($150,000) - All Districts

7. Accept grant award from State Emergency Management Agency for 2010 Emergency Management Performance Grant funds ($667,071); approve agreement to transfer funds to participating cities; authorize Sheriff-Coroner or designee to execute individual agreements and related documents; and authorize Auditor Controller to transfer funds to other entities under certain conditions - All Districts

23451 **APPROVED AS RECOMMENDED**

8. Approve ten-year lease agreement with City of Stanton for Stanton Sheriff Station at 11100 Cedar Street, Stanton; and make California Environmental Quality Act findings - District 2

9. Deny bid protest of SPC Building Services; receive bids and award contract to TBC Contractors for tenant improvements, 2651 Hotel Terrace, Santa Ana ($585,850) - District 1

10. Accept donation of one 2010 Ford Explorer XLT, one 2010 Ford Flex SE, one 2010 Ford F150 XLT, one 2010 GMC Acadia SL and one 2010 Chevrolet Silverado 1500 from U.S. Marshals Service to support law enforcement operations related to Regional Fugitive Task Force - All Districts

HEALTH CARE AGENCY

11. Approve renewal of master agreement MA-042-10010376 as master agreement MA-042-10012957 with California State University Long Beach Foundation for program evaluation services of Tobacco Use Prevention Program, 9/15/10 - 9/14/11 ($117,996) - All Districts

23451 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

12. Approve plans and specifications and set bid opening date for 9/22/10, 2:00 p.m. for slurry seal and asphalt repair project for Selva Parking Lot, Salt Creek Beach; and make California Environmental Quality Act findings - District 5

13. Approve Memorandum of Understanding and Quitclaim Deed with City of Mission Viejo and Timberline Community Association to establish ownership and maintenance responsibility for Turf Lane Park; and make California Environmental Quality Act findings - District 5

14. Approve agreement OCP10-022 with WRC Consulting Services, Inc. for on-call civil engineering services for OC Parks capital improvement and rehabilitation projects, three year term ($400,000) - All Districts

15. Accept funds from State Employment Development Department for California Gang Reduction Intervention and Prevention (CalGRIP) Initiative, 6/30/10 - 3/31/12 ($490,230); approve Workforce Investment Act Master Cost Reimbursement agreements with various vendors for CalGRIP employment and training services, 8/17/10 - 3/31/12 (aggregate amount not to exceed $279,277 with no single agreement exceeding $131,014); and authorize Director or designee to execute agreements and to exercise a contingency cost increase or decrease not to exceed 10% under certain conditions and other amendments under certain conditions - All Districts

16. **Acting as the Orange County Housing Authority** - Approve Section 8 Management Assessment Program Certification and related documents; and authorize submission to U.S. Department of Housing and Urban Development - All Districts

OC PUBLIC WORKS

17. Approve amended plans and specifications and set bid opening for 9/8/10, 2:00 p.m., for Katella Avenue Smart Street Improvements Project - Districts 1, 2 & 4

18. Receive and file Traffic Committee Report dated 6/17/10; approve recommendations; and adopt necessary resolution - District 3
RESO: 10-166

19. Approve El Toro 100 Acre sublease and implementation agreement No. 2 with the City of Irvine; approve access license with the City of Irvine and Heritage Fields; authorize Director to execute related documents; and make California Environmental Quality Act findings - District 3
35241 **APPROVED AS RECOMMENDED**

20. **Acting as the Orange County Flood Control District** - Approve agreement D10-032 with Steinberg & Associates for professional and technical services, three-year term ($200,000); and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

21. Approve Memorandum of Understanding CLC2210 with Orangewood Children's Foundation for Orangewood Children's Foundation Mentoring Program (incorporating "Bridges to Higher Education"), 8/24/10 - 6/30/12; and authorize Director or designee

to execute Memorandum of Understanding - All Districts

GENERAL ADMINISTRATION

22. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Laguna Beach County Water District - All Districts

23. **Supervisor Campbell -** Authorize waiver of fees for The Pancreatic Cancer Action Network fundraising event on 11/13/10, Mason Park

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 24-36)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

24. Approve amendment 4 to price agreement N3000008521 as MA-060-10012391 with Heli-Mart, Inc. for helicopter airframe components repair and maintenance services, 9/1/10 - 8/31/11 ($300,000); renewable for one additional year - All Districts
25341 **APPROVED AS RECOMMENDED**

25. Approve revised agreement 5600001170 with State Department of Corrections and Rehabilitation for participation in the In-Custody Drug Treatment Program (ICDTP), 7/1/10 - 6/30/13 - All Districts
24351 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

26. Approve amendment A01 to agreement 09-11287 with State Department of Public Health for Pediatric Immunization Project, 7/1/09 - 6/30/10 - All Districts
24351 **APPROVED AS RECOMMENDED**

27. Approve agreement with Advanced Medical Management, Inc. for Patient and Provider Support Services for Medical Services Initiative Program, 9/1/10 - 8/31/13 ($6,879,894) - All Districts
B.O. **CONTINUED TO 8/31/10, 9:30 A.M.**

OC PUBLIC WORKS

28. Declare bid of Andrew Papac & Sons to be non-responsive; receive bids and award contract to Ohno Construction Company for Orange Park Acres Storm Drain South Reach Project ($902,178.40) - District 3
35241 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

29. Approve agreement with LSA Associates, Inc. for biological, archaeological and paleontological support services, Central Region Landfills, 8/17/10 - 8/16/13 ($225,000) - District 3
32451 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

30. Response to 10/20/09 Board Directive regarding Report on DNA/Crime Lab under Independent Jurisdiction of a Medical Examiner (NYC Model) - All Districts (Continued from 5/25/10, Item 110; 6/22/10, Item 90; 7/20/10, Item 30)
B.O. **CONTINUED TO 8/31/10, 9:30 A.M.**

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

53241 **APPROVED MODIFICATION TO RECOMMENDED ACTION 2 TO CHANGE POSITION ON AB 1987 TO OPPOSE UNLESS AMENDED**

23451 **RECEIVED AND FILED REPORTS IN RECOMMENDED ACTIONS 1 & 3**

32. Acting as the Board of Supervisors and Legislative Body of Community Facilities Districts - Select David Taussig & Associates for special tax setting, assessment levy and continuing disclosure for Community Facilities Districts and Assessment Districts; and authorize negotiation of agreement for Board approval - Districts 3 & 5

53241 **APPROVED AS RECOMMENDED**

33. Approve recommended grant applications submitted by District Attorney, OC Public Works and OC Community Resources in 8/17/10 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute amendment 1 and future amendments to standard agreement VCGC9072 with State Victim Compensation and Government Claims Board for Criminal Restitution Compact Program, 7/1/09 - 6/30/11 ($189,460); and making California Environmental Quality Act and other findings - All Districts

32451 X **APPROVED AS RECOMMENDED**

RESO: 10-167

Human Resources Department:

34. Adopt Retiree Self-Funded PPO Premier Wellwise and Premier Sharewell Health Plans for 2011; and authorize Director or designee to continue to apply for federal subsidy under Medicare Prescription Drug, Improvement and Modernization Act of 2003 for Premier Wellwise health plan - All Districts (Continued from 7/27/10, Item 41)

23451 **APPROVED AS RECOMMENDED**

35. Approve amendment to Memorandum of Understanding with Orange County Managers Association (OCMA) for implementation of "1.62 at 65" retirement formula for new employees of Administrative Management Unit - All Districts

31245 **APPROVED AS RECOMMENDED**

36. **Supervisor Nelson -** Discuss response to 7/27/10 Board Directive regarding Civic Center Joint Powers Agreement (JPA)

DISCUSSED

IV. PUBLIC HEARINGS (Item 37)

HEALTH CARE AGENCY

37. Public Hearing to consider adopting resolution approving Environmental Health Division Fee schedule update; rescinding Resolution 09-070, effective 9/1/10; and making California Environmental Quality Act findings - All Districts

B.O. **DELETED**

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED 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 - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case
B.O. **HELD, NO REPORTABLE ACTION**

CS-3. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Orange County Attorneys Association (OCAA)
RE: Terms and conditions of employment
B.O. **HELD, NO REPORTABLE ACTION**

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

PUBLIC COMMENTS:
William Fitzgerald - Oral Re: First amendment rights & Brown Act concerns

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: Congratulations to the Ocean View Allstar Little League team for their recent performance

Chair Nguyen - Oral Re: (1) Discussed recent Southern California Water Board abandoned Bylaw change that could have affected OC Board member appointments; (2) Discussed success of recent Senior Caregiver event held in District 1; and (3) directed CEO to report back to the Board on recent article about the Sheriff's Department donating an armored truck to the City of Ripon

ADJOURNED: 1:00 P.M.
51234 **Adjourned in memory of Marco Forster**

*** 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