REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, January 12, 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 CHAIR
Third District

JOHN M. W. MOORLACH
SUPERVISOR
Second District

CHRIS NORBY
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 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 Nguyen presented her State of the County Address and presented outgoing Chair Bates with a gavel

Supervisors re-capped their accomplishments in 2009 and goals for 2010

II. CONSENT CALENDAR (Items 1-24)

35124 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 11 & 24 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Moorlach:

1. Assessment Appeals Board No. 1 - Reappoint Sherry S. Mancini, Huntington Beach, to complete term ending 9/2/12

2. Orange County Cemetery District - Reappoint Maureen Rivers, Huntington Beach, to complete term ending 11/2/13

3. **Supervisor Bates -** Board of Retirement, OCERS - Appoint Wayne Lindholm, Laguna Niguel, for term ending 12/31/12

Chair Nguyen:

4. Senior Citizens Advisory Council - Reappoint Jerry Margolin, Garden Grove, for term ending 12/31/11

5. Law Library Board of Trustees - Reappoint Thomas C. Edwards, Fullerton, and Beatrice A. Tice, Irvine, for terms ending 12/31/10

COMMENDATIONS/PROCLAMATIONS/REPORTS

6. **Chair Nguyen -** Adopt resolution congratulating Court of Appeal, Fourth District, Division Three upon dedication of its new courthouse
RESO: 10-001

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

7. Approve actions with U. S. Marshals Service to support law enforcement operations related to Regional Fugitive Task Force to accept donation of 2008 Ford Expedition and ratify Memorandum of Understanding (MOU) ISDF-10-0194A for reimbursement of fuel, maintenance and retrofitting costs up to $11,000, ratify MOU FATF-10-0062 for reimbursement of overtime costs up to $144,000 and authorize the Sheriff-Coroner or designee to execute future MOUs with U. S. Marshals Service for reimbursement of overtime and vehicle fuel and maintenance resulting from participation in Task Force - All Districts

8. Accept donation of evidence grade refrigerator for OC Crime Lab - All Districts

9. Authorize use of County resources for employee participation in meeting with Royal Canadian Mounted Police and Sunshine Foundation of Canada, 1/25/10 - 1/28/10; and make appropriate findings - All Districts

CHILD SUPPORT SERVICES

10. Approve Plan of Cooperation with Superior Court for coordination of respective efforts and delineation of responsibilities in relation to Child Support Enforcement Program under Title IV-D of Social Security Act, 1/1/10 - 12/31/10; renewable for one additional year; and authorize Director or designee to execute agreement - All Districts

JOHN WAYNE AIRPORT

11. Authorize Director to allocate regulated average daily departures, seat capacity, remain over night and passenger capacity to scheduled commercial and commuter air carriers under Commercial Airline Access Plan and Regulation for 2009-10 and 2010-11 Plan Years; approve related actions; and make California Environmental Quality Act findings - District 2

23451 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

12. Approve Joint Use Agreement with Joe Anthony Reyna for vehicular and beach access over Bluff Drive above West Street Beach, Laguna Beach; and make California Environmental Quality Act findings - District 5

13. Approve amendments to Elderly Nutrition Stimulus Program agreements with Community SeniorServ, Age Well Senior Services (formerly South County Senior Services) and Irvine for American Recovery and Reinvestment Act funds; authorize Director or designee to execute amendments - All Districts

14. Approve master agreement MA-012-10011166 with Dun & Bradstreet, Inc. for web-based business database file service, 1/12/10 - 1/11/11 ($83,200); and authorize Purchasing Agent or designee to review agreement two additional years - All Districts

15. Approve easement deed and agreement with Southern California Gas Company for utility purposes, Salt Creek Beach; and make California Environmental Quality Act findings - District 5

OC PUBLIC WORKS

16. Approve contract MA-080-10011798 with EOS International for OC Public Works library software and web services, 1/12/10 - 12/31/14 ($42,106); and make California Environmental Quality Act findings - All Districts

17. Approve grant deed from RMV Community Development, LLC and easement deeds from RMV Headquarters, LLC and RMV Community Development, LLC for widening of Ortega Highway; and make California Environmental Quality Act findings - District 5

OC WASTE & RECYCLING

18. Approve plans and specifications and set bid opening for 3/17/10, 2:00 p.m., for Perimeter Gas Monitoring Probe Installation project, Frank R. Bowerman Landfill; and make California Environmental Quality Act findings - District 3

19. Approve plans and specifications and set bid opening for 3/24/10, 2:00 p.m., for Perimeter Gas Monitoring Probe Installation project, Prima Deshecha Landfill; and make California Environmental Quality Act findings - District 5

20. Approve plans and specifications and set bid opening for 3/31/10, 2:00 p.m., for Perimeter Gas Monitoring Probe Installation project, Olinda Alpha Landfill; and make California Environmental Quality Act findings - District 3

GENERAL ADMINISTRATION

Clerk of the Board:

21. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for OC Community Resources - All Districts

22. Approve initial Conflict of Interest Code for the Northern Orange County Self-Funded Worker's Compensation Agency (Authority) - All Districts

23. **County Counsel -** Approve agreement with Groom Law Group for legal services relating to tax issues arising from proposed pension formula election; and authorize County Counsel to execute agreement - All Districts

24. **Chair Nguyen -** Approve agreement OCP10-004 with Vietnamese Community Cultural and Performance Arts Society for design and construction of historical memorial at Roger Stanton Park, Midway City; and make California Environmental Quality Act findings

13245 **APPROVED AS RECOMMENDED**
N

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 25-S37A)

ELECTED DEPARTMENT HEADS

25. **Sheriff-Coroner -** Approve amendment 2 to price agreement N1000008677 with Kone Inc., formerly RS Elevator Corporation, for elevator maintenance and repair services - All Districts

53124 **APPROVED AS RECOMMENDED**

X

26. **Treasurer-Tax Collector -** Adopt resolution authorizing sale and issuance of Santa Ana Unified School District 2009-2010 Tax and Revenue Anticipation Notes ($50,000,000) - District 1

13245 **APPROVED AS RECOMMENDED**

X

RESO: 10-002

OC COMMUNITY RESOURCES

27. Approve agreement C-9-0647 with Orange County Transportation Authority under the Federal New Freedom Program funding through 6/30/11 ($1,000,000) and authorize Director or designee to execute agreement; approve New Freedom Agreements with St. Anselm's Cross-Cultural Community Center, Age Well Senior Services, Inc., (formerly South County Senior Services, Inc.), and Abrazar, Inc. to provide expanded Senior Non-Emergency medical services, FY 2009-10 ($450,000); with option to renew three additional years; authorize Director or designee to execute agreements and to exercise contingency increase or decrease not to exceed 10% of contract amount - All Districts

31245 **APPROVED AS RECOMMENDED**

28. Approve draft Ten-Year Plan to End Homelessness (The Plan); authorize Agency to coordinate with Ten-Year Plan Working Group and County Counsel to develop bylaws and operating procedures for the Ten-Year Plan Board and return to the Board for approval - All Districts

32451 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

29. **Acting as the Orange County Flood Control District -** Select Lewis Planned Communities as primary and Sunland Communities LLC as alternate firms for assistance with the Greenspot Property entitlement; authorize County Executive Officer or designee to negotiate agreement for Board approval; and make California Environmental Quality Act findings - All Districts

52341 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

30. Renew agreement MA-299-10011411 with Carmody Construction Company and The Hoagy Company, Inc. for maintenance and repair services, 1/27/10 - 1/26/11 ($234,400) - Districts 1, 3 & 5

35241 **APPROVED AS RECOMMENDED**

31. Select SCS Field Services as primary and Bryan A. Stirrat & Associates as alternate firms for landfill gas services for North Region Landfills; and authorize Director or designee to negotiate of agreement for Board approval - District 3

32451 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

B.O. **RECEIVED AND FILED**

33. Adopt resolution approving financing terms, documents and issuance of Apartment Development Revenue Bonds, Issue A of 2010 (Emerald Cove Apartments) $7,775,000; approve Deutsche Bank National Trust Company as Trustee and Urban Futures, Inc. as Administrator - District 2

B.O. **CONTINUED TO 1/26/10, 9:30 A.M.**

34. Report on County financial and budget status - All Districts

PRESENTED

35. Oral presentation - Receive and file Analysis of Harbor Patrol Governance and Finance Issues Report - All Districts

45231 **RECEIVED AND REFERRED ITEM TO OFFICE OF PERFORMANCE AUDITOR FOR ACTION**

36. Approve use of partnership agreements for Census 2010 outreach by County departments and make related findings - All Districts

35241 **APPROVED AS RECOMMENDED**

37. Approve recommended grant applications submitted by Sheriff-Coroner, Health Care Agency, County Executive Office and Probation in 1/12/10 grant report and other actions as recommended - All Districts

43251 **APPROVED AS RECOMMENDED**

S37A. Adopt resolution designating entire County as an Economic Recovery Zone; direct staff to prepare Plan of Issuance for submission to California Debt Limit Allocation Committee on use of bond allocation and develop specific proposals for review by Public Finance Advisory Committee and Board for eligible projects regarding Recovery Zone Economic Development Bond Program (up to $29,732,000, $5,000,000 for Qualified Energy Conservation Bond Program); provide cities an opportunity to receive transfer of bond allocation for Recovery Zone Facility Bonds and Qualified Energy Conservation Bonds; return to Board with recommended transfer allocation(s); make related findings authorized Chair, Vice Chair, CEO, CFO, Public Finance Manager or designee to take any and all actions necessary to comply with terms and intent of resolution; and make related findings - All Districts

35241 **APPROVED AS RECOMMENDED**

RESO: 10-003

IV. PUBLIC HEARINGS (Item 38)

GENERAL ADMINISTRATION

38. **County Counsel -** Acting as the Orange County Flood Control District - Public Hearing to consider adopting resolution of necessity for condemnation and acquisition by eminent domain of real property for purposes of the Edinger Channel Project; and make California Environmental Quality Act and other findings - District 2 (2/3 vote of membership - 4 votes)

B.O. **CLOSED PUBLIC HEARING**

23451 **APPROVED AS RECOMMENDED**
RESO: 10-004

V. CLOSED SESSION (Items CS-1-CS-6)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: George Jaramillo v. County of Orange, Orange County Superior Court Case No. 05CC04220

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED FILING OF AN APPEAL OF THE JUDGMENT IN THE CASE OF GEORGE JARAMILLO V. COUNTY OF ORANGE.**

CS-2. 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-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 ON BEHALF OF THE COUNTY AND THE ORANGE COUNTY FLOOD CONTROL DISTRICT. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

CS-4. 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-5. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Orange County Fairgrounds, Costa Mesa, CA
County Negotiator: Thomas G. Mauk
Negotiating Parties: State of California
Under Negotiation: Terms of State RFP and Value of Property

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

CS-6. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Association of Orange County Deputy Sheriffs (AOCDS)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
Donna Romansik - Oral Re: Homeless issues; and fear of attack on person and property

Joe Dunn - Oral Re: Requested Board members to consider a Registration for Lobbyists Program

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
None

ADJOURNED: 3:52 P.M.

21345 **Adjourned in memory of Harriett Pulvers Wieder**

31245 **Adjourned in memory of Father Abbot Ladislas Parker**

51234 **Adjourned in memory of Ron Young**

51234 **Adjourned in memory of Sergeant Jerry Pierson**

*** KEY ***

Left Margin Notes

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