REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 15, 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	Susan Novak, Chief Deputy

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Bates welcomed Will Kempton, Orange County Transportation Authority to provide introductory remarks and brief transportation update

II. CONSENT CALENDAR (Items 1-39)

12345
X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 35 WHICH WAS CONTINUED TO 1/26/10, 9:30 A.M.; AND ITEMS 10, 37, 38 & 39 WHICH WHERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **OC Community Resources -** Orange County Workforce Investment Board - Reappoint Dave Arthur, Huntington Beach; Euiwon Chough, Anaheim; Rob Claudio, Anaheim; Ron DiLuigi, Orange; Gerald Fitch, Irvine; Fred Flores, Brea; Milton Gordon,

Fullerton; June Kuehn, Anaheim; Gary Matkin, Irvine; Jack Mixner, Fullerton; J. Adalberto Quijada, Santa Ana; Clarence "Buddy" Ray, Garden Grove; Mike Ruane, Irvine; Paula Starr, Fountain Valley; Tom Tassinari, Irvine; Kay Turley-Kirchner, Aliso Viejo; Rick Sandzimier, Orange; Rob Zur Schmiede, Fullerton, for terms ending 12/31/12 - All Districts

ELECTED DEPARTMENT HEADS

2. **District Attorney -** Adopt resolution approving amended Federal Equitable Sharing agreement and FY 2008-09 Certification Report - All Districts
RESO: 09-187

3. **Sheriff-Coroner -** Approve agreement PC-060-P0900005263 with Pacific Bell Telephone Company dba AT&T California for wireless 9-1-1 equipment, maintenance and services, Emergency Operations Center, Loma Ridge ($464,580) - District 3

4. **Treasurer-Tax Collector -** Adopt resolution approving public auction 1381 sale of tax-defaulted real property - All Districts
RESO: 09-188

HEALTH CARE AGENCY

5. Approve amendment 1 to agreement 07-669-550 with California Environmental Protection Agency for Aboveground Petroleum Storage Act grant funds, 1/1/08 - 3/1/11 ($19,975; new total $165,707); authorize Director or designee to sign amendment - All Districts

6. Approve master agreement MA-042-10011226 with Insight Enterprises, Inc. for software maintenance and support of Correctional Medical services inmate medical records system, 1/1/10 - 12/31/10 ($59,932) - All Districts

7. Ratify purchase order PO-042-10012201 with Nor E First Response for payment of maintenance and repair services of decontamination trailers ($5,348) - All Districts

OC DANA POINT HARBOR

8. Approve termination of Lease with Rancho Beach House, Inc.; and authorize Director or designee to execute related documents - District 5

OC COMMUNITY RESOURCES

9. Terminate lease with Norman's Nursery, Inc. at O'Neill Regional Park; authorize Director or designee to execute necessary documents - Districts 3 & 5

10. Approve amendment 1 to Workforce Investment Act Cost Reimbursement agreement A1-ARA-10 with Arbor E&T for additional support services for Orange County One-Stop Centers to meet the needs of adults and dislocated workers, FY 2009-10 ($230,500; new total $659,780); and authorize Director or designee to execute and to exercise contingency increase not to exceed 10% if additional funding is allocated - All Districts

23145 **APPROVED AS RECOMMENDED**

X

11. Approve Workforce Investment Act Cost Reimbursement agreement W9-GJC-10 with Anaheim for Green Jobs Corps project for employment and training services, 12/1/09 - 3/31/11 ($84,410); and authorize Director or designee to execute and to exercise contingency increase not to exceed 10% if additional funding is allocated - All Districts

12. Approve agreement with Orange County Fire Authority for connection to public sanitary facilities to allow Fire Station 18 to connect to O'Neill Regional Park sewer system; and approve First Supplement agreement with Trabuco Canyon Water District for public sanitary facilities to acknowledge Fire Authority's connection to O'Neill Regional Park sewer system - Districts 3 & 5

13. Receive and file Developer Fee Deposit Balance Reports, FY 2008-09; and make appropriate findings - All Districts

OC PUBLIC WORKS

14. Approve amendment 1 to lease with Birtcher Anderson Investors, LLC, for Health Care Agency Behavioral Health Services Program office space; and make California Environmental Quality Act findings - District 1

15. Receive bids and award contract to Rymax Electric, Inc. for Yorba Regional Park electrical equipment upgrade ($215,358) - District 3

16. Approve agreements D09-101 with Huitt-Zollars, Inc., D09-102 with Carol Knox, Land Surveyor and D09-103 with Johnson-Frank & Associates, Inc. for on-call map checking services, three-year terms ($240,000 each); and make California Environmental Quality Act findings - All Districts

17. Receive bids and award contract to SRD Engineering, Inc. for the Orange Park Acres Storm Drain-North Reach project ($728,475) - District 3

18. Approve extension of Permit Fee Waiver for victims of Santiago Fire until 12/31/10; and make related findings - District 3

19. Receive and file fourth monthly status report on implementation of Performance Audit recommendations for Planning and Development Services - All Districts

20. Approve amendment 1 to Lease with Birtcher Anderson Investors, LLC, for office space for Health Care Agency Quality Management Program, Santa Ana, 1/1/10 - 4/30/12 ($10,850 per month); and make California Environmental Quality Act findings - District 1

21. Approve amendment 1 to Lease with Birtcher Anderson Investors, LLC, for office space for Health Care Agency Mental Health Services Act Program, Santa Ana, 1/1/10 - 4/30/12 ($7,294.30 per month); and make California Environmental Quality Act findings - District 1

22. Approve amendment 1 to agreement with Moulton Niguel Water District for interim diversion of urban runoff, extending agreement an additional five-year period; authorize

Director or designee to execute amended agreement and subsequent amendments under certain conditions; and make California Environmental Quality Act findings - District 5

23. Receive bids and award contract to TALCAL Engineering, Inc. for reconstruction of Fairhope Drainage Facility from Fairhope Drive to Coyote Creek ($93,476) - District 4

24. Receive and file development fee deposit balance reports FY 2008-09; and find deposits held more than five years be retained for future projects within specified fee programs - All Districts

Acting as the Orange County Flood Control District:

25. Approve agreement D09-111 with California State Lands Commission for application processing reimbursement; and make California Environmental Quality Act findings - District 2

26. Approve Mitigated Negative Declaration IP 09-311; approve conceptual flood control improvements for East Garden Grove Wintersburg Channel; and make related findings - District 2

27. Approve agreement D09-079 with Moulton Niguel Water District and Santa Margarita Water District for removal and replacement of jointly owned Plant 3A Effluent Transmission Main - District 5

28. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve contract MA-080-10011443 with MRF Geosystems Corporation for GISNet Landbase software licensing, maintenance and technical support, 2/1/10 - 1/31/11 ($49,468); renewable for two additional one year periods; and make California Environmental Quality Act Findings - All Districts

PUBLIC PROTECTION

29. **Probation** - Approve grant award RT09010300 from California Emergency Management Agency for Residential Substance Abuse Treatment, 9/1/09 - 8/31/10 ($200,000); authorize Director or designee to execute agreement; and make California Environmental Quality act findings- All Districts

SOCIAL SERVICES AGENCY

30. Approve Memorandum Of Understanding CEA4509 with California State University San Bernardino for Undergraduate or Graduate Fieldwork Experience, 1/1/10 - 6/30/11; and authorize Director or designee to execute - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

31. Adopt resolution approving list of recurring Board resolutions for 2010; and authorizing the Chairman or other Board Members to draft and execute in the approved format - All Districts
RESO: 09-189

32. Approve the proposed amendments to the Conflict of Interest Code Designated Filers Exhibits for the Anaheim Union High School District, Brea Olinda Unified School District, Centralia School District and Coastal Animal Services Authority - All Districts

33. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for Auditor-Controller - All Districts

34. **County Counsel -** Acting as the Board of Supervisors and County Flood Control District - Approve agreement with law firm of Bingham McCutchen LLP as the provider of legal services in the area of environmental law; and authorize County Counsel to execute agreement - All Districts

County Executive Office:

35. Response to 1/27/09 Board Directive regarding status update on OC Credit Certificate Program - All Districts

12345
X **CONTINUED TO 1/26/10, 9:30 A.M.**

36. Adopt resolution approving property tax exchange with Cypress Recreation & Parks District for detachment of 10 acres within La Palma - District 2
RESO: 09-190

37. **Human Resources Department -** Approve amendment to Memorandum of Agreement with Steve Danley, Performance Audit Director, extending term to 1/7/15 - All Districts (Continued from 12/8/09, Item 29)

51234 **APPROVED AS RECOMMENDED**

38. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for November 2009 - All Districts

21345
X **APPROVED AS RECOMMENDED**

39. **Registrar of Voters -** Receive and file certification of results of November 17, 2009 72nd State Assembly District Special Primary Election - All Districts

13245
X **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 40-S62C)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

40. Renew price agreement MA-060-10011021 with Turbomeca USA, Inc. for helicopter engine maintenance, overhaul and repair services, 1/1/10 - 12/31/10 ($500,000) - All Districts
13245 X **APPROVED AS RECOMMENDED**

41. Approve agreement with County of San Diego and California Emergency Management Agency FY09 Grant Assurances for 2009 Operation Stonegarden Grant; accept grant award funds, ($264,397); and authorize Sheriff-Coroner or designee to execute agreement and related documents - All Districts
25134 X **APPROVED AS RECOMMENDED**

42. Accept 2009 Homeland Security Grant Program award from California Emergency Management Agency ($7,220,539); authorize purchasing agent to purchase related equipment; approve related documents and authorize Sheriff-Coroner to execute; and authorize Auditor-Controller to transfer equipment to other entities under certain conditions - All Districts
21345 X **APPROVED AS RECOMMENDED**

43. **Treasurer-Tax Collector -** Adopt resolution approving 2010 Investment Policy Statement as amended delegating authority, as authorized by Codified Ordinance Section 1-2-320 to the Treasurer-Tax Collector; and approve Treasurer-Tax Collector Implementation Plan - All Districts
13245 X **APPROVED AS RECOMMENDED**

RESO: 09-191

HEALTH CARE AGENCY

44. Approve amendment to master agreement MA-042-CVPAN1000010984 with NetChemistry, Inc. for MSI Electronic Eligibility System services, 7/1/09 - 6/30/10 ($69,654; new total $465,894); and approve amendment 2 to agreement with Advanced Medical Management, Inc. for Fiscal Intermediary services, 9/1/08 - 2/29/12 ($84,657; new total $145,600,329) - All Districts
21345 X **APPROVED AS RECOMMENDED**

45. Approve amendment to master agreement CVPAN10000010712 with Advanced Medical Management, Inc. for Fiscal Intermediary services for HIV Clinic, 3/4/09 - 3/3/10 ($160,000; new total $432,000); and renewable for two additional one-year periods - All Districts
12345 X **APPROVED AS RECOMMENDED**

46. Approve agreement EPO P3-30 with State Department of Public Health for 2009-10 Center for Disease Control Public Health Emergency Response H1N1 Phase III grant, 7/31/09 - 7/30/10 ($4,664,221) - All Districts

12345 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

47. Approve agreement with Trustees of the California State University for management of County's Archaeological/Paleontological Collection, 12/8/09 - 6/20/13 ($1,605,527) - All Districts

43125 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

48. Grant relief of bid to Pima Corporation; receive bids and award contract to Beador Construction Co., Inc. for Moulton Parkway Widening project, Laguna Woods ($3,891,430) - District 5

52134 **APPROVED AS RECOMMENDED**
X

49. Adopt resolution authorizing OC Public Works Director or designee to use general funds for enhancement of customer service provided in the process of intake and closing of planning permits; and make related findings - All Districts

35124 **APPROVED AS RECOMMENDED**
X

RESO: 09-192

OC WASTE & RECYCLING

50. Renew price agreement MA-299-10010820 with Bryan A. Stirrat & Associates for landfill gas services for Central Region Landfills, 2/1/10 - 1/31/11 ($1,700,000) - District 3

31245 **APPROVED AS RECOMMENDED**
X

PUBLIC PROTECTION

51. **Probation -** Approve termination of agreement with Sentinel Offender Services, LLC for provision of continuous electronic monitoring services and equipment using GPS system; authorize Director or designee to notify Sentinel Offender Services of termination of agreement; approve agreement with Satellite Tracking of People, LLC for provision of continuous electronic monitoring services using a GPS system, 12/15/09 - 12/14/10 ($700,000); renewable for two additional one year periods; and make California Environmental Quality Act findings - All Districts

12345 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

52. Approve acceptance of grant funds from Governor's California Emergency Management Agency for comprehensive treatment services for child victims of abuse and neglect, 10/1/09 - 9/30/10 ($201,722); and approve amendment 2 to agreement FNH1208A2 with Child Guidance Center, Inc., Community Services Programs, Inc, and Olive Crest Treatment Centers, Inc. for Child Abuse Treatment Program, 10/1/09 - 9/30/10 ($1,722; new total $314,653); and authorize Director or designee to execute related documents and amendments under certain conditions - All Districts

32145 **APPROVED AS RECOMMENDED**
X

53. Approve subordinate agreement MA-063-10011257 with Anacomp, Inc., for document conversion-imaging services, 1/1/10 - 6/15/10 ($840,000); and authorize Deputy Purchasing Agent to execute - All Districts

13245 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

54. **Chair Bates -** Board of Retirement, OCERS - Make appointment from several interested parties for term ending 12/31/12

B.O. **DELETED**

County Executive Office:

55. Response to 6/3/09 & 10/28/09 Board Directive regarding DNA Lab Operation and OC Crime Lab Structure - All Districts

B.O. **CONTINUED TO 2/2/10, 9:30 A.M.**

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

NO ACTION

57. Approve recommended grant application submitted by OC Community Resources in 12/15/09 grant report and other actions as recommended - All Districts

21345 **APPROVED AS RECOMMENDED**
X

58. Approve 2009 Strategic Financial Plan; direct CEO to reduce FY 2009-10 Net County Cost (NCC) allocations by 5%, effective for all Departments with exception of Sheriff-Coroner and District Attorney who are to balance their budgets for Propositions 172 reductions - All Districts

32145 **APPROVED AS RECOMMENDED**
X

59. Consider first reading of "An Ordinance of the County of Orange, California Repealing Ordinance No. 07-008, Which Designated the Public Administrator as the Ex Officio Public Guardian; and set second reading and adoption for 1/12/10, 9:30 a.m. - All Districts (Continued first reading from 12/8/09, Item 45)

32145 **MOTION FAILED TO APPROVE STAFF RECOMMENDATIONS**
NNN

60. **Human Resources Department -** Receive and file Actuarial Statements for new employees electing Tier III retirement pension formula; direct CEO and Human Resources to place matter on 1/12/10 Board agenda - All Districts

12345 **APPROVED AS RECOMMENDED**
X

61. **Office of the Performance Audit Director -** Receive and file Performance Audit of CEO/IT, Task I Report - All Districts

13245 **RECEIVED AND FILED**
X

62. **Clerk of the Board -** Approve waiver of Rule # 8 of the Board of Supervisors Rules of Procedure and amend 2010 regular meeting schedule to allow election of 2010 Chair and Vice Chair at the 12/15/09 meeting - All Districts

41235 **APPROVED RECOMMENDED ACTION 1 TO WAIVE RULE 8 OF BOARD**
N **RULES AND TO CONDUCT ELECTION OF 2010 OFFICERS ON 12/15/09**

45123 **APPROVED MOTION TO ELECT SUPERVISOR NGUYEN AS 2010 CHAIR**
N **AND SUPERVISOR CAMPBELL AS VICE CHAIR**

ELECTED DEPARTMENT HEADS

S62A. **Sheriff-Coroner -** Approve amendment 1 to agreement MA-060-10011659 with Computer Deductions, Inc. for maintenance and software license services, 1/1/10 - 2/28/10 ($100,000) - All Districts

32145 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

S62B. **County Executive Office -** Approve Memorandum of Understanding with Costa Mesa for purchase, governance and operation of Orange County Fairgrounds; direct Auditor-Controller to issue payment from Fund 15S - Designated Special Revenue for $50,000 to accompany the County bid offer and to issue payment to increase the deposit in an amount equal to the greater of $50,000 or 1% of the offered purchase price; and delegate authority to County Executive officer or designee to execute documents necessary for supporting County's bid for purchase - District 2

23145 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

S62C. Receive bids and award contract to Sukut Construction, Inc. for the Alton Parkway Extension from Irvine Boulevard to Commercentre Drive ($18,760,203); and make related budget adjustments - Districts 3 & 5

34125 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 63-66)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

63. Public Hearing to consider adopting resolution approving fee for all persons booked into the County jail system and are subsequently convicted effective 1/1/10 ($235); and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

32145 **APPROVED AS RECOMMENDED**
X

RESO: 09-193

64. Public Hearing to consider adopting resolution approving 2010 Uniform Traffic Bail Schedule for parking citations in unincorporated areas and on County property - All Districts

B.O. **CLOSED PUBLIC HEARING**

32145 **APPROVED AS RECOMMENDED**
X

RESO: 09-194

OC PUBLIC WORKS

65. Public hearing to consider reading and adoption of "An Ordinance of the County of Orange, California, Amending Sections 7-9-132.2, 7-9-77.8, 7-9-78.8, 7-9-79.8, 3-13-7 and adding Section 7-9-133 of the Codified Ordinances of the County of Orange Regarding Landscaping Irrigation"; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

23145 **APPROVED AS RECOMMENDED**
X

ORD: 09-010

GENERAL ADMINISTRATION

66. **County Executive Office -** Public Hearing pursuant to Section 147 (f) of the Internal Revenue Code to consider adopting resolution approving proposed issuance of tax-exempt bonds by the California Municipal Finance Authority with Orange County Council Boy Scouts of America to refinance the acquisition, construction, improving and equipping of an outdoor education camp located at 2 Irvine Park Road, Orange ($15,000,000) - District 3

B.O. **CLOSED PUBLIC HEARING**

31245 **APPROVED AS RECOMMENDED**
X

RESO: 09-195

V. CLOSED SESSION (Items CS-1-SCS5)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -
Pursuant to Government Code Section 54956.9(a):
Name of Case: Ralph Espinoza v. County of Orange, et al., Orange County Superior Court Case No. 30-2008 00110643

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR NORBY BEING ABSENT, AUTHORIZED FILING OF AN APPEAL IN THE CASE OF RALPH ESPINOZA V. COUNTY OF ORANGE, ET. AL.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -
Pursuant to Government Code Section 54956.9(a):
Name of Case: Nancy Turner & Gabriel Celli v. County of Orange, et al., United States District Court Case No. SACV 06-0492 JVS (RNBx)
HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR NORBY BEING ABSENT, PROVIDED STAFF WITH SETTLEMENT AUTHORITY IN THE CASE OF NANCY TURNER & GABRIEL CELLI V. COUNTY OF ORANGE, ET. AL. ANY SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.

Human Resources Department:

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 Sheriffs (AOCDS), and all County Employees
RE: Terms and Conditions of Employment

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

CS-4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Performance Audit Director

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

SCS5. **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
Negotiation Parties: State of California

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

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

PUBLIC COMMENTS:

Ada Briceno, Kristi Richards, Glynndana Shevlen, Gary Chomiak, Amin David and Tom Reinhart-Marean - Oral Re: H1N1 and Disney Resort employees and guests

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Campbell - Oral Re: AB1234 report on visit to new San Jose Library Headquarters built jointly with the University

ADJOURNED: 2:10 P.M.

35124 **Adjourned in memory of Don Murphy**
X

25134 **Adjourned in memory of Wes Bannister**
X

51234 **Adjourned in memory of Herbert DeVries**
X

*** 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