REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 2, 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	Susan Novak, Chief Deputy

INVOCATION: Supervisor Moorlach, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

None

II. CONSENT CALENDAR (Items 1-19)

5231 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 4, 7, 10 & 18 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chair Nguyen -** Orange County Cemetery District - Reappoint Vivien Owen, Santa Ana, for term ending 2/28/14

COMMENDATIONS/PROCLAMATIONS/REPORTS

2. **Supervisor Campbell -** Adopt resolution proclaiming March 8-12, 2010 as "MS

Awareness Week"
RESO: 10-017

ELECTED DEPARTMENT HEADS

3. **Sheriff-Coroner -** Approve amendment 1 to price agreement N1000009841 with Stericycle Inc., for pick-up and disposal of infectious medical waste - All Districts

JOHN WAYNE AIRPORT

4. Approve use of design-build procurement for Parking Access and Revenue Control System project; approve list of pre-qualified design-build contractors; authorize Director to establish and enforce a Department of Industrial Relations approved Third-Party Labor Compliance program; authorize Director or designee to issue a Request for Proposals to approved pre-qualified contractors, establish proposal due date of 4/20/10; receive, open and evaluate proposals; return to Board for final approval and to extend due date if necessary up to 60 days; and make California Environmental Quality Act findings - District 2

3251 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

5. Adopt resolution approving amendment 1 to agreement HI-0910-22 with State Department of Aging accepting an increase in funding for Health Insurance Counseling and Advocacy Program services, 7/1/09 - 6/30/10 ($30,868; new total $575,043); and authorize Director or designee to execute agreement and subsequent amendments under certain conditions - All Districts
RESO: 10-018

6. **Acting as the Board of Supervisors and Orange County Housing Authority -** Approve issuance of 2010 Multi-Family Affordable Rental Housing Notice of Funding Availability for incorporation of policy and process changes - All Districts

OC PUBLIC WORKS

7. Receive and file Statement of Qualifications responses for Building 16 site development project - District 1

2531 **APPROVED AS RECOMMENDED**

8. Receive and file Traffic Committee Report dated 11/19/09; approve recommendations; and adopt necessary resolution - District 3
RESO: 10-019

9. Adopt resolution initiating 2010 Weed Abatement Program; and set public hearing for 4/13/10, 9:30 a.m., to consider assessment to private property for removal of weeds by County contractor - All Districts
RESO: 10-020

10. Receive and file sixth monthly status report on implementation of Performance Audit recommendations for Planning and Development services; and approve related actions - All Districts

2531 **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

11. Approve lease with AC Products, Inc. in Placentia Retarding Basin for operation and maintenance of groundwater treatment unit; adopt resolution making certain findings pursuant to the Orange County Flood Control Act; authorize Director or designee to extend terms under certain conditions; and make California Environmental Quality Act findings - District 4
RESO: 10-021

12. Approve amendment 2 to agreement D06-076 with AECOM USA, Inc. for on-call engineering services, extending term one additional year - All Districts

13. Approve amendment 1 to agreement D06-074 with AKM Consulting Engineers for on-call engineering services, extending term two additional years - All Districts

OC WASTE & RECYCLING

14. Renew agreement MA-299-10011766 with Paradigm Software, LLC for maintenance and support of Landfill Fee Collection System, 3/15/10 - 3/14/11 ($59,000) - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

15. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for Public Administrator/Public Guardian - All Districts

16. Approve re-adoption of the State's Model Code by reference to the County's Conflict of Interest Code Designated Filer Exhibits for the Buena Park Library District, Capistrano Connections Academy, Capistrano Unified School District, Capistrano-Laguna Beach Regional Occupational Program, Garden Grove Unified School District, Laguna Beach County Water District, Mesa Consolidated Water District, Orange County Public Law Library, Orange County Vector Control District, Orange Unified School District, and Placentia-Yorba Linda Unified School District - All Districts

17. **County Counsel -** Approve execution and acceptance of grant deeds and quitclaim deeds required by the "Settlement Agreement and Release of Claims" in case of City of Rancho Santa Margarita v. County of Orange, et al., San Diego County Superior Court Case No. GIN048650; authorize Director of OC Parks to sign any additional documents necessary to complete transfers of property approved herein; and make California Environmental Quality Act findings - District 5

18. **Human Resources Department -** Adopt resolution approving continuation of military supplement pay and benefits provided by Resolution Nos. 01-350, 02-061, 02-283; 03-068, 03-300, 04-053, 04-256, 05-044 to be effective until National Emergency ends,

unless terminated earlier by the Board of Supervisors and structure resolution to include conflict in Afghanistan in support of Operation Enduring Freedom; and direct staff to report to the Board on annual basis the status of military supplemental pay program - All Districts

3251 **APPROVED AS RECOMMENDED**
RESO: 10-022

19. **Supervisor Campbell -** Authorize waiver of fees for the Alzheimer's Association of Orange County event on 4/24/10, Mason Regional Park

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 20-S39B)

ELECTED DEPARTMENT HEADS

20. **District Attorney -** Response to Board Directive (3/3/09) - Receive and file update of Real Estate Fraud Prosecution Program - All Districts
RECEIVED AND FILED

Sheriff-Coroner:

21. Approve termination of proclamation of Emergency Declaration - resulting from weather conditions originally approved on 1/26/10 - All Districts (Continued from 1/26/10, Item S58A; 2/2/10, Item 18)
3251 **APPROVED AS RECOMMENDED**

22. Approve agreement MA-060-10011200 with Applied Biosystems LLC for purchase of DNA analysis kits and supplies, 3/2/10 - 3/1/11 ($350,000); renewable for four additional one-year periods - All Districts
3521 **APPROVED AS RECOMMENDED**

23. Approve agreement MA-060-10012166 with Enterprise Rent-A-Car of Los Angeles, LLC for rental of vehicles for undercover surveillance work, 3/1/10 - 2/28/11($935,800); renewable for four additional one-year periods - All Districts
5321 **APPROVED AS RECOMMENDED**

24. Approve execution and submittal of a proposal to U.S. Immigration and Customs Enforcement to house ICE detainees in Orange County Jail System; authorize negotiation of Standard Inter-Governmental Service agreement for detention and care of ICE detainees; return to the Board for approval at a later date; and make California Environmental Quality Act findings - All Districts
3251 **APPROVED AS RECOMMENDED**

Treasurer-Tax Collector:

25. Approve agreement MA-074-10012235 with Sectran Security for armored car services, 4/1/10 - 3/31/13 ($424,221); renewable for one two-year term, 4/1/13 - 3/31/15 ($291,760); and authorize deputy purchasing agent to execute agreement - All Districts
2351 **APPROVED AS RECOMMENDED**

26. Adopt resolution authorizing sale and issuance of Tustin Unified School District General Obligation Bonds of School Facilities Improvement District No. 2008-1 Election of 2008, Series A ($25,000,000) - District 3
3251 **APPROVED AS RECOMMENDED**
RESO: 10-023

HEALTH CARE AGENCY

27. Approve amendment to agreement EPO 09-30 with State Department of Public Health for 2009-10 Center for Disease Control Public Health Emergency Preparedness Grant, HHS Hospital Preparedness Program Grant, State General Fund Pandemic Influenza

Grant, Public Health Emergency Response Grant and HHS H1N1 Hospital Preparedness Program Grant, 7/1/09 - 8/9/10 ($60,000; new total $7,235,057) - All Districts

5321 **APPROVED AS RECOMMENDED**

28. Select and appoint one candidate to the CalOptima Board of Directors, consumer position to complete term ending 9/30/12 - All Districts

2351 **APPROVED SELECTION AND APPOINTMENT OF JIM MCALEER**
N

OC COMMUNITY RESOURCES

29. Receive bids and award contract to Pacific Constructors, Inc. for Lower Newport Harbor Bulkhead replacement ($1,786,000) - District 2

2351 **APPROVED AS RECOMMENDED**

30. Approve amendment 1 to license agreement between Fountain Valley and the Boys and Girls Clubs of Huntington Valley for operation in Mile Square Regional Park, 25 year term - District 2

2351 **APPROVED AS RECOMMENDED**

31. Approve and establish a 45-day Dog License Amnesty Program for dog owners in 17 Animal Care contract cities and unincorporated areas; authorize Director or designee to approve waiver of any past unpaid dog license fees and late penalties - All Districts

5321 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

32. Approve agreement MA-299-10012058 with SCS Field Services for landfill gas services for North Region Landfills, 3/2/10 - 3/1/11 ($1,000,000); renewable for two additional one-year periods - District 3

3251 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

2531 **APPROVED AS AMENDED TO SUPPORT SBX8 56 (HOLLINGSWORTH) FOR PROJECTS WITH FUNDS ALREADY ISSUED AGAINST THIS BOND AND FOR NON-BOND FUNDED PROJECTS**

34. 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 3/16/10, 9:30 a.m. - All

Districts

B.O. **CONTINUED TO 3/16/10, 9:30 A.M.**

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

36. Approve recommended grant applications submitted by Sheriff-Coroner, CEO/IT and OC Public Works in 3/2/10 grant report and other actions as recommended; and adopt resolutions authorizing Director of OC Public Works or designee to apply for funds for Transportation Enhancement Activities Program under the Jobs for Main Street Act of 2010 for Antonio Parkway Widening Project (Southern and Northern Phase) - All Districts

3521 **APPROVED WITH AMENDMENT TO AUTHORIZE APPLYING FOR UP TO $11.1 MILLION FOR BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM WITH STAFF TO REPORT BACK TO THE BOARD IN 30 DAYS WITH PROPOSED SCOPE OF PROJECT, LONG-TERM FINANCIAL IMPACT AND FUNDING OF MATCH REQUIREMENT.**
RESO: 10-024 - 10-025

37. **Human Resources Department -** Response to Board Directive (2/9/10) - Direct CEO to develop an administrative policy for temporary classification of positions in accordance with County's Position Classification Plan; direct staff to meet and confer as may be required on Temporary Promotion Policy and report back to Board within 30 days; and approve rescinding freeze placed on all Temporary Position Classifications to lower level positions only until administrative policy is developed and rescinding freeze placed on all temporary promotions until staff reports back to the Board - All Districts

1325 **APPROVED WITH AMENDED RECOMMENDED ACTION 2 TO "DIRECT STAFF TO MEET AND CONFER WITH BARGAINING UNITS, IF LEGALLY NECESSARY, ON A TEMPORARY PROMOTION POLICY, AND TO REPORT BACK TO THE BOARD WITHIN 30 DAYS."**

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

Chair Nguyen:

S38A. Adopt resolution designating third week in March as "Mediation Week" and commending the sponsors of "OC Mediation Odyssey 2010"

1325 **APPROVED AS RECOMMENDED**
RESO: 10-026

S39B. Adopt resolution proclaiming week of April 5-9, 2010 as "Environmental Health Week"

1523 **APPROVED AS RECOMMENDED**
RESO: 10-027

IV. PUBLIC HEARINGS (Item 39)

OC PUBLIC WORKS

39. 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 3/16/10, 9:30 a.m. - All Districts

B.O. **CONTINUED TO 3/16/10, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-SCS2)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Orange County Flood Control District v. F-B Huntington, LLC, Huntington Coastal, LLC, et al., Orange County Superior Court Case No. 30-2010-00336007

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, IN THE CASE OF ORANGE COUNTY FLOOD CONTROL DISTRICT v. F-B HUNTINGTON, LLC, ET AL., THE BOARD OF SUPERVISORS, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT:1. APPROVED THE SETTLEMENT AND AUTHORIZED AND DIRECTED THE CHAIR OF THE BOARD TO EXECUTE THE ACQUISITION CONTRACT AND THE EASEMENT DEED IN THE FORM PRESENTED BY COUNTY COUNSEL; AND2. AUTHORIZED AND DIRECTED THE AUDITOR-CONTROLLER TO: (a) ENCUMBER FUNDS AND ISSUE ONE OF MORE CHECKS IN THE TOTAL AMOUNT OF NO MORE THAN $96,500 PAYABLE TO F-B HUNTINGTON, LLC AND/OR HUNTINGTON COASTAL LLC AS SPECIFIED AND REQUESTED BY COUNTY COUNSEL, TO BE PAID FROM FLOOD ACO FUND 400-080-400-L001-0000-4100, JOB NO. EF03426; AND (b) ISSUE SUCH OTHER CHECKS FROM THAT SAME FUNDING SOURCE AS MAY BE REQUESTED BY OC PUBLIC WORKS FOR TITLE INSURANCE, TRUST DEED CLEARANCE FEES, FORWARDING FEES, TRUSTEE FEES, SUBORDINATION FEES, AND OTHER FEES ASSOCIATE WITH THE ESCROW, AS APPLICABLE, RELATING TO THE DISTRICT'S ACQUISITION OF THE SUBJECT PROPERTY INTERESTS, IN APPROXIMATE AMOUNTS NOT TO EXCEED $10,000 COLLECTIVELY.**

SCS2. **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
Under Negotiation: Terms of State RFP and Value of Property

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

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

PUBLIC COMMENTS:

Pamela Kavah - Oral Re: Incident with Sheriff Deputy at John Wayne Airport

Dwight Smith – Oral Re: Assistance to homeless after armory closes

Darrell Nolta – Oral Re: San Onofre Nuclear Generating Station safety concerns

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: Review of property taxes owed by County employees

Supervisor Bates - Oral Re: Security and safety measures at San Onofre Nuclear Generating Station

Chair Nguyen - Oral Re: Congratulations to OC Public Works employees Vincent Gin, Government Engineer of Merit, and Nadeem Majaj, Government Engineer of the Year, by the American Society of Civil Engineers and to the Health Care Agency for Orange County being named one of the Top 10 Healthiest Counties in California by the Robert Wood Johnson Foundation

ADJOURNED: 1:19 P.M.

1325 **Adjourned in memory of Carol Jules Gandy**

5123 **Adjourned in memory of Mike Eggers**

2135 **Adjourned in memory of Bob Hawkins, Sr.**

*** KEY ***

Left Margin Notes

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