REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 21, 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: Supervisors Nguyen, Moorlach, Campbell & Bates

EXCUSED: Supervisor Norby

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

Supervisor Moorlach presented a resolution recognizing joint venture of Segerstrom Family and IBM Corporation for their award of LEED-EB Gold Certification by the United States Green Building Council for operations and maintenance

II. CONSENT CALENDAR (Items 1-10)

31245 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 2 AND 3 WHICH WERE CONTINUED TO 7/28/09**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

1. Approve revised agreement with City of Los Angeles for FY 06 Urban Areas

Security Initiative (UASI), extending term to 9/20/09; and authorize Sheriff-Coroner or designee to execute agreement and amendments under certain conditions - All Districts

2. Approve amendment 3 to price agreement N3000008663 with Matrix Imaging Products, Inc. for maintenance of Kodak scanners and digital archive writer, term ending 3/26/10 ($3,743; new total $69,061) - All Districts

31245 X **CONTINUED TO 7/28/09, 9:30A.M.**

3. Ratify agreements with the State 32nd District Agricultural Association to provide law enforcement services for events held at the Orange County Fairgrounds, 7/1/09 - 6/30/10 ($350,000); and authorize Sheriff-Coroner to execute agreements and contractor certification clauses form CCC-307 - District 2 (Continued from 7/14/09, Item 11)

31245 X **CONTINUED TO 7/28/09, 9:30A.M.**

HEALTH CARE AGENCY

4. Approve price agreement N1000010992 with Decade Software Company, LLC for software licensing, maintenance and support for Environmental Health Division, 8/1/09 - 7/31/10 ($217,350); renewable for two additional one-year periods - All Districts

OC COMMUNITY RESOURCES

5. Approve Workforce Investment Act Cost Reimbursement agreement 16-TBL-09 with Coast Community College District for training programs for healthcare workers and foster/emancipated youth in allied health careers, 7/1/09 - 12/31/11 ($363,792); authorize Director or designee to execute agreement; accept funding from U.S. Department of Labor for Technology Based Learning Initiative ($500,000); and authorize Agency to exercise contingency increase not to exceed 10% if additional funding is allocated - All Districts

OC PUBLIC WORKS

6. **Acting as the Orange County Flood Control District -** Approve quitclaim deed and grant of easement to Irvine for transfer of Marshburn Channel drainage facility; and make California Environmental Quality Act findings - District 3

OC WASTE & RECYCLING

7. Approve easement deed and agreement with Irvine Ranch Water District for installation and maintenance of reclaimed water line at Coyote Canyon Landfill; and make California Environmental Quality Act findings - District 5

8. Approve Right of Entry agreement with The Irvine Company LLC., for access to property to install and maintain landfill gas monitoring probes, San Joaquin Landfill; and make California Environmental Quality Act findings - District 3

PUBLIC PROTECTION

Probation:

9. Approve cooperative agreement with State Department of Transportation for Juvenile Court Work Program services, 8/1/09 - 7/31/12 ($108,000); and make California Environmental Quality Act findings - All Districts

10. Approve renewal of agreement with Behavioral Interventions Inc. for lease of continuous electronic monitoring equipment/hardware and for provision of off-site centralized monitoring services for Juvenile Offender Supervised Electronic Confinement Program, 8/1/09 - 7/31/10 ($125,000); and make California Environmental Quality Act findings - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 11-S18A)

HEALTH CARE AGENCY

11. Approve price agreement N1000010857 with The Regents of the University of California, a Constitutional Corporation, on behalf of the UC Irvine Pathology Services, for phlebotomy and various laboratory services, 8/1/09 - 6/30/10 ($950,000); renewable for four one-year periods, per Board policy - All Districts (Continued from 6/16/09, Item 49; 6/23/09, Item 66)

13245 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

12. Relieve Whiting-Turner Contracting Company of its bid; receive bids and award contract to McCarthy Building Companies, Inc. for Terminal C project ($102,309,469); adopt plans and specifications; 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 and make other findings - District 2 (Continued from 7/14/09, Item 33)

23145 **APPROVED AS RECOMMENDED**
X

13. Receive bids and award contract to Swinerton Builders, Inc. for Parking Structure C project ($34,170,818); adopt plans and specifications; 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 and make other findings - District 2 (Continued from 7/14/09, Item 34)

23145 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

14. Approve Workforce Investment Act Cost Reimbursement master agreements with various providers of classroom and work-based training programs, 8/1/09 - 6/30/10 ($2,5000,000); authorize Director or designee to execute individual agreements; and authorize Agency to exercise contingency increase not to exceed 10% if additional funding is allocated - All Districts

23145 **APPROVED AS RECOMMENDED**
X

PUBLIC PROTECTION

15. **Public Defender -** Approve amendment 2 to lease agreement with CGJP-1, LLC for 7,699 square feet of office space at 14120 Beach Blvd., Suite 200/212, Westminster; and make California Environmental Quality Act findings - District 1

12345 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

16. Approve acceptance of additional grant funds from California Emergency Management Agency for comprehensive treatment services for child victims of abuse and neglect, 10/1/08 - 9/30/09 ($12,695); approve amendment 1 to agreement FNH1208A1 with Child Abuse Treatment (CHAT) Program service providers for computer equipment and therapy training, 10/1/08 - 9/30/09 ($15,869; new total $318,480); and authorize Director or designee to execute related documents and amendments under certain conditions - All Districts

13245 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

17. **County Executive Office -** Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; adopt resolution approving submittal of application for Neighborhood Stabilization Program (NSP) Tier 2 Funds to State Department of Housing and Community Development ($3,158,042); and authorize Director to execute grant agreement, related documents and any subsequent amendments - All Districts

32145 **APPROVED AS RECOMMENDED**
X

RESO: 09-109

18. **Human Resources Department -** Approve 2009-2012 MOU with Orange County Employees Association; and return to the Board with resolution implementing new Pension Program upon enactment of legislation - All Districts (Continued from 7/14/09, Item 45)

31245 **APPROVED AS RECOMMENDED**
X

S18A. **County Executive Office -** Report on County finances and budget status - All Districts
PRESENTED

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-2)

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. Bryant-Dakin, LLC, Los Angeles County Superior Court Case No. BC 395854

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR NORBY BEING ABSENT, 1. APPROVED THE PROPOSED SETTLEMENT AND DIRECTED THE DISTRICT'S ATTORNEY OF RECORD IN ORANGE COUNTY FLOOD CONTROL DISTRICT V. BRYANT-DAKIN, LLC, LACSC CASE NO. BC 395854 (THE"ACTION"), TO EXECUTE A STIPULATION FOR SETTLEMENT AND ENTRY OF JUDGMENT IN THE ACTION (THE "STIPULATION"), SUBJECT TO REVIEW AND APPROVAL OF THE STIPULATION BY COUNTY COUNSEL BEFORE IT IS EXECUTED, WHICH STIPULATION MAY AND WILL REQUEST AND AUTHORIZE THE**

COURT IN THE ACTION TO ENTER JUDGMENT AND A FINAL ORDER OF CONDEMNATION WHICH WILL CONDEMN IN AND TO THE DISTRICT THE FULL FEE SIMPLE INTEREST IN THE WHOLE BRYANT PARCEL WHICH IS LEGALLY DESCRIBED AS SET FORTH ON EXHIBIT "A" HERETO AND ELIMINATE BRYANT'S EASEMENT OVER ADJACENT DISTRICT-OWNED PROPERTY. 2. AUTHORIZED AND DIRECTED THE AUDITOR-CONTROLLER TO ENCUMBER FUNDS (FROM FLOOD ACO FUND 400-400-4100, JOB NO EF03530) AND TO ISSUE A CHECK OR CHECKS, UPON REQUEST OF COUNTY COUNSEL, IN AN AMOUNT OR AMOUNTS TO BE SPECIFIED BY COUNTY COUNSEL BUT NOT MORE THAN A TOTAL OF $537,500.00, PAYABLE IN THE MANNER SPECIFIED IN THE STIPULATION TO BE FILED IN THE ACTION, AND (B) UPON REQUEST FROM OC PUBLIC WORKS, SUCH OTHER CHECKS FOR TITLE INSURANCE, RECORDING, AND/OR OTHER MISCELLANEOUS COSTS RELATING TO THE COUNTY'S ACQUISITION OF THE WHOLE BRYANT PARCEL, IN AMOUNTS COLLECTIVELY NOT TO EXCEED $25,000.

CS-2. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: American Federation of State, County and Municipal Employees (AFSCME), Alliance of Orange County Workers (AOCW), International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), Orange County Managers Association (OCMA); and certain unrepresented employees
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
None

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Campbell - Oral Re: Fire Authority volunteers program and committee report on Santa Ana River Trail and Parkway Partnership

Supervisor Moorlach - Oral Re: Committee reports on Orange County Vector Control and Orange County Criminal Justice Coordinating Council

Chair Bates - Oral Re: Serving on State Corrections Standards Authority and participation in Contract Cities/Sheriff Dept meetings

ADJOURNED: 11:30 A.M.

31245 **Adjourned in memory of Ken Morgan**

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