REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, October 19, 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: Supervisors Nguyen, Moorlach, Nelson & Bates

EXCUSED: Supervisor Campbell

| | | |
|---|---|---|
| PRESENT: | COUNTY EXECUTIVE OFFICER | Thomas G. Mauk |
| | COUNTY COUNSEL | Nicholas S. Chrisos |
| | CLERK OF THE BOARD | Darlene J. Bloom |

INVOCATION: Supervisor Nelson, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

## I. PRESENTATIONS/INTRODUCTIONS

Chair Nguyen presented a resolution proclaiming November 2010 as "Grand Jury Awareness Month"

## II. CONSENT CALENDAR (Items 1-29)

42351 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 9 WHICH WAS DELETED AND ITEMS 10, 22, 23 & 27 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE AND ITEM 19 WHICH RECEIVED AN ABSTENTION FROM SUPERVISOR BATES**

## BOARD APPOINTMENTS

1. **Health Care Agency -** Emergency Medical Care Committee - Appoint Mark Pulone, Aliso Viejo, to complete term ending 6/30/12 - All Districts

## ELECTED DEPARTMENT HEADS

**District Attorney:**

2. Approve amendment 5 to agreement Z1000000037 with National Corrective Group, Inc for administration of Bad Check Restitution/Diversion Program, 10/31/10 - 12/31/10 - All Districts

3. Adopt resolution approving amended FY 2009-10 Federal Equitable Sharing agreement and Certification Report - All Districts
*RESO: 10-181*

**Sheriff-Coroner:**

4. Approve amendment 2 assigning agreements F1000003491 and F1000003493 to assign from American Eurocopter, LLC to American Eurocopter Corporation for helicopter parts and tools and airframe components, terms ending 6/30/11, renewable for 1 additional year - All Districts

5. Select J.C. Chang & Associates, Inc. as primary and ATI Architects and Engineers as alternate firms for design services for modular buildings for office space and courtrooms related to housing Immigration and Customs Enforcement detainees, James A. Musick Facility; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3

6. Approve amendment 1 to agreement N1000009483 with Hunter Consulting, Inc. dba HCI Environmental and Engineering Service for hazardous waste hauling and disposal, term ending 1/10/11 ($62,000; new total $155,000) - All Districts

7. Accept donation of two sniper rifles and accessories from Sheriff's Advisory Council for use by Sheriff's Special Weapons and Tactics Team - All Districts

8. **Treasurer-Tax Collector -** Approve agreement MA-074-11010813 with Moody's Analytics, Inc. for credit research services, effective 11/1/10 - 10/31/11, ($50,350) - All Districts

## HEALTH CARE AGENCY

9. Approve amendment 1 to agreement with Pacific Clinics for Consumer Training Program, 7/1/10 - 6/30/11 ($151,974; new total $744,954) - All Districts
42351 **DELETED**
X

10. Approve agreement 09-86348 with State Department of Health Care Services for Collaborative Primary Care Integration Project, 6/15/10 - 12/15/11 ($42,000); and authorize Director or designee to execute agreement - All Districts
52341 **APPROVED AS RECOMMENDED**
X

11. Approve agreement MA-042-11010639 with UMS Inc dba United Maintenance Systems for janitorial services, 17th St. Complex, Santa Ana, 11/1/10 - 10/31/11 ($171,000); renewable annually for four years - District 1

**OC COMMUNITY RESOURCES**

12. Approve agreement OCP10-014 with Harris and Associates for on-call project management/contract administration services to oversee and manage implementation of various OC Park repair and rehabilitation projects, three year term commencing date of execution ($400,000) - All Districts

13. Receive bids and award contract to KAD Paving Company for slurry seal and asphalt repair project for Selva Parking Lot, Salt Creek Beach ($80,241) - District 5

**OC PUBLIC WORKS**

14. Authorize Director or designee to amend agreement D07-028 for final map checking services to incorporated cities in Orange County; and make California Environmental Quality Act findings - All Districts

15. Approve plans and specifications and set bid opening for 11/24/10, 2:00 p.m., for Laguna Canyon Road Segment 4, Phase 1 Widening Project; approve amendments to three agreements with State Department of Transportation extending termination date to 12/31/15; and authorize Auditor-Controller to make related payment - District 5

16. Approve Auditor-Controller Records Control Schedules 313B, 319B, 321B, 322B, 323B, 328B, 360A, 361A, 362A, 347A, 309B, 310B, 311B, 312B, 314B, 315B, 316B, 317B, 348B, 318B, 330B, 331B, to supersede Schedules 313A, 319A, 321A, 322A, 323A, 328A, 309A, 310A, 311A, 312A, 314A, 315A, 316A, 317A, 348A, 318A, 330A, 331A; and approve 363A and 364 for continued disposition of records in accordance with the schedules - All Districts

17. Approve Clerk-Recorder Records Control Schedules 57B and 148B to supersede Records Control Schedule 57A and 148A; and authorize continuing disposition of records described on new schedules - All Districts

18. Approve Health Care Agency Records Control Schedules 26D, 27D, 30B, 157B, 158B to supersede Schedules 26C, 27C, 30A, 157A, 158A and approve 349A, 350A and 359A with continued disposition of records in accordance with the schedules - All Districts

**Acting as the Orange County Flood Control District:**

19. Approve amendment 1 to agreement D06-078 with RBF Consulting for on-call engineering services, extending term two additional years - All Districts

42351 XA **APPROVED AS RECOMMENDED**

20. Approve amendment 1 to agreement MA 080-10010469 with Pacific Advanced Civil Engineering, Inc. for engineering services for a hydraulic physical model study of Newland Channel ($70,950; new total $592,550) - Districts 1 & 2

## OC WASTE & RECYCLING

21. Approve agreement N2000010345 renewing as MA-299-11010357 with Anaheim Truck & Auto Service, Santa Margarita Ford, Stadium Automotive and USA Express Tire & Service for light duty vehicle maintenance and repair services, 11/1/10 - 10/31/11 ($183,000) - Districts 1, 3 & 5

## PUBLIC PROTECTION

**Probation:**

22. Approve grant award RT10020300 from California Emergency Management Agency for Residential Substance Abuse Treatment, 10/1/10 - 9/30/11 ($200,000); authorize Director or designee to execute agreement; and make California Environmental Quality Act findings - All Districts

25341 XN **APPROVED AS RECOMMENDED**

23. Approve amendment 1 to agreement CSA 360-09 with State Department of Corrections and Rehabilitation for Enhanced Disproportionate Minority Contact Technical Assistance Project II, 1/1/10 - 6/30/11 ($125,000); approve amendment 1 to agreement with The W. Haywood Burns Institute for consulting services, 5/25/10 - 6/30/11; authorize Director or designee to execute; and make California Environmental Quality Act findings - All Districts

25341 X **APPROVED AS RECOMMENDED**

24. Approve agreement MA05710013593 with State Employment Development Department for release and use of confidential employer/client address, wage and benefit payment information, 7/1/10 - 6/30/13 ($21,000); and make California Environmental Quality Act findings - All Districts

## GENERAL ADMINISTRATION

25. **Clerk of the Board -** Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for Internal Audit and Public Administrator/Public Guardian - All Districts

**County Executive Office:**

26. Approve amendment 1 to agreement MA-017-10011031 ACS State and Local Solutions for Foundry Network Equipment Maintenance, 12/1/10 - 11/30/11 ($113,340.12); and authorize Purchasing Agent or designee to add or delete equipment within established monetary limits - All Districts

27. Approve lease agreement OCPW/RLS/CEO-10-026 with CalOptima for 465 square feet of floor space and authorize manager of CEO/IT to increase the size of premises at same per square foot rental rate; and make California Environmental Quality Act findings - All Districts

25341 **APPROVED AS RECOMMENDED**

X

28. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for September 2010 - All Districts

29. **Supervisor Campbell -** Authorize waiver of fees for use of San Diego Creek bike trail for Woodbridge High School 20th Annual Southern California Half Marathon and 5K races event on 1/8/11

END OF CONSENT CALENDAR

## III. DISCUSSION ITEMS (Items 30-S45C)

## ELECTED DEPARTMENT HEADS

**Assessor Department:**

30. Oral Report - ATS Re-Engineering Project Quarterly Update - All Districts
(Continued from 10/5/10, Item 19)
**PRESENTED**

31. Amend Resolution No. 10-132 to increase authorized transfer from OC Waste & Recycling Post Closure Fund 279 from $17,000,000 to $21,000,000, FY 2010/11, for financing development of various information technology projects (Assessment Tax System, Property Tax Management System, County Wide Cost Allocation Plan Human Resources/Payroll and CAPS Budget Reporting & Analysis Support System upgrades); approve amendment 2 to master agreement MA-002-10012086 with ACS State and Local Solutions Inc., ($2,466,097; new total $3,900,000) and make related budget adjustments - All Districts (4/5 vote of the members present)

25341 XN **APPROVED RECOMMENDED ACTIONS 1 & 3**

*RESO: 10-182*

25341 X **APPROVED RECOMMENDED ACTION 2**

**Sheriff-Coroner:**

32. Approve amendment 4 to agreement MA-060-10011078 renewing as MA-060-11010786 with Amtec Engineering Corporation for information technology professional services and printer repair services, 11/1/10 - 10/31/11 ($143,200) - All Districts

24351 X **APPROVED AS RECOMMENDED**

33. Approve amendment 2 to agreement MA-060-10010073 renewing as MA-060-11010680 with Computer Deductions, Inc., to manage, supervise and operate the Unisys mainframe computer and all Sheriff Data Center operations, 11/1/10 - 10/31/11 ($650,000) - All Districts

25341 X **APPROVED AS RECOMMENDED**

34. Approve amendment 5 to agreement MA-060-111010815 with All City Management Services for crossing guard services, 11/1/10 - 10/31/11 ($510,000) - All Districts

45231 X **APPROVED AS RECOMMENDED**

35. **Treasurer-Tax Collector -** Approve selection of and agreement with Northern Trust as the Treasurer-Tax Collector's Custodian bank for custody banking services, 10/19/10 - 10/19/15 ($675,000) 5-year term ($135,000 annually); and authorize Chief

Financial Officer to execute agreement - All Districts

25341 **APPROVED AS RECOMMENDED**
X

**HEALTH CARE AGENCY**

36. Approve agreement MA-042-10013343 with ImageTrend, Inc. for Orange County Medical Emergency Data System and hosting services, 10/26/10 - 10/31/11 ($708,977); renewable annually for four years - All Districts

52341 **APPROVED AS RECOMMENDED**
X

37. Approve Option 1 as policy for determining hospital eligibility for participation in Intergovernmental Transfer program; direct Health Care Agency to return to the Board with FY 2010-11 related agreements (5/18/10 Directive) - All Districts

B.O. **CONTINUED TO 11/19/10, 9:30 A.M.**

**JOHN WAYNE AIRPORT**

38. Approve amendment 1 to agreement with McCarthy Building Companies, Inc. for additional construction work for Terminal C ($934,428; new total $104,711,690.47); and make California Environmental Quality Act findings - District 2

25341 **APPROVED AS RECOMMENDED**
X

**OC COMMUNITY RESOURCES**

39. Approve plans and specifications and set bid openings for 11/17/10, 2:00 p.m., for job order contracts P001 thru P004 for support in expediting completion of OC Parks repair and rehabilitation projects and improving customer service; and make California Environmental Quality Act findings - All Districts

25341 **APPROVED AS RECOMMENDED**
X

40. Approve agreement MA-012-11010396 with U.S. Ocean Safety, Inc. for lifeguard services at select County of Orange beaches, 1/1/11 - 12/31/13 ($1,795,433); renewable for three additional three-year terms; approve agreement MA-012-11010397 with U.S. Ocean Safety, Inc., for lifeguard services at Sunset Beach, effective 1/1/11 - 12/31/13 ($250,000); renewable for three additional three-year terms; authorize Director or designee to issue a professional services agreement with State Department of Parks and Recreation for lifeguard services at Santa Ana River Jetty Beach ($25,000 per year under certain conditions); and make California Environmental Quality Act findings - Districts 2 & 5

52341 **APPROVED AS RECOMMENDED**
X

41. Approve amendment 1 to Workforce Investment Act One-Stop Cost Reimbursement agreement to fund employment and training services with various vendors, 10/19/10 - 6/30/11 ($1,334,447; new total $9,197,115); authorize Director or designee to execute individual agreements, exercise cost contingency increase or decrease not to exceed 10% and to make line item budget transfers under certain conditions - All Districts

42351 **APPROVED AS RECOMMENDED**
X

**SOCIAL SERVICES AGENCY**

42. Approve acceptance of Governor's Emergency Management Agency's Child Abuse Treatment Program grant funds, 10/1/10 – 9/30/11 ($201,722) and approve amendment 3 to agreement FNH1208A3 with Community Service Programs, Inc., Child Guidance Center, Inc., and Olive Crest Treatment Centers, Inc., effective 10/20/10 ($2,153; new total $314,653) for comprehensive treatment services to child victims of abuse and violence; and authorize Director or designee to execute all documents related to the acceptance and administration of grant funds under certain conditions – All Districts
15234 **APPROVED AS RECOMMENDED**
X

**GENERAL ADMINISTRATION**

**County Executive Office:**

43. Direct County Executive Office to utilize available resources with County Capital Projects Fund 036 and Criminal Justice Facilities Fund 104 to fund components of Sheriff-Coroner Capital Improvement and Maintenance Project; direct CEO and Sheriff to develop an expedited capital project funding plan for remaining capital projects through the Annual Budget and Strategic Financial Planning process- All Districts (Continued from 9/28/10, Item 29)
25341 **APPROVED AS RECOMMENDED**
X

44. Receive and file revised County Policies and Procedures regarding City Redevelopment Agencies (7/27/10 Directive) - All Districts
24351 **APPROVED AS RECOMMENDED**
X

45. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
54231 **APPROVED AS RECOMMENDED**
X

S45A. **County Counsel -** Direct County Executive Officer to conduct an investigation and review of the Public Administrator/Public Guardian office and ratify agreement with Snell & Wilmer, LLP for professional legal services and file a confidential report by 11/1/10 - All Districts
B.O. **DELETED**

S45B. **Auditor-Controller -** Adopt resolution approving revised property tax rates for Fullerton Union High School District Election of 2002 General Obligation Bonds, Series 2005B, FY 2010-11 - District 4
42351 **APPROVED AS RECOMMENDED; INCLUDING CORRECTION OF**
X **CLERICAL ERROR IN PARAGRAPH 2 OF RESOLUTION RECITALS**
*RESO: 10-183*

S45C. **Supervisor Campbell -** Adopt resolution commending Assemblyman Chuck Devore on his service representing California's 70th Assembly District

45231 X **APPROVED AS RECOMMENDED**

*RESO: 10-184*

**IV. PUBLIC HEARINGS (Item 46)**

**GENERAL ADMINISTRATION**

46. **County Executive Office -** Public Hearing to consider adopting resolution authorizing Southern California Home Financing Authority to issue single family mortgage revenue bonds to fund Home Financing Program and authorize submission of applications to California Debt Limit Allocation Committee; and making appropriate findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

51234 NX **APPROVED AS RECOMMENDED**

*RESO: 10-185*

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

**GENERAL ADMINISTRATION**

**County Counsel:**

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Cases: Fogarty-Hardwick v. County of Orange, et al., 4th District Court of Appeal Case No. G039045 (OCSC Case No. 01CC02379); Specialty National Insurance Company, etc. v. County of Orange, etc., et al., United States District Court Case No. SACV10-1321 DOC (MLGx)

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Hilmer Jarboe Jr. v. County of Orange, et al., United States District Court Case No. SACV 05-0202 JVS (ANx)

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 3 TO 1, SUPERVISOR CAMPBELL BEING ABSENT, SUPERVISORS NGUYEN, MOORLACH AND BATES VOTING IN FAVOR, SUPERVISOR NELSON VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF HILMER U. JARBOE, JR. V. COUNTY OF ORANGE, ET AL. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

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

**PUBLIC COMMENTS:**
Carol Rudat - Oral Re: Requested FBI or AG investigation into threats made by Water District Board Members and stolen dog.

Darrell Nolta - Oral Re: (1) Concerns over newly approved policy on County's review of Orange County cities' redevelopment projects; (2) deletion of item S45A; (3) Bicycle accidents and speed limit on trails.

**COUNTY EXECUTIVE OFFICER COMMENTS:**
None

**BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:**
Supervisor Moorlach - Oral Re: AB1234 Travel - Discussed recent trip to San Francisco to participate in Bond Buyer Conference; discussed expanded audit scope re: Item S45A and possible use of the Performance Auditor in this audit; Groom Law Firm status with IRS opinion on new pension options; and directed CEO to provide Board Offices with status report on development of Tustin Blimp Hanger Use Plan

Supervisor Bates - Oral Re: AB1234 Travel - Discussed recent trip to So. Carolina to attend American Shore & Beach Preservation National Conference and receive OC Award.

**ADJOURNED: 12:37 P.M.**
52341 **Adjourned in memory of Glenetta Betty Farell**
X

*** 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*