REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 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: Supervisors Moorlach, Campbell, Norby & Bates

EXCUSED: Supervisor Nguyen

PRESENT:	COUNTY EXECUTIVE OFFICER	Rob Richardson, Asst. CEO
	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

Chair Bates presented a resolution recognizing September 2009 as "National Preparedness Month"

Chair Bates introduced new Orange County Fire Authority Chief, Keith Richter

Chair Bates will present a resolution commending the OC Sheriff's Explorer Post 449 for their 50 years of dedicated service
DELETED

Chair Bates will present a resolution commending the OC Council of Boy Scouts of America Learning Program for their 50 years of dedicated service
DELETED

Supervisor Campbell presented a resolution commending Bill Hisey on his retirement

Chair Bates and Supervisor Campbell - Oral Report on Planning Audit Activities

Supervisor Campbell presented a resolution commending Bart Bartlett on his retirement

II. CONSENT CALENDAR (Items 1-37)

23145 X **APPROVED AS RECOMMENDED WITH EXCEPTION OF ITEM 37 WHICH WAS DELETED, ITEMS 2, 7, 9, 14, 15, 18, 21 AND 31 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE AND ITEMS 24 AND 34 WHICH RECEIVED ABSTENTIONS FROM CHAIR BATES**

BOARD APPOINTMENTS

1. **Supervisor Moorlach -** Orange County Human Relations Commission - Appoint Amy Peikoff, Orange, for term ending 9/14/11

ELECTED DEPARTMENT HEADS

2. **Auditor-Controller -** Adopt resolution approving property tax rates, delinquency/roll change/refund factors, and reserved disputed values for FY 2009-10 - All Districts

53124 X **APPROVED AS RECOMMENDED**

RESO: 09-147

District Attorney:

3. Approve amendment 1 to lease agreement DA 2000-1 with CGJP-1, LLC for office space in building contiguous to West Justice Center, Westminster; and make California Environmental Quality Act findings - District 1

4. Approve amendment 1 to price agreement N1000010493 with The Bode Technology Group, Inc. for DNA collection kits and processing services ($175,000; new total $425,000) - All Districts

Sheriff-Coroner:

5. Approve agreement 90112123 with State for coroner training courses for Commission on Peace Officer Standards and Training (POST), 7/1/09 - 6/30/10 and accept reimbursement for training costs ($129,000); and authorize Sheriff-Coroner or designee to execute agreement and Form CCC-307, Contractor Certification Clauses - All Districts

6. Accept grant award from State Office of Traffic Safety for Real DUI Media Contests & Real DUI Trial in Schools Equal Real Results Program, 10/1/09 - 9/30/10 ($68,985), and ratify execution of grant award agreement - Districts 3 & 5

7. Approve amendments to agreement SA-189-09FT with the State 32nd District Agricultural Association to provide law enforcement services for 2009 Orange County Fair, 7/9/09 - 8/10/09 and 7/10/09 - 8/9/09 ($25,000; new total

$425,000) - District 2

42135 **APPROVED AS RECOMMENDED**
X

8. Approve Federal Equitable Sharing agreement and FY 2008-09 Certification Report for Orange County Regional Narcotics Suppression Program participation in Federal Equitable Sharing Program; and approve amended agreements for FY 06-07 and 07-08 - All Districts

9. **Treasurer-Tax Collector -** Approve proposed change to the Investment Policy Statement to include a section limiting the Extended Fund B to Whistlejacket / Serpentine Funding holding and exempting them from compliance computations - All Districts (Continued from 8/25/09, Item 23)

23145 **CONTINUED TO 9/29/09 AND DIRECTED TTC TO DETERMINE THE**
X **APPROPRIATE DATE FOR SETTING THE RELATIVE OWNERSHIP OF EXTENDED FUND B AND PROVIDE THE BOARD WITH THE PERCENTAGE OF FUNDS ALLOCATED TO THE VARIOUS ENTITIES**

HEALTH CARE AGENCY

10. Approve agreement with Share Our Selves Free Clinic for Specialty Dental Referral Program services, 10/1/09 - 6/30/10 ($100,000) - All Districts

11. Approve renewal of master agreement MA-042-CVPANF2000002964 as MA-042-10010281 with Gen Probe Sales & Service, Inc. dba Gen Probe for specimen collection kits for detection of Chlamydia and Gonorrhea, under same terms, conditions, pricing and scope of work, 10/1/09 - 9/30/10 ($260,000) - All Districts

12. Approve amendment to master agreement MA-042-CVPAF2000002996 with Roche Diagnostics Corporation for lab supplies used for HIV Viral Load and other viralogic testing, extending end date to 10/31/09 ($50,000; $470,000); renewable for one additional year, 11/1/09 - 10/31/10 - All Districts

13. Approve amendment 2 to agreement with The Regents of the University of California for Medi-Cal Mental Health Managed Care Psychiatric Inpatient Hospital services, 7/1/08 - 6/30/10 ($40,551; new total $108,136) - All Districts

14. Approve master agreement MA-042-10010415 with CLEW Associates, Inc for Alcohol/Drug Sensitive Information Planning System in a Geographic Information System Program services, 9/16/09 - 9/15/10 ($94,000); renewable for two additional one-year periods - Districts 1, 2, 4, 5

32145 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

15. Authorize the Director or designee to approve lease credits with Sunset Aquatic Park, Ltd. for installation of electric and water meters at Harbor Patrol facility and as one-time reimbursement for past utility charges ($60,000) - District 2

23145 **APPROVED AS RECOMMENDED**
XN

16. Receive bids and award contract to B & T Works, Inc. for construction of Irvine Ranch Historic Park Entrance Improvements ($253,205) - District 3

17. Approve master agreement with various providers of Veterinary services, 9/29/09 - 9/28/10 ($204,800); and authorize Director or designee to execute agreements - All Districts

18. Approve supplemental lease agreement 00015 with the United States of America for continued use of office/storage space and moorage for U.S. Coast Guard at Harbor Patrol Facility, Newport Beach; and make California Environmental Quality Act findings - District 2

43125 X **APPROVED AS RECOMMENDED**

19. Authorize the Director or designee to issue a Request for Proposals for ocean lifeguard services at County beaches - Districts 2 & 5

20. Authorize the Director or designee to issue a Request for Proposals to secure a consulting firm to assist OC Infrastructure departments with implementation of Job Order Contracting Program - All Districts

OC PUBLIC WORKS

21. Approve agreement with Webco LB, LLC for street sweeping services in unincorporated areas of north County, 9/15/09 - 9/14/10 ($180,544); renewable for two additional years; and make California Environmental Quality Act findings - Districts 1, 2, 3 & 4

35124 X **APPROVED AS RECOMMENDED**

22. Approve amendment 2 to lease agreement with CGJP-1, LLC for office space for Health Care Agency Alcohol and Drug Abuse Perinatal Services Program, Westminster, extending term to 7/31/12 ($5,617.30 per month); and make California Environmental Quality Act findings - District 1

23. Approve amendment 2 to lease agreement with CGJP-1, LLC for office space for Health Care Agency Children and Youth Services Program, Westminster, extending term to 7/31/12 ($10,382 per month); and make California Environmental Quality Act findings - District 1

24. Select RBF Consulting, Norris-Repke, and Hunsaker and Associates as primary and IDS Group, Inc., Land Development Consultants, and Bureau Veritas as alternate firms for plan check on-call support services; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

23145 X A **APPROVED AS RECOMMENDED**

25. Approve plans and specifications and set bid opening for 10/21/09, 2:00 p.m., for Moulton Parkway Widening project; adopt resolution declaring portions of Moulton Parkway and El Toro Road as County highways for construction purposes; and find

EIR and addendum IP09-048, are adequate to satisfy requirements of California Environmental Quality Act - District 5 (4/5 vote)
RESO: 09-148

26. Receive and file Report of Real Property Interests under delegated authority, 7/1/08 - 6/30/09 - All Districts

27. Receive bids and award contract to Southern California Contractors, Inc. for rebuilding of Detention Control Center, West Justice Center ($271,647) - District 1

28. Approve plans and specifications and set bid opening for 10/21/09, 2:00 p.m., for Orange Park Acres Storm Drain-North Reach project; and find that Negative Declaration IP 09-019 is adequate to satisfy requirements of California Environmental Quality Act findings - District 3

29. Approve agreement MA 080 10010123 with Republic Intelligent Transportation Services, Inc. for traffic signal maintenance services, 9/30/09 - 9/30/10 ($507,317); renewable for four additional years; and make California Environmental Quality Act findings - All Districts

30. Reject bids; approve revised plans and specifications and set bid opening for 10/21/09, 2:00 p.m., for reconstruction of drainage facility in unincorporated area of Orange County - District 4

31. Delegate authority to OC Public Works Director or designee to release subdivision performance security - All Districts

35124 X **APPROVED WITH DIRECTION THAT BOARD AND CEO BE NOTIFIED WHEN ANY SECURITIES ARE RELEASED**

32. Approve plans and specifications and set bid opening for 10/21/09, 2:00 p.m., for advertisement of electrical equipment replacement project, Yorba Regional Park; and make California Environmental Act Findings - District 3

33. **Acting as the Orange County Flood Control District -** Approve Supplemental Agreement with Union Pacific Railroad for temporary work area and perpetual rights for construction of reinforced concrete box; and make California Environmental Quality Act findings - District 1

34. **Acting as the Board of Supervisors and Orange County Flood Control District -** Select various firms for on-call construction support services; and authorize negotiation of agreements for Board approval - All Districts

23145 X A **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

35. **Probation -** Approve agreement with PCR Services Corporation for Biological Monitoring Services for On-site Habitat Restoration and Mitigation for Joplin Youth Center Pond and Road Repair project, term ending 12/31/11 ($40,000) - District 3

SOCIAL SERVICES AGENCY

36. Approve non-financial Memorandum of Understanding CLC0409 with Santa Ana Unified School District for Healthy Tomorrows Program services, 9/22/09 - 6/30/11; and authorize Director or designee to execute - District 1

GENERAL ADMINISTRATION

37. **County Executive Office -** Approve agreement MA-017-10010568 with Infinite Computer Group, LLC for AIX Hardware Maintenance, 9/15/09 - 9/14/14 ($111,679.20 per year) - All Districts

23145 **DELETED**
X

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 38-S59B)

ELECTED DEPARTMENT HEADS

38. **Sheriff-Coroner -** Accept grant award from State Office of Traffic Safety for "Avoid the 12 DUI Campaign - Orange County", 10/1/09 - 9/30/12 ($874,852), and ratify execution of grant award agreement - All Districts

23145 **APPROVED AS RECOMMENDED**
X

39. **Auditor-Controller, Treasurer-Tax Collector, Clerk of the Board -** Approve, in concept, the sharing of Property Tax Management System (PTMS) software with other California Counties at a reasonable annual cost to cover a portion of the ongoing software maintenance/development costs; and direct staff to work with County Counsel in the development of an agreement/MOU - All Districts

43125 **APPROVED AS RECOMMENDED**
X

HEALTH CARE AGENCY

40. Approve master agreement with contracting providers for Penal Code 1210 Offender Treatment Program services, 10/1/09 - 6/30/10 ($4,000,000); and authorize Director or designee to execute agreements - All Districts

23145 **APPROVED AS MODIFIED TO REMOVE TARZANA TREATMENT**
X **CENTER FROM ANY PROVIDER LIST FOR THESE PROGRAM SERVICES**

41. Approve amendment 1 to agreement 06-55699 A01 with State Department of Public Health for Cancer Detection Partnership services, 3/1/07 - 6/30/10 ($335,194; new total $1,104,942) - All Districts

23145 **APPROVED AS RECOMMENDED**
X

42. Oral Report status update on Pandemic (H1N1) 2009 Influenza - All Districts
PRESENTED

JOHN WAYNE AIRPORT

43. Approve amendment 1 to agreement N3000006119 with Flagship Airport Services for custodial maintenance services, 10/1/09 - 11/30/09 ($566,053.20); and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**
XX

44. Approve agreement with Department of Homeland Security Transportation Security Administration for funding the checked baggage inspection system in Terminal C ($8,773,200); authorize Airport Director to execute agreement; 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 - District 2

23145 **APPROVED AS RECOMMENDED**
XX

OC PUBLIC WORKS

45. Approve amendment 2 to lease agreement with CGJP-1, LLC for office space for Health Care Agency Alcohol and Drug Abuse Services Program and Mental Health Services Act-Program for Assertive Community Treatment, Westminster, extending term to 7/31/12 ($21,138.10 per month); and make California Environmental Quality Act findings - District 1

53124 **APPROVED AS RECOMMENDED**
X X

46. Approve agreement D09-049 with Rancho Mission Viejo Community Development, LLC for widening of Antonio Parkway; and make California Environmental Quality Act findings - District 5

B.O. **DELETED**

OC WASTE & RECYCLING

47. Select Habitat West, Inc. as primary and LCG Landscape as alternate firms for habitat maintenance services of biological mitigation area, South Region Landfills; and authorize negotiation of agreement for Board approval - District 5

53124 **APPROVED AS RECOMMENDED**
X X

PUBLIC PROTECTION

48. **Public Defender -** Adopt resolution approving attorneys who participate in Public Defender Attorney Fellowship Program are entitled to defense for acts or omissions occurring within the scope of their duties and are included in County's worker's compensation coverage - All Districts

32145 **APPROVED AS RECOMMENDED**
X

RESO: 09-149

SOCIAL SERVICES AGENCY

49. Approve amendment 1 to lease with AP-Brandan LLC for office space for Children and Family Services Emergency Response Program at 1337 Braden Court, Orange, 10/1/09 - 9/30/10 ($59,374.26 per month); renewable for one-year option ($61,173.48 per month); and make California Environmental Quality Act findings - District 3

32145 **APPROVED AS RECOMMENDED**
X

50. Approve Memorandum of Understanding CCI4409 with Children and Families Commission of Orange County for mother and child reunification services , 10/1/09 - 6/30/12; authorize Director or designee to accept $1.5 million from Children and Families Commission of Orange County for Mother and Child Residential Services Home Program, Tustin Family Campus - All Districts

32145 **APPROVED AS RECOMMENDED**
X

51. Approve agreement CCI5408 with PROTOTYPES, Centers for Innovation in Health,

Mental Health and Social Services for Mother and Child Residential Home services, Tustin Family Campus, 10/1/09 - 6/30/10 ($675,000) - All Districts

32145 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

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

32145 **APPROVED AS RECOMMENDED**
X

53. Acting as the Legislative Body of Community Facilities District 2002-1 and 2003-1 (Ladera Ranch) - Approve amendment 3 to Series A of 2003 Bonds, CFD 2002-1 Acquisition Funding and Disclosure agreement and amendment 2 to Series A of 2004 Bonds, CFD 2003-1 Acquisition Funding and Disclosure agreement; and make related findings; and authorize Chief Financial Officer to execute amendments - District 5

B.O. **DELETED**

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

PRESENTED

55. Approve recommended grant applications submited by Sheriff-Coroner, Health Care Agency and Social Services Agency in 9/15/09 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner or designee to execute all documents necessary for FY09 Operation Stonegarden Grant Program Supplemental Application and grant assurances; and authorize submittal of grant application to County of San Diego for FY09 Operation Stonegarden Grant Program Supplemental ($281,896) - All Districts

32145 **APPROVED AS RECOMMENDED**
XX

RESO: 09-150

56. **Human Resources Department** - Approve 2009-2012 Memorandum of Understandings with American Federation of State, County and Municipal Employees (AFSCME) for Eligibility Worker Unit; Alliance of Orange County Workers (AOCW) for Operations and Service Maintenance Unit; and International Union of Operating Engineers (IUOE) for Craft and Plant Engineer Unit - All Districts

23145 **APPROVED AS RECOMMENDED**
X

Registrar of Voters:

57. Approve renewal price agreement N1000008230 with DFM Associates for software lease and maintenance on Election Information Management System, 10/1/09 - 9/30/10 ($210,488) - All Districts

43125 **APPROVED AS RECOMMENDED**
X

58. Approve master agreement MA-031-10010109-1 with Merrill Communications, LLC for Sample Ballot Pamphlet Printing services, 9/23/09 - 9/22/11 ($7,000,000); renewable for one consecutive two-year period; and authorize Purchasing Agent or designee to make non-monetary and non-material changes - All Districts

24135 **APPROVED AS RECOMMENDED**
X

59. **Office of the Performance Audit Director -** Response to 8/4/09 Board Directive regarding Performance Auditor Assignment - All Districts (Continued from 8/25/09, Item 79)
DELETED

Chair Bates:

S59A. Adopt resolution congratulating the OC Sheriff's Explorer Post 449 for their 50 years of dedicated service

53124 **APPROVED AS RECOMMENDED**
X

RESO: 09-151

S59B. Adopt resolution congratulating the OC Council of Boy Scouts of America Learning Program for their 50 years of dedicated service

53124 **APPROVED AS RECOMMENDED**
X

RESO: 09-152

IV. PUBLIC HEARINGS (Items 60-61)

ELECTED DEPARTMENT HEADS

60. **District Attorney -** Public Hearing to consider adopting resolution establishing a fee for the collection and processing of DNA - All Districts (Continued from 8/25/09, Item 14)

B.O. **CLOSED PUBLIC HEARING**

35124 **APPROVED AS RECOMMENDED**
X

RESO: 09-153

HEALTH CARE AGENCY

61. Public Hearing to consider adopting resolution approving Prop 36 - Substance Abuse and Crime Prevention Act of 2000 (SACPA) Program Enrollment Fee, effective 10/1/09 ($127.00 per client); and making California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

23145 **APPROVED AS RECOMMENDED**
X

RESO: 09-154

V. CLOSED SESSION (Item CS-1)

GENERAL ADMINISTRATION

CS-1. **Human Resources Department** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: Association of Orange County Deputy Sheriffs (AOCDS), Orange County Attorneys Association (OCAA) and Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
Marilyn Lipson & Judy Stricker - Oral Re: OC Animal Care drop off fee

Charles Griffin - Oral Re: Wildfires, alternative fuel/energy

Nick Beradino - Oral Re: Cooperative effort on pension legislation and retiree extra-help usage

Darrell Nolta - Oral Re: Emergency preparedness, Brown Act requirements for OC Parks Commission and 72nd Assembly District resignation

Gary Boatwright - Oral Re: Treatment of homeless in Santa Ana

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Campbell - Oral Re: AQMD issues

Supervisor Moorlach - Oral Re: Directed staff to report back to Board re: charging for WiFi at John Wayne Airport

Supervisor Norby - Oral Re: SCAG issues

Chair Bates - Oral Re: Directed CEO to review Animal Care drop off fee and directed CEO-IT and Office of Performance Audit Director to meet and review scopes of work to make sure there is no duplication of effort in their separate reviews of aspects of County IT sourcing strategy

ADJOURNED: 1:42 P.M.

25134 **Adjourned in memory of Edward H. DeBoer**
X

32145 **Adjourned in memory of Benita Lucille Nichols**
X

35124 **Adjourned in memory of Leonard Schwendeman**
X

52134 **Adjourned in memory of Donald Hogan**
X

53124 **Adjourned in memory of Kevin Telles**
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