REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 14, 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

JANET NGUYEN
VICE CHAIR

JOHN M. W. MOORLACH
SUPERVISOR

BILL CAMPBELL
SUPERVISOR

CHRIS NORBY
SUPERVISOR

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 Nguyen, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-27)

31245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 11, 12, 14 AND 16 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Acting as the Orange County Housing Authority - Housing and Community Development Commission - Reappoint Jim Palmer, Tustin, for term ending 6/30/11

2. **Supervisor Norby -** Acting as the In-Home Supportive Services Public Authority - In-Home Supportive Services Advisory Committee - Reappoint MarGreta Jorgensen, M.F.T., Anaheim, for term ending 7/13/13

3. **Supervisor Bates -** Acting as the Orange County Housing Authority - Housing and Community Development Commission - Reappoint Bruce Sonnenberg, Irvine, for term ending 6/30/11

Supervisor Nguyen:

4. Acting as the Orange County Housing Authority - Housing and Community Development Commission - Reappoint Margie Rice, Westminster, for term ending 6/30/11

5. Regional Recreational Trails Advisory Committee - Appoint Vivian Kirkpatrick-Pilger, Westminster, for term concurrent with 1st District Supervisor's term of office

COMMENDATIONS/PROCLAMATIONS/REPORTS

Supervisor Moorlach:

6. Adopt resolution congratulating California Society of Certified Public Accountants on 100th Anniversary
RESO: 09-101

7. Adopt resolution recognizing joint venture of Segerstrom Family and IBM Corporation for their environmental stewardship
RESO: 09-102

8. Adopt resolution recognizing joint venture of Segerstrom Family and IBM Corporation for their achievement of Gold Level LEED certification
RESO: 09-103

ELECTED DEPARTMENT HEADS

District Attorney:

9. Approve amendment 2 to lease agreement DA06-006 with Equitable Property Management Group, Inc. to remove 5,191 square feet of office space and 18 parking spaces for DNA Unit, 900 N. Broadway, Santa Ana; and make California Environmental Quality Act findings - District 1

10. Approve Cooperation Agreement/Memorandum of Understanding for participating in the Orange County Regional Computer Forensics Laboratory; and authorize District Attorney and Sheriff-Coroner or designees to execute agreements - All Districts

Sheriff-Coroner:

11. 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

41235 **CONTINUED TO 7/21/09, 9:30 A.M.**

12. Ratify agreements with the State 32nd District Agricultural Association to provide law enforcement services for 2009 Orange County Fair, 7/9/09 - 8/10/09 ($400,000); and authorize Sheriff-Coroner to execute agreements and contractor certification clauses form CCC-307 - District 2

41235 **MOTION TO CONTINUE 1 WEEK PENDING APPROVAL OF AGREEMENT BY OC**
NNN **FAIR BOARD FAILED TO PASS**

23145 **APPROVED AS RECOMMENDED**
N

HEALTH CARE AGENCY

13. Approve agreement with Camp, Dresser and McKee, Inc. for water quality analysis and reporting for Public Health Lab services, 7/15/09 - 6/30/10; authorize Director or designee to execute agreement - All Districts

JOHN WAYNE AIRPORT

14. Approve consent to withdraw bid of USS Cal Builders; receive bids and award contract to All American Asphalt for Pavement Maintenance and Repairs project ($500,000); and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

15. Approve renewal of Price Agreement N1000009772 with HAPPY Software, Inc. for software support maintenance for Orange County Housing Authority Housing Pro application, 9/1/09 - 8/31/11 ($58,977) - All Districts

16. Approve ranked lists of firms for on-call architectural-engineering services for OC Parks capital improvement and rehabilitation projects for a period of three years; authorize negotiation of agreements as needed for Board approval; and direct Director or designee to use approved lists to issue Request for Proposals when required per Contract Policy Manual - All Districts

23145 **APPROVED AS RECOMMENDED**
A

OC PUBLIC WORKS

17. Approve plans and specifications and set bid opening for 8/19/09, 2:00 p.m., for re-roofing of Yorba Regional Park Group Shelter #4; and make California Environmental Quality Act findings - District 3

Acting as the Orange County Flood Control District:

18. Approve agreement D09-039 with Harris & Associates for on-call engineering services, three-year term (not to exceed $200,000); and make California Environmental Quality Act findings - All Districts

19. Declare surplus and approve grant deed to San Juan Capistrano Redevelopment Agency for purchase of 1.161-acre portion of Assessor's Parcel 121-240-36 ($191,500); and make California Environment Quality Act and other findings - District 5

20. Approve Mitigated Negative Declaration IP 09-070 and conceptually approve flood control improvements to Edinger Storm Channel - Districts 1 & 2

21. Approve agreement D09-047 with VA Consulting, Incorporated for on-call engineering services for the East Garden Grove Wintersburg and Westminster Channel Projects, three-year term ($200,000); and make California Environmental Quality Act findings - All Districts

Acting as the Board of Supervisors and Orange County Flood Control District:

22. Approve agreement CCC-96 and addendum with California Conservation Corps for maintenance of flood control facilities and roadways, 7/14/09 - 7/13/10 ($297,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts

23. Approve agreement D09-044 with URS Corporation for on-call engineering and regulatory permitting services for flood control and road projects, three-year term ($400,000); and make California Environmental Quality Act findings - All Districts

24. Approve amendment No. 3 to agreement D05-013 with Rancho Mission Viejo Community Development Company, Inc., and Pacific Advanced Engineering, Inc. for the San Juan Creek Watershed Study, extending term to 7/31/10 - Districts 5

GENERAL ADMINISTRATION

25. **Clerk of the Board -** Approve merger of the membership of the Public Facilities Corporation with the Planning Commission membership and direct staff to amend bylaws accordingly - All Districts

26. **Human Resource Services -** Adopt resolution reaffirming commitment to Equal Employment Opportunity Policy & Procedure and approve minor revisions effective 7/14/09 - All Districts
RESO: 09-104

27. **Supervisor Campbell -** Authorize waiver of fees for use of San Diego Creek bike trail for Woodbridge High School Cross Country events on 9/19/09 and 1/9/10

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 28-45)

ELECTED DEPARTMENT HEADS

28. **Sheriff-Coroner -** Approve agreement with Aliso Viejo for law enforcement services, 7/1/09 - 6/30/10 ($6,132,852); and authorize Sheriff-Coroner to execute amendments and extend agreement under certain conditions - District 5
51234 **APPROVED AS RECOMMENDED**

29. **Treasurer-Tax Collector -** Adopt resolution authorizing sale and issuance of Westminster School District General Obligation Bonds Election of 2008, Series 2009 ($35,000,000) - District 1 & 2
12345 **APPROVED AS RECOMMENDED**
RESO: 09-105

HEALTH CARE AGENCY

30. Approve price agreement N1000010965 with LiveProcess Corp. for Health Incident Management System software licensing and maintenance support services, 7/15/09 - 7/31/10 ($179,800); renewable for four additional one-year periods - All Districts (Continued from 6/23/09, Item 64)
34125 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

31. Approve agreement with Jervis B. Webb Company for design and construction of Terminals A, B and C Baggage Handling System project ($16,543,765); 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
21345 **APPROVED AS RECOMMENDED**

32. Approve amendment 1 to agreement with Walker Parking Consultants for geotechnical services for construction of Parking Structure C ($214,642; new total $6,420,650); 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
21345 **APPROVED AS RECOMMENDED**

33. 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
14235 N **CONTINUED TO 7/21/09, 9:30 A.M. AND DIRECTED COUNTY COUNSEL TO AGENDIZE CLOSED SESSION TO BE HELD PRIOR TO CONTINUED ITEM**

34. 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
14235 N **CONTINUED TO 7/21/09, 9:30 A.M. AND DIRECTED COUNTY COUNSEL TO AGENDIZE CLOSED SESSION TO BE HELD PRIOR TO CONTINUED ITEM**

OC PUBLIC WORKS

Acting as the Orange County Flood Control District:

35. Approve amendment No. 1 to agreement D06-055 with GRiver Golf, LLC and amendment No. 1 to agreement D06-056 with GRiver Golf F&B Operators, LLC for extension of existing golf operations contract and food and beverage facility lease, 8/22/09 - 8/21/11 - All Districts
21345 **APPROVED AS RECOMMENDED**

36. Approve acquisition contract and grant deed with John V. and Estela C. Dominguez for purchase of real property located within Prado Dam Project area; authorize Director or designee to execute all necessary documents; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - All Districts
42135 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

37. Select SCS Field Services as primary and Bryan A. Stirrat & Associates as alternate firms for landfill gas services for South Region Landfills; and authorize negotiation of agreement for Board approval - District 5 (Continued from 6/2/09, Item 62)
54123 N **SELECTED BRYAN A. STIRRAT & ASSOCIATES AS PRIMARY AND SCS FIELD SERVICES AS ALTERNATE FIRMS**

38. Approve cooperative agreement with Brea for continued operation of Olinda Alpha Landfill; and find Final EIR 588 is adequate to satisfy requirements of California Environmental Quality Act - All Districts
41235 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

39. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
42135 **APPROVED AS RECOMMENDED**

40. Receive and file memorandum from Orange County Employee's Retirement System (OCERS) regarding proposed implementation of recommendations made by Strategic Investment Solutions about the use of derivatives and leverage in OCERS investment portfolio - All Districts
32145 **APPROVED AS RECOMMENDED**

41. Receive and file 2008 Audited Financial Statements of Orange County Employees Retirement System - All Districts
23145 **APPROVED AS RECOMMENDED**

42. Select American Municipal Tax-Exempt Compliance Corporation as primary and Arbitrage Compliance Specialists, Inc. as alternate firms for arbitrage rebate services; and authorize negotiation of agreement for Board approval - All Districts

31245 **APPROVED AS RECOMMENDED**

43. Select Marsh Risk & Insurance Services to provide insurance broker services for Property & Casualty Risk Program; and authorize Risk Management to negotiate agreement for Board approval - All Districts

23145 **APPROVED AS RECOMMENDED**

44. Approve recommended grant applications submitted by OC Community Resources, Registrar of Voters, Sheriff-Coroner, District Attorney, Social Services Agency and Probation in 7/14/09 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner or designee to submit application to State Emergency Management Agency for Homeland Security Grant Program FY09; adopt resolution authorizing District Attorney or designee to submit and execute grant agreement with DOI for Disability and Healthcare Insurance Fraud Program, 7/1/09 - 6/30/10; and adopt resolution authorizing Chief Probation Officer to execute and submit grant application for Aggression Replacement Training (ART) under Juvenile Accountability Block Grant Program - All Districts

32145 **APPROVED RECOMMENDED ACTIONS 1-9, 11**
RESO: 09-106 - 09-107

32145 A **APPROVE RECOMMENDED ACTION 10**

RESO: 09-108

45. **Human Resource Services -** 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

31245 **CONTINUED TO 7/21/09, 9:30 A.M.**

IV. PUBLIC HEARINGS (None)

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 Case: Retired Employees Association of Orange County, Inc. v. County of Orange, United States District Court Case No. SACV 07-1301 AG; discussion of Gaylan Harris, et al. v. County of Orange, United States District Court Case No. SA09CV00098 AG

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: Two Cases

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR CAMPBELL BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION IN SEPARATE ACTIONS. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

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

PUBLIC COMMENTS:
David Cortez - Oral Re: Outdated map of El Modena area

COUNTY EXECUTIVE OFFICER COMMENTS:
Tom Mauk - Oral Re: Appointment of David Riley as Health Care Agency Director

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Norby - Oral Re: Committee reports on SCAG, Mental Health Board and OC Sanitation District

Supervisor Campbell - Oral Re: Visit to San Bernardino County Sanitation District sludge processing facility and committee reports on Fire Authority Adhoc Committee on use of volunteers and AQMD enforcement of 2010 Clean Air Act Fines

Chair Bates - Oral Re: Direction for CEO to report at each Board meeting on status of departments' implementation of reductions approved in 09-10 budget and Sheriff Department's provision of mutual aid to Los Angeles County for Michael Jackson's Memorial Service

ADJOURNED: 1:40 P.M.

31245 **Adjourned in memory of Charlotte Ann Bell & Leeland Ira Koontz**

13245 **Adjourned in memory of Barbara Jane Sulzbach**

21345 **Adjourned in memory of Kenneth Walter Fowler**

52134 **Adjourned in memory of James (Jim) R. Henderson**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Spitzer
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