REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 3, 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: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Rob Richardson
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Bates - Donna Boston, County Emergency Manager presented FEMA outcome of SONGS exercise

Chair Bates presented a resolution proclaiming November 2009 as "Grand Jury Awareness Month"

Chair Bates presented a resolution proclaiming October 2009 as "Lupus Awareness Month"

II. CONSENT CALENDAR (Items 1-10)

31245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 3 WHICH WAS CONTINUED TO 11/10/09, 9:30 A.M.; ITEM 6 WHICH RECEIVED AN ABSTENTION VOTE FROM CHAIR BATES; AND ITEMS 5 & 10 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Bates -** Coastal Greenbelt Authority - Appoint Herbert Schwartz, Laguna Woods, for term concurrent with 5th District Supervisor's term of office

2. **Chair Bates -** Animal Care Community Outreach Committee - Reappoint April Josephson, Rancho Santa Margarita, for term ending 4/11/11

DEPARTMENT APPOINTMENTS

3. **Health Care Agency -** Emergency Medical Care Committee - Appoint Juliann Wanstreet, RN, Laguna Hills and reappoint Christopher Kahn, MD, Irvine, to complete terms ending 6/30/11 - All Districts

31245 **CONTINUED TO 11/10/09, 9:30 A.M.**

ELECTED DEPARTMENT HEADS

4. **Sheriff-Coroner -** Approve revised Federal Equitable Sharing agreement and FY 2008-09 Certification Report for Orange County Regional Narcotics Suppression Program participation in Federal Equitable Sharing Program - All Districts

OC COMMUNITY RESOURCES

5. Adopt resolution approving amendment 1 to standard agreements AP-0910-22 (reduction of $118,960; new total $9,319,749) and TV-0910-22 ($87,449; new total $906,301) 7/1/09 - 6/30/10 and standard agreement MI-0910-22 ($68,091) and Contractor/Vendor Confidentiality Statement 8/1/09 - 5/31/11 with State Department of Aging for senior services; approve termination of agreements with Alzheimer's Family Center and Lutheran Social Services and approve amendment 1 to agreement with Council on Aging for Linkages/Respite program (reduction of $245,764); amendment 1 to agreement with Council on Aging for Ombudsman program services ($149,441; new total $411,667); approve agreement MI-0910-22 with Council on Aging for Medicare Improvements for Patients and Providers Act services ($62,645) 11/3/09 - 5/31/11; authorize Director or designee to execute amendments and agreements and other related documents, subsequent amendments under certain conditions and to exercise contingency contract increases or decreases not to exceed 10% - All Districts

21345 **APPROVED AS RECOMMENDED**
RESO: 09-174

OC PUBLIC WORKS

6. Select RBF Consulting as primary and URS Corporation and Moffatt and Nichol as alternate firms to prepare Engineer's Report and Alignment Study for Santa Ana River Regional Class 1 Bikeway and Regional Riding and Hiking Trail; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3

31245 **APPROVED AS RECOMMENDED**
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7. **Acting as the Orange County Flood Control District -** Approve amendment 1 to agreement D07-167 with SSC Construction, Inc. for substitution of Escrow Agent; and authorize Auditor-Controller to make related payments - District 2

8. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D09-089 with AECOM for on-call regulatory permitting services, three-year term ($400,000); and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

9. Approve master agreement MA 063 10010561 with The Rushmore Group, LLC for software license renewal for Case Review System, 12/1/09 - 11/30/14 ($94,500); and authorize purchasing agent or designee to execute agreement - All Districts

GENERAL ADMINISTRATION

10. **Clerk of the Board -** Approve 2010 Board of Supervisors Meeting Schedule - All Districts (Continued from 10/20/09, Item 24; 10/27/09, Item 11)

12345 **APPROVED CHAIR BATES PROPOSAL 3 WITH MODIFICATION TO CANCEL 4/27/09 MEETING AND REINSTATE 9/28/10 MEETING DATES**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 11-16)

ELECTED DEPARTMENT HEADS

11. **Sheriff-Coroner -** Approve purchase contract MA-060-10011278 with Unisys Corporation for purchase of Unisys Dorado 4080 mainframe computer and hardware/software maintenance, 11/3/09 - 11/2/10 ($2,169,538; renewable for four additional one-year periods $2,169,538 for the five year period - All Districts

12345 **CONTINUED TO NO LATER THAN 12/8/09, 9:30 A.M.**

12. **Treasurer-Tax Collector -** Adopt resolutions authorizing sale and issuance of Santa Ana Unified School District General Obligation Bonds Election of 2008 ($60,000,000) - District 1

12345 **APPROVED AS RECOMMENDED**
RESO: 09-175 - 09-176

OC PUBLIC WORKS

13. Approve lease agreement with Youth Fund of Southern California, a public benefit corporation, for office space at Health Care Agency North County Recovery Center; and make California Environmental Quality Act Findings - District 4

B.O. **CONTINUED TO 11/24/09, 9:30 A.M.**

GENERAL ADMINISTRATION

County Executive Office:

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

53124 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF RECOMMENDED ACTION #1 WHICH WAS CONTINUED TO 11/24/09, 9:30 A.M.**

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

16. **Supervisor Moorlach -** Consider second reading and adoption of "An Ordinance Amending the Codified Ordinances of the County of Orange to Include Provisions Prohibiting the Requirement of Project Labor Agreements and Other Anticompetitive Measures Except Where Otherwise Required by State and Federal Law" (Continued from 10/27/09, Item 25)

23145 **APPROVED AS RECOMMENDED**
ORD: 09-006

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS5)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Bryon D. Charles v. County of Orange, et al., OCSC Case No. 30-2008-00110521

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, PROVIDED STAFF WITH SETTLEMENT AUTHORITY IN THE CASE OF BRYON D. CHARLES V. COUNTY OF ORANGE, ET AL. ANY SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: George Jaramillo v. County of Orange, OCSC Case No. 05CC04220

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

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Guadalupe & Javier Mendoza v. County of Orange, et al., USDC Case No. SACV 03-1186 JVS (Anx)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, PROVIDED STAFF WITH SETTLEMENT AUTHORITY IN THE CASE OF GUADALUPE & JAVIER MENDOZA V. COUNTY OF ORANGE, ET AL. ANY SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

CS-4. **Human Resources Department** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Association of Orange County Deputy Sheriffs (AOCDS)
RE: Terms and Conditions of Employment

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

SCS5. **Chair Bates** - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Performance Auditor
(Previously continued to 11/10/09, 9:30 a.m.)

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

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

PUBLIC COMMENTS:

Jackie Nutting - Oral Re: Invited Board to attend Annual Craft Champion competition on 1/9/10

Gary Boatwright - Oral Re: Criminal justice concerns

Darrell Nolta - Oral Re: Concerns regarding maintenance cost of land gift by Irvine Co. and County purchase of OC Fairgrounds and shortage of swine flu vaccine in OC

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
None

ADJOURNED: 2:00 P.M.

51234 **Adjourned in memory of Earl Griffith**

51234 **Adjourned in memory of Gerald Johnson**

51234 **Adjourned in memory of Robert Kaster**

51234 **Adjourned in memory of Orville Miller**

51234 **Adjourned in memory of John Rogers**

51234 **Adjourned in memory of Arthur Seid**

*** 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