REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 14, 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: Bates, Nelson, Nguyen and Moorlach

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 commending Neal Kelley in recognition of Orange County receiving the Democracy Award for Best Practice of 2010

II. CONSENT CALENDAR (Items 1-12)

25341 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 1 WHICH WAS CONTINUED TO 9/28/10, 9:30 A.M.; ITEM 4 WHICH WAS DELETED; ITEM 10 WAS CONTINUED TO 9/21/10, 9:30 A.M.; AND ITEMS 8 &12 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Bates -** Orange County Human Relations Commission - Reappoint Bill Wood, Laguna Beach, for term ending 8/30/12 (Continued from 8/31/10, Item 2)

25341 **CONTINUED TO 9/28/10, 9:30 A.M.**
X

OC COMMUNITY RESOURCES

2. Approve plans and specifications and set bid opening for 10/13/10, 2:00 p.m., for replacement of picnic shelters, Bluff Park, Salt Creek Beach; and make California Environmental Quality Act findings - District 5

3. Approve temporary easement deed to Irvine Ranch Water District for sewer line purposes; and make California Environmental Quality Act findings - District 3

OC PUBLIC WORKS

4. Approve agreement D10-029 with R. J. Noble Company for an escrow account to hold retention funds for the Newport Avenue Pavement Rehabilitation Project escrow account, North Tustin unincorporated area; and authorize Auditor-Controller to make related payments - District 3

25341 **DELETED**
X

5. Approve plans and specifications and set bid opening for 10/20/10, 2:00 p.m., for Central Justice Center Detention Control Panel Upgrades project; and make California Environmental Quality Act findings - District 1

6. Approve agreement D10-047 with All American Asphalt for an escrow account to hold retention funds for slurry seal of various streets; and authorize Auditor-Controller to make related payments - District 3

Acting as the Orange County Flood Control District:

7. Approve amendment 1 to agreement D07-067 with WRC Consulting Services, Inc. for on-call design and construction support services, extending term two additional years - All Districts

8. Approve two 25 year leases with City of Santa Ana for park and recreational space in Orange County; authorize Director or designee to perform related actions; and adopt resolution making related findings; and make California Environmental Quality Act findings - District 1 (4/5 vote of members present)

21345 **CONTINUED TO 9/28/10, 9:30 A.M.**
X

GENERAL ADMINISTRATION

9. **Clerk of the Board -** Approve re-adoption of the State's Model Code by reference including Designated Filer Exhibits for the Orange County Cemetery District, Magnolia School District, Yorba Linda Water District, Yorba Linda Water District Public Financing Corporation and the La Habra City School District - All Districts

10. **County Executive Office -** Approve lease agreement OCPW/RLS/CEO-10-026 with CalOptima for 462 square feet and authorize manager of CEO/IT to increase the size of

premises up to an additional 238 square feet if need for Information Technology equipment; and make California Environmental Quality Act findings - All Districts

25341 **CONTINUED TO 9/21/10, 9:30 A.M.**
X

Registrar of Voters:

11. Approve amended agreement MA-031-11010129 with World Marketing, Inc. for sample ballot pamphlet mailing and other services, 9/14/10 - 9/13/12 ($300,000) - All Districts

12. Approve amendment 1 to price agreement N2000008556 with Corporate Translation Services for translation of ballots and other election materials, 9/14/10 - 2/26/11 ($50,000; new total $250,000) - All Districts

52341 **APPROVED AS RECOMMENDED**
X

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-S26A)

ELECTED DEPARTMENT HEADS

13. **Auditor-Controller -** Approve amendment 1 to price agreement MA-003-10012270 with Saile Technologies, Inc. for functional and technical support to Countywide Accounting and Personnel System (CAPS) for Comprehensive Annual Financial Report (CAFR), Enhanced Reporting and Countywide Cost Allocation Plan (CWCAP), 9/24/10 - 12/31/10 ($90,200; new total $320,200) - All Districts

24351 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

14. Approve amendment 3 to agreement with Gensler for construction phase basic services for Terminal C and improvements to Terminals A & B project ($3,309,961; new total $35,770,587); and make California Environmental Quality Act findings - District 2 (Continued from 8/31/10, Item 29)

25341 **APPROVED AS RECOMMENDED**
X

15. Approve amendment 2 to Hydrant Fueling Facilities lease with SNAFUEL Inc. and consent to hypothecation of leasehold with SNAFUEL Inc., Sun Life Assurance Company of Canada and U.S. Bank National Association to secure financing for reimbursement of construction costs, extending lease termination date to 12/31/30; and make California Environmental Quality Act findings - District 2 (4/5 vote of members present)

25341 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

16. Deny bid protest of SBS Corporation; receive bids and award contract to SMC Construction Company, Inc. for Laguna Niguel Branch Library expansion & remodel project ($3,159,000) - District 5

52341 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

17. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D09-043 with the cities of Dana Point, Laguna Hills, Laguna Niguel, Mission Viejo, Rancho Santa Margarita and San Juan Capistrano for water quality monitoring, reporting, research, planning and compliance activities in San Juan Creek Watershed, one-year term ($200,000) with automatic renewal under certain conditions; and make California Environmental Quality Act findings - District 5

54231 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

18. Approve agreement with Geosyntec Consultants for regulatory compliance support services, 9/21/10 - 9/20/13 ($1,900,000) - All Districts

52341 X **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

19. Approve agreement CMJ3110 and license agreement with Olive Crest for provision of Sibling Residential Home services, Tustin Family Campus, 10/1/10 - 6/30/12; and make California Environmental Quality Act findings - All Districts

42351 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

20. Acting as the Board of Supervisors and Legislative body of Community Facilities Districts 86-1, 86-2 and 87-5A, 87-5B, 87-5C, 87-5D and 87-5E (Rancho Santa Margarita), 87-1 (Dimensions Business Park), 87-2 (Portola Hills), 87-3 (Mission Viejo), 87-4 (Foothill Ranch), 87-6 (Baker Ranch), 87-7 (Los Alisos), 87-8 (Coto de Caza), 87-9 (Santa Teresita), 88-1 (Aliso Viejo), 88-2 (Lomas Laguna), 99-1, 2000-1, 2001-1, 2002-1, 2003-1 and 2004-1 (Ladera Ranch), Assessment Districts 88-1 (Irvine Coast) and 92-1 (Newport Ridge), Reassessment Districts 94-1 (Golden Lantern) and 99-1R (Newport Coast) - Approve agreement 10-001TS with David Taussig & Associates for special tax setting, assessment leving and continuing bond disclosure services for County Community Facilities Districts and Assessment Districts (Special Districts); and authorize Public Finance Director to execute agreement - All Districts (Continued from 8/31/10, Item 33)

52341 X **APPROVED AS RECOMMENDED**

21. Adopt resolution authorizing establishment of 2010 Mortgage Credit Certificate Program and directing County Executive Officer or Public Finance Director or designees to file all necessary notices with appropriate State and Federal agencies and to develop rules and guidelines for the program; authorizing submission of application to California Debt Limit Allocation Committee for authority to issue Mortgage Credit Certificates; authorizing CEO to enter into cooperative agreements with participating cities; approving other related actions; and making related findings - All Districts

51234 X **APPROVED AS RECOMMENDED**

RESO: 10-171

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

B.O. **RECEIVED AND FILED**

23. Approve recommended grant application submitted by OC Community Resources/OC Public Libraries in 9/14/10 grant report and other actions as

recommended - All Districts

24351 **APPROVED AS RECOMMENDED**
X

24. Approve proposed response to 2009-10 Grand Jury Report "Is the Juvenile Detention Alternatives Initiative Working?" - All Districts

45231 **APPROVED AS RECOMMENDED**
X

25. **Human Resources Department** - Acting as the In-Home Supportive Services Public Authority - Approve 2010-11 IHSS Provider Unit Memorandum of Understanding with United Domestic Workers of America (UDWA) - All Districts

B.O. **CONTINUED TO 9/21/10, 9:30 A.M.**

26. **Registrar of Voters** - Approve amendment 3 to price agreement MA-031-11010112 with DFM Associates for software lease and maintenance of Election Information Management System, 10/1/10 - 9/30/11 ($210,488) - All Districts

21345 **APPROVED AS RECOMMENDED**
X

S26A. **Chair Nguyen** - Adopt resolution proclaiming September 2010 as "Childhood Obesity Awareness Month"

15234 **APPROVED AS RECOMMENDED**
X

RESO: 10-172

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Item CS-1)

GENERAL ADMINISTRATION

CS-1. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Cases: 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, CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR CAMPBELL BEING ABSENT, AUTHORIZED CEO/RISK MANAGEMENT TO RETAIN THE LAW FIRM OF BUCHALTER NEMBER, TO REPRESENT THE COUNTY IN THE MATTER OF SPECIALTY NATIONAL INSURANCE COMPANY, ETC. V. COUNTY OF ORANGE, ET AL.**

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

PUBLIC COMMENTS:
Carlos Rubio - Oral - Teamsters 911 loss of jobs as a result of new award of contract at JWA

Darrell Nolta - Oral Re: Concerns over County's disaster preparedness

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: AB1234 Travel: Reported activities on recent trip to Sacramento to attend CSAC Board of Directors Meeting

Supervisor Moorlach - Oral Re: asked Board to consider developing an independent committee of individuals with expertise in finance to review OCERS Portfolio

ADJOURNED: 12:11 P.M.
51234 **Adjourned in memory of Bonna Jean Haven**
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