REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 29, 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	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

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

Supervisor Moorlach presented a resolution congratulating California Society of Certified Public Accountants on 100th Anniversary

Chair Bates presented a resolution recognizing October 3-10, 2009 as "Fire Prevention Week"

Chair Bates presented a proclamation to Youben Liu, a representative of Orange County's Sister City/County Tianjin, China

II. CONSENT CALENDAR (Items 1-22)

31245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 1 WHICH WAS DELETED, ITEM 7 WHICH WAS CONTINUED TO 10/20/09, AND ITEMS 3, 6, 9, 10, 16 AND 19 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Norby -** Public Financing Advisory Committee - Reappoint Phillip Greer, Newport Beach, for term ending 6/9/12

31245 **DELETED**

2. **Supervisor Nguyen -** Animal Care Community Outreach Committee - Appoint Dr. Leslie Malo, Garden Grove, to complete term ending 3/31/11

ELECTED DEPARTMENT HEADS

3. **District Attorney -** Approve contract MA-026-10010756 with Verizon Wireless Services LLC for cellular phone equipment and airtime services, 10/1/09 - 9/30/10 ($275,000) - All Districts

12345 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

4. Approve Joint Powers agreement with Capistrano Unified School District for supplemental law enforcement services, 10/1/09 - 6/30/10; authorize Sheriff-Coroner or designee to execute future agreements under certain conditions - District 5

5. Approve amendment 1 to price agreement N5000006675 with Data Ticket, Inc. for parking citation processing and management and adding out of state license plate citations processing fee and delinquent citations processing fees, effective 12/1/08 - All Districts

6. Approve amendment 1 to price agreement N1000010235 with Taser International, Inc. for repair and replacement of tasers and taser accessories, adding Harbor Patrol/Marine Operations, Patrol Operations, James A. Musick Facility, Central Jails Complex and Court Operations, 11/19/08 - 11/18/09 ($48,000; new total $128,000); renewable for four additional years - All Districts

23145 **APPROVED AS RECOMMENDED**

Treasurer-Tax Collector:

7. 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; 9/15/09, Item 9)

31245 **CONTNUED TO 10/20/09, 9:30 A.M.**

8. Approve agreement MA-074-10010576 with SalePoint, Inc. for cashiering system, 10/1/09 - 9/30/12 ($166,655); renewable for two additional one-year periods ($32,025 per year) - All Districts

HEALTH CARE AGENCY

9. Adopt resolution approving agreement 09-11378 with State Department of Public

Health for Beach Environmental Assessment and Coastal Health Act Grant, 10/1/09 - 9/30/10 ($25,000); authorize Director or designee to execute Contractors Release form upon submission of final invoice - All Districts

23145 **APPROVED AS RECOMMENDED**
RESO: 09-156

10. Approve Memorandum of Understanding with Children and Families Commission of Orange County for Child Abuse Services Team Medical Director services, 7/1/09 - 9/30/11 ($112,500) - All Districts

32145 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

11. Approve contract change order no. 1 to agreement with Bon Air, Inc. for replacement of partial roofing, heating, ventilation and air conditioning system, Laguna Beach Library ($32,949.86; new total $229,949.86) - District 5

OC PUBLIC WORKS

12. Receive and file Traffic Committee Report dated 7/16/09; approve recommendations; and adopt necessary resolution - District 3
RESO: 09-157

13. Approve plans and specifications and set bid opening for 11/4/09, 2:00 p.m., for construction of storm drain at Grove Oak Drive; and make California Environmental Quality Act findings - District 3

14. Approve agreement D09-094 with Camp, Dresser & McKee, Inc. for engineering services, three-year term ($300,000); and make California Environmental Quality Act findings - All Districts

15. Authorize issuance of request for proposal for selection of Program Administrator for Orange County Financing Initiative for Renewable and Solar Technology Program - All District

16. Receive and file monthly status report on implementation of Performance Audit recommendations for Planning and Development Services - All Districts

25134 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

17. Approve renewal of master agreement N2000009200 as subordinate agreement D0 063 10012026 with Cellco Partnership dba Verizon Wireless for wireless services and equipment per terms, conditions and pricing of Regional Cooperative Agreement MA 017 10010457 through 9/30/10 ($222,000) - All Districts

18. Approve renewal of master agreement N2000009197 as subordinate agreement D0 063 10012003 with Nextel of California, Inc. dba Sprint Nextel for wireless services and equipment per terms, conditions and pricing of Regional Cooperative Agreement MA 017 CVPAX1000000374-2 through 9/30/10 ($144,000) - All Districts

GENERAL ADMINISTRATION

19. **County Executive Office -** Terminate agreement with Garden Grove for addition of multiple water features at Atlantis Play Center; direct County Executive Office or designee to notify Garden Grove in writing of termination of agreement; and direct that a proposed transfer of $100,000 from Fund 130 to Fund 406 for future First District park capital projects be included in the FY 09-10 First Quarter Budget Report - District 1

31245 **APPROVED AS RECOMMENDED WITH SUPERVISOR MOORLACH RECORDING A NO VOTE ON RECOMMENDED ACTION #3**

20. **Human Resources Department -** Approve memorandum of agreement to extend 2007-2009 Memorandum of Understanding with Orange County Attorneys Association (OCAA) to 6/16/11; and approve Work Furlough Comp Time agreement for Deputy District Attorneys - All Districts

21. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for August 2009 - All Districts

22. **Office of Independent Review -** Response to Board Directive (4/28/09) - Receive and file monthly activity reports - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 23-S40A)

DEPARTMENT APPOINTMENTS

23. **Health Care Agency -** Select appointment of two candidates to the CalOptima Board of Directors for terms ending 9/30/13 - All Districts

12345 **APPROVED SELECTION OF CHUNG THE BUI, MD AS PHYSICIAN MEMBER AND MARGARITA PEREYDA, MD AS HEALTH CARE PROVIDER MEMBER**

ELECTED DEPARTMENT HEADS

24. **Auditor-Controller -** Approve amendment 2 to price agreement N1000009230 with CGI Technologies and Solutions Inc. for CAPS Proprietary 2.x software maintenance, 10/1/09 - 9/30/10 ($375,200) - All Districts

21345 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

25. Approve agreements OCP09-013 with RBF Consulting for on-call civil engineering services, OCP09-014 with Swift Lee Office for on-call architecture services and OCP09-015 with Schmidt Design Group, Inc. for on-call landscape architecture services, three-year terms ($400,000 each) - All Districts

23145 A **APPROVED AS AMENDED TO AUTHORIZE VICE CHAIR TO EXECUTE AGREEMENTS**

26. Approve Letter of Intent to the Irvine Company and The Nature Conservancy identifying County's intentions to transfer Irvine Company lands to County; direct staff to return to Board with transaction documents and agreements at a later date; and make California Environmental Quality Act findings - All Districts

35124 **APPROVED AS MODIFIED WITH AMENDED LETTER (RECOMMENDED ACTION #2) AND DIRECTION THAT STAFF CONTINUE TO UPDATE THE BOARD ON A MONTHLY BASIS WITH TARGET FOR COMPLETION OF RESOURCE MANAGEMENT PLAN AND FINAL AGREEMENT BY 3/31/10**

27. Authorize acceptance of Workforce Investment Act (WIA) National Emergency Grant (NEG) for Mortgage and Banking Industry, Phase II funds for State Employment Development Department ($884,401); approve WIA Cost Reimbursement agreement 16-NEG2-10 with Coast Community College District to support training and employment services to dislocated workers in Orange County sub-prime mortgage industry, 7/1/09 - 12/31/09 ($398,397); authorize Director or designee to execute agreement and exercise contingency increase not to exceed 10% of Federal funds - All District

53124 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

28. Approve amendment 1 to agreements with various cities for first allocation of Proposition 1B funds; approve agreements with various cities for second and third allocations of Proposition 1B funds; direct Auditor-Controller to make related payments; and authorize Director or designee to administer future city requests to

reallocate Proposition 1B funds under certain conditions - All Districts

12345 **APPROVED AMENDED AGREEMENT WITH GARDEN GROVE TO ADD SECTION 2.A & 2.B AND DEFERRAL OF EXECUTION OF AMENDMENT AND PAYMENT UNTIL GARDEN GROVE CITY COUNCIL HAS APPROVED**

29. 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

51234 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

30. **Probation -** Approve Memorandum of Understanding with Superior Court of California for DUI Court program, Harbor, North, Central and West Justice Centers, 10/1/09 - 9/30/11 ($930,897); and make California Environmental Quality Act findings - All Districts

23145 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

31. Approve amendment II to State wide Information Technology Agreement with Electronic Data Systems Corporation for CalWIN, 8/1/10 - 7/31/13 ($142,117,626 ($16,897,887 County portion); new total $682,162,041); and authorize Director or designee to execute related documents and amendments under certain conditions - All Districts

34125 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

PRESENTED

33. Receive report on estimated State budget for FY 2009-10 impacts to County of Orange; and direct County Executive Office to return with recommended budget adjustments through quarterly budget report process; and approve revised Sheriff-Coroner budget reduction plan - All Districts

43125 **APPROVED AS RECOMMENDED**

34. Approve Transfer agreement and Assignment, Assumption, and Amendment Lease with Judicial Council of California, Administrative Office of the Courts for Transfer of Responsibility and Leasehold Interest for court storage facility leased from CNH, LLC, Irvine; and instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO or designee to execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 3

B.O. **DELETED**

35. Approve Transfer and Joint Occupancy agreements with Judicial Council of

California, Administrative Office of the Courts for Transfer of Responsibility and Leasehold interest for Harbor Justice Center, Laguna Hills Facility; and approve Assignment, Assumption, and Amendment of Lease for storage facility with XCTF5-Lake Hills, LLC; and instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO or designee to assign any leases for third party tenants and execute Estoppel Certificate and any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 5

B.O. **DELETED**

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

43125 **RECEIVED AND FILED**

37. Approve recommended grant application submitted by OC Parks in 9/29/09 grant report and other actions as recommended; and adopt resolution approving the filing of application for Habitat Conservation Fund (HCP) Program; and authorize Director of OC Parks to conduct all negotiations, execute and submit all documents - All Districts

31245 **APPROVED AS RECOMMENDED**
RESO: 09-158

38. Approve cooperative agreement with Orange County Fire Authority regarding Proposition 1A Receivables and Reimbursements Attributable to Structural Fire Fund; and authorize Chair or her designee to execute agreement - All Districts

13245 **APPROVED AS RECOMMENDED**
X

39. 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; make related findings; and authorize Chief Financial Officer to execute amendments - District 5

51234 **APPROVED AS RECOMMENDED**
X

40. Approve proposed response to 2008-09 Grand Jury Report "Supplemental Guardian of Last Resort." - All Districts (Continued from 9/22/09, Item 38)

B.O. **CONTINUED TO 10/6/09, 9:30 A.M.**

S40A. **Chair Bates -** Adopt resolution recognizing October 4 - 10, 2009 as "Lawsuit Abuse Awareness Week"

53124 **APPROVED AS RECOMMENDED**
X

RESO: 09-159

IV. PUBLIC HEARINGS (Item 41)

ELECTED DEPARTMENT HEADS

41. **Sheriff-Coroner -** Public Hearing to consider approval of use of 2009-10 State Citizens' Options for Public Safety (COPS) Program Supplemental Law Enforcement Services Funds - All Districts

B.O. **CLOSED PUBLIC HEARING**

31245 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE 4 TO 1, SUPERVISOR NORBY VOTING AGAINST, AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION ON BEHALF OF THE COUNTY. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: William J. Hunt v. County of Orange & Michael S. Carona, USDC Case No. SACV07-705 AG(MLGx)

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

CS-3. 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 Managers Association (OCMA)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
Gary Boatwright - Oral Re: Treatment of homeless by law enforcement

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: Congratulations to Angels baseball team for winning Division Title

Supervisor Nguyen - Oral Re: CEO and Real Estate's coordination on lease extension in Westminster and Civic Center employee parking leases resulted in $360,000 in cost savings

Supervisor Campbell - Oral Re: Directed CEO to arrange for Mayor Curt Pringle to make same presentation to BOS that he made to OC Taxpayers Association on California Revenue Sources for the 21st Century

Chair Bates - Oral Re: Commended Emergency Operations staff for recent SONGS exercise and directed Donna Boston, County Emergency Manager, to make Board presentation on outcome of exercise within a month

ADJOURNED: 1:14 P.M.

51234 **Adjourned in memory of Burt Scott**

*** 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