REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, January 26, 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

CHRIS NORBY
SUPERVISOR
Fourth District

PATRICIA BATES
SUPERVISOR
Fifth District

ATTENDANCE: Supervisors: Campbell, Moorlach, Nguyen & Norby

EXCUSED: Supervisor Bates

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	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 Nguyen presented a resolution commending Sergeant William "Bill" Riddle on his retirement

Chair Nguyen presented a resolution congratulating Assemblyman elect Chris Norby

II. CONSENT CALENDAR (Items 1-39)

23451 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 16 & 35 WHICH WERE CONTINUED TO 2/2/10, 9:30 A.M.; AND ITEMS 23, 27, 38 & 39 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Norby -** Senior Citizens Advisory Council - Appoint Irene Lange,

Fullerton, and reappoint Yvonne Mitchell, Placentia, for terms ending 12/31/11

Supervisor Moorlach:

2. State Council on Developmental Disabilities Area Board XI - Appoint Lisa M. Stanton, Costa Mesa, for term ending 1/25/13

3. Mental Health Board - Reappoint Cecile Dillon, Ph.D., Huntington Beach, for term ending 12/4/12

Chair Nguyen:

4. Approve 2010 Chair appointments of Board Members to various Boards, Commissions and Committees

5. Mental Health Board - Appoint Jeffrey Davis, Huntington Beach, to complete term ending 9/15/12

DEPARTMENT APPOINTMENTS

Health Care Agency:

6. Mental Health Board - Appoint Judith Lewis, Huntington Beach, to complete term ending 7/20/12; Brian Jacobs, Orange, to complete term ending 10/20/12; Jenny Monge, Cypress, to complete term ending 4/3/10; Richard McConaughy, Mission Viejo, to complete term ending 4/22/10 - All Districts

7. Alcohol and Drug Advisory Board - Reappoint Howard Friend, Mission Viejo, for term ending 10/18/12; Ellen Ahn, Fullerton, for term ending 11/12/12; Alin Hamade, Westminister, for term ending 12/3/12; and appoint Mark Yokoyama, Fullerton, to complete term ending 3/6/11; and Arthur Cummins, Silverado, to complete term ending 6/3/12 - All Districts

ELECTED DEPARTMENT HEADS

Auditor-Controller:

8. Approve schedule of County Capital Assets Physical Inventory Dates for calendar years 2010 and 2011 - All Districts

9. Receive and file Fund/Agency Semi-Annual Report for 7/1/09 - 12/31/09 for new and closed funds - All Districts

District Attorney:

10. Approve agreement with National Insurance Crime Bureau to lease vehicles for investigation of insurance-related crime and/or fraud ($1.00); and authorize District Attorney or designee to execute agreement and any extensions to agreement - All Districts

11. Accept Federal and State grant funds for fraud investigations and program

integrity efforts in relation to In-Home Supportive Services Program, term ending 6/30/10 ($728,133); and authorize District Attorney or designee to execute subsequent amendments under certain conditions - All Districts

12. Approve amendment 2 to contract MA-026-10011740 with Astrid Hagen for professional sign language interpreting services, 3/1/10 - 2/28/11 ($140,000) - All Districts

Sheriff-Coroner:

13. Approve amendment 5 to agreement N1000007867 with S & K Towing, Inc. for towing services, for term ending 5/31/10 ($15,000: new total $26,000); renewable for one additional year - All Districts

14. Approve price agreement MA-060-10011733 with Orange County Pumping, Inc. for septic tank cleaning services, 2/1/10 - 1/31/11 ($120,000); renewable for four additional years - All Districts

15. Approve amendment 2 to price agreement N2000009416 with Goodwill of Orange County for packaging food and personal care items for jail commissary operations, 2/1/10 - 1/31/11 ($130,000) - All Districts

16. **Treasurer-Tax Collector -** Approve agreement MA-074-10011955 with Vavrinek, Trine, Day & Company, LLP (VTD) for annual compliance audit services, 1/26/10 - 1/25/13 ($74,835); renewable for two additional years; and authorize Deputy Purchasing Agent to execute agreement - All Districts

23451 X **CONTINUED TO 2/2/10, 9:30 A.M.**

HEALTH CARE AGENCY

17. Approve Memorandum of Understanding with Rancho Santiago Community College District for Veterans services; and authorize Director or designee to execute MOU - All Districts

18. Approve assignment of agreement with Anaheim Memorial Medical Center to AHMC Healthcare, Inc. for Tobacco Cessation services, 7/1/09 - 6/30/10 - All Districts

19. Approve amendment 1 to master agreement MA-042-10010064 with Hewlett Packard Company for HP computer equipment, software, peripherals and related services, term ending 8/31/10 ($113,350; new total $401,350) - All Districts

OC COMMUNITY RESOURCES

20. Approve multi-year leases with Garden Grove for Chapman and West Branch Libraries, term ending 7/31/18; and make California Environmental Quality Act findings - Districts 1 & 2

21. Approve contract CT 012-10010312 with UCI Extension for project management training, 1/26/10 - 1/25/11 ($96,000); and authorize Purchasing Agent or designee to execute agreement - All Districts

22. Approve master agreement MA-012-10011334 with Synergy Software Technology, Inc. dba Harmony Information Systems for Senior Assistance Management System (SAMS) demographic and service data reporting software, 3/1/10 - 2/28/11 ($16,852); renewable for four additional years; and authorize Purchasing Agent or designee to execute agreement - All Districts

23. Approve amendment 1 to License to Use State Military Facility agreement with California National Guard for Santa Ana and Fullerton Armory facilities; and authorize Director or designee to execute agreement - All Districts

32451 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

24. Receive and file Traffic Committee Report dated 10/15/09; and approve recommendations - District 3

25. Approve agreement D08-104 with various parties for expansion of current membership of Newport Bay Watershed Executive Committee - Districts 1, 2, 3 and 5

26. Approve agreement D09-108 with Pacific Advanced Civil Engineering, Inc. for watershed management services, three-year term ($300,000); and make California Environmental Quality Act findings - All Districts

27. Receive and file fifth monthly status report on implementation of Performance Audit recommendations for Planning and Development services; and approve related actions - All Districts

32451 X **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

28. Select Bureau Veritas North America, Inc. as primary and Environmental Equalizers, Inc. dba FEI as alternate firms for evaluation and feasibility of demolition of structures at 2385 Pomona Rincon Road, Unincorporated Riverside County; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act Findings - All Districts

29. Approve plans and specifications and set bid opening for 3/3/10, 2:00 p.m., for demolition of all agricultural and residential buildings located at 6829 - 6875 Pine Avenue, Chino, California, for inclusion in Prado Dam Retention Basin - All Districts

30. **Acting as the Board of Supervisors and Orange County Flood Control District -** Direct Auditor-Controller to make final payment to Orange County Transportation Authority for relocation of storm drain located on The City Drive, Orange ($426,960.24) - District 3

PUBLIC PROTECTION

Probation:

31. Approve Memorandum of Understanding with Orange County Bar Foundation for provision of Youth Transitional Intervention Program for Youth Guidance Center, Juvenile Hall and Youth Leadership Academy, 2/1/10 - 1/31/11; authorize Chief Probation Officer to extend agreement for two additional years under certain conditions; and make California Environmental Quality Act findings - All Districts

32. Approve amendment 1 to Memorandum of Understanding with Orange County Bar Foundation for provision of Substance Abuse, HIV and Hepatitis Prevention services under the Brief Strategic Family Therapy Program for voluntary participation by minors released from Youth Guidance Center, term ending 9/30/10; and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

33. Receive bids and award contract to MAJ International Inc. for remodel of buildings A, B & E, Orangewood Children's Home ($500,000); and authorize Director to change name of facility from Orangewood Children's Home to Orangewood Children and Family Center - District 3

GENERAL ADMINISTRATION

34. **Clerk of the Board -** Approve agreement with RELINKco for development of curriculum for Department of Real Estate Continuing Education Classes - All Districts

County Executive Office:

35. Approve amendment to agreement N1000011007 with Avasant to expand Scope of Work to include development and contract negotiations for combined County-wide voice and data network Request for Proposal (RFP), 11/10/09 - 6/30/11 ($159,500) - All Districts (Continued from 11/10/09, Item 14; 11/24/09, Item 24; 12/8/09, Item 25)

23451 X **CONTINUED TO 2/2/10, 9:30 A.M.**

36. Receive and file 2009 Mortgage Credit Certificate Program update (Board Directive 1/27/09) - All Districts (Continued from 12/15/09, Item 35)

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

Registrar of Voters:

38. Adopt resolution approving State Standard agreement 09G30353 for Help America Vote Act (HAVA) allowing reimbursement of $17,581.57 for participation in VoteCal Statewide Voter Registration System Project through 12/31/11; and authorize Registrar of Voters or designee to execute agreement

and make non-monetary and non-material changes under certain conditions and submit all related documents to Secretary of State for completion of project - All Districts

23451 **APPROVED AS RECOMMENDED**
X

RESO: 10-005

39. Receive and file certified Statement of Votes Cast for January 12, 2010 72nd State Assembly District Special General Election - All Districts

34251 **APPROVED AS RECOMMENDED**
X

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 40-S58A)

ELECTED DEPARTMENT HEADS

40. **District Attorney -** Approve amendment 1 to lease agreement DA 2004-4 with a Nevada Limited Partnership for office space to house Orange County Vehicle Theft Task Force staff, term ending 12/31/17; and make California Environmental Quality Act findings - All Districts

32451 X **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

41. Consider first reading of "An Ordinance of the County of Orange, California Adopting Section 6-4-608 of the Codified Ordinances of the County of Orange Regarding Parking Violations"; "An Ordinance of the County of Orange, California Amending Section 2-1-66 of the Codified Ordinances of the County of Orange Regarding Parking Violations"; "An Ordinance of the County of Orange, California Amending Section 2-5-3 of the Codified Ordinances of the County of Orange Regarding Parking Violations"; "An Ordinance of the County of Orange, California Amending Section 2-5-16 of the Codified Ordinances of the County of Orange Regarding Parking Violations", "An Ordinance of the County of Orange, California Amending Section 2-5-103 of the Codified Ordinances of the County of Orange Regarding Parking Violations"; and "An Ordinance of the County of Orange, California Amending Section 2-7-22 of the Codified Ordinances of the County of Orange Regarding Parking Violations", and set second readings and adoption for 2/2/10, 9:30 a.m. - All Districts

32451 X **APPROVED AS RECOMMENDED**

42. Approve agreement MA-060-10011803 with Anthony A. Juguilon, M.D. for forensic pathology/autopsy services, 2/1/10 - 1/31/11 ($1,594,366) - All Districts

23451 XX **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

43. Approve agreement with Telecare Corporation for Adult Mental Health Crisis Residential Program, 2/1/10 - 6/30/11 ($1,676,613) - All Districts

32451 X **APPROVED AS RECOMMENDED**

44. Approve amendment 1 to agreement with Telecare Corporation for Full Service Partnership services for mentally ill adults, 7/1/09 - 6/30/10 ($100,000; new total $4,067,176) - All Districts

32451 X **APPROVED AS RECOMMENDED**

45. Approve renewal of agreements with AIDS Services Foundation Orange County ($1,611,149), Delhi Center ($147,032), Laguna Beach Community Clinic, Inc. ($241,581) and Shanti Orange County ($204,564) for HIV Services, 3/1/10 - 2/28/11;

and authorize Purchasing Agent or designee to exercise contingency increase not to exceed 10% - All Districts

34251 **APPROVED AS RECOMMENDED**
X

46. Approve amendment 1 to agreement 07-NNA30 with State Department of Alcohol and Drug Programs for Alcohol and Drug Abuse Treatment and Prevention services, FY 2009-10 ($337,770 reduction; new total $21,188,966); and authorize Director or designee to execute amendement - All Districts

43251 **APPROVED AS RECOMMENDED**
X

47. Approve agreement with Financial Marketing Concepts, Inc. for marketing a discount pharmacy card program and other discounted health services, 1/26/10 - 1/25/15 - All Districts

B.O. **DELETED**

48. Approve Orange County FY 2009-10 Offender Treatment Program Work Plan - All Districts

23451 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

49. Approve Workforce Investment Act Cost Reimbursement master agreements with various contractors for Rapid Response Special Projects, 1/4/10 - 6/30/10 ($830,825); renewable for one additional year; and authorize Director or designee to execute agreements and exercise contingency increase or decrease not to exceed 10% of contract amount - All Districts

23451 **APPROVED AS AMENDED TO DELETE THE 6TH VENDOR FROM**
X **CONTRACT NEGOTIATIONS**

OC PUBLIC WORKS

50. Approve amendment 2 to agreement D05-068 with RBF Consulting, Inc. for implementation of Nitrogen and Selenium Management Program, 8/23/05 - 6/30/10 ($550,000; new total $3,225,000); and make California Environmental Quality Act findings - Districts 1, 2, 3 and 5

32451 **APPROVED AS RECOMMENDED**
X

51. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreements D09-096 with David Evans Associates, Inc., D09-097 with Towill, Inc. and D09-105 with Psomas for on-call land surveying services, three-years terms ($200,000 each per year); and make California Environmental Quality Act findings - All Districts

34251 **APPROVED AS RECOMMENDED**
XX

GENERAL ADMINISTRATION

County Executive Office:

52. Adopt resolution approving financing terms, documents and issuance of Apartment Development Revenue Bonds, Issue A of 2010 (Emerald Cove Apartments) $7,775,000; approve Deutsche Bank National Trust Company as Trustee and Urban Futures, Inc. as Administrator - District 2 (Continued from 1/12/10, Item 33)

B.O. **DELETED**

53. Receive Report on Projected Teeter Program Revenues and approve Scenario 2 increasing Teeter payments to General Fund from $10 million to $20 million in FY 2010-11 and FY 2011-12, subject to annual review and revision based on actual Teeter Program performance - All Districts

2 **MOTION TO INCREASE TEETER PAYMENTS TO $15 MILLION FOR FY 2010/2011 AND 2011/2012 FAILED FOR LACK OF SECOND**

31245 X **APPROVED AS RECOMMENDED**

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

23451 X **APPROVED AS RECOMMENDED**

55. Approve recommended grant applications submitted by Sheriff-Coroner, John Wayne Airport, Health Care Agency and District Attorney in 1/26/10 grant report and other actions as recommended - All Districts

43251 X **APPROVED AS RECOMMENDED**

56. Report on Public Safety Working Group and consideration of budget actions - All Districts

32451 X **APPROVED BUDGET ADJUSTMENT RECOMMENDATIONS FROM THE PUBLIC SAFETY WORKING GROUP TO ADJUST THE BUDGETS FOR SHERIFF-CORONER, DISTRICT ATTORNEY & PROBATION TO FULLY IMPLEMENT THEIR REDUCTION PLANS WHILE PROVIDING ONE-TIME FUNDING SUPPORT TO BRIDGE THE REMAINING BUDGET SHORTFALLS FOR FY 2009/10**

57. **Human Resources Department -** Adopt resolution implementing Tier III 1.62% at 65 retirement formula, approve side letter agreements with applicable labor groups; and approve amendment to Personnel and Salary Resolution for unrepresented employees - All Districts

B.O. **DELETED**

58. **Office of the Performance Audit Director -** Response to Board Directive (1/12/10) - Approve scope of work for Harbor Patrol study; and direct audit be commenced following completion of Performance Audit of CEO/IT - All Districts

43251 X **APPROVED AS RECOMMENDED**

S58A. **County Counsel -** Adopt resolution ratifying the proclamation of a local emergency by the Vice Chairman of the Board on 1/22/10 relating to emergency conditions resulting from weather conditions; and set review to determine continuing need for emergency action for 2/2/10, 9:30 a.m. and every 14 days thereafter - All Districts

32451 **APPROVED AS RECOMMENDED**
X

RESO: 10-006

IV. PUBLIC HEARINGS (Item 59)

OC PUBLIC WORKS

59. Public Hearing to consider establishing fuel prices for Compressed Natural Gas; authorize Auditor-Controller to establish fund for revenue and expenditures; and authorize Director or designee to adjust rates periodically - District 3

B.O. **CLOSED PUBLIC HEARING**

32451 **APPROVED AS RECOMMENDED**
X

V. CLOSED SESSION

GENERAL ADMINISTRATION

SCS1. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Matthew Fleuret v. County of Orange, et al., United States District Court Case No. SACV07-803 AG (ANx)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR BATES BEING ABSENT, PROVIDED STAFF WITH SETTLEMENT AUTHORITY IN THE CASE OF MATTHEW FLEURET V. COUNTY OF ORANGE, ET AL. ANY SETTLEMENTS REMAIN SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS ANY SETTLEMENTS BECOME FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS2. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: One Broadway Plaza, Santa Ana, CA
County Negotiator: Thomas G. Mauk
Negotiation Parties: Caribou Industries, Inc., Mike Harrah
Under Negotiation: Lease Proposal for One Broadway Plaza, Santa Ana, CA

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

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

PUBLIC COMMENTS:
Darrella Nolta - Oral Re: Sale of OC Fairgrounds

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisors Norby, Moorlach & Campbell - Oral Re: Sale of OC Fairgrounds

Supervisor Campbell - Oral Re: AB1234 report on visit to Washington, DC to meet on flood control issues

ADJOURNED: 12:20 P.M.

31245 **Adjourned in memory of Pat Markley**
X

31245 **Adjourned in memory of Glenn Ball**
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