REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 9, 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 CHAIR
Third District

JOHN M. W. MOORLACH
SUPERVISOR
Second District

VACANT
SUPERVISOR
Fourth District

PATRICIA BATES
SUPERVISOR
Fifth 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 Bates, Fifth 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 1-25)

3251 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

1. **Sheriff-Coroner -** Approve agreement with University of California, Irvine for pathology training services, 2/9/10 - 2/8/15 - All Districts

2. **Treasurer-Tax Collector -** Approve agreement with Buena Park Library District as an outside participant in the County Treasury for purpose of investments; and authorize County Treasurer to execute agreement - All Districts

HEALTH CARE AGENCY

3. Approve renewal of master agreement N2000009166 as MA-042-10011611 with The Regents of the University of California, Irvine on behalf of UCI Pathology Services for urinalysis laboratory testing services, 3/1/10 - 2/28/11 ($200,000) - All Districts

OC COMMUNITY RESOURCES

4. Approve agreement OCP10-003 with the Orange County Superintendent of Schools for the Inside the Outdoors Program activities at OC Parks facilities - All Districts

5. Approve licenses BE74Q-24 and BE74Q-23 with U.S. Ocean Safety, Inc. at Salt Creek Beach and California Junior Lifeguard Programs, Inc. at Salt Creek and Sunset Beaches for recreational and educational activities; and make California Environmental Quality Act findings - Districts 2 and 5

6. **Acting as the Board of Supervisors and Orange County Development Agency -** Receive and file Orange County Development Agency's FY 2008-09 Annual Report - All Districts

OC PUBLIC WORKS

7. Approve amendment No. 1 to agreement D03-071 with Laguna Woods to allocate Measure "M" funds for roadway improvements to Moulton Parkway - District 5

8. Approve plans and specifications and set bid opening for 3/17/10, 2:00 p.m., for Youth Guidance Center Gym and Main Building roof rehabilitation; and make California Environmental Quality Act findings - District 1

9. Approve plans and specifications and set bid opening for 3/17/10, 2:00 p.m., for sidewalk removal and reconstruction, Rossmoor area; and make California Environmental Quality Act Findings - District 2

10. Receive bids and award contract to Ted Company for Grove Oak Drive storm drain improvements from Calm Hill Circle to 180 feet northwesterly ($66,085) - District 3

11. Adopt resolution approving intent to abandon portions of Laguna Coast Wilderness Park and Aliso & Wood Canyons Wilderness Park to accommodate construction of Class III Bikeway along Laguna Canyon Road; set public hearing for 4/13/10; and make California Environmental Quality Act findings - District 5
RESO: 10-008

12. Approve plans and specifications and set bid opening for 3/17/10, 2:00 p.m., for Antonio Parkway metal beam guard rail installation; and make California Environmental Quality Act findings - District 5

13. Approve plans and specifications and set bid opening for 3/17/10, 2:00 p.m., for Browning Avenue sidewalk gap closure; and make California Environmental Quality Act findings - District 3

Acting as the Orange County Flood Control District:

14. Receive bids and award contract to Grand Pacific Contractors, Inc. for improvement of Lewis Storm Channel from Garden Grove Boulevard to Haster Street ($678,821) - District 1

15. Approve amendment No. 1 to agreement D07-002 with Moffatt & Nichol for construction support services, Westminster Channel, extending term two additional years - All Districts

16. Approve amendment No. 1 to agreement D06-075 with Tetra Tech, Inc. for construction support services, San Juan Creek Phases 2, 3, and Trabuco Creek Phase 7, extending term two additional years - All Districts

17. Adopt resolution initiating conveyance of right-of-way by State Department of Transportation for Santa Ana River Interceptor Line relocation; and make California Environmental Quality Act findings - District 3
RESO: 10-010

OC WASTE & RECYCLING

18. Approve easement deed with Huntington Beach for roadway improvements, Gothard Refuse Disposal Station; and make California Environmental Quality Act findings - District 2

PUBLIC PROTECTION

19. **Probation -** Accept grant award and ratify execution of agreement with State Department of Corrections and Rehabilitation, Corrections Standards Authority Division for Anger Management and Youth Violence Prevention Training Program, 7/1/09 - 6/30/11 ($67,837); approve agreement with California Institute for Mental Health for provision of Aggression Replacement Training for designated Probation staff, term ending 6/30/11 ($53,860); and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

20. Approve Memoranda of Understanding CSC4909 with Olive Crest Treatment Centers Inc. and CSC4809 with Canyon Acres Children and Family Services for Intensive Treatment Foster Care Program services, 3/7/10 - 3/6/13 (non-financial); authorize Director or designee to execute - All Districts

21. Accept grant funds from Kaiser Foundation Hospital, Southern California Region, 1/1/10 - 1/1/13 ($225,000); and approve master agreement MA 063-10011173 with The Center to Promote HealthCare Access, Inc. for One-e-App hosted software enhancement and maintenance support, 2/10/10 - 1/31/13 ($680,583) - All Districts

22. Accept grant award from Stuart Foundation for continued implementation of California Connected by 25 Initiative (CC25 I) as an element of Family to Family Initiative ($110,000); authorize Director or designee to approve expenditures of grant funds within budgeted amounts; and authorize Auditor-Controller to make related payments - All Districts

GENERAL ADMINISTRATION

23. **Clerk of the Board -** Approve re-adoption of the State's Model Code by reference to the County's Conflict of Interest Code Designated Filer Exhibits for Midway City Sanitary District, Fullerton School District, Saddleback Valley Unified School District, Santa Ana Unified School District, El Toro Water District, and Orange County Transportation Authority - All Districts

24. **Human Resources Department -** Approve amendment 2 to agreement N100007519 with Great-West Retirement Services as Administrator of IRC Section 457 defined contribution plan, IRC Section 401(a) retirement plan and IRC Section 3121 plan for extra help employees, effective 3/1/10 - 2/28/11 and extend agreement under same terms, conditions and scope of work through 6/30/11 - All Districts

25. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for January 2010 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 26-44)

ELECTED DEPARTMENT HEADS

26. **Assessor Department -** Approve amended price agreement N1000010592 with ACS State and Local Solutions Inc., for technical IT support staff, 12/22/08 - 6/30/10 ($2,263,039; new total $8,399,039) and 7/1/10 - 6/30/11 ($290,000; new total $540,000); and authorize Purchasing Agent or designee to exercise contingency increase not to exceed 10% - All Districts
5321 **APPROVED AS RECOMMENDED**

27. **Auditor-Controller -** Receive and file CAPS + Quarterly Project Status Report - All Districts
RECEIVED

Treasurer-Tax Collector:

28. Adopt resolution superceding Resolution 09-065 for Issuance of Sale of Tustin Unified School District - General Obligation Bonds of School Facilities Improvement District 2002-1 of Tustin Unified School District, 2002 edition, Series D ($25,000,027.75); and authorizing execution of necessary documents and taking related actions - District 3
3521 **APPROVED AS RECOMMENDED**
RESO: 10-011

29. Adopt resolution amending Resolution 09-176 relating to Santa Ana Unified School District, Election of 2008 General Obligation Bonds - District 1
1523 **APPROVED AS RECOMMENDED**
RESO: 10-012

JOHN WAYNE AIRPORT

30. Approve lease with Birch Street MOB LLC for noise monitoring system, effective 10/1/08; and make California Environmental Quality Act findings - District 2
2351 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

31. Approve selection of contractors and agreements with various providers of Neighborhood Stabilization Program (NSP) projects (various amounts) to support development of affordable housing, 2/19/10 - 2/9/11; authorize Director or designee to execute agreements; and authorize Director or designee to reallocate funding among contractors based on performance under certain conditions - All Districts
5231 **APPROVED AS RECOMMENDED**

32. Approve agreement CT 012-10010441 with U.S. Ocean Safety, Inc. for lifeguard services at County beaches, 3/28/10 - 12/31/10 ($1,797,438) - Districts 2 and 5
2531 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

33. **Acting as the Orange County Flood Control District -** Approve amendment No. 1 to agreement D08-103 with Tetra Tech, Incorporated for professional engineering and consulting services ($2,746,328; new total $12,803,328); and approve agreement D09-122 with MWH Americas, Incorporated for construction management support services, six-year term ($6,687,362.74) - District 3

3125 A **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

34. Approve agreements with Bryan Stirrat & Associates and Geosyntec Consultants for environmental engineering support services, 2/9/10 - 2/8/13 ($2,200,000) - All Districts

2351 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

35. **Probation -** Approve agreement with Atkinson Polygraph Associates for adult sex offender polygraph examination services, 2/2/10 - 2/1/11 ($142,600); renewable for four additional years per Board approval; and make California Environmental Quality Act findings - All Districts (Continued from 2/2/10, Item 23)

B.O. **DELETED**

SOCIAL SERVICES AGENCY

36. Approve master agreement MA 063 10011830 with BIT California LLC dba Document Fulfillment Services for CalWIN client correspondence printing, postage and mail services, 3/1/10 - 2/28/15 ($8,366,500) - All Districts

5321 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

37. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; and adopt resolution supporting the selection of Ranch Plan as a Catalyst Project for California Sustainable Strategies Pilot Program in Livable Communities - All Districts

5321 **APPROVED RECOMMENDED ACTIONS 1, 2 AND 4**
RESO: 10-013

2531 **APPROVED RECOMMENDED ACTION 3 TO SUPPORT AND AMEND SB 879 WITH STAFF'S PROPOSED AMENDMENTS AND TO ELIMINATE SECTIONS 20133(d)(4)(B) i and v**

38. Receive and file Quarterly Information Technology (IT) Project Status Detail and Executive Summary and Quarterly Information Technology (IT) Project Risk Assessment reports for October - December 2009 - All Districts
RECEIVED

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

40. Approve Orange County Employees Retirement System (OCERS) Regulations Governing Service Credit Purchases and Redeposits of previously withdrawn contributions - All Districts

2351 **APPROVED AS RECOMMENDED**

41. Oral Presentation - Response to 6/3/09 & 10/28/09 Board Directive regarding DNA Lab Operation and OC Crime Lab Structure - All Districts (Continued from 12/15/09, Item 55; 2/2/10, Item 24)
PRESENTED

42. Approve recommended grant applications submitted by OC Community Resources/Public Libraries (National Medal for Museum and Library) and OC Parks (Proposition 84 Parks) in 2/9/10 grant report and other actions as recommended; and adopt resolution approving the filing of application for Statewide Park Program Grant Funds; and authorize Director of OC Parks or designee to conduct all negotiations, execute and submit all documents - All Districts

3521 **APPROVED AS RECOMMENDED**
RESO: 10-014

43. Approve FY 2009-10 Second Quarter Budget Report; approve related budget adjustments and amend master position control - All Districts (RAs 1-3 require 4/5 vote of members present)

1523 **APPROVED RECOMMENDED ACTIONS 1 - 5 WITH MODIFICATION TO ADD THE FOLLOWING: 1). PENDING CONSIDERATION OF THIS POLICY, THE CEO BUDGET AND THE HUMAN RESOURCES DEPT. ARE TO FREEZE ALL TEMPORARY PROMOTIONS AND TEMPORARY CLASSIFICATIONS COUNTYWIDE EFFECTIVE 2/9/10. 2). DIRECT THE HUMAN RESOURCES DIRECTOR TO IMMEDIATELY FREEZE THE COMPENSATION LEVEL OF THOSE EMPLOYEES WHO RECEIVED A TEMPORARY PROMOTION AND TEMPORARY CLASSIFICATION AS A RESULT OF THE SHERIFF DEPARTMENT REORGANIZATION ON 2/5/10 AND RETURN TO THE BOARD FOR APPROVAL FOR ANY CHANGES TO THEIR COMPENSATION LEVEL**

44. **Human Resources Department -** Approve 2009-12 Memorandum of Understanding with Association of Orange County Deputy Sheriffs (AOCDS); adopt amended personnel and salary resolution for Law Enforcement Management and Executive Law Enforcement Management; approve amended terms in AOCDS health plan; receive and file Actuarial Statement for 3% at 55 safety retirement formula; and direct staff to return to the Board to adopt resolution - All Districts

5321 N **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 45-46)

ELECTED DEPARTMENT HEADS

45. **Sheriff-Coroner -** Public Hearing to consider adopting revised resolution approving

2010 Uniform Traffic Bail Schedule for parking citations in unincorporated areas and on County property, effective 3/4/10 - All Districts

B.O. **CLOSED PUBLIC HEARING**

3251 **APPROVED AS RECOMMENDED**
RESO: 10-015

HEALTH CARE AGENCY

46. Public Hearing to consider adopting resolution approving proposed fee schedule for Public Health Laboratory Tests; rescinding Resolutions 92-613 and 92-1198, effective 3/1/10; and making California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

5231 **APPROVED AS RECOMMENDED**
RESO: 10-016

V. CLOSED SESSION (Items CS-1-SCS2)

GENERAL ADMINISTRATION

CS-1. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Southern California Edison Company v. Talega Associates, LLC, et. al., Orange County Superior Court Case No. 05CC11585

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, PROVIDED STAFF WITH SETTLEMENT AUTHORITY IN THE CASE OF SOUTHERN CALIFORNIA EDISON COMPANY V. TALEGA ASSOCIATES, LLC, ET. AL. ANY SETTLEMENTS REMAIN SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS SETTLEMENTS BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

SCS2. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Orange County Fairgrounds, Costa Mesa, CA
County Negotiator: Thomas G. Mauk
Negotiation Parties: State of California
Under Negotiation: Terms of State RFP and Value of Property

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

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

PUBLIC COMMENTS:
None

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
None

ADJOURNED: 11:00 P.M.

5231 **Adjourned in memory of Joyce Barlow King-Stoops**

2531 **Adjourned in memory of Felix Van Beek**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Vacant
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