REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 8, 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	Darlene J. Bloom

INVOCATION: Supervisor Moorlach, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Norby, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-29)

31245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 25 WHICH WAS CONTINUED TO 1/26/10, 9:30 A.M.; ITEM 29, WHICH WAS CONTINUED TO 12/15/09, 9:30 A.M.; AND ITEMS 3, 16 & 28 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Norby -** Orange County Human Relations Commission - Appoint Ellen Ahn, Fullerton, to complete term ending 12/7/11

2. **Supervisor Bates -** Emergency Medical Care Committee - Reappoint John Schuetz, Laguna Niguel, for term ending 6/30/11

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve agreement 09-204-781 with State Department of Boating and Waterways for marine law enforcement training classes ($42,721); and authorize Captain Brian Wilkerson to execute - All Districts

23145 N **APPROVED AS RECOMMENDED**

4. Ratify execution of Emergency Number System Plan agreement TD-280 and Letter of Agency authorizing California 9-1-1 Emergency Communications Office to represent Sheriff-Coroner Department regarding implementation of Enhanced Wireless 9-1-1 service for Harbor Patrol; and approve agreement PC-060-P0900004244 with Pacific Bell Telephone Company dba AT&T California for emergency 9-1-1 equipment, maintenance and services ($125,536) - Districts 2 & 5

5. Accept grant award from State's Emergency Management Agency for 2009 Paul Coverdell Forensic Science Improvement Program ($157,921); and authorize Sheriff-Coroner or designee to execute related documents - All Districts

HEALTH CARE AGENCY

6. Approve agreement with State Department of Public Health for AIDS Drug Assistance Program, 7/1/09 - 6/30/10 ($51,847) - All Districts

7. Approve master agreement MA-042-10010209 with Arizona Board of Regents, University of Arizona for evaluation services for in-custody substance abuse treatment, 12/14/09 - 12/31/10 ($60,000); renewable for two additional one-year periods - All Districts

OC COMMUNITY RESOURCES

8. Approve plans and specifications and set bid opening for 1/13/10, 2:00 p.m., for Lower Newport Harbor Bulkhead replacement project; and make California Environmental Quality Act findings - District 2

9. Accept grant award from California State Library for literacy services ($58,599) - All Districts

10. Accept donation from Friends of the Library to offset cost of Laguna Beach Library Refurbishment Project ($77,745) - District 5

11. Adopt resolution substituting OC Parks projects designated for Proposition 40 grant funding; and authorizing Director or designee to execute and submit all related documents - All Districts
RESO: 09-182

12. Approve master agreement MA-012-10010445 with Fallen Leaf Tree Services, Inc. for

weed abatement, fuel modification, mowing and discing services, various OC Parks locations, 12/8/09 - 12/7/10 ($292,000); renewable for two additional one-year periods; authorize purchasing agent or designee to execute agreement; and make California Environmental Quality Act findings - Districts 2, 3, 4 & 5

13. Approve amendment 1 to lease agreement with Channel Reef Community Association, extending term to 12/31/19 - District 2

14. **Acting as the Board of Supervisors and Orange County Housing Authority** - Approve amendment 2 to agreement with Applied Survey Research to conduct countywide count of homeless to maintain funding for Federal SuperNOFA Continuum of Care Homeless Assistance Program, 1/1/10 - 6/30/11 ($120,00); and authorize Director or designee to execute agreement and make line item budget transfers and related changes - All Districts

Acting as the Board of Supervisors and Orange County Development Agency:

15. Approve C&C Development and Orange Housing Development Corporation (OHDC) as co-developers for affordable housing, Buena Vista development; and authorize negotiation of agreement for Board approval - All Districts

16. Adopt Orange County Development Agency's FY 2009-10 Budget and Work Program - All Districts

23145 N **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

17. Approve amendment 1 to agreement D99-088 with State Department of Transportation for design phase of Laguna Canyon Road, extending term to 12/31/12; and make California Environmental Quality Act findings - District 5

18. Receive bids and award contract to Sadie Construction, Inc. for Yorba Regional Park Shelter roof replacement ($225,750) - District 3

19. Approve agreement C-9-0608 with Orange County Transportation Authority for widening of Antonio Parkway; and make California Environmental Quality Act findings - District 5

20. Approve plans and specifications and set bid opening for 1/20/10, 2:00 p.m., for Mile Square Regional Park restroom replacement; and make California Environmental Quality Act findings - District 2

21. **Acting as the Orange County Flood Control District** - Approve agreement MA 080-10010469 with Pacific Advanced Civil Engineering, Inc. for hydraulic physical modeling services near East Garden Grove-Wintersburg Channel, three-year term ($521,600) - Districts 1 and 2

SOCIAL SERVICES AGENCY

22. Approve subordinate agreement MA-063-10011059 with Insight Public Sector, Inc. for

Cisco Smartnet maintenance services, 1/1/10 - 12/31/10 ($179,709.08); renewable for two additional one-year periods - All Districts

23. **Acting as the In-Home Supportive Services Public Authority -** Approve master agreement MA 063 10010780 with Refined Technologies, Inc. for Care Tracker software and support services, 1/1/10 - 12/31/14 ($56,000) - All Districts

GENERAL ADMINISTRATION

24. **County Counsel -** Authorize County Counsel to waive a conflict of interest, consent to Orrick, Herrington & Sutcliffe LLP representation of Mosel Vitelic Inc., Mosel Vitelic Corporation, Nanya Technologies Corporation and Nanya Technology Corporation USA and agree not to seek disqualification of Orrick from representing Vitelic and Mosal in connection with legal proceedings in City of Los Angeles v. Infineon Technologies AD, et al. - All Districts

County Executive Office:

25. 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)

31245 **CONTINUED TO 1/26/10, 9:30 A.M.**

26. Approve amendment 5 to price agreement N1000008416 with Pacific Bell Telephone Company (dba AT&T California) for wide area network services, 12/19/09 - 12/30/11 ($450,000) - All Districts

Human Resources Department:

27. Approve agreement MA-054-10011351 with Transvironmental Solutions Inc. (TVS) for County Commuter Assistance Program services, 1/1/10 - 13/31/12 ($602,131); renewable for an additional two year term - All Districts

28. Approve amended and restated Section 125 Plan Document, effective 1/1/10; and authorize Director or designee to make any necessary changes as required by the IRS - All Districts

23145 **APPROVED AS RECOMMENDED**

29. Approve amendment to Memorandum of Agreement with Steve Danley, Performance Audit Director, extending term to 1/7/15 - All Districts

31245 **CONTINUED TO 12/15/09, 9:30 A.M.**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 30-45)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

30. Approve purchase contract MA-060-10011659 with Computer Deductions, Inc. for purchase of Unisys Dorado 4080 mainframe computer and hardware/software maintenance, 12/15/09 - 12/13/10; renewable for four additional one-year periods $2,164,853 for the five year period - All Districts (Continued from 11/3/09, Item 11)
23145 **APPROVED AS RECOMMENDED**

31. Approve amendment 2 to price agreement N2000009457 with California Forensic Phlebotomy, Inc. for phlebotomy services related to blood alcohol testing, 12/18/09 - 12/17/10 ($225,000) - All Districts
23145 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

32. Approve Letter of Intent with Anchor Marine for execution of new lease for shipyard services; and direct staff to return to Board with lease documents within 120 days - District 5
53124 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

33. Approve increased funding appropriation for Workforce Investment Act Training Provider agreement for dislocated worker, adult and youth services program, PY 2009-10 ($1,818,821; new total $3,318,821) - All Districts
31245 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

34. Approve Contract Change Orders 22 and 23 to agreement D08-102 with Griffith Company for Ortega Highway Widening project ($769,503) - District 5
51234 **APPROVED AS RECOMMENDED**

35. Receive and file Civic Center Demand Study; adopt resolution authorizing release of Request for Statement of Qualifications regarding development of Civic Center Building 16 site; and make California Environmental Quality Act findings - District 1 (4/5 vote) (Continued from 11/24/09, Item 38)
13245 **APPROVED AS RECOMMENDED**
RESO: 09-183

GENERAL ADMINISTRATION

County Executive Office:

36. Approve Transfer and Joint Occupancy agreement with Judicial Council of California, Administrative Office of The Courts for Transfer of Responsibility

and related Memorandum of Agreements for Community Court, Santa Ana; authorize Chair and/or CEO or designee to execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 1

12345 **APPROVED AS RECOMMENDED**

37. Approve Transfer and Joint Occupancy agreement with Judicial Council of California, Administrative Office of The Courts for Transfer of Responsibility and Transfer of Title and related Memorandum of Agreements for Central Justice Center Trial Court Facility, Santa Ana; instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO or designee to assign leases for third party tenants under certain conditions and execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 1

12345 **APPROVED AS RECOMMENDED**

38. Approve Transfer agreement with Judicial Council of California, Administrative Office of The Courts for Transfer of Title for Court Facility and related Memorandum of Agreements for Flower Street Parking Lot, Santa Ana; authorize Chair and/or CEO or designee to execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 1

12345 **APPROVED AS RECOMMENDED**

39. Approve Transfer agreement with Judicial Council of California, Administrative Office of The Courts for Transfer of Responsibility and Transfer of Title and related Memorandum of Agreements for Civil Complex Center Trial Court Facility, Santa Ana; instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO or designee to assign leases for third party tenants under certain conditions and execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 1

12345 **APPROVED AS RECOMMENDED**

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

23145 **APPROVED AS RECOMMENDED**

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

PRESENTED

42. Acting as the Board of Supervisors and Orange County Development Agency - Authorize Orange County Development Agency to expend $200,000 to conduct 2010 Census outreach efforts targeted at identifying "Hard to Count" (HTC) communities - All Districts

13245 **APPROVED AS RECOMMENDED**

43. Approve Memorandum of Understanding with Superior Court of California for provision of administrative services by the County to the Courts, 7/1/09 - 6/30/10; and authorize CEO or designee to execute - All Districts

12345 **APPROVED AS RECOMMENDED**

44. Approve recommended grant applications submitted by OC Public Works, OC Community Resources, Health Care Agency and Probation Department in 12/8/09 grant report and other actions as recommended; adopt resolution ratifying Chief Probation Officer's execution and submission of grant application to Corrections Standards Authority for Disproportionate Minority Contact (DMC) and return to the Board for approval of grant award - All Districts

12345 **APPROVED AS RECOMMENDED**
RESO: 09-184

45. Consider first reading of "An Ordinance of the County of Orange, California Repealing Ordinance No. 07-008, Which Designated the Public Administrator as the Ex Officio Public Guardian; and set second reading and adoption for 12/15/09, 9:30 a.m. - All Districts

B.O. **CONTINUED TO 12/15/09, 9:30 A.M.**

IV. PUBLIC HEARINGS (Items 46-48)

OC COMMUNITY RESOURCES

46. **Acting as the Board of Supervisors and Orange County Development Agency -** Public Hearing to consider adopting resolutions approving agreement to provide funding for construction of animal control facility, Marine Corps Air Station, Tustin ($763,239); authorize Director or designee to execute agreement, and make related findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

31245 **APPROVED AS RECOMMENDED**
RESO: 09-185 - 09-186

OC PUBLIC WORKS

47. Public hearing to consider reading and adoption of "An Ordinance of the County of Orange, California, Amending Sections 7-9-3 of the Codified Ordinances of the County of Orange Regarding Planning Commission Meetings"; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

43125 **APPROVED AS AMENDED TO ADD LANGUAGE TO REQUIRE MEETING CANCELATIONS BE WITH THE CONCURRENCE OF THE PLANNING COMMISSION CHAIR**
ORD: 09-009

OC WASTE & RECYCLING

48. Public Hearing to consider adopting exclusive franchise and non-exclusive agreements for solid waste collection and recycling services with qualified waste haulers for unincorporated areas, term ending 6/30/20; adopt cost formulas for each fiscal year, FY 2010-11 thru FY 2019-20; and authorize Director or designee to execute - All Districts

B.O. **CLOSED PUBLIC HEARING**

12345 **APPROVED AS RECOMMENDED**

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

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case
HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO INITIATE LITIGATION. AS SOON AS THE ACTION HAS BEEN FILED, PARTICULARS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY ONE WHO INQUIRES.

CS-2. **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
Negotiator Parties: State of California
Under Negotiation: Terms of State RFP and Value of Property
HELD, NO REPORTABLE ACTION

CS-3. **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
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:
Campbell - Oral Re: Inability of OC Fire Authority to utilize night-rated helicopters during fire near 241Toll Road due to logjam with union

Moorlach - Oral Re: Reminder that property taxes are due 12/10/09; directed CEO to analyze cost of preparing grant applications to actual awards and report back within 45 days

Bates - Oral Re: participated on panel at Claremont College re: pension reform

ADJOURNED: 1:00 P.M.
35124 **Adjourned in memory of Phillip Martin Rudolph**

15234 **Adjourned in memory of Officer Kenneth Aragon**

25134 **Adjourned in memory of Robert Miller**

45123 **Adjourned in memory of Jerry Christie and Anne York**

51234 **Adjourned in memory of Nancy Bergeson**

*** 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