REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 28, 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: 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 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 proclaiming September 2010 as "National Preparedness Month"

II. CONSENT CALENDAR (Items 1-19)

32451 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 1 WHICH WAS DELETED; ITEM 14 WHICH RECEIVED AN ABSTENTION FROM SUPERVISOR BATES; AND ITEMS 7, 11 & 13 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Bates:

1. Orange County Human Relations Commission - Reappoint Bill Wood, Laguna Beach, for term ending 8/30/12 (Continued from 8/31/10, Item 2; 9/14/10, Item 1)

32451 **DELETED**

2. OC Parks Commission - Appoint Justin McCusker, Rancho Santa Margarita, for term concurrent with 5th District Supervisor's term of office

ELECTED DEPARTMENT HEADS

3. **Sheriff-Coroner -** Accept donation of three vehicles from U.S. Marshals Service to support joint law enforcement operations related to Regional Fugitive Task Force - All Districts

JOHN WAYNE AIRPORT

4. Authorize Director to amend definition of Plan Year to calendar year, 1/1 - 12/31, and other clean-up amendments to the Access Plan; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

5. Approve agreement with Huitt Zollars, Inc. for on-call civil engineering services, three-year term commencing date of execution ($400,000) - All Districts

6. Approve amendment 2 to renew agreement MA 012-10010891 as MA 012 11010326 with Linda N. Ross dba RTM Designs for Refer Database application maintenance and support services under same terms, conditions and scope, 10/21/10 - 10/20/11 ($10,500); renewable for two additional one-year periods - All Districts

7. Approve amendment 1 to agreement with Community Action Partnership to receive $500,000 in American Recovery and Reinvestment Act funds for experience opportunities for youth and older adults, 7/1/10 - 9/30/10; and authorize Director or designee to execute amendment, to exercise a contingency cost increase or decrease not to exceed 10% under certain conditions and make line item budget transfers and corresponding changes within the existing scope of work and maximum obligation of individual agreement - All Districts

25341 **APPROVED AS RECOMMENDED**

8. Approve master agreement with various providers of veterinary services, 9/29/10 - 9/28/11 ($260,000); and authorize Director or designee to execute individual agreements - All Districts

9. **Acting as the Orange County Housing Authority -** Approve to receive and administer funds from U.S. Department of Housing and Urban Development to expand Family Unification Program Housing Choice Voucher from 170 to 207 families ($406,846) - All Districts

OC PUBLIC WORKS

10. Approve agreement D10-024 with South Orange County Wastewater Authority for maintenance and operation of stream gauging station, Aliso Creek; and authorize Director or designee to execute subsequent amendments under certain conditions - District 5

11. Declare bid of Excavating Engineers, Inc. to be non-responsive; receive bids and award contract to GCI Construction, Inc. for Santiago Canyon Road Storm Drain Repair Project ($276,304) - District 3

32451 **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

12. Relieve lowest bidder, Grand Pacific Contractors Inc. of obligation and reject all other bids; and direct Orange County Flood Control District to revise plans and specifications for future bid date for Lewis Storm Channel Improvement Project - District 1

13. 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) (Continued from 9/14/10, Item 8)

13245 **APPROVED AS RECOMMENDED**
RESO: 10-177

14. Select various firms from ranked list for on-call flood control services; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

32451 A **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

15. Approve acceptance of $75,000 from Stuart Foundation to support continued implementation of the California Connected by 25 Initiative (CC25 I) element of the Family to Family Initiative; authorize Director or designee to execute agreement & related documents; approve expenditures of the grant funds for Family to Family Initiative costs under certain conditions; and authorize Auditor-Controller to make related payments - All Districts

16. Approve agreement MA 063 11010327 with Nextel of California, Inc. dba Sprint Nextel for wireless services and equipment, 10/1/10 - 9/30/12 ($280,000) - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

17. Approve re-adoption of the State's Model Code by reference and modifications to Designated Filer Positions and Disclosure Categories Exhibits A & B for Orange County Public Works and Cypress School District - All Districts

18. Approve initial Conflict of Interest Code for the South Coast Water District Financing Authority - All Districts

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

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 20-S33A)

ELECTED DEPARTMENT HEADS

20. **Auditor-Controller -** Approve price agreement MA-003-11010642 with CGI Technologies and Solutions Inc., for CAPS Proprietary BRASS Software Maintenance, 10/1/10 - 6/30/11 ($182,192.14) - All Districts

53241 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

21. Approve amendment 6 to agreement MA-060-10011197 with NEC Corporation of America for maintenance of Automated Fingerprint Identification System, 11/1/10 - 10/31/11 ($260,726) - All Districts

23451 **APPROVED AS RECOMMENDED**

22. Approve amendment 5 to agreement with City of Garden Grove for forensic services, term ending 6/30/11 ($401,266) - Districts 1 & 2

12345 **APPROVED AS RECOMMENDED**

DANA POINT HARBOR DEPARTMENT

23. Approve issuance of an RFP for management of West Basin Marina, Dana Point Harbor; authorize Director or designee to extend T.B.W. Company Management agreement on a month to month basis and execute related documents; and make California Environmental Quality Act findings - District 5 (RA 3, 4/ 5 vote of members present)

53241 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

24. Approve creation of Ending Homelessness 2020 Board, effective 9/28/10 along with its membership and adopt bylaws; direct staff to stagger initial two year terms for each of the positions by lot with half of members initially having three year terms and subsequently all becoming two year terms; allocate $75,000 from Redevelopment Low and Moderate Income Housing Funds for homelessness consultant services to be provided by a third-party contractor that shall deliver services of an Executive Director and direct staff to procure a third-party contractor, and return to the Board for approval; and appoint John Moorlach, as nominated by Chair Janet Nguyen, to serve as Board Representative - All Districts

21345 **APPROVED AS RECOMMENDED**

25. Consider second readings and adoption of "An Ordinance of the County of Orange, California, Amending Divisions 2 and 5 of Title 2 and Sections 2-2-1, 2-2-2, 2-2-16, 2-2-19, 2-2-31, 2-5-2, 2-5-30, 2-5-126, 2-5-127, 2-5-300 of the Codified Ordinances of the County of Orange to Reflect Proper Titles and References to Orange County Parks and its Director and to Delete References to Obsolete Agencies"; "An Ordinance of the County of Orange, California, Amending Section 2-2-15 of the Codified Ordinances of the County of Orange to Clarify the Appointment Process and Residency Requirements for Members of the Orange County Parks Commission"; "An Ordinance of the County of Orange, California, Amending Section 2-2-30 of the Codified Ordinances of the

County of Orange to Provide that the County Executive Officer Appoints the Director of Orange County Parks and to Reflect Proper Reference to Orange County Parks and its Director"; "An Ordinance of the County of Orange, California, Amending Sections 2-5-17 and 2-5-25 of the Codified Ordinances of the County of Orange to Eliminate Permit Requirements for Individual Camp Sites and Private Picnics and to Clarify Payment of Fees and Permit Requirements for Special Events"; "An Ordinance of the County of Orange, California, Amending Section 2-5-39 of the Codified Ordinances of the County of Orange Authorizing the Director of Orange County Parks to Designate Areas in County Parks, Beaches or Other Recreational Areas and the Conditions Under which Domestic Animals Shall be Permitted"; "An Ordinance of the County of Orange, California, Amending Section 2-5-301 of the Codified Ordinances of the County of Orange to Eliminate an Obsolete Provision Regarding Park Abandonment Procedures" - All Districts (Continued from 9/21/10, Item 24)

21345 **APPROVED AS RECOMMENDED**
ORD: 10-012 - 10-016

OC PUBLIC WORKS

26. Approve standard agreement 10-0342 with State Department of Food and Agriculture for reimbursement of costs related to Pierce's Disease Program, 7/1/10 - 6/30/12 ($1,353,044.50); and authorize Agricultural Commissioner to execute agreement - All Districts

34251 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

27. Reject proposal from Earthco Commercial Landscape; select Natures Image, Inc. as primary and Habitat Restoration Sciences, Inc. as alternate firms to provide operation and maintenance services to install, irrigate and maintain oak trees, Santiago Oaks Regional Park; and authorize negotiation of agreement for Board approval - District 3

32451 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

28. Approve selection of and agreements 10-002FA with Fieldman, Rolapp & Associates, Inc. as financial advisor ($75,000) and 10-001SC with Orrick, Herrington & Sutcliffe, LLP as bond counsel ($105,000) for services related to proposed Newport Coast Assessment District No. 01-1, Phase IV bond conversion - District 5

53241 **APPROVED AS RECOMMENDED**

29. Approve in concept financing of Sheriff-Coroner Capital Improvement and Maintenance Projects through issuance of Recovery Zone Economic Development Bonds ($14.5 Million); and approve selection of Piper Jaffray & Company as underwriter, Public Financial Management, Inc. as financial advisor and Straddling, Yocca, Carlson and Rauth as Bond and Disclosure Counsel; and direct staff to negotiate an agreement with Public Financial Management, Inc. - All Districts

12345 **CONTINUED TO 10/19/10, 9:30 A.M.**

A

30. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
32451 **APPROVED AS RECOMMENDED**

31. Board Directive Report - Receive report of Ad Hoc Redistricting Committee and approve issuance of Request for Proposals to solicit for outside legal counsel and consulting for data mapping (7/27/10 Directive) - All Districts
13245 **APPROVED AS RECOMMENDED**

32. **Internal Audit -** Approve Audit Oversight Committee (AOC) Charter; and direct staff to amend Audit Oversight Committee bylaws to remove any inconsistencies with AOC Charter and return to the Board for approval - All Districts
ITEM DISCUSSED AND CONTINUED TO A FUTURE DATE

33. **Supervisor Nelson -** Discuss alternative Defined Contribution Retirement Plan for Elected Officials
DISCUSSED

OC PUBLIC WORKS

S33A. Approve Solar Power Purchase and License agreements with PsomasFMG, LLC for cost savings of electrical energy; authorize Director or designee to execute agreements; and make California Environmental Quality Act and other findings - All Districts
41235 **CONTINUED TO 10/5/10, 9:30 A.M.**

IV. PUBLIC HEARINGS (Items 34-35)

OC COMMUNITY RESOURCES

34. Public Hearing to consider adopting FY 2011-12 Funding Allocation Policy and Process for distributing Federal housing and community development funds - All Districts
B.O. **CLOSED PUBLIC HEARING**

53241 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

35. Public Hearing to consider Planning Application PA090011 filed by Giracci Vineyards located at 16162 Jackson Ranch Road, Silverado-Modjeska area, proposing additional uses to an existing commercial horse stable; uphold the Planning Commission's denial or alternatively approve the application or a modified application; receive staff report and public testimony; adopt Mitigated Negative Declaration PA090011; and make related findings - District 3
B.O. **CLOSED PUBLIC HEARING**

35241 **APPROVED PROJECT INCLUDING ADOPTION OF MITIGATED NEGATIVE DECLARATION PA090011 AND RELATED FINDINGS; APPROVED PLANNING APPLICATION PA090011 SUBJECT TO REVISED**

CONDITIONS IN ATTACHMENT A, INCLUDING MODIFICATIONS TO CONDITIONS 10-14 SUBMITTED IN 9/28/10 OCPW MEMO, AND NEW CONDITIONS 27 WHICH DEFINES WINE TASTING AND 28 REQUIRING ANNUAL REVIEW OF COMPLIANCE WITH CONDITIONS BY DIRECTOR OF OC PUBLIC WORKS OR DESIGNEE AND RECONSIDERATION OF USE PERMIT FOR REPEATED NON-COMPLIANCE.

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: Toy and Steve White v. County of Orange, et al., United States District Court Case No. SACV09-203 DOC (RNBX)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF TOY AND STEVE WHITE V. COUNTY OF ORANGE, ET AL. ANY PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES 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: 405 West Fifth Street, 200 Santa Ana Boulevard, and 801 West Civic Center Drive, Santa Ana, CA
County Negotiator: Thomas G. Mauk
Negotiating Parties: Birtcher Anderson, LLC
Under Negotiation: Terms of Future Lease Conveyance Proposal

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

SCS3. **County Counsel -** Requests the Board take the following action:
Pursuant to Government Code Sections 54954.2 and 54956.5 Find and Declare that an emergency and need for immediate action have arisen in connection with the following action:
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITITGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Association of Orange County Deputy Sheriff's v. County of Orange

43251 **APPROVED FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54954.2(B)(1) AND 54954.2(B)(2) AND DECLARE THAT THE NEED FOR IMMEDIATE ACTION EXISTS FOR A CLOSED SESSION OF THE BOARD TO DISCUSS ASSOCIATION OF ORANGE COUNTY DEPUTY SHERIFFS V. COUNTY OF ORANGE. OCSC CASE NO. 30-201000400085**

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE AUTHORIZED THE FILING OF AN APPEAL IN THE CASE OF ASSOCIATION OF ORANGE COUNTY DEPUTY SHERIFFS V. COUNTY OF ORANGE.**

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

PUBLIC COMMENTS:
Nick Berardino - Oral Re: Management salaries and benefits

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Campbell - Oral Re: AB 1234 Travel Report - Traveled to Washington D.C. to meet with members of Congress and staff on IRS/pension issues

ADJOURNED: 4:20 P.M.
51234 **Adjourned in memory of Dorothy Latasa Kiefer**

51234 **Adjourned in memory of Audrey Palmquist**

*** 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