REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, July 27, 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 | Darlene J. Bloom |

INVOCATION: Supervisor Nelson, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

## I. PRESENTATIONS/INTRODUCTIONS

Chair Nguyen - Presentation on the retirement of the Orange County Sheriff's Department Bloodhound Taffy and introduction of Bloodhound Reese

Supervisor Campbell presented a resolution commending Rick Goacher on his service as a member to the Orange County Planning Commission
(Item placed on regular agenda for action)
**DELETED**

## II. CONSENT CALENDAR (Items 1-20)

53241 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 5, 8, 9, 10 & 14 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

**BOARD APPOINTMENTS**

1. **Supervisor Moorlach -** Sunset Beach LPC Advisory Committee - Appoint Aurea Hoad, Sunset Beach, to complete term ending 12/18/11; and reappoint G. Michael Lyon, Sunset Beach, to complete term ending 12/18/11 and Stanley Wolf, Sunset Beach, for term ending 12/31/11

**DEPARTMENT APPOINTMENTS**

2. **Health Care Agency -** Emergency Medical Services Quality Assurance - Appoint Brian Barbick, Mission Viejo; Mary Christine Carroll, Corona; Christopher Eric McCoy, Irvine; Robert Morris, Murrieta and reappoint Mary Frances Cohen, Fountain Valley; Catherine A. Ord, Fountain Valley; John Senteno, Orange and Larry Grihalva, Fountain Valley, to complete terms ending 6/30/11; appoint Charles J. Fedak, Corona; Phylicia Hassapis, Costa Mesa; James McDuffie, Westminster; Nicole S. Norman, Lawndale; Kenneth E. Soltis, Mission Viejo and reappoint Christopher Wilson, Fountain Valley, to complete terms ending 6/30/12; and appoint Tammi McConnell, Santa Ana and Holly Veale, Santa Ana, for term concurrent with position - All Districts

3. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Kenneth Howe, Irvine, to complete term ending 12/31/12 - All Districts

**OC COMMUNITY RESOURCES**

4. Approve agreement OCP10-023 with KAL Architects, Inc. for on-call architectural services in support of OC Parks capital improvements and rehabilitation projects, 3-year term ($400,000) - All Districts

5. Approve agreement with Community Action Partnership for summer youth work experience activities, 7/1/10 - 9/30/10 ($200,000); and authorize Director or designee to execute agreement and accept additional funds under certain conditions - All Districts

21345 **APPROVED AS RECOMMENDED**

6. Approve Eden Arroyo Vista, L.L.C. as new managing general partner in place of Arroyo Vista Housing Corporation, Arroyo Vista Apartments, Mission Viejo; and authorize Director or designee to execute agreements under certain conditions - District 5

7. Rescind 1/26/10 approval of leases; approve modified leases with City of Garden Grove for Chapman and West Branch Libraries for exterior improvements, term ending 7/31/18 - Districts 1 & 2

8. Receive bids and award contract to AIS Construction, Inc. for construction of Santiago Oaks Regional Park Rockfall Mitigation Project ($240,750) - District 3

35241 **APPROVED AS RECOMMENDED**
NN

9. Approve amendment 1 to Cost Reimbursement agreement with City of Santa Ana for Temporary Assistance to Needy Families Emergency Contingency Funds Youth Employment Program, 7/1/10 - 3/31/11 ($150,000; new total $234,410); and authorize

Director or designee to execute agreement and amendments under certain conditions - District 1

21345 **APPROVED AS RECOMMENDED**

## OC PUBLIC WORKS

10. Approve cooperative agreements D07-007 with City of Westminster for construction of Midway City street and storm drain improvements, Phase I and II and D10-003 with Midway City Sanitary District for ownership and maintenance responsibilities of supplemental sewer line on Van Buren Street between Washington Avenue and Madison Avenue; adopt resolution declaring portions of Hazard Avenue, Van Buren Street and the alleyway parallel to and east of Beach Boulevard within City of Westminster to be County highways for construction purposes; approve plans and specifications and set bid opening for 9/1/10, 2:00 p.m., for Midway City street and storm drain improvements; and adopt Negative Declaration IP08-444 - District 1 (RA# 3 4/5 vote of membership)

12345 **APPROVED AS RECOMMENDED**
*RESO: 10-137*

11. Approve plans and specifications and set bid opening for 9/1/10, 2:00 p.m., for fire alarm upgrade at 909 North Main Street, Santa Ana; and make California Environmental Quality Act findings - District 1

12. Approve grant easement to the City of Anaheim for electrical utility purposes through a portion of Yorba Regional Park; and make California Environmental Quality Act findings - District 3

13. Approve contract MA-080-10013358 with CSU Fullerton Auxiliary for financial forecasting services, 8/27/10 - 8/26/11 ($16,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts

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

53241 **APPROVED AS RECOMMENDED**

## GENERAL ADMINISTRATION

### County Executive Office:

15. Approve amendment 1 to cooperative agreement with Orange County Transportation Authority (OCTA) and City of Santa Ana for public usage of restrooms at former Santa Ana Transit Terminal (SATT); and authorize CEO to make amendments under certain conditions - District 1

16. Approve amendment 2 to agreement D02-049 with Keyser Marston Associates, Inc. for support development of updated financial models for Dana Point Harbor Revitalization Plan, extending term one additional year, 8/6/10 - 8/31/11; and authorize Public Finance Director to execute amendment - District 5

17. Approve withdrawal of grant application with Department of Commerce for Broadband Technology Opportunities program - All Districts

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

19. **Supervisor Bates -** Authorize waiver of fees for The National Multiple Sclerosis Society, a not-for-profit organization, for "Bike MS Bay to Bay Tour" event on 10/16/10 - 10/17/10, Salt Creek Beach

20. **Supervisor Campbell -** Authorize waiver of fees for The Lymphoma Research Foundation of Orange County fundraising event on 11/6/10, Mason Park

END OF CONSENT CALENDAR

## III. DISCUSSION ITEMS (Items 21-S43C)

### ELECTED DEPARTMENT HEADS

21. **Sheriff-Coroner -** Approve agreement with City of Rancho Santa Margarita for law enforcement services, 7/1/10 - 6/30/11 ($7,122,664); authorize Sheriff-Coroner to execute amendments under certain conditions; and authorize Sheriff-Coroner to extend agreement, 7/1/11 - 8/31/11, under certain conditions - District 5

53241 N **APPROVED AS RECOMMENDED**

### HEALTH CARE AGENCY

22. Approve agreement with Didi Hirsch Psychiatric Services dba Didi Hirsch Mental Health Services for survivor support services, 8/1/10 - 6/30/11 ($314,815) and 7/1/11 - 6/30/12 ($270,693) - All Districts

35241 **APPROVED AS RECOMMENDED**

23. Approve agreement with Didi Hirsch Psychiatric Service dba Didi Hirsch Mental Health Services for crisis prevention hotline services, 8/1/10 - 6/30/11 ($303,705) and 7/1/11 - 6/30/12 ($255,743) - All Districts

35241 **APPROVED AS RECOMMENDED**

24. Approve agreement with National Alliance of Mental Illness Orange County dba NAMI Orange County for Warmline Network services, 8/1/10 - 6/30/11 ($361,505) and 7/1/11 - 6/30/12 ($315,344) - All Districts

32451 **APPROVED AS RECOMMENDED**

25. Approve agreement 09-79107-000 with State Department of Mental Health for Mental Health State Hospital services, 7/1/09 - 6/30/10 ($5,358,810); and authorize Director or designee to execute agreement - All Districts

53241 **APPROVED AS RECOMMENDED**

### JOHN WAYNE AIRPORT

26. Approve amendment 1 to agreement with Jervis B. Webb Company for Baggage Handling System ($216,334; new total $16,796,700); and find Final EIR 582 and addendum 582-1, as revised by Final Supplemental EIR 582, are adequate to satisfy requirements of California Environmental Quality Act - District 2

23451 **APPROVED AS RECOMMENDED**

27. Approve agreement with Helix Electric, Inc. for design and construction services for Parking Access and Revenue Control System project ($10,758,000); and make California Environmental Quality Act findings - District 2

23451 **APPROVED AS RECOMMENDED**

28. Approve agreement MA-280-1003362 with Silverado Stages Inc. for courtesy shuttle services, 9/1/10 - 8/31/15 ($8,645,141.50); renewable for one additional two-year period; and make California Environmental Quality Act findings - District 2

23451 **APPROVED AS RECOMMENDED**

**OC COMMUNITY RESOURCES**

29. Accept funds from State of California Employment Development Department for Veterans' Employment-Related Assistance Program, 7/1/10 - 6/30/12 ($989,983); approve Workforce Investment Act Master Cost Reimbursement agreements with Pacific Gateway Workforce Investment Network, City of Long Beach, Coast Community College District, Arbor E&T & ProPath Inc. for employment and training services, 7/1/10 - 6/30/12 (aggregate amount not to exceed $850,000); and authorize Director or designee to execute agreements and to exercise a contingency cost increase or decrease not to exceed 10% under certain conditions; and make line item budget transfers within the agreement under certain conditions - All Districts

23451 **APPROVED AS RECOMMENDED**

30. Approve agreements MA-012-10013565 with MaintStar, Inc. for purchase of commercial-off-the-shelf Computerized Maintenance Management System software for OC Parks and OC Public Libraries, 8/1/10 - 7/31/13 ($418,917); renewable for two one-year periods ($46,472 4th year & $48,100 5th year) and MA-08011010109 for OC Public Works, 8/1/10 - 7/31/13 ($286,036); renewable for two one-year periods ($29,382 4th year & $30,411 5th year); authorize Purchasing Agent or deputy to execute agreements; and make California Environmental Quality Act findings - All Districts

35241 **APPROVED AS RECOMMENDED**

**OC PUBLIC WORKS**

31. **Acting as the Orange County Flood Control District -** Receive bids and award contract to KEC Engineering for Edinger Storm Channel Improvement Project from East Garden Grove-Wintersburg Channel C05 to 1,646 feet upstream of Edinger Avenue ($7,815,062); and direct Auditor-Controller to make related budget adjustments - Districts 1 & 2 (RA #2 4/5 vote of members present)

21345 X **APPROVED AS RECOMMENDED**

**GENERAL ADMINISTRATION**

32. **Board of Supervisors -** Discuss and establish process for conducting County Redistricting - All Districts (Continued from 7/20/10, Item 33)

13245 **APPROVED FORMATION OF AN AD HOC COMMITTEE BY THE CHAIR TO REVIEW THE REDISTRICTING PROCESS. CHAIR NGUYEN SHALL BE THE CHAIR OF THE AD HOC COMMITTEE AND VICE CHAIR CAMPBELL SHALL BE THE VICE-CHAIR OF THE AD HOC COMMITTEE. THE COMMITTEE SHALL EVALUATE AND MAKE RECOMMENDATIONS FOR A TRANSPARENT PROCESS, MEETING LOCATIONS, IDENTIFY COMMUNITIES OF INTEREST, COMPOSITION OF FINAL REDISTRICTING COMMITTEE, EXPERTS NEEDED, POPULATION DATA TRENDS TO IDENTIFY GREATEST COMMUNITIES OF GROWTH (BY CITY, SCHOOL DISTRICTS, SUPERVISORIAL DISTRICTS, ETC.). THIS AD HOC COMMITTEE SHALL MAKE NO REMAPPING RECOMMENDATIONS AND SHALL REPORT THEIR PRELIMINARY FINDINGS/THOUGHTS TO THE BOARD WITHIN 90 DAYS.**

**County Executive Office:**

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

34. Acting as the Community Facilities Districts 86-1, 86-2, 87-5A, 87-5B, 87-5C, 87-5D, 87-5E (Rancho Santa Margarita); 87-1 (Dimensions Business Park); 87-2 (Portola Hills); 87-3 (Mission Viejo); 87-4 (Foothill Ranch); 87-6 (Baker Ranch); 87-7 (Los Alisos); 87-8 (Coto de Caza); 87-9 (Santa Teresita); 88-1 (Aliso Viejo); 88-2 (Lomas Laguna); and 99-1, 2000-1, 2001-1, 2002-1, 2003-1, 2004-1 (Ladera Ranch) - Adopt resolutions levying special taxes for Community Facilities Districts, FY 2010-11 - Districts 3 & 5
35241 **APPROVED AS RECOMMENDED**
*RESO: 10-138 - 10-160*

35. Adopt resolution superseding Resolution 07-088 and amending Workers' Compensation Claims settlement procedures to clarify method of determining settlement authority and revising approval process for resolving claims - All Districts
53241 **APPROVED AS RECOMMENDED**
*RESO: 10-164*

36. Approve recommended grant applications submitted by Social Services Agency, Sheriff's Department and Probation Department in 7/27/10 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner or designee to submit application to State Emergency Management Agency for Homeland Security Grant Program, FY10; and adopt resolution ratifying Chief Probation Officer's execution and submission grant application to Corrections Standard Authority for Juvenile Accountability Block Grant - All Districts
35241 **APPROVED AS RECOMMENDED**
*RESO: 10-161 - 10-162*

37. Receive and file Final Report of TINCUP 2 Committee; direct Registrar of Voters to place "An Ordinance of the County of Orange, California Amending Sections 1-6-1, 1-6-3 Through 1-6-12, 1-6-14, 1-6-16, 1-6-19 and 1-6-23 Through 1-6-32; Deleting Section 1-6-15 and the Article 2 Heading; and Adding Sections 1-6-15 and 1-6-33 to Division 6 of Title 1 of the Codified Ordinances of the County of Orange Pertaining to the Orange County Campaign Reform Ordinance" on the ballot for Statewide general election on November 2, 2010; and direct County Counsel to prepare ballot language and impartial analysis of ordinance - All Districts
23451 **RECEIVED AND FILED REPORT ONLY**

38. Approve proposed response to 2009-10 Grand Jury Report "Childhood Obesity in Orange County: More Needs to be Done." - All Districts
43251 **APPROVED AS RECOMMENDED**

39. Approve proposed response to 2009-10 Grand Jury Report "Fraud Made Easier: A Study of Fraud Prevention and Eligibility Screening of CalWORKS Recipients." - All Districts

42351 **APPROVED AS RECOMMENDED**

**Human Resources Department:**

40. Adopt Employee Rate Tables for Self-Funded PPO Premier Wellwise and Premier Sharewell Health Plans for 2011 - All Districts
24351 **APPROVED AS RECOMMENDED**

41. Adopt Retiree Self-Funded PPO Premier Wellwise and Premier Sharewell Health Plans for 2011; and authorize Director or designee to continue to apply for federal subsidy under Medicare Prescription Drug, Improvement and Modernization Act of 2003 for Premier Wellwise health plan - All Districts
31245 **CONTINUED TO 8/17/10, 9:30 A.M.**

42. Adopt Employee Health Plan Rates Tables for 2011 for employees; authorize Director or designee to sign policies with CIGNA and Kaiser for Group Services Health Plans; and approve renewal of Administrative Services agreements with CIGNA Healthcare of California, Inc. and with Kaiser Permanente for Health Maintenance Organization health plan for employees, 1/1/11- 12/31/13, renewable for two additional one year periods - All Districts
32451 **APPROVED AS RECOMMENDED**

43. Adopt Retiree Health Plan and associated rates for 2011; authorize Director or designee to sign Group Benefit Policies with Anthem Blue Cross, Kaiser Permanente Health Plan, Inc. and SCAN; and approve Administrative Services agreements with Anthem Blue Cross, Kaiser Permanente Health Plan, Inc. and SCAN for retiree health plans, 1/1/11- 12/31/13, renewable for two additional one year periods - All Districts
42351 **APPROVED AS RECOMMENDED**

S43A. **Supervisor Campbell -** Adopt resolution commending Rick Goacher for his service as a member of the Orange County Planning Commission
32451 **APPROVED AS RECOMMENDED**
*RESO: 10-165*

S43B. **Supervisor Bates -** Authorize waiver of fees for Mary Erickson Community Housing for annual fundraiser event on 8/6/10, in a portion of Salt Creek Beach
52341 **APPROVED AS RECOMMENDED**

S43C. **County Executive Office -** Receive and file report on City of La Habra proposed amendment to extend time limits for Consolidated Redevelopment Project Area; and direct staff to send a letter of concern to the City - District 4
43251 **RECEIVED AND FILED REPORT ONLY**

## IV. PUBLIC HEARINGS (Item 44)

## OC PUBLIC WORKS

44. Public Hearing to consider adopting resolution approving FY 2009-10 Weed Abatement Cost Report and special assessments on identified properties - All Districts
B.O. **CLOSED PUBLIC HEARING**

35241 **APPROVED AS RECOMMENDED**
*RESO: 10-163*

**V. CLOSED SESSION (Items CS-1-SCS5)**

**GENERAL ADMINISTRATION**

**County Counsel:**

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Cases: County of Orange v. Michael Dobson, et al., Orange County Superior Court Case No. 30-2009-00124574; Dobson, et al. v. District Attorney's Office for the County of Orange, Orange County Superior Court Case No. 30-2009-00117120
**HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASES OF COUNTY OF ORANGE V. MICHAEL DOBSON, ET AL.; DOBSON, ET AL. V. DISTRICT ATTORNEY'S OFFICE FOR THE COUNTY OF ORANGE AND AUTHORIZED THE CHAIR OF THE BOARD TO EXECUTE THE SETTLEMENT AGREEMENT AND THE STIPULATION FOR ENTRY OF JUDGEMENT APPROVED AS TO FORM AND PRESENTED TO THE CLERK OF THE BOARD BY COUNTY COUNSEL. THE 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 COUNTY COUNSEL TO ANY PERSONS WHO INQUIRES.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case
B.O. **HELD, NO REPORTABLE ACTION**

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Jorge Castaneda v. County of Orange, et al.; Orange County Superior Court Case No. 30-2010-00385233
B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO RETAIN LIEBERT CASSIDY WHITMORE, TO REPRESENT THE COUNTY IN THE ARBITRATION APPEAL IN THE CASE OF JORGE CASTANEDA V. COUNTY OF ORANGE, ET. AL.**

SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Deanna Fogarty-Hardwick v. County of Orange, et al., Orange County Superior Court Case No. 01CC02379
B.O. **HELD, NO REPORTABLE ACTION**

SCS5. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Orange County Attorneys Association (OCAA)
RE: Terms and conditions of employment

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

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

**PUBLIC COMMENTS:**

William Fitzgerald - Oral Re: Property Assessments in OC

Darrell Nolta - Oral Re: Concerns re educational programs not working regarding pollution from flood channels causing beach bacteria in OC & San Clemente Beach Clean Up program where residents are taxed or assessed a fee for these efforts

**COUNTY EXECUTIVE OFFICER COMMENTS:**

None

**BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:**

Supervisor Nelson - Oral Re: Asked that consideration of elimination of the Civic Center JPA be agendized for consideration by the Board on 8/17/10

**ADJOURNED: 1:20 P.M.**

21345 **Adjourned in memory of Gerald R. Holte**

51234 **Adjourned in memory of Rudolph "Rudy" Smith**

51234 **Adjourned in memory of George Elmer Edwards**

*** 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*