REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 10, 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

JOHM 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	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Bates presented her State of the County Address

Supervisor Nguyen presented a resolution proclaiming February 2009 as "American Heart Month"

II. CONSENT CALENDAR (Items 1-19)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 15 WHICH WAS CONTINUED TO 3/10/09, 9:30 A.M. AND 16 WHICH WAS CONTINUED TO 3/3/09, 9:30 A.M.; AND ITEMS 2, 9 & 18 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

COMMENDATIONS/PROCLAMATIONS/REPORTS

1. **Chair Bates -** Adopt resolution recognizing Orange County Sheriff-Coroner Department's Communications and Technology Division for 75 years of radio communications and technology service
RESO: 09-010

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

2. Approve Hold Harmless Agreement with Costa Mesa for use of Fire Department training facility for Sheriff's SWAT Team training, 2/10/09 - 12/31/09; and authorize Sheriff-Coroner or designee to execute agreement - District 2

23145 **APPROVED AS RECOMMENDED**

3. Approve agreements with the State 32nd District Agricultural Association dba Orange County Fair & Event Center for use of facility for San Onofre Nuclear Generating Station (SONGS) Reception & Decontamination Center on an annual basis; authorize Sheriff-Coroner or designee to execute agreements; and make California Environmental Quality Act findings - District 2

JOHN WAYNE AIRPORT

4. Approve renewal of price agreement N3000008564 with Sescol Inc. dba Security Solutions for maintenance of Emergency Crash Phone System, 3/1/09 - 2/29/12 ($32,400); and make California Environmental Quality Act findings - District 2

5. Approve purchase order PC 280 P0900002707 with US Modular Group, Inc. for purchase and installation of modular office for use by Transportation Security Administration ($89,120); and make California Environmental Quality Act findings - District 2

6. Approve agreement with Reem Aviation Security Consultants, LLC for Security Consultant services, 2/11/09 - 8/10/09 ($150,000); and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

7. **Acting as the Board of Supervisors and Orange County Development Agency -** Receive and file Orange County Development Agency Annual Report, FY 2007-08 - All Districts

OC PUBLIC WORKS

8. Approve John Wayne Airport Records Control Schedule 276B superseding Records Control Schedule 276A and authorize continuing disposition of records described on new schedule - All Districts (4/5 vote)

9. Adopt resolution authorizing Director or designee to execute revenue-generating leases and licenses of real property under certain conditions; and direct submittal of annual reports to the Board summarizing leases and licenses processed under this authority -

All Districts

53124 **APPROVED WITH MODIFICATION TO RESOLUTION, ITEM 4, TO CHANGE BOARD OF SUPERVISORS NOTIFICATION AND REVIEW PERIODS FROM 5 TO 10 DAYS**
RESO: 09-011

10. Approve rent-free lease with Orange County Department of Education for office and therapy space for Health Care Agency's California Children's Services program, Irvine, ten-year term; and make California Environmental Quality Act findings - District 3

11. Approve County Counsel Records Control Schedule 60C superseding Records Control Schedule 60B and authorize continuing disposition of records described on new schedule - All Districts (4/5 vote)

12. Approve plans and specifications and set bid opening for 3/18/09, 2:00 p.m., for construction of median and G-line contour grading of Laguna Canyon Road, Laguna Beach; and make California Environmental Quality Act findings - District 5

13. Approve agreement D08-111 with Villa Park for share of cost in repairing wall that impacts Cannon Street at Serrano Avenue ($300,000); authorize Auditor-Controller to make related payments; adopt resolution approving use of Road Fund and making related findings; and make California Environmental Quality Act findings - District 3 (4/5 vote)
RESO: 09-012

SOCIAL SERVICES AGENCY

14. Approve Memorandum of Understandings CLC5208 with Olive Crest Foster Family Agency and CLC5108 with Canyon Acres Children and Family Services for Intensive Treatment Foster Care Program services, 3/7/09 - 3/6/10; authorize Director or designee to execute Memorandum of Understanding and renew for one additional one-year period without further Board action - All Districts

GENERAL ADMINISTRATION

County Executive Office:

15. Receive and file proposed Technology Sourcing Strategy Plan - All Districts
32145 **CONTINUED TO 3/10/09, 9:30 A.M.**

16. Adopt Countywide Information Technology Strategic Plan and Information Technology Working Group revised Mission Statement - All Districts
(Continued from 1/13/09, Item 31; 1/27/09, 42)
32145 **CONTINUED TO 3/3/09, 9:30 A.M.**

17. Receive and file Quarterly Customer Care Report for October - December 2008 - All Districts

18. Approve amendment 1 to price agreement N1000009362 with Townsend Public Affairs, Inc. for assistance and expertise on Grant Proposals and economic stimulus legislation, 1/1/09 - 6/30/09 ($60,000) - All Districts

23145 **APPROVED AS RECOMMENDED**

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

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 20-S37C)

DEPARTMENT APPOINTMENTS

20. **Health Care Agency -** CalOptima Board of Directors - Appoint Edward Kacic, Mary Anne Foo and Gustavo Valdespino, Irvine to complete terms ending 9/30/12 - All Districts
34125 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

21. **Auditor-Controller -** Receive and file CAPS+ Quarterly Project Status Report - All Districts
23145 **RECEIVED AND FILED**

Sheriff-Coroner:

22. Response to Board Directive (1/13/09) - Oral Report on update of Concealed Carry Weapon (CCW) permit policies and revocation issue - All Districts (Continued from 1/27/09, Item 50)
PRESENTED

23. Accept Urban Areas Security Initiative funds from Anaheim, FY08 ($2,534,139); approve agreement with Anaheim for transfer or purchase of equipment/services or reimbursement of training costs; authorize Sheriff-Coroner to execute agreement, related documents and amendments under certain conditions; and authorize purchasing agent to make related purchases - All Districts
32145 **APPROVED AS RECOMMENDED**

24. Approve renewal of price agreement N3000008521 with Heli-Mart, Inc. for helicopter airframe components repair and maintenance services, 3/1/09 - 2/28/10 ($300,000) - All Districts
32145 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

25. Approve agreement 08-85401 with State Department of Public Health for HIV-1 Viral Load Testing for AIDS patients, 7/1/08 - 6/30/11 ($1,725,000); and authorize Director or designee to execute Contractor's Release form upon submission of final invoice - All Districts
32145 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

26. Select Joseph D'Angelo, dba Bella's Kitchen as primary and Concepts Food Service, Inc. as alternate tenants for food service at Cafe OC, Santa Ana Civic Center; authorize negotiation of final lease and approve execution of lease under certain conditions; and make California Environmental Quality Act findings - District 1 (4/5 vote) (Continued from 1/27/09, Item 59)
32145 **APPROVED AS RECOMMENDED**

X

27. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D05-074 and Sublease Agreement with Irvine for design, right-of-way acquisition and construction of Alton Parkway from Irvine Boulevard east to City Boundary - Districts 3 & 5 (RA 1 continued from 1/27/09, Item 60)

35124 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

28. Approve continuance of local emergency in connection with the Freeway Complex Fire; located at Olinda Alpha Landfill pursuant to Public Contact Code Section 22050 due to damages and lack of an operational landfill gas extraction, control, and groundwater monitoring systems; set review to determine continuing need for emergency action for 3/3/09, 9:30 a.m., every 14 days thereafter; and make California Environmental Quality Act findings - All Districts (4/5 vote) (Continued from 12/16/08, Item S54B; 1/13/09, Item 42; 1/27/09, Item 63)

31245 **APPROVED AS RECOMMENDED**

29. Approve amended price agreement N1000007473 with Hilton Farnkopf & Hobson, LLC for financial advisory services, 2/15/09 - 6/30/10 ($100,000; new total $868,500) - All Districts

31245 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

30. Approve amendment 1 to agreement CDB1108A with MEDTOX Laboratories, Inc. for additional drug testing services, 7/1/08 - 6/30/09 ($196,351; new total $716,521) - All Districts

24135 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

31. **County Counsel -** Consider second reading and adoption of "An Ordinance Amending Sections 1-6-5 and 1-6-6 of the Codified Ordinances of the County of Orange Adjusting the Limitations on Campaign Contributions" - All Districts (Continued from 2/3/09, Item 14)

42135 **APPROVED AS RECOMMENDED**
ORD: 09-003

County Executive Office:

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

24135 **APPROVED AS RECOMMENDED**

33. Approve amendment to agreement with MAXIMUS, Inc. for Welfare-To-Work Case Management services, 4/1/07 - 6/30/09; and authorize Director or designee to execute amendment to agreement for maximum obligation of $5,254,569 for FY 2008-09 or suspend MAXIMUS Case Management Services agreement,

effective 2/28/09 to be re-assessed for Social Services AGency budget for FY 2009-10 (Board Directive 1/27/09, Item 65) - All Districts

43125 N **APPROVED AMENDMENT TO MAXIMUS CASE MANAGEMENT SERVICES CONTRACT, 4/1/07 - 6/30/09, AND AUTHORIZED DIRECTOR OR DESIGNEE TO EXECUTE AMENDMENT TO THE AGREEMENT FOR A MAXIMUM OBLIGATION OF $5,254,569 FOR FISCAL YEAR 2008-09. DIRECTED CEO, WORKING WITH SSA, TO DETERMINE METHOD OF ACHIEVING ADDITIONAL SAVINGS REQUIRED IN OVERALL SSA BUDGET PLAN FOR 2008-09, WHICH COULD INCLUDE FURTHER REDUCTIONS TO SSA EMPLOYEES, AND REPORT BACK TO THE BOARD**

34. Approve FY 2008-09 Second Quarter Budget Report; approve related budget adjustments and amend master position control - All Districts (4/5 vote)

42135 **APPROVED AS RECOMMENDED**

35. Approve recommended grant applications submitted by OC Community Resources and Sheriff Department in 2/10/09 grant report and other actions as recommended; and adopt resolution authorizing Sheriff-Coroner to execute and submit to State Emergency Management Agency the FY 2009 Emergency Management Performance Grant Application for Assistance ($446,880) and Grant Assurances and authorize Sheriff-Coroner to execute related documents - All Districts

41235 **APPROVED AS RECOMMENDED**
RESO: 09-013

36. Receive and file Quarterly Information Technology Project Status Detail and Executive Summary Report for October - December 2008 and Risk Assessment Report for October - December 2008 - All Districts

43125 **APPROVED AS RECOMMENDED**

37. Receive timetable for acquisition and fulfillment of Independent Validation and Verification (IV&V) services for ATS project (Board Directive 1/27/09, Item 45) - All Districts

24135 **RECEIVED AND FILED**

S37A. **Supervisor Norby -** Authorize waiver of fees for use of the Old County Courthouse Museum Gallery for 3rd Annual Black History Exhibit Gala on 2/19/09, Santa Ana

13245 **APPROVED AS RECOMMENDED**

S37B. **Supervisor Campbell -** Adopt resolution congratulating Maureen Zehntner on her retirement from the University of California, Irvine and the health care profession

34125 **APPROVED AS RECOMMENDED**
RESO: 09-014

S37C. **Supervisor Norby -** CEO update on Security Services for Hall of Administration
PRESENTED

IV. PUBLIC HEARINGS (Items 38-39)

ELECTED DEPARTMENT HEADS

38. **District Attorney -** Public Hearing to consider adopting resolution for establishment of recording fee for Real Estate Fraud Prosecution Trust fund effective 3/1/09 and make findings; approve establishment of Real Estate Fraud Prosecution Committee to distribute funds and make California Environmental Quality Act findings - All Districts

B.O. **CONTINUED TO 3/3/09, 9:30 A.M.**

OC WASTE & RECYCLING

39. Public Hearing to consider adopting resolution approving Non-Disposal Facility Element (NDFE) Amendment; authorize Director to submit to California Integrated Waste Management Board for approval and distribute to all Orange County cities within 30 days of adoption; and make California Environmental Quality Act findings - District 5

B.O. **CLOSED PUBLIC HEARING**

43125 **APPROVED AS RECOMMENDED**
RESO: 09-015

V. CLOSED SESSION (Items CS-1-CS-2)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Joann Blackstar, et al. v. County of Orange, et al., United States District Court Case No. CV09-568 DSF (MLGx)

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c).
Number of Cases: Two Cases

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION JOINING SACRAMENTO COUNTY, SAN DIEGO COUNTY, AND OTHER CALIFORNIA COUNTIES, IN A SUIT AGAINST THE STATE CONTROLLER, STATE TREASURER AND OTHERS CHALLENGING THE STATE CONTROLLER'S PLAN TO DELAY THE STATE PORTION OF PAYMENTS TO THE COUNTY FOR SOCIAL SERVICES PROGRAMS AND HEALTH CARE PROGRAMS.**

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

PUBLIC COMMENTS:
Larry Bonham - Oral Re: Treatment of mental health patients

COUNTY EXECUTIVE OFFICER COMMENTS:
Thomas G. Mauk - Oral Re: Public comments made during agenda item 2 regarding Assistant Sheriff Hillmann that he felt were inappropriate

BOARD COMMENTS AND TRAVEL REPORTS:

Supervisor Nguyen - Oral Re: Direction to Office of Performance Audit Director to review the Assessment Tax System (ATS) and CAPS+ projects

Supervisor Moorlach - Oral Re: Planned trip to Sacramento on 2/12/09 to meet with other counties on impact of State cash payment deferrals and direction to CEO and HCA to bring contract with OC Community Clinics back to Board for reconsideration

Supervisor Norby - Oral Re: Announcement that his Chief of Staff, Eric Norby, has accepted a position with the Health Care Agency and introduced his new Chief of Staff, Phil Tsunoda

Chair Bates - Oral Re: Direction to Office of Performance Audit Director to review impact of amendment to Maximus contract for Welfare-to-Work case management services to ensure same quality of services will be provided and to define the number of resulting layoffs for SSA and Maximus and report back to the Board in 60 days

ADJOURNED: 4:21 P.M.

52134 **Adjourned in memory of Valarie Brooks**
X

52134 **Adjourned in memory of Russell Clarence Zink**
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