REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 21, 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 Bates, Fifth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chair Nguyen presented a resolution proclaiming September 2010 as "Hispanic Heritage Month"

Chair Nguyen will be presenting a resolution proclaiming September 2010 as "National Preparedness Month"
CONTINUED TO 9/28/10, 9:30 A.M.

II. CONSENT CALENDAR (Items 1-21)

32451 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 21 WHICH WAS DELETED; AND ITEMS 2, 12 & 13 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Moorlach -** Assessment Appeals Board No. 2 - Appoint Janine Heft, Laguna Hills, to complete term ending 9/4/11

2. **Chair Nguyen -** Local Agency Formation Commission - Reappoint Bill Campbell to complete term ending 6/30/14

24351 **APPROVED AS RECOMMENDED**

COMMENDATIONS/PROCLAMATIONS/REPORTS

3. **Chair Nguyen -** Adopt resolution proclaiming September 15-25 as "National Adult Day Services Week"
RESO: 10-173

ELECTED DEPARTMENT HEADS

Auditor-Controller:

4. Receive and file Fund/Agency Semi-Annual Report for 1/1/10 - 6/30/10 for new and closed funds - All Districts

5. Receive and file Report of Refunds for FY 2009-10 - All Districts

6. Receive and file Annual Report of Cash Difference Funds, Overage Fund and Cash Losses for FY 2009-10 - All Districts

7. Receive and file Annual Report of Revolving Funds for FY 2009-10 - All Districts

8. Adopt resolution approving property tax rates, delinquency/roll change/refund factors and reserve of disputed values for FY 2010-11 - All Districts
RESO: 10-174

9. Authorize Auditor-Controller to delete dismantled, missing, obsolete, stolen and surplused equipment items from department/agency capital asset inventories - All Districts

Sheriff-Coroner:

10. Accept grant award from State Office of Traffic Safety for "What Will You Do? Orange County's Alcohol Awareness and Safety Program", 10/1/10 - 9/30/11 ($70,293); and ratify execution of grant award agreement - All Districts

11. Approve plans and specifications and set bid opening for 10/27/10, 2:00 p.m., for replacement of air-operated locks at Theo Lacy Facility; and make California Environmental Quality Act findings - District 3

12. Approve agreement PO-060-11010482 with Applied Biosystems, LLC for purchase of genetic analyzer ($117,800) - All Districts

23451 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

13. Approve agreement with Community Action Partnership of Orange County for Network for a Healthy California - Children's Power Play! Campaign services ($140,000) and Latino Campaign services ($157,500), 10/1/10 - 9/30/11 - All Districts

23451 **APPROVED AS RECOMMENDED**

14. Approve amendment 6 to agreement H700714-6 with County of Los Angeles for California Immunization Registry, 7/1/10 - 6/30/11 ($284,465) - All Districts

JOHN WAYNE AIRPORT

15. Approve 10-year Aircraft Noise Monitoring System lease with Guy Abramo, effective 12/1/10; and make California Environmental Quality Act findings ($2,000 per year) - District 2

OC COMMUNITY RESOURCES

16. Approve plans and specifications and set bid opening for 10/27/10, 2:00 p.m., for upgrade of heating, ventilation and air conditioning (HVAC) system, Aliso Viejo library; and make California Environmental Quality Act findings - District 5

OC PUBLIC WORKS

17. Adopt resolution relinquishing County jurisdiction over portions of Irvine Avenue Widening Project, Newport Beach - District 2
RESO: 10-175

18. Accept deeds from Rancho Mission Viejo, LLC for widening of Antonio Parkway; and make California Environmental Quality Act findings - District 5

19. Receive bids and award contract to FEI Enterprises, Inc. for fire alarm upgrade at 320 North Flower Street, Santa Ana ($260,000) - District 1

20. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement DO-080-11010308 with Barry's Security Services, Inc. for unarmed security guard services, Seven Oaks Dam, Glassell and Collins Complex 10/1/10 - 6/30/11 ($240,750); renewable for four additional years ($321,000 per year); authorize Purchasing Agent to execute agreement; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

21. **County Executive Office -** Approve lease agreement OCPW/RLS/CEO-10-026 with CalOptima for 462 square feet and authorize manager of CEO/IT to increase the size of premises up to an additional 238 square feet if need for Information Technology equipment; and make California Environmental Quality Act findings - All Districts
(Continued from 9/14/10, Item 10)

32451 **DELETED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 22-34)

HEALTH CARE AGENCY

22. Approve agreement 10-95390 with State Department of Public Health for Pediatric Immunization Project, 7/1/10 - 6/30/11 ($811,609); and authorize Director or designee to execute Contractor's Release form upon submission of final invoice - All Districts

34251 **APPROVED AS RECOMMENDED**

23. Accept grant funds from Orange County Superior Court in support of Parolee Re-entry Court Program ($1,440,312) - All Districts

23451 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

24. Consider first readings 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", and set second readings and adoptions for 9/28/10, 9:30 a.m. - All Districts

53241 **APPROVED AS RECOMMENDED**

25. Approve amendment 1 to Workforce Investment Act Youth Cost Reimbursement agreement with various vendors of employment and training services, 7/1/10 - 6/30/11 ($603,226; new total $2,154,382); 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

25341 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

26. Consider first reading and adoption of "An Uncodified Interim Urgency Ordinance of the County of Orange, California, Adopting a Temporary Moratorium on the

Establishment of Medical Marijuana Collectives or Cooperatives" - All Districts (4/5 vote)

35241 NN **MOTION TO APPROVE ORDINANCE AS RECOMMENDED BY STAFF FAILED TO CARRY**

CONTINUED TO 11/9/10, 9:30 A.M. AND DIRECTED STAFF TO IMMEDIATELY BEGIN DEVELOPMENT OF AN ORDINANCE THAT WOULD IMPLEMENT A USE PERMIT PROCESS AND FURTHER DIRECTED STAFF TO DEVELOP TAXATION POLICIES IF PROP 19 IS APPROVED BY THE VOTERS

SOCIAL SERVICES AGENCY

27. Approve agreement RTM0610 with Catholic Charities of Orange County, Inc., Saint Anselm's Cross-Cultural Community Center and The Cambodian Family for Refugee Social Services, 10/1/10 - 9/30/11 ($372,333); and authorize Director or designee to extend agreement up to twelve additional months under same terms and conditions and to exercise a contingency cost increase not to exceed 10% under certain conditions - All Districts

23451 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

28. **County Counsel -** Approve amendment 2 to Memorandum of Understanding with City of Orange for detention and medical care of ICE detainees in jail system; and make California Environmental Quality Act findings - District 3

34251 N **APPROVED AS RECOMMENDED**

County Executive Office:

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

25341 **DIRECTED STAFF TO PREPARE LETTER FOR SIGNATURE BY THE CHAIR REQUESTING THE GOVERNOR TO VETO AB 1602 & SB 900**

30. Approve recommended grant application submitted by OC Public Works in 9/21/10 grant report and other actions as recommended; adopt resolution authorizing OC Public Works Director or designee to submit, execute and approve minor modifications to application to State Department of Water Resources for Proposition 84 planning grant - All Districts

43251 **APPROVED AS RECOMMENDED**
RESO: 10-176

31. Approve amendment 1 to price agreement N1000009364 as MA-017-11010285 with Platinum Advisors, LLC for State legislative advocacy services, 1/1/11 - 12/31/12 ($264,000 per year); and authorize staff to return to Board for one-additional two-year term approval - All Districts

52341 **APPROVED AS AMENDED; MODIFIED RECOMMENDED ACTION 2 TO DIRECT STAFF TO RETURN TO THE BOARD IN 18 MONTHS TO CONSIDER PERFORMANCE REVIEW AND FURTHER EXTENSIONS**

OF THIS AGREEMENT

32. Approve Memoranda of Understanding with Superior Court for provision of services and collection services, 7/1/10 - 6/30/11; approve automatic renewal of collection services MOU; and authorize County Executive Officer or designee to execute MOUs - All Districts
25341 **APPROVED AS RECOMMENDED**

33. Approve FY 2009-10 Fourth Quarter Budget Report; approve related budget adjustments and amend master position control - All Districts (4/5 vote)
32451 **APPROVED RECOMMENDED ACTION 1**

53241 N **APPROVED RECOMMENDED ACTION 2**

35241 **APPROVED RECOMMENDED ACTION 3**

53241 **APPROVED RECOMMENDED ACTION 4**

34. **Human Resources Department -** Acting as the In-Home Supportive Services Public Authority - Approve 2010-11 IHSS Provider Unit Memorandum of Understanding with United Domestic Workers of America (UDWA) - All Districts (Continued from 9/14/10, Item 25)
23451 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Aaron Brady v. County of Orange, United States District Court Case No. SACV 10-0805 CJC
B.O. **HELD, NO REPORTABLE ACTION**

CS-2. 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, 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: Orange County Attorneys Association (OCAA) and Association of Orange County Deputy Sheriffs (AOCDS)
RE: Terms and conditions of employment

(Continued from 8/24/10, Item CS-2; 8/31/10, Item CS-2)

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

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

PUBLIC COMMENTS:
None

COUNTY EXECUTIVE OFFICER COMMENTS:
Tom Mauk - Oral Re: Reported that the IT Oversight Adhoc Committee determined that the Performance Auditor recommend action to define the respective roles of CEO-IT & Department IT staff should be completed prior to solicitation of an RFP for IT services.

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Campbell - Oral Re: Announced the arrival of his grandson today at 4:17 a.m.

Chair Nguyen - Oral Re: Congratulated Director of Internal Audit, Dr. Peter Hughes on the 2010 Outstanding CPA in Government Award from the American Institute of Certified Public Accountants in Washington, D.C.

ADJOURNED: 12:27 P.M.

31245 **Adjourned in memory of Jim Owen**

31245 **Adjourned in memory of Kent Bentley**

12345 **Adjourned in memory of Brian Loughman**

15234 **Adjourned in memory of Mui Fong Woo**

*** 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