REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, June 29, 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

II. CONSENT CALENDAR (Items 1-34)

24351 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 17 WHICH WAS CONTINUED TO 7/20/10, 9:30 A.M.; AND ITEMS 3, 20, 24, & 25 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **OC Community Resources -** Acting as the Board of Supervisors and Orange County Housing Authority - Housing & Community Development Commission - Reappoint James Righeimer, Costa Mesa and Paris Merriam, Irvine, for terms ending 6/30/12; and appoint Ron Garcia, Brea; Helen Smith-Gardner, Mission Viejo; Jan Horton, Yorba Linda and Kathryn McCullough, Lake Forest, for terms ending 6/30/12 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

2. Approve donation of three surplus JSI Telecom dialed number recorders to City of Cypress; approve donation of two surplus Xerox printers to Newport-Mesa Unified School District; and make related findings - District 2

3. Approve agreement MA-060-10013056 with Partners for a Safer America for revenue-producing bail bond advertising in County jail facilities, 6/22/10 - 6/21/11; renewable for four additional one-year periods - All Districts

42351 X **APPROVED AS RECOMMENDED**

4. Approve agreement MA-060-10012237 with Pacific Maritime Industries Corporation for mattress purchase and re-cover services, 7/1/10 - 6/30/11 ($185,000); renewable for four additional one-year periods - All Districts

5. Approve agreement PO-060-10014756 with Qiagen, Inc., for Qiagen BioRobot Universal Platform DNA Investigator System ($121,405) - All Districts

6. Approve amendment five to agreement MA-060-10012144 with Matrix Imaging Products, Inc. for maintenance of Kodak scanners, term ending 3/26/11 ($12,825; new total $81,886) - All Districts

7. Approve Memorandum of Understanding with State Department of Justice for utilization of Unisys Dorado mainframe computer - All Districts

8. Approve agreement PO-060-10015249 with Omaha Airplane Supply for factory rebuilt Cessna 206H engine ($75,082) - All Districts

9. Approve amendment 1 to agreement MA-060-10013364 with Pacific Bell Telephone Company, dba AT&T Datacomm, for equipment maintenance, 7/1/10 - 6/30/11 ($183,241) - All Districts

10. Authorize use of County staff, vehicles and resources for Make -A-Wish Foundation event; and make appropriate findings - All Districts

11. Approve agreement DO-060-10021090 with Intratek Computer, Inc. for information technology professional services, 7/1/10 - 6/30/11 ($235,000) - All Districts

12. Approve release agreement with Carter Brothers Fire & Life Safety, a Division of Carter Brothers, Inc. for liability of proprietary software - All Districts

13. **Treasurer-Tax Collector -** Approve amendment 2 to agreement N1000010029 with LexisNexis Risk Solutions FL, Inc. (formaly LexisNexis Risk & Information Analytics Group Inc.), to change vendor's name and address and renew original agreement as MA 074-10012472 for nationwide access to public record information, document retrieval and related services, 7/1/10 - 6/30/11 ($20,000; new total $40,000) - All Districts

CHILD SUPPORT SERVICES

14. Approve agreement DO-027-10021097 with The Alpha Omega & Group Security Services, Inc., for unarmed security guard services, 7/1/10 - 6/30/11 ($130,000); renewable for four additional one-year periods - All Districts

HEALTH CARE AGENCY

15. Approve agreement with The Regents of the University of California for child abuse medical evaluation and physician services, 7/1/10 - 6/30/11 ($120,000) - All Districts

16. Approve master agreement with contracting providers for Mental Health Enhanced Residential Rehabilitation services, 7/1/10 - 6/30/11 ($312,075); and authorize Director or designee to execute agreements - All Districts

17. Approve Joint Exercise of Powers agreement creating California Mental Health Services Authority; approve Health Care Agency participation and membership in California Mental Health Services Authority to jointly develop and fund mental health services and authorize Director or designee to execute agreement and to act as member representative; and authorize Director or designee to execute Supplemental Mental Health Services Act Prevention and Early Intervention Statewide Programs assignment agreement for reassignment of funds - All Districts

24351 X **CONTINUED TO 7/20/10, 9:30 A.M.**

OC COMMUNITY RESOURCES

18. Approve easement deed to Southern California Edison Corporation for utility purposes; and make California Environmental Quality Act findings - District 5

19. Approve agreement MA-012-10013244 with Active Network, Inc. for OC Parks reservations system, 7/1/10 - 6/30/13 ($50,000 per year); renewable for two additional year periods- All Districts

20. Approve cooperative agreement with City of Newport Beach for mooring management, Newport Harbor, 7/1/10 - 6/30/15 - District 2

25341 NX **APPROVED AS RECOMMENDED**

21. Approve agreement MA-012-10011735 with The Gordian Group, Inc. for job order contracting services, 6/29/10 - 6/28/13; renewable for two additional one-year periods - All Districts

OC PUBLIC WORKS

22. Adopt resolution certifying mileage of County maintained roads as of 12/31/09 - All Districts
RESO: 10-119

23. Accept grant award from Mobile Source Air Pollution Reduction Review Committee, Local Government Subvention Fund Match Program ($350,000) and California Energy

Commission, State Energy Program ($150,000) for County's Compressed Natural Gas fueling station, Collins Yard, Orange - All Districts

24. Approve agreement D08-098 with City of Westminster for construction of raised landscaped median along Bolsa Avenue from Magnolia Street to Beach Boulevard ($500,000); and make California Environmental Quality Act findings - District 1

35241 X **APPROVED AS AMENDED TO MAKE SIGNAGE OPTIONAL**

25. Adopt resolution extending certain development fees deferral for one additional year; direct Director to return to the Board no later then 6/28/11 with status update; and making related findings - All Districts

25341 X **APPROVED AS RECOMMENDED**

RESO: 10-120

26. **Acting as the Orange County Flood Control District -** Approve assignment, assumption agreement, amendment 1 to joint facilities agreement with City of Brea and consent to encumbrance of agreement with CJUF III Brea Plaza LLC allowing California Brea partners, LP to assign its rights and obligations to California BP, LLC under agreement D07-024, Loftus Diversion Channel and approve amendment 2 to agreement extending term two years; adopt resolution making related findings; and authorize Director or designee to perform related actions - District 3
RESO: 10-121

27. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement MA 08010012229 with Phillips and Jordan Incorporated for fuel modification and weed abatement, 7/1/10 - 6/30/11 ($235,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

28. Approve amendment 1 to agreement 07-T3411 A-1 with State Department of Toxic Substances Control for oversight services, 6/1/08 - 6/30/11 ($125,000; new total $172,958); and authorize Director to execute agreement - District 3

PUBLIC PROTECTION

Probation:

29. Approve agreement with Orange County Superintendent of Schools for provision of Deputy Juvenile Correction Officer II services for High-Risk Youth Education and Public Safety Program, 7/1/10 - 6/30/11 ($200,208); and make California Environmental Quality Act findings - All Districts

30. Approve lease agreement with Sycamore Plaza, LTD., for office space at 32118 Paseo Adelanto, Suites 1A & 2A, San Juan Capistrano; and make California Environmental Quality Act findings - District 5

GENERAL ADMINISTRATION

County Executive Office:

31. Approve amendment 3 to price agreement N1000011088 with Teogas, Inc. dba Advanced Systems Group for AIX Operating Software and Software Maintenance, 7/9/10 - 12/29/10 ($23,819.35) - All Districts

32. Approve amendment 1 to agreement MA-017-10011473 with Townsend Public Affairs, Inc. for grant proposal consultant services, extending term to 9/30/10 ($17,143; new total $57,143) - All Districts

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

34. **Supervisor Moorlach -** Adopt resolution supporting application for federal aid for Joint Forces Training Base's runway reconstruction and urge Congress' expediency *RESO: 10-122*

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 35-S65A)

ELECTED DEPARTMENT HEADS

Auditor-Controller:

35. Approve agreement MA-017-10013160 with CGI-AMS, Inc. (CGI) for Property Tax Management System Consulting Services upgrade, 6/30/10 - 9/30/11 ($247,500) - All Districts
45231
X
APPROVED AS RECOMMENDED

36. Approve amendment 2 to price agreement N1000010203 with Tata Consultancy Services (TCS) for modification to scope and project completion timeline, extending term to 12/31/11 ($1,214,000; new total $7,601,700) - All Districts
24351
X
APPROVED AS RECOMMENDED

37. Approve price agreement N1000010903 with CGI-AMS, Inc. (CGI) for CAPS Human Resources/Payroll System upgrade of software licensing and maintenance support for "Business Objects Enterprise Premium" and "Crystal Reports 2008" ($38,145.35) - All Districts
24351
X
APPROVED AS RECOMMENDED

Sheriff-Coroner:

38. Approve agreement with City of Aliso Viejo for law enforcement services, 7/1/10 - 6/30/11 ($6,177,163); authorize Sheriff-Coroner to execute amendments under certain conditions; and authorize Sheriff-Coroner to extend agreements under certain conditions, 7/1//11 - 8/31/11 - District 5
53241
X
APPROVED AS RECOMMENDED

39. Approve agreement with City of Dana Point for law enforcement services, 7/1/10 - 6/30/11 ($9,068,528); authorize Sheriff-Coroner to execute amendments under certain conditions; and authorize Sheriff-Coroner to extend agreements under certain conditions, 7/1/11 - 8/31/11 - District 5
53241
X
APPROVED AS RECOMMENDED

40. Approve agreement with City of Laguna Hills for law enforcement services, 7/1/10 - 6/30/11 ($6,457,708); authorize Sheriff-Coroner to execute amendments under certain conditions; and authorize Sheriff-Coroner to extend agreements under certain conditions, 7/1/11 - 8/31/11 - District 5
53241
X
APPROVED AS RECOMMENDED

41. Approve agreement with City of Laguna Niguel for law enforcement services, 7/1/10 - 6/30/11 ($9,029,992); authorize Sheriff-Coroner to execute amendments under certain conditions; and authorize Sheriff-Coroner to extend agreements

under certain conditions, 7/1/11 - 8/31/11 - District 5

53241 X **APPROVED AS RECOMMENDED**

42. Approve agreement with City of Lake Forest for law enforcement services, 7/1/10 - 6/30/11 ($12,259,335); authorize Sheriff-Coroner to execute amendments under certain conditions; and authorize Sheriff-Coroner to extend agreements under certain conditions, 7/1/11 - 8/31/11 - District 5

53241 X **APPROVED AS RECOMMENDED**

43. Approve agreement with City of Mission Viejo for law enforcement services, 7/1/10 - 6/30/11 ($15,183,451); authorize Sheriff-Coroner to execute amendments under certain conditions; and authorize Sheriff-Coroner to extend agreements under certain conditions, 7/1/11 - 8/31/11 - District 5

53241 X **APPROVED AS RECOMMENDED**

44. Approve agreement with City of San Clemente for law enforcement services, 7/1/10 - 6/30/11 ($11,719,617); authorize Sheriff-Coroner to execute amendments under certain conditions; and authorize Sheriff-Coroner to extend agreements under certain conditions, 7/1/11 - 8/31/11 - District 5

53241 X **APPROVED AS RECOMMENDED**

45. Approve five year agreement with City of San Juan Capistrano for law enforcement services, 7/1/10 - 6/30/11 ($7,131,141); and authorize Sheriff-Coroner to execute amendment under certain conditions - District 5

53241 X **APPROVED AS RECOMMENDED**

46. Approve amendment 2 to agreement with City of Stanton for law enforcement services, 7/1/10 - 6/30/11 ($8,618,633); and authorize Sheriff-Coroner to execute operations agreement and subsequent amendments under certain conditions - District 2

53241 X **APPROVED AS RECOMMENDED**

47. Approve amendment 2 to agreement with City of Villa Park for law enforcement services, 7/1/10 - 6/30/11 ($1,108,618); and authorize Sheriff-Coroner to execute amendments under certain conditions - District 3

53241 X **APPROVED AS RECOMMENDED**

48. Approve five year agreement with Orange County Transportation Authority and charges for law enforcement services, 7/1/10 - 6/30/11 ($5,032,538) - All Districts

53241 X **APPROVED AS RECOMMENDED**

49. Approve agreement with City of Laguna Woods for law enforcement services,

7/1/10 - 6/30/11 ($1,332,911); authorize Sheriff-Coroner to execute amendments under certain conditions; and authorize Sheriff-Coroner to extend agreements under certain conditions, 7/1/11 - 8/31/11 - District 5

53241 **APPROVED AS RECOMMENDED**
X

50. Approve agreement 5600001170 with State Department of Corrections and Rehabilitation for participation in the In-Custody Drug Treatment Program (ICDTP), 7/1/10 - 6/30/13 ($2,704,037) - All Districts

54231 **APPROVED AS RECOMMENDED**
X

HEALTH CARE AGENCY

51. Approve agreement with Recovery Innovations of California, Inc. for Recovery Education Institution Program, 7/1/10 - 6/30/11 ($639,500) and 7/1/11 - 6/30/12 ($540,000) - All Districts

23451 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

52. Authorize Director or designee to use HOME Investment Partnership Act funds for permanent loan financing and loan commitment to USA Properties Fund, Inc. for construction and operation of Harper's Pointe Senior Apartments ($742,500); approve first, second and third trust deed loans ($2,060,000, $692,000 and $757,120) and authorize Director or designee to subordinate senior debt up to 100% if necessary; approve utilization of seven units of Mental Health Services Act permanent housing; and authorize Director or designee to approve related actions and execute related documents - District 2

25341 **APPROVED AS RECOMMENDED**
X

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

53. Adopt resolutions authorizing Director or designee to use HOME Investment Partnership Act funds for permanent loan financing and loan commitment to Payne Development LLC for construction and operation of Cerritos Family Apartments ($5,795,763); approve first and second trust deed loans ($4,536,000 and $673,184) and authorize Director or designee to subordinate senior debt up to 100% if necessary; approve utilization of seven units of Mental Health Services Act permanent housing; authorize Director or designee to approve related actions and execute related documents; and make California Environmental Quality Act findings - District 4

B.O. **DELETED**

54. Adopt resolutions selecting Avenida Villas Apartments for Development Agency/HOME funds to provide 46 affordable rental housing units; approving subordination of previously approved loan and new construction loan; waiving of local park fees to facilitate development; authorizing Director or designee to execute subordination agreements and all other loan documents in a form

approved by County Counsel necessary for this transaction; and making California Environmental Quality Act and other findings ($3,794,400 First Trust Deed loan; $1,328,197 Second Trust Deed loan; up to $13,625,946 construction loan) - District 4

B.O. **DELETED**

55. Adopt resolutions approving use of Development Agency/HOME funds for development of 17 affordable rental housing units; approving financing and construction loan commitments to C&C Development & Orange Housing Development Corporation for construction of Buena Vista Apartments; authorizing Director or designee to execute agreements; to subordinate senior debt up to 10% and execute all other loan documents in a form approved by County Counsel necessary for this transaction; and making California Environmental Quality Act and other findings ($4,329,536) - All Districts

32451 **APPROVED AS RECOMMENDED**
X

RESO: 10-123 - 10-124

OC PUBLIC WORKS

56. Approve agreement MA-080-10012230 with Faubel Public Affairs for stormwater education and outreach campaign ($500,000) and make California Environmental Quality Act findings - All Districts

B.O. **CONTINUED TO 7/20/10, 9:30 A.M.**

57. Approve agreement D10-005 with Lake Forest for traffic signal operations and maintenance, three-year term ($232,000 first year; annual increase up to 10%); and make California Environmental Quality Act findings - District 5

53241 **APPROVED AS RECOMMENDED**
X

Acting as the Orange County Flood Control District:

58. Accept contract withdrawal from Mariposa Landscapes, Inc.; approve agreement MA 08010012274 with Natures Image, Inc. for channel cleaning services of various flood control facilities, 7/1/10 - 6/30/11 ($500,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts

52341 **APPROVED AS RECOMMENDED**
X

59. Declare bid of Garcia Juarez Construction, Inc. to be non-responsive; receive bids and award contract to Belczak & Sons, Inc. for Westminster Channel Improvement project ($7,495,438.06) - District 1

35241 **APPROVED AS RECOMMENDED**
X

60. Approve agreement D10-022 with Orange County Sanitation District to replace agreement D07-042 and approve amendment 1 to agreement D07-043 with Santa Ana Watershed Project Authority for relocation of Santa Ana Regional Interceptor Line - District 3

35241 **APPROVED AS RECOMMENDED**
X

PUBLIC PROTECTION

61. **Probation -** Approve agreement DO-057-10021064 with Nextel of California, Inc. dba Sprint for wireless services and equipment, 7/1/10 - 6/30/11 ($222,222); renewable for two additional one-year periods; and make California Environmental Quality Act findings - All Districts

42351 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

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

B.O. **RECEIVED AND FILED**

63. Adopt resolution approving FY 2010-11 agreement with Community Service Programs, Inc. for administration of State Emergency Management Agency grants for Victim/Witness Assistance Program ($1,032,736) and Gang Victim services ($110,000); approve renewal of agreement MA-017-10010355 with Community Service Program, Inc. for administration of various services ($2,589,080); authorize Clerk of the Board of Supervisors to execute grant award agreement; and authorize County Purchasing Agent or authorized Deputy to adjust annual agreement amount to reflect actual grant amount without further Board action - All Districts

52341 **APPROVED AS RECOMMENDED**
X

RESO: 10-125

64. Approve recommended grant applications submitted by District Attorney in 6/29/10 grant report and other actions as recommended; adopt resolutions authorizing District Attorney or designee to execute grant agreements with State Department of Insurance (DOI) for Organized Automobile Fraud Activity Interdiction Investigation and Prosecution Program, 7/1/09 - 6/30/12 ($1,556,680), Automobile Insurance Fraud Program ($1,951,132) and for Disability and Healthcare Insurance Fraud Program ($1,265,184), 7/1/10 - 6/30/11 - All Districts

45231 **APPROVED AS RECOMMENDED**
X

RESO: 10-126 - 10-128

65. Adopt resolutions approving FY 2010-11 Final Budget authorizing temporary transfer of monies between various funds, mandatory $1.00 fee increase for copy of certificate of marriage, revised internal billing rates, revised retirement rates, authorizing Treasurer-Tax Collector to provide central collection services, extending Elected Officials and Executive Management salary reduction, amendments to Master Position Control and other related budget adjustments,

actions and directives - All Districts (Continued from 6/15/10, Item 1, Adjourned Meeting and Closed Public Hearing 6/16/10, Item 1)

53241 **MODIFIED FINAL BUDGET TO DELETE AND DEFUND VACANT HUMAN RELATIONS COMMISSION POSITION AND DIRECTED CEO TO REVIEW RELATIONSHIP BETWEEN COMMISSION, HUMAN RELATIONS COUNCIL AND THE BOARD OF SUPERVISORS AND REPORT BACK DURING 1st QUARTER BUDGET REPORT**

32451 **APPROVED CURRENT BUDGET AND STAFFING LEVELS FOR OFFICE OF INDEPENDENT REVIEW (OIR) AND DIRECTED CEO TO WORK WITH OIR TO DEVELOP PERFORMANCE CRITERIA AND STANDARDS TO BE MET BY END OF FY 10/11 WITH QUARTERLY PROGRESS REPORTS TO THE BOARD OF SUPERVISORS AND TO CONTINUE REPORTS ON SPECIFIC ACTIVITIES AND INVESTIGATIONS**

32451 **APPROVED RECOMMENDED ACTIONS 1 - 21 AS AMENDED TO DELETE AND DEFUND ONE VACANT POSITION IN HUMAN RELATIONS COMMISSION, WITH A NO VOTE FOR CHAIR NGUYEN ON RECOMMENDED ACTION 18**
RESO: 10-129 - 10-136

S65A. **Chair Nguyen -** Approve revised 2010 Chair appointments of Board Members to various Boards, Commissions and Committee

24351 X **APPROVED AS RECOMMENDED EXCLUDING SANITATION DISTRICT ASSIGNMENT**

IV. PUBLIC HEARINGS (None)

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: County of Orange v. Association of Orange County Deputy Sheriffs, et al., California Court of Appeal, 2d District Case No. B218660 (LACS Case No. BC389758)

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

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

PUBLIC COMMENTS:
Michael Watson - Oral Re: Introduce principals of Silverado Stages

William Fitzgerald - Oral Re: Assessment appeals

COUNTY EXECUTIVE OFFICER COMMENTS:
Tom Mauk - Oral Re: On behalf of Chair Nguyen, County Counsel is to work with the So. California Water Coalition as it relates to revisions to the Brown Act and conducting meetings by

phone to ensure our interests are represented and asking the Board's support in the position that our County's representative is appointed by our Board and only our Board should remove the representative, not the members of the coalition.

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Nelson - Oral Re: Direct CEO to agendize discussion of process for redistricting on 7/20/10

Supervisor Bates - Oral Re: Direct Health Care Agency to report to the BOS mid-year on performance objectives for Item #51, Agreement with Recovery Innovations of Calif., Inc.

ADJOURNED: 12:15 P.M.

35241 **Adjourned in memory of Denny Riopel**
X

32551 **Adjourned in memory of Marine Corporal Claudio Patino**
X

53241 **Adjourned in memory of Patricia and Mike Sevcsisin**
X

25341 **Adjourned in memory of Sydney Thomas Wakeling**
X

*** 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