S U M M A R Y A C T I O N M I N U T E S

REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 22, 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

JOHN 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	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Norby, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

County Executive Office/LAFCO - Presented Sphere of Influences presentation

II. CONSENT CALENDAR (Items 1-25)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 3 WHICH WAS DELETED AND ITEMS 13 & 25 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Norby:

1. Orange County Housing Authority - Housing and Community Development Commission - Reappoint Peter Beard, Fullerton, for term ending 6/30/11

2. Assessment Appeals Board No. 5 - Appoint Edward Lampkin, Jr., Fullerton, to complete term ending 9/2/12

3. Assessment Appeals Hearing Officers - Appoint Kimberly Jones, Fullerton, to complete term ending 9/2/12

32145 **DELETED**

4. Animal Care Community Outreach Committee - Kelvin Okino, Fullerton, to complete term ending 3/30/10

5. Waste Management Commission - Appoint Peter K. Agarwal, Anaheim, to complete term ending 11/14/10

6. **Supervisor Bates -** Orange County Planning Commission - Appoint Elizabeth T. Hall, Ladera Ranch, for term concurrent with 5th District Supervisor's term of office

Supervisor Nguyen:

7. Orange County Human Relations Commission - Appoint Ki Hong Park, Garden Grove, for term ending 9/21/11

8. Assessment Appeals Board No. 2 - Reappoint Pho Van Pham, Westminster, for term ending 9/2/12

ELECTED DEPARTMENT HEADS

Auditor-Controller:

9. Receive and file Fund/Agency Semi-Annual Report for 1/1/09 - 6/30/09 - Al Districts

10. Receive and file Report of Refunds for FY 08-09 - All Districts

11. Receive and file Annual Report of Cash Difference Funds, Overage Fund and Cash Losses for FY 08-09 - All Districts

12. Receive and file Annual Report of Revolving Funds for FY 08-09 - All Districts

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

31245 **APPROVED AS RECOMMENDED**

14. **Sheriff-Coroner -** Approve license agreement with State for continued operation of California Highway Patrol radio equipment, Signal Peak Communications Facility; and make California Environmental Quality Act findings - District 5

HEALTH CARE AGENCY

15. Approve agreements with Community Action Partnership of Orange County for Network for a Healthy California - Children's Power Play! Campaign services ($138,700) and Latino Campaign services

($156,300), 10/1/09 - 9/30/10 - All Districts

OC COMMUNITY RESOURCES

16. Approve agreement OCP09-009 with Newport Bay Naturalists and Friends for replacement of the estuary exhibit in the Muth Interpretive Center, Upper Newport Bay Nature Preserve ($130,000); and make California Environmental Quality Act findings - District 2

OC PUBLIC WORKS

17. **Acting as the Orange County Flood Control District -** Approve Letter of Approval, Temporary Entry Permit, and Easement Deed between the Orange County Flood Control District and Southern California Edison for construction of reinforced concrete box in support of flood protection to nearby residences and businesses; and make California Environmental Quality Act findings - District 1

OC WASTE & RECYCLING

18. Approve agreement with KFM Engineering for architectural, mechanical, structural, electrical, civil and miscellaneous services for South Region Landfills, three year term ($200,000) - District 5

SOCIAL SERVICES AGENCY

19. Accept funds from State Department of Social Services ($453,513); approve agreement RAA0109 with Catholic Charities of Orange County, Inc., Saint Anselm's Cross-Cultural Community Center, and The Cambodian Family for employment services for refugees, asylees and trafficking victims, 10/1/09 - 9/30/10 ($385,486); authorize Director or designee to extend term for twelve additional months under certain conditions; and authorize Agency to exercise contingency increase not to exceed 10% of Federal funds under certain conditions - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

20. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Tustin Unified School District - All Districts

21. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Fountain Valley School District - All Districts

22. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Yorba Linda Water District - All Districts

23. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Integrated Law and Justice Agency for Orange County - All Districts

24. **County Executive Office -** Approve agreement MA-017-10010568 with Infinite Computer Group, LLC for IBM p595 Hardware Maintenance, 10/1/09 - 9/30/10 ($111,679); renewable for four additional years - All Districts

25. **Human Resources Department -** Adopt resolution authorizing Retiree to elect retirement allowance deduction for retirement association dues to Retired Employees Association of Orange County (REAOC) for regular membership dues - All Districts

32145 **APPROVED AS RECOMMENDED**

RESO: 09-155

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 26-40)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

26. Select AECOM as primary and TMAD Taylor & Gaines as alternate firms for design services for overhaul/replacement of air handlers at Central Men's and Women's Jails and Sheriff's Headquarters Building, Santa Ana; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 1
13245 **APPROVED AS RECOMMENDED**

27. Response to Board Directive (11/25/08) - Oral Report on state of the jails and update on budget reductions - All Districts
B.O. **CONTINUED TO 10/20/09, 9:30 A.M.**

OC COMMUNITY RESOURCES

28. Select various providers for Homelessness Prevention and Rapid Re-Housing Program HPRP funding recommendations; approve agreements with various providers for HPRP and Workforce Investment Act (WIA) funds for homeless and at-risk individuals and families with critical homeless services and housing assistance, 9/30/09 - 6/30/10; approve agreement with OC Partnership for data collection and evaluation, 9/30/09 - 6/30/10; and authorize Director or designee to execute agreements and make line item transfers under certain conditions - All Districts
31245 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

29. Approve selection of various firms for on-call surveying services; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts (Continued from 8/25/09, Item 66)
13245 **APPROVED AS RECOMMENDED**

30. Receive bids and award contract to Ortiz Enterprises, Inc. for Moulton Parkway Widening from Southerly of Santa Maria Avenue to El Pacifico Drive ($4,877,665) - District 5
53124 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

31. Select Bryan A. Stirrat & Associates and Geosyntec Consultants as primary and EBA Engineering as alternate firms for multi-discipline engineering support services for North Region Landfill Operations; and authorize negotiation of agreement for Board approval - District 3
31245 **APPROVED AS RECOMMENDED**

32. Approve agreement with LSA Associates, Inc. for biological support services for South Region Landfills, three year term ($1,200,000) - District 5
53124 **APPROVED AS RECOMMENDED**

33. Approve agreement with SWT Engineering for solid waste and landfill related engineering services for South Region Landfills, three year term ($500,000) - District 5
53124 **APPROVED AS RECOMMENDED**

34. Approve agreement with Advanced Earth Sciences, Inc. for geotechnical and geological services for South Region Landfills, three year term ($200,000) - District 5
52134 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

35. Approve FY 2008-09 Fourth Quarter Budget Report; approve related budget adjustments and amend master position control - All Districts *(4/5 vote)*
32145 **APPROVED AS RECOMMENDED**

36. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
32145 X **APPROVED AS RECOMMENDED**

37. Approve Orange County Employee Retirement System Regulations Governing Plan Rollovers, as adopted by Orange County Employees Retirement System (OCERS) on 5/26/09 - All Districts
24135 **APPROVED AS RECOMMENDED**

38. Approve proposed response to 2008-09 Grand Jury Report "Supplemental Guardian of Last Resort" - All Districts
B.O. **CONTINUED TO 9/29/09, 9:30 A.M.**

39. Approve recommended grant application submitted by Probation Department in 9/22/09 grant report and other actions as recommended - All Districts
34125 **APPROVED AS RECOMMENDED**

40. Report on County financial and budget status - All Districts
PRESENTED

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-4)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Orange County Flood Control District v. Jennie Koning Investments, et al, San Bernardino County Superior Court Case No. RVC 086363

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 0, SUPERVISORS BATES, NGUYEN, MOORLACH AND CAMPBELL VOTING IN FAVOR, WITH SUPERVISOR NORBY BEING ABSENT, THE BOARD: 1. ACCEPTED THE MEDIATOR'S PROPOSAL FOR SETTLEMENT AND AUTHORIZED AND DIRECTED THE DISTRICT'S SPECIAL LITIGATION COUNSEL, KENDALL H. MACVEY OF THE FIRM OF BEST BEST & KRIEGER LLP, TO EXECUTE AND FILE A STIPULATION FOR SETTLEMENT AND ENTRY OF JUDGMENT ("STIPULATION") IN ORANGE COUNTY FLOOD CONTROL DISTRICT V. JENNIE KONING, ET AL, SAN BERNARDINO COUNTY SUPERIOR COURT CASE NO. RCV086363 (THE "ACTION"), WHICH STIPULATION SHALL MEMORIALIZE A GLOBAL SETTLEMENT OF THE ACTION CALLING FOR PAYMENT BY THE DISTRICT OF $5.2 MILLION TO DEFENDANTS (WITH CREDIT TO THE DISTRICT FOR DEFENDANTS' PRIOR WITHDRAWAL OF THE DISTRICT'S CONDEMNATION DEPOSITS OF $1.55 MILLION) IN EXCHANGE FOR ACQUISITION FROM THE DEFENDANTS OF FEE SIMPLE TITLE TO THE REAL PROPERTY THAT IS THE SUBJECT OF THE ACTION (THE "SUBJECT PROPERTY") AND IN EXCHANGE FOR A COMPLETE, GLOBAL RELEASE IN FAVOR OF DISTRICT BY THE DEFENDANTS OF ALL OF THEIR ACTUAL OR POTENTIAL CLAIMS AND RIGHTS IN CONNECTION WITH THE SUBJECT PROPERTY AND THE PRADO DAM PROJECT. 2. AUTHORIZED AND DIRECTED THE AUDITOR-CONTROLLER TO ENCUMBER FUNDS AND ISSUE THE FOLLOWING CHECKS, UPON THE REQUEST OF COUNTY COUNSEL: (A) ONE OR MORE CHECKS IN THE TOTAL AMOUNT OF NO MORE THAN $3,650,000 PAYABLE AS SPECIFIED BY THE STIPULATION FOR ENTRY OF JUDGEMENT IN THE ACTION (FROM FLOOD ACO FUND 404-404-4100.00, JOB NO. ESP2044); AND (B) SUCH OTHER CHECKS FROM THAT SAME FUNDING SOURCE UPON REQUEST FROM OC PUBLIC WORKS FOR TITLE INSURANCE, RECORDING, AND/OR OTHER MISCELLANEOUS COSTS RELATING TO THE DISTRICT'S ACQUISITION OF THE SUBJECT PROPERTY, IN AMOUNTS COLLECTIVELY NOT TO EXCEED $30,000.**

CS-2. 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-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Jacqueline Bouquet v. The Thomson Corporation, et al., LASC Case No. BC 323630

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 0, SUPERVISORS BATES, NGUYEN, MOORLACH AND CAMPBELL VOTING IN FAVOR, SUPERVISOR NORBY BEING ABSENT, THE BOARD: 1. APPROVED AS REASONABLE THE TERMS OF THE PROPOSED SETTLEMENT REACHED BETWEEN REALTOR JACQUELINE BOUQUET AND DEFENDANT THOMSON CORPORATION IN JACQUELINE BOUQUET V. THE THOMSON CORPORATION, ET AL., LASC CASE NO. BC 323630. 2. AUTHORIZED AND DELEGATED AUTHORITY TO COUNTY COUNSEL TO EXECUTE WHATEVER DOCUMENTS, RELEASES AND/OR STIPULATIONS ARE NECESSARY TO FACILITATE THE SETTLEMENT.**

CS-4. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, SUPERVISORS NGUYEN, MOORLACH, CAMPBELL AND NORBY VOTING IN FAVOR, SUPERVISOR BATES VOTING AGAINST, AUTHORIZED COUNTY COUNSEL TO 1. FILE LITIGATION ON BEHALF OF THE COUNTY AND THE ORANGE COUNTY FLOOD CONTROL DISTRICT. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED. 2. BY A VOTE OF 4 TO 1, SUPERVISORS BATES, NGUYEN, MOORLACH AND CAMPBELL VOTING IN FAVOR, SUPERVISOR NORBY VOTING AGAINST, APPROVED AS REASONABLE THE TERMS OF THE PROPOSED SETTLEMENT REACHED BETWEEN THE COUNTY AND THE CITY OF FULLERTON AND APPROVED THE ANIMAL SHELTER LEASE BETWEEN THE COUNTY AND THE CITY OF FULLERTON AND THE ANIMAL SHELTER SUBLEASE BETWEEN THE CITY OF FULLERTON AND THE COUNTY. 3. AUTHORIZED THE DELEGATED AUTHORITY TO COUNTY COUNSEL TO EXECUTE WHATEVER DOCUMENTS, RELEASES AND/OR STIPULATIONS ARE NECESSARY TO FACILITATE THE SETTLEMENT.**

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

PUBLIC COMMENTS:

Charles Griffin - Oral Re: Support of High Speed Rail System and concerns regarding the health dangers of hormone replacement treatment.

Demetrius Sims -Oral Re: Asked for family assistance for at risk Probation Youth Inpatient Safety.

Darrell Nolta - Oral Re: (1) The passing of former UCI Medical School Dean, Van den Noort; (2) family law court issues in the recent murder that occurred on UCI campus; and (3) concerns about the length of time Sheriff Department Internal Affairs is taking to review cases as some have gone beyond the statue of limitations and result in no action taken.

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Campbell - Oral Re: Provided a presentation on the grand opening of the Tustin Family Campus Project.

Supervisor Moorlach - Oral Re: Asked that the CEO work with the Clerk of the Board and Assessor to ensure appropriate resources to handle dramatic increase in property assessment appeals and provide status report to the Board.

ADJOURNED: 1:15 P.M.

*** 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