REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 27, 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	Susan Novak, Chief Deputy

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Norby, Fourth District, led the assembly in singing of "God Bless America"

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Campbell - Curt Pringle, Mayor of Anaheim, presented a report on "The Commission on the 21st Century Economy"

Chair Bates - Paul Macintosh, CSAC Director, presented 2009 Challenge and Merit Awards to County agencies

Chair Bates presented a resolution proclaiming October 2009 as "Cyber Security Awareness Month"

Chair Bates will present a resolution proclaiming October 2009 as "Lupus Awareness Month" (Continued to 11/3/09, 9:30 a.m.)

II. CONSENT CALENDAR (Items 1-13)

23145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 12 WHICH WAS CONTINUED TO 11/10/09; AND ITEMS 3 & 10 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Nguyen -** Acting as the In-Home Supportive Services Public Authority - In-Home Supportive Services Advisory Committee - Appoint Phan Vu, Westminster, for term ending 10/27/13

DEPARTMENT APPOINTMENTS

2. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Richard Sandzimier, Orange, to complete term ending 12/31/09; Kevin Landry, Anaheim and Ronnie Lam, Garden Grove, to complete terms ending 12/31/10; Julio Perez and Dean Mancina, Orange, to complete terms ending 12/31/11 - All Districts

ELECTED DEPARTMENT HEADS

3. **Sheriff-Coroner -** Approve FY 2009-10 Financial and Operating Plan with United States Forest Service for patrol services, Cleveland National Forest - Districts 3 & 5

31245 X **APPROVED AS RECOMMENDED**

4. **Treasurer-Tax Collector -** Approve purchase order 074-10011507 with Moody's Investors Service for credit research services for US Investment Grade Research (Corporate), Asset Backed Commercial Paper (ABCP) Research/Query (Structured Finance), Banking Capital Markets (Top 200 Banks), 11/1/09 - 10/31/10 ($61,182) - All Districts

JOHN WAYNE AIRPORT

5. Approve plans and specifications and set bid opening for 12/2/09, 2:00 p.m., for construction of Terminal Generators Replacement project; authorize Director or designee to extend bid opening if required up to 60 days; and make California Environmental Quality Act and other findings - District 2

OC COMMUNITY RESOURCES

6. Approve agreement with Anaheim for adult literacy services, 11/1/09 - 10/31/09 ($10,000); renewable for three additional years; and authorize Director or designee to execute agreement - Districts 3 & 4

7. Approve amendment 2 to agreement with Thirtieth Street Architects, Inc. for remodel and expansion of Laguna Niguel Branch Library ($96,466; new total $719,077) - District 5

8. **Acting as the Board of Supervisors and Orange County Housing Authority -** Approve recommended projects for 2009 Continuum of Care Associated Application for Homeless Assistance and submission to U.S. Department of Housing and Urban

Development; authorize Director or designee to modify funding requests, terms and services under certain conditions and execute related documents; and authorize acceptance of funds for shelter plus activities - All Districts

OC PUBLIC WORKS

9. Approve plans and specifications and set bid opening for 12/9/09, 2:00 p.m., for Newport Avenue Pavement Rehabilitation project; approve Federal Program Supplement Agreement No. N043 with State Department of Transportation; and make California Environmental Quality Act findings - District 3

10. Receive and file second monthly status report on implementation of Performance Audit recommendations for Planning and Development Services - All Districts
RECEIVED AND FILED

GENERAL ADMINISTRATION

11. **Clerk of the Board -** Approve 2010 Board of Supervisors Meeting Schedule - All Districts (Continued from 10/20/09, Item 24)
23145 **APPROVED AS RECOMMENDED**

23145 **APPROVED MOTION TO RESCIND PREVIOUS CONSENT CALENDAR VOTE FOR THIS ITEM TO APPROVE AS RECOMMENDED**

25134 **CONTINUED TO 11/3/09, 9:30 A.M.**

12. **County Counsel -** Select Musick, Peeler & Garrett LLP and Sheppard, Mullin, Richter & Hampton LLP for special construction legal services; and authorize County Counsel to execute agreements - All Districts
23145 **CONTINUED TO 11/10/09, 9:30 A.M.**

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

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 14-26)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

14. Approve amendment 4 to price agreement N4000008290 with All City Management Services for crossing guard services, 11/1/09 - 10/31/10 ($510,000) - All Districts
21345 **APPROVED AS RECOMMENDED**

15. Approve renewal of price agreement N3000008169 as MA-060-10011078 with Amtec Engineering Corporation for information technology professional services and printer repair services, 11/1/09 - 10/31/10 ($143,200) - All Districts
21345 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

16. Approve agreements with Canyon Acres Children & Family Services ($2,732,280), Child Guidance Center, Inc. ($6,661,066), Community Service Programs, Inc. ($1,048,440), Kinship Center ($3,610,144), Providence Community Services ($8,764,178), South Coast Children's Society ($1,232,550) and Western Youth Services, Inc. ($14,652,219) for Mental Health Outpatient services for Children and Youth, 1/1/10 - 6/30/11 - All Districts
1 **MOTION TO APPROVE STAFF RECOMMENDED ACTIONS WITH THE INCLUSION OF OLIVE CREST TO PROVIDE SERVICES TO THE 69 CHILDREN THEY CURRENTLY SERVE FAILED TO RECEIVE A SECOND**

34125 **APPROVED AS RECOMMENDED**

17. Approve agreement with Cerner Corporation for Integrated Records Information System (IRIS) enhancement and upgrade services, 10/30/09 - 6/30/12 ($1,849,730); authorize Director or designee to execute agreement; and approve purchase order PO-042-10011158 with Cerner Corporation for Hewlett Packard Servers and Storage Equipment, 10/30/09 - 6/30/10 ($1,462,871) - All Districts
12345 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

18. Select Bryan A. Stirrat & Associates and Geosyntec Consultants as primary firms for environmental engineering support services; and authorize negotiation of agreements for Board approval - All Districts
34125 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

19. **County Counsel -** Acting as Orange County Flood Control District - Approve settlement agreement, acquisition contract, and release of claims with Prado View Investment Co., LP to purchase real property required for Prado Dam Project ($31,130,000); authorize acceptance of Grant Deed; and authorize OC Public Works Director or designee to execute three occupancy agreements, all escrow documents and

minor modifications under certain conditions; authorize Auditor-Controller to issue checks upon request of OC Public Works; make related budget adjustments; and make California Environmental Quality Act and other findings - All Districts (4/5 vote)

35124 **APPROVED AS RECOMMENDED**

County Executive Office:

20. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
NO ACTION TAKEN

21. Acting as the Board of Supervisors and Orange County Flood Control District - Adopt resolutions approving form and authorizing the execution and delivery of Purchase and Sale Agreements and related documents with respect to Sale of Sellers' Proposition 1A Receivables from the State; and directing and authorizing certain other actions in connection therewith - All Districts

31245 **APPROVED AS RECOMMENDED**
RESO: 09-167 - 09-173

22. Approve amendment 5 to price agreement N1000006818 with Bartel Associates, LLC for actuarial services, extending term to 12/31/10 ($178,000; new total $536,000) - All Districts

32145 **APPROVED AS RECOMMENDED**

23. Approve recommended grant application submitted by OC Community Resources in 10/27/09 grant report and other actions as recommended - All Districts

31245 N **APPROVED AS RECOMMENDED**

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

25. **Supervisor Moorlach -** Consider first reading of "An Ordinance Amending the Codified Ordinances of the County of Orange to Include Provisions Prohibiting the Requirement of Project Labor Agreements and Other Anticompetitive Measures Except Where Otherwise Required by State and Federal Law"; and set second reading and adoption for 11/3/09, 9:30 a.m.

23145 **APPROVED AS RECOMMENDED**

26. **Office of the Performance Audit Director -** Response to 10/28/08 Board Directive regarding Sheriff OverTime Audit - All Districts

B.O. **DELETED**

IV. PUBLIC HEARINGS (Item 27)

OC COMMUNITY RESOURCES

27. Public Hearing to consider adopting Funding Allocation Policy and Process for distributing Federal Housing and Community Development funds, FY 2010-11 - All Districts

B.O. **CLOSED PUBLIC HEARING**

13245 **APPROVED AS RECOMMENDED**

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

GENERAL ADMINISTRATION

CS-1. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Orange County Fairgrounds, Costa Mesa, CA
County Negotiator: Thomas G. Mauk
Negotiating Party: State of California
Under Negotiation: Terms of State RFP and Value of Property

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY STAFF TO EXPLORE THE ACQUISITION OF THE FAIRGROUNDS TO RETAIN THE USE OF THE PROPERTY AS A FAIR. THE BOARD APPOINTED SUPERVISORS MOORLACH AND CAMPBELL TO BE AN AD-HOC COMMITTEE TO WORK WITH COUNTY STAFF IN THIS EFFORT. STAFF IS DIRECTED TO RETURN TO THE BOARD WITH ITS RECOMMENDATIONS NO LATER THAN EARLY DECEMBER.**

Human Resources Department:

CS-2. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Association of Orange County Deputy Sheriffs (AOCDS)
RE: Terms and Conditions of Employment

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

CS-3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Performance Auditor

B.O. **CONTINUED TO 11/10/09, 9:30 A.M.**

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

PUBLIC COMMENTS:
Jack Anderson - Oral Re: Establishing new department separate from Sheriff to operate jail system

William Fitzgerald - Oral Re: Assessment appeal

Darrell Nolta - Oral Re: H1N1 flu vaccination and Prop. 1A securitization

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisors Campbell, Nguyen - Oral Re: H1N1 flu vaccination availability

Supervisor Moorlach - Oral Re: Congratulations to Angels baseball team for their winning season

Supervisor Nguyen - Oral Re: Excellent marks FEMA gave Orange County for recent SONGS disaster exercise

ADJOURNED: 4:05 P.M.

12345 **Adjourned in memory of Ernest Weiss**
XX

21345 **Adjourned in memory of Joel Pasco**
XX

12345 **Supervisor Nguyen adjourned on behalf of Chair Bates in memory of Charles**
XX **Francis Kenney**

*** 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