REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 3, 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	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Bates presented a resolution proclaiming March 2009 as "Social Worker Recognition Month"

Chair Bates presented a resolution proclaiming March 2009 as "American Red Cross Month"

II. CONSENT CALENDAR (Items 1-26)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 3 WHICH WAS CONTINUED TO 4/7/09, 9:30 A.M.; ITEM 16 WHICH WAS CONTINUED TO 3/24/09, 9:30 A.M.; AND ITEMS 5, 18, 23 & 24 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

District Attorney:

1. Approve purchase order PC 026 P0900002738 with Santa Ana to pay outstanding invoices for use of Santa Ana Police Department Shooting Facility for the months of May and September 2008, ($2,730) - All Districts

2. Approve agreements with Laguna Hills and Santa Ana for prosecution of violators of city ordinances, 3/1/09 - 2/28/14 - Districts 1 & 5

Sheriff-Coroner:

3. Approve Memorandum of Agreement with Anaheim, Santa Ana, Irvine, Huntington Beach, Orange County Fire Authority and Health Care Agency for participation in Intelligence Assessment Center - All Districts (Continued from 1/27/09, Item 17)

32145 **CONTINUED TO 4/7/09, 9:30 A.M.**

4. Adopt resolution prohibiting possession of tobacco by persons housed in County correctional facilities - All Districts
RESO: 09-016

5. Rescind Resolution 08-001 and adopt resolution amending membership of Emergency Management Council by adding OC Community Resources as a voting member - All Districts

31245 **APPROVED AS AMENDED TO ALSO ADD OCTA AS A VOTING MEMBER**
RESO: 09-017

6. Ratify Memorandum of Understanding FATF -09-0062 with U.S. Marshals Service regarding reimbursement of overtime costs related to participation of Sheriff's Department personnel in the Regional Fugitive Task Force, 10/1/08 - 9/30/09 ($40,000 reimbursement) - All Districts

7. Receive bids and award contract to CPV Indoor Environmental Services for duct cleaning at Central Men's and Women's jails and approve addition of Sheriff-Coroner Headquarters Building to the project ($156,300); and make California Environmental Quality Act findings - District 1

8. Approve amendment 3 to price agreement N3000008198 with Best Technology Systems, Inc. for lead remediation services, Forensic Test Range and mobile ranges, ending 10/16/09 ($8,500; new total $58,500); renewable for two additional years - All Districts

CHILD SUPPORT SERVICES

9. Approve agreement with KLR Productions, Inc., for exhibit space and participation at The 2009 New Mom Expo, Anaheim, 6/13/09 - 6/14/09; and authorize Director or designee to execute agreement - All Districts

HEALTH CARE AGENCY

10. Approve amendment 1 to agreements with Straight Talk Clinic, Inc. for HIV Residential Alcohol and Drug Abuse Treatment services, 7/1/08 - 6/30/09 ($10,000; new total $258,264) and HIV Transitional Housing services, 7/1/08 - 6/30/09 ($20,000; new total $212,685) - All Districts

11. Approve price agreement N1000010712 with Advanced Medical Management, Inc. for HIV Specialty Care Fiscal Intermediary services, 3/4/09 - 3/3/10 ($272,000); renewable for two additional one-year periods - All Districts

OC COMMUNITY RESOURCES

12. Approve Workforce Investment Act Cost Reimbursement agreement T2-2I-09 with The BRIDGE for employment and training program services for In-School Youth, southern region, 3/3/09 - 6/30/09 ($57,877); authorize Director or designee to execute agreement and to exercise contingency increase not to exceed 10% if additional funding is allocated - District 5

13. Receive bids and award contract to R.J. Bullard Construction, Inc. for Tustin Branch Trail and Greenway improvements ($449,600) - District 3

OC PUBLIC WORKS

14. Approve Social Services Agency Records Control Schedules 121D, 159B, 165C, 166C, 292C and 346A superseding Records Control Schedules 121C, 159A, 165B, 166B and 292B and authorize continuing disposition of records described on new schedules - All Districts (4/5 vote)

15. Adopt resolution relinquishing County jurisdiction over a portion of Randall Street, City of Orange; and accept work of PALP, Inc. dba Excel Paving Company for storm drain improvements and overlay resurfacing from Clark Street to Meads Avenue, City of Orange, project completed 10/18/07 ($824,976.16) - District 3
RESO: 09-018

16. Approve agreement D06-106 with Jay Langseder for required easements for construction of Newport Boulevard Sidewalk gap closure, Cowan Heights area; approve plans and special provisions and set bid opening for 4/8/09, 2:00 p.m.; and make California Environmental Quality Act findings - District 3
32145 **CONTINUED TO 3/24/09, 9:30 A.M.**

17. Approve agreement D08-044 with South Coast Water District for conveyance and treatment of filter backwash from Poche Beach Ultraviolet Light Disinfection Facility, five-year term ending 10/1/13; and make California Environmental Quality Act findings - District 5

18. Approve cooperative agreements D08-067 with Stanton, D08-068 with Garden Grove for construction of Katella Avenue Smart Street Improvements and D08-096 with Stanton for maintenance of Hydrodynamic Separator; adopt resolution declaring portions of Katella Avenue and connector streets within Stanton and Garden Grove to be County Highways; approve plans and special provisions and set bid opening for 4/8/09, 2:00 p.m.; and make California Environmental Quality Act findings - Districts 1, 2 & 4 (4/5 vote)

41235 **APPROVED AS RECOMMENDED**
RESO: 09-019 , 09-021

19. Authorize release of security for private streets, street lights, sewer and water systems, and monumentation, Tract 16391, Warmington Arboledo Associates, L.P., Ladera Ranch area - District 5

20. Authorize release of security for monumentation, Tract 16407, WL Homes, LLC, Newport Coast area - District 5

21. Authorize release of security for private streets, street lights, sewer and water systems, and monumentation, Tract 16473, Centex Homes, Ladera Ranch area - District 5

OC WASTE & RECYCLING

22. Approve agreement with Puente Hills Landfill Native Habitat Preservation Authority to restore 15 acres of coastal sage scrub within preservation area ($1,731,240); authorize Director or designee to execute agreement; and make California Environmental Quality Act findings - District 3

PUBLIC PROTECTION

23. **Probation -** Approve Memorandum of Understanding with The Loved World Foundation for "Another Chance for Love" dog training program at Juvenile Hall, 3/4/09 - 2/29/12; and make California Environmental Quality Act findings - All Districts

23145 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

24. **County Executive Office -** 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; 2/10/09, Item 16)

12345 **DISSOLVED INFORMATION TECHNOLOGY WORKING GROUP AND DIRECTED THE OFFICE OF THE PERFORMANCE AUDIT DIRECTOR IN COOPERATION WITH DISTRICT 1 AND CEO TO AUDIT THE COMMITTEE AND IT PROJECTS FOR ALTERNATIVE BOARD REVIEWING METHODS**

Human Resources Department:

25. Approve Memorandum of Understanding with Orange County Employees Retirement System (OCERS) for administration of employee benefits for certain OCERS Staff - All Districts

26. Approve amendment 4 to Memorandum of Agreement for appointment of Dr. Peter Hughes, Director of Internal Audit, extending term to 7/1/11 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 27-S37A)

HEALTH CARE AGENCY

27. Approve amendment 1 to agreement with Telecare Corporation for Full Service Partnership services for mentally ill adults, 7/1/08 - 6/30/09 ($200,000; new total $3,845,330) - All Districts
31245 **APPROVED AS RECOMMENDED**

28. Approve amendment 1 to agreement EPO 08-30 with State Department of Public Health for 2008-09 Center for Disease Control and Public Health Emergency Preparedness and Prevention Grant for training of microbiologists, 7/1/08 - 8/9/09 ($150,000; new total $5,058,609) - All Districts
32145 **APPROVED AS RECOMMENDED**

29. Approve amendment 1 to lease agreement with Margery G. Geiler and Leland W. Geiler II Trusts for additional office space and reduced rental rate for existing office space for Behavioral Health services programs, Aliso Viejo; and make California Environmental Quality Act findings - District 5
53124 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

30. Approve amendment 1 to agreement with Barnhart, Inc. for construction management services for Central Plant Project ($1,812,348; new total $5,326,119); and make California Environmental Quality Act findings - District 2
23145 **APPROVED AS RECOMMENDED**

31. Approve option to extend lease with Airport Management Services, LLC dba Hudson Group for news/gift and news wall concession, extending term until 3/6/11 and make California Environmental Quality Act findings - District 2 (4/5 vote)
41235 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

32. 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 3/17/09, 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; 2/10/09, Item 28)
32145 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

33. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
34125 **MOTION TO APPROVE RECOMMENDED ACTION 1 FAILED TO**

NNNN **CARRY**

43125 **APPROVED RECOMMENDED ACTIONS 2 & 3**

34. Receive and file report on Review of External Manager Use of Derivatives, Leverage and other Alternative Investment Practices by Strategic Investment Solutions, Inc. - All Districts

23145 **RECEIVED AND FILED**

35. Approve recommended grant application submitted by OC Public Libraries, Social Services Agency, Health Care Agency and OC Community Resources in 3/3/09 grant report and other actions as recommended - All Districts

32145 **APPROVED AS RECOMMENDED**

36. Receive and file proposal from Santa Ana for Security Services for Hall of Administration; direct County Executive Officer to prepare agreements as needed and return to the Board (Board Directive 1/27/09 and 2/10/09) - All Districts

13245 **RECEIVED AND FILED REPORT; DIRECTED STAFF TO CONDUCT AN INDEPENDENT NEEDS ASSESSMENT FOR THE SECURITY OF BUILDINGS 10 & 12 AND PREPARE A DRAFT AGREEMENT FOR CONSIDERATION BY THE BOARD WITHOUT SELECTING A PROVIDER UNTIL THE BOARD DETERMINES WHO THE PROVIDER SHALL BE**

37. **Office of the Performance Audit Director -** Receive and file Performance Audit of HCA/Correctional Medical Services report; and direct Office of the Performance Audit Director to follow-up with Health Care Agency and Sheriff-Coroner Department after one year to evaluate progress in implementing audit recommendations and return to the Board with status report - All Districts

B.O. **CONTINUED TO 3/10/09, 9:30 A.M.**

S37A. **Supervisor Norby -** Report from Registrar of Voters on costs and source of funds for Statewide Special Election on May 19

PRESENTED

IV. PUBLIC HEARINGS (Item 38)

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 4/13/09 and make findings; approve establishment of Real Estate Fraud Prosecution Committee to distribute funds and make California Environmental Quality Act findings - All Districts (Continued from 2/10/09, Item 38)

B.O. **CLOSED PUBLIC HEARING**

35124 N N **APPROVED AS AMENDED TO REDUCE ADMINISTRATIVE COSTS TO 5%**

RESO: 09-020

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: County of Orange, etc. v. Board of Retirement of the Orange County Employees Retirement System, etc., Los Angeles County Superior Court Case No. BC 389758

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case

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

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

PUBLIC COMMENTS:

Gary Cyr, Janice DeLoof, Augustus Kearns, Francine Harris, Doug Mangione, Rosie Henley, Karen Finn - Oral Re: Budget Cost Savings Ideas/Concerns (Use of Extra Help Sheriff Deputies; Mental Health funding losses; SSA reductions impacting senior services; In-Home Support Services reductions; Stimulus Bill), and acknowledged Senator Correa's efforts in legislation and increases OC's share of property taxes

Darrell Nolta - Oral Re: Opposes recent Grand Jury report on the carrying of guns and recent security issues in Hall of Administration

COUNTY EXECUTIVE OFFICER COMMENTS:

Thomas G. Mauk - Oral Re: CEO reported that a memo has been sent to the Board Offices today regarding the outcome of the recent adjustment in the SSA budget as a result of the Maximus agreement negotiations and other new financial information

BOARD COMMENTS AND TRAVEL REPORTS:

Supervisor Nguyen - Oral Re: AB 1234 Report: Advised Board of recent trip to Washington, D.C. to meet with legislators regarding funding opportunities for several Orange County & Southern California projects

Supervisor Moorlach - Oral Re: AB 1234 Report: Advised Board of recent trip to Sacramento, along with several other County Boards of Supervisors Members, to meet with legislators to discuss statewide concern by local governments over the State's deferral of County payments

Chair Bates - Oral Re: Encouragement to the public to address the Board of Supervisors regarding their concerns or suggestions for improvement during these challenging economic times

ADJOURNED: 3:07 P.M.

35124 **Adjourned in memory of Reed LeVecke**

51234 **Adjourned in memory of Payton Jordan**

25134 **Adjourned in memory of Charles Henry Schroeder III**

51234 **Adjourned in memory of Col. Johnnie Vance**

51234 **Adjourned in memory of Dr. Brenda B. Ross**

*** 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