REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 20, 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

VACANT
SUPERVISOR
Fourth District

PATRICIA BATES
SUPERVISOR
Fifth District

ATTENDANCE: Supervisors: Bates, Moorlach and Nguyen

EXCUSED: Supervisor Campbell

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Moorlach, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Nguyen presented a resolution commending Wayne Buser for his dedication to community involvement through volunteerism and thank him for his many contributions to public safety

Chair Nguyen presented a resolution for 2010 United Way Campaign

Chair Nguyen presented a resolution commending Colleene Preciado on her retirement

II. CONSENT CALENDAR (Items 1-41)

2531 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 20, 21 & 39 WHICH WERE CONTINUED TO 5/4/10, 9:30 A.M.; AND ITEMS 1, 2, 6, 16, 17, 29, 30 & 37 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Janelle Cranch, Irvine, to complete term ending 12/31/11; and Darlene Le Fort, Costa Mesa; Janis Mantini, Huntington Beach; and Ed Tomlin, Aliso Viejo, to complete terms ending 12/31/12 - All Districts

2153 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF THE APPOINTMENT OF JANELL CRANCH WHICH WAS CONTINUED TO 5/4/10, 9:30 A.M.**

COMMENDATIONS/PROCLAMATIONS/REPORTS

2. **Supervisor Moorlach -** Adopt resolution declaring April 2010 as National County Government Month

2531 X **APPROVED AS RECOMMENDED**

RESO: 10-065

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve agreement with AECOM Services, Inc. for design services for overhaul/replacement of air handlers at Central Men's and Women's Jails and Sheriff's Headquarters Building ($209,600) - District 1

4. Approve amendment 2 to price agreement N3000007739 with Appriss, Inc. for provision of victim notification services, 5/1/10 - 4/30/11 ($120,000) - All Districts

5. Accept grant award from American Red Cross for 2007 Southern California Wildfires Recovery, Planning and Assistance Program ($78,014); authorize Sheriff-Coroner or designee to execute agreement; and authorize Purchasing Agent or designee to make related purchases - All Districts

6. Ratify approval of purchase order PO-060-10013326 with Knowledge & Intelligence Program Professionals for terrorism liaison officer training ($7,000) - All Districts

2531 X **APPROVED AS RECOMMENDED**

7. Approve agreement PO-060-10011815 with Endura LLC for 9-1-1 dispatch chairs, Loma Ridge Emergency Operations Center ($35,559) - All Districts

8. Approve agreement MA-060-10012594 with Motorola, Inc. for pricing of 800 MHz Countywide Coordinated Communications System equipment and services, five-year term; and authorize Sheriff-Coroner or designee to make changes under certain conditions - All Districts

9. Approve agreement PO-060-10012170 with Watson Furniture Group, Inc. for 9-1-1 dispatch furniture, Emergency Operations Center, Loma Ridge ($248,275) -

All Districts

10. Approve agreement PO-060-10013840 with Phone Supplements, Inc. for 9-1-1 dispatch headsets, Emergency Operations Center, Loma Ridge ($20,671) - All Districts

HEALTH CARE AGENCY

11. Approve agreement 10-95145 with State Department of Public Health for placement and training of one Assistant Public Health Laboratory Director, 7/1/10 - 6/20/12 ($240,000); authorize Director or designee to execute Contractors Release form upon submission of final invoice - All Districts

12. Adopt resolution approving agreement UBG15-09-0023 with State Department of Resources Recycling and Recovery for Used Oil Recycling Block Grant Funds for County and 18 cities, 7/1/09 - 8/15/12 ($220,558); and authorize Director or designee to execute agreement - All Districts
RESO: 10-066

13. Approve Medi-Cal Administrative Activities/Targeted Case Management (MAA/TCM) Consortium Participation agreement for FY 2009-10 and FY 2010-11 with Marin County for claim reimbursement; and authorize Director or designee to execute agreement - All Districts

14. Approve master agreement with various providers for Mental Health Inpatient Services for adolescents and children, 7/1/10 - 6/30/12 ($499,686); authorize Director or designee to execute individual agreements - All Districts

15. Approve master agreement MA-042-10012334 with Kalos, Inc. for Correctional Institution Pharmacy Software maintenance and support services, 5/1/10 - 4/30/11 ($11,600) - All Districts

OC DANA POINT HARBOR

16. Approve amendments 1, 2 and 3 to leases with retail and small restaurant merchants, extending terms to 6/30/15, with one five-year option to extend; authorize Director or designee to execute amendments; and make California Environmental Quality Act findings - District 5

5231 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

17. Approve easement deed and agreement with T-Mobile West Corporation for construction and maintenance of utility lines wireless communications facility ($2,500 annual fee), Caspers Wilderness Park property to Trabuco Canyon Water District; and make California Environmental Quality Act findings - District 5

5123 **APPROVED AS RECOMMENDED**
X

18. Accept donation from the Friends of the Library of new children's furniture for the

Irvine University Park Library ($23,741.80) - District 3

19. Approve agreement OCP10-002 with Laguna Niguel for Salt Creek Corridor Fee Program Funding Assistance - District 5

20. Approve agreement OCP09-019 with Orange Coast Watershed and Environmental Center for development of a watershed education center, Aliso and Wood Canyons Wilderness Park - District 5

B.O. **CONTINUED TO 5/4/10, 9:30 A.M.**

21. Approve agreement OCP10-005 with Tim Martin for rock outcroppings, Santiago Oaks Regional Park; approve plans and specifications and set bid opening for 5/26/10, 2:00 p.m. for Santiago Oaks Regional Park Rockfall Mitigation; and make California Environmental Quality Act and other findings - District 3

B.O. **CONTINUED TO 5/4/10, 9:30 A.M.**

22. Accept donation from the Friends of the Library for refurbishing children's wing, San Juan Capistrano Library ($35,620.35) - District 5

OC PUBLIC WORKS

23. Approve contract PO-080-10012292 with Sentry Control System, Inc. for installation of parking access revenue control system equipment, Hall of Administration Pay Lot, Manchester Parking Complex and Twin Towers Parking Structure ($74,001); and make California Environmental Quality Act findings - Districts 1 and 3

24. Deny bid protest of Thomco Construction, Inc.; receive bids and award contract to AVI-CON, Inc. dba CA Construction for replacement of restrooms, Mile Square Regional Park ($537,000) - District 2

25. Approve plans and specifications and set bid opening for 5/26/10, 2:00 p.m., for Orange Park Acres Storm Drain-South Reach Project - District 3

26. Approve plans and specifications and set bid opening for 5/19/10, 2:00 p.m., for Edinger Storm Channel Improvement Project; and make California Environmental Quality Act findings - Districts 1 and 2

27. Receive bids and award contract to Legg, Inc. for replacement of security doors at Probation Juvenile Hall ($421,429) - District 3

28. Accept Energy Efficiency and Conservation Block Grant funds from U.S. Department of Energy ($2,761,600) - All Districts

Acting as the Orange County Flood Control District:

29. Approve agreement D09-112 with Brea for bike and pedestrian trail improvements, Brea Canyon Channel; and make California Environmental Quality Act findings - District 3

2531 X **APPROVED AS RECOMMENDED**

30. Approve agreements D09-113 with La Habra and D09-114 with La Mirada for construction and maintenance of bike and pedestrian trail improvements, Coyote Creek Channel; and make California Environmental Quality Act findings - District 4

2531 X **APPROVED AS RECOMMENDED**

31. Approve plans and specifications and set bid opening for 5/19/10, 2:00 p.m., for Westminster Channel Improvement Project - District 1

32. Approve amendment 1 to agreement D02-087 with Santa Ana Watershed Project Authority for refund of excess funds in connection with the Santa Ana Regional Interceptor Line at Prado Dam - All Districts

33. Approve plans and specifications and set bid opening for 5/26/10, 2:00 p.m., for restoration of Harding Creek, Wilkinson Road Bridge - District 3

PUBLIC PROTECTION

34. **Probation -** Approve renewal of price agreement N3000008755 as MA-057-10012545 with Redwood Toxicology Laboratory, Inc. for urinalysis and oral fluids laboratory testing services, 5/1/10 - 4/30/11 ($459,155); renewable for one additional year per Board policy; and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

35. Approve Memorandum of Understanding ATM0509 with Hospital Association of Southern California for Medi-Cal Eligibility Technician Services, 5/1/10 - 4/30/15; and authorize Director or designee to execute MOU - All Districts

36. Approve Memorandum of Understanding CLC2810 with Canyon Acres Children and Family Services for Creating Family Connections Services, 4/27/10 - 4/26/11; and authorize Director or designee to execute MOU - All Districts

37. Approve master agreement CGG5009-00 with various state licensed group home providers, 7/1/10 - 6/30/13; and authorize Director or designee to execute individual agreements - All Districts

2531 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

38. Direct Auditor-Controller to reallocate property tax revenues in Tax Rate Areas 16-021 and 16-022 from City of Cypress to City of the La Palma - District 2

39. Approve agreement MA-017-10012543 with Vignette Corporation for Vignette P595 Migration services for eGovernment Delivery System, 4/20/10 - 4/19/11 ($68,160) - All Districts

B.O. **CONTINUED TO 5/4/10, 9:30 A.M.**

40. Adopt resolution approving property tax exchange with Anaheim for annexation of unincorporated territory - District 4
RESO: 10-067

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

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 42-S65A)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

42. Approve amendment P07.0026-1 with State Department of Corrections and Rehabilitation for participation in the In-Custody Drug Treatment Program (ICDTP), term effective 4/30/09 ($7,502,157) - All Districts
2531 **APPROVED AS RECOMMENDED**
X

43. Approve agreement MA-060-10012509 with Identix Incorporated for equipment, maintenance and user training for live scan machines, 4/20/10 - 4/19/12 ($800,000) - All Districts
5231 **APPROVED AS RECOMMENDED**
X

HEALTH CARE AGENCY

44. Approve amendment 1 to master agreement with various providers for Wraparound Mental Health Outpatient services, 7/1/09 - 6/30/10 ($100,000; new total $729,903); authorize Director or designee to execute amendments - All Districts
2531 **APPROVED AS RECOMMENDED**
X

45. Approve amendment A01 to agreement 08-85076 with State Department of Public Health for Childhood Lead Poisoning Prevention Program, 7/1/08 - 6/30/11 ($80,490; new total $2,830,613) - All Districts
5231 **APPROVED AS RECOMMENDED**
X

46. Approve amendment 1 to master agreement with various providers for Mental Health Residential Rehabilitation services, 7/1/10 - 6/30/11 ($103,733 decrease; new total $933,597); authorize Director or designee to execute amendments - All Districts
5231 **APPROVED AS RECOMMENDED**
X

47. Approve amendment 1 to agreement with Extended Care Hospital of Westminster for Mental Health Skilled Nursing Facility with Special Treatment Program services, 7/1/09 - 6/30/10 ($314,073; new total $3,275,590) and 7/1/10 - 6/30/11 ($875,474; new total $3,836,991) - All Districts
2531 **APPROVED AS RECOMMENDED**
X

48. Approve agreement with Goodwill Industries of Orange County for Mental Health Supported Employment services, 7/1/10 - 6/30/12 ($2,042,834) - All Districts
2531 **APPROVED AS RECOMMENDED**
X

49. Approve master agreement with various providers for Mental Health Outpatient

services, 7/1/10 - 6/30/11; authorize Director or designee to execute individual agreements - All Districts

5231 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

50. Reject bid of Mel Smith Electric Inc.; receive bids and award contract to California Building Evaluation and Construction, Inc. for Terminal Generators Replacement project ($859,000); and make California Environmental Quality Act findings - District 2

2531 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

51. Adopt resolution approving amendment 2 to agreement AP-0910-22 with State Department of Aging accepting an increase in funding for senior services, 7/1/09 - 6/30/10 ($900,356; new total $10,220,105); authorize Director or designee to execute agreement and subsequent amendments under certain conditions - All Districts

5231 **APPROVED AS RECOMMENDED**
X

RESO: 10-068

52. Approve agreements OCP10-007 with RBF Consulting for on-call environmental /regulatory permitting services ($400,000) and OCP10-008 with RJM Design Group, Inc. for on-call landscape architecture services ($400,000) for three year terms - All Districts

B.O. **CONTINUED TO 5/4/10, 9:30 A.M.**

53. Select John Efstathiou dba Salt Creek Beach Concessions as primary and Mike Ali dba Zack's Beach Concessions and Catering as alternate concessionaires for operation of food sales and beach equipment rental business, Salt Creek Beach Park; and authorize Director to execute option/lease agreement under certain conditions - District 5

B.O. **CONTINUED TO 5/4/10, 9:30 A.M.**

OC PUBLIC WORKS

54. Consider first reading of "An Ordinance of the County of Orange, California, Authorizing OC Public Works Director Or Designee, To Approve and Accept Acquisitions of Real Property Interests Not Exceeding $50,000 In Value"; set second reading and adoption for 5/4/10, 9:30 a.m.; direct Auditor-Controller to make related payments; and direct OC Public Works to return to the Board by 5/4/15 to reconsider the ordinance and delegation of authority - All Districts

2531 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

55. Approve selection of various providers to provide Wraparound Orange County services, 7/1/10 - 6/30/13; and authorize negotiation of agreements for Board approval -

All Districts
5231 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

56. Adopt resolution approving financing terms, documents and issuance of Apartment Development Revenue Bonds, Issue A of 2010 (Emerald Cove Apartments) $7,775,000; approve Deutsche Bank National Trust Company as Trustee and Urban Futures, Inc. as Administrator - All Districts
5231 **APPROVED AS RECOMMENDED**
X

RESO: 10-069

57. Verbal report regarding the status of the 3/30/10 Board Directives concerning the Office of the Assessor
PRESENTED

58. Adopt resolution superseding Resolution 07-088 and amending Workers' Compensation Claims settlement procedures by clarifying settlement authority and revising CEO/Risk Manager settlement amount to $150,000 - All Districts
B.O. **DELETED**

59. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
2531 **APPROVED AS RECOMMENDED**
X

60. Approve forms of amendments to reimbursement agreements for extension of letters of credit until 5/15/12 for adjustable rate bonds for Irvine Coast Assessment District No. 88-1 and Newport Coast Phase IV Assessment District No. 01-1 and authorize Public Finance Director to execute amendments; and adopt resolution authorizing the Authorized Officers to take necessary actions in approving future extensions to letter of credit for adjustable rate bonds for Irvine Coast Assessment District No. 88-1 under certain circumstances - District 5
5231 **APPROVED AS RECOMMENDED**
X

RESO: 10-070

61. Adopt resolution authorizing reimbursement of expenditures from proceeds of potential financing for Sheriff-Coroner capital improvement projects - All Districts
B.O. **CONTINUED TO 5/4/10, 9:30 A.M.**

62. Approve recommended grant applications submitted by OC Waste & Recycling, OC Community Resources, OC Public Works and District Attorney in 4/20/10 grant report and other actions as recommended; and adopt resolution authorizing Director of OC Public Works or designee to submit application to Strategic Growth Council and to execute grant agreement and any amendments under

certain conditions - All Districts

2531 **APPROVED AS RECOMMENDED**
X

RESO: 10-071

63. Report on County financial and budget status - All Districts
NOTHING REPORTED

Human Resources Department:

64. Adopt resolution implementing "1.62% at 65" Retirement Formula; approve side letter agreements with applicable labor groups; and approve amended Personnel and Salary Resolution for unrepresented employees - All Districts

2531 **APPROVED AS RECOMMENDED**
X

RESO: 10-072

65. Approve Plan Documents establishing new County IRC Section 457 and 401(a) 1.62 defined contribution plans; effective 5/7/10; authorize Director or designee to execute agreements and make changes to Plans as required by Internal Revenue Services or by law and to take actions to administer plans on behalf of the County - All Districts

5231 **APPROVED AS RECOMMENDED**
X

S65A. **Treasurer-Tax Collector -** Approve and ratify amended price agreement N1000010029 with Lexis Nexis (Accurint) for proprietary and licensed databases and information, 7/1/09 - 6/30/10 ($10,000; new total $30,000) - All Districts

1231 **APPROVED AS RECOMMENDED**
X

IV. PUBLIC HEARINGS (Items 66-67)

OC PUBLIC WORKS

66. Public Hearing to consider adopting resolution approving 2010 Weed Abatement Program and direct OC Public Works to report back to the Board on 7/27/10 and 7/26/11 with itemized cost reports; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

2531 **APPROVED AS RECOMMENDED**
X

RESO: 10-073

67. Public Hearing to consider adopting resolution of abandonment for portions of Laguna Coast Wilderness Park and Aliso & Wood Canyons Wilderness Park to accommodate construction of Class III Bikeway along Laguna Canyon Road; and make California Environmental Quality Act and other findings - District 5 (Continued from 2/9/10, Item 11; 4/13/10 Public Hearing rescheduled to 4/20/10 on 3/30/10, Item 26) (Requires a unanimous yes vote)

B.O. **CONTINUED TO 5/4/10, 9:30 A.M.**

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: Joann Blackstar, et al. v. County of Orange, et al., United States District Court Case No. CV09-568 DSF (MLGx)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF JOANN BLACKSTAR, ET AL. V. COUNTY OF ORANGE, ET AL. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Cases: Netjets Aviation, et al. v. Webster Guillory, et al., Orange County Superior Court Case No. 30-2008 00107805; Flight Options LLC v. Webster Guillory, Orange County Superior Court Case No. 30-2008-00110932

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: Valerie Maestas v. County of Orange, et al., Orange County Superior Court Case No. 30-2009-00126431

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF VALERIE MAESTAS V. COUNTY OF ORANGE, ET AL. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

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

PUBLIC COMMENTS:
Darrell Nolta: Oral Re: (1) Recent incident and OC Human Relations Commission involvement in a recent protest disrupting Israeli Ambassador on UCI campus; and (2) Controversy over permit process in Westminster for the upcoming Black April event.

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Moorlach discussed the following topics for CEO direction (1) existing policies/protocols for Advisory Boards review/actions prior to Board consideration; (2) Process for Clerk-Recorder's purchase of building, information that may not have been provided to the Board; (3) Change in positions over past 10 years, where and reason for growth; (4) status report on recent fine paid by Darius Anderson of Platinum Advisors and any impact; (5) CSAC Urban Counties Caucus, VLF increased fee to sunset - analyze OC position to continue fee (5/4/10 agenda legislative item); (6) Business licenses in unincorporated areas - ability to monitor recent businesses for Medical Marijuana Dispensaries; (7) Impact on OC Retirement System, failure to include premium pay into calculations; & (8) Keep Board informed of the Human Relations Commission's actions re: recent UCI incident.

Chair Nguyen discussed upcoming Black April event and her District's involvement in reviewing business licenses and Medical Marijuana Dispensaries in OC unincorporated areas.

ADJOURNED: 12:26 P.M.

5123 **Adjourned in memory of Daryl Gates**
X

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Vacant
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