REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 4, 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: Supervisors Nguyen, Moorlach, Campbell, Norby & Bates

EXCUSED: None

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

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Orange County Archives provide a presentation on County of Orange's 120th Anniversary

Chair Bates presented a resolution proclaiming August 2009 as "Eligibility Professionals Recognition Month"

II. CONSENT CALENDAR (Items 1-18)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 14 WHICH WAS DELETED, ITEM 17 WHICH WAS CONTINUED TO 8/25/09, 9:30 A.M. AND ITEM 9 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Moorlach -** Emergency Medical Care Committee - Reappoint Cathy Green, Huntington Beach, for term ending 6/30/11

2. **Supervisor Bates -** Acting as the In-Home Supportive Services Public Authority - In-Home Supportive Services (IHSS) Advisory Committee - Reappoint Clifford Roth, Placentia, to complete term ending 12/31/09

DEPARTMENT APPOINTMENTS

3. **Social Services Agency -** Orange County Child Care and Development Planning Council - Appoint Kate Bono, La Mirada and Mike McAdam, Placentia, to complete terms ending 8/5/10; Yvonne Gonzales Duncan, Huntington Beach and Dorene Ruse, Tustin, for terms ending 8/5/11; reappoint Roseann Andrus, Santa Ana; Gwen Morgan-Beazell, Santa Ana; Marilee Cosgrove, Fullerton; Maureen Fitzpatrick, San Clemente; Annette Jewell, Costa Mesa; Valerie Padilla, Hacienda Heights; Ann Saneto, Irvine and Lori Vasquez, Costa Mesa, for terms ending 8/5/11 - All Districts

COMMENDATIONS/PROCLAMATIONS/REPORTS

4. **Chair Bates -** Adopt resolution recognizing third week of August as National Health Center Week
RESO: 09-114

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

5. Authorize use of County resources for participation of law enforcement explorers in training academies and skills development conferences not to exceed $12,000 per year; and make related findings - All Districts

6. Approve agreement Z1000000068 with Rancho Santiago Community College District for provision of law enforcement training consultant services, 8/22/09 - 8/21/10 ($30,000); renewable for four additional one-year periods - All Districts

7. Approve amendment 1 and accept 2009 California Multi-Jurisdictional Methamphetamine Enforcement Team Grant Award from California Emergency Management Agency ($294,167) - All Districts

8. Ratify agreements with the State 32nd District Agricultural Association to provide law enforcement services for events held at the Orange County Fairgrounds, 7/1/09 - 6/30/10 ($350,000); and authorize Sheriff-Coroner to execute agreements and contractor certification clauses form CCC-307 - District 2 (Continued from 7/14/09, Item 11; 7/21/09, Item 3; 7/28/09, Item 7)

OC COMMUNITY RESOURCES

9. Approve master agreement MA-012-CVPAN1000011013 with Lorick Associates Consulting for maintenance management study of OC Parks and OC Public Libraries for maintaining park facilities and branch libraries, 8/4/09 - 8/3/11 ($386,066); and make California Environmental Quality Act findings - All Districts

13245 **APPROVED AS RECOMMENDED**

10. Approve Quitclaim Deed transferring Table Rock Park and related easements to Laguna Beach; and make California Environmental Quality Act findings - District 5 (Continued from 7/28/09, Item 11)

11. Approve Mitigation Negative Declaration IP 08-269; and approve Final Draft Aliso and Wood Canyons Wilderness Park Resource Management Plan for guidance of OC Parks on future policy, land use and resource management decisions for the park - District 5 (Continued from 7/28/09, Item 12)

OC PUBLIC WORKS

12. Approve contract change order no. 1 to agreement with Caltec Corporation for structural stabilization of Modjeska Historic Stone Building ($123,462.77; new total $318,462.77); and authorize Director or designee to execute change order no. 1 - District 3

13. Declare bids of Pro Tech Engineering Corporation, California Professional Engineering, Inc. and Traffic Loop Crackfilling, Inc. to be non-responsive; receive bids and award contract to C.T.&F., Inc. for construction of Crosswalk Warning Light Systems, Sienna Parkway @ 2nd Street, Gilbert Street @ Banta Avenue and Rancho Santiago Boulevard @ Spring Street ($171,848.85) - Districts 3, 4 & 5

14. Authorize issuance of request for proposal for selection of Program Administrator for Orange County FIRST Program - All Districts (Continued from 7/28/09, Item 15)

32145 **DELETED**

15. **Acting as the Orange County Flood Control District -** Approve plans and specifications and set bid opening for 9/9/09, 2:00 p.m., for Lewis Storm Channel Improvement Project - District 1

16. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve amendment 1 to agreement D06-043 with Keeton Kreitzer Consulting for environmental documentation and regulatory permitting services, extending term two years - All Districts

GENERAL ADMINISTRATION

17. **County Executive Office -** Approve price agreement MA01710010290 with Performance Management Partners for professional services including but not limited to identifying revenues, organizational alternatives and performance improvements, 8/4/09 - 8/3/10 ($90,000) - All Districts

32145 **CONTINUED TO 8/25/09, 9:30 A.M.**

18. **Chair Bates -** Authorize waiver of fees for Mary Erickson Community Housing for annual fundraiser event on 8/7/09, in a portion of Salt Creek Beach

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 19-33)

ELECTED DEPARTMENT HEADS

19. **Assessor Department -** Approve master agreement MA-002-10010103-1 with Digital Map Products for software licensing, database subscription and GIS support services, 8/12/09 - 8/11/10 ($117,200); renewable for two additional one-year periods ($91,600 second year; $96,600 third year); and authorize Purchasing Agent or designee to execute agreement and exercise contingency contract increase not to exceed 10% - All Districts

32145 **APPROVED AS RECOMMENDED**

20. **Sheriff-Coroner -** Accept grant award from U.S. Department of Justice for Recovery Act Edward Byrne Memorial Justice Assistance Grant Program, FY 2009 ($3,959,880); approve agreement to transfer funds to participating cities; authorize Sheriff-Coroner to execute individual agreements; and authorize Auditor-Controller to transfer funds to cities upon receipt of executed agreements - All Districts

53124 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

21. Approve agreement 09-79014-000 with State Department of Mental Health for conditional release program, 7/1/09 - 6/30/10 ($1,165,349); and authorize Director or designee to execute agreement - All Districts

13245 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

22. Approve option to extend lease with Airport Management Services, LLC dba Hudson Group for specialty retail concession, extending term to 10/23/11; and make California Environmental Quality Act findings - District 2 (4/5 vote)

23145 **APPROVED AS RECOMMENDED**

23. Approve amendment 1 to agreement with Gensler for additional construction phase basic services for Terminal C ($3,590,137; new total $30,868,689); and find Final EIR 582 and addendum 582-1, as revised by Final Supplemental EIR 582, are adequate to satisfy requirements of California Environmental Quality Act - District 2

23145 **APPROVED AS RECOMMENDED**

24. Approve amendment 1 to agreement with PinnacleOne for changes to construction management services for demolition of B1 Parking Structure and Terminal C projects; ($2,000,000; new total $16,695,639); and find Final EIR 582 and addendum 582-1, as revised by Final Supplemental EIR 582, are adequate to satisfy requirements of California Environmental Quality Act - District 2

21345 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

25. Approve Notice of Option to Convey and grant deed with Leed Plaza Atrium, LLC for purchase of real property located at 800 and 840 North Eckhoff Street, Orange;

authorize Director or designee to execute all necessary documents; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 3

32145 **APPROVED AS RECOMMENDED**

26. Approve lease agreement with Martin Enterprises for 8,450 square feet of warehouse space at 2299 S. Grand Avenue, Santa Ana for Health Care Agency; and make California Environmental Quality Act findings - District 1

13245 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

23145 **RECEIVED AND FILED**

28. Acting as the Community Facilities Districts 86-1, 86-2, 87-5A, 87-5B, 87-5C, 87-5D, 87-5E (Rancho Santa Margarita); 87-1 (Dimensions Business Park); 87-2 (Portola Hills); 87-3 (Mission Viejo); 87-4 (Foothill Ranch); 87-6 (Baker Ranch); 87-7 (Los Alisos); 87-8 (Coto de Caza); 87-9 (Santa Teresita); 88-1 (Aliso Viejo); 88-2 (Lomas Laguna); and 99-1, 2000-1, 2001-1, 2002-1, 2003-1, 2004-1 (Ladera Ranch) - Adopt resolutions levying special taxes for Community Facilities Districts, FY 2009-10 - Districts 3 & 5

31245 **APPROVED AS RECOMMENDED**
RESO: 09-115 - 09-137

29. Approve proposed response to FY 2008-09 Grand Jury Report "2008 General Election." - All Districts

23145 **APPROVED AS RECOMMENDED**

30. Receive staff report regarding ten year cash flow of funds related to the Teeter Program and direct CEO to present item during 2010-11 Budget Hearings for Board direction on use of future years available revenues - All Districts

31245 **APPROVED AS RECOMMENDED**

31. Approve recommended grant application submitted by OC Public Libraries and OC Public Works in 8/4/09 grant report and other actions as recommended - All Districts

23145 **APPROVED AS RECOMMENDED**

32. **Human Resources Department** - Rescind 9/11/07 Board action regarding refund of PPO reserve; approve premium holiday for employees enrolled in Premier Wellwise and Premier Sharewell Health plans, effective 10/1/09 - All Districts

13245 **APPROVED AS RECOMMENDED**

33. **Office of the Performance Audit Director** - Receive and file Performance Audit of Planning & Development Services report; direct Director to follow-up with OC Public Works after one year to evaluate progress in implementing audit recommendations - All Districts (Continued from 7/28/09, Item 38)

53124 **APPROVED AS AMENDED TO ADD THE ESTABLISHMENT OF A SUBCOMMITTEE CONSISTING OF CHAIR BATES AND SUPERVISOR CAMPBELL TO ENSURE THE RECOMMENDATIONS OF THE PERFORMANCE AUDITOR ARE IMPLEMENTED WITH APPROPRIATE PERFORMANCE MEASURES AND DIRECTED THAT THE SUBCOMMITTEE PROVIDE A MONTHLY CONSENT ITEM ON THE STATUS OF THE PLANNING DEPARTMENT'S PROGRESS BEGINNING 9/29/09**

IV. PUBLIC HEARINGS (Item 34)

OC PUBLIC WORKS

34. Public Hearing to consider adopting resolution approving FY 2008-09 Weed Abatement Cost Report and special assessments on identified properties - All Districts

B.O. **CLOSED PUBLIC HEARING**

23145 **APPROVED AS RECOMMENDED**
RESO: 09-138

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case

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

CS-2. 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-3. **Human Resources Department** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: Association of Orange County Deputy Sheriffs (AOCDS), International Union of Operating Engineers (IUOE), and Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
Darrell Nolta - Oral Re: Discussed concerns over OC management structure; commended Dave

Riley on his recent appointment as Director, Health Care Agency; and expressed concerns regarding the health care needs in OC with reduced funding levels from the State.

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Campbell - Oral Re: Suggested the Board consider a more casual "no tie" dress for Board Members during the month of August and directed that the Performance Auditor work with the Chair and Third District staff to create an ASR work assignment for consideration by the Board on August 25, 2009 that would evaluate policies and practices associated with management and supervisory span of control and support staff guidelines within the County.

ADJOURNED: 1:50 P.M.

51234 **Adjourned in memory of Cheryl Walker**

25134 **Adjourned in memory of James J. Friis**

51234 **Adjourned in memory of David Kurtz**

*** 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