



REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 24, 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 & Bates

EXCUSED: Supervisor Norby

PRESENT: COUNTY EXECUTIVE OFFICER Thomas G. Mauk
COUNTY COUNSEL Nicholas S. Chrisos
CLERK OF THE BOARD Susan Novak, Chief Deputy

INVOCATION: Supervisor Nguyen, First 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 recognizing Mark Feary, Past Executive Director of the Orange County Tourism Council

II. CONSENT CALENDAR (Items 1-28)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 24 WHICH**
X **WAS CONTINUED TO 12/8/09, 9:30 A.M., ITEM 26 WHICH WAS DELETED AND**
ITEMS 3, 12, 14 & 27 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE
VOTES

DEPARTMENT APPOINTMENTS

1. **Health Care Agency - [Orange County HIV Planning Council - Appoint Renee Austin,](#)**
Huntington Beach; Jeffrey Byers, Sacramento, State Office of AIDS; Danny Sells, Lake Forest,

for terms ending 12/31/11; and reappoint Clayton Chau, M.D., Ph.D., Santa Ana; Mitch Cherness, Aliso Viejo; Dianna Daly, Huntington Beach; Donna Fleming, Orange; Kelly Gomez, Anaheim; Alfonso Guerrero, Anaheim; Josie Lopez, Santa Ana; Christopher Ried, M.D., Santa Ana; Martin Salas, Irvine; Jeremiah G. Tilles, M.D., Irvine, for terms ending 12/31/11 - All Districts

2. **Registrar of Voters** - [Declare Russell Baldwin to be a General Member to the Orange](#) County Board of Retirement for a three year term, commencing 1/1/10 - All Districts

ELECTED DEPARTMENT HEADS

3. **Sheriff-Coroner** - [Approve change order no. 2 to agreement with Dahl, Taylor & Associates](#) Inc., for design and replacement of HVAC ductwork, Theo Lacy Barracks F, G and H (\$19,000); authorize Sheriff-Coroner or designee to execute; and make California Environmental Quality Act findings - District 3
- 32145 **APPROVED AS RECOMMENDED**

X

Treasurer-Tax Collector:

4. [Approve agreement MA-074-10011276 with Opex Corporation for mail](#) extraction equipment maintenance services, 12/1/09 - 11/30/12 (\$109,826); authorize deputy purchasing agent or designee to execute agreement - All Districts
5. [Approve Memorandum of Understanding with Administrative Office of the](#) Courts, for establishing a separate collections bank account for criminal fines, penalties and forfeitures - All Districts

CHILD SUPPORT SERVICES

6. [Approve master agreement MA-027-10011230 with Executive Information Systems,](#) LLC for SAS software licensing and maintenance, 12/1/09 - 11/30/10 (\$8,300) - All Districts

HEALTH CARE AGENCY

7. [Approve amendment 5 to agreement H700714-5 with County of Los Angeles for](#) California Immunization Registry, 7/1/09 - 6/30/10 (\$148,465; new total \$284,465) - All Districts
8. [Approve donation from Hoag Memorial Hospital Presbyterian for funding of Medical](#) Director for Orange County Child Abuse and Neglect Services position, 7/1/09 - 6/30/12 (\$450,000) - All Districts
9. [Approve agreement with National Council on Alcoholism and Drug Dependence -](#) Orange County for Tobacco Cessation services, 12/1/09 - 6/30/11 (\$274,000) - All Districts

JOHN WAYNE AIRPORT

10. [Approve use of design-build procurement for Common Use Passenger Processing](#) System project; approve list of pre-qualified design-build contractors; authorize Director to establish and enforce a Department of Industrial Relations approved Third-Party Labor Compliance program; authorize Director or designee to issue a Request for Proposals to approved pre-

qualified contractors, establish proposal due date of 1/12/10, receive, open and evaluate proposals, return to Board for final approval and to extend due date if necessary up to 60 days; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

11. [Approve purchase order 012-10011856 with George Salinas Tree Preservation](#) Company for tree trimming services at twelve park locations (\$170,427); authorize purchasing agent or designee to execute agreement; and make California Environmental Quality Act findings - Districts 2, 3, 4 & 5
12. **Acting as the Board of Supervisors and Orange County Housing Authority -** [Approve amendment 3 to agreement 122 with Mercy House Transitional Living](#) Centers, Inc. for Cold Weather Armory Emergency Shelter, FY 2009-10 (\$74,665; new total \$642,833); authorize Director or designee to execute amendment and to make further changes under certain conditions - All Districts
- 31245 **APPROVED AS RECOMMENDED**

X

OC PUBLIC WORKS

13. [Approve grant deed from Irvine and temporary easement deed from Allred Irvine Centre](#) Owners Association for construction of the Alton Parkway extension project; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - Districts 3 & 5
14. [Receive and file third monthly status report on implementation of Performance Audit](#) recommendations for Planning and Development Services - All Districts
- 13245 **APPROVED AS RECOMMENDED**
15. **Acting as the Orange County Flood Control District -** [Approve amendment 1 to](#) agreement D97-011 with Lake Forest for installation and maintenance of recreational equipment, Aliso Creek Channel; and make California Environmental Quality Act findings - District 5

Acting as the Board of Supervisors and Orange County Flood Control District:

16. [Approve quitclaim deed to Orange County Flood Control District for](#) Environmental Habitat Mitigation Rights of Peters Canyon Wash; and make California Environmental Quality Act findings - District 3
17. [Authorize OC Public Works and Orange County Flood Control District to](#) execute Wideload Transportation Permits with various cities in Orange County and name these entities as Indemnified Parties in Orange County Risk Management's Self-Insurance Program - All Districts

OC WASTE & RECYCLING

18. [Receive and file AB 939 Surcharge Implementation Quarterly Report and authorize](#) Director to provide semi-annual reports - All Districts

SOCIAL SERVICES AGENCY

19. [Approve plans and specifications and set bid opening for 12/30/09, 2:00 p.m., for](#) remodel of buildings A, B & E, Orangewood Children's Home - District 3

GENERAL ADMINISTRATION

Clerk of the Board:

20. [Approve proposed amendments to the Conflict of Interest Code Designated](#) Filer Exhibits for the Anaheim City School District and the West Orange County Water Board - All Districts
21. [Approve proposed amendments to the Conflict of Interest Code Designated](#) Filer Exhibits for Buena Park School District, Coastline Regional Occupational Program and Trabuco Canyon Water District - All Districts
22. [Revise and approve proposed amendment to the Conflict of Interest Code for](#) the Orange County Transportation Authority - All Districts

County Executive Office:

23. [Approve agreement MA-017-10011304 with IBM Corporation for Information](#) Systems Security services, 12/1/09 - 6/30/11 (\$317,749); renewable for two additional consecutive one-year periods - All Districts
24. [Approve amendment to agreement N1000011007 with Avasant to expand](#) Scope of Work to include development and contract negotiations for combined County-wide voice and data network Request for Proposal (RFP), 11/10/09 - 6/30/11 (\$159,500) - All Districts (Continued from 11/10/09, Item 14)
- 32145 **CONTINUED TO 12/8/09, 9:30 A.M.**
X
25. [Approve amendment 2 to lease agreement with Los Angeles for increase in](#) space at Data Center; and make California Environmental Quality Act findings - All Districts
26. [Approve agreement MA-017-10011432 with Eclipse Solutions, for Independent](#) Project Oversight Consultant/Independent Verification and Validation for Assessment Tax System (ATS) Development Project, 11/24/09 - 11/23/10 (\$150,000) - All Districts
- 32145 **DELETED**
X
27. [Adopt resolution authorizing County Executive Officer to waive insurance](#) requirements and grant defense, indemnification, and hold harmless protection to certain professionals for under \$25,000 and for volunteer agreements under certain conditions - All Districts
- 23145 **APPROVED WITH MODIFICATION TO ADD "ALL CONSULTANT**
X **SERVICE CONTRACTS WITH THE SAME CONSULTANT, OR WITH ANY**
CONSULTANT WITH WHOM ANY CONSULTANT UNDER SUCH
CONTRACT HAS A OWNERSHIP OR CONTRACTUAL RELATIONSHIP,
MUST BE AGGREGATED AND MAY NOT, IN THE AGGREGATE, EXCEED

\$25,000"
RESO: 09-179

28. **Internal Audit - [Receive and file Internal Audit Department Monthly Status Report for](#)**
October 2009 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 29-S49A)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

29. [Consider second reading and adoption of "An Ordinance of the County of Orange, California Adding Section 1-2-126 to the Codified Ordinances of the County of Orange Regarding Bail Bond Agent and Criminal Defense Attorney Advertising Signboards in the County Jails" - All Districts](#) (Continued from 11/10/09, Item 18)

23145 **APPROVED AS RECOMMENDED**

NX

ORD: 09-007

30. [Approve amendment 4 MA-060-10011359 to price agreement N3000008350](#) with Computer Deductions, Inc. for software development, maintenance and support, 12/1/09 - 11/30/10 (\$2,208,941); with option to renew for one additional year - All Districts

31245 **APPROVED AS RECOMMENDED**

X

HEALTH CARE AGENCY

31. [Approve agreement EPO 09-30 with State Department of Public Health for 2009-10](#) Center for Disease Control Public Health Emergency Preparedness Grant, State General Fund Pandemic Influenza, HHS Hospital Preparedness Program, Public Health Emergency Response Grant and HHS H1N1 Hospital Preparedness Program Grants, 7/1/09 - 8/9/10 (\$7,175,057) - All Districts

13245 **APPROVED AS RECOMMENDED**

X

32. [Approve amendment 3 to agreement with AIDS Services Foundation Orange County](#) (\$434,543; new total \$2,476,501), 7/1/08 - 2/28/10; approve amendment 2 to agreement with Shanti Orange County (\$40,910; new total \$348,792), 7/1/08 - 2/28/10; and approve amendment 1 to agreements with Delhi Center (\$64,032; new total \$227,027), 7/1/08 - 2/28/10 and Straight Talk Clinic, Inc. (\$10,000 decrease; new total \$202,685), 7/1/09 - 6/30/10 for HIV services - All Districts

13245 **APPROVED AS RECOMMENDED**

X

33. [Approve amendment 1 to cooperative agreement with Santa Ana for housing and](#) supportive social services for HIV disease, 7/1/09 - 6/30/10 (\$262,000; new total \$1,237,043) - All Districts

31245 **APPROVED AS RECOMMENDED**

X

JOHN WAYNE AIRPORT

34. [Approve amendment 2 to contract N3000006119 with Flagship Airport Services for](#) custodial maintenance services, extending term through 4/30/10 (\$1,415,133.00; new total \$16,719,161.40); and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**

X

OC COMMUNITY RESOURCES

35. [Receive and file Annual Report for Orange County Human Relations Commission for](#) FY 2008-09 - All Districts
B.O. **DELETED**

OC PUBLIC WORKS

36. [Approve lease agreement with Youth Fund of Southern California, a public benefit](#) corporation, for office space at Health Care Agency North County Recovery Center; and make California Environmental Quality Act Findings - District 4 (Continued from 11/3/09, Item 13)
12345 **APPROVED AS RECOMMENDED**
X
37. [Approve amendment 2 to Contract Z1000000050 with Parking Concepts Inc. for](#) maintenance and operation of multiple parking facilities in the Manchester and Santa Ana Civic Center complexes, 12/1/09 - 11/30/10 (\$2,089,500); and make California Environmental Quality Act findings - Districts 1 & 3
31245 **APPROVED AS RECOMMENDED**
X
38. [Receive and file Civic Center Demand Study; adopt resolution authorizing release of](#) Request for Statement of Qualifications regarding development of Civic Center Building 16 site; and make California Environmental Quality Act findings - District 1 (4/5 vote)
B.O. **CONTINUED TO 12/8/09, 9:30 A.M.**

OC WASTE & RECYCLING

39. [Approve agreements with Bryan A. Stirrat & Associates and Geosyntec Consultants for](#) multi-discipline engineering services, 11/24/09 - 11/23/12 (\$1,000,000) - District 3
31245 **APPROVED AS RECOMMENDED**
X
40. [Approve master agreement MA-299-10011183 with Habitat West, Inc. for habitat](#) maintenance services for South Region Landfills, 12/14/09 - 12/13/12 (\$2,400,000) - District 5
52134 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

41. [Approve amendment to agreement WAA0109A with Arbor E & T, LLC for](#) employment services, 12/1/09 - 6/30/10 (\$4,322,575; new total \$12,727,067) - All Districts
23145 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

42. [Approve recommended positions on introduced or amended legislation and](#) consider

other legislative subject matters - All Districts (Continued RA #1 from 11/3/09, Item 14)

B.O.

DELETED

43. [Approve 2010 County of Orange Legislative Platform and consider other](#) legislative subject matters - All Districts

52134 **APPROVED AS MODIFIED TO ADD "13.D SUPPORT CONSISTENT**
X **REGULATORY EFFORTS AND OVERSIGHT WITHIN ORANGE COUNTY**
BOUNDRIES."

44. [Approve recommended grant applications submitted by Health Care Agency](#), OC Community Resources and OC Waste & Recycling in 11/24/09 grant report and other actions as recommended - All Districts

13245 **APPROVED AS RECOMMENDED, CHAIR BATES INDICATED A NO VOTE**
X **ON RECOMMENDED ACTION 1**

45. Report on County financial and budget status - All Districts

32145 **APPROVED AS RECOMMENDED**
X

46. [Approve FY 2009-10 First Quarter Budget Report; approve related budget](#) adjustments and amend master position control - All Districts (4/5 vote)

32145 **APPROVED AS RECOMMENDED**
X

47. [Approve agreement MA-017-10011031 with ACS State and Local Solutions for](#) Maintenance of Foundry Network Equipment, 12/1/09 - 11/30/10 (\$176,319.95); and authorize additions or deletions of equipment within monetary limits - All Districts

13245 **APPROVED AS RECOMMENDED**
X

48. [Approve Transfer and Joint Occupancy agreements with Judicial Council of](#) California, Administrative Office of the Courts for Transfer of Responsibility and Deferred Transfer of Title and related Memorandum of Agreements for Lamoreaux Justice Center Trial Court Facility, Orange; instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO or designee to assign leases for third party tenants under certain conditions and execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 3

31245 **APPROVED AS RECOMMENDED**
X

49. [Approve Transfer and Joint Occupancy agreements with Judicial Council of](#) California, Administrative Office of The Courts for Transfer of Responsibility and related Memorandum of Agreements for Juvenile Hall/Court Computer Systems Modular Building, Orange; instruct Auditor-Controller to make quarterly installment payments; authorize Chair and/or CEO or designee to execute any other documents necessary to complete transfer; and make California Environmental Quality Act findings - District 3

31245 **APPROVED AS RECOMMENDED**
X

S49A. **Supervisor Campbell Supervisor Moorlach** - Adopt resolution requesting Governor

23145 Schwarzenegger immediately cancel the proposed sale of the Orange County Fairgrounds
X **APPROVED AS RECOMMENDED**
RESO: 09-180

IV. PUBLIC HEARINGS (Items 50-51)

OC PUBLIC WORKS

50. [Public hearing to consider reading and adoption of "An Ordinance of the County of Orange, California, Amending Sections 7-9-113 Through 7-9-113.10 and Adding Sections 7-9-113.11 and 7-9-113.12 of the Codified Ordinances of the County of Orange Regarding Floodplain District Regulations"; and make California Environmental Quality Act findings - All Districts](#)
B.O. **CLOSED PUBLIC HEARING**

31245 **APPROVED AS RECOMMENDED**
X
ORD: 09-008

GENERAL ADMINISTRATION

51. **County Executive Office - [Public Hearing to consider adopting resolution approving](#) Bond reissuance and amendment 1 to loan agreement for Apartment Development Revenue Bonds, Issue A of 2007 (\$17,015,377 and \$3,080,000) for Granite Court Apartments, Irvine; authorize County Executive Officer, Chief Financial Officer or Public Finance Manager to execute; and make related findings - District 3**
B.O. **CLOSED PUBLIC HEARING**

32145 **APPROVED AS RECOMMENDED**
X
RESO: 09-181

V. CLOSED SESSION (Items CS-1-SCS3)

GENERAL ADMINISTRATION

CS-1. **Human Resources Department - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:**
Agency Negotiator: Thomas G. Mauk
Employee Organization: Association of Orange County Deputy Sheriff (AOCDS)
RE: Terms and Conditions of Employment
B.O. **HELD, NO REPORTABLE ACTION**

SCS2. **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
Negotiation Parties: State of California
Under Negotiation: Terms of State RFP and Value of Property
B.O. **MOVED TO 11/24/09, 9:00 A.M. SPECIAL MEETING**

SCS3. **County Counsel** - 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**

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

PUBLIC COMMENTS:

Karen Finn - Oral Re: Layoff of law enforcement personnel

Darrell Nolte - Oral Re: OC Firewatch, Ortega Blaze and use of OC Fire Authority helicopters with night vision goggles, passings of Dr. Jan Vandersloot and Dr. Joel Pasco

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Vice-Chair Nguyen - Oral Re: Tour of 20,000 acres of open space Irvine Company has offered to donate to the County of Orange

Supervisor Moorlach - Oral Re: AB1234 Report - discussed his trip last week to Monterey to annual CSAC convention; 15th anniversary of Orange County's bankruptcy

Chair Bates - Oral Re: AB1234 Report - discussed trip to Washington D.C. on transportation issues affecting Orange County; Correction Standards Board meeting; and requested Supvs. Campbell and Moorlach to prepare cover memo for resolution opposing sale of Orange County Fairgrounds

ADJOURNED: 12:26 P.M.

32145 **Adjourned in memory of Leonard Michael White**
X

35124 **Adjourned in memory of Katherine Litchfield**
X

53124 **Adjourned in memory of Margaret Robb Brady**
X

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*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen	A. = Abstained
2. = Supervisor Moorlach	X. = Excused
3. = Supervisor Campbell	N. = No
4. = Supervisor Norby	BO = Board Order
5. = Supervisor Bates	

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