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: Superviosr 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 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 24 WHICH 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
X **APPROVED AS RECOMMENDED**

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
X **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
X

CONTINUED TO 12/8/09, 9:30 A.M.

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
X

DELETED

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
X

APPROVED WITH MODIFICATION TO ADD "ALL CONSULTANT 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
NX

APPROVED AS RECOMMENDED

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
X

APPROVED AS RECOMMENDED

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
X

APPROVED AS RECOMMENDED

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
X

APPROVED AS RECOMMENDED

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
X

APPROVED AS RECOMMENDED

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
X

APPROVED AS RECOMMENDED

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 X **APPROVED AS MODIFIED TO ADD "13.D SUPPORT CONSISTENT 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 X **APPROVED AS RECOMMENDED, CHAIR BATES INDICATED A NO VOTE ON RECOMMENDED ACTION 1**

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

32145 X **APPROVED AS RECOMMENDED**

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

32145 X **APPROVED AS RECOMMENDED**

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 X **APPROVED AS RECOMMENDED**

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 X **APPROVED AS RECOMMENDED**

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 X **APPROVED AS RECOMMENDED**

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

Schwarzenegger immediately cancel the proposed sale of the Orange County Fairgrounds

23145 **APPROVED AS RECOMMENDED**
X

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 Nolta - 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

*** 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