REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA Tuesday, April 17, 2007, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR 333 W. Santa Ana Blvd., 10 Civic Center Plaza Santa Ana, California CHRIS NORBY CHAIRMAN Fourth District

JOHN M. W. MOORLACH

VICE CHAIRMAN

Second District

JANET NGUYEN

SUPERVISOR

First District

BILL CAMPBELL

SUPERVISOR

Third District

PATRICIA BATES

SUPERVISOR

Fifth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:

COUNTY EXECUTIVE OFFICER

Thomas G. Mauk

COUNTY COUNSEL

Benjamin P. de Mayo

CLERK OF THE BOARD

Darlene J. Bloom

*** INVOCATION: Supervisor Campbell, Third District, gave the invocation**

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

I. PRESENTATIONS/INTRODUCTIONS

*** II. CONSENT CALENDAR (Items 1-56)**

23154

APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 10, 12, 14, 15, 19, 24, 26, 29, 50 & 53 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE

BOARD APPOINTMENTS

Supervisor Campbell:

1. Waste Management Commission - Reappoint Denis Bilodeau, Orange, for term ending 1/18/08 and Victor Opincar, Laguna Beach, for term ending 1/18/09

2. Children and Families Commission of Orange County - Reappoint Maria Minon, M.D., Orange; Sally Snyder, Irvine and Crystal Kochendorfer, Dana Point, for terms ending 3/31/11

3. Development Processing Review Committee - Appoint Joe Lambert, Mission Viejo, for term concurrent with 3rd District Supervisors term of office

Supervisor Moorlach:

4. Sunset Beach LCP Advisory Committee - Appoint Timothy McCormack, Sunset Beach, to complete term ending 6/30/08

5. Santa Ana Heights Project Advisory Committee - Remove Greg Carroll, Santa Ana Heights, effective immediately

6. Chairman Norby - Orange County Human Relations Commission - Appoint Virginia Han, Fullerton, for term ending 4/18/09

COMMENDATIONS/PROCLAMATIONS

7. Supervisor Moorlach - Adopt resolution congratulating Bob McDonell for his 39 years of public service

RESO: 07-043

ELECTED DEPARTMENT HEADS

District Attorney:

8. Approve purchase order PC 026 P0700003438 with AT&T/MCI for DSL lines and access at various local law enforcement agency locations ($7,289.49) - All Districts

9. Approve amended lease agreement DA-06-006 with 900 N. Broadway, L.P., for

additional storage space for Consumer and Environmental Fraud Unit staff, Santa Ana, effective 4/1/07; and make California Environmental Quality Act findings - District 1

Sheriff-Coroner:

*** 10. Approve plans and specifications and set bid opening for 5/23/07, 2:00 p.m., for replacement of counter tops and cabinets, Intake Release Center guard stations; and make California Environmental Quality Act findings - District 1**

23154

APPROVED AS RECOMMENDED

11. Accept amended grant award from Governor's Office of Emergency Services for 2006 Paul Coverdell Forensic Sciences Improvement Program ($104,256); and authorize Sheriff- Coroner or designee to execute agreement and related documents - All Districts

*** 12. Approve plans and specifications and set bid opening for 5/23/07, 2:00 p.m., for replacement of carpeting, Brad Gates Building; and make California Environmental Quality Act findings - District 1**

31254

APPROVED AS RECOMMENDED

13. Approve plans and specifications and set bid opening for 5/23/07, 2:00 p.m., for replacement of carpeting, Aliso Viejo Station; and make California Environmental Quality Act findings - District 5

*** 14. Approve plans and specifications and set bid opening for 5/23/07, 2:00 p.m., for replacement of air conditioning units, Theo Lacy Inmate Programs Building; and make California Environmental Quality Act findings - District 3**

12354

APPROVED AS RECOMMENDED

*** 15. Approve five-year license with Santa Catalina Island Conservancy for operation of communications equipment, Mt. Black Jack Communications facility; and make California Environmental Quality Act findings - All Districts**

13254

APPROVED AS RECOMMENDED

16. Approve rent-free license with Southern California Edison Company for installation, maintenance and operation of radio antennas mounted on San Onofre Nuclear Generating Station siren structure, 800 MHz radio communications site, Dana Point - District 5

Treasurer-Tax Collector:

17. Approve amended price agreement N1000008098 with Lillestrand and Associates for staff development and consulting services ($20,000; new total $45,000); and authorize Purchasing Agent or designee to extend term for one year, 7/1/07 - 6/30/08 ($40,000) - All Districts

18. Approve amended price agreement N1000006707 with Moreland and Associates, Inc. for Treasurer's Compliance Audit, 1/1/08 - 6/30/09; and authorize Purchasing Agent or designee to increase deliverables ($190,000) - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

*** 19. Approve agreement with Coast Community College District to provide case management and training services for high growth job training initiative biotechnology trainees, 4/18/07 - 3/31/08 ($175,000); and authorize Director or designee to modify policies and procedures, agreement, increase up to $225,000 and extend term for additional year without Board action under certain conditions - All Districts**

32154

APPROVED AS RECOMMENDED

20. Terminate Memorandum of Understanding with Huntington Beach for managing City's Community Job Center; and authorize Director or designee to execute related

documents - District 2

INTEGRATED WASTE MANAGEMENT DEPARTMENT

21. Receive bids and award contract to SFM Constructors, Inc. for construction of potable and fire water system improvements, Frank R. Bowerman Landfill ($353,245.32); and make California Environment Quality Act findings - District 3

22. Select Dudek as primary and LSA Associates, Inc., as alternate firms to provide biological monitoring support services for Central Region Landfills; and authorize negotiation of agreement for Board approval - District 3

23. Adopt resolutions certifying Final Environmental Impact Report 588 for Regional Landfill Options for Orange County Strategic Plan; approving Olinda Alpha Landfill Implementation Project; making California Environmental Quality Act and other related findings; and direct staff to negotiate cooperative agreement with Brea - All Districts

RESO: 07-044 - 07-045

JOHN WAYNE AIRPORT

*** 24. Approve price agreement N1000008632 with Airport Concession Consultants, Inc. for Professional Disadvantaged Business Enterprise Program services, 4/17/07 - 4/16/10 ($166,500); renewable for two additional years per Board policy ($55,500 per year); and make California Environmental Quality Act findings - District 2**

23154

APPROVED AS RECOMMENDED

ORANGE COUNTY PUBLIC LIBRARY

25. Approve price agreement N1000008452 with United Maintenance Systems for janitorial services, Irvine/Heritage Park Regional Branch Library, 5/1/07 - 4/30/08 ($25,974); renewable for two additional years without further Board action - District 3

*** 26. Approve amendment 2 to price agreement N1000008254 with California Retrofit, Inc. for lighting repair and maintenance services, 10/1/06 - 9/30/07 ($35,000; new total $50,000); renewable for two additional years per Board policy ($50,000 per year) - All Districts**

21354

APPROVED AS RECOMMENDED

27. Approve price agreement N1000008577 with Pacific Eagle International Security, Inc. for unarmed security guard services for various branch libraries, 5/1/07 - 4/30/08 ($142,000); renewable for two additional years per Board policy - All Districts

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

28. Approve plans and specifications and set bid opening for 5/23/07, 2:00 p.m., for construction of restrooms, Joplin Youth Center; and make California Environmental Quality Act findings - District 3

*** 29. Receive and file Traffic Committee Report dated 2/15/07; approve recommendations; and adopt necessary resolutions - All Districts**

43125

APPROVED AS RECOMMENDED

RESO: 07-046 - 07-047

30. Adopt resolution establishing standard plans and specifications with modifications, deletions, and revisions for various public facilities; and authorize printing, distribution and sale of addendum no. 1 to "RDMD Standard Plans, 2006 Edition" - All Districts

RESO: 07-048

31. Accept work with R. J. Noble Company for asphalt overlay resurfacing of various streets in Orange County, 2004-05; project completed 2/15/06 ($614,042.63) - District 3

32. **Accept work with Refrigerated Air Mechanical Services** **for heating, ventilation and air conditioning expansion, Maternal, Child and Adolescent Health Clinic; project completed 3/15/07 ($167,091.46) - District 1**

33. **Accept easement deed from John C. Hall** **for street and highway right-of-way purposes, unincorporated Orange County; and make California Environmental Quality Act findings - District 1**

34. **Approve plans and specifications and set bid opening for 6/6/07, 2:00 p.m.**, **for relocation of weapons screening, Central Justice Center; and make California Environmental Quality Act findings - District 1**

35. **Receive bids and award contract to Western Group, Inc.** **for replacement of lighting controls of Board of Supervisors Hearing Room, Hall of Administration ($178,700) - District 1**

36. **Receive bids and award contract to Spec Construction Company, Inc.** **for new restroom building, Laguna Niguel Regional Park ($287,500) - District 5**

37. **Approve plans and specifications and set bid opening for 5/9/07, 2:00 p.m.**, **for asphalt overlay resurfacing of various streets in Orange County; approve agreement D06-111 with La Mirada for resurfacing of Ashgrove Avenue and Stanton Avenue; and make California Environmental Quality Act findings - Districts 1, 3 & 4**

38. **Authorize release of security** **for street improvements, street lights, sewer and water systems, and monumentation, Tract 16384, Standard Pacific Corporation, Ladera Ranch area - District 5**

39. **Reject bid of ThyssenKrupp Elevator**; **approve revised plans and specifications and set bid opening for 5/23/07, 2:00 p.m., for elevator renovations, Health Care Agency - District 1**

40. **Authorize release of security** **for street improvements, street lights, and monumentation, Tract 16424, Irvine Community Development Company, Newport Coast area - District 5**

41. **Authorize release of security** **for street improvements, street lights and monumentation, Tract 16425, Irvine Community Development Company, Newport Coast area - District 5**

42. Authorize release of security for street improvements, street lights, sewer and water systems, and monumentation, Tract 16385, Standard Pacific Corporation, Ladera Ranch area - District 5

43. Authorize release of security for street improvements, street lights, sewer and water systems, and monumentation, Tract 16386, Standard Pacific Corporation, Ladera Ranch area - District 5

44. Authorize release of security for street improvements, street lights, and monumentation, Tract 16422, Irvine Community Development Company, Newport Coast area - District 5

45. Accept work of P&D Landscape Management Services for Talbert Nature Preserve wetland enhancement; project completed 4/29/05 ($229,626) - District 2

46. Accept work of CASCO Contractors, Inc. for remodeling of space for future security project, North Justice Center; project completed 3/21/07 ($710,896) - District 4

47. Accept work of ARB, Inc. for Irvine Regional Park sewer conversion; project completed 4/25/05 ($3,986,219.16) - District 3

48. Approve price agreement N1000008676 with Santa Fe Building Maintenance for janitorial services at various Resources and Development Management Department facilities, 5/1/07 - 4/30/08 ($49,853); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - District 1

49. Approve agreement D07-011 with Yorba Linda for installation of traffic signal and lighting at the intersection of Fairmont Boulevard and Old Ranch Road/Futura Drive; and make California Environmental Quality Act findings - District 3

*** 50. Receive and file report on Park Ranger Civil Citation Program - All Districts**

23154

RECEIVED AND FILED

Acting as the Orange County Flood Control District:

51. Approve agreement D07-005 with DMJM Harris for on-call engineering services, three-year term ($200,000); and make California Environmental Quality Act findings - All Districts

52. Approve acquisition contract with Ernest Bryant III, et al and grant of easement from Seal Beach for purchase of real property, Los Alamitos Pump Station; authorize Director or designee to execute related documents; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 2

SOCIAL SERVICES AGENCY

*** 53. Approve acceptance of donation from Frederick J. Hanshaw Properties for purchase of goods and/or services for Orangewood Children's Home ($25,000) - All Districts**

21354

APPROVED AS RECOMMENDED

54. Select Goodwill Industries of Orange County as provider for sign language interpretation services, 7/1/07 - 6/30/08; and authorize negotiation of agreement for Board approval - All Districts

PUBLIC PROTECTION

55. Probation - Approve license with Garden Grove for use of softball field #4, for Youth Guidance Center C.I.F. League Baseball Games, Garden Grove Park, 4/10/07- 5/1/07; and make California Environmental Quality Act findings - District 1

GENERAL ADMINISTRATION

56. Supervisor Campbell - Approve waiver of permit and vendor fees for the use of Mason Regional Park for California Heart Connection's 7th Annual picnic on 6/3/07

END OF CONSENT CALENDAR

*** III. DISCUSSION ITEMS (Items 57-77)**

ELECTED DEPARTMENT HEADS

Assessor Department:

*** 57. Approve price agreement N1000008637 with ARK Technologies for technical services and systems application support for the Assessment Tax System, 4/18/07 - 6/30/08 ($437,808); renewable for three additional years - All Districts**

23154

APPROVED AS RECOMMENDED

*** 58. Approve price agreement N1000008638 with Napoleon Dogaru dba Modern eConcepts for technical services and systems application support of the Assessment Tax System, 4/1/07 - 6/30/08 ($214,620); renewable for three additional years - All Districts**

32154

APPROVED AS AMENDED TO REQUIRE FUTURE RENEWALS TO RETURN TO THE BOARD FOR APPROVAL

*** 59. Sheriff-Coroner - Approve agreement with Anaheim for transfer or purchase of equipment and reimbursement of training costs regarding FY06 Urban Areas Security Initiative; accept related funding from Anaheim ($1,658,707); authorize Sheriff-Coroner to execute agreement and amendments under certain conditions; authorize Purchasing Agent to purchase related equipment; and make related budget adjustments - All Districts (4/5 vote)**

23154

APPROVED AS RECOMMENDED

HEALTH CARE AGENCY

*** 60. Approve Memorandum of Understanding with Orange County Department of Education for seriously emotionally disturbed students, 7/1/06 - 6/30/08 - All Districts**

*** 53124**

APPROVED AS RECOMMENDED

*** 61. Provide policy direction to staff regarding Senate Bill 420, The Medical Marijuana Program Act - All Districts**

43125 NN N

MOTION TO DIRECT STAFF TO FORMULATE A DRAFT POLICY FOR ISSUANCE OF MEDICAL MARIJUANA ID CARDS AND RETURN TO THE BOARD IN 90-DAYS WITH RECOMMENDATION FAILED TO CARRY

5

MOTION TO DIRECT STAFF TO STUDY PROCESS AND ISSUES THAT WILL HAVE TO BE UNDERTAKEN OR CONSIDERED IN THE EVENT THE APPELLATE COURT ALLOWS MEDICAL MARIJUANA ID CARDS AND EVALUATE COST, IMPACTS TO LAW ENFORCEMENT AND EVALUATE SUCCESS AND COMPARISON OF POSITIVE AND NEGATIVE IMPACTS FOR THOSE COUNTIES THAT HAVE ALREADY IMPLEMENTED SUCH A PROGRAM AND RETURN TO THE BOARD WITH REPORT WITHIN 90-DAYS DIED FOR LACK OF SECOND

43125 N

DIRECTED STAFF TO FORMULATE A DRAFT POLICY FOR ISSUANCE OF MEDICAL MARIJUANA ID CARDS AND RETURN TO THE BOARD IN 90-DAYS WITH RECOMMENDATION. STAFF TO PROVIDE BOARD WITH A STUDY OF LOCAL LAW ENFORCEMENT ISSUES, THE EXPERIENCE OF LAW ENFORCEMENT AND HEALTH CARE DEPARTMENTS BY THOSE COUNTIES THROUGHOUT THE STATE THAT HAVE IMPLEMENTED AN ID CARD PROGRAM; DIRECTED STAFF TO CREATE DIALOG WITH OC CITY LAW ENFORCEMENT AND OC CITY OFFICIALS WITH THE UNDERSTANDING THAT THIS POLICY/STUDY DOES NOT INCLUDE ANY MARIJUANA DISPENSARY ISSUES; AND FURTHER DIRECTED STAFF TO PROVIDE A COST STUDY TO

IMPLEMENTATION PROGRAM AND A LEGAL UPDATE ON THE PENDING SAN DIEGO COUNTY APPELLATE CASE

62. Approve agreement 06-76302-000 with State Department of Mental Health for mental health services, 7/1/06 - 6/30/07 ($4,376,051); and authorize Director or designee to execute agreement - All Districts

31254

APPROVED AS RECOMMENDED

63. Approve amendment 3 to master agreement with various providers for post custody re-entry services for substance abusers, 7/1/05 - 6/30/07 ($25,000; new total $819,148); and authorize Director or designee to execute agreements - All Districts

32154

APPROVED AS RECOMMENDED

HOUSING AND COMMUNITY SERVICES DEPARTMENT

64. Approve amendment 2 to agreement with University of California, Irvine Extension to provide training for entry-level, career transitioning and incumbent workers for biotechnology and healthcare industries, 7/1/06 - 3/31/08 ($290,000; new total $637,000); and authorize Director or designee to execute agreement, extend term to 6/13/08 and increase up to additional $900,000 without further Board action under certain conditions - All Districts

31254

APPROVED AS RECOMMENDED

JOHN WAYNE AIRPORT

65. Approve leases with American and United Airlines for Airline Club Room operations; and make California Environmental Quality Act findings - District 2 (4/5 vote)

23154

APPROVED AS RECOMMENDED

66. Approve plans and specifications and set bid opening for 5/16/07, 2:00 p.m., for renovation of eight existing restrooms, Thomas F. Riley Terminal Building; and make California Environmental Quality Act findings - District 2

23154

APPROVED AS RECOMMENDED

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

67. Consider first reading of "An Ordinance Amending Section 2-5-2 of the Codified Ordinances of the County of Orange, Defining the Meaning of "Director" and Section 2-5-15 Delegating Authority to Set the Public Hours of County Recreation Facilities,"; and set second reading and adoption for 4/24/07, 9:30 a.m. - All Districts

31254

APPROVED AS RECOMMENDED

Acting as the Orange County Flood Control District:

68. Approve contract change order no. 12 to agreement D04-043 with Kiewit Pacific Company for full and final release of construction claim arising from previously completed improvements to Huntington Beach Channel from Indianapolis Avenue to Adams Avenue ($258,142.80) - District 2

23154

APPROVED AS RECOMMENDED

69. Approve offer and agreement and quitclaim deed with Placentia-Yorba Linda

Unified School District for purchase of real property, Carbon Creek Channel; authorize Director or designee to execute related documents; and make California Environmental Quality Act and other findings - District 4

43125

APPROVED AS RECOMMENDED

70. Approve amendment 4 to agreements D03-008 with Epic Land Solutions, Inc. and D03-009 with Overland, Pacific & Cutler, Inc. for real property acquisition, relocation assistance program and related support services, Prado Dam, extending terms one year - All Districts

23154

APPROVED AS RECOMMENDED

PUBLIC PROTECTION

71. Probation - Adopt resolution approving submission of amended Orange County Comprehensive Multi-Agency Juvenile Justice Plan to State Board of Corrections, FY 2007-2008; and authorize Chief Probation Officer to execute application - All Districts

25134

APPROVED AS RECOMMENDED

RESO: 07-049

GENERAL ADMINISTRATION

County Executive Office:

72. Consider continuation of membership with National Association of Counties (NACo) - All Districts (Continued from 2/27/07, Item 63; 3/13/07, Item 43)

21354

APPROVE CONTINUATION OF MEMBERSHIP

73. Adopt resolution revising Workers' Compensation Claims settlement procedures to authorize CEO/Risk Management to settle workers' compensation claims if settlement amount is less than $100,000, excluding statutorily required payments pursuant to Labor Code - All Districts (Continued from 3/27/07, Item 61)

B.O. DELETED

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

34125

APPROVED AS AMENDED TO ADD SUPPORT OF AB 1458

75. Approve revised and condensed request to submit grant application ASR process for Board approval; implement review process of grant applications; and consider options for accepting grant funds and provide Board direction on modifications to County Grants Application Process - All Districts

35124

APPROVED AS RECOMMENDED, SELECTED OPTION "C" UNDER RECOMMENDATION ACTION #3

Human Resources Department:

76. Approve price agreement N1000008597 with SHPS, Inc. for Health Care Management Program, 5/1/07 - 4/30/10 ($2,198,820); renewable for two additional years per Board policy - All Districts

B.O. CONTINUED TO 4/24/07, 9:30 A.M.

77. Approve Memorandum of Understanding with Orange County Managers Association for Administrative Management Unit - All Districts

32154

APPROVED AS RECOMMENDED

IV. PUBLIC HEARINGS (Item 78)

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

78. Public Hearing to consider adopting resolution approving 2007 Weed Abatement Program; and direct Resources and Development Management Department to report back to the Board on 8/7/07 and 8/5/08 with itemized cost reports - All Districts

B.O. CLOSED PUBLIC HEARING

32154

APPROVED AS RECOMMENDED

RESO: 07-050

V. CLOSED SESSION (Items CS-1-CS-2)

GENERAL ADMINISTRATION

*** CS-1. County Counsel - 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

*** CS-2. Chairman Norby - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957: Title: Clerk of the Board**

B.O. HELD, NO REPORTABLE ACTION

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

PUBLIC COMMENTS:

Darrell Nolta - Oral Re: Medical Marijuana Program/Laws

Karen Finn - Oral Re: 241 toll road booth problems; Soup Plantation health issues; and jail problems

Bruce Cohen - Oral Re: Law enforcement safety issues regarding lack of emergency reception in the Ortega Highway area

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS:

Supervisor Moorlach - Oral Re: Directed CEO to investigation claims made by Mr. Cohen and report back to the Board

Supervisor Campbell - Oral Re: Directed CEO to have the Chief Probation Officer provide Board with an update on the Los Pinos walk-off status and department policies following a walk-off in two weeks

ADJOURNED: 4:30 P.M.

54123

Adjourned in memory of Stephanie Dorey

24135

Adjourned in memory of Paul Brecht and Joe MacPherson

34125

Adjourned in memory of Phyllis Ann Woodward Campbell

42135

Adjourned in memory of Cecil Hicks

***** 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)

CHRIS NORBY, CHAIRMAN

Orange County Board of Supervisors

DARLENE J. BLOOM

Orange County Clerk of the Board