REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, January 13, 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: 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 Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

The Oath of Office was administered to Supervisors Janet Nguyen and Bill Campbell

II. CONSENT CALENDAR (Items 1-31)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 14 & 31 WHICH WERE CONTINUED TO 1/27/09, 9:30 A.M.; AND ITEMS 4, 5, 7 & 29 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

GENERAL ADMINISTRATION

1. **Supervisor Campbell -** Adopt resolution commemorating the dedication of UCI's University Hospital
RESO: 09-001

BOARD APPOINTMENTS

Chair Moorlach:

2. Law Library Board of Trustees - Appoint Thomas C. Edwards, Fullerton and Beatrice A. Tice, Irvine, to complete terms ending 12/31/09

3. Orange County Veterans Advisory Council - Appoint Angela K. Ridgon, Huntington Beach, to complete term ending 1/2/11

DEPARTMENT APPOINTMENTS

4. **Health Care Agency -** Orange County HIV Planning Council - Appoint Tony Barnett, Newport Beach; Shawn Coakley, Costa Mesa; Sarah Kasman, Lake Forest; Jonathan Kostka, Huntington Beach; Leslie Wilson, Rancho Santa Margarita; Phil Yaeger, Irvine and reappoint Amanda Acabeo, Tustin; Andy Encinas, Santa Ana; Rosie Galvan, Santa Ana; Jerry Lail, Irvine; Shelly Lummus, Cypress and Miles Wood, Costa Mesa, for terms ending 12/31/10 - All Districts (Continued from 11/25/08, Item 1; 12/9/08, Item 4)

23145 N **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

District Attorney:

5. Set Public Hearing for 1/27/09, 9:30 a.m., to consider establishment of a recording fee for Real Estate Fraud Prosecution Trust Fund - All Districts

32145 N **APPROVED AS MODIFIED TO SET PUBLIC HEARING DATE FOR 2/10/09, 9:30 A.M., AND DIRECTED STAFF TO INCLUDE A THREE-YEAR SUNSET DATE FOR PROPOSED FEE**

6. Set Public Hearing for 1/27/09, 9:30 a.m., to consider establishment of a fee for the collection and processing of DNA - All Districts

Sheriff-Coroner:

7. Receive and file annual Inmate Welfare Fund Expenditure Report for FY 2007-08 ($4,075,106) and Revenue Report ($4,083,041) - All Districts

23145 **APPROVED AS RECOMMENDED**

8. Authorize use of County resources for the Southern California Jail Managers Association meeting to be held on 1/15/09 at the Regional Training Academy ($2,000); and make appropriate findings - All Districts

CHILD SUPPORT SERVICES

9. Approve purchase order with Informatix Inc. for software license fees and maintenance support services, 8/3/08 - 10/31/08 ($1,879) - All Districts

HEALTH CARE AGENCY

10. Approve agreement with State Department of Public Health for AIDS Drug Assistance Program, 7/1/08 - 6/30/09 ($49,881) - All Districts

11. Approve amendment to agreement 07-65120 A01 with State Department of Public Health for Children's Dental Disease Prevention Program, 7/1/08 - 6/30/10 ($26,691 decrease; new total $240,219 per year); and authorize Director or designee to execute Contractors Release form upon submission of final invoice - All Districts

12. Adopt resolution approving grant agreement EA19-08-26 with California Integrated Waste Management Board for enforcement assistance and payment request for solid waste management, 7/1/08 - 6/30/09 ($44,219); and authorize Director or designee to execute grant agreement and related documents - All Districts
RESO: 09-002

13. Approve master agreement with various providers for HIV Health Care services, 3/1/09 - 2/28/11; and authorize Director or designee to execute individual agreements - All Districts

14. Approve purchase order PC 042 P0900603198 with Hospital Association of Southern California for purchase of Hospital Emergency Administrative Radio equipment ($225,889) - All Districts
32145 **CONTINUED TO 1/27/09, 9:30 A.M.**

JOHN WAYNE AIRPORT

15. Authorize Director to allocate regulated average daily departures, seat capacity, remain over night and passenger capacity to scheduled commercial and commuter air carriers under Commercial Airline Access Plan and Regulation for 2009-10 Plan Year; approve related actions; and make California Environmental Quality Act findings - District 2

OC DANA POINT HARBOR

16. Approve plans and specifications and set bid opening for 2/4/09, 2:00 p.m., for Dana Wharf Restroom project; and make California Environmental Quality Act findings - District 5

OC COMMUNITY RESOURCES

17. Approve change order no. 1 with Prava Construction Services, Inc. for expansion of community room, Dana Point Branch library ($17,551; new total $117,051); and make California Environmental Quality Act findings - District 5

18. Approve amendment 3 to agreement D06-003 with LSA Associates, Inc. for preparation of Aliso and Wood Canyons Wilderness Park Resource Management Plan, extending term 2/1/09 - 1/31/10; and make California Environmental Quality Act findings - District 5

19. Accept cash donation from Angels Baseball, LP for feeding, sheltering and caring of animals at OC Animal Care Shelter ($12,000) - All Districts

20. Authorize OC Public Libraries to establish Foster Child Library Card Program and approve waivers of overdue fines and one time lost item fine for participants of program, effective 1/27/09 - All Districts

21. **Acting as the Board of Supervisors and Orange County Development Agency** - Adopt 2008-09 Budget and Orange County Development Agency Work Program - All Districts

OC PUBLIC WORKS

22. Accept work of SEMA Construction, Inc. for Crown Valley Parkway Phase II from Jardines to Ladera Planned Community Boundary; project completed 11/18/05 ($5,751,669.66) - District 5

23. Accept quitclaim deed from Huntington Beach for right-of-way of Edinger Avenue Bridge; and make California Environmental Quality Act findings - District 2

24. Approve amendment 1 to lease and memorandum with Laguna Beach for addition of 227.9 acres of land to Laguna Coast Wilderness Park; and make California Environmental Quality Act findings - District 5

25. Approve plans and specifications and set bid opening for 2/18/09, 2:00 p.m., for replacement of four picnic shelters, Mason Regional Park, Irvine; and make California Environmental Quality Act findings - District 3

26. Receive bids and award contract to GEMS Environmental Management Services, Inc. for Phase II Vapor Recovery Upgrade at various locations, Santa Ana and Laguna Niguel ($265,627) - Districts 1 & 5

27. Approve plans and specifications and set bid opening for 3/11/09, 2:00 p.m., for replacement of Modjeska Pedestrian Bridge, Silverado; and make California Environmental Quality Act findings - District 3

OC WASTE & RECYCLING

28. Approve plans and specifications and set bid opening for 2/18/09, 2:00 p.m., for Gas Collection and Control System for Cannery Street Former Refuse Disposal Station; and make California Environmental Quality Act findings - District 2

SOCIAL SERVICES AGENCY

29. Approve agreement CAA4708 with A White and Yellow Cab, Inc. to provide general transportation services to children at Orangewood Children's Home and Court Return Facility, 1/15/09 - 6/30/09 ($43,333); and authorize Director or designee to extend term for six additional months - All Districts

31245 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

30. **Clerk of the Board** - Approve price agreement N1000010682 with Municipal Code Corporation for Codified Ordinance Supplement services, 1/15/09 - 12/31/11 ($15,000)

- All Districts

31. **County Executive Office -** Adopt Countywide Information Technology Strategic Plan and Information Technology Working Group revised Mission Statement - All Districts

32145 **CONTINUED TO 1/27/09, 9:30 A.M.**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 32-S50A)

ELECTED DEPARTMENT HEADS

32. **District Attorney -** Approve price agreement N1000010493 with The Bode Technology Group, Inc. for DNA processing services, 1/14/09 - 12/31/09 ($250,000); renewable for four additional one-year periods; approve contingency increase not to exceed 10% - All Districts

31245 **APPROVED AS RECOMMENDED**

33. **Sheriff-Coroner -** Ratify approval of amendments to price agreement N1000004861 with Southwest Mortuary Services Incorporated for body transport services for the period 12/1/02 – 2/29/08; and approve price agreement N2000009480 in an amount not to exceed $300,000, 1/15/09 – 4/14/10 – All Districts

32145 **APPROVED AS RECOMMENDED**

34. **Treasurer-Tax Collector -** Adopt resolution authorizing sale and issuance of Los Alamitos Unified School District General Obligation Bonds of School Facilities Improvement District No. 1 Election of 2008, Series 2009 ($27,000,000) - District 2

23145 **APPROVED AS RECOMMENDED**
RESO: 09-003

HEALTH CARE AGENCY

35. Approve amendment 1 to master agreement with various hospital providers for adult mental health inpatient services, 7/1/08 - 6/30/9 ($3,100,000; new total $6,145,999); and authorize Director or designee to execute agreements - All Districts

31245 **APPROVED AS RECOMMENDED**

36. Approve agreements with State Department of Public Health for California Healthcare for Indigents Program ($185,196) and for Emergency Medical Services Appropriation fund, FY 2008-09 ($1,147,052); and approve submission of Description of Proposed Expenditures for California Healthcare for Indigents Program, FY 2008-09 - All Districts

43125 **APPROVED AS RECOMMENDED**

37. Approve agreement 08-85430 with State Department of Public Health for Women, Infants, and Children Supplemental Nutrition Program, 10/1/08 - 9/30/11 ($19,503,000); and authorize Director or designee to execute Contractor's Release form upon submission of final invoice - All Districts

43125 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

38. **Acting as the Board of Supervisors and Orange County Housing Authority -** Approve submission of applications and related agreements to U.S. Department of Housing and Urban Development and Federal Emergency Management Agency to transfer eligible designated participants and funding from Disaster Housing Assistance Program to Housing Choice Voucher Program, 1/15/09 - 1/31/12; and authorize Orange County Housing Authority to submit application to expand Family Unification Program and execute related agreements - All Districts

43125 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

39. Approve contract change order no. 2 to agreement D08-018 with KLM Construction, Inc. for Santiago Canyon Road Bridge SC-9 design and maintenance ($283,630) - District 3

34125 **APPROVED AS RECOMMENDED**

40. **Acting as the Orange County Flood Control District** - Approve acquisition contract and accept grant deed from John M. and Mary S. Rocha for purchase of real property for Prado Dam project ($13,135,000); authorize Director or designee to execute related documents; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - All Districts

31245 **APPROVED AS RECOMMENDED**

41. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve agreement D08-103 with Tetra Tech, Inc. for design services for relocation of Santa Ana River Interceptor Line between Prado Dam and Weir Canyon Road ($9,957,000); and authorize Director to return to the Board for additional authorization prior to proceeding with Work Order No. 2 - District 3

31245 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

42. Approve continuance of local emergency in connection with the Freeway Complex Fire; located at Olinda Alpha Landfill pursuant to Public Contact Code Section 22050 due to damages and lack of an operational landfill gas extraction, control, and groundwater
monitoring systems; set review to determine continuing need for emergency action for 1/27/09, 9:30 a.m., every 14 days thereafter; and make California Environmental Quality Act findings - All Districts (4/5 vote) (Continued from 12/16/08, Item S54B)

31245 **APPROVED AS RECOMMENDED**

43. Approve agreement with Geosyntec Consultants to provide Regulatory Compliance Support services term ending 7/31/10 ($755,000) - All Districts

43125 **APPROVED AS RECOMMENDED**

44. Deny bid protest of The Richardson Group; receive bids and award contract to Horizons Construction Company International, Inc. for new office building, Prima Deshecha Landfill ($3,655,106); and make California Environmental Quality Act findings - District 5

B.O. **CONTINUED TO 1/27/09, 9:30 A.M.**

SOCIAL SERVICES AGENCY

45. Select PROTOTYPES, Center for Innovation in Health, Mental and Social Services as provider for Mother and Child Residential Homes, Tustin Family Campus, 4/1/09 - 3/31/10; and authorize negotiation of agreement for Board approval - All Districts

43125 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

46. **Board of Supervisors -** Consider second reading and adoption of "An Ordinance of the County of Orange, California, Amending Sections 4-11-2(a) and 4-11-11, to the Codified Ordinances of the County of Orange regarding Orange County Health Authority" (Continued from 11/25/08, Item 49; 12/9/08, Item 42; 12/16/08, Item S54A)
13245 N **APPROVED AS RECOMMENDED**

ORD: 09-001

County Executive Office:

47. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
31245 **APPROVED AS RECOMMENDED**

48. Approve recommended grant applications submitted by Health Care Agency and authorize Health Care Agency Director or designee to certify property/facilities developed with these funds will be maintained and used to provide MHSA programs/services and/or support for a minimum of twenty years, OC Community Resources, Sheriff Department and Social Services Agency in 1/13/09 grant report and other actions as recommended; approve Memorandum of Understanding with Anaheim Housing Authority for Family Unification Program; and authorize Social Services Agency Director or designee to execute MOU - All Districts
21345 **APPROVED AS RECOMMENDED**

49. **Human Resources Department -** Adopt resolution approving Mandatory Work Furlough Policy - All Districts
23145 **APPROVED AS RECOMMENDED**
RESO: 09-004

50. **Board of Supervisors -** Election of Officers
21345 **NOMINATED AND ELECTED SUPERVISOR BATES AS 2009 CHAIR OF THE BOARD OF SUPERVISORS**

34125 **NOMINATED AND ELECTED SUPERVISOR NGUYEN AS 2009 VICE CHAIR OF THE BOARD OF SUPERVISORS**

ELECTED DEPARTMENT HEADS

S50A. **Sheriff-Coroner -** Oral Report on concealed Carry Weapons and the Department of Justice findings on revocation of Carry Concealed weapons permits - All Districts
PRESENTED

IV. PUBLIC HEARINGS (Item 51)

OC PUBLIC WORKS

51. Public hearing to consider first reading of "An Ordinance of the County of Orange, California to Adopt the 2008/2009 Building and Planning Schedules Including the

2008/2009 Building and Safety, Planning, Subdivision and Grading Permit Deposit and Fee Schedule, and the 2008/2009 Building and Safety and Planning Rate Table"; and set second reading and adoption for 1/27/09, 9:30 a.m.; direct staff to reevaluate fee rates every six months and return to the Board with adjustments as required; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

23145 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Items CS-1-SCS-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, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT REGARDING THE OC CAFE. 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 Case: Vince v. County of Orange, Department of Child Support Services, OCSC No. 08FL000395

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED THE FILING OF AN APPEAL IN THE CASE OF VINCE V. COUNTY OF ORANGE, DEPARTMENT OF CHILD SUPPORT SERVICES.**

SCS-3. **County Counsel -** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Counsel

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

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

PUBLIC COMMENTS:
Denis Fitzgerald - Oral Re: Elections in OC - Candidate Statement Charges recent litigation

Darrell Nolta - Oral Re: Concerns regarding recent death of woman shot by OC deputy and local PD

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:

Supervisors Campbell & Bates - Oral Re: AB 1234 Report: Announced their recent trip to Sacramento re: modification to mitigation funds held for fish & game projects and met with other legislators (discussed during item 47, Legislation).

Supervisors Norby, Campbell, Moorlach - Oral Re: Directed CEO to provide board with an analysis of the termination of Maximus Agreement as to the cost effectiveness of transferring services to staff. Staff was directed to also provide analysis of 50/50 split vs. an all or nothing option along with a transition plan.

All Board Members thanked Supervisor Moorlach for his leadership as Chair last year and congratulated Supervisor Bates and Nguyen on their election as Chair and Vice Chair for this year.

Chair Bates announced the leaving of her Chief of Staff, Justin McCusker and wished him well.

ADJOURNED: 3:12 P.M.

15234 **Adjourned in memory of Tiffany Le**

25134 **Adjourned in memory of Dave Wheeler**

25134 **Adjourned in memory of Donald Callendar**

25134 **Adjourned in memory of Nick Scandone**

51234 **Adjourned in memory of Kaydee Royce Campbell**

35124 **Adjourned in memory of Lynn Livingston**

*** 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