REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, May 20, 2008, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

JOHN M. W. MOORLACH
CHAIR
Second District

PATRICIA BATES
VICE CHAIR
Fifth District

JANET NGUYEN
SUPERVISOR
First 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 Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Moorlach - Update from Acting Sheriff Jack Anderson

II. CONSENT CALENDAR (Items 1-22)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 4 WHICH WAS MOVED TO DISCUSSION; AND ITEMS 6, 8, 17 & 22 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

Auditor-Controller:

1. Approve deletion of dismantled, missing, obsolete, stolen and surplused equipment items from department/agency capital asset inventories - All Districts

2. Acting as the Board Supervisors and the Orange County Flood Control District - Set

6/17/08 as the date to establish appropriations limits for entities governed by County Board of Supervisors for FY 2008-2009 (document available for public review in the Office of the Auditor-Controller, commencing 5/30/08) - All Districts

Sheriff-Coroner:

3. Approve price agreement N1000009886 with Amtec Engineering Corporation for WebEOC software, temporary information technology personnel services, 5/20/08 - 5/19/10 ($205,920) - All Districts

4. Ratify execution of Memorandum of Understanding with Naval Criminal Investigative Service for participation in the Southern California Law Enforcement Information Exchange - All Districts

35142 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

5. Approve agreement with Healthy Smiles for Kids of Orange County for Children's Dental Disease Prevention services, 7/1/08 - 6/30/09 ($205,243); and authorize Purchasing Agent or designee to exercise contingency increase not to exceed 10% - All Districts

JOHN WAYNE AIRPORT

6. Approve plans and specifications and set bid opening for 6/18/08, 2:00 p.m., for Terminals A, B and C Passenger Boarding Bridges; and make California Environmental Quality Act and other findings - District 2 (Continued from 5/6/08, Item 16)

23145 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

7. Approve letter of support to U.S. Department of Commerce, Economic Development Administration for funding of Anaheim Canyon Infrastructure Development Project - Districts 3 & 4

8. Approve Workforce Investment Act Cost Reimbursement agreement 16-V-08 with Coast Community College District for employment and training services for Veterans, 3/1/08 - 2/28/10 ($315,000); and authorize Director or designee to execute agreement - All Districts

25134 **APPROVED AS RECOMMENDED**

9. Receive bids and award contract to De La Secura, Inc. dba DLS Builders for Phase II ADA Restroom Upgrade, Garden Grove Regional Branch Library ($155,359.55) - District 1

10. Receive bids and award contract to O.C. Sunny, Inc. for Phase II ADA Restroom Upgrade, Seal Beach Library ($97,444) - District 2

OC PUBLIC WORKS

11. Approve agreement D08-013 with W.G. Zimmerman Engineering, Inc. for on-call professional services for road projects, three-year term ($200,000); and make California Environmental Quality Act findings - All Districts

12. Approve Memorandum of Understanding with San Diego Unified Port District, San Diego and Oceanside for Regional Harbor Monitoring Program; authorize OC Public Works and OC Dana Point Harbor Directors to execute Memorandum of Understanding; and make California Environmental Quality Act findings - District 5

13. Approve change order no. 3 with Medina Systems Contracting for Juvenile Hall Security Upgrade project ($82,185.95; new total $269,793.95) - District 3

14. Approve agreement D08-014 with Hall & Foreman, Inc. for on-call professional services for road projects, three-year term ($200,000); and make California Environmental Quality Act findings - All Districts

15. Approve Commercial Day Camp License with Knowledge Learning Corporation School Partnerships dba Science Adventures for day camps in County regional parks, 6/1/08 - 5/31/11 – Districts 3, 4 and 5

16. Approve price agreement N1000009925 with Action Electric Corporation for maintenance and repair of lighting systems, Central Justice Center and Central Annex Center, 6/1/08 - 5/31/11 ($254,040); and make California Environmental Quality Act findings - District 1

OC WASTE & RECYCLING

17. Approve plans and specifications and set bid opening for 7/16/08, 2:00 p.m., for Landfill Gas Collection and Control System project, former San Joaquin Refuse Disposal Station; and make California Environmental Quality Act findings - District 3

35142 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

18. **Probation** - Approve grant award agreement RT07070300 with State Office of Emergency Services for residential substance abuse treatment, 10/1/07 - 6/30/09 ($53,647); authorize Chief Probation Officer or designee to execute agreement; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

County Executive Office:

19. Approve price agreement N1000009950 with ACS State and Local Solutions for maintenance of Foundry Network Equipment, 6/1/08 - 5/31/09 ($149,500); and authorize Purchasing Agent or designee to add or delete equipment within the established monetary limits - All Districts

20. Approve agreement with OC Fair & Event Center for exhibit space for 2008 Orange County Fair; and authorize County departments and agencies to execute related documents - All Districts

21. **Human Resources Department** - Approve Memorandum of Agreement for continued appointment of Darlene Bloom, Clerk of the Board for salary increase ($139,526.40), effective 3/7/08 - All Districts

22. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for April 2008 - All Districts

25134 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 23-S53C)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

23. Approve amendment 1 to price agreement F1000002989 with Applera Corporation dba Applied Biosystems for purchase of DNA typing kits, 9/11/07 - 9/10/08 ($150,000; new total $295,000); renewable for four additional one-year periods per Board policy - All Districts

31452 **APPROVED AS RECOMMENDED**

24. Adopt resolution approving Amended Joint Powers Agreement for Integrated Law & Justice Agency for Orange County (ILJAOC); approve termination of supplemental agreement regarding COPLINK services and indemnification obligations with ILJAOC; approve amended COPLINK System Use Policy Agreement and authorize respective agency heads to execute agreements; direct Auditor-Controller to make appropriate payments and CEO to annually include costs in appropriate budget units ($271,630) - All Districts

35142 **APPROVED AS RECOMMENDED**
RESO: 08-058

25. **Treasurer-Tax Collector** - Approve 2008 Investment Policy Statement as amended - All Districts (Continued from 12/11/07, Item 15 and RA # 1 from 12/18/07, Item 36; 4/1/08, Item 24)

B.O. **DELETED**

HEALTH CARE AGENCY

26. Approve agreements with Orange County Association for Mental Health, dba Mental Health Association of Orange County ($817,531) and PacifiCare Behavioral Health, Inc., dba PacifiCare Behavioral Health Administrators ($5,517,671) for Mental Health services, 7/1/08 - 6/30/09 - All Districts

35142 **APPROVED AS RECOMMENDED**

27. Approve agreements with Child Guidance Center, Inc. ($4,538,498), Providence Community Services ($5,376,318) and Western Youth Services ($10,074,267) for Mental Health Outpatient services, 7/1/08 - 6/30/09; approve master agreement with various providers for Mental Health Outpatient services, 7/1/08 - 6/30/09; and authorize Director or designee to execute individual agreements - All Districts

35142 **APPROVED AS RECOMMENDED**

28. Approve agreements with Canyon Acres Children and Family Services ($935,435), Community Service Programs, Inc. ($577,914) and Florence Crittenton Services of Orange County dba Crittenton Services for Children and Families ($60,672) for Mental Health Day Treatment Intensive and Outpatient services, 7/1/08 - 6/30/09 - All Districts

35142 **APPROVED AS RECOMMENDED**

29. Approve agreements with College Community Services ($4,694,522), Mental Health Association of Orange County ($2,268,140) and Pacific Clinics ($2,462,165) for Behavioral Health services 7/1/08 - 6/30/09 - All Districts

35142 **APPROVED AS RECOMMENDED**

30. Approve agreements with Community Service Programs, Inc. ($1,232,466) and Child Abuse Prevention Center ($905,312) for Children's Crisis Residential and In-Home Crisis Stabilization Program services, 7/1/08 - 6/30/09 - All Districts

53142 **APPROVED AS RECOMMENDED**

31. Approve master agreement with various providers ofSubstance Abuse Crime Prevention Act Services, 7/1/08 - 6/30/09 ($5,463,600); and authorize Director or designee to execute agreements - All Districts

13452 **APPROVED AS RECOMMENDED**

32. Approve agreements with Providence Community Services for Children's Full Service/Wraparound Program services ($2,970,000) and Transitional Age Youth Full Service/Wraparound Program services ($4,213,000), 7/1/08 - 6/30/09 - All Districts

35142 **APPROVED AS RECOMMENDED**

33. Approve agreement with AIDS Services Foundation Orange County for HIV Housing services, 7/1/08 - 6/30/09 ($510,710) - All Districts

31452 **APPROVED AS RECOMMENDED**

34. Approve cooperative agreement with Santa Ana for housing and supportive social services for persons with HIV disease, 7/1/08 - 6/30/09 ($824,650) - All Districts

35142 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

35. Consider first reading of "An Ordinance of the Board of Supervisors of The County of Orange Amending Ordinance No. 3925 and the Orange County Neighborhood Development and Preservation Redevelopment Plan in Regard to Time Limits on Incurring Debt"; and set second reading and adoption for 6/3/08, 9:30 a.m. - All Districts

B.O. **CONTINUED TO 6/17/08, 9:30 A.M.**

36. Approve model agreements with St. Anselm's Cross Cultural Community Center, Inc., St. Jude Hospital, Inc. and South County Senior Services, Inc. for Senior Non-Emergency Medical Transportation services (SNEMT), FY 2008-09 ($1,886,817); authorize Director or designee to execute agreements; approve fee increase using Consumer Price Index; and approve postponement and release of SNEMT Program Request for Proposals until FY 2009-10 - All Districts

53142 **APPROVED AS RECOMMENDED**

37. Approve continued use of State Eligible Training Provider List for Workforce Investment Act classroom training vendor selection; and authorize Director or designee to execute individual agreements, 7/1/08 - 6/30/10 ($1,500,000) - All Districts

35142 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

38. Approve cooperative agreement with University of California, Irvine for former San Joaquin Refuse Disposal site; and make California Environmental Quality Act findings - District 3

35142 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

39. Approve master agreement ESH08-00 for Emergency Shelter Home services, 7/1/08 - 6/30/11; and authorize Director or designee to execute individual agreements - All Districts
13452 **APPROVED AS RECOMMENDED**

40. Select Catholic Charities of Orange County, Inc., Saint Anselm's Cross-Cultural Community Center and The Cambodian Family for refugee social services, 10/1/08 - 9/30/09; and authorize negotiation of agreements for Board approval - All Districts
53142 **APPROVED AS RECOMMENDED**

41. Select Olive Crest Treatment Centers, Inc. and Child Guidance Center, Inc. (joint proposal) and Western Youth Services and Children's Bureau of Southern California (joint proposal) for counseling and parent education services, 7/1/08 - 6/30/09; and authorize negotiation of agreements for Board approval - All Districts
53142 **APPROVED AS RECOMMENDED**

42. Approve renewal of price agreement N2000007940 with GCS, Inc. for janitorial and 24-hour porter services, Orangewood Children's Home, 6/1/08 - 5/31/09 ($201,924) - District 3
31452 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

43. Board Directive Response (1/29/08) - Receive and file Final Report on risk analysis of Orange County Treasurer's Investment Pools (Continued from 4/1/08, Item 36)
B.O. **DELETED**

44. Receive and file Treasurer-Tax Collector Implementation Plan in response to Treasurers Investment Pool Risk Analysis; direct CEO and Treasurer-Tax Collector to present Plan to Treasury Oversight Committee for review and comment and return to the Board for final approval - All Districts
53142 **APPROVED AS RECOMMENDED**

45. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
RECEIVED AND FILED

46. Approve recommended grant applications submitted by Health Care Agency, District Attorney and Sheriff Department in 5/20/08 grants report; and adopt resolution authorizing Sheriff-Coroner to execute and submit to Governor's Office of Emergency Services the FY 2008 Emergency Management Performance Grant Application for Assistance ($466,880) and Grant Assurances and authorize Sheriff-Coroner to execute related documents - All Districts
35142 X **APPROVED AS RECOMMENDED**

RESO: 08-059

47. Receive and file Quarterly Information Technology Project Status Detail and Executive

Summary Report for January - March 2008 and Risk Assessment Report for January - March 2008 - All Districts
RECEIVED AND FILED

48. Approve in concept issuance of Tax and Revenue Anticipation Notes for purpose of financing General Fund cash flow needs for FY 2008-09; and select Orrick, Herrington & Sutcliffe LLP as note and disclosure counsel, Kelling Northcross & Nobriga as financial advisor and De La Rosa & Co. as underwriter - All Districts
53142 X **APPROVED AS RECOMMENDED**

49. Acting as the Legislative Body of Community Facilities District 2002-1 (Ladera Ranch) - Approve amendment 2 to Acquisition, Funding and Disclosure agreement for Series A of 2003 Special Tax Bonds; and authorize Public Finance Manager to execute agreement - District 5
53142 X **APPROVED AS RECOMMENDED**

50. Consider options for redefining recommendations set forth in Resolution 96-202 to define public safety services for Prop 172 Maintenance of Effort, dated March 26, 1996 - All Districts
25134 X **APPROVED AS RECOMMENDED; SELECTED OPTION 4A**

51. Acting as the Board of Directors of Orange County Special Financing Authority - adopt resolution authorizing conversion, redemption, retirement or refunding of Teeter Plan Revenue Bonds, 1995 Series A through E, and approving other related matters and making related findings; Acting as the Board of Supervisors- adopt resolution authorizing issuance of Teeter Plan Obligations Commercial Paper Notes, Series A and additional Obligations in future pursuant to Supplemental Trust; approving other related matters; and making related findings; and select Dexia Credit Local, New York Branch as Letter of Credit Bank, Lehman Brothers Inc. as Commercial Paper Dealer Bank and US Bank National Association as Issuing and Paying Agent/Trustee for Commercial Paper Notes, Series A; approve financing in concept of 2008 Teeter Tax and Revenue Anticipation Notes in amount to be determined; and select De La Rosa & Co. as underwriter and remarketing agent - All Districts
53142 X **APPROVED AS RECOMMENDED**

RESO: 08-060 - 08-061

52. Acting as the Legislative Body of Community Facilities District No. 2004-1 (Ladera Ranch) - Approve amendment 1 to Acquisition, Funding and Disclosure agreement for Series A of 2005 Special Tax Bonds; and authorize Public Finance Manager to execute agreement - District 5 (Continued from 5/6/08, Item 47; 5/13/08, Item 28)
53142 X **APPROVED AS RECOMMENDED**

53. **Human Resources Department -** Approve transition of Law Enforcement Management from County health plans to Association of Orange County Deputy Sheriffs health plans, effective 7/1/08 - All Districts (Continued from 5/13/08, Item 30)
B.O. **DELETED**

ELECTED DEPARTMENT HEADS

S53A. **Sheriff-Coroner -** Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 for installation and acquisition of a CCTV Digital Surveillance and Recording System for Theo Lacy Facility, including inmate barracks and interior of guard stations; and set review to determine continuing need for emergency action for 6/3/08, 9:30 a.m. and every 14 days thereafter; and make California Environmental Quality Act findings - District 3 (4/5 vote) (Continued from 4/15/08, S32A; 4/29/08, Item 25; 5/13/08, Item 14)

35142 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S53B. **Supervisor Norby -** Discussion and possible direction to staff regarding the Sheriff-Coroner selection procedure

4 **MOTION TO NOT REQUIRE CANDIDATES TO SIGN ANY AGREEMENT REGARDING THEIR COMMITMENT TO NOT LISTEN TO OR GAIN INFORMATION REGARDING OTHER CANDIDATES RESPONSES TO QUESTIONS DIED FOR LACK OF SECOND**

35142 N **APPROVED AGREEMENT DATED MAY 15, 2008 FOR EXECUTION BY CANDIDATES THAT ARE INTERVIEWING FOR THE POSITION OF SHERIFF-CORONER ON MAY 27, 2008 SPECIAL MEETING**

ELECTED DEPARTMENT HEADS

S53C. **Auditor-Controller -** Approve price agreement N1000010022 with Vanrinek, Trine, Day & Co., LLP for independent auditing services, fiscal years ending June 30, 2008, 2009 and 2010 - All Districts

32145 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 54)

HEALTH CARE AGENCY

54. Public Hearing to consider adopting resolution approving Environmental Health Division Fee schedule update; rescinding Resolution 07-062, effective 7/1/08; and making California Environmental Quality Act findings - All Districts

NO ACTION TAKEN

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange v. Newport Golf Club, LLC, et al., Orange County

Superior Court Case No. 06CC12837

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR NGUYEN BEING ABSENT,1. APPROVED THE PROPOSED SETTLEMENT AND DELEGATED AUTHORITY TO COUNTY COUNSEL TO EXECUTE THE PROPOSED STIPULATION FOR SETTLEMENT, ENTRY OF INTERLOCUTORY JUDGMENT, AND ENTRY OF FINAL JUDGMENT AND FINAL ORDER OF CONDEMNATION BEHALF OF THE COUNTY AND TO FILE THE STIPULATION IN THE ACTION, COUNTY OF ORANGE V. NEWPORT GOLF CLUB, LLC, ET AL., ORANGE COUNTY SUPERIOR COURT CASE NO. 06CC12837.2. AUTHORIZED AND DIRECTED THE COUNTY AUDITOR-CONTROLLER TO ISSUE THE FOLLOWING PAYMENTS, FROM ROD FUND 115-115-l380-4100-00-ER11159, UPON REQUEST FROM COUNTY COUNSEL: (A) A CHECK IN THE AMOUNT OF $179,320.92, PAYABLE TO NEWPORT BAY TERRANCE, LLC: AND (B) SUCH OTHER CHECKS AS MAY BE REQUIRED FOR ESCROW, TITLE INSURANCE, RECORDING, AND/OR CLOSING COSTS RELATING TO THE COUNTY'S ACQUISITION OF THE EASEMENTS FROM NEWPORT BAY TERRANCE, LLC.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: In the Matter of Whistlejacket Capital Limited (in Receivership) and in the Matter of the Insolvency Act of 1986, Trial Court Case No. 01753 of 2008
(Continued from 5/13/08, CS-2)

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

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:
Pursuant to Government Code Section 54956.9(a):
Name of Case: Retired Employees Association of Orange County, Inc. v. County of Orange, United States District Court Case No. SACV 07-1301 AG (MLGX)

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

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

PUBLIC COMMENTS:
Darrell A. Nolta - Oral Re: Sheriff-Coroner selection process

Jerry Martinez - Oral Re: Homeless issues

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Chair Moorlach - Oral Re: Asked that staff assist Rossmoor in their possible incorporation vote and meeting with LAFCo next Thursday; and announced that he would have an item for the Board to consider regarding managing activities of the Director of Performance Audit and possible assignment to look at the Sheriff Department's overtime usage.

ADJOURNED: 1:19 P.M.

32145 **Adjourned in memory of Duane Allan Clinkscales**

52134 **Adjourned in memory of John Cuchessi**

12345 **Adjourned in memory of H. William Kirkwood**

*** 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