REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA Tuesday, February 27, 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

VACANT

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 Bates, Fifth District, gave the invocation**

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

I. PRESENTATIONS/INTRODUCTIONS

*** James McConnell, Washington, D.C. Legislative Advocate, provided an update on current Federal issues**

Swearing in ceremony for incoming Supervisor Nguyen

CONTINUED TO 3/6/07, 9:30 A.M.

*** II. CONSENT CALENDAR (Items 1-53)**

3254

APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 5 & 6

WHICH WERE DELETED; ITEMS 7, 8, 23, 30, 35, 38, 40, 41, 44, 46 & 49-51 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE

BOARD APPOINTMENTS

Supervisor Moorlach:

1. Orange County Planning Commission - Appoint Michael C. Adams, Huntington Beach, for term concurrent with 2nd District Supervisor's term of office

2. In-Home Supportive Services Advisory Committee - Appoint Robin Leland, Costa Mesa, for term ending 2/26/11

ELECTED DEPARTMENT HEADS

District Attorney:

3. Approve purchase order PC 026 P0700004425 with Spearhead Electronic Devices for purchase of .XRY cell phone forensic tool for Hi-Tech Crime Unit ($16,179.74) - All Districts

4. Approve purchase order PC 026 P0700004434 with Logicube, Inc. for purchase of CellDek Data Extraction Kit for Hi-Tech Crime Unit ($26,100.85) - All Districts

5. Approve purchase order PC 026 P0700004232 with Ronald Lee Moore for Understanding and Presenting Scientific Evidence in Driving under the Influence Prosecutions training as part of State Office of Traffic Safety DUI Vertical Prosecution Program ($1,573.60) - All Districts

DELETED

Sheriff-Coroner:

6. Select DMJM H&N as primary and STK Architecture as alternate firms for design

services for Intake Release Center Booking Loop Remodel; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 1 (Continued from 2/6/07, Item 9)

3254

DELETED

*** 7. Accept grant award from California Office of Traffic Safety for "Avoid the 10 DUI Campaign - South Orange County", 10/1/06 - 1/31/10 ($493,800); and ratify execution of grant award agreement - District 5**

2354

APPROVED AS RECOMMENDED

*** 8. Ratify submission of grant proposal to the State Office of Traffic Safety for "South County - Driver Safety Education Program for Teens" ($115,060); and authorize Sheriff-Coroner to execute grant agreement - District 5**

2435

APPROVED AS RECOMMENDED

9. Select DMJM H&N as primary and GKK Works as alternate firms for Sheriff's Southeast Station space needs study; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 5

10. Receive bids and award contract to H. L. Miller, Inc., for installation of a Lucks Oven at Theo Lacy Facility kitchen ($150,000) - District 3

11. Approve change order No. 2 with GKK Corporation for Emergency Operations Center security improvements ($50,073) - District 3

12. Approve reimbursement agreement and lease with Newport Beach for cost of new shared-use radio site facility to be constructed at Newport Beach City Utilities Yard ($240,000); and authorize Sheriff-Coroner to amend agreements under certain conditions

- District 2

CHILD SUPPORT SERVICES

13. Approve standard agreement 20-0099-08 with State Department of Child Support Services for continued inter-jurisdictional exchange of Child Support Services employee Rudy Tumagan to support California Child Support Automation System, 3/1/07 - 2/28/08; authorize Director or designee to execute agreement; and approve reimbursement of travel expenses - All Districts

HEALTH CARE AGENCY

14. Approve agreement with The Regents of the University of California to provide nursing students with clinical work experience, 2/27/07 - 2/26/12 - All Districts

15. Approve price agreement N1000008474 with CompUSA for related technical training, 3/1/07 - 2/28/08 ($40,000); renewable for four additional years per Board policy - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

16. Approve nonexclusive franchise agreement with Robert's Waste and Recycling to provide temporary bin construction and demolition debris services in County unincorporated areas; and authorize Director to execute agreement - All Districts

17. Approve entry permit from The Irvine Company LLC for access to property adjacent to Santiago Canyon Landfill to monitor well abandonment activities; and make California Environmental Quality Act findings - District 3

18. Approve plans and specifications and set bid opening for 4/4/07, 2:00 p.m., for construction of diesel tank replacement, Olinda Alpha Landfill; and make California Environmental Quality Act findings - District 3

19. Approve plans and specifications and set bid opening for 4/4/07, 2:00 p.m., for construction of the stormwater improvements, Santiago Canyon Landfill; and make California Environmental Quality Act findings - District 3

20. Approve price agreement N1000008543 with Technology Integration Group to

provide Cisco Smartnet maintenance services, 3/1/07 - 2/29/08 ($22,199); renewable for two additional one year terms per Board policy - All Districts

21. Approve amended agreement with Ware Disposal Company, Inc. for solid waste Franchise Area 5; and authorize Request for Proposals for exclusive solid waste handling services for Orange Park Acres and Canyon collection areas, 7/1/07 - 6/30/10 - District 3

ORANGE COUNTY PUBLIC LIBRARY

22. Receive bids and award contract to Refrigerated Air Mechanical Systems for replacement of HVAC equipment, Garden Grove Regional Library ($227,790) - District 2

*** 23. Approve submission of grant application to California State Library for "No Child Left Behind: Homework Help Beyond the 1st Year" grant funds for training, implementation, equipment and publicity to develop homework help service using student teachers - All Districts**

3425

APPROVED AS RECOMMENDED

24. Accept grant award from California Department of Education for English Language Civics and Education to provide literacy tutoring and resources for enhanced English skills, 2006-07 ($15,000) - All Districts

25. Approve purchase orders PC 120 P0700003616 with New Horizons Computer Learning for computer training course "2004 Implementing and Managing Microsoft Exchange Server 2003" ($2,340), PC 120 P0700003987 with BBC Audiobooks America for audiobooks on compact disc ($7,380.26), and PC 120 P0700004019 with Midwest Tape for educational DVDs ($5,354.18) - All Districts

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

26. Approve price agreement N1000008415 with AAA Backflow Device Testing for backflow prevention device inspection and testing, 3/1/07 - 2/29/08 ($60,000); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - All Districts

27. Approve agreement with Irvine and Irvine Community Development Company LLC for financing for Santiago Canyon Road Fee Program - District 3

28. Accept work with American Asphalt South, Inc. for slurry seal of various streets; project completed 9/23/05 ($1,024,448.83) - Districts 1 and 3

29. Approve plans and specifications and set bid opening for 4/4/07, 2:00 p.m., for barrier replacement for Santiago Canyon Road Bridge Project; and make California Environmental Quality Act findings - District 3

*** 30. Receive and file Traffic Committee Report dated 1/18/07; and approve recommendations - District 5**

5234

APPROVED AS RECOMMENDED

31. Accept work with MCM Construction, Inc. for Glassell Street Bridge widening, Santa Ana River Channel; project completed 7/17/06 ($5,826,206.16); and adopt resolution relinquishing County jurisdiction of a portion of Glassell Street - District 3

RESO: 07-024

32. Approve price agreement N1000008528 with Action Electric Corp. for lighting maintenance and repairs at various County facilities, 3/1/07 - 2/28/10 ($143,052); and make California Environmental Quality Act findings - Districts 1 and 3

33. Approve plans and specifications and set bid opening for 4/4/07, 2:00 p.m., for rehabilitation of roof system, Harbor Justice Center; and make California Environmental Quality Act findings - District 2

34. Receive bids and award contract to RS Elevator Corporation for elevator retrofits, Hall of Administration ($377,149) - District 1

*** 35. Approve amendment 4 to County Facilities Master Plan agreement with M. Arthur Gensler, Jr. & Associates, Inc. (dba Gensler) ($95,000); authorize Purchasing Agent or**

designee to execute amendments under certain conditions; and make California Environmental Quality Act findings - District 5

2435

APPROVED AS RECOMMENDED WITH THE UNDERSTANDING THAT THE CONTRACTOR WILL ADD ADDITIONAL INTERVIEWS WITH STAKEHOLDERS AT THE REQUEST OF BOARD OFFICES AND WITH DIRECTION TO STAFF TO WORK WITH THE CONTRACTOR ON POSSIBLE CONTRACT AMENDMENT FOR BOARD CONSIDERATION TO EVALUATE POSSIBLE RELOCATION OF THE CIVIC CENTER TO THE EL TORO LOCATION.

36. Receive bids and award contract to Exbon Development, Inc. for re-roofing of Laguna Niguel Park shelters ($148,900) - District 5

37. Approve plans and specifications and set bid opening for 3/21/07, 2:00 p.m., for sealing of pavement cracks of various streets in Orange County; and make California Environmental Quality Act findings - Districts 1, 2, 3 & 5

Acting as the Orange County Flood Control District:

*** 38. Approve agreement and quitclaim deed with Orange County Water District for purchase of real property, Carbon Creek Channel, Placentia ($280,630); authorize Director or designee to execute related documents; and make California Environmental Quality Act and other findings - District 4**

2435

APPROVED AS RECOMMENDED

39. Approve agreement D07-006 with Orange County Water District for reimbursement of increased operations and maintenance costs of Prado Dam - All Districts

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

*** 40. Approve in concept a portion of East Garden Grove Wintersburg Channel design, Huntington Beach; and make California Environmental Quality Act findings - District 2**

2435

APPROVED AS RECOMMENDED

*** 41. Approve extension of current firm list for on-call regulatory permitting and environmental services to 6/30/07; and authorize negotiation of agreements for Board approval - All Districts**

2354

APPROVED AS RECOMMENDED

SOCIAL SERVICES AGENCY

42. Approve amended price agreement N2000007602 with Orangewood Children's Foundation for production of Annual Report on the Conditions of Children in Orange County, 3/1/07 - 2/29/08 ($113,400) - All Districts

PUBLIC PROTECTION

Probation:

43. Approve Memorandum of Understanding with the Orange County Bar Foundation for provision of Substance Abuse, HIV and Hepatitis Prevention Services under the Brief Strategic Family Therapy Program for voluntary participation by minors housed at Youth Guidance Center, 3/1/07 - 2/29/08; authorize Chief Probation Officer to renew MOU two individual consecutive one year terms under certain conditions; and make California Environmental Quality Act findings - All Districts

*** 44. Receive and file report on pilot program using Global Positioning System to supervise adult sex offenders - All Districts**

2354

RECEIVED AND FILED

GENERAL ADMINISTRATION

45. County Counsel - Adopt resolution delegating authority to department heads to authorize payment of cost of independent appraisals required by new eminent domain statute, up to $5,000 per appraised property - All Districts

RESO: 07-025

County Executive Office:

*** 46. Approve appointment of Helen Fried as Acting County Librarian, effective 3/2/07; direct County Executive Office to conduct a recruitment and return to the Board with recommendation and bestow upon John Adams, the title of "Director Emeritus" upon his retirement - All Districts**

2354

APPROVED AS RECOMMENDED

47. Adopt resolution terminating El Toro Reuse Planning Authority - All Districts

RESO: 07-026

48. Receive and file 2007 Orange County Community Indicators Report - All Districts

49. Adopt proposed Electronic Waste Policy to ensure compliance with State regulations related to management and disposal of electronic waste - All Districts

2435

APPROVED AS RECOMMENDED

50. Internal Audit - Receive and file Internal Audit Department Monthly Status Report for January 2007 - All Districts

2354

APPROVED AS RECOMMENDED

Registrar of Voters:

*** 51. Receive and file certified Statement of Votes Cast for February 6, 2007 First Supervisorial District Vacancy election; and declare elected the person having the highest number of votes for the office of 1st District Supervisor - District 1**

5234

CONTINUED TO 3/6/07, 9:30 A.M.

52. Approve price agreements N1000008565 with Luis Miguel, dba Avantpage and N100008556 with Corporate Translation Services Inc., dba CTS Language Link for translation of ballots and other election materials, 2/27/07 - 2/26/09 ($200,000); renewable for one additional two-year period per Board policy; and authorize Purchasing Agent or designee to execute amendments under certain conditions - All Districts

53. Approve amended price agreement N1000007417 with Pitney Bowes, Inc. for hardware maintenance on automated absentee ballot processing system, 3/14/07 - 3/13/08 ($76,524) - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 54-S68A)

ELECTED DEPARTMENT HEADS

54. Auditor-Controller - Approve amended price agreement N1000008112 with CGI Technologies and Solutions Inc. for CAPS financial/procurement upgrade fit analysis to add additional services, 9/12/06 - 9/11/07 ($32,000; new total $729,300) - All Districts

2435 X

APPROVED AS RECOMMENDED

55. Sheriff-Coroner - Approve price agreement N1000008521 with Heli-Mart, Inc. for helicopter airframe components maintenance and repair services, 3/1/07 - 2/29/08 ($300,000); renewable for four additional one year terms per Board policy - All Districts

3425

APPROVED AS RECOMMENDED

HEALTH CARE AGENCY

56. Approve price agreement N1000008462 with Sapphire Technologies, LLC for information technology temporary help services, 3/1/07 - 11/30/07 ($1,331,448) - All Districts

3254

APPROVED AS RECOMMENDED

INTEGRATED WASTE MANAGEMENT DEPARTMENT

57. Receive and file AB 939 Surcharge Implementation Report; and approve recommendation to discontinue random visual inspections of roll off bins - All Districts

3425

RECEIVED AND FILED

JOHN WAYNE AIRPORT

58. Approve agreement with Gensler for Terminal C Building Information Model services ($399,188); and make California Environmental Quality Act findings - District 2

2435

APPROVED AS RECOMMENDED

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

59. Receive bids and award contract to Newman Midland Corporation for repair of showers and installation of safety screens, Juvenile Hall ($739,000) - District 3

3245

APPROVED AS RECOMMENDED

60. Approve amended agreement with American Golf Corporation for David L. Baker Memorial Golf Course at Mile Square Regional Park - District 2

2435

CONTINUED TO 3/13/07, 9:30 A.M.

SOCIAL SERVICES AGENCY

61. Approve amended price agreement N3000007320 with BIT California LLC dba Document Fulfillment Services for CalWIN correspondence printing and mailing services, 3/1/07 - 2/29/08 ($810,285); renewable for two additional one year periods per Board policy - All Districts

2354

APPROVED AS RECOMMENDED

GENERAL ADMINISTRATION

County Executive Office:

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

2

MOTION TO MODIFY POSITION ON SB 113 TO OPPOSE DIED FOR LACK OF SECOND

3524 N

APPROVED AS RECOMMENDED

63. Consider continuation of membership with National Association of Counties (NACo) - All Districts

B.O. CONTINUED TO 3/13/07, 9:30 A.M.

64. Response to 1/9/07 Directive - Status of Departments' Disaster Recovery Planning - All Districts

3425

APPROVED AS RECOMMENDED

65. Approve amendment 4 to price agreement N1000006818 with Bartel Associates, LLC for actuarial services, extending term to 4/21/10 ($358,000) - All Districts

2354

APPROVED AS RECOMMENDED

66. Receive and file Quarterly Information Technology Project Report for October - December, 2006 - All Districts

5324

RECEIVED AND FILED

Human Resources Department:

67. Receive and file Human Resources and Payroll Visioning Project Plan; approve price agreement N1000008362 with Agree Ya Solutions, Inc. for Human Resources and Payroll Visioning Project, 2/6/07 - 5/6/08 ($475,000) - All Districts (Continued from 2/6/07, Item 47)

2354

APPROVED AS RECOMMENDED

68. Approve salary adjustment for Deputy Juvenile Correctional Officer I and II - All Districts

B.O. CONTINUED TO 3/13/07, 9:30 A.M.

S68A. Supervisor Campbell - Adopt resolution commending Assemblywoman Lynn Daucher for her outstanding service to our state and county

3254

APPROVED AS RECOMMENDED

RESO: 07-027

IV. PUBLIC HEARINGS (Items 69-70)

HEALTH CARE AGENCY

69. Public Hearing to consider options for funding Emergency Medical Services Fund by either adopting resolution to provide additional penalty assessment for distribution to Emergency Medical Services Fund, effective 4/1/07; and making California Environmental Quality Act findings; or approve $1,750,000 budgetary adjustment to

partially offset uncompensated cost of emergency care provided by hospitals and physicians, FY 06-07 (4/5 vote) - All Districts (Continued RA #8 from 2/6/07, Item 45)

B.O. CONTINUED TO 3/6/07, 9:30 A.M.

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

70. Public Hearing to consider adopting resolution establishing Ortega Highway Underground Utility District No. 41; and make California Environmental Quality Act findings - District 5 (Continued to set Public Hearing from 2/6/07, Item 22)

B.O. CLOSED PUBLIC HEARING

5423

APPROVED AS RECOMMENDED

RESO: 07-028

V. CLOSED SESSION (Items CS-1-SCS2)

GENERAL ADMINISTRATION

*** CS-1. Human Resources Department - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6: Agency Negotiator: Thomas G. Mauk Employee Organizations: Association of Orange County Deputy Sheriffs and Orange County Managers Association RE: Terms and Conditions of Employment**

B.O. HELD, NO REPORTABLE ACTION

*** SCS2. County Counsel - CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION Pursuant to Government Code Section 54956.9(b): Number of Cases: One Case**

B.O. HELD, NO REPORTABLE ACTION

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

PUBLIC COMMENTS:

Lisann Martinez - Oral Re: Community concerns

Charles Griffin - Oral Re: Newly developed battery for electric vehicles

Juan Juarez - Oral Re: Bidding requirements on construction projects that specify specific equipment with no equals (Mason Park Project).

Darrell Nolta - Oral Re: Election and re-count process and voting equipment integrity

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS:

Supervisor Campbell - Oral Re: Directed staff to evaluate comments made by Mr. Juarez during public comments and report back to his office; and announced reception being held tonight at the Atrium Hotel, Irvine, 5-7 p.m., by the California Transportation Commission. Encouraged Board members to attend.

Chairman Norby - Oral Re: Provided comments on Community Indicators Report (Item 48) which he will forward onto staff.

ADJOURNED: 2:43 P.M.

5423

Adjourned in memory of Tom Egan

***** KEY *****

Left Margin Notes

1. (Supervisor Vacant

A. (Abstained

2. (Vice Chairman John M. W. Moorlach

X. (Excused

3. (Supervisor Bill Campbell

N. (No

4. (Chairman Chris Norby

BO (Board Order

5. (Supervisor Patricia 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