REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 9, 2010, 9:30 A.M.

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

JANET NGUYEN
CHAIR
First District

BILL CAMPBELL
VICE CHAIRMAN
Third District

JOHN M. W. MOORLACH
SUPERVISOR
Second District

SHAWN NELSON
SUPERVISOR
Fourth District

PATRICIA BATES
SUPERVISOR
Fifth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Bates presented a resolution commending Jerry Manson on his retirement

Chair Nguyen presented a resolution commending Nadeem Majaj on his retirement

Supervisor Nelson presented a resolution commending Frank Brix on his retirement

II. CONSENT CALENDAR (Items 1-38)

34251 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 1 WHICH WAS CONTINUED TO 11/23/10, 9:30 A.M.; AND ITEMS 13, 19, 20, 25, 37 & 38 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Moorlach -** Assessment Appeals Board No. 4 - Appoint Ben Selcho, Fountain Valley, to complete term ending 9/4/11

34251 **CONTINUED TO 11/23/10, 9:30 A.M.**

2. **Supervisor Bates -** Senior Citizens Advisory Council - Appoint John Pointer, Laguna Niguel, to complete term ending 12/31/11

Chair Nguyen:

3. Orange County Veterans Advisory Council - Reappoint Steve Vargas, Brea, to complete term ending 6/20/12

4. Waste Management Commission - Appoint Xuan-Nhi Van Ho, Westminster, to complete term ending 3/21/12

DEPARTMENT APPOINTMENTS

5. **Health Care Agency -** Mental Health Board - Appoint Carolyn Nguyen, M.D., Huntington Beach, for term ending 3/14/12; Cedric Cunanan, Mission Viejo, for term ending 8/13/13; and Suzie Gulshan, Brea, for term ending 8/14/13 - All Districts

ELECTED DEPARTMENT HEADS

District Attorney:

6. Accept donation and approve agreements with State Farm Automobile Insurance Company and National Insurance Crime Bureau for donation of two vehicles for use by multi-jurisdictional Motor Vehicle Theft Task Force and Insurance Fraud Unit; and authorize Director or designee to execute agreements - All Districts

7. Approve donation of 27 ballistic vests to Golden West College for academy training; and make related findings - All Districts

Sheriff-Coroner:

8. Approve agreement with U.S. Department of Homeland Security- Customs and Border Protection for rental of Katella Training Facility for training purposes, Orange; and make California Environmental Quality Act findings - District 3

9. Approve change order no. 3 to agreement with Dahl, Taylor and Associates, Inc., for design and replacement of HVAC ductwork, Theo Lacy barracks G ($9,500); and make California Environmental Quality Act findings - District 3

10. Approve agreement MA-060-11010660 with Sirron Software Corporation for purchase of civil process software and annual maintenance, 11/9/10 - 2/8/12 ($373,372); renewable for four additional one-year periods ($34,308 year two; $34,989 year three; $35,684 year four; $36,393 year five); and authorize Purchasing Agent or designee to execute related documents - All Districts

11. Approve agreement MA-060-1100878 with County of San Bernardino for use of training facilities, three year period, ($10,000) - All Districts

12. Approve amendment 2 to agreement N1000010369 renewing as MA-060-11010927 with NetMotion Wireless, Inc. for maintenance of Mobility Management server software, 11/19/10 - 11/18/11 ($2,844; new total $29,044); renewable for two additional one year periods - All Districts

13. Approve amendment 3 to agreement N1000010235 renewing as MA-060-1101866 with Taser International, Inc. for repair and replacement of tasers and taser accessories, 11/18/10 - 11/17/11 ($118,000) - All Districts

32451 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

14. Approve amendment 2 to lease agreement with Laguna United Methodist Church for office space for Children and Youth Services Program, Laguna Beach, 12/1/10 - 11/30/15 ($4,611.25 per month); and make California Environmental Quality Act findings - District 5

15. Adopt resolution approving agreement 10-10255 with State Department of Public Health for Cancer Detection Partnership services, 7/1/10 - 12/31/11 ($300,000); and authorize Director or designee to execute Contractor's Release form upon submission of final invoice - All Districts
RESO: 10-186

OC COMMUNITY RESOURCES

16. Approve Workforce Investment Act Cost Reimbursement Master agreements to fund Rapid Response Special Projects with various vendors of business development and layoff aversion services, labor market research and industry outreach activities, 11/15/10 - 6/30/11 ($160,000); authorize Director or designee to execute individual agreements, exercise cost contingency increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts

17. Approve lease with Laguna Niguel Town Center, LLC for Laguna Niguel Interim Branch Library, one year term; and make California Environmental Quality Act findings - District 5

18. Receive and file concept plan for Regional Park at the Former MCAS Tustin (Tustin Legacy) - District 3

34251 **APPROVED AS RECOMMENDED; DIRECTED STAFF TO CONTINUE WORK ON THIS PROJECT**

19. **Acting as the Board of Supervisors and Orange County Housing Authority -** Approve recommended projects for 2010 Continuum of Care Associated Application for Homeless Assistance and submission to U.S. Department of Housing and Urban Development; authorize Director or designee to modify funding requests, terms and services under certain conditions and execute related documents; and authorize acceptance of funds for shelter plus activities - All Districts

43251 **APPROVED AS RECOMMENDED WITH THE UNDERSTANDING THAT PROJECT GRANT FUNDS FOR ELI HOMES APPLICATION IS CONDITIONAL; DELEGATED AUTHORITY TO THE OCCR DIRECTOR**

TO ELIMINATE THE APPROVAL OF ELI HOMES APPLICATION BEFORE 11/18/10 SUBMISSION TO HUD IF WARRANTED

20. **Acting as the Board of Supervisors and Orange County Development Agency** - Adopt Orange County Development Agency's FY 2010-11 Budget and Work Program - All Districts

23451 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

21. Receive and file Report of Real Property Interests under delegated authority, 7/1/09 - 6/30/10 - All Districts

22. Approve plans and specifications and set bid opening for 12/15/10, 2:00 p.m., for replacement of electrical high voltage equipment at various County locations; and make California Environmental Quality Act findings - District 1

23. Accept easement deed from Oakhurst International, Inc. for emergency access across private street, Cole Lane, unincorporated North Tustin; and make California Environmental Quality Act findings - District 3

24. Authorize Auditor-Controller to reissue uncashed check to CR&R Incorporated ($682.46) - Districts 3, 4 and 5

25. Receive and file eighth and final progress report on implementation of Performance Audit recommendations for Planning and Development Services; and authorize Director to submit a memorandum on the status of audit issues to the Board as needed - All Districts

35241 **APPROVED AS RECOMMENDED**

26. Approve plans and specifications and set bid opening for 12/15/10, 2:00 p.m., for Youth Guidance Center Main Building fire alarm upgrade; and make California Environmental Quality Act findings - District 1

27. Approve agreement MA-080-11010361 with Huitt-Zollars, Inc. for Architect-Engineer services for Oso/Antonio Parkway Intersection Improvement Project, three-year term ($221,276); and make California Environmental Quality Act findings - District 5

28. Adopt resolution vacating reserved utility easements at former El Toro Marine Corps Air Station; and make California Environmental Quality Act and other findings - District 3
RESO: 10-187

Acting as the Orange County Flood Control District:

29. Approve agreement with Bureau Veritas North America, Inc. for evaluation and feasibility of demolition of structures at 2385 Pomona Rincon Road, Unincorporated Riverside County, for inclusion in Prado Dam Retention Basin ($186,888); and make California Environmental Quality Act findings - All Districts

30. Adopt resolution vacating a portion of Bee Canyon Access Road easement; and make California Environmental Quality Act findings - District 3
RESO: 10-188

31. **Acting as the Board of Supervisors and Orange County Flood Control District -** Adopt resolution authorizing Director or designee to sign and accept regulatory permit applications and permit related reports - All Districts
RESO: 10-189

PUBLIC PROTECTION

32. **Probation -** Approve Annual Memorandum of Understanding with Learning for Life for Explorer Post program, 11/15/10 - 11/14/11; renewable for four additional one-year periods; authorize Chief Probation Officer or designee to execute MOU and renewals under certain conditions without further Board action; and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

33. Approve agreement MA-063-11010559 with SOS Staffing Services, Inc., for temporary help services per the Regional Cooperative agreement (RCA) MA-017-10011589, 11/10/10 - 1/31/11 ($226,000); and ratify following delivery orders 063-10017530, 10019784, 10019783, 10019869, 10020809, 10022029, 10022031, 11010507, 11011717 and 11012286 with SOS Staffing Services, Inc., for temporary help services per RCA MA-017-10011589, 2/1/10 - 8/30/10 ($194,516.16) - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

34. Approve 2011 Board of Supervisors Meeting Schedule - All Districts

35. Approve modification to the Board of Supervisors' regular meeting schedule to cancel the 12/21/10 meeting - All Districts

36. **Office of the Performance Audit Director -** Approve scope of work for performance audit of Human Resources Department; and direct audit be commenced following completion of Performance Audit of Harbor Patrol - All Districts

37. **Office of Independent Review -** Approve amendment 1 to agreement with Stephen J. Connolly, Executive Director of Office of Independent Review for special legal services to provide limited oversight functions to Probation Department - All Districts
32451 N **APPROVED AS RECOMMENDED**

38. **Chair Nguyen -** Receive and file 16th Annual Report on Conditions of Children in Orange County
13245 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 39-S69A)

ELECTED DEPARTMENT HEADS

39. **Auditor-Controller -** Receive and file Countywide Accounting & Personnel System (CAPS+) and Property Tax Management System (PTMS) Project Status Reports for August 2010 - October 2010 - All Districts

24351 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

40. Approve change order no. 2 to agreement with Klaer Brittain, Inc., dba KBI General Contractors for replacement of roofs and HVAC ductwork, Theo Lacy Barracks F & H ($67,011; new total $928,788); and make California Environmental Quality Act findings - District 3

34251 **APPROVED AS RECOMMENDED**

41. Approve amendment 3 to agreement N1000009286 renewing as MA- 060-11010925 with Visionair, Inc. for software maintenance, 11/15/10 - 11/14/11 ($277,771); renewable for one year - All Districts

34251 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

42. Approve policy for determining hospital eligibility for participation in Intergovernmental Transfer program (staff recommends Option 1); direct Health Care Agency to return to the Board with FY 2010-11 related agreements (5/18/10 Directive) - All Districts (Continued from 10/19/10, Item 37)

34251 N **APPROVED AS RECOMMENDED**

43. Approve master agreement for indigent and trauma care, 7/1/10 – 6/30/11, and authorize Director or designee to execute individual agreements; approve agreements with various hospitals ($361,000) and select option for Prime Healthcare Garden Grove, LLC, dba Garden Grove Hospital and Medical Center ($65,000 or $264,000) for Intergovernmental Transfer Funds, 11/9/10 – 6/30/11; and authorize Auditor-Controller to send an electronic funds transfer to State Department of Health Care Services in an amount equal to the total approved Intergovernmental Transfer Funds Agreements (not to exceed $625,000) by 11/17/10 – All Districts

34251 **APPROVED AS RECOMMENDED; INCLUDING SELECTION OF RA 7A**

44. Select providers and approve agreements with Central City Community Health Center, 11/9/10 - 10/31/13 ($200,000); Friends of Family Health Center, 11/9/10 - 10/31/13 ($275,000); St. Jeanne de Lestonnac Free Clinic, 11/9/10 - 6/30/13 ($225,000) and Vietnamese Community of Orange County, Inc., 11/9/10 - 10/31/14 ($200,000) for Tobacco Settlement Revenues (TSR) Expanded Community Clinic services - Districts 1, 2, 3 & 4

43251 **APPROVED AS RECOMMENDED**

45. Oral Presentation - Receive and file PowerPoint presentation on rapid testing of ocean water quality - All Districts

25341 **APPROVED AS RECOMMENDED**

46. Approve amendment 5 subordinate agreement DO-042-11011098 with Cellco Partnership, dba Verizon Wireless for wireless services and purchase of equipment, 10/1/09 - 9/30/11 ($450,000; new total $850,000) - All Districts
35241 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

47. Approve amendment 2 to agreement with Faithful+Gould for project Controls-Master Scheduling services, extending term one year ($853,240; new total $4,883,240); and make California Environmental Quality Act findings - District 2
25341 **APPROVED AS RECOMMENDED**
NN

48. Approve amendment 2 to agreement with Faithful+Gould for project Controls-Master Estimating services, extending term one year ($761,000; new total $2,785,600); and make California Environmental Quality Act findings - District 2
25341 **APPROVED AS RECOMMENDED**

49. Approve lease with Newport Beach Golf Course, LLC for continued operation, south clear zone; and make California Environmental Quality Act findings- District 2
23451 **APPROVED AS RECOMMENDED**

50. Select lessees and approve leases with Caterina's, Asfour Family Corporation dba Subway, and Taste, Inc. dba Vino Volo for Specialty Concessions, John Wayne Airport; and make California Environmental Quality Act findings - District 2 (4/5 vote of members present)
23451 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

51. Approve OC Animal Shelter Admission Policy change to limit acceptance of owner surrendered animals to residents of Orange County unincorporated areas and cities that contract with OC Animal Care for services - All Districts
52341 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

52. Consider first reading of "An Ordinance of the County of Orange, California, prohibiting the issuance of approvals that would permit a use that involves the sale or distribution of a controlled substance," and set second reading and adoption for 11/23/10, 9:30 a.m. – All Districts (Continued from 9/21/10, Item 26)
B.O. **CONTINUED TO 11/23/10, 9:30 A.M.**

53. Response to 8/17/10 Board Directive - Oral presentation regarding status of El Toro Sublease at former Marine Corps Air Station - District 3
23451 **APPROVED AS RECOMMENDED**

54. Approve amendment No. 3 to agreement D99-128 with various participants for cost-sharing of Total Maximum Daily Load water quality activities, Newport Bay

Watershed, extending term to 6/30/12; remove three participants from agreement; and make California Environmental Quality Act findings - Districts 1, 2, 3 and 5

52341 **APPROVED AS RECOMMENDED**
X

55. Approve agreement MA-080-11010824 with Bureau Veritas North America, Inc.; PBS&J; Willdan Engineering; and Tait and Associates, Inc. for land use planning and engineering services, 11/10/10 - 11/9/11 ($3,000,000); renewable for two additional 1 year periods - All Districts

25341 **APPROVED AS RECOMMENDED**
X

56. **Acting as the Orange County Flood Control District -** Approve agreement with Lewis Investment Company, LLC to assist with entitlement of the Greenspot Property, City of Highland ($8,400,000); authorize Auditor-Controller to make related payments; authorize Director or designee to execute related documents; and make California Environmental Quality Act findings - All Districts

23451 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

57. Select Bryan A. Stirrat & Associates as primary and SCS Field Services as alternate firms for landfill gas services, Central Region Landfills; and authorize negotiation of agreement for Board approval - District 3

14235 **APPROVED AS RECOMMENDED**
X

58. Approve amendment 1 to agreement MA-299-10012058 with SCS Field Services for landfill gas services for North Region Landfills, term ending 3/1/13 ($3,000,000) - District 3

14235 **APPROVED AS RECOMMENDED**
X

59. Approve agreement N2000008287 renewing as MA-299-11010371 with Quinn Company for heavy equipment maintenance and repair services, North Region Landfill, 12/1/10 - 11/30/11 ($3,240,000); approve agreement N2000008288 renewing as MA-299-11010373 with Quinn Company for heavy equipment maintenance and repair services, Central Region Landfill, 12/1/10 - 11/30/11 ($3,750,000); and approve agreement N2000008289 renewing as MA-299-11010374 with Quinn Company for heavy equipment maintenance and repair services, South Region Landfill, 12/1/10 - 11/30/11 ($1,925,000) - Districts 3 & 5

54231 **APPROVED AS RECOMMENDED**
X

60. Approve agreement MA-299-10010486 renewing as MA-299-11010355 with Environ Strategy Consultants, Inc. for operation and maintenance services of groundwater control, monitoring and water supply systems, North Region Landfills, 11/23/10 - 11/22/11 ($350,000) - District 3

14235 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

61. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
25341 **APPROVED AS RECOMMENDED**
X

62. Approve recommended grant applications submitted by OC Community Resources, Sheriff's Department and Health Care Agency in 11/9/10 grant report and other actions as recommended - All Districts
25341 **APPROVED AS RECOMMENDED**

63. Response to 8/31/10 Board Directive regarding Report on Independent Medical Examiner (IME) - All Districts
B.O. **CONTINUED TO 11/23/10, 9:30 A.M.**

64. Receive and file Quarterly Information Technology (IT) Project Reports for Status Detail and Executive Summary and Risk Assessment for July - September 2010 - All Districts
53241 **APPROVED AS RECOMMENDED**

65. Adopt resolution approving property tax exchange with City of Huntington Beach and adopt Negative Declaration (ND) 10-005 previously adopted by the city; and adopt feasible mitigation measures - District 2
25341 **APPROVED AS RECOMMENDED**
RESO: 10-190

Human Resources Department:

66. Approve amendment 3 to agreement with Mercer Health & Benefits, LLC for Employee Benefits Consulting and Actuarial services, 12/8/10 - 12/7/11 ($307,000) - All Districts
23451 **APPROVED AS RECOMMENDED**

67. Consider an Elected Officials retirement plan - All Districts
CHAIR NGUYEN ESTABLISHED AN ADHOC COMMITTEE CONSISTING OF SUPERVISORS CAMPBELL AND NELSON TO WORK WITH THE CEO AND OUR SACRAMENTO LOBBYISTS TO EVALUATE PENSION REFORM OPTIONS & POSSIBLE BILL AUTHOR

68. **Supervisor Campbell** - Consider first reading of "An Ordinance of the County of Orange, California Adding Article 5 to Division 1 of Title 1 of the Codified Ordinances of the County of Orange Pertaining to Lobbyist Reporting"; and set second reading and adoption for 11/23/10, 9:30 a.m.
24351 **DENIED PROPOSED ORDINANCE AS PRESENTED**
N N

69. **Office of the Performance Audit Director** - Receive and file Review of Orange

County Sheriff-Coroner Department Harbor Patrol report - All Districts

25341 **RECEIVED AND FILED; CHAIR NGUYEN ESTABLISHED AN ADHOC COMMITTEE CONSISTING OF SUPERVISORS BATES AND MOORLACH TO WORK WITH THE CEO AND SHERIFF TO LOOK FOR FUNDING STRATEGIES FOR NON ESSENTIAL ACTIVITIES**

S69A. **Supervisor Nelson -** Orange County Cemetery District - Appoint Cynthia Ward, Anaheim, for term ending 11/7/14

43251 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-5)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Case: One Case

B.O. **CONTINUED TO 11/23/10, 9:30 A.M.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: R.J. Bullard Construction, Inc. v. County of Orange, Orange County Superior Court Case No. 30-2010-00416339

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO RETAIN WOODRUFF SPRADLIN & SMART, APC, TO REPRESENT THE COUNTY IN THE MATTER OF R.J. BULLARD CONSTRUCTION, INC. V. COUNTY OF ORANGE.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: GMC Engineering, Inc., etc. v. Orange County Public Works, etc., et al., Orange County Superior Court Case No. 30-2010-00420598

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO RETAIN SHEPPARD MULLIN RICHTER & HAMPTON LLC, TO REPRESENT THE COUNTY IN THE MATTER OF GMC ENGINEERING, INC., ETC. V. ORANGE COUNTY PUBLIC WORKS, ETC., ET AL**

Human Resources Department:

CS-4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Director of Internal Audit

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

CS-5. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government

Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
Darrell Nolta - Oral Re: OC November 2nd Election process and concerns about potential vote by mail problems

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: Discussed AB3632 updates: congratulated Nadeem Majaj on his retirement

Supervisor Campbell - Oral Re: AB1234 Travel Report: Discussed recent trip to Cambridge to attend Executive Leadership Seminar at Harvard Kennedy School

Supervisor Nelson - Oral Re: Recognized the U.S. Marine Corps' 235th Celebration

ADJOURNED: 4:11 P.M.

21345 **Adjourned in memory of Diane Coltrane**

51234 **Adjourned in memory of Gertrude "Kit" Drollinger of Laguna Beach**

51234 **Adjourned in memory of Henry Anderson, Marshall Austin, John Bogard, Ralph Farley, James Gallagher, Herman Huber, Kenneth Lightbody, William McCoy and Adam Scoccia of Laguna Woods' America Legion Post 2574**

15234 **Adjourned in memory of Vince Petronzio**

15234 **Adjourned in memory of Maryann Martinez**

21345 **Adjourned in memory of Roy McCardle**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Supervisor Nelson
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