REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 15, 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 Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Moorlach - Update from Acting Sheriff Jack Anderson

II. CONSENT CALENDAR (Items 1-19)

31452 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 16 WHICH WAS CONTINUED TO 4/22/08, 9:30 A.M.; ITEMS 3, 5, 7, & 17 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 19 WHICH RECEIVED A NO VOTE FROM SUPERVISOR NORBY**

BOARD APPOINTMENTS

1. **Chair Moorlach -** Animal Care Community Outreach Committee - Appoint Sandra L. Genis, Costa Mesa, for term ending 4/14/10

COMMENDATIONS/PROCLAMATIONS/REPORTS

2. **Chair Moorlach -** Adopt resolution recognizing April 2008 as "Community College Month"
RESO: 08-029

ELECTED DEPARTMENT HEADS

3. **District Attorney -** Adopt resolution designating United Way of Orange County to conduct 2008 charitable campaign for Orange County employees, including fundraising events, 1/1/08 - 12/31/08; and appoint District Attorney Tony Rackauckas as Chair and Chief Probation Officer Colleene Preciado as Co-Chair to this year's campaign - All Districts

32145 **APPROVED AS RECOMMENDED**
RESO: 08-030

Sheriff-Coroner:

4. Approve agreement with DMJM H&N, Inc. for Theo Lacy kitchen floors project ($84,892) - District 3

5. Adopt resolution accepting 2007 Transit Security Grant Program award from Governor's Office of Homeland Security ($186,500); and authorize Sheriff-Coroner or designee to execute related documents - All Districts

53142 **APPROVED AS RECOMMENDED**
RESO: 08-031

6. Approve price agreement N1000008943 with Newport Corporation Spectra-Physics for Millenia Laser System maintenance, 4/15/08- 4/14/09 ($13,900); renewable for one additional year per Board policy - All Districts

OC PUBLIC WORKS

7. Approve Assignment, Assumption and Consent to Assignment of Concession Agreement from American Golf Corporation to CNL Income EAGL Leasehold Golf, LLC (CNL) and Consent to Execution of Sub-Concession Agreement with CNL and Evergreen Alliance Golf Limited, L.P. for operation of David L. Baker Memorial Golf Course; authorize Director or designee to execute agreements; and make California Environmental Quality Act findings - District 2 (4/5 vote)

25134 **APPROVED AS RECOMMENDED**

8. Approve plans and specifications and set bid opening for 5/21/08, 2:00 p.m., for dismantling and removal of El Toro Materials Company Conveyor Bridge; and make California Environmental Quality Act findings - District 5

9. Approve agreement with Structural Specialty Services, Inc. for inspection, testing and engineering services for seismic protection ($200,000); and make California Environmental Quality Act findings - District 1

10. Approve plans and specifications and set bid opening for 5/14/08, 2:00 p.m., for repair and rehabilitation of roofs at Building 12; and make California Environmental Quality Act findings - District 1

11. Receive bids and award contract to R.S. Elevator Corporation for Building 12 elevator retrofit ($339,000); and make California Environmental Quality Act findings - District 1

12. Approve plans and specifications and set bid opening for 5/14/08, 2:00 p.m., for slurry seal and asphalt overlay resurfacing of various Orange County Parks facilities; and make California Environmental Quality Act findings - Districts 2 & 3

13. Approve lease agreement with Lake Forest Partners for 2,552 square feet of office space for Public Health Community Nursing Program; and make California Environmental Quality Act findings - District 5

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

14. Approve plans and specifications and set bid opening for 5/14/08, 2:00 p.m., for installation of steel piles for segment of San Juan Creek, San Juan Capistrano; and make California Environmental Quality Act and other findings - District 5

15. Select various firms for on-call access of geotechnical expertise ($200,000); authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

County Executive Office:

16. Receive and file charitable organization actual income/expenses for 2007 and planned activities for 2008 - All Districts (Continued from 4/1/08, Item 19)
31452 **CONTINUED TO 4/22/08, 9:30 A.M.**

17. Appoint Helen Fried as County Librarian, effective 4/11/08 - All Districts (Continued from 4/1/08, Item 21)
23145 **APPROVED AS RECOMMENDED**

18. Approve renewal of price agreement N2000008097 with eCivis, Inc., for an online grant locator subscription service, 7/1/08 - 6/30/09 ($50,000); renewable for two additional one-year periods per Board policy - All Districts

19. **Supervisor Campbell and Supervisor Bates -** Approve amendment to Memorandum of Agreement with Benjamin P. De Mayo, County Counsel, for increase of salary, effective 2/24/08
31452 **APPROVED AS RECOMMENDED**
N

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 20-S32B)

ELECTED DEPARTMENT HEADS

20. **Auditor-Controller -** Receive and file presentation on the updated status for the Property Tax Systems Project - All Districts
23145 **RECEIVED AND FILED**

21. **Treasurer-Tax Collector -** Select Tata Consultancy Services to develop Property Tax Management System; and authorize Purchasing Agent to negotiate agreement for Board approval - All Districts
31452 **APPROVED AS RECOMMENDED**

Assessor Department:

22. Approve amendment 1 to price agreement N1000008638 with Napoleon Dogaru dba Modern eConcepts for technical services and systems and application support of the Assessment Tax System, 7/1/08 - 6/30/09 ($162,621) - All Districts (Continued from 4/1/08, Item 23)
32145 **APPROVED AS RECOMMENDED**

23. Approve amendment 1 to price agreement N1000008637 with ARK Technologies for technical services and systems and application support for the Assessment Tax System, 7/1/08 - 6/30/09 ($331,733) - All Districts (Continued from 4/1/08, Item 22)
32145 **APPROVED AS RECOMMENDED**

District Attorney:

24. Authorize Purchasing Agent or designee to negotiate and issue price agreement with HOV Services for document imaging and scanning services; and return to the Board for approval - All Districts
53142 **APPROVED AS RECOMMENDED**

25. Adopt resolution ratifying submission of grant application to and authorize acceptance of grant funds from State Office of Emergency Services, Law Enforcement and Victim Services Division for Anti-Gang Initiative Strategy South County Grant Program, 10/1/07 - 9/30/08 ($107,917); authorize District Attorney or designee to execute grant award agreement, future extensions, and amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts
35142 **APPROVED AS RECOMMENDED**
RESO: 08-032

OC PUBLIC WORKS

26. Approve amendment 2 to agreement D06-096 with Rancho Mission Viejo Community Development, LLC for relocation of pipeline components for improvements to Ortega Highway - District 5
53142 **APPROVED AS RECOMMENDED**

27. **Acting as the Orange County Flood Control District -** Approve escrow agreement D05-081 with California Department of Fish and Game for sediment and vegetation removal, San Diego

Creek ($1,000,000); and make California Environmental Quality Act findings - District 3
35142 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

28. Approve amendment 1 to agreements WBC0507A with Anaheim ($668,000; new total $3,630,392) and WBC0607A with Santa Ana ($131,000; new total $2,026,904) for CalWORKs Welfare-To-Work Program, 5/1/08 - 6/30/10 and WAA0307A with Foster Assessment Center and Testing Service, Inc. for CalWORKs Welfare-To-Work Vocational Assessment services ($69,000; new total $349,000) 5/1/08 - 6/30/10 - All Districts
13452 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

29. Approve amendment 2 to price agreement Y1000002406 with ACS State and Local Solutions, Inc. for lease of IBM Processor, 6/1/08 - 5/31/09 ($1,600,000) - All Districts
31452 **APPROVED AS RECOMMENDED**

30. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
42135 **MOTION TO APPROVE STAFF RECOMMENDATIONS FAILED TO CARRY**
NNN

43152 **APPROVED AS AMENDED CHANGED POSITION ON AB2247 TO "SEEK AMENDMENTS"**

31. Approve recommended grant applications submitted by Probation Department in 4/15/08 Grants report - All Districts
51342 **APPROVED AS RECOMMENDED**

32. **Human Resources Department -** Approve transition of Law Enforcement Managers from County health plans to Association of Orange County Deputy Sheriffs health plans, effective 7/1/08 - All Districts
B.O. **DELETED**

ELECTED DEPARTMENT HEADS

S32A. **Sheriff-Coroner -** Declare emergency and make appropriate findings pursuant to Public Contract Code Section 22050 and ratifying price agreement N1000009933 for installation and acquisition of a CCTV Digital Surveillance and Recording System for Theo Lacy Facility, including inmate barracks and interior of guard stations ($370,000); authorize Auditor-Controller to make related payments; and set review to determine continuing need for emergency action for 4/29/08, 9:30 a.m. and every 14 days thereafter; and make California Environmental Quality Act findings - District 3 (4/5 vote)
35142 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S32B. **County Executive Office -** Authorize Public Finance Manager to sign and accept an Indication

of Interest Proposal dated 4/7/08 from Dexia Credit Local, New York Branch for a direct-pay letter of credit to support a potential Teeter Commercial Paper Program of up to $250 million - All Districts

35142 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 33-35)

OC COMMUNITY RESOURCES

33. Public Hearing to consider approving use of reprogrammed funds of $419,350 from Community Development Block Grant through Annual Action Plans, FY 2008-09; authorize Director or designee to approve additional funding for Housing Rehabilitation and Public Facilities and Improvement projects under certain conditions; and prepare Final Annual Action Plan and return for Final Public Hearing - All Districts

B.O. **CLOSED PUBLIC HEARING**

31452 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

34. Public Hearing to consider adopting resolution approving 2008 Weed Abatement Program and direct OC Public Works to report back to the Board on 8/5/08 and 8/4/09 with itemized cost reports - All Districts

B.O. **CLOSED PUBLIC HEARING**

31452 **APPROVED AS RECOMMENDED**
RESO: 08-033

35. Public Hearing to consider first readings of "An Ordinance of the County of Orange, California, Repealing the Uniform Building Code, 1997 Edition; Repealing the California Building Code, 2001 Edition; Repealing the California Building Standards Code, 2001 Edition; Repealing Ordinance 03-003 and Adopting by Reference the California Building Code, 2007 Edition and the International Building Code, 2006 Edition, With Appendix and Amendments Thereto"; "An Ordinance of the County of Orange, California, Repealing the 2000 Edition of the Uniform Plumbing Code Repealing Ordinance 03-007, and Adopting by Reference the Edition of the Uniform Plumbing Code, 2006 Edition and the California Plumbing Code, 2007 Edition, Including Appendices, With Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing the 2000 Edition of the Uniform Mechanical Code, Repealing Ordinance 03-004, and Adopting by Reference the Uniform Mechanical Code, 2006 Edition, and the California Mechanical Code, 2007 Edition, With Modifications and Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing the National Electrical Code, 1999 Edition, Repealing Ordinance 03-005 and Adopting by Reference the National Electrical Code, 2005 Edition and the California Electrical Code, 2007, Edition with Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing Uniform Fire Code, 1997 Edition; Repealing Ordinance 04-003 and Adopting by Reference the California Fire Code, 2007 Edition and the International Fire Code, 2006 Edition, With Appendix 1, B, and C and Amendments Thereto"; " An Ordinance of the County of Orange Amending Sections 7-1-812, 7-1-813 and 7-1-814 and 7-1-820 All Relating To Hazardous Grading Conditions, Grading Appeals, Issuance, Expiration and Renewal"; set second readings and adoptions for 4/22/08, 9:30 a.m.; and adopt resolutions making related findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

35142 **APPROVED AS RECOMMENDED**

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

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case
B.O. **CONTINUED TO 4/22/08, 9:30 A.M.**

CS-2. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: Orange County Managers Association (OCMA)
RE: Management Pay for Performance Program for employees
B.O. **HELD, NO REPORTABLE ACTION**

SCS3. **County Counsel -** 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
B.O. **CONTINUED TO 4/22/08, 9:30A.M.**

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

PUBLIC COMMENTS:
Tom Payne, Tom Veale, Curt Crockett - Oral Re: Recent reopening of RFP process and selection of provider for risk management services

Charles Griffin - Oral Re: ALUC Plan contours; San Bernardino Airport acquisition

Darrell Nolta - Oral Re: DA's position on jail deputies actions; protection of freedom of the press; homelessness issues, rising cost of gasoline

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisors Norby & Moorlach - Oral Re: Discussed the Sheriff recruitment process

Supervisor Moorlach - Oral Re: Announced the closing dates for recruitments of Sheriff and Office of Independent Review; congratulated Supervisor Campbell in his efforts to combine two water districts into one via LAFCO; and announced recent success of Vanguard Women's Basketball Team

Supervisor Bates - Oral Re: Discussed the high cost of gasoline in Europe

ADJOURNED: 1:15 P.M.
42135 **Adjourned in memory of Clyde Cook**

12345 **Adjourned in memory of Yolanda Navarro**

12345 **Adjourned in memory of Ramon Garcia**

*** 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