REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, May 12, 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: Supervisors Bates, Nguyen, Norby & Moorlach

EXCUSED: Supervisor Campbell

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	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 Bates presented certificates recognizing award recipients for the 2009 International Aviation Art Contest

Chair Bates presented a resolution commending Arthur T. Leahy for his years of dedicated service to improving transportation in Orange County

II. CONSENT CALENDAR (Items 1-17)

21345 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 7 WHICH WAS DELETED; ITEM 16 WHICH WAS CONTINUED TO 5/19/09, 9:30 A.M.; AND ITEM 13 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Waste Management Commission - Appoint Donald Froelich, Laguna Hills, to complete term ending 1/18/11

ELECTED DEPARTMENT HEADS

2. **Assessor Department -** Approve amendment 1 to price agreement N1000007805 with Action Mailing Incorporated for services, materials, development, print and mail out of weekly, monthly and annual notices to taxpayers, 5/15/09 - 5/14/10, ($19,299.51; new total $115,797.05) - All Districts

3. **District Attorney and Public Defender -** Adopt resolution establishing District Attorney Revolving Fund ($250,000) for investigation and prosecution of crime and Public Defender Revolving Fund ($250,000) for investigation and defense of clients; and make related findings - All Districts
RESO: 09-050

4. **Sheriff-Coroner -** Approve plans and specifications and set bid opening for 6/17/09 at 2:00 p.m., for replacement of HVAC controls at Theo Lacy Facility; and make California Environmental Quality Act findings - District 3

CHILD SUPPORT SERVICES

5. Approve Waiver, Release and Indemnity agreement with Cypress for participation at Cypress Community Festival, 7/25/09; and authorize Director or designee to execute agreement - District 2

OC COMMUNITY RESOURCES

6. Approve lease with Los Angeles SMSA Limited Partnership dba Verizon Wireless for wireless communications facility at Craig Regional Park, Fullerton - Districts 3 & 4

OC PUBLIC WORKS

7. Approve plans and specifications and set bid opening for 6/24/09, 2:00 p.m., for replacement of office and ticket booth, Mile Square Park; and make California Environmental Quality Act findings - District 2

21345 X **DELETED**

8. Approve plans and specifications and set bid opening for 6/17/09, 2:00 p.m., for construction of Crosswalk Warning Light Systems, Sienna Parkway @2nd St., Gilbert Street @ Banta Ave. and Rancho Santiago Boulevard @ Spring St.; and make California Environmental Quality Act findings - Districts 3, 4 & 5

9. Receive bids and award contract to Remedial Civil Constructors, Inc. for construction of median and G-line contour grading of Laguna Canyon Road, Laguna Beach ($661,000) - District 5

10. Adopt resolution certifying mileage of maintained streets and highways within unincorporated areas, as of February 2009 to support appropriate future allocation of

Highways User Tax to Orange County - All Districts
RESO: 09-051

11. Approve renewal of price agreement N3000008799 with Rosenow Spevacek Group Inc. for staff support services to Orange County Development Agency for Santa Ana Heights Project area, 5/17/09 - 5/16/10 ($50,000); renewable for two additional years per Board policy - District 2

12. Adopt resolution extending certain development fees deferral for one additional year; Director to return to the Board no later then 5/11/10 with status update; and make related findings - All Districts
RESO: 09-052

13. Adopt resolution approving amended Proposition 1B 1st allocation project list and approving 2nd and 3rd allocation project lists for local streets and roads funding: authorize OC Public Works to submit project lists to State Department of Finance and to prepare or amend cooperative agreements with participating cities and return to the Board for approval; authorize Auditor-Controller to make related payments; and make related findings - All Districts (4/5 vote)

41235 X **APPROVED AS RECOMMENDED**

RESO: 09-053

14. Approve agreement D08-085 with Irvine Ranch Water District for the Alton Parkway extension project; and authorize Auditor-Controller to make related payments - Districts 3 and 5

SOCIAL SERVICES AGENCY

15. Approve Orange County Refugee Three Year Services Plan, FFYs 2008-09, 2009-10 and 2010-11; authorize submission to State Department of Social Services; and authorize Director to execute amendments under certain conditions - All Districts

GENERAL ADMINISTRATION

16. **County Executive Office -** Approve allocation and expenditure of First District Fund 130 funds and agreement with Westminster for purchase and installation of exercise equipment ($45,000); authorize Clerk of the Board or designee to execute agreement; and make related findings - District 1

21345 X **CONTINUED TO 5/19/09, 9:30 A.M.**

17. **Human Resources Department -** Adopt resolution approving Health Reimbursement Arrangement Integral Part Trust; appoint Chief Financial Officer as Trustee of the Trust; and authorize County Officials or their designees to take such actions and execute such documents necessary to effectuate the Trust - All Districts
RESO: 09-054

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 18-33)

ELECTED DEPARTMENT HEADS

18. **Assessor Department -** Oral Report - ATS Re-engineering Project Quarterly Update - All Districts

B.O. **RECEIVED REPORT**

19. **Auditor-Controller -** Receive and file CAPS+ Quarterly Project Status Report - All Districts

B.O. **RECEIVED REPORT**

HEALTH CARE AGENCY

20. Approve agreements with Orange County Association for Mental Health dba Mental Health Association of Orange County ($500,000) and Pacific Clinics ($592,980) for Mentoring and Consumer Training Programs, 7/1/09 - 6/30/10 - All Districts

21345 **APPROVED AS RECOMMENDED**
X

21. Approve agreements with Cooper Fellowship, Inc. ($167,353 per year), Phoenix House Orange County, Inc. ($85,410 per year), Korean Community Services ($60,000 per year) and Phoenix House Orange County, Inc. ($93,955 per year) for Parolee Services Network outpatient and residential substance abuse services, 7/1/09 - 6/30/12 - All Districts

12345 **APPROVED AS RECOMMENDED**
X

22. Approve agreements with Orange County Association for Mental Health dba Mental Health Association of Orange County for SSI Outreach and Representative Payee services ($321,400) and Multi-Service Center services ($817,531), 7/1/09 - 6/30/10 - All Districts

21345 **APPROVED AS RECOMMENDED**
X

23. Approve amendment 1 to price agreement N4000006840 with UMS, Inc. dba United Maintenance Systems for janitorial services, 17th Street Complex, 7/1/09 - 6/30/10 ($189,000) - District 1

12345 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

Acting as the Orange County Flood Control District:

24. Approve agreement D08-079 with Westminster for Westminster Channel Improvement Project; adopt Mitigated Negative Declaration IP 08-581; and make California Environmental Quality Act findings - District 1

12345 **APPROVED AS RECOMMENDED**
X

25. Approve easement deed from Westminster for Westminster Channel improvements; and make California Environmental Quality Act findings - District 1

14235 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

26. Approve continuance of local emergency in connection with the Freeway Complex Fire; located at Olinda Alpha Landfill pursuant to Public Contact Code Section 22050 (c)(1) 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 5/19/09, 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; 1/13/09, Item 42; 1/27/09, Item 63; 2/10/09, Item 28; 3/3/09, Item 32; 3/17/09, Item 23; 3/24/09, Item 30; 4/7/09, Item 43; 4/28/09, Item 42)

21345 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

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

24135 **APPROVED AS RECOMMENDED**
X

28. Approve recommended grant application submitted by Health Care Agency, OC Waste & Recycling, Orange County Sheriff-Coroner and OC Public Works in 5/12/09 grant report and other actions as recommended; and Acting as the Orange County Flood Control District - adopt resolution authorizing OC Public Works Director to execute and submit application for Proposition 84 funds for East Garden Grove Wintersburg Channel ($3,000,000); and make California Environmental Quality Act and other findings - All Districts

14235 **APPROVED AS RECOMMENDED**
X

RESO: 09-055

29. Receive and file Quarterly Information Technology (IT) Project Status Detail and Executive Summary and Quarterly Information Technology (IT) Project And Risk Assessment reports for January - March 2009 - All Districts

14235 **APPROVED AS RECOMMENDED**
X

30. Approve Memorandum of Understanding with Solano County for lease of floor space for installation and maintenance of back-up computer systems for Disaster Recovery computer site, commencing on 7/1/09 ($49,200) - All Districts

21345 **APPROVED AS RECOMMENDED**
X

31. Approve purchase agreement N1000010896 with Sun Gard Availability Services for Countywide Disaster Recovery services, 5/1/09 - 4/30/10 ($110,352 one year); renewable for two additional years; and authorize County Executive Officer or designee to declare disaster as warranted and approve up to 7 days of services ($57,000 per declaration) - All Districts

42135 X **APPROVED AS RECOMMENDED**

Office of Independent Review:

32. Approve agreement with Diana M. Teran as Staff Attorney for Office of Independent Review, 5/1/09 - 8/31/11 ($179,800 per year) - All Districts (Continued from 4/28/09, Item 28)

B.O. **DELETED**

33. Receive and file report on Orange County Sheriff Department Investigations - All Districts

B.O. **PRESENTED REPORT**

IV. PUBLIC HEARINGS (Items 34-35)

ELECTED DEPARTMENT HEADS

34. **Treasurer-Tax Collector -** Public Hearing to consider rescinding Resolution 09-030 and adopting resolution for establishment of revised fee for tract and parcel map processing; and make California Environmental Quality Act and other findings - All Districts

B.O. **CONTINUED TO 5/19/09, 9:30 A.M.**

GENERAL ADMINISTRATION

35. **County Executive Office -** Public Hearing to consider adopting resolution approving Apartment Development Revenue Bonds, Issue A of 2009 and submittal of application to California Debt Limit Allocation Committee for private activity mortgage revenue bond allocation in an aggregate principal amount not to exceed $8,000,000 for acquisition and rehabilitation of Emerald Cove Apartments; approve Cooperative agreement with Huntington Beach; authorize Chief Financial Officer or designee to execute agreement; appoint Stradling Yocca Carlson & Rauth as Bond Counsel; approve other related matters; and make related findings - District 2

B.O. **CLOSED PUBLIC HEARING**

24135 X **APPROVED AS RECOMMENDED**

RESO: 09-056

V. CLOSED SESSION (None)

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

PUBLIC COMMENTS:

Darrell Nolta - Oral re: Concerns regarding powers given to the Public Health Officer as a result

of the recent Swine Flu Emergency Declaration.

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Chair Bates: (1) Discussed recent trip to Sacramento relating to Member Orientation for recent appointment to Correction Standards Authority; and (2) directed County Counsel to provide the Board with the powers given relating to the recent Swine Flu Emergency Declaration.

Supervisors Norby and Moorlach: Further discussed recent testimony provided by Treasurer-Tax Collector Street on bailouts in Washington D.C.

Supervisor Norby: Discussed constituent letters received regarding CCW revocation issues.

ADJOURNED: 1:20 P.M.

25134 **Adjourned in memory of Anna Marie Mainero**
X

51234 **Adjourned in memory of Harry Eugene Morgan, Jr.**
X

*** 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