REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, June 5, 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

JANET NGUYEN
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

PATRICIA BATES
SUPERVISOR
Fifth District

ATTENDANCE: Supervisors Nguyen, Moorlach, Norby & Bates

EXCUSED: Supervisor Campbell

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Nguyen, First District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Kevin Sloat and Darius Anderson, Sacramento Legislative Advocates, provided a legislative update

Supervisor Nguyen presented a resolution acknowledging Ed DesBiens' bravery and fortitude as a public servant

II. CONSENT CALENDAR (Items 1-45)

21354 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 6 WHICH WAS DELETED; AND ITEMS 14, 33, 43, 44 & 45 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Campbell:

1. Housing & Community Development Commission - Reappoint Jim Palmer, Tustin, for term ending 6/30/09

2. Animal Care Community Outreach Committee - Reappoint Sharon Hayhoe, Santa Ana, for term ending 3/30/09

Supervisor Norby:

3. Waste Management Commission - Appoint Ashu Jain, Irvine, to complete term ending 11/14/08

4. Housing and Community Development Commission - Reappoint Peter Beard, Fullerton, for term ending 6/30/09

5. **Supervisor Moorlach -** Housing and Community Development Commission - Reappoint James A. Wahner, Costa Mesa, for term ending 6/30/09

Supervisor Bates:

6. Airport Land Use Commission For Orange County - Reappoint Melody Carruth, Laguna Hills, for term ending 5/2/11 (Continued from 5/22/07, Item 2)

21354 X **DELETED**

7. Waste Management Commission - Reappoint Joe Soto, San Juan Capistrano, for term ending 11/18/08

8. Orange County Human Relations Commission - Reappoint Pat Krone, Newport Beach, for term ending 6/4/09

9. Regional Recreational Trails Advisory Committee - Appoint Kenneth E. Agid, Coto de Caza, for term concurrent with 5th District Supervisor's term of office

COMMENDATIONS/PROCLAMATIONS

10. **Supervisor Campbell -** Adopt resolution honoring Judge Michael Brenner on his retirement from Orange County Superior Court
RESO: 07-064

11. **Supervisor Nguyen -** Adopt resolution acknowledging Ed DesBiens' bravery and fortitude as a public servant
RESO: 07-065

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

12. Approve rental indemnification agreement with City of Orange for Correctional Programs Volunteer Appreciation picnic to be held at Hart Park; authorize Sheriff-Coroner or designee to execute agreement; and authorize expenditure from Inmate Welfare Fund, 6/16/07 ($4,000) - District 3

13. Adopt resolution approving lease agreement with State Department of Forestry and Fire Protection to provide intermittent, call-when-needed helicopter services, 8/1/07 - 7/31/08; authorize Sheriff-Coroner or designee to execute related documents and subsequent agreements under certain conditions - All Districts
RESO: 07-066

14. Authorize Chairman to send letter to Governor's Office of Emergency Services requesting that the County be included in U.S. Department of Agriculture Secretarial Disaster Designation for ongoing drought affecting Orange County crops - All Districts
42135 **APPROVED AS RECOMMENDED**
X

Treasurer-Tax Collector:

15. Authorize transfer of unclaimed monies to County General Fund ($19,619.20), Probation Victim Restitution Fund ($558.30) and Superior Court Fund ($846) - All Districts (4/5 vote)

16. Approve transfer of unclaimed money to County General Fund ($755,712.79), Probation Victim Restitution Fund ($12,399.96) and Superior Court Fund ($22,178.90); and authorize transfer of funds from County General Fund to Treasurer-Tax Collector Publication and Legal Notice Account ($44,302.78) - All Districts (4/5 vote)

HEALTH CARE AGENCY

17. Approve agreement with Healthy Smiles for Kids of Orange County for children's dental disease prevention services, 7/1/07 - 6/30/08 ($228,048) - All Districts

18. Approve price agreement N1000008836 with Monogram Biosciences, Inc. for specialized laboratory testing services, 7/1/07 - 6/30/08 ($160,000); renewable for one-year period, per Board policy - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

19. Approve agreement with People of Irvine Community Health dba 2-1-1 Orange County for purchase of telecommunications equipment ($266,000); and authorize Director or designee to execute agreement and amend Contractor Scope of Work under certain conditions - All Districts

20. Approve Workforce Investment Act agreements with La Habra and Irvine Unified School District for pre-vocational training services for foster and emancipated youth, 6/6/07 - 12/31/08 ($255,000); and authorize Director or designee to execute subsequent amendments under certain conditions - All Districts

21. Approve increased appropriations and estimated revenues for Cal Home Reuse program ($180,000) - All Districts (4/5 vote)

INTEGRATED WASTE MANAGEMENT DEPARTMENT

22. Approve easement deed and agreement with Whispering Hills, LLC for slope easement over 1-

acre parcel, Prima Deshecha Landfill; and make California Environmental Quality Act findings - District 5

23. Receive bids and award contract to WEST TEK for construction of diesel tank replacement, Olinda Alpha Landfill ($90,780); and make California Environmental Quality Act findings - District 3

24. Approve amended agreements with Ware Disposal Company, Inc. and USA Waste of California Inc. for solid waste Franchise Area 5, 7/1/07 - 6/30/10; and authorize Director to execute amendments - District 3

25. Receive bids and award contract to R.J. Noble Company for construction of stormwater improvements, Santiago Canyon Landfill ($129,420); and make California Environmental Quality Act findings - District 3

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

26. Approve plans and specifications and set bid opening for 6/27/07, 2:00 p.m., for asphalt overlay resurfacing and slurry seal of various Harbors, Beaches and Parks facilities; and make California Environmental Quality Act findings - Districts 3, 4 & 5

27. Receive bids and award contract to Sonshine Glass & Mirror for replacement of windows, Juvenile Hall ($198,000) - District 3

28. Approve plans and specifications and set bid opening for 7/18/07, 2:00 p.m., for additional walk-up service windows, West Justice Center; and make California Environmental Quality Act findings - District 1

29. Accept work of Casco Contractors, Inc. for remodel of Los Pinos Probation Department dispensary; project completed 4/6/07 ($225,895) - District 5

30. Receive bids and award contract to Medical Air Care, Inc. for air intake maintenance, Osborne Building, Santa Ana ($325,340) - District 1

31. Adopt resolution accepting 52.672 acres of land in Offer of Dedication for open space purposes, Aliso & Wood Canyons Wilderness Park; and make California Environmental Quality Act findings - District 5
RESO: 07-067

32. Approve resolution declaring Edinger Avenue Bridge over Bolsa Chica Channel a County Highway; authorize Director or designee to pursue funds from Federal Highway Bridge Program; and make California Environmental Quality Act findings - District 2 (4/5 vote)
RESO: 07-068

33. Adopt resolution approving reallocation of Proposition 12 and 40 grant funds to various Harbors, Beaches and Parks projects; approving allocation of Proposition 40 funds for Mason Regional Park playground replacement project ($200,000); and approving allocation of Proposition 12 funds for Peters Canyon Regional Park restroom project ($130,000); and authorizing Director or designee to execute related documents and approve future shifts in funds under certain conditions - All Districts

25134 **APPROVED AS RECOMMENDED**

X

RESO: 07-069 - 07-070

34. Receive bids and award contract to Mel Smith Electric, Inc. for site electrical, Irvine Ranch Historic Park ($417,000) - District 3

35. Approve agreement D07-040 with CDM, Inc. and agreement with Irvine Ranch Water District for water quality strategic plan consulting services - All Districts

36. Adopt policy requiring non-RDMD tenants to reimburse costs incurred by RDMD-managed funds to develop and manage the tenants' office space; authorize Director or designee to determine reimbursement rate and negotiate of terms and conditions of occupancy; and Direct County Executive Officer or designee to approve additional requests for space and reimbursement rate - All Districts

37. **Acting as the Orange County Flood Control District -** Approve amended agreement D00-076 with State Department of Transportation for time extension for design improvements on Beach Boulevard, Brea Creek Channel - District 4

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

38. Adopt resolution increasing amount Director Public Works/Chief Engineer is authorized to pay utility owners for relocation costs (up to $100,000); and rescinding Resolution 92-1096 - All Districts
RESO: 07-071

39. Approve agreement with California Conservation Corps for resources to be utilized for various labor intensive maintenance projects throughout the County, ($165,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts

40. **Acting as the Board of Supervisors and Orange County Development Agency -** Acting as the Board of Supervisors - Approve plans and specifications and set bid opening for 6/27/07, 2:00 p.m., for Orchard Drive Park refurbishment, Santa Ana Heights area; and make California Environmental Quality Act findings; and adopt resolution making related findings; Acting as the Orange County Development Agency - Approve right of entry agreement with NTC, Inc.; and adopt resolution making related findings - District 2
RESO: 07-072 - 07-073

SOCIAL SERVICES AGENCY

41. Accept donation from Robert Soulerin Living Trust for Orangewood Children's Home ($20,000) - All Districts

42. Approve acceptance of grant award from Annie E. Casey Foundation for continued implementation of Family to Family Initiative ($100,000); and authorize Director or designee to execute related documents - All Districts

GENERAL ADMINISTRATION

County Executive Office:

43. Approve master agreement X1000000356 with Iron Mountain Information Management, Inc. for off-site data storage and retrieval services, 7/1/07 - 6/30/08; and authorize Purchasing Agent or designee to execute agreement and related documents and to renew agreement four additional one year terms per Board policy - All Districts

25134
X **APPROVED AS RECOMMENDED**

44. Adopt resolution superseding portions of Resolution 00-202 and revising Workers' Compensation Claims settlement procedures to authorize CEO/Risk Management to settle workers' compensation claims if settlement amount is less than $100,000, excluding statutorily required payments pursuant to Labor Code - All Districts

21354
XXN **MOTION TO APPROVE STAFF RECOMMENDATION FAILED TO CARRY**

14235
NXX **MOTION TO APPROVE MODIFICATION TO RECOMMENDATION TO LIMIT AUTHORIZATION TO $50,000 FAILED TO CARRY**

24135
XX **CONTINUED TO 6/19/07, 9:30 A.M.**

45. **Human Resources Department** - Approve amended price agreement N1000006074 with Employee Support Systems Company for Employee Assistance Program, 7/1/07 - 6/30/08 ($106,754) - All Districts

21354
XX **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 46-67)

ELECTED DEPARTMENT HEADS

46. **District Attorney -** Approve lease agreement DA-06-007 with 900 N. Broadway, L.P. for first floor office space for public assistance fraud investigation team, 900 N. Broadway, Santa Ana; and make California Environmental Quality Act findings - District 1 (Continued from 5/22/07, Item 36)

12354 **APPROVED AS RECOMMENDED**
XX

Sheriff-Coroner:

47. Receive bids and award contract to Cedars Engineering Construction Inc. for installation of Katella Range exhaust system ($679,000) - District 3

41235 **APPROVED AS RECOMMENDED**
XX

48. Approve price agreement N1000008854 with Airborne Law Enforcement Services for helicopter maintenance services, 7/1/07 - 6/30/08 ($600,000); renewable for two additional years per Board policy- All Districts

12354 **APPROVED AS RECOMMENDED**
XX

49. **Treasurer-Tax Collector -** Adopt resolution authorizing sale and issuance of Huntington Beach Union High School District General Obligation Bonds, Election of 2004, Series 2007 - Districts 1 & 2

21354 **APPROVED AS RECOMMENDED**
XX

RESO: 07-074

HEALTH CARE AGENCY

50. Approve agreement with AIDS Services Foundation Orange County for HIV Housing services, 7/1/07 - 6/30/08 ($510,710) - All Districts

41235 **APPROVED AS RECOMMENDED**
XX

51. Approve amended agreements with various providers for Medical Services for Indigents Program - All Districts

21354 **APPROVED AS RECOMMENDED**
XX

52. Approve agreement with Community Service Programs, Inc., 7/1/07 - 6/30/09 ($190,000) for alcohol, tobacco, and other drug prevention services; and approve agreements with Orange County Superintendent of Schools for alcohol, tobacco, and other drug prevention poster contest services ($200,000) and friday night live partnership ($900,000) 7/1/07 - 6/30/09 - All Districts

14235 **MOTION TO CONTINUE TO 6/19/07, 9:30 A.M. FAILED TO CARRY**
NXX

53. Approve amended price agreement N1000007446 with Alquest Technologies for voice/data cabling and related services, 7/1/07 - 6/30/08 ($260,000); and renewals will return to the Board per Board policy - All Districts
12354 **APPROVED AS RECOMMENDED**
XX

54. Approve agreement with California Hispanic Commission on Alcohol and Drug Abuse, Inc. for behavioral health residential, outpatient, and primary prevention services, 7/1/07 - 6/30/08 ($1,888,452) - All Districts
12354 **APPROVED AS RECOMMENDED**
XX

55. Approve three-year Negotiated Net Amount/Drug Medi-Cal agreement with State Department of Alcohol and Drug Programs for alcohol and drug abuse treatment and prevention services, 7/1/07 - 6/30/10 ($64,580,208); and authorize Director or designee to execute agreement - All Districts
12354 **APPROVED AS RECOMMENDED**
XX

56. Approve agreement 07-65237 with State Department of Health Services for pediatric immunization project, 7/1/07 - 6/30/08 ($770,878) - All Districts
12354 **APPROVED AS RECOMMENDED**
XX

HOUSING AND COMMUNITY SERVICES DEPARTMENT

57. Second reading and adoption of "An Ordinance of the County of Orange, California, Adopting Section 1-4-221 Related to Acquisition of Real Property by Eminent Domain for the Santa Ana Heights Project Area" - All Districts (Continued from 5/22/07, Item 49)
21354 **APPROVED AS RECOMMENDED**
XX
ORD: 07-009

58. Second reading and adoption of "An Ordinance of the County of Orange, California, Adopting Section 1-4-222 Related to Acquisition of Real Property by Eminent Domain for the Neighborhood Development and Preservation Project Area" - All Districts (Continued from 5/22/07, Item 50)
41235 **APPROVED AS RECOMMENDED**
XX
ORD: 07-010

INTEGRATED WASTE MANAGEMENT DEPARTMENT

59. Receive and file AB 939 Surcharge Implementation Quarterly Report - All Districts (Board Directive 4/18/06)
24135 **APPROVED AS RECOMMENDED**
XX

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

60. Receive bids and award contract to Griffith Company for reconstruction of Yellowpine Lane

drainage improvements and pavement overlay from Meadow Ridge Drive to the end of Yellowpine Lane, Portola Hills ($639,994) - District 3
41235 **APPROVED AS RECOMMENDED**
XX

61. Receive bids and award contract to R.J. Bullard Construction, Inc. for barrier replacement for Santiago Canyon Road Bridge Project ($518,171) - District 3
41235 **APPROVED AS RECOMMENDED**
XX

62. **Acting as the Orange County Flood Control District -** Approve agreement D07-042 with Orange County Sanitation District and agreement D07-043 with Santa Ana Watershed Project Authority for accelerated financing of relocation of Santa Ana Regional Interceptor Line between Prado Dam and Weir Canyon Road - District 3
B.O. **CONTINUED TO 6/12/07, 9:30 A.M.**

SOCIAL SERVICES AGENCY

63. Approve master agreement CRR0107-00 with various State licensed group home providers for group home services, 7/1/07 - 6/30/10; and authorize Director or designee to execute agreements - All Districts
21354 **APPROVED AS RECOMMENDED**
XX

PUBLIC PROTECTION

64. **Probation -** Approve performance agreement with Boys Republic for State approved rate waiver pilot project for innovative foster care services, 4/2/07 - 4/1/10; and authorize Chief Probation Officer to execute agreement - All Districts
21354 **APPROVED AS RECOMMENDED**
XX

GENERAL ADMINISTRATION

County Executive Office:

65. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
41235 **APPROVED AS RECOMMENDED**
XX

66. Approve grant applications report as proposed and other actions as recommended - All Districts
41235 **APPROVED AS RECOMMENDED**
XX

67. Adopt "Policy for Use of County Vehicles by Staff for Non-County Events or Transportation of Volunteers, Etc." - All Districts
B.O. **DELETED**

IV. PUBLIC HEARINGS (Items 68-69)

ELECTED DEPARTMENT HEADS

68. **Treasurer-Tax Collector -** Public Hearing to consider first reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 8-1-17 and 8-1-18 of the Codified Ordinances of the County of Orange to Increase the Fees for Seizure of Property and Execution on Accounts in Financial Institutions by the Treasurer-Tax Collector and Adding Section 8-1-21 to the Codified Ordinances of the County of Orange to Establish Fee for Processing by the Treasurer-Tax Collector of Requests to Pay Delinquent Taxes in Installments"; adopting resolutions establishing and approving revised fees to be charged to various recipients of Treasurer-Tax Collector services; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

42135 **CONTINUED ADOPTION OF ORDINANCE TO 6/19/07, 9:30 A.M.**
XX

RESO: 07-075 - 07-076

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

69. Public Hearing to consider adopting resolution vacating unused pedestrian access easement, Parcel A South Laguna Beach; and making California Environmental Quality Act findings - District 5 (Continued from 3/6/07, Item 6; 5/8/07, Item 34)

B.O. **CONTINUED TO 6/26/07, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):Number of Cases: One Case

B.O. **DELETED**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Name of Case: Tyson Lewis v. County of Orange, Orange County Superior Court Case No. 06CC11236

B.O. **DELETED**

CS-3. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: Orange County Employees Association (OCEA), Orange County Attorneys Association (OCAA), Service Employees International Union (SEIU), and the American Federation of State, County and Municipal Employees (AFSCME), and the Association of Orange County Deputy Sheriffs (AOCDS)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
None

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Moorlach - Oral Re: Thanked communications staff for improvement in Board room acoustics

Supervisor Nguyen - Oral Re: Hosted 1st Town Hall Meeting and thanked HCSD for their participation

Chairman Norby and Supervisor Nguyen - Oral Re: AB 1234 Report: Reported their trip to Sacramento last week on legislative issues affecting the County

ADJOURNED: 11:18 A.M.

24135 **Adjourned in memory of Jane Manning Whitaker**
XX

24135 **Adjourned in memory of Denise Mansfield-Reinking**
XX

42135 **Adjourned in memory of Norman P. Murry**
XX

42135 **Adjourned in memory of Lawrence Myers**
XX

*** 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)

CHRIS NORBY, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board