REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 31, 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: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Moorlach, Second District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-25)

31254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 6 & 14 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Norby -** In-Home Supportive Services Advisory Committee - Appoint Rosemary Jean Dowd, Anaheim, and reappoint Haiganoush (Heidi) Aharonian, Irvine, for terms ending 7/30/11

ELECTED DEPARTMENT HEADS

2. **Sheriff-Coroner -** Approve amended agreement with Rancho Santiago Community College District for law enforcement training - All Districts

3. **Treasurer-Tax Collector -** Approve amendment 3 to price agreement N1000007499 with Steve Shultz for implementation of ATS re-write pilot project and needs assessment phases for replacement of property tax application, 7/20/07 - 9/30/07 ($49,000; new total $273,000) - All Districts

ORANGE COUNTY PUBLIC LIBRARY

4. Approve price agreement N1000008861 with SirsiDynix for software and hardware maintenance and support services for Library Information System, 8/1/07 - 7/31/08 ($72,430); renewable for four additional one year terms ($79,673 second year; $87,621 third year; $96,323 fourth year; $105,925 fifth year) per Board policy - All Districts

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

5. Approve agreement with Orange County Fire Authority and Rancho Mission Viejo to establish fire safety standards and procedures; and authorize Director to make subsequent amendments under certain conditions - District 5 (Continued from 3/27/07, Item 41; 4/24/07, Item 10; 5/22/07, Item 19; 6/26/07, Item 17)

6. Approve agreement 07-0090 with State Department of Food and Agriculture for egg quality control enforcement, 7/1/07 - 6/30/08 ($16,839.14); and authorize Agricultural Commissioner to execute agreement - All Districts

43125 **APPROVED AS RECOMMENDED**

7. Approve agreement 07-0257 with State Department of Food and Agriculture for organic food enforcement, 7/1/07 - 6/30/08 ($1,500); and authorize Agricultural Commissioner to execute agreement - All Districts

8. Approve Memorandum of Understanding with State Department of Consumer Affairs for structural pest control applicator examination reimbursement, 7/1/07 - 6/30/08 ($15.00 per examinee); and authorize Agricultural Commissioner to sign MOU - All Districts

9. Approve amended easement agreement with RMV Ortega Rock, LLC for parcel of land within Caspers Regional Park; and make California Environmental Quality Act findings - District 5

10. Adopt resolution certifying completion of street improvements, street lights, sewer and water systems, and monumentation; authorizing release of security and accepting public street improvements, street lights, sewer and water systems, and monumentation, Tract 16351, Pardee Homes, Ladera Ranch area - District 5
RESO: 07-108

11. Receive bids and award contract to Micon Construction, Inc. for Orchard Drive Park refurbishment, Santa Ana Heights area ($112,976) - District 2

12. Approve license agreement with Southern California Edison for recreational trail and hiking purposes, Limestone Canyon Whiting Ranch Wilderness Park; and make California Environmental Quality Act findings - District 5

13. Receive bids and award contract to GCI Construction, Inc. for resurfacing of Turkey Springs Road, Joplin Youth Center ($227,516) - District 3

14. Approve renewal of price agreement N1000007787 with Barry's Security Services, Inc. for unarmed security services, Seven Oaks Dam, 8/1/07 - 7/31/08 ($115,000); renewable for one additional year per Board policy; and make California Environmental Quality Act findings - All Districts

43125 **APPROVED AS RECOMMENDED**

15. Approve agreement with Tonner Hills SSP, LLC and Tonner Hills 680, LLC for development of public benefits for Tonner Hills Planned Community; and make California Environmental Quality Act findings - District 3

16. Approve price agreement N1000008852 with Linemaster for sandblasting services at various County locations, 8/1/07 - 7/31/08 ($126,500); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - All Districts

17. Approve agreement with Southern California Gas Company for transportation of natural gas to Central Utility Facility, 8/1/07 - 8/1/09 ($93,690); authorize Director or designee to execute agreement; and make California Environmental Quality Act findings - District 1

18. Accept work of Spectra Company for George Key Ranch Improvements Phase II, project completed 6/14/07 ($268,410) - District 4

19. Accept work of Micon Construction, Inc. for refurbishment of Yorba Park picnic shelters, project completed 7/3/07 ($315,535) - District 3

20. Approve agreement D07-062 with The Irvine Company and Irvine Community Development Company LLC for reimbursement of costs of consultant services for Orange County Flood Control District facilities; and authorize Department to enter into related agreements - District 3

21. Receive bids and award contract to Pacific Sundance Construction, Inc. for computer room improvements, Central Justice Center ($210,346) - District 1

22. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve amended agreement D05-013 with RMV Community Development, Inc. and Pacific Advanced Civil Engineering, Inc. for studies within the San Juan Creek watershed, extending term one year ($997,500); and make California Environmental Quality Act findings - District 5

PUBLIC PROTECTION

23. **Probation -** Approve price agreement N3000007009 with BI, Inc. for lease of continuous electronic monitoring equipment/hardware and for the provision of off-site centralized monitoring services for Juvenile Offender Supervised Electronic Confinement Program, 8/1/07 - 7/31/08 ($75,500); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

24. **County Executive Office -** Approve master agreement X1000000354 with Pitney Bowes, Inc. for mailing system products and services, 8/1/07 - 7/31/08; and authorize Purchasing Agent or designee to execute agreement and renew agreement for four additional one year periods - All Districts

25. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for June 2007 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 26-S39A)

GENERAL ADMINISTRATION

26. **County Executive Office -** Approve 2007 Personnel and Salary resolution, Memoranda of Understanding and health plan desgn changes as agreed with Orange County Employees Association (OCEA) - All Districts

43125 **APPROVED AS RECOMMENDED**

27. **Supervisor Moorlach -** Consider indicating intent to rescind the retroactive portion of the 3% at 50 pension increase to all Public Safety employees who received such retroactive increase as part of amendment to Memorandum of Understanding approved on December 4, 2001, except that members who have retired since increase took effect shall not be required to repay any pension payments that they have actually received; direct staff to return to Board on September 11, 2007 with a recommendation on how to effect rescission; direct County Counsel to complete a Request for Proposals and return to Board on September 11, 2007 with a recommendation to employ counsel to file a Declaratory Relief action in Orange County Superior Court against Association of Orange County Deputy Sheriffs (AOCDS) and the Orange County Employees Retirement System (OCERS) and seeking an injunction against further payments of the retroactive portion of retiree payments; and direct staff to determine with OCERS the cost of payment of retroactive benefit by active safety employees and consult with AOCDS regarding proposed contract to make such payments

23154 **APPROVE REVISED R. A. 1 TO (A) CONSIDER, AT THE BOARD MEETING OF SEPTEMBER 18, 2007, RESCINDING AS VOID AND IN VIOLATION OF ARTICLE IV, SECTION 17, ARTICLE XI, SECTION 10(A), ARTICLE XVI, SECTION 6, AND ARTICLE XVI, SECTION 18 OF THE CALIFORNIA CONSTITUTION, THE RETROACTIVE PORTION OF THE "3% AT 50" PENSION INCREASE TO ALL PUBLIC SAFETY EMPLOYEES WHO RECEIVED SUCH RETROACTIVE INCREASE AS PART OF THE AMENDMENT TO THE MOU WITH THE COUNTY OF ORANGE APPROVED BY THE BOARD OF SUPERVISORS ON DECEMBER 4, 2001 (MADE EFFECTIVE JUNE 28, 2002), EXCEPT THAT MEMBERS WHO RETIRED AFTER SUCH RETROACTIVE INCREASE TOOK EFFECT SHALL NOT BE REQUIRED TO REPAY ANY PENSION PAYMENTS REPRESENTING THE RETROACTIVE INCREASE THAT THEY HAVE ACTUALLY RECEIVED SINCE THE MOU WAS APPROVED AND IMPLEMENTED, BUT SHALL ONLY BE INELIGIBLE TO RECEIVE PAYMENTS ATTRIBUTABLE TO SUCH RETROACTIVE INCREASE GOING FORWARD; AND (B) DIRECT STAFF TO RETURN ON SEPTEMBER 18, 2007, WITH A RECOMMENDATION ON HOW TO EFFECT SUCH A RESCISSION; APPROVE R. A. 2 AS AMENDED FOR COUNTY COUNSEL TO RETURN TO THE BOARD ON SEPTEMBER 18, 2007; APPROVE R. A. 3 AND DIRECTED COUNTY COUNSEL TO SCHEDULE A CLOSED SESSION ON AUGUST 7, 2007 TO DISCUSS USE OF INDEPENDENT LEGAL COUNSEL TO REVIEW CONSTITUTIONAL ISSUES.**

HEALTH CARE AGENCY

28. Approve agreements with America on Track, dba Orange County On Track ($200,000), California State University, Long Beach Foundation ($200,000) and National Council on Alcoholism and Drug Dependence - Orange County ($200,000) for Tobacco Free Communities Lead Agency services, 8/1/07 - 6/30/08 - All Districts

35124 **APPROVED AS RECOMMENDED**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

29. **Acting as the Board of Supervisors and Orange County Development Agency -** Approve subordination of loan for financing plan for Dorado Senior Apartments ($8,000,000); authorize Director or designee to utilize Home funds for development of Dorado Senior Apartments and to execute subordination agreement, loan documents and restrictive covenants - District 4
43125 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

30. Adopt resolution establishing a City Aid Program for sharing of Proposition 42 funds with various County cities (not to exceed $10,000,000), authorizing staff to negotiate agreements and return to the Board for approval; approve program for distribution of Proposition 1B funds and development of projects for FY 08-09; and make California Environmental Quality Act and other findings and approve directions to staff - All Districts (4/5 vote)
25134 **APPROVED AS RECOMMENDED**
RESO: 07-109

GENERAL ADMINISTRATION

County Executive Office:

31. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
NO ACTION

32. Approve proposed response to FY 2006-07 Grand Jury Report "Orange County Disciplinary Procedures for Elected Officials" - All Districts
31254 **APPROVED AS RECOMMENDED**
X

33. Approve proposed response to FY 2006-07 Grand Jury Report "An In-Custody Death Review" - All Districts (Continued from 7/17/07, Item 54)
35124 **APPROVED AS RECOMMENDED**
X

34. Approve grant applications report as proposed and other actions as recommended - All Districts
53124 **APPROVED AS RECOMMENDED**
X

35. Receive and file 2006 Financial Statements of Orange County Employees Retirement System - All Districts
24135 **APPROVED AS RECOMMENDED**

Human Resources Department:

36. Adopt Employee Health Plan Rate Tables for 2008 for designated employees; authorize Assistant Human Resources Director to sign policies with CIGNA and Kaiser for Group Service Health Plans; and approve amended Administrative Services agreement

N1000007147 with CIGNA Healthcare of California, Inc. for Health Maintenance Organization health plan for employees, effective 1/01/07 - 12/31/08 - All Districts

B.O. **CONTINUED TO 8/14/07, 9:30 A.M.**

37. Approve various salary range adjustments for certain classifications; effective first day of pay period following adoption - All Districts

13254 **APPROVED AS RECOMMENDED**

38. Approve price agreement N1000009046 with Blue Shield of California for claims administration, cost management services and Preferred Provider Organization network for self-funded PPO Health Plans and self-funded Management and Attorney Dental Plan, 1/1/08 - 12/31/10; renewable for two additional one year periods, per Board policy - All Districts

23154 **APPROVED AS RECOMMENDED**

39. **Supervisor Moorlach -** Approve amended bylaws for the Orange County Audit Oversight Committee

B.O. **CONTINUED TO 9/18/07, 9:30 A.M.**

S39A. **Chairman Norby -** Discussion of Cal Coast Data Entry, Inc. contract with the Orange County Superior Court

NO ACTION

IV. PUBLIC HEARINGS (None)

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

GENERAL ADMINISTRATION

County Counsel:

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

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

SCS2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a):
Name of Case: William J. Hunt v. County of Orange, et al., United State District Court Case No. SACV07-705 AG (MLGx)

B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, AUTHORIZED THE RETENTION OF THE LAW FIRM OF JONES & MAYER TO PROVIDE DEFENSE FOR THE COUNTY OF ORANGE, SHERIFF-CORONA AND ANY SUBSEQUENTLY NAMED "DOE" DEFENDANTS IN THE MATTER OF WILLIAM J. HUNT V. COUNTY OF ORANGE, ET AL.**

SCS3. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property: 1146 E. Washington Avenue in Santa Ana
Parcel Number DD-073034-01-01
County Negotiator: Thomas G. Mauk

Negotiating Parties: California Department of Transportation
Under Negotiation: Price and terms of payment

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

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

PUBLIC COMMENTS:
Darrell Nolta - Oral Re: (1) Tobacco Revenue Funds; (2) cannabis use & psychosis; and (3) Secretary of State review of electronic voting machines

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Campbell - Oral Re: Registrar of Voters to report to BOS regarding potential security violations of E-Slate

ADJOURNED: 2:42 P.M.

24135 **Adjourned in memory of Pastor Ray Orland**

34125 **Adjourned in memory of Charles Henry Colwell**

*** 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