REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 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: Supervisors: Moorlach, Campbell, Norby & Bates

EXCUSED: Supervisor Nguyen

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

INVOCATION: SupervIsor Norby, Fourth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chair Moorlach presented a resolution congratulating the Sheriff's Department Women's running team on their win in the Baker to Vegas Challenge Cup Relay

II. CONSENT CALENDAR (Items 1-39)

35142 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 7, 10, 17 & 20 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; ITEM 30 WHICH WAS CONTINUED TO 7/22/08, 9:30 A.M.; AND ITEM 39 WHICH WAS DELETED**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Developmental Disabilities Area Board XI - Reappoint Claire P. Heaney, Tustin, for term ending 7/14/11

DEPARTMENT APPOINTMENTS

2. **OC Community Resources -** Acting as the Board of Supervisors and Orange County Housing Authority - Housing & Community Development Commission - Reappoint James Righeimer, Costa Mesa; Scott Larson, Aliso Viejo; Paris Merriam, Irvine; Ron Garcia, Brea; appoint Michael Di Liscia, San Juan Capistrano and Jon Dumitru, Orange, for terms ending 6/30/10 - All Districts

ELECTED DEPARTMENT HEADS

3. **Clerk-Recorder -** Approve agreement with Local Agency Formation Commission for archival services; and authorize Director or designee to execute agreement and amendments under certain conditions - All Districts

District Attorney:

4. Approve amendment 1 to lease agreement DA-06-029 with FT Investors, LLC to add two storage units for prosecution files at 1400 N. Harbor Blvd., Fullerton; and make California Environmental Quality Act findings - District 4

5. Approve purchase order PC 116 P0800006559 with Leica Geosystems, Inc. for surveying equipment to be used in vehicular homicide investigations ($37,906.45) - All Districts

6. Approve agreements with various cities to provide services for prosecution of violators of city ordinances, 7/1/08 - 6/30/13 - Districts 1, 2 & 3

7. Approve agreement N1000010095 with Alexander + Hibbs AIA, Inc. to provide architect-engineer services for District Attorney High Thru-Put DNA Laboratory Project ($180,700); and make California Environmental Quality Act findings - District 1

43152 **APPROVED AS RECOMMENDED**
X

Sheriff-Coroner:

8. Approve plans and specifications and set bid opening for 8/20/08, 2:00 p.m., for replacement of HVAC units at Theo Lacy Jail Barracks G & H; and make California Environmental Quality Act findings - District 3

9. Approve standard agreement 80112111 with State Commission on Peace Officer Standards and Training (P.O.S.T.) for Basic Narcotics Investigation course, 7/1/08 - 6/30/09 and accept reimbursement for training costs ($43,200); and authorize Sheriff-Coroner or designee to execute agreement and Form CCC-307, contractor certification clauses - All Districts

10. Approve price agreement N1000010178 with Crout and Sida Criminal Justice Consultants, Inc. for consultant services regarding jail system operations, 7/15/08 - 1/14/09 ($250,000) - All Districts

35142 **APPROVED AS RECOMMENDED**

XN

11. **Treasurer-Tax Collector -** Approve price agreement N1000010182 with Standard & Poor's Ratings Service for rating of County and Educational Money Market Funds, 7/16/08 - 7/15/09 ($36,000); renewable for two one-year terms ($36,000 per year) - All Districts

CHILD SUPPORT SERVICES

12. Approve Plan of Cooperation agreement with State Department of Child Support Services for administration of Title IV-D Program Services, 6/1/08 - 9/30/09; and authorize Director or designee to execute agreement - All Districts

HEALTH CARE AGENCY

13. Approve agreement V-98946801-0 with United States Environmental Protection Agency for Palos Verdes Shelf Support Agency funds, 5/1/08 - 4/30/11 ($43,967); and authorize Director or designee to execute agreement - All Districts

14. Approve agreement with Hoag Memorial Hospital Presbyterian for HIV Health Care services, 7/15/08 - 2/28/10 - All Districts

15. Approve price agreement N1000010102 with Public Health Foundation Enterprises, Inc, for consultant services for Health Disaster Management Program, 7/21/08 - 7/20/09 ($248,362) - All Districts

16. Approve PC 1000 Drug Diversion Certification Program with various providers, 8/1/08 - 6/30/09 - All Districts

17. Board Directive Response 5/13/08 - Receive and file report on establishment of an Institutional Health Services Quality Assurance Board - All Districts

35142 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

18. Approve Memorandum of Agreement DTFAWP-07-L-00036 with United States Department of Transportation/Federal Aviation Administration to consolidate various leases into one agreement for navigational facilities; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

19. Approve amended cooperation agreements with various cities for participation in Urban County Program for funding of housing and community development activities, FYs 2009-2012; and authorize Director or designee to execute agreement - All Districts

20. Select California State University, Fullerton for management of Archaeological and Paleontological collection; and authorize OC Parks to negotiate of agreement for Board approval - All Districts

25134 **APPROVED AS RECOMMENDED**

X

21. Approve agreement with CalOptima for establishment of virtual Aging and Disability Resource Center, FYs 2008-11 ($49,500); and authorize Director or designee to execute agreement - All Districts

22. **Acting as the Board of Supervisors and Orange County Development Agency** - Approve subordination of loan to Granite Court Apartments, Irvine ($6,308,877); and authorize Director or designee to execute agreement - District 3 (Continued from 6/17/08, Item 14)

OC PUBLIC WORKS

23. Approve amendment 2 to agreement D03-065 with Moffatt & Nichol Engineers for maintenance dredging of Newport Dunes Marina ($60,000; new total $460,000); and make California Environmental Quality Act findings - District 2

24. Approve lease agreement PRC 7837 with State Lands Commission for dredging maintenance activities, Newport Dunes Marina; and authorize Director or designee to execute agreement - District 2

25. Approve bill of sale and easement deed to Irvine Ranch Water District for transfer of Katie Wheeler Branch Library water utility service and OC Parks Headquarters fire suppression water service building, Irvine Ranch Historic Park; and make California Environmental Quality Act findings - District 3

26. Receive bids and award contract to R.J. Bullard Construction, Inc. for dismantling and removal of El Toro Materials Company Conveyor Bridge ($150,250); and make California Environmental Quality Act findings - District 5

27. Approve agreement D08-063 with Griffith Company for contract retention funds to be placed in escrow; and authorize Auditor-Controller to make related payments - District 2

28. Approve and accept grant deeds from RMV Headquarters, LLC, DMB San Juan Investment North, LLC and RMV Community Development, LLC and easement deeds from RMV Headquarters, LLC and RMV Community Development, LLC for widening of a portion of Ortega Highway; authorize Director to execute related document; and make California Environmental Quality Act findings - District 5

29. Approve amendment 1 to Memorandum of Understanding with Discovery Science Center for public Watershed and Water Quality exhibit, extending term to 12/26/08 - District 1

30. Approve agreement K1000000096 with PACE, Inc. for stabilization of Borrego Canyon Wash and improved creek and bay water quality in Newport Bay Watershed; and make California Environmental Quality Act findings - Districts 3 and 5

35142 **CONTINUED 7/22/08, 9:30 A.M.**

X

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

31. Approve agreement D08-023 with Jones & Stokes Associates, Inc. for on-call environmental documentation and permitting services for San Diego Creek, three-year term ($400,000); and make California Environmental Quality Act findings - All Districts

32. Approve and accept easement deeds with Orange County Flood Control District for ingress and egress and flood control purposes; and make California Environmental Quality Act and other findings - District 3 (4/5 vote)

SOCIAL SERVICES AGENCY

33. Accept grant award from Stuart Foundation for continued implementation of California Connected by 25 Initiative as an element of the Family to Family Initiative ($85,000); and authorize Director or designee to execute agreement and related documents and to approve expenditures of grant funds within budgeted amounts; and authorize Auditor-Controller to make related payments - All Districts

34. Approve plans and specifications and set bid opening for 8/20/08, 2:00 p.m., for renovation of facility, 401 S. Tustin Street, Orange; make California Environmental Quality Act findings - District 3

GENERAL ADMINISTRATION

Clerk of the Board:

35. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for the County of Orange, Board of Supervisors - All Districts

36. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Children & Families Commission of Orange County - All Districts

37. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for OC Public Works - All Districts

38. **County Counsel -** Grant authority to file collection action against RLS Design, Inc., its Principal/President, Richard Schwartz and any other responsible parties for supplemental law enforcement services - All Districts

39. **Human Resources Department -** Adopt amended and restated Management and Attorney Dental Plan document, effective 9/1/08; and authorize Director or designee to execute plan - All Districts (Continued from 6/3/08, Item 50)

35142 X **DELETED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 40-59)

ELECTED DEPARTMENT HEADS

40. **Auditor-Controller -** Approve price agreement N1000010203 with Tata Consultancy Services (TCS) for development of the Auditor-Controller, Clerk of the Board and Treasurer-Tax Collector Property Tax Management System (PTMS), 7/16/08 - 7/15/11 ($8,786,339.10); and authorize purchasing agent or designee to exercise included contingency contract cost increase not to exceed 10% without further Board action - All Districts

32145 **APPROVED AS RECOMMENDED**
X

41. **Clerk-Recorder -** Approve lease agreement CCR-07-039 with the Parker Family Trust for 2,500 square feet of office space at 201 N. Harbor Boulevard, Fullerton, 5 year term; authorize Clerk-Recorder to amend agreement not to exceed 10%; and make California Environmental Quality Act findings - District 4 (Continued from 6/24/08, Item 46)

43152 **APPROVED AS RECOMMENDED**
X

42. **Sheriff-Coroner -** Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 for installation and acquisition of a CCTV Digital Surveillance and Recording System for Theo Lacy Facility, including inmate barracks and interior of guard stations; and set review to determine continuing need for emergency action for 7/29/08, 9:30 a.m. and every 14 days thereafter; and make California Environmental Quality Act findings - District 3 (4/5 vote) (Continued from 4/15/08, S32A; 4/29/08, Item 25; 5/13/08, Item 14; 5/20/08, Item S53A; 6/3/08, Item 55; 6/17/08, Item 38; 6/24/08, Item 64)

35142 **APPROVED AS RECOMMENDED**
X

43. **Treasurer-Tax Collector -** Approve amendment 9 to price agreement N1000006149 with Financial Statement Services, Inc. for tax bill printing and mailing services, 8/24/08 - 8/23/09 ($602,000) - All Districts

35142 **APPROVED AS RECOMMENDED**
X

HEALTH CARE AGENCY

44. Approve agreement 08-78012-000 with State Department of Mental Health for Conditional Release Program, 7/1/08 - 6/30/09 ($1,179,230); and authorize Director or designee to execute agreement and any subsequent amendments - All Districts

35142 **APPROVED AS RECOMMENDED**
X

45. Approve additional one-time expenses for water lab design at Shellmaker Island ($40,000; new total $1,415,833) - District 2

25134 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

46. Approve amendment 1 to agreement with Thirtieth Street Architects, Inc. for remodel and expansion of Laguna Niguel Branch Library ($542,311; new total $622,611); and find Final EIR 603 is adequate to satisfy requirements of California Environmental Quality Act - District 5

52134 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

47. Approve lease agreement with 1200 Main Partners, LLC for 4,490 square feet of office space at 1200 N. Main Street, Santa Ana for Health Care Agency's birth and death registration services; and make California Environmental Quality Act findings - District 1

23145 **APPROVED AS RECOMMENDED**
X

48. Approve lease agreement with G&G Investments for 4,141 square feet of office space at 1220 Hemlock Avenue, Santa Ana for Health Care Agency's Women, Infant and Children Program; and make California Environmental Quality Act findings - District 1

23145 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

49. Board Directive Response 10/2/07 - Receive and file AB 939 Surcharge Implementation Quarterly Report - All Districts (Continued from 6/24/08, Item 78)

35142 **APPROVED AS RECOMMENDED**
X

PUBLIC PROTECTION

50. **Probation -** Approve Juvenile Probation and Camps Funding Program agreement with State Corrections Standards Authority, 7/1/08 - 6/30/09 ($16,643,124); authorize Chief Probation Officer to execute agreement and subsequent amendments under certain conditions - All Districts

53142 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

51. Approve agreements CCI2808 with New Alternatives, Inc., CCI3508 with Olive Crest Treatment Centers, Inc., and CCI3608 with Unity Care Group, Inc., for Transitional Housing Program Plus Services, Scattered Site Apartments, 7/16/08 - 6/30/09 - All Districts

35142 **APPROVED AS RECOMMENDED**
X

52. Approve agreement CMM0108 with The Regents of the University of California for

Child Abuse Prevention and Intervention services, 7/16/08 - 6/30/11 ($1,825,530) - All Districts

35142
X
APPROVED AS RECOMMENDED

GENERAL ADMINISTRATION

County Executive Office:

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

53142
X
APPROVED AS RECOMMENDED

54. Select Urban Futures, Inc., to provide administrative services for the County's Mortgage Credit Certificate (MCC) Program; and authorize negotiation of agreement for Board approval - All Districts

B.O.
CONTINUED TO 7/22/08, 9:30 A.M.

55. Approve proposed response to FY 2007-08 Grand Jury Report "Orange County Campaign Reform Ordinance--Fair Campaign Practices Commission" - All Districts

53142
XN
CONTINUED TO 7/29/08, 9:30 A.M.

56. Approve proposed response to FY 2007-08 Grand Jury Report "Can the Emergency Operations Center at Loma Ridge Survive Disaster" - All Districts

32145
X
CONTINUED TO 7/22/08, 9:30 A.M.

57. Approve recommended grant applications submitted by District Attorney, OC Public Works, Health Care Agency; adopt resolution approving the filing of application for funding from Wildlife Conservation Board/California Riparian Habitat Conservation Program and appointing Director of OC Public Works, Watersheds Division as representative to conduct negotiations, execute and submit all documents - All Districts

35142
X
APPROVED AS RECOMMENDED

RESO: 08-086

58. Response to 6/24/08 Board Directive regarding Redevelopment Agencies - All Districts

42135
X
APPROVED AS RECOMMENDED WITH THE UNDERSTANDING THAT THE CEO WILL AGENDIZE ALL REDEVELOPMENT MATTERS THAT HAVE A FINANCIAL IMPACT ON THECOUNTY AND THAT ALL OTHERS WILL BE PROVIDED TO THE AFFECTED SUPERVISORIAL DISTRICT

59. **Human Resources Department -** Approve various salary range adjustments for Engineer classifications, effective first day of pay period following adoption - All Districts (Continued from 6/24/08, Item 96)

34152 **APPROVED AS RECOMMENDED**
XN

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS4)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Cases: Fred Pierce, et al. v. County of Orange, etc., et al., Ninth Circuit Court of Appeals Case No. 05-55829; Richard Eugene Smith, et al. v. Brad Gates, etc. et al., Ninth Circuit Court of Appeals Case No. 05-55845

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR NGUYEN BEING ABSENT, AUTHORIZED THE FILING OF A PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT IN THE CASE OF FRED PIERCE, ET AL. V. COUNTY OF ORANGE, ETC., ET AL.; RICHARD EUGENE SMITH ET AL. V. JERRY E. STEWART, ET AL.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange, etc. v. Board of Retirement of the Orange County Employees Retirement System, etc., Los Angeles County Superior Court Case No. BC 389758

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

CS-3. **County Executive Office -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: Executive Director of the Office of Independent Review

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

SCS4. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: Alliance of Orange County Workers (AOCW)
RE: To discuss terms and conditions of employment for represented employees

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

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

PUBLIC COMMENTS:
Darrell A. Nolta - Oral Re: Death & legacy of Dr. Michael E. DeBakey

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:

Supervisor Campbell & Norby - Oral Re: AB1234 Report: Provided the Board with an update on their recent attendance of the NACo Conference in Kansas City. (Reported during Item 53)

ADJOURNED: 12:10 P.M.

52134 **Adjourned in memory of Jack Zepp**
X

25134 **Adjourned in memory of Archer Muncy**
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

Orange County Clerk of the Board