REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 24, 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: 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 Campbell, Third 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 a resolution recognizing Christopher Koerner

Chair Bates presented a resolution commending Tim Neely on his retirement

Supervisor Campbell presented a resolution commending Ben de Mayo on his retirement

Supervisor Campbell presented a resolution commending Julie Poulson on her retirement

II. CONSENT CALENDAR (Items 1-25)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 10 WHICH WAS CONTINUED TO 4/7/09; 9:30 A.M.; AND ITEMS 7, 8, 22, 23 AND 25 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Children and Families Commission of Orange County - Reappoint Sandra Barry, Santa Ana; Kimberly Chavalas Cripe, Orange; and Hugh Hewitt, Irvine, to complete terms ending 3/31/11

DEPARTMENT APPOINTMENTS

2. **Health Care Agency -** Dental Health Advisory Board - Appoint Katherine Anh, DDS, Tustin Ranch, to complete term ending 10/25/10

ELECTED DEPARTMENT HEADS

3. **District Attorney -** Approve agreement with Anaheim for transfer or purchase of equipment/services or reimbursement of training costs for Urban Areas Security Initiative, FY 2008 - District 4

Sheriff-Coroner:

4. Approve license agreement with Color Broadband, Inc. for use of office space at Brad Gates Forensic Science Center, Santa Ana; and make California Environmental Quality Act findings - District 1

5. Approve plans and specifications and set bid opening for 4/29/09, 2:00 p.m., for re-roofing Butler Building, James A. Musick Facility; and make California Environmental Quality Act findings - District 3

6. Approve renewal of price agreement N3000008663 with Matrix Imaging Products, Inc. for maintenance of Kodak scanners, 3/27/09-3/26/10 ($65,318) - All Districts

7. Approve agreement with City of Los Angeles for Urban Areas Security Initiative funds from FY06 ($93,752); authorize purchasing agent to purchase related equipment and software; authorize Sheriff-Coroner to execute agreement and amendments under certain conditions - All Districts (Continued from 3/17/09, Item 3)

43125 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

8. Approve agreements with Southern California Edison Company for installation of preferred emergency gear and provision of Reserve Line Capacity; authorize Director to execute agreements; and find Final EIR 582 and addendum 582-1, as revised by Final Supplemental EIR 582, are adequate to satisfy requirements of California Environmental Quality Act - District 2 (Continued from 3/17/09, Item 6)

23145 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

9. Deny bid protests of GTA Construction, Incorporated; receive bids and award contract to Prava Construction Services, Inc. for Dana Wharf restroom renovation, Dana Point

Harbor ($241,157) - District 5

OC COMMUNITY RESOURCES

10. Approve modified request to incorporate new OC Animal Care Center into property for Law Enforcement Training Center at former Marine Corps Air Station Tustin - District 3
CONTINUED TO 4/7/09, 9:30 A.M.

11. Approve Workforce Investment Act Cost Reimbursement Agreement V1-V-09 with Pacific Gateway Workforce Investment Network for employment and training services for Veterans ($594,008); and authorize Director or designee to execute to agreement and exercise contingency contract cost increase not to exceed 10% without further Board action - All Districts

12. Approve plans and specifications and set bid opening for 5/6/09, 2:00 p.m., for construction of ADA restrooms and parking lot, Harriett M. Wieder Regional Park - District 2

13. Deny protest of Los Angeles Air, Inc.; receive bids and award contract to Bon Air, Inc. for replacement of heating, ventilation, and air conditioning system, Laguna Beach Branch Library ($197,000) - District 5

OC PUBLIC WORKS

14. Approve agreement D06-106 with Jay Langseder for required easements for construction of Newport Boulevard Sidewalk gap closure, Cowan Heights area; approve plans and special provisions and set bid opening for 4/29/09, 2:00 p.m.; and make California Environmental Quality Act findings - District 3 (Continued from 3/3/09, Item 16)

15. Approve plans and specifications and set bid opening for 4/22/09, 2:00 p.m., for slurry seal and asphalt overlay resurfacing of various County parks facilities; and make California Environmental Quality Act findings - Districts 2, 4 & 5

16. Approve cooperative agreement, quitclaim deeds and easement deed with City of Orange for widening portions of Santiago Canyon Road and Cannon Street, Santiago Oaks Regional Park; waive clearance of landfill-related contamination; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 3

OC WASTE & RECYCLING

17. Approve price agreement N1000010744 with Associated Laboratories and Weck Laboratories, Inc. for water quality analysis services, 4/1/09 - 3/31/10 ($150,000); renewable for two additional years per Board policy - All Districts

PUBLIC PROTECTION

Probation:

18. Approve Memorandum of Understanding with Superior Court for reimbursement of Court expenditures related to Parent Empowerment Program, 4/1/09 - 3/31/10 ($120,000); authorize Chief Probation Officer to extend agreement under certain conditions; and make California Environmental Quality Act findings - All Districts

19. Approve agreements with The Regents of the University of California, Irvine to provide assistance in off-site research projects, 3/24/09 - 2/1/10; and make California Environmental Quality Act findings - District 3

GENERAL ADMINISTRATION

County Executive Office:

20. Approve Joint Powers agreement with County Supervisors Association of California Excess Insurance Authority (CSAC-EIA); approve Memorandum of Understanding for participation in property insurance program; adopt resolution appointing one director and one alternate director to CSAC-EIA Board of Directors and authorizing County Executive Officer or designee to execute MOUs for purpose of joining various insurance programs - All Districts
RESO: 09-032

21. Approve amendment 2 to price agreement N1000008540 with Network Television Time, Inc. for Board Meeting broadcast services and equipment, 4/1/09 - 3/31/10 ($415,000) - All Districts

22. Approve allocation and expenditure of Fourth District Fund 130 funds and agreement with Anaheim for development of Heritage Park ($558,491); authorize Clerk of the Board or designee to execute agreement; and make related findings - District 4

41235 **APPROVED AS RECOMMENDED**
N N

23. Approve agreement with Benjamin P. de Mayo for volunteer professional legal services - All Districts

23145 **APPROVED AS RECOMMENDED**
N

24. **Human Resources Department** - Approve transition of Law Enforcement Managers from County health plans to Association of Orange County Deputy Sheriffs (AOCDS) health plans, effective 7/1/09 - All Districts (Continued from 3/10/09, Item 18; 3/17/09, Item 22)

25. **Internal Audit** - Receive and file Internal Audit Department Monthly Status Report for February 2009 - All Districts

52134 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 26-S37A)

ELECTED DEPARTMENT HEADS

26. **Treasurer-Tax Collector -** Consider second reading and adoption of "An Ordinance Amending Section 1-2-44 of the Codified Ordinances of the County of Orange, California Decreasing the Fee to be Charged by the Treasurer-Tax Collector for Processing Returned Unpaid Negotiable Paper" - All Districts (Continued from 3/17/09, Item 32)

32145 N **APPROVED AS RECOMMENDED**

ORD: 09-004

HEALTH CARE AGENCY

27. Approve amendment 1 to agreement 07-NNA30 with State Department of Alcohol and Drug Programs for Alcohol and Drug Abuse Treatment and Prevention services, FY 2008-09 ($272,206; new total $21,254,530); authorize Director or designee to execute agreement - All Districts

13245 **APPROVED AS RECOMMENDED**

28. Approve amendment 1 to agreements with Santa Ana ($70,000; new total $894,650) and with AIDS Services Foundation Orange County ($130,549; new total $641,259) for HIV Housing services, 7/1/08 - 6/30/09 - All Districts

13245 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

29. Select Aliso Beach Cafe and Concession, Inc. as primary and John Efstathiou dba Aliso Beach Concession as alternate concessionaires for operation of food sales and beach equipment rental business, Aliso Beach County Park; and authorize negotiation of final lease and approve execution of lease under certain conditions - District 5

54123 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

30. 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 4/7/09, 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)

32145 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

31. Approve agreement CCE4808 with Orangewood Children's Foundation for Annual Report on Conditions of Children in Orange County, 4/1/09 - 2/28/10 ($113,400) - All Districts

23145 **APPROVED AS RECOMMENDED**

32. Approve master agreement CSC4308-00 with various providers for Foster Family Agency services, 7/1/09 - 6/30/12; and authorize Director or designee to execute individual agreements - All Districts
43125 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

33. Approve proposed responses to pending recommendations for FY 2007-08 Grand Jury Reports - All Districts
23145 **APPROVED AS RECOMMENDED**

34. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
24135 **APPROVED AS RECOMMENDED**

35. Adopt resolution regarding Supplemental Targeted Adjustment for Retirees Cost of Living Adjustment (STAR COLA) for benefit year, 4/1/09 - 3/31/10; and receive and file report on STAR COLA projections - All Districts
23145 N **APPROVED AS RECOMMENDED**

RESO: 09-033

36. Repeal Resolution 03-323; adopt resolution approving authorized employees and consultant to examine sales and use tax records pertaining to County collections by State Board of Equalization - All Districts
31245 **APPROVED AS RECOMMENDED**
RESO: 09-034

37. Approve cooperative agreement with Orange County Transportation Authority (OCTA) and Santa Ana for public usage of restrooms at former Santa Ana Transit Terminal (SATT) - District 1
12345 **APPROVED AS MODIFIED TO REQUIRE ANNUAL APPROVAL BY BOARD AND DIRECT STAFF TO REPORT BACK TO THE BOARD IN 6-9 MONTHS ON USAGE AND ANY ISSUES**

S37A. **Supervisor Campbell -** Adopt resolution recognizing the Anatolian Cultures and Food Festival
31245 **APPROVED AS RECOMMENDED**
RESO: 09-035

IV. PUBLIC HEARINGS (Items 38-39)

OC COMMUNITY RESOURCES

38. **Acting as the Board of Supervisors and Orange County Housing Authority -** Public Hearing to consider approving Annual Public Housing Agency Plan, FY 2009-10; and authorize Executive Director or designee to execute related documents and to

submit Plan to U.S. Department of Housing and Urban Development - All Districts

B.O. **CLOSED PUBLIC HEARING**

23145 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

39. Public Hearing to consider adopting resolution approving master waste disposal agreements and specified rates; authorize Director or designee to execute agreements and take any other necessary action to complete agreements; make California Environmental Quality Act and other findings; and direct Auditor-Controller to pay Anaheim ($25,000) to perform due diligence regarding agreement and reasonableness of project system costs - All Districts

B.O. **CLOSED PUBLIC HEARING**

34125 **APPROVED AS RECOMMENDED**
RESO: 09-036

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. 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-2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):Number of Cases: One Case

B.O. **DELETED**

CS-3. **Human Resources Department -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: County Counsel

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

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

PUBLIC COMMENTS:
Massimo Marini - Oral Re: Services for homeless families when armory closes

Jil Wexler, Karla Westphal, Rev. Dr. Dennis Short - Oral Re: Defunding of Planned Parenthood agreement

Charles Griffin - Oral Re: In memory of Carol Valentine, transportation and fuel issues

Harriet Bemus - Oral Re: Need in OC for a group to represent children

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Chair Bates - Oral Re: Direction to Orange County Community Resources to contact Mr. Marini re: services for homeless families when armory closes and to notify the Chair if any immediate Board action is required

Supervisor Norby - Oral Re: Direction to CEO to provide the Board with information on utilization of jail inmate labor on County projects

ADJOURNED: 12:20 P.M.
51234 **Adjourned in memory of Jean Paul Maillard**

51234 **Adjourned in memory of Cynthia Colello**

*** 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