REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 16, 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	Darlene J. Bloom

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Norby presented a resolution commending Jerry A. King on his retirement

II. CONSENT CALENDAR (Items 1-23)

13254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 21 & 23 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 2 WHICH RECEIVED AN ABSTENTION FROM SUPERVISOR MOORLACH**

BOARD APPOINTMENTS

Supervisor Nguyen:

1. Assessment Appeals Board No. 3 - Appoint Nolan Alejandro, Garden Grove, to complete term ending 8/31/08

2. Assessment Appeals Board No. 4 - Appoint Thinh Van Doan, Westminster, to complete

term ending 8/31/08

13254 A **APPROVED AS RECOMMENDED**

DEPARTMENT APPOINTMENTS

3. **Health Care Agency -** Orange County Mental Health Board - Reappoint Harvey P. Grody, Orange, to complete term ending 8/14/10

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

4. Approve agreement with DMJM H&N for architectural design services, Intake Release Center Booking Loop remodel ($110,000) - District 1

5. Approve acceptance of donation from Dana Point for twenty-two tasers; and authorize Sheriff-Coroner or designee to execute agreement - District 5

6. Approve license agreement with SpectraSite Communications LLC for installation and operation of radio communications equipment, Mission Viejo Mall; and make California Environmental Quality Act findings - District 5

HOUSING AND COMMUNITY SERVICES DEPARTMENT

7. Approve amended Workforce Investment Act Cost Reimbursement agreement 16-V-07 with Coast Community College District for employment and training services for Veterans, 6/1/06 - 5/31/08 ($74,000; new total $240,500) - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

8. Receive bids and award contract to Allied e Corp., for construction of LISTS Phase II New Unattended Scale, Prima Deshecha Landfill ($324,490); and make California Environmental Quality Act findings - District 5

ORANGE COUNTY PUBLIC LIBRARY

9. Approve plans and specifications and set bid opening for 11/28/07, 2:00 p.m., for replacement of heating, ventilation and air conditioning equipment, El Toro Branch Library; and make California Environmental Quality Act findings - District 5

10. Approve lease with Costa Mesa for Mesa Verde Branch Library, ten year term commencing 11/1/07; and make California Environmental Quality Act findings - District 2

11. Approve plans and specifications and set bid opening for 11/28/07, 2:00 p.m., for ADA restroom upgrades, La Habra, Cypress and San Clemente Branch Libraries; and make California Environmental Quality Act findings - Districts 2, 4 & 5

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

12. Adopt resolution approving Tier 1 and Tier 2 project proposals for the Coastal Impact

Assistance Program; authorize Director or designee to apply for grant funds; and make California Environmental Quality Act findings - All Districts
RESO: 07-177

13. Adopt resolution certifying completion of and accepting public street improvements, street lights, sewer, water, landscaping and monumentation; authorizing release of security, Tract 16346, Pardee Homes, Ladera Ranch - District 5
RESO: 07-178

14. Authorize release of security for private street improvements, street lights and monumentation, Tract 15259, Western Pacific Housing-Pacific Park II, Aliso Viejo - District 5

15. Authorize release of security for private street improvements, street lights and monumentation, Tract 15260, Western Pacific Housing-Pacific Park II, Aliso Viejo - District 5

16. Authorize release of security for private street improvements, street lights and monumentation, Tract 15261, Western Pacific Housing-Pacific Park II, Aliso Viejo - District 5

17. Adopt resolution certifying completion of landscaping improvements and monumentation; authorizing release of security and accepting landscaping improvements, Tract 15509, Shea Homes Limited Partnership, Newport Coast area - District 5
RESO: 07-179

18. Authorize release of security for private street improvements, street lights, sewer and water systems, and monumentation, Tract 16388, Shea Homes Limited Partnership, Ladera Ranch area - District 5

19. Adopt resolution authorizing submission of applications with Orange County Transportation Authority for Transportation Development Act projects; and authorize Director or designee to execute documents - All Districts
RESO: 07-180

20. Approve plans and specifications and set bid opening for 11/21/07, 2:00 p.m., for asphalt overlay resurfacing of Santiago Canyon Road; and make California Environmental Quality Act findings - District 3

21. Approve renewal of lease agreement with CGJP-1, LLC for office space, 14120 Beach Boulevard, Westminster for the Tuberculosis Prevention Health Clinic and Women, Infant, and Children Program; and make California Environmental Quality Act findings - District 1

25134 **APPROVED AS RECOMMENDED**

22. **Acting as the Board of Supervisors and Orange County Development Agency** - Acting as the Board of Supervisors - Receive bids and award contract to Sully-Miller Contracting Company for Bristol Street sidewalk improvements, Santa Ana Heights area ($417,784); and Acting as the Board of Supervisors and Orange County Development Agency - Adopt resolutions making findings pursuant to Health and Safety Code Section 33445 - District 2
RESO: 07-181 - 07-182

GENERAL ADMINISTRATION

23. **Supervisor Nguyen** - Receive and file 13th Annual Report on the Conditions of Children in

Orange County

13254 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 24-40)

ELECTED DEPARTMENT HEADS

24. **Sheriff-Coroner -** Approve amended agreement DC-07-18-0300 with Governor's Office of Emergency Services for Anti-Drug Abuse Enforcement Program grant; and authorize Sheriff-Coroner to execute agreement ($374,757; new total $887,128) - All Districts

32154 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

25. Approve amendment 2 to agreement 04-35728 with State Department of Health Services for Chlamydia Screening Project and Disease Investigation and Surveillance, 7/1/04 - 6/30/09 ($160,000; new total $522,125) - All Districts

B.O. **CONTINUED TO 10/30/07, 9:30 A.M.**

26. Approve price agreement F1000002996 with Roche Diagnostics Corporation for lab supplies used for HIV viral load testing, 10/16/07 - 10/15/08 ($420,000); renewable for two additional one-year periods, per Board policy - All Districts

12354 **APPROVED AS RECOMMENDED**

27. Approve subordinate price agreement N1000009301 with Sapphire Technologies, LLC for information technology professional services, 12/1/07 - 5/31/10 ($3,365,000); renewable for two additional one-year periods ($1,591,205 per year) per Board policy - All Districts

43125 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

28. Approve renewal of price agreements N2000007072 with Anaheim Truck & Auto Services, Inc., N2000007074 with Econo Lube N' Tune, N2000007077 with Stadium Automotive and N2000007078 with USA Express Tire and Service for maintenance and repair services on light duty vehicles, 11/1/07 - 10/31/08 ($229,000) - All Districts

32154 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

29. Select CH2M Hill as primary and Shaw Group as alternate firms for environmental services; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

30. Approve amended agreement D06-028 with Garcia-Juarez Construction, Inc for sewer conversion, O'Neill Regional Park ($480,000; new total $6,243,690); and make California Environmental Quality Act findings - Districts 3 & 5

35124 **APPROVED AS RECOMMENDED**

31. Receive bids and award contract to Native Landscape, Inc. for construction of habitat restoration, Upper Newport Bay Nature Preserve ($533,000) - District 2

25134 **APPROVED AS RECOMMENDED**

32. **Acting as the Orange County Flood Control District -** Declare emergency pursuant to Public Contract Code Section 22050 and make appropriate findings; approve plans and specifications and authorize Department to solicit bids for emergency repairs of damaged levee of northerly East Garden Grove - Wintersburg Channel; and make California Environmental Quality Act and other findings; and set for review to determine continuing need for emergency action for 10/30/07, 9:30 a.m. - District 2 (4/5 vote)

25134 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

33. Approve price agreement N1000009296 with Strategic Investment Solutions, Inc. to review and report on performance and risk levels and risk management associated with the Orange County Employees Retirement System asset allocation, investment policies and procedures, and investment manager selection and monitoring practices, 10/16/07 - 10/15/08; renewable for two additional one year periods per Board policy - All Districts

35124 **CONTINUED TO 10/30/07, 9:30 A.M.**

34. Approve recommended grant applications as proposed and other actions as recommended - All Districts

52134 **APPROVED AS RECOMMENDED**

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

35124 **APPROVED RECOMMENDED ACTIONS 2 & 3**

35124 **APPROVED RECOMMENDED ACTION 1**
NN

36. Approve new Fund 130 District Community Priorities and Projects allocation policy; approve allocation of funds and agreements with Santa Ana Kiwanis Club for a sports court in Barrier Free Park ($35,000), with Santa Ana for capital improvements at Jerome Center Park ($100,000), with Rose Center Foundation for capital improvements and equipment for Westminster Rose Center Theatre ($150,000), with Westminster Community Services Department for capital improvements at Westminster Senior Center ($40,000) and with Boy Scouts of America, Orange County Council for camp roads at the Learning for Life Outdoor Education Center ($20,000); authorize the Clerk of the Board to execute agreements and make related findings - All Districts (4/5 vote)

B.O. **CONTINUED TO 11/20/07, 9:30 A.M.**

37. Approve allocations of Funds for projects at Mile Square Park ($1,290,000), Wieder Park ($150,000)and Upper Newport Bay Nature Preserve ($45,000); approve agreement with Bolsa Chica Conservancy for construction of footbridge connecting Outer Bolsa Bay with Bolsa Chica Wetlands ($50,000) and approve agreement with Rossmoor Community Services District for exercise modules at Rush Park ($55,000); authorize County Executive Officer or designee to execute agreements; and make related findings - District 2 (4/5 vote)

21354 **APPROVED AS RECOMMENDED**

38. Approve price agreement N1000009330 with Hewlett Packard for Information Technology Infrastructure Library Foundations Training, 10/16/07 - 10/15/08 ($149,000) - All Districts

32154 **APPROVED AS RECOMMENDED**

39. Consider first reading of "An Ordinance of the County of Orange, California Repealing Section 1-2-320 of the Codified Ordinances of the County of Orange Delegating Investment Authority to the Treasurer-Tax Collector and delegating investment authority to the Chief Financial Officer" and set second reading and adoption for 10/23/07, 9:30 a.m.; approve additional monitoring and reporting requirements for County Investment Portfolio; approve agreement with Standard & Poor's for weekly/monthly reports ($60,000); if ordinance is adopted direct Chief Financial Officer (CFO) to perform various tasks regarding investment responsibilities; disband Treasury Oversight Committee and replace with An Oversight Committee to perform same function; and direct CFO to provide status report on implementation - All Districts (Continued from 9/11/07, Item 57 listed under Supervisor Moorlach)

B.O. **CONTINUED TO 12/11/07, 9:30 A.M.**

40. **Human Resources Department** - Approve MOU agreement with Orange County Attorneys Association - All Districts

43125 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 41)

HEALTH CARE AGENCY

41. Public Hearing to consider adopting resolution approving amended basic life support ambulance rates and advanced life support paramedic assessment and transportation fee; rescinding Resolution 06-125; and making California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

24135 N **APPROVED AS RECOMMENDED**

RESO: 07-183

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

GENERAL ADMINISTRATION

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

B.O. **HELD, THE CLERK READ: BY UNANIMOUS VOTE, THE BOARD APPROVED A PROPOSED SETTLEMENT OF THREATENED LITIGATION. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF THE COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

CS-2. **Human Resources Department** - Acting as Board of Supervisors and Governing Body of In-home Supportive Services Provider Unit - CONFERENCE WITH LABOR NEGOTIATOR -

Pursuant to Government Code Section 54957.6:
Agency Negotiator - Thomas G. Mauk
Employee Organizations: The Association of Orange County Deputy Sheriffs (AOCDS), Alliance of Orange County Workers (AOCW) and In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA)
RE: Terms and Conditions of Employment

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

County Counsel:

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Association of Orange County Deputy Sheriffs, etc., v. Board of Supervisors, etc., et al., OCSC No. 07CC01296

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

SCS4. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: BY A UNANIMOUS VOTE, THE BOARD AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

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

PUBLIC COMMENTS:
Jonathan Taylor - Oral Re: Offered to provide a free consumer protection lecture on the real estate and loan process

Charles Griffin - Oral Re: Participation in SCAG Regional Transportation Plan Workshops

Darrell Nolta - Oral Re: Low risk prisoner release concerns; city of Westminster ambulance provider selection process issues; and use of Fund 130 on OC Parks district projects

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Moorlach - Oral Re: Directed the CEO to provide the board offices with statistics on Sheriff's Department compliance with county policy on contributions to charitable causes.

Supervisor Campbell - Oral Re: Directed the CEO to research current change in procedures for salary deductions for United Way contributions which has apparent new thresholds for designating an individual's donation to a specific group or charity

Chairman Norby - Oral Re: AB1234 Report: Discussed recent trip to San Jose to participate in conference on redevelopment

ADJOURNED: 2:00 P.M.
24135 **Adjourned in memory of Keith Concannon**

24135 **Adjourned in memory of Tai Sutterfield**

14235 **Adjourned in memory of Margarita Solorzano-Amezcua**

14235 **Adjourned in memory of Captain Warren R. Orr Jr.**

14235 **Adjourned in honor of 29 babies surrendered since implementation of "Safe Surrender" program in 2001**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Supervisor Norby
5. = Supervisor Bates

ORD. = Ordinance
RESO. = Resolution

A. = Abstained
X. = Excused
N. = No
BO = Board Order

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