REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, January 29, 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: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Rob Richardson, Assistant CEO
	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 Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Bates will be presenting a resolution congratulating South Investigations Bureau, South Directed Enforcement Team and Gang Enforcement Team of the Orange County Sheriff-Coroner Department commending them for their excellence and devotion to law enforcement
DELETED

Chair Moorlach presented his State of the County Address and Goals for 2008

Local Agency Formation Commission (LAFCO) presented an oral report on potential boundary adjustments between Orange and Los Angeles Counties

II. CONSENT CALENDAR (Items 1-26)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTOIN OF ITEMS 8, 16, 18 & 24 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chair Moorlach -** Approve 2008 Chairman's appointments of Board members to various Boards, Commissions and Committees

ELECTED DEPARTMENT HEADS

Auditor-Controller:

2. Approve schedule of County Capital Assets Physical Inventory Dates for calendar years 2008 and 2009 - All Districts

3. Receive and file Semi-Annual Fund/Agency Report for 7/1/07 - 12/31/07 - All Districts

4. Approve deletion of dismantled, missing, obsolete, stolen and surplused equipment items from department/agency capital asset inventories - All Districts

5. **Sheriff-Coroner -** Approve price agreement N1000009416 with Goodwill of Orange County for packaging jail commissary items, 1/29/08 - 1/28/09 ($130,000); renewable for two additional one-year periods per Board policy - All Districts

HEALTH CARE AGENCY

6. Approve master agreement with various providers for HIV Health Care services, 3/1/08 - 2/28/09; authorize Director or designee to execute individual agreements - All Districts

7. Approve agreement with State Department of Public Health for AIDS Drug Assistance Program, 7/1/07 - 6/30/08 ($53,747) - All Districts

ORANGE COUNTY PUBLIC LIBRARY

8. Accept cash donation from the Friends of the Rancho Santa Margarita Library for purchase of microform reader ($13,000) - District 5

53142 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

9. Accept work of Medical Air Care, Inc. for Osborne Building air shaft maintenance, project completed 11/6/07 ($324,950.60) - District 1

10. Approve Records Control Schedules 88B, 104B, 113B, 114C, 123C, 124D, 125B, 163C, 164B, 277C, 351A, 352A, 353A, 354A, 355A, 356A and 357A for implementation by Sheriff-Coroner and authorize continuing disposition of records in accordance with schedule; approve super siding Records Control Schedules 88A, 104A, 113A, 114B, 123B, 124C, 125A, 163B, 164A and 277B; and approve deletion of Records Control Schedules 103 and 106 - All Districts

11. Accept work of Norment Security Group, Inc. for Juvenile Hall Phase 2 secured door replacement, project completed 11/29/07 ($372,077.22) - District 3

12. Receive bids and award contract to Collins Builders, Inc. for installation of dumbwaiter, West Justice Center ($98,700) - District 1

13. Approve easement deed to Southern California Edison over portion of Mason Regional Park for underground electrical utility services for David Leadbetter Golf Academy at Strawberry Farms Golf Club; and make California Environmental Quality Act findings - District 3

14. Relieve low bidder, Best Contracting Services, Inc. from obligation; receive bids and award contract to NKS Mechanical Contracting for Phase III replacement of air conditioning units, Juvenile Hall ($159,408) - District 3 (Continued from 1/15/08, Item 17)

15. Approve plans and specifications and set bid opening for 3/5/08, 2:00 p.m., for elevator retrofit, Building 12; and make California Environmental Quality Act findings - District 1

16. Reject bids and return all bid guarantees for maintenance dredging of Newport Dunes Marina - District 2

23145 **APPROVED AS RECOMMENDED**

17. Approve revised plans and specifications and set bid opening for 3/5/08, 2:00 p.m., for replacement of perimeter fence, Probation/Juvenile Hall; and make California Environmental Quality Act findings - District 3

18. **Acting as the Orange County Flood Control District -** Approve in concept Huntington Beach Wetlands Conceptual Restoration Plan and approve Negative Declaration IP07-585 and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

19. Approve agreement AMR0507 with Regents of the University of California for Elder and Dependent Adult Abuse Consultation services, 2/1/08 - 6/30/09 ($75,000) - All Districts

20. Approve master agreement CJV2607 with various providers for Child Welfare Services Redesign Supportive Services Provider Network, 2/1/08 - 6/30/10; and authorize Director or designee to execute individual agreements - All Districts

21. Approve agreement MTM0507 with Social Solutions for Efforts To Outcomes database and software maintenance services, 2/1/08 - 6/30/10; and authorize Director or designee to execute agreement - All Districts

PUBLIC PROTECTION

22. **Probation -** Approve amendment 14 to special use permit with U.S. Department of Agriculture, Forest Service for continued occupancy of Los Pinos Conservation Camp, Cleveland National Forest, 1/31/08 - 7/31/08; and make California Environmental Quality Act findings - District 5

GENERAL ADMINISTRATION

County Executive Office:

23. Select Doculabs Inc for Information Records Management and Digital Imaging Software Solutions Study; and authorize Purchasing Agent or designee to execute price agreement N1000009415 ($166,000) - All Districts

24. Approve amended agreement for Regional Tourism Program with Orange County Tourism Council to permit each Board member to select representative to serve as an ex-officio member of the OC Tourism Council Board of Directors, term concurrent with appointing supervisor - All Districts

35142 N **APPROVED AS RECOMMENDED**

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

26. **Supervisor Campbell -** Authorize waiver of fees for the Alzheimer's Association of Orange County event on 5/17/08, Mason Regional Park, Irvine

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 27-S46B)

ELECTED DEPARTMENT HEADS

27. **District Attorney -** Authorize Purchasing Agent or designee to negotiate and issue price agreements with Astrid Hagen and Western Interpreting Network for sign language interpreting services - All Districts
34152 **APPROVED AS RECOMMENDED**

28. **Sheriff-Coroner -** Approve renewal of price agreement N2000008505 with Sapphire Technologies, LLC for information technology temporary personnel services, 2/1/08 - 1/31/09 ($1,583,000) - All Districts
54132 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

29. Approve agreement with Community Service Programs, Inc. for Full Service/Wraparound Program for Youthful Offenders, 2/1/08 - 6/30/08 ($625,539) and 7/1/08 - 6/30/09 ($1,499,976) - All Districts
43152 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

30. Approve price agreement N1000009536 with Bryan A. Stirrat & Associates for landfill gas services for Central Region Landfills, 2/1/08 - 1/31/09 ($1,700,000); renewable for two additional one-year periods, per Board policy - District 3
35142 **APPROVED AS RECOMMENDED**

31. Select Riester as primary and SGA as alternate firms for outreach and education for recycling; and authorize negotiation of agreement for Board approval - All Districts (Continued from 1/15/08, Item 43)
31452 **APPROVED AS RECOMMENDED WITH THE UNDERSTANDING THE AGREEMENT WILL RETURN TO THE BOARD ANNUALLY FOR APPROVAL**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

32. Approve agreement with DMJM H&N, Inc. for construction project management services for Tustin Family Campus, a children's transitional family home campus ($692,348); and make California Environmental Quality Act findings - District 3
31452 **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

33. Approve continuance of emergency pursuant to Public Contract Code Section 22050 (c)(1) for emergency repairs of damaged levee of northerly East Garden Grove - Wintersburg Channel; and set for review to determine continuing need for emergency action for 2/5/08, 9:30 A.M. - District 2 (Continued from 10/16/07, Item 32; 10/30/07 Item 13; 11/6/07, Item 24; 11/20/07, Item 51; 12/4/07, Item 23; 12/18/07, Item 41; 1/8/08, Item 12; 1/15/08, Item 51)
23145 **APPROVED AS RECOMMENDED**

34. Select Tetra Tech and HDR Engineering as primary and MWH and Dudek as alternate firms for design and construction management services for Santa Ana Regional Interceptor Line relocation; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3

21345 A **CONTINUED TO 2/5/08, 9:30 A.M.**

PUBLIC PROTECTION

Probation:

35. Approve renewal of agreement with Community Service Programs, Inc., for provision of In-Home Family Intervention services for Central Youth and Family Resource Center, 2/1/08 - 1/31/09 ($145,474); and make California Environmental Quality Act findings - Districts 1 & 3

13452 **APPROVED AS RECOMMENDED**

36. Approve renewal of agreement with Providence Community Services for provision of substance abuse services for North, Central and West Youth and Family Resource Centers, 2/1/08 - 1/31/09 ($506,216); renewable for one additional one-year term per Board Policy ($531,583); and make California Environmental Quality Act findings - All Districts

13452 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

37. **County Counsel -** Adopt resolution authorizing Kirkland & Ellis, LLP as outside counsel to obtain a declaration of unconstitutionality and injunction against OCERS prohibiting it from paying out, in any month following Court declaration any increase pension benefits arising from Resolution 01-410 that are based on years of service rendered before June 28, 2002 and taking various actions to ensure that the rights and interests of affected active-duty and retired peace officers are protected to the greatest extent possible - All Districts (4/5 vote)

24135 **APPROVED AS RECOMMENDED**
RESO: 08-005

County Executive Office:

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

53142 **APPROVED AS RECOMMENDED**

39. Approve agreements 08-001BC with Orrick, Herrington & Sutcliffe, LLP as bond counsel and 08-002FA with Kelling, Northcross & Nobriga as financial advisor for review of Teeter Plan and any implementation actions as follow-up to this review; and authorize Public Finance Manager to execute agreement - All Districts

53142 **APPROVED AS RECOMMENDED**

40. Receive and file Final Report on risk analysis of Orange County Treasurer's Investment Pools and provide CEO with direction on continued review; and direct CEO to develop, in collaboration with Treasurer-Tax Collector, an implementation plan considering Public Financial Management Asset Management, LLC Report recommendations and

return to the Board within 60 days with a proposed plan for approval (Board Directive 12/18/07, Item #36) - All Districts

35142 **APPROVED AS RECOMMENDED**

41. Consider first reading of "An Ordinance of the County of Orange, California, adding article 18 to Division 2 of Title 1 of the Codified Ordnances to establish an Office of Independent Review" and set second reading and adoption for 2/5/08, 9:30 a.m.; and upon adoption direct staff to implement OIR and mediation process for complaints that do not rise to the level of full review by the OIR (Board Directive 12/18/07, Item 56) - All Districts

B.O. **CONTINUED TO 2/5/08, 9:30 A.M.**

42. Approve recommended grant applications submitted by Probation Department, Social Services Agency and Sheriff-Coroner in 1/29/08 Grants report - All Districts

53142 **APPROVED AS RECOMMENDED**

43. Acting as the Board of Supervisors and Orange County Flood Control District - Approve request of Brea Redevelopment Agency for Project Area C for the County to subordinate its receipt of tax increment revenue payments to bond debt to be incurred by Agency for the term of the bonds - All Districts

B.O. **DELETED**

Human Resources Department:

44. Approve and implement County's Last, Best and Final Offer presented to Alliance of Orange County Workers (AOCW) representing Operations and Service Maintenance Unit - All Districts

35142 **CONTINUED TO 2/5/08, 9:30 A.M.**

45. Discuss and consider options for filling Orange County Sheriff-Coroner position for remainder of term; approve desirable qualifications; direct staff to open recruitment for Sheriff-Coroner based on Board's selection of one of the three options and return to the Board with periodic status reports regarding recruitment and selection - All Districts

53142 **APPROVED AS RECOMMENDED, SELECTED RECRUITMENT OPTION #3**
NN **AS OUTLINED BY STAFF**

46. **Supervisor Nguyen -** Authorize waiver of fees for use of the Old Orange County Courthouse for Santa Ana Black History Month Program on 2/16/08, Santa Ana

13452 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

S46A. Accept work of American Electric Co. for Caspers Wilderness Park electrical upgrade, project completed 6/30/07 ($554,778) - District 5 (Continued form 1/15/08, Item 15)

54132 **APPROVED AS RECOMMENDED**

S46B. Authorize Director or designee to accept and counter-sign the Santiago Fire Damage Survey Report (NRCS) with respect to the Wilkinson Road Bridge findings prepared by the Natural Resources Conservation Service; direct RDMD to return to the Board with status update and next steps for the County to secure NRCS funding when Congress approves funding for the Wilkinson Road Bridge repair funding; and direct RDMD to contact owners of the bridge to

obtain an entry permit, indemnification, and any easements required for County to repair the bridge and maintain it in the future; and make California Environmental Quality Act findings - District 3

35142 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 47-48)

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

47. Public Hearing to consider adopting resolution denying appeal filed by Brandon Ogden and uphold Planning Commission's decision to deny proposed front yard setback variance on residential property located at 12581 Barrett Lane, Santa Ana, (Cowan Heights area) - District 3 (Continued from 12/4/07, Item 30)

B.O. **CLOSED PUBLIC HEARING**

31452 X **APPROVED AS RECOMMENDED**

RESO: 08-006

48. Public Hearing to consider adopting resolution approving abandonment of 2.1 acres of OC Parks property near Santiago Canyon Road and Cannon Street; and make California Environmental Quality Act and other findings - District 3 (unanimous vote) (Continued from 11/20/07, Item 44)

B.O. **CLOSED PUBLIC HEARING**

31452 X **APPROVED AS RECOMMENDED**

RESO: 08-007

V. CLOSED SESSION (Items CS-1-CS-2)

GENERAL ADMINISTRATION

CS-1. **County Counsel** - 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**

CS-2. **Chair Moorlach and Supervisor Campbell** - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Internal Audit Director

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

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

PUBLIC COMMENTS:
Joseph Vanderhoff - Oral Re: Clerk Recorder policy on issuance of marriage licenses

Charles Griffin - Oral Re: Fusion

Chris Long, Felice Connolly, Kristine Loomis - Oral Re: Wages & Benefits for United Domestic

Workers

Darrell Nolta - Oral Re: Passing of & tribute to Carl Karcher; and funding of upper Newport Bay dredging

COUNTY EXECUTIVE OFFICER COMMENTS:
Rob Richardson - Oral Re: Announced that Human Resources would have recommendation for the Board on the selection of a recruitment firm for Sheriff-Coroner position on 2/5/08

BOARD COMMENTS:
None

ADJOURNED: 4:40 P.M.

25134 **Adjourned in memory of Johnny Ortega**

12345 **Adjourned in memory of Ray Lettrell**

52134 **Adjourned in memory of Christian Barker**

25134 **Adjourned in memory of Robert Slater**

*** 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