REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 5, 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: Supervisor Bates, Campbell, Norby and Moorlach

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 Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Chair Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

None

II. CONSENT CALENDAR (Items 1-12)

35142 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 5, 6, 10 & 11 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **Social Services Agency -** Orange County Child Care and Development Planning Council - Appoint Beatriz Pascual-Travaglia, Brea; and Valeria Padilla, Hacienda Heights, to complete terms ending 8/5/09; appoint Monica O Garcia, Santa Ana; Susan Kelly Hogrefe, Lake Forest; and reappoint Ben Blank, Santa Ana; Faye Campbell, La Habra; Fritzi Gragg, Irvine; Linda Jahneke, Irvine; Kathleen McFarlin, Irvine; Gwen Morgan-Beazell, Santa Ana; and Marcia Rudolph, Lake Forest, for terms ending 8/5/10

- All Districts

ELECTED DEPARTMENT HEADS

2. **Sheriff-Coroner -** Approve agreement 80112123 with State to provide coroner training courses for the Commission on Peace Officer Standards and Training (P.O.S.T.), 7/1/08 - 6/30/09 and accept reimbursement for training costs ($129,000); and authorize Sheriff or designee to execute agreement and Form CCC-307, contractor certification clauses - All Districts

HEALTH CARE AGENCY

3. Approve purchase order PC 042 P0900601871 with Berlitz Language Center, Inc. for foreign language acquisition training in support of Mental Health program ($128,000) - All Districts

4. Approve agreement with Advanced Skincare MedCenter, Inc. for HIV health care services, 8/5/08 - 2/28/10 ($55,000) - All Districts

JOHN WAYNE AIRPORT

5. Approve renewal of price agreement N3000007065 with Axiom Services, Inc. for maintenance and support services of Microstation Productivity Toolkit Software, 8/5/08 - 7/14/09 ($1,199); renewable for one additional year per Board policy; and make California Environmental Quality Act findings - District 2

25134 X **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

6. Approve Orange County Comprehensive Economic Development Strategy 2008 Annual Report; authorize submission to U.S. Department of Commerce, Economic Development Administration; and authorize staff to make necessary revisions - All Districts

43152 X **APPROVED AS AMENDED TO DELETE LAST PARAGRAPH ON PAGE 165 OF THE REPORT**

OC PUBLIC WORKS

7. Approve Facilities Use Permit with Newport-Mesa Unified School District for 800 square feet of office space at Barbot Educational Support Services and Teaching Center, Costa Mesa; name School District as additional insured entity on County's Certificate of Self Insurance; authorize Director of Health Care Agency or designee to execute amendments under certain conditions; and make California Environmental Quality Act findings - District 2

8. Approve amendment 1 to Lease with Tustin Unified School District for 1,023 additional square feet of office space for therapy services for disabled children and their families, C.E. Utt Middle School, 13601 Browning Avenue, Tustin; and make California Environmental Quality Act findings - District 3

9. **Acting as the Board of Supervisors and Orange County Flood Control District -** Accept grant deeds from Lennar Homes of California and Tustin Vistas Partners, LLC for channel improvements in support of flood protection for homes and businesses; and make California Environmental Quality Act findings - District 3

OC WASTE & RECYCLING

10. Approve amendment 6 with Republic Services, Inc., and Taormina Industries, LLC., for disposal of non-County waste at Olinda Alpha landfill; authorize Director to execute related agreement; and find that Final EIR 523, EIR 588 and Addendum IP 94-91 are adequate to satisfy requirements of California Environmental Quality Act - District 3

35142 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

11. **County Executive Office -** Receive and file 2007 Financial Statements of Orange County Employees Retirement System - All Districts

23145 **APPROVED AS RECOMMENDED**
X

12. **Supervisor Norby -** Adopt resolution recognizing Fullerton Community College and its new Classroom Office Building
RESO: 08-093

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-S22B)

OC PUBLIC WORKS

13. Approve amendment 1 to lease with Civic Center, LLC for 1,865 additional square feet of office space for the Mental Health Services Act program, 600 West Santa Ana Boulevard, Santa Ana; and make California Environmental Quality Act findings - District 1

35142 X **APPROVED AS RECOMMENDED**

14. **Acting as the Orange County Flood Control District -** Approve acquisition contracts and accept grant deeds from Belinda Dee Briano for purchase of real property for Prado Dam project; authorize Auditor-Controller to make related payments; authorize Director or designee to execute related documents; and make California Environmental Quality Act findings - All Districts

35142 X **APPROVED AS RECOMMENDED**

15. **Acting as the Board of Supervisors and Orange County Flood Control District -** Deny bid protest of Dumarc Corporation; receive bids and award contract to HCH Constructors-Managers, Inc. for Katella Yard Relocation project ($3,669,000); make California Environmental Quality Act findings; and make budget adjustments - District 3

35142 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

DISCUSSED

17. Approve proposed response to FY 2007-08 Grand Jury Report "Man Down!!! Will He Get Up? Nursing Care at Orange County's Jail Facilities." - All Districts (Continued from 7/22/08, Item 21)

35142 X **APPROVED AS RECOMMENDED**

18. Acting as the Community Facilities Districts 86-1, 86-2, 87-5A, 87-5B, 87-5C, 87-5D, 87-5E (Rancho Santa Margarita); 87-1 (Dimensions Business Park); 87-2 (Portola Hills); 87-3 (Mission Viejo); 87-4 (Foothill Ranch); 87-6 (Baker Ranch); 87-7 (Los Alisos); 87-8 (Coto de Caza); 87-9 (Santa Teresita); 88-1 (Aliso Viejo); 88-2 (Lomas Laguna); 99-1, 2000-1, 2001-1, 2002-1, 2003-1, 2004-1 (Ladera Ranch) - Adopt resolutions levying special taxes for Community Facilities Districts, FY 2008-09 - Districts 3 & 5

35142 X **APPROVED AS RECOMMENDED**

RESO: 08-094 - 08-116

19. Approve agreements 08-003BC and 08-004BC with Stradling Yocca Carlson & Rauth for general bond counsel services ($200,000 per year for five years) and for bond counsel services for multi-family and single family housing revenue bond programs ($100,000 per year for five years); and authorize Public Finance Manager to execute agreements - All Districts

B.O. **DELETED**

Human Resources Department:

20. Approve price agreement N1000010172 with Walgreens Health Initiatives, Inc. for prescription drug card and mail order program for Premier Wellwise and Wellwise health plans, 1/1/09 - 12/31/11; renewable for an additional two years per Board policy - All Districts

35142 X **APPROVED AS RECOMMENDED**

21. Approve Special Legal Services agreement with Stephen Connolly as Executive Director for Office of Independent Review, three year term ($210,000 per year) - All Districts

32145 X **APPROVED AS AMENDED TO MODIFY AGREEMENT AT THE BOTTOM OF PAGE 1 TO PROVIDE "QUARTERLY" REPORTS AND ADD TO THE END OF THAT PARAGRAPH, "AND MEET WITH INDIVIDUAL BOARD MEMBERS WHEN REQUESTED"**

22. Approve 2008-09 Memorandum of Understanding with the Alliance of Orange County Workers (AOCW) representing Operations and Service Maintenance Unit; authorize Director or designee to terminate Wellwise Health Plan for employees in Operations and Service Maintenance Unit, effective 12/31/08; and continue to authorize payment of claims from Wellwise Health Plan filed by 12/31/09 as required - All Districts

35142 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

S22A. Declare emergency pursuant to Public Contract Code Section 22050 and make appropriate findings regarding condition of Black Star Canyon Road; authorize Director or designee to utilize internal forces to repair slope failure to Black Star Canyon Road for fire fighting and fire suppression activities; and set review to determine continuing need for emergency action for 8/19/08, 9:30 a.m., and every 14 days thereafter; and make California Environmental Quality Act findings - District 3 (4/5 vote)

35142 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S22B. **County Executive Office** - Approve sending Board letter of concern to Placentia regarding the proposed redevelopment plan amendments - District 4

43152 **APPROVED AS RECOMMENDED, AUTHORIZED DISTRICT 4**

X **SUPERVISOR TO SEND LETTER TO PLACENTIA CITY COUNCIL; FURTHER AUTHORIZED THE CHAIR TO SEND LETTERS TO ALL CITIES WITH REDEVELOPMENT AGENCIES THAT THE BOARD IS NOW TAKING AN ACTIVE ROLE IN REVIEWING REDEVELOPMENT PROJECTS AND EXPANSIONS THAT CAN IMPACT OC GENERAL FUND REVENUES**

IV. PUBLIC HEARINGS (Items 23-24)

OC PUBLIC WORKS

23. Public Hearing to consider adopting resolution approving FY 2007-08 Weed Abatement Cost Report and special assessments on identified properties - All Districts

B.O. **CLOSED PUBLIC HEARING**

35142 **APPROVED AS RECOMMENDED**
X

RESO: 08-117

24. Public Hearing to consider first reading of "An Ordinance of the County of Orange, California Amending Attachment 1 of Ordinance 07-002 to Remove Fees for Solar Energy - Photovoltaic and Solar Energy Collectors, Storage Tanks, Rock Collectors"; set second reading and adoption for 8/12/08, 9:30 a.m.; and direct Auditor-Controller to make related payments - All Districts

B.O. **CLOSED PUBLIC HEARING**

35142 **APPROVED AS AMENDED, MODIFIED TO EXTEND FOR A PERIOD OF 5-**
X **YEARS FROM 1-YEAR**

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

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Retired Employees Association of Orange County, Inc. v. County of Orange, United States District Court Case No. SACV 07-1301 AG (MLGX)

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

CS-2. 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: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR NGUYEN BEING ABSENT, APPROVED A PROPOSED SETTLEMENT OF POTENTIAL LITIGATION. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF**

CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.

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

PUBLIC COMMENTS:
Charles Griffin - Oral re: hydrogen fusion

Darrell A. Nolta - Oral re: death of Aleksandr I. Solzhenitsyn; Olympic games

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Supervisor Norby - AB1234 Report - Provided Board with an update on 8/4/08 trip to Sacramento to meet with Governor's staff regarding budget crisis ideas/solutions (Reported during item 16)

ADJOURNED: 12:37 P.M.

52134 **Adjourned in memory of Marc A. Russell**
X

25134 **Adjourned in memory of Girish Desai**
X

52134 **Adjourned in memory of Charles E. McLaughlin**
X

25134 **Adjourned in memory of Christpher Laurie**
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