REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 8, 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	Thomas G. Mauk
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Nguyen, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Norby, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Moorlach recognized Supervisor Campbell's birthday

Chairman Moorlach - Assistant Sheriff Jack Anderson, acting as Sheriff, discussed the release of the Grand Jury Transcripts in the Chamberlain matter

II. CONSENT CALENDAR (Items 1-11)

31452 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3, 10 & 11 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

COMMENDATIONS/PROCLAMATIONS/REPORTS

1. **Supervisor Nguyen -** Adopt resolution commending Bowers Museum Docent Guild for 35 years of dedication and service
RESO: 08-027

HEALTH CARE AGENCY

2. Approve amendment 1 to price agreement S2000000295 with Decade Software Company, LLC, for Envision software maintenance and support services for Environmental Health programs, period ending 7/31/08 ($100,000; new total $260,000); renewable for one additional year ($200,000) - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

3. Approve Workforce Investment Act Cost Reimbursement agreements with Santa Ana ($54,000) and Anaheim ($90,000) for training and employment services for dislocated workers, 4/8/08 - 12/31/08; and authorize Director or designee to exercise contingency increase not to exceed 10% - All Districts

25134 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

4. Approve standard agreement 07-0758 with State Department of Food and Agriculture for reimbursement costs related to inspection of high-risk plant shipments, 7/1/07 - 6/30/08 ($340,571); and authorize Agricultural Commissioner to execute agreement - All Districts

5. Adopt resolution relinquishing County jurisdiction over Hewes Street, Orange; and accept work of All American Asphalt for asphalt overlay resurfacing of Hewes Street from Spring Street to Walnut Avenue, Orange, project completed 4/3/07 ($195,425.95) - District 3
RESO: 08-028

6. Accept work of Beador Construction Company, Inc. for construction of Southern California Eidson Bridge, Laguna Coast Wilderness Park, project completed 7/20/07 ($370,909.40) - District 5

7. **Acting as the Orange County Flood Control District** - Approve Escrow Agreement D07-176 with Macro-Z-Technology for improvements to Fullerton Creek Channel; and authorize Auditor-Controller to make related payments - District 4

8. **Acting as the Board of Supervisors and Orange County Flood Control District** - Accept work of KEC Engineering for Peters Canyon Channel Undercrossings for trail and bikeway purposes, Barranca Parkway, project completed 10/26/07 ($6,291,986.78) - District 3

PUBLIC PROTECTION

9. **Probation** - Approve license with Garden Grove for use of softball field No. 4 for Youth Guidance Center C.I.F. League Baseball, Garden Grove Park, 3/25/08 - 4/30/08; and make California Environmental Quality Act findings - District 1

SOCIAL SERVICES AGENCY

10. Approve amendment 1 to agreement WMR0107 with California State Association of Counties for Welfare Client Data Systems, 7/1/07 - 6/30/08 ($67,266; new total $146,099); and authorize Director to execute agreement; and accept reimbursement costs for staff assigned to temporarily work at CalWIN Project site ($36,505) - All Districts

35142 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

11. **County Executive Office -** Approve allocation and expenditure of Second District Fund 130 funds for various projects; authorize Clerk of the Board to execute agreement; and make related findings - District 2

21345 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 12-S20A)

ELECTED DEPARTMENT HEADS

12. **Auditor-Controller -** Approve amendment 2 to price agreement N1000009062 with CGI Technologies and Solutions Inc., for E-Procurement pilot, 4/8/08 - 6/30/09 ($604,595) - All Districts (Continued from 3/18/08, Item 20)
13452 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

13. Approve agreement with Alexander + Hibbs AIA, Inc. for design services of Health Care Agency/Adult Mental Health services, 401 S. Tustin Avenue renovation project, Orange ($1,799,417); and make California Environmental Quality Act findings - District 3
35142 **APPROVED AS RECOMMENDED**

14. Approve amended price agreements K2000000076 with Willdan and K2000000077 with VCA Code Group, terms ending 6/19/08 ($150,000 each; new total $480,000 each); renewable for one additional year, 6/20/08 - 6/19/09 ($500,000) and amended price agreement K3000000075 with Norris Repke, Inc., 7/18/08 - 7/17/09 ($200,000; new total $500,000) for on-call plan checking services - All Districts
35142 **APPROVED AS RECOMMENDED**

15. Approve award of contract to West Coast Air Conditioning Company, Inc. for cogeneration conversion at Central Utility Facility Phase II ($19,891,000); approve Change Order NO. 1 after construction contract has been signed, reducing agreement cost by $648,500 and authorize Director or designee to execute; and make California Environmental Quality Act findings - District 1
13452 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

16. Select Geosyntec Consultants as primary and Bryan A. Stirrat & Associates as alternate firms to provide Zone 4 geotechnical investigation, permitting and Phase A design for Prima Deshecha Landfill; and authorize negotiation of agreement for Board approval - District 5
23145 A **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

17. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
45132 **APPROVED RECOMMENDED ACTIONS 1 & 2 TO SUPPORT PROP. 98 & OPPOSE PROP. 99**

34152 **APPROVED RECOMMENDED ACTIONS 3 & 5; APPROVED AMENDED RECOMMENDED ACTION 4 TO OPPOSE SB 1577 UNLESS AMENDED TO REMOVE MANDATORY PARTICIPATION BY AIRPORTS AND DIRECTED STAFF TO PREPARE PROPOSED AMENDED LANGUAGE**

18. Approve agreements 08-005FA with Kelling, Northcross & Nobriga for general financial advisory services and 08-006BC with Orrick, Herrington & Sutcliffe LLP for general public finance legal services, five year terms; and authorize CEO Public Finance Manager to execute agreements - All Districts

35142 **APPROVED AS RECOMMENDED**

19. Approve recommended grant applications submitted by OC Community Resources formerly "Housing and Community Services Department" in 4/08/08 Grants report - All Districts

53142 **APPROVED AS RECOMMENDED**

20. Select Southern California Risk Management Associates as primary and Tristar Risk Management as alternate firm to provide Third Party Administrator services for County self-insured workers' compensation program; authorize CEO/Risk Management to negotiate agreement and return to the Board for approval - All District

35142 **APPROVED AS RECOMMENDED**

S20A. Provide staff direction on memberships to California State Association of Counties (CSAC); and National Association of Counties (NACo) - All Districts

45132 **AUTHORIZED CHAIR TO SEND LETTER TO CSAC EXPRESSING BOARD'S CONCERNS & OPPOSITION TO FURTHER USE OF BIFURCATED FUNDS FOR POLITICAL PURPOSES AND DESIRE FOR OC REPRESENTATIVE TO PARTICIPATE IN CSAC SUBCOMMITTEE TO REVIEW ISSUE**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-4)

GENERAL ADMINISTRATION

County Counsel:

CS-1. 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 UNANIMOUS VOTE, SUPERVISOR NORBY BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO ENTER INTO PRO BONO RETAINER AGREEMENT WITH KNOBBE, MARTENS, OLSON & BEAR, LLP, REGARDING INTELLECTUAL PROPERTY ISSUES.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: In re Aloha Airlines, Inc., United States Bankruptcy Court District of Hawaii, Case No. 08-00337

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR NORBY BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO RETAIN THE LAW FIRM OF FOLEY & LARDNER LLP TO REPRESENT THE COUNTY IN THE ALOHA AIRLINES BANKRUPTCY.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Fred Pierce, et al. v. County of Orange, etc., et al.; Richard Eugene Smith, et al. v. Jerry E. Stewart, et al., Ninth Circuit Court of Appeals Case No. 05-55829

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR NORBY BEING ABSENT, AUTHORIZED THE FILING OF A PETITION FOR REHEARING IN THE NINTH CIRCUIT COURT OF APPEALS 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-4. 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., Orange County Superior Court Case No. 30-2008-0004026-CU-MC-CXC

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

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

PUBLIC COMMENTS:
Charles Griffin - Oral Re: Fusion energy

Tom Hribar- Oral Re: Selection of new OC Sheriff, citizens committee to look at Sheriff Department cost savings

Darrell A. Nolta - Oral Re: Jail deaths

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Chair Moorlach - Oral Re: (1) Property Taxes due this Thursday, April 10, 2008; (2) And directed CEO to provide Board with follow up report on newspaper article regarding confidential license plates and to include reports from departments that utilize them & how used for personal purposes

ADJOURNED: 12:31 P.M.

12345 **Adjourned in memory of Brian Anderson**

25134 **Adjourned in memory of Herb Leong**

12345 **Adjourned in memory of Elaine Catlan**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen A. = Abstained

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

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