REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 16, 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 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 Moorlach presented a resolution congratulating Jan C. Sturla on being appointed State Director of Child Support Services by Governor Arnold Schwarzenegger

Chair Moorlach presented Colleene Preciado, County Probation Officer, the 2008 CSAC Partnership Award for the Hosts Mentor Program

II. CONSENT CALENDAR (Items 1-28)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 4, 6, 11, 12, 21 & 28 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Assessment Appeals Board No. 1 - Reappoint Danna Campbell, Orange, for term ending 9/4/11

Chair Moorlach:

2. Waste Management Commission - Reappoint James A. Wahner, Costa Mesa, for term ending 1/2/11

3. Senior Citizens Advisory Board - Reappoint Don MacAllister, Huntington Beach, for term ending 12/31/10

DEPARTMENT APPOINTMENTS

4. **Health Care Agency -** Dental Health Advisory Board - Reappoint Pamela Kahn, Costa Mesa; and Dolores Barrett and Sandra Bolton, Garden Grove, for terms ending 10/25/10 - All Districts

32145 N **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

5. Approve travel by Sheriff's Department employees and one member of the Board of Supervisors or designee to Canada as goodwill ambassadors to the Sunshine Foundation of Canada, 1/26/09 - 1/29/09; and make related findings - All Districts

6. Approve price agreement N1000010519 with Susan Saxe Clifford, Ph.D., APC, for psychological evaluation services, 12/31/08 - 12/30/09 ($242,000); renewable for four additional one-year periods - All Districts

35142 N **APPROVED AS RECOMMENDED**

7. Accept grant award from Governor's Office of Emergency Services for 2008 Paul Coverdell Forensic Science Improvement Program ($108,167); and authorize Sheriff Coroner or designee to execute related documents - All Districts

8. Approve price agreement Y1000001401 and Y1000001388 with Thomas Bros. Maps, LLC for Thomas Guide Digital Edition site license ($550 per year) and Thomas Bros. GIS Database site license ($12,500 per year), 12/16/08 - 12/15/11; renewable for two additional one year periods - All Districts

9. Approve temporary entry permit with Irvine Ranch Water District for Special Weapons and Tactics (SWAT) training on water district property, Lake Forest, 12/18/08 - 12/18/09 - District 5

OC COMMUNITY RESOURCES

10. Receive and file reports on Developer Fee Deposits, FY 2007-08 - All Districts

11. Approve Orange County Workforce Investment Area Local Plan Modification (PY 08-09) - All Districts

25134 **APPROVED AS RECOMMENDED**

12. Approve issuance of 2008-B Multi-Family Affordable Rental Housing Notice of Funding Availability for incorporation of policy and process changes - All Districts

25134 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

13. Acting as Board of Supervisors - Approve Tract 15793, DMB Ladera, LLC, Ladera Ranch area; and accept easements for public pedestrian access purposes; and make California Environmental Quality Act findings; Acting as the Orange County Flood Control District - Approve grant deed and easement agreement with DMB Ladera, LLC; and authorize Director or designee to execute related documents, Horno Creek Flood Contol Basin - District 5

14. Approve plans and specifications and set bid opening for 1/21/09, 2:00 p.m., for replacement of security doors, Probation/Juvenile Hall - District 3

15. Approve assignment and assumption agreement from Irvine for transfer of easement rights for operation and maintenance of a segment of Irvine Coast Regional Riding and Hiking Trail, Shady Canyon; and make California Environmental Quality Act findings - District 3

16. Authorize release of security for private streets, street lights, sewer and water systems, landscaping, storm drains and monumentation, Tract 15990, William Lyon Homes, Inc., Ladera Ranch area - District 5

17. Receive and file development fee deposit reports; and find deposits held more than five years be retained for future projects within specified fee programs - All Districts

18. Approve Tract 16978, Shea Tonner Hills, LLC, Brea; accept dedication for street purposes; and accept vehicular access rights to Santa Fe Road - District 3

19. Approve Tract 16976, Shea Tonner Hills, LLC, Brea; accept dedication for street purposes and accept vehicular access rights to Santa Fe Road, Tonner Ridge Drive and Valencia Avenue; accept easements for storm drain, fire protection access, bike trail and scenic preservation; do not accept irrevocable offers of dedication over Lots 1,2 and A for park and recreation purposes; Lot K for public street purposes; and Lots D, F, J, K, L, M and O for open space and resource preservation purposes - District 3

20. **Acting as the Orange County Flood Control District -** Approve amendment 2 to agreement D98-084 with State Department of Transportation for realignment improvements of Gisler Storm Channel, extending term to 1/1/12; accept deed for segment of realigned Gisler Storm Channel; and make California Environmental Quality Act findings - District 2

PUBLIC PROTECTION

Probation:

21. Approve amendment 4 to price agreement N1000009024 with Gregory Bodenhamer for parent empowerment program services, 1/1/09 - 3/31/09 ($30,000; new total $190,000); and make California Environmental Quality Act findings - All Districts

23145 **APPROVED AS RECOMMENDED**

22. Approve Memorandum of Understanding with State Franchise Tax Board for collection of unpaid court-ordered debts, including other specified fees, 1/1/09 - 12/31/11; authorize Chief Probation Officer to execute; and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

23. Approve price agreement N1000010571 with Insight Public Sector Inc. to provide Cisco SmartNET maintenance services, 1/1/09 - 12/31/09 ($212,550.36) - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

24. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for Health Care Agency, OC Dana Point Harbor, County Counsel, Auditor-Controller, OC Waste & Recycling, Probation, and John Wayne Airport - All Districts

25. Adopt resolution approving list of recurring Board resolutions for 2009; and authorizing the Chairman or other Board Members to draft and execute in the approved format - All Districts
RESO: 08-155

26. **Human Resources Department** - Approve renewal of price agreement N3000007400 with Transvironmental Solutions Inc. for County Commuter Assistance Program services, 1/1/09 - 12/31/09 ($195,530) - All Districts

27. **Internal Audit** - Receive and file Internal Audit Department Monthly Status Report for November 2008 - All Districts

28. **Supervisor Norby** - Approve transfer of $164,000 from Fourth District Fund 130 funds to Fund 120 Public Library for funding of staff hours at La Habra Branch Library for two additional years; and approve allocation and expenditure of Fourth District Fund 130 funds and agreement with La Habra for facility improvements required to house Old Settlers' Historical Society Museum ($30,000) and development of Corona Park ($65,000); and authorize Clerk of the Board to execute agreements; and make related findings

41352 N **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 29-S54B)

ELECTED DEPARTMENT HEADS

29. **Assessor Department -** Approve price agreement N1000010592 with ACS State and Local Solutions for technical IT support staff, 12/22/08 - 6/30/10 ($6,136,000); and authorize purchasing agent or designee to exercise contingency contract cost increase not to exceed 10% without further Board action; renewable for one additional one-year period per Board policy - All Districts

15342 **APPROVED AS RECOMMENDED**

30. **Sheriff-Coroner -** Approve acquisition contract with Huffman Family Trust for purchase of real property in Santa Ana ($2,400,000); authorize Auditor-Controller to make related payments; authorize Sheriff-Coroner to execute related documents; approve occupancy agreement with Regional Narcotics Suppression Program; and make California Environmental Quality Act findings - District 1

13452 **APPROVED AS RECOMMENDED**

Treasurer-Tax Collector:

31. Approve price agreement F2000003137 with Daily Journal for publication services, 12/16/08 - 11/30/09 ($250,000) - All Districts

32145 **APPROVED AS RECOMMENDED**

32. Adopt resolution approving 2009 Investment Policy Statement as amended delegating authority, as authorized by Codified Ordinance Section 1-2-320 to the Treasurer-Tax Collector; and approve Treasurer-Tax Collector Implementation Plan - All Districts

31452 **APPROVED WITH MODIFICATION TO SEC. VI SUBMITTED BY SUPERVISOR CAMPBELL IN 12/15/08 MEMO REQUIRING BOARD OF SUPERVISORS APPROVAL, IN ADDITION TO THE TREASURY OVERSIGHT COMMITTEE, PRIOR TO INVESTING IN ANY TYPE NOT SPECIFICALLY AUTHORIZED IN POLICY**
RESO: 08-156

HEALTH CARE AGENCY

33. Approve agreement EPO 08-30 with State Department of Public Health for Public Health Emergency Preparedness and Prevention, Pandemic Influenza and Hospital Preparedness Program grants, 7/1/08 - 8/9/09 ($4,908,609) - All Districts

35142 **APPROVED AS RECOMMENDED**

34. Select restaurant public notification system option and direct Health Care Agency to implement selected system beginning 7/1/09 - All Districts (Continued from 11/25/08, Item 32; 12/9/08, Item 31)

25134 NNN **MOTION TO APPROVE REVISED COLOR CODED SYSTEM, EFFECTIVE 10/1/09 FAILED TO CARRY**

53142 NN **APPROVED REVISED SEAL PROGRAM, FURTHER REVISED TO REVERSE LOCATION OF "REINSPECTION DUE" (IN LARGE BOLD PRINT) AND "PASS", EFFECTIVE 10/1/09**

JOHN WAYNE AIRPORT

35. Approve amended leases with Avis Rent A Car System, Inc., Budget Rent A Car Systems, Inc., Enterprise Rent A Car Company of Los Angeles, The Hertz Corporation, DTG Operations, Inc. and Vanguard Car Rental USA, Inc. for rental car concessions, extending terms to 6/30/12; and make California Environmental Quality Act findings - District 2 (4/5 vote)

23145 **APPROVED AS RECOMMENDED**

36. Approve agreement with Standard Parking for valet parking for three years; authorize Director to extend agreement for two additional one year terms; authorize Director or designee to terminate existing agreement with Parking Concepts, Inc.; and make California Environmental Quality Act findings - District 2

23145 **MOTION TO APPROVE STAFF RECOMMENDATION FAILED TO CARRY**
NNNN

43152 **SELECTED PARKING CONCEPTS, INC. AND APPROVED REMAINING**
N **RECOMMENDATIONS WITH THE FIRM**

37. Approve price agreement N1000010523 with John Bean Technologies Corporation-JBT Aero Tech Services for passenger loading bridge, baggage carousels and baggage conveyor systems maintenance services, 1/14/09 - 1/13/12 ($13,180,550.40); renewable for two additional one year periods per Board policy; and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

38. Approve amendment 5 to agreement with Landrum & Brown, Inc. for additional services for Airport Improvement Program and Terminal Planning services, 1/1/09 - 12/31/09 ($366,105; new total $2,008,479); 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

23145 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

39. Approve amendment 2 to Workforce Investment Act Cost Reimbursement agreements with Coast Community College District ($68,000; new total $2,744,898 for north region and $82,000; new total $2,383,609 for south region) for One-Stop Center and Business Services, 7/1/08 - 6/30/09; authorize Director or designee to execute amendment; and authorize Agency to exercise contingency increase not to exceed 10% if additional funding is allocated - All Districts

32145 **APPROVED AS RECOMMENDED**

40. Approve amendment 1 to Workforce Investment Act Cost Reimbursement agreement P3-NEG-08 with Orange County Conservation Corps for National Emergency Grant (NEG)-Fire Project, 12/31/08 - 6/30/09 ($518,084 decrease; new total $1,281,856); and authorize Director or designee to execute amendment - All Districts

53142 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

41. Receive bids and award contract to Griffith Company for Ortega Highway Widening ($21,208,993.61) - District 5
53142 **APPROVED AS RECOMMENDED**

42. Receive bids and award contract to The Richardson Group for restroom replacement, Sunset Beach ($838,826) - District 2
23145 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

43. Approve renewal of price agreement N2000008477 with Bryan A. Stirrat & Associates for landfill gas services for North Region Landfills, 1/23/09 - 1/22/10 ($1,000,000) - District 3
31452 **APPROVED AS RECOMMENDED**

44. Reject bids from MINCO Construction, 4-CON Engineering, Inc., and Fleming Environmental, Inc. due to unwaiveable irregularities; receive bids and award contract to Zusser Company, Inc. for Scale Area Improvements and LISTS Phase IIB unattended lane improvements project, Olinda Alpha Landfill ($1,990,035); and make California Environmental Quality Act findings - District 3
31452 **APPROVED AS RECOMMENDED**

45. Board Directive Response 10/2/07 - Receive and file AB 939 Surcharge Quarterly Report - All Districts
35142 **RECEIVED AND FILED**

PUBLIC PROTECTION

46. **Probation -** Renew agreement with Community Service Programs, Inc. for provision of Community Resource Collaborative Services for North, Central and West Orange County Youth and Family Resource Centers, 1/1/09 - 12/31/09 ($734,558); and make California Environmental Quality Act findings - All Districts
13452 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

47. **County Counsel -** Receive and file report on County Counsel's discussions with California Department of Justice (DOJ) about how Carry Concealed Weapon license revocations for failure to meet the Sheriff's "good cause" standard will be noted on DOJ's records - All Districts
35142 **RECEIVED AND FILED REPORT AND REQUESTED SHERIFF CONSIDER A PERMANENT STAY ON REVOCATIONS**

County Executive Office:

48. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; and approve additional State/Federal proposals to be added to 2009 Orange County Legislative Platform - All Districts
23145 **APPROVED AS RECOMMENDED**

49. Approve price agreement N1000010562 with Eclipse Solutions, Inc. for Independent Verification and Validation/Independent Project Oversight Consulting services for Property Tax Management System project, 12/16/08 - 10/15/11 ($951,480) - All Districts

B.O. **DELETED**

50. Approve recommended grant applications submitted by Health Care Agency and OC Community Resources in 12/16/08 grant report and other actions as recommended - All Districts

13452 **APPROVED AS RECOMMENDED**

51. Approve and adopt resolution authorizing SunTrust Equipment Finance & Leasing Corp. to provide tax-exempt lease purchase financing for computer upgrades for completion of an Independent Verification and Validation process for Assessor Assessment Tax System and Auditor-Controller, Clerk of the Board and Treasurer-Tax Collector Property Tax Management System; and authorizing tax-exempt lease purchase transaction ($16,000,000) and five-year lease purchase payment schedule ($17,793,611); authorize execution and delivery of Master Lease agreement, escrow agreement and other related documents; direct Auditor-Controller make a one-time payment in $5,000 to SunTrust Equipment Finance & Leasing Corp.; and authorize Public Finance Manager to deposit $16,000,000 in proceeds from lease purchase transaction - All Districts

B.O. **DELETED**

52. Approve allocation and expenditure of First District Fund 130 funds and agreements with Santa Ana for tennis court at Cabrillo Park ($170,000) and Garden Grove for addition of water features at Atlantis Play Center park ($100,000); approve transfer of $250,000 from Fund 130 to Fund 406 OC Parks for funding of improvements at Roger Stanton Park in Midway City; approve amendment 1 to agreement with Westminster for funding of Westminster Senior Center Project; authorize Clerk of the Board or designee to execute agreements; make related findings; and make related budget adjustments - District 1

13452 **APPROVED AS RECOMMENDED**
N

53. Authorize the County Purchasing Agent to participate in County of Riverside Microsoft Enterprise License Program and execute master agreement - All Districts

31452 **APPROVED AS RECOMMENDED**

54. Approve 2008 Strategic Financial Plan - All Districts

23145 **RECEIVED AND FILED**

S54A. **Board of Supervisors -** Consider first reading of alternative versions of "An Ordinance of the County of Orange, California, Amending Sections 4-11-2(a) and 4-11-11, to the Codified Ordinances of the County of Orange regarding Orange County Health Authority"; and set second reading and adoption of one version for 1/13/09, 9:30 a.m. (Continued from 11/25/08, Item 49; 12/9/08, Item 42)

15342 **APPROVED FIRST READING OF ORDINANCE PROPOSED BY**
N N **SUPERVISOR NGUYEN (COUNTY COUNSEL MEMO DATED 12/15/08) AND**

SET SECOND READING AND ADOPTION FOR 1/13/09, 9:30 A.M.

OC WASTE & RECYCLING

S54B. Declare local emergency in connection with the Freeway Complex Fire; located at Olinda Alpha Landfill pursuant to Public Contact Code Section 22050 due to damages and lack of an operational landfill gas extraction, control, and groundwater monitoring systems; approve agreements with Bryan A. Stirrat & Associates ($2,840,000) and Environ Strategy Consultants, Inc. ($160,000); authorize Director or designee to execute agreements; set review to determine continuing need for emergency action for 1/13/09, 9:30 a.m., every 14 days thereafter; and make California Environmental Quality Act findings - District 3 (4/5 vote)

31452 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 55)

ELECTED DEPARTMENT HEADS

55. **Sheriff-Coroner -** Public Hearing to consider adopting resolution approving increase in fee for responding to the third and subsequent false alarm within a calendar year or an intentionally set false alarm in unincorporated areas from $64 to $85, effective 1/1/09; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

32145 **APPROVED AS RECOMMENDED**
NN

RESO: 08-157

V. CLOSED SESSION (Items CS-1-SCS2)

GENERAL ADMINISTRATION

CS-1. **Human Resources Department -** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Director of Internal Audit
(Continued from 12/9/08, Item CS-1)

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

SCS2. **County Executive Office -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Orange County Employees Association (OCEA), Orange County Attorneys Association (OCAA), Orange County Managers Association (OCMA), Association of County Law Enforcement Managers (ACLEM), Alliance of Orange County Workers (AOCW), American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), International Union of Operating Engineers (IUOE) and unrepresented employees
RE: To discuss terms and conditions of employment for employees represented

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

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

PUBLIC COMMENTS:
Anita Hynds and Teddi Alves - Oral Re: Request for vicious dog hearing

Darrell Nolta - Oral Re: Current "black swan" economic event, opposition to OC Transportation Authority's encouraged use of Metrolink

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
None

ADJOURNED: 4:15 P.M.

12345 **Adjourned in memory of Frederick Eli Mathis**

21345 **Adjourned in memory of Susan Marie Condon**

23145 **Adjourned in memory of Harold Jan Van Skyndel**

*** 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