REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

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

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Moorlach honored the members of the Vanguard University Women's Basketball Team for winning the NAIA Championship

II. CONSENT CALENDAR (Items 1-22)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 7 WHICH WAS DELETED; ITEM 10 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 19 WHICH RECEIVED A NO VOTE FROM SUPERVISOR BATES**

BOARD APPOINTMENTS

1. **Chair Moorlach -** Orange County Veterans Advisory Council - Appoint Jack Isaacson, Laguna Hills, to complete term ending 3/4/10; Michael P. Resk, Corona Del Mar, to complete term ending 6/19/08; John H. Henage, Anaheim, and Lee R. Dorman, Fountain Valley, to complete

terms ending 3/27/10

ELECTED DEPARTMENT HEADS

2. **Treasurer-Tax Collector -** Approve and ratify price agreement N1000009926 with Fitch Information, Inc. to provide subscription and license for online access through Fitch Ratings Credit Market Research, 7/1/07 - 6/30/08 ($29,230) - All Districts

CHILD SUPPORT SERVICES

3. Approve General Release and Indemnity agreement with The Block of Orange and Hold Harmless and Indemnity agreement with City of Orange for exhibit space and participation at the 2008 Community Organizations and Public Services (C.O.P.S.) Expo; authorize Directors of Child Support Services and Social Services Agency or designees to execute related documents - All Districts

OC DANA POINT HARBOR

4. Approve plans and specifications and set bid opening for 5/28/08, 2:00 p.m., for maintenance dredging of Dana Point Harbor; and make California Environmental Quality Act findings - District 5

OC COMMUNITY RESOURCES

5. Authorize Request for Proposal for design, permitting, construction and operation of affordable housing development, unincorporated area of Orange - District 3

6. Approve use of funds from HOME for development of Colette's Children's Home-Placentia ($432,090); and authorize Director or designee to prepare and execute loan documents, restrictive covenants and related documents - District 4

OC PUBLIC WORKS

7. Approve plans and specifications and set bid opening for 6/4/08, 2:00 p.m., for construction of High Tech Crime Unit - Tenant Improvement; and make California Environmental Quality Act findings - District 1

35142 **DELETED**

8. Approve licenses with Brian McInerney dba Fun Wheel Rentals and Susan Chiriboga dba International Bike Rentals for bicycle and paddleboat rental concessions at Mile Square and Yorba Regional Parks - Districts 2 and 3

9. Approve price agreement N1000009691 with The Soto Company for landscape maintenance service for Laguna Niguel Regional Park, 5/1/08 - 4/31/09 ($208,734); renewable for two additional one-year periods per Board policy; and make California Environmental Quality Act findings - District 5

10. Adopt resolution affirming continued commitment and certifying County resources for FY 2008/09 - 13/14 Regional Transportation Improvement Program for road improvement projects; and make related findings - All Districts

35142 **APPROVED AS RECOMMENDED**

RESO: 08-044

11. Adopt resolution certifying mileage of County maintained roads as of 1/31/08 - All Districts
RESO: 08-045

OC WASTE & RECYCLING

12. Receive bids and award contract to Harris Steel Fence Company, Inc., for Security Gates and Fencing project, Prima Deshecha Landfill ($192,493.50); and make California Environmental Quality Act findings - District 5

13. Receive bids and award contract to R.J. Noble Company for Security and Roadway Improvements, Coyote Canyon Landfill ($141,350); and make California Environmental Quality Act findings - District 5

14. Receive bids and award contract to ABC Liovin Drilling for Perimeter Gas Monitoring Probes, Prima Deshecha Landfill ($159,400); and make California Environmental Quality Act findings - District 5

15. Receive bids and award contract to Palomar Grading and Paving, Inc., for Asphalt Paving project, Santiago Canyon Landfill ($258,288.40); and make California Environmental Quality Act findings - District 3

PUBLIC PROTECTION

16. **Probation -** Approve Memorandum of Understanding with Phoenix House of Orange County, Inc. for provision of community reentry services to specified juvenile parolees and youthful offenders under Positive Impacts for Youth Program, 5/1/08 - 6/30/09; authorize Chief Probation Officer or designee to renew MOU for two additional one year periods; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

17. **Clerk of the Board -** Approve amended master agreement for Administrative Hearing Officer services; and authorize the Clerk of the Board or designee to execute individual agreements; authorize County agencies/departments to utilize the Clerk of the Board's pool of Administrative Hearing Officers to hear and decide appeals of various administrative decisions; and authorize the Clerk of the Board in cooperation with County Counsel to expand Hearing Officer Qualifications - All Districts

18. **County Counsel -** Terminate agreement with Manatt, Phelps & Phillips LLP for legal services regarding Dana Point Harbor revitalization effort - All Districts

19. **Human Resources Department -** Approve renewal of price agreement N2000006074 with Horizon Behavioral Services, Inc. formerly Employee Support Systems for Employee Assistance Program, 7/1/08 - 6/30/09 ($106,754) - All Districts

35142 N **APPROVED AS RECOMMENDED**

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

21. **Supervisor Campbell -** Approve waiver of permit, entrance and parking fees for Orange County's Emergency Medical Services Week celebration on 5/18/08 at Irvine Regional Park

22. **Supervisor Norby -** Approve waiver of permit and parking fees for Golden Hearts, a support group of St. Jude Memorial Foundation, picnic event on 9/28/08 at Ralph E. Clark Regional Park, Buena Park

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 23-32)

ELECTED DEPARTMENT HEADS

23. **Auditor-Controller -** Select Vavrinek, Trine, Day & Co. as primary and Macias, Gini & O'Connell as alternate firms for independent auditing and related services, FYs 07/08 - 09/10; and authorize negotiation of agreement for Board approval - All Districts

2 **MOTION TO SELECT MACIAS, GINI & O'CONNELL AS PRIMARY FIRM FOR AUDITING SERVICES FAILED FOR LACK OF A SECOND**

13452 **APPROVED AS RECOMMENDED**
N

Sheriff-Coroner:

24. Consider first reading of "An Ordinance of the County of Orange, California Amending Section 4-1-46 of the Codified Ordinances of the County of Orange to Add County Buildings to the List of Designated Places Prohibiting the Presence of Dogs"; and set second reading and adoption for 5/6/08, 9:30 a.m. - All Districts

53142 **APPROVED AS RECOMMENDED**

25. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 for installation and acquisition of a CCTV Digital Surveillance and Recording System for Theo Lacy Facility, including inmate barracks and interior of guard stations; and set review to determine continuing need for emergency action for 5/13//08, 9:30 a.m. and every 14 days thereafter; and make California Environmental Quality Act findings - District 3 (4/5 vote) (Continued from 4/15/08, S32A)

35142 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

26. Approve master agreement with various providers for Indigent and Trauma Care, FY 2007-08; and authorize Director or designee to execute individual agreements; approve agreements with WMC-SA, Inc., dba Western Medical Center-Santa Ana ($210,000) and Children's Hospital of Orange County ($50,000) for intergovernmental transfer funds, 4/29/08 - 12/31/08; and authorize Auditor-Controller to send, via electronic funds transfer, $260,000 to State Department of Health Care Services on or before 5/16/08 - All Districts

13452 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

27. Adopt resolution approving revised annual registration fees for structural pest control businesses, effective 1/1/09; rescinding Resolution 85-194; and making California Environmental Quality Act findings - All Districts

53142 **APPROVED AS RECOMMENDED**
RESO: 08-046

PUBLIC PROTECTION

28. **Probation -** Approve renewal of price agreement N1000008755 with Redwood Toxicology

Laboratory, Inc. for urinalysis and oral fluids laboratory testing services, 5/1/08 - 4/30/09 ($409,155); renewable for three additional one-year periods per Board policy; and make California Environmental Quality Act findings - All Districts

35142 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

29. Select New Alternatives, Inc., Olive Crest Treatment Centers and Unity Care Group, Inc. for Transitional Housing Program Plus Services, Scattered Site Apartments, 7/1/08 - 6/30/09; and authorize negotiation of agreement for Board approval - All Districts

53142 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

30. Waive County Policy and certify Final EIR 603; adopt Mitigation Monitoring and Reporting Program and Findings of Fact and Statement of Overriding Considerations; approve Purchase and Sale agreements and related documents with Laguna Niguel for sale of 4.1 acres of land for construction of permanent City Hall ($4,000,000); authorize County Librarian to execute agreement for expansion of Laguna Niguel Library Branch; and make related findings - District 5 (4/5 vote)

45132 N **DIRECTED CEO TO RETURN DURING FY 2008/09 BUDGET HEARINGS WITH RECOMMENDATIONS RE: CONCEPTUAL PLAN FOR ALLOCATION OF REMAINING $2.5 MILLION FROM SALE OF LAND AMONG BOARD DISTRICTS FOR LIBRARY PROJECTS.**

53142 **APPROVED AS RECOMMENDED**

31. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; and adopt resolution requesting amendment to Clean Water Act eliminating Annual Requirement to obtain Section 404 Permit (Dredge and Fill Permit) for flood control maintenance - All Districts

35142 X **APPROVED AS RECOMMENDED**

RESO: 08-047

32. **Human Resources Department -** Adopt 2006-09 Memorandum of Understanding with Association of Orange County Deputy Sheriffs (AOCDS); approve transition of Law Enforcement Management from County health plans to AOCDS health plans, effective 7/1/08 - All Districts

23145 **APPROVED RECOMMENDED ACTION #1 TO ADOPT MOU**

24135 **DEFER RECOMMENDED ACTION #2 RE: TRANSITION OF LAW ENFORCEMENT MANAGEMENT FROM COUNTY TO AOCDS HEALTH PLANS PENDING COMPLETION OF AUDIT.**

IV. PUBLIC HEARINGS (Item 33)

OC COMMUNITY RESOURCES

33. **Acting as the Board of Supervisors and Orange County Development Agency -** Public Hearing to consider the Third Five-Year Implementation Plan for Santa Ana Heights and Neighborhood Development and Preservation Project areas - All Districts

51342 **APPROVED AS MODIFIED THAT GOALS BE CONSISTENT WITH PROVISIONS OF MEASURE A.**

V. CLOSED SESSION

GENERAL ADMINISTRATION

SCS1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Orange County Employees Association v. County of Orange, et al., Orange County Superior Court Case No. 30-2008-00105658

B.O. **DELETED**

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

PUBLIC COMMENTS:
Darrell A. Nolta - Oral Re: O.C. economy and increased cost of energy

Jerry Martinez - Oral Re: Oil contamination concerns

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Nguyen - Oral Re: Congratulations to her sister & brother-in-law on the birth of their daughter

Supervisor Norby - Oral Re: Congratulations to his son on his 18th birthday

Chairman Moorlach - Oral Re: Public will have opportunity to provide input for selection of Sheriff during May 6, 2008 Board meeting at a time certain of 1:30 p.m.

ADJOURNED: 11:40 A.M.

32145 **Adjourned in memory of George St. Laurent**

12345 **Adjourned in memory of James Griffiths**

*** 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