REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, January 27, 2009,* 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

**PATRICIA BATES**
CHAIR
Second District

**JANET NGUYEN**
VICE CHAIR
Fifth District

**JOHN M. W. MOORLACH**
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 | Darlene J. Bloom |

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

Supervisor Moorlach - OC Animal Care made a presentation on animal adoption

Supervisors presented their 2008 year-end reviews

## II. CONSENT CALENDAR (Items 1-44)

31245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 17 WHICH WAS CONTINUED TO 3/3/09, 9:30 A.M.; ITEM 23 WHICH WAS DELETED; ITEM 42 WHICH WAS CONTINUED TO 2/10/09, 9:30 A.M.; AND ITEMS 14 & 39 WHICH WERE PULLED FOR DISCUSSION & SEPARATE VOTE**

## BOARD APPOINTMENTS

1. **Chair Bates -** Senior Citizens Advisory Council - Reappoint Brenda Ross, Laguna Woods, to complete term ending 12/31/10

**Vice Chair Nguyen:**

2. Assessment Appeals Board No. 5 - Appoint Scott Weimer, Garden Grove, for term ending 9/4/11

3. Emergency Medical Care Committee - Appoint Dr. Paul Chang, Irvine, to complete term ending 6/30/09

4. Orange County Planning Commission - Reappoint Tony Lam, Westminster, for term concurrent with 1st District Supervisor's term of office

5. Orange County Historical Commission - Reappoint Tish Leon, Santa Ana, for term concurrent with 1st District Supervisor's term of office

6. Development Processing Review Committee - Reappoint Lee Lowrey, Corona del Mar, for term concurrent with 1st District Supervisor's term of office

7. Community Action Partnership of Orange County - Reappoint Alberta Christy, Santa Ana, to complete term ending 12/8/11

8. OC Parks Commission - Reappoint Bert Ashland, Garden Grove, for term concurrent with 1st District Supervisor's term of office

9. Assessment Appeals Board No. 3 - Reappoint Nolan Alejandro, Garden Grove, to complete term ending 9/4/11

10. Regional Recreational Trails Advisory Committee - Reappoint Gerald London, Westminster, for term concurrent with 1st District Supervisor's term of office

11. Airport Arts Commission - Reappoint John Acosta, Santa Ana, for term concurrent with 1st District Supervisor's term of office

12. **Supervisor Moorlach -** Waste Management Commission - Reappoint Daniel L. Worthington, Costa Mesa, for term ending 1/31/11

**Chair Bates:**

13. Cemetery District - Reappoint Leslie Ann Keane, Laguna Woods, for term ending 12/14/12

14. Approve 2009 Chair appointments of Board members to various Boards, Commission and Committees

43125 **APPROVED AS RECOMMENDED**

**DEPARTMENT APPOINTMENTS**

15. **Health Care Agency -** Alcohol & Drug Advisory Board - Appoint Michael Kelly, Santa Ana, to complete term ending 11/16/10; Hoan Lai and Stephen Secord,

Huntington Beach, to complete terms ending 10/28/11; Milton Mucker, Orange, to complete term ending 10/18/10 and Cathy Stills, Orange, to complete term ending 3/8/11 - All Districts

**ELECTED DEPARTMENT HEADS**

**Sheriff-Coroner:**

16. Authorize use of County vehicle and staff for transportation of Foothill High School students and chaperones participating in "Every 15 Minutes" drinking and driving awareness program, 4/22/09 - 4/23/09; and make appropriate findings - District 3

17. Approve Memorandum of Agreement with Anaheim, Santa Ana, Irvine, Huntington Beach, Orange County Fire Authority and Health Care Agency for participation in Intelligence Assessment Center - All Districts

31245 **CONTINUED TO 3/3/09, 9:30 A.M.**

18. Approve amendment 4 to price agreement N3000007959 with Adlerhorst International Inc. for canine handler maintenance program, 7/1/08 - 6/30/09 ($1,698; new total $42,698); renewable for two additional one-year periods - All Districts

19. Approve agreement with IDS Group, Inc. for design of Theo Lacy Security Wall ($128,290) - District 3

20. Approve escrow agreement GLL09000015 with Mel Smith Electric, Inc. to allow contract retention funds to be placed in escrow for uninterruptible power supply project, Emergency Operations Center, Loma Ridge; and authorize Auditor-Controller to make related payments - District 3

21. Approve amendment 1 to price agreement N2000009416 with Goodwill of Orange County for packaging food and personal care items for jail commissary operations, 1/29/09 - 1/28/10 ($125,000 per year) - All Districts

22. **Treasurer-Tax Collector -** Approve amendment 1 to price agreement N4000006715 with Bloomberg Finance L.P. for capability to download daily security market prices via Data License feed, 2/1/09 - 1/31/11 ($15,000) - All Districts

**HEALTH CARE AGENCY**

23. Approve amendment 1 to agreement with Straight Talk Clinic, Inc. for HIV Residential Alcohol and Drug Abuse Treatment services, 7/1/08 - 6/30/09 ($10,000; new total $258,264) - All Districts (Continued from 11/25/08, Item 5; 12/9/08, Item 9)

31245 **DELETED**

24. Approve purchase order PC 042 P0900603198 with Hospital Association of Southern California for purchase of Hospital Emergency Administrative Radio equipment ($225,889) - All Districts (Continued from 1/13/09, Item 14)

25. Approve purchase order PC 042 P0900601852 with Regents of University of

California, dba University of California at Los Angeles for Co-occurring Disorders Training in support of Behavioral Health Services program ($239,850) - All Districts

26. Adopt resolution approving agreement UBG14-08-25 with California Integrated Waste Management Board for Used Oil Recycling Block Grant Funds for the County and 18 cities, 7/1/08 - 8/15/11 ($327,301); and authorize Director or designee to execute agreement - All Districts
*RESO: 09-006*

**JOHN WAYNE AIRPORT**

27. Approve plans and specifications and set bid opening for 3/18/09, 2:00 p.m., for construction of Terminal C and Improvements to Terminals A & B; authorize Director to extend bid opening date up to 60 days if necessary; and make California Environmental Quality Act and other findings - District 2

28. Approve plans and specifications and set bid opening for 3/11/09, 2:00 p.m., for construction of Parking Structure C; authorize Director to extend bid opening date up to 60 days if necessary; and make California Environmental Quality Act and other findings - District 2

29. Approve amendment 1 to purchase order PC 280 K0900000010 with Toft Wolff Farrow, Inc. for design services for emergency generators ($18,800; new total $55,300); and make California Environmental Quality Act findings - District 2

30. Approve plans and specifications and set bid opening for 3/4/09, 2:00 p.m., for construction of airside dock access and north trash compactor; authorize Director to extend bid opening date if necessary up to 60 days; and make California Environmental Quality Act findings - District 2

**OC COMMUNITY RESOURCES**

31. Approve renewal of agreement with Southern California Softball Association for operation and maintenance of softball complex, Ralph B. Clark Regional Park, 2/1/09 - 1/31/14 - District 4

**OC PUBLIC WORKS**

32. Accept work of Ryco Construction, Inc. for Holderman Park Redevelopment, project completed 8/20/07 ($358,412.75) - District 3

33. Authorize release of security for private streets, street lights, sewer and water systems, and monumentation, Tract 16667, Warmington Arboledo Associates, L.P., Ladera Ranch area - District 5

34. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve price agreement N1000010615 with MRF Geosystems Corporation for GeoResearch E-Commerce software maintenance and technical support services, 1/28/09 - 1/27/10 ($66,456); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - All Districts

## PUBLIC PROTECTION

**Probation:**

35. Approve renewal of agreement with Providence Community Services for provision of comprehensive employment services for North and Central Orange County Youth and Family Resource Centers, 2/1/09 - 1/31/10 ($311,281); and make California Environmental Quality Act findings - Districts 1 & 4

36. Approve amendment 1 to 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 ($227,667 reduction; new total $506,891) effective 2/1/09 - Districts 1 & 4

37. Approve amendment 2 and amendment 1 to agreements with Community Service Programs, Inc. for In-Home Family Intervention services for North ($38,555; new total $206,701); and Central ($41,914; new total $162,833); Orange County Youth and Family Resource Centers, extending terms to 6/30/09; and make California Environmental Quality Act findings - District 1 & 4

## SOCIAL SERVICES AGENCY

38. Approve agreement CHT4908 with Olive Crest Treatment Centers, Inc. for Kinship Support Services Program, 2/1/09 - 6/30/09 ($150,000); and authorize Director or designee to extend term for up to twelve additional months - All Districts

## GENERAL ADMINISTRATION

**Clerk of the Board:**

39. Adopt amended Board of Supervisors "Rules of Procedure, December 2008" - All Districts (Continued from 12/9/08, Item 24)

41235 **APPROVED AS ADDITIONALLY AMENDED BY THE BOARD (AMENDMENTS RELATE TO SECURITY AND ELIMINATION OF LIMITING THE NUMBER OF ITEMS INDIVIDUALS MAY SPEAK)**

40. Approve proposed amendments to the Conflict of Interest Code Designated Filers Exhibits for the Coast Community College District and South Orange County Community College District - All Districts

41. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for the Assessor and Public Defender - All Districts

42. **County Executive Office -** Adopt Countywide Information Technology Strategic Plan and Information Technology Working Group revised Mission Statement - All Districts (Continued from 1/13/09, Item 31)

31245 **CONTINUED TO 2/10/09, 9:30 A.M.**

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

44. **Supervisor Campbell -** Authorize waiver of fees for the Alzheimer's Association of Orange County picnic on 5/16/09, Mason Regional Park and the American Tinnitus Association fundraising walk on 5/16/09, Irvine Regional Park

END OF CONSENT CALENDAR

## III. DISCUSSION ITEMS (Items 45-S69B)

## ELECTED DEPARTMENT HEADS

45. **Assessor Department -** Oral Report on ATS Re-engineering Project Quarterly Update - All Districts

B.O. **PRESENTED**

46. **District Attorney -** Consider first reading of "An Ordinance of the County of Orange California Adding Sections 3-1-10, 3-1-11, 3-1-12, 3-1-13, 3-1-14, 3-1-15, and 3-1-16 of the Codified Ordinances of the County of Orange to Create the Diversion of Misdemeanor Defendants (Orange County Misdemeanor Deferred Entry of Judgment Program) and to Adopt Fee for collection and Processing of DNA Samples"; set Public Hearing and second reading and adoption of Ordinance for 2/3/09, 9:30 a.m. - All Districts (Continued from 11/25/08, Item 26)

B.O. **DELETED**

**Sheriff-Coroner:**

47. Response to Board Directive (12/9/08) - Oral Report on the Freeway Complex Fire After Action Report, highlighting the County/Operational Area Emergency Operations Center response to the November 2008 fire situation - All Districts

B.O. **RECEIVED AND FILED**

48. Approve amendment 3 to price agreement N4000007479 with Richards-Fischer-Fukumoto Medical Group Inc., for forensic pathology/autopsy services, 2/1/09 - 1/31/10 ($2,108,000); renewable for three additional one-year periods - All Districts

32145 **APPROVED AS RECOMMENDED**

49. Accept 2008 Homeland Security Grant Program award from Governor's Office of Homeland Security ($7,464,231); authorize purchasing agent to purchase related equipment; approve related documents and authorize Sheriff-Coroner to execute; and authorize Auditor-Controller to transfer equipment to other entities under certain conditions - All Districts

13245 N **APPROVED AS RECOMMENDED**

50. Response to Board Directive (1/13/09) - Oral Report on update of Concealed Carry Weapon (CCW) permit policies and revocation issue - All Districts

B.O. **CONTINUED TO 2/10/09, 9:30 A.M.**

## HEALTH CARE AGENCY

51. Approve amendment 1 to agreement with Orange County Association for Mental Health dba Mental Health Association of Orange County for Multi-Service Center Services to Mentally Disabled Homeless, 7/1/08 - 6/30/09 ($143,030; new total $960,561) - All Districts

13245 **APPROVED AS RECOMMENDED**

## JOHN WAYNE AIRPORT

52. Approve amendment 2 to agreement with Parsons Transportation Group for Improvement Program Management services ($815,839; new total $14,507,897); and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**

53. Approve agreement with Heery International, Inc. for commissioning services for Terminal C and Central Plant projects ($1,627,904); and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**

54. Select Bureau Veritas as primary and Shaw Group as alternate firms for health and safety services; and authorize negotiation of agreement for Board approval - District 2

23145 **APPROVED AS RECOMMENDED**

**OC COMMUNITY RESOURCES**

55. Approve agreement OCP09-001 with City of Orange for completion of Santiago Creek Bicycle Trail; and make California Environmental Quality Act findings - District 3

23145 **APPROVED AS RECOMMENDED**

56. Approve amendment 3 to agreement R970554 with State Department of Employment Development for Workforce Investment Act Program ($359,275; new total $9,348,387) and authorize Director or designee to accept funding increases and decreases made by State not to exceed $13,750,000 - All Districts

23145 **APPROVED AS RECOMMENDED**

**OC PUBLIC WORKS**

57. Approve termination of Development Fees for Fire Facilities; and make California Environmental Quality Act findings - Districts 3 & 5 (Continued from 12/9/08, Item 33)

B.O. **DELETED**

58. Consider second reading and adoption of "An Ordinance of the County of Orange, California to Adopt the 2008/2009 Building and Planning Schedules Including the 2008/2009 Building and Safety, Planning, Subdivision and Grading Permit Deposit and Fee Schedule, and the 2008/2009 Building and Safety and Planning Rate Table" - All Districts (Continued from 1/13/08, Item 51)

34125 **APPROVED AS RECOMMENDED**
*ORD: 09-002*

59. Select Joseph D'Angelo, dba Bella's Kitchen as primary and Concepts Food Service, Inc. as alternate tenants for food service at Cafe OC, Santa Ana Civic Center; authorize negotiation of final lease and approve execution of lease under certain conditions; and make California Environmental Quality Act findings - District 1 (4/5 vote)

35124 **MOTION TO APPROVE STAFF RECOMMENDATIONS FAILED TO CARRY**
NNN

12345 **CONTINUED TO 2/10/09, 9:30 A.M.**

**Acting as the Board of Supervisors and Orange County Flood Control District:**

60. Approve agreement D05-074 with Irvine for Alton Parkway Extension Project; and adopt resolution declaring portions of Alton Parkway and Irvine Boulevard as a County highway for design, right-of-way acquisition and construction purposes - Districts 3 and 5 (4/5 vote)
B.O. **CONTINUED RECOMMENDED ACTION 1 TO 2/10/09, 9:30 A.M.**

31245 **APPROVED RECOMMENDED ACTION 2**
*RESO: 09-007*

61. Deny bid protests of Meadows Construction Services, Inc.; receive bids and award contract to The Richardson Group for Katella Yard relocation to Collins Avenue, Orange ($6,209,191); and make budget adjustments - District 3
34125 **APPROVED AS RECOMMENDED**

**OC WASTE & RECYCLING**

62. Deny bid protest of The Richardson Group; receive bids and award contract to Horizons Construction Company International, Inc. for new office building, Prima Deshecha Landfill ($3,655,106); and make California Environmental Quality Act findings - District 5 (Continued from 1/13/09, Item 44)
25134 **APPROVED AS RECOMMENDED**

63. Approve continuance of 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; set review to determine continuing need for emergency action for 2/10/09, 9:30 a.m., every 14 days thereafter; and make California Environmental Quality Act findings - All Districts (4/5 vote) (Continued from 12/16/08, Item S54B; 1/13/09, Item 42)
24135 **APPROVED AS RECOMMENDED**

**SOCIAL SERVICES AGENCY**

64. Authorize Director or designee to approve expenditures for purchase of bus passes, FY 2008-09 ($1,263,890) - All Districts
21345 **APPROVED AS RECOMMENDED**

**GENERAL ADMINISTRATION**

**County Executive Office:**

65. Response to 1/13/09 Board Directive regarding Maximus agreement termination impacts; Receive and file report: Recommended Termination of CalWORKs Case Management services contract; and consider terminating Case Management services agreement for FY 2008-09, effective 1/31/09 - All Districts
43125 **APPROVED AS AMENDED TO DIRECT THAT THE MAXIMUS**
NN **AGREEMENT NOT BE TERMINATED AND THAT STAFF PURSUE FURTHER COST REDUCTIONS WITH MAXIMUS WITHOUT**

**ELIMINATION OF CURRENT PERFORMANCE STANDARDS**

66. Approve agreement 08-007ME with Empire Economics, Inc. for real estate market absorption studies and bond monitoring services, 1/27/09 - 1/31/14 ($100,000 per year); and authorize Public Finance Manager to execute agreement and related documents - Districts 3 & 5
31245 **APPROVED AS RECOMMENDED**

67. Approve recommended positions on introduced or amended legislation and consider other legislative subjects matters - All Districts
21345 **APPROVED AS RECOMMENDED**
X

68. Approve recommended grant application submitted by Health Care Agency in 1/27/09 grant report and other actions as recommended - All Districts
32145 **APPROVED AS RECOMMENDED**

69. Approve agreement 08-008HA with Urban Futures, Inc., for administrative services for County's Mortgage Credit Certificate (MCC) Program, 1/27/09 - 1/31/14; and authorize Public Finance Manager to execute agreement - All Districts
32145 **APPROVED AS RECOMMENDED**
N

S69A. **Vice Chair Nguyen -** Adopt resolution recognizing January 26-28, 2009 as celebration of Lunar New Year
12345 **APPROVED AS RECOMMENDED**
*RESO: 09-008*

**PUBLIC PROTECTION**

S69B. **Probation -** Approve renewal of agreement with Providence Community Services for provision of substance abuse services for North and Central Youth and Family Resource Centers, 2/1/09-1/31/10 ($321,753); and make California Environmental Quality Act findings - Districts 1 & 4
41235 **APPROVED AS RECOMMENDED**

**IV. PUBLIC HEARINGS (Item 70)**

**ELECTED DEPARTMENT HEADS**

70. **District Attorney -** Public Hearing to consider adopting resolution approving establishment of a fee for the collection and processing of DNA; and make California Environmental Quality Act findings - All Districts (4/5 vote)
B.O. **CLOSED PUBLIC HEARING**

32145 **APPROVED AS RECOMMENDED**
N

*RESO: 09-009*

**V. CLOSED SESSION (Items CS-1-SCS3)**

**GENERAL ADMINISTRATION**

**County Counsel:**

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: City of Rancho Santa Margarita. v. County of Orange, et al., San Diego County Superior Court Case No. GIN048650

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF CITY OF RANCHO SANTA MARGARITA V. COUNTY OF ORANGE, ET AL. 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 COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange, etc. v. Lumbermens Mutual Casualty Company, etc. et al., Los Angeles County Superior Court Case No. BC364971

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF COUNTY OF ORANGE, ETC. V. LUMBERMENS MUTUAL CASUALTY COMPANY, ETC. ET AL. 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 COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

SCS3. **Chair Bates -** THREAT TO PUBLIC SERVICES OR FACILITIES - Pursuant to Government Code Section 54957:
Title: Consultation with Sheriff-Coroner

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

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

**PUBLIC COMMENTS:**
Hatem Ibrahim - Oral Re: Concerns regarding County road improvement proposals

Darrell Nolta - Oral Re: Bill of Rights Protection

**COUNTY EXECUTIVE OFFICER COMMENTS:**
None

**BOARD COMMENTS AND TRAVEL REPORTS:**
Supervisor Moorlach - Oral Re: Directed the ROV to provide Board with research on the cost and benefits of implementing a "Vote By Mail" Program in OC and report back to the Board with findings by the end of March or sooner.

**ADJOURNED: 4:20 P.M.**

25134 **Adjourned in memory of Clarence Nedom**

25134 **Adjourned in memory of Irene May Hajeck**

45123 **Adjourned in honor of octuplets born in Bellflower**

*** 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*