REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 9, 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	Darlene J. Bloom

INVOCATION: Supervisor Nguyen, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Bates presented a resolution proclaiming September 2008 as "Ovarian Cancer Awareness Month"

II. CONSENT CALENDAR (Items 1-35)

31452 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 15, 16 & 17 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Norby -** Animal Care Community Outreach Committee - Reappoint Judith K. Peterson, Fullerton, to complete term ending 3/31/10

2. **Chair Moorlach -** Sunset Beach LCP Advisory Committee - Reappoint Thomas Burke, Sunset Beach, to complete term ending 2/28/11; Phyllis W. Maywhort, Sunset Beach, to complete term ending 12/31/11; and Timothy McCormack, Sunset Beach, to complete term ending 6/30/11

DEPARTMENT APPOINTMENTS

3. **Health Care Agency -** Emergency Medical Care Committee - Appoint Denis Bilodeau, Orange, to complete term ending 6/30/10 - All Districts (Continued from 8/19/08, Item 9)

COMMENDATIONS/PROCLAMATIONS/REPORTS

4. **Chair Moorlach -** Adopt resolution declaring September 22, 2008 as "Family Day - A Day to Eat Dinner with Your Children"
RESO: 08-121

ELECTED DEPARTMENT HEADS

Auditor-Controller:

5. Approve deletion of dismantled, missing, obsolete, stolen and surplused equipment items from department/agency capital asset inventories - All Districts

6. Recive and file Report of Refunds for FY 2007-08 - All Districts

7. Receive and file Annual Report of Revolving Funds for FY 2007-08 - All Districts

8. Adopt resolution approving property tax rates, delinquency/roll change/refund factors, and reserved disputed values for FY 2008-09 - All Districts
RESO: 08-122

9. Receive and file Fund/Agency Semi-Annual Report for 1/1/08 - 6/30/08 - All Districts

10. Receive and file Annual Report of Cash Difference Funds, Overage Fund, and Cash Losses for FY 2007-2008 - All Districts

District Attorney:

11. Adopt resolution approving Federal Equitable Sharing agreement and FY 2007-08 Certification Report - All Districts
RESO: 08-123

12. Approve purchase order PC 026 P0900000898 with Westminster to pay outstanding invoice for fifty three parking spaces at DA/ Branch Court Operations, West Justice Center ($2,385) - District 1

Sheriff-Coroner:

13. Approve agreement No. 80112308 with the State of California for Peace Officer Standards and Training (P.O.S.T.) Driving and Force Option Simulator courses, 7/1/08 - 6/30/09 and accept reimbursement for training costs ($158,000); and authorize Sheriff-Coroner or designee to execute agreement and form CCC-307, contractor certification clauses - All Districts

14. Ratify 2007-08 Financial and Operating Plan with United States Forest Service for patrol services, Cleveland National Forest ($6,000) - Districts 3 & 5

15. Ratify execution of Limited License, Release and Indemnity agreement with MECG - Mission Viejo, LLC for law enforcement services provided during presidential forum, Lake Forest - District 5

23145 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

16. Approve price agreement N1000010248 with California State University Long Beach Foundation for Tobacco Use Prevention Program, 9/15/08 - 9/14/09 ($117,996); renewable for two additional one-year periods per Board policy - All Districts

53142 **APPROVED AS RECOMMENDED**

17. Approve renewal of price agreement N2000007815 with Arizona Board of Regents, University of Arizona for evaluation services for Alcohol and Drug Abuse Services program, 9/19/08 - 9/18/09 ($50,000) - All Districts

13452 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

18. Approve license agreement with Angels Baseball, LP for Pet Adoption Program and Fundraiser Event, 9/13/08; and authorize Director or designee to execute agreement - All Districts

19. Approve amendment 1 to Workforce Investment Act Cost Reimbursement agreements 16-N-09 and 16-S-09 with Coast Community College District to operate Northern and Southern Regions Orange County One-Stop Centers ($65,000; new total $2,676,898 for northern and $65,000; new total $2,301,609 for southern); and authorize Director or designee to execute agreements - All Districts

OC PUBLIC WORKS

20. Authorize release of security for private streets, street lights, sewer and water systems, landscaping and monumentation, Tract 16400, William Lyon Homes, Inc., Ladera Ranch area - District 5

21. Authorize release of security for private streets, street lights, sewer and water systems, landscaping and monumentation, Tract 16394, William Lyon Homes, Inc., Ladera Ranch area - District 5

22. Approve special provisions and plans for Olive Island Sidewalk Improvements project and set bid opening for 10/1/08, 2:00 p.m.; and make California Environmental Quality

Act findings - District 3

23. Adopt resolution approving agreement D08-078 with State Department of Transportation for state funded traffic improvements; and authorize Chief Engineer or designee to execute supplement agreements - All Districts
RESO: 08-124

24. Approve amendment 3 to agreement D04-051 with EconoLite Traffic Engineering and Maintenance, Inc. for maintenance of traffic signals, unincorporated Orange County and cities, 9/29/08 - 9/28/09 ($504,154); and make California Environmental Quality Act findings - All Districts

25. **Acting as the Orange County Flood Control District -** Approve temporary Right of Entry permit with Shea Homes L.P. for off-site hydrological and vegetation monitoring East Garden Grove Wintersburg Channel; authorize Chief Engineer or designee to execute amendments; and make California Environmental Quality Act findings - District 2

26. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve amendment 2 to lease with Freedom Communications, Inc. dba The Orange County Register for relocation of the Water Quality Laboratory; and make California Environmental Quality Act findings - District 3

27. **Acting as the Board of Supervisors and Orange County Development Agency -** Approve easement deeds from Orange County Development Agency and Orange Unified School District for Olive Island road and sidewalk improvements; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 3

OC WASTE & RECYCLING

28. Approve withdrawal of bid from Environmental Construction, Inc. due to clerical error; receive bids and award contract to Humphrey Constructors for Landfill Gas Collection and Control System project, former San Joaquin Refuse Disposal Station ($479,204) - District 3

29. Approve plans and specifications and set bid opening for 11/12/08, 2:00 p.m., for New Office Building project, Prima Deshecha Landfill; and make California Environmental Quality Act findings - District 5

PUBLIC PROTECTION

30. **Probation -** Approve Los Alamitos Joint Forces Training Base Facility Use and license agreement for department training; authorize Chief Probation Officer or designee to execute related agreements; and make California Environmental Quality Act findings - District 2

SOCIAL SERVICES AGENCY

31. Accept funds from State Department of Social Services ($429,264); approve agreement RAA0108 with Catholic Charities of Orange County, Inc., Saint Anselm's Cross-

Cultural Community Center and The Cambodian Family for employment services for refugees, asylees and trafficking victims, 10/1/08 - 9/30/09 ($364,874); authorize Director or designee to extend term for twelve additional months; and authorize Agency to exercise contingency increase not to exceed 10% of Federal funds - All Districts

32. Approve Notice of Intent to contract with public or private nonprofit agencies for family support and child abuse and neglect prevention services; designate Social Services Agency as the public agency to administer plan update; approve combined Child Abuse Prevention, Intervention and Treatment, Community-Based Child Abuse Prevention and Promoting Safe and Stable Families Plan Update, 7/1/08 - 5/21/10; and authorize Director or designee to sign Plan and submit to State Office of Child Abuse Prevention and to execute future Plan amendments under certain conditions - All Districts

GENERAL ADMINISTRATION

33. **Clerk of the Board -** Rescind Resolution 03-166 and adopt resolution implementing Revenue and Taxation Code sections 3731.1 and 4804 authorizing Assessor, Treasurer-Tax Collector and Auditor to approve and deny Claims for Refund of Taxes and Penalties Paid and authorizing Clerk of the Board to send notices of approval or denial to claimants; and authorize establishment of Board Policy for Clerk of the Board to be officer served with process and claims - All Districts
RESO: 08-125

Registrar of Voters:

34. Approve price agreement N1000010308 with World Marketing, Inc. to provide sample ballot pamphlet mailing and other services, two year term ($300,000); renewable for two additional years per Board policy - All Districts

35. Approve renewal of price agreement N3000008230 with DFM Associates for software lease and maintenance of Election Information Management System, 10/1/08 - 9/30/09 ($208,554) - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 36-52)

ELECTED DEPARTMENT HEADS

36. **Assessor Department -** Oral Report on status of ATS Re-engineering Project Quarterly Update
PRESENTED

37. **Auditor-Controller -** Approve price agreement N1000010143 with National Institute of Governmental Purchasing (NIGP) to conduct review of procurement policy and procedural documents, 9/9/08 - 12/12/08 ($98,115) - All Districts
31452 **APPROVED AS RECOMMENDED**

38. **District Attorney -** Adopt resolution ratifying submission of grant application to and authorize acceptance of grant funds from State Department of Insurance for Life & Annuity Consumer Protection Program, 7/1/08 - 6/30/09 ($200,000); authorize District Attorney or designee to execute grant award agreement - All Districts
53142 **APPROVED AS RECOMMENDED**
RESO: 08-126

Sheriff-Coroner:

39. Oral Report on use of DNA as evidence (Board Directive 7/29/08, Public Comments) - All Districts
PRESENTED

40. Accept grant funds from Santa Ana for FY07 Public Safety Interoperable Communications Grant for enhancements to 700 MHz network ($134,497); authorize Sheriff-Coroner or her designee to execute agreement and related documents and amendments under certain conditions; and authorize purchasing agent to purchase related equipment under certain conditions - All Districts
31452 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

41. Approve amendment 2 to agreement for operation of parking facilities and amendment 1 to agreement for shuttle bus service with Parking Concepts, Inc.; and make California Environmental Quality Act findings - District 2
21345 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

42. **Acting as the Board of Supervisors and Community Facilities District No. 2004-1 (Ladera Ranch) -** Approve notice to contractors, form of proposal, form of construction agreement, plans and specifications and set bid opening for 10/15/08, 2:00 p.m., for Ortega Highway Widening; approve agreements D08-050 with San Juan Capistrano for potable water line, D08-080 with Santa Margarita Water District for pipeline construction, D08-084 with RMV Community Development, LLC for Ortega grading and D08-076 with RMV Community Development, LLC for consultant services; authorize Director or designee to enter into agreement with State Highway Patrol for construction zone traffic enforcement; and find that Final EIR 589 and

Addendum 589-1 are adequate to satisfy requirements of California Environmental Quality Act; and make other related findings - District 5

53142 **APPROVED AS RECOMMENDED**

43. Approve termination of emergency action originally approved on 8/5/08, regarding condition of Black Star Canyon Road - District 3 (Continued from 8/5/08, Item S22A, 8/19/08, Item 33)

31452 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

44. Select Advanced Earth Sciences as primary and Geosyntec Consultants as alternate firms to provide design services for East Flank and Buttress Excavation project, Frank R. Bowerman Landfill; and authorize negotiation of agreement for Board approval - District 3

31452 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

45. Select A White and Yellow Cab, Inc. to provide general transportation services to children at Orangewood Children's Home and Court Return Facility, 1/1/09 - 6/30/09; and authorize negotiation of agreement for Board approval - All Districts

35142 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

53142 **DIRECTED STAFF TO PREPARE A VETO LETTER SIGNED BY ALL FIVE SUPERVISORS TO THE GOVERNOR ON SB 375**

35142 **APPROVED AS RECOMMENDED**

47. Approve agreements 08-003BC with Stradling Yocca Carlson and Rauth for General Bond Counsel services, five year term ($200,000 per year) and 08-004BC for Bond Counsel Services for Multi-Family and Single Family Housing Revenue Bond Programs, five year term ($100,000 per year); and authorize Public Finance Manager to execute agreements - All Districts

13452 **APPROVED AS RECOMMENDED**

48. Approve recommended grant applications submitted by District Attorney, Sheriff-Coroner, Social Services Agency, OC Community Resources and OC Public Works in 9/9/08 grants report and other actions as recommended - All Districts

51342 **APPROVED AS RECOMMENDED**

49. Approve FY 2007-08 Fourth Quarter Budget Report; and amend master position control - All Districts (RA# 1 4/5 vote)

13452 **APPROVED AS RECOMMENDED**

50. Approve OC Environmentally Preferable Purchasing (EPP) Policy; authorize County Purchasing Agent to amend policy as necessary to incorporate findings and recommendations made by OC Green Task Force and update County Contract Policy Manual to include EPP policy language - All Districts

53142 **APPROVED AS RECOMMENDED**

51. **Registrar of Voters -** Approve price agreements N1000010292 with Hart InterCivic, Inc. for purchase of 500 eSlates and Voter Verified Paper Audit Trail Printers, licensing and support services for two year term ($2,077,533) and F100003173 with Pitney Bowes, Inc. for purchase of Olympus II 56-Pocket Sorter, licensing and support services for one year term ($690,015); authorize Purchasing Agent or designee to make non-monetary changes to agreements; and make related budget adjustments - All Districts (4/5 vote)

32145 **APPROVED AS RECOMMENDED**

52. **Office of the Performance Audit Director -** Direct Office of the Performance Audit Director to perform audit of OC Public Works/Planning & Development Services following completion of Sheriff Overtime Study and Health Care Agency/Correctional Medical Services audit - All Districts

35142 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 53)

OC PUBLIC WORKS

53. Public Hearing to consider adopting "An Ordinance of the County of Orange, California Amending Section 7-9-40, 7-9-141 and 7-9-142 of the Codified Ordinances of the County of Orange Regarding Senior Living Facilities"; and adopt Negative Declaration IP08-173 - All Districts

B.O. **CONTINUED TO 9/23/08, 9:30 A.M.**

V. CLOSED SESSION (Item CS-1)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Laderahope, etc., et al. v. County of Orange, etc., et al. Orange County Superior Court Case No. 30-2008-00100906

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE APPROVED A PROPOSED SETTLEMENT IN THE CASE OF LADERAHOPE, ETC., ET AL. V. COUNTY OF ORANGE, 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.**

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

PUBLIC COMMENTS:

Sandra Fox, Ello Zeigler, Melanie Rawlins, Jayne Medlock, Richard Minitre - Oral Re: AFSME contract negotiations and need for employee raises.

Darrell A. Nolta - Oral Re: Proposed Freedom Bridge in Westminster.

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Supervisor Norby - Oral Re: AB1234 Report: Discussed travel to Monterey, Kings and Kern Counties regarding sanitation issues

Supervisor Norby - Oral Re: Discussed concern over recently adopted Villa Park ordinance that restricts door-to-door solicitation and the Sheriff's ability to enforce these regulations.

Supervisor Moorlach - Oral Re: 1. Directed CEO to look at the ASR process to provide the Board with redlined and clean versions of master contracts or other contracts that may be amended to assist the Board in their review of the agenda items; and 2. Directed the Clerk of the Board to work with the Chairman's office in the review of existing BCCs under the jurisdiction of the Board to see if they are still needed, can be combined with another BCC and if their appointment and meeting process continue to make sense and report findings within 120 days.

ADJOURNED: 12:56 P.M.

32145 **Adjourned in memory of Barbara Aboucher**

12345 **Adjourned in memory of Anastasia "Anna" Sigala Ramirez**

25134 **Adjourned in memory of Robert Smythe, Sr.**

52134 **Adjourned in memory of William "Billy" Rogokos**

12345 **Adjourned in memory of Ernest N. Moorell**

25134 **Adjourned in memory of Phyllis Fowler**

*** 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