REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 25, 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 Norby, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Moorlach - OC Animal Care will make a presentation on animal adoption
CONTINUED TO 1/27/09, 9:30 A.M.

II. CONSENT CALENDAR (Items 1-23)

31452 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1 & 5 WHICH WERE CONTINUED TO 12/9/08, 9:30 A.M.; ITEMS 12 & 18 WHICH WERE DELETED; AND ITEMS 9, 10 & 14 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **Health Care Agency -** Orange County HIV Planning Council - Appoint Tony Barnett, Newport Beach; Shawn Coakley, Costa Mesa; Sarah Kasman, Lake Forest; Jonathan

Kostka, Huntington Beach; Leslie Wilson, Rancho Santa Margarita; Phil Yaeger, Irvine and reappoint Amanda Acabeo, Tustin; Andy Encinas, Santa Ana; Rosie Galvan, Santa Ana; Jerry Lail, Irvine; Shelly Lummus, Cypress and Miles Wood, Costa Mesa, for terms ending 12/31/10 - All Districts

31452 **CONTINUED TO 12/9/08, 9:30 A.M.**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

2. Approve plans and specifications and set bid opening for 1/7/09, 2:00 p.m., for duct cleaning at Central Men's and Women's jails; and make California Environmental Quality Act findings - District 1

3. Approve agreement 08-204-795 with State Department of Boating and Waterways for reimbursement to Harbor Patrol Division for "Boating Marine Fires" training classes and equipment ($42,500); and authorize Lieutenant Erin Giudice to execute agreement - All Districts

4. Approve renewal of price agreement N3000007899 with Thermo Electron North America LLC for maintenance of Nicolet Nexus 470 FT-IT Spectrometer, 12/6/08 - 12/5/09 ($5,000) - All Districts

HEALTH CARE AGENCY

5. 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

31452 **CONTINUED TO 12/9/08, 9:30 A.M.**

6. Approve purchase order PC 042 P0900599777 with Global Presenter for purchase of customized control system and installation services in support of Health Strategic Operation Center ($43,371) - All Districts

7. Approve master agreement with various universities for Off-Campus Student Training services, 12/1/08 - 11/30/11; and authorize Director or designee to execute agreements - All Districts (Continued from 11/18/08, Item 12)

8. Approve agreement with Camp, Dresser and McKee, Inc. for water quality analysis and reporting for Public Health Lab services, 11/25/08 - 6/30/09; and authorize Director or designee to execute agreement - All Districts

JOHN WAYNE AIRPORT

9. Select Jacobs Consultancy, Inc. as Financial Feasibility Consultant for Capital Improvement Program financing ($120,000); authorize Director or designee to execute agreement; 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

32145 **APPROVED AS RECOMMENDED**

10. Approve price agreement N1000010406 with Flouresco Lighting-Sign Maintenance Corporation ($60,000), Code 4 Media Group, LLC ($25,000) and Braille Signs, Inc. ($25,000) for sign maintenance and manufacturing, 12/1/08 - 11/20/09; renewable for an additional one-year period without further Board action and renewable for three additional years with Board approval; authorize the purchasing agent to reallocate up to $20,000 between the vendors ($110,000); and make California Environmental Quality Act findings - District 2

21345 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

11. Approve plans and specifications and set bid opening for 1/14/09, 2:00 p.m., for construction of Tustin Branch Trail and Greenway; and make California Environmental Quality Act findings - District 3

OC PUBLIC WORKS

12. Approve agreement with Diamond Parking Services, LLC for 53 non-exclusive parking spaces at 917 N. Bush Street, Santa Ana, 12/1/08 - 11/30/10 ($72,000); and make California Environmental Quality Act findings - District 1 (Continued from 11/18/08, Item 22)

31452 **DELETED**

13. Approve amendment 3 to agreements D00-106, D02-071 and D99-086 with California Department of Transportation for realignment of Laguna Canyon Road from SR-73 to south of I-405 Freeway, extending terms to 12/31/10; and make California Environmental Quality Act findings - Districts 3 & 5

14. Approve amendment 1 to lease agreement with Manh Family Trust for rental space, County Community Service Center at 15460 Magnolia Street, Westminster, extending term 10/1/07 - 9/30/12 ($312,050); and make California Environmental Quality Act findings - District 1

15342 **APPROVED AS RECOMMENDED**
NN

PUBLIC PROTECTION

15. **Probation** - Approve Amendment 1 to price agreement N1000009135 with 3Di Inc., for information technology professional services, 8/21/07 - 8/20/09 ($244,800; new total $584,784); and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

16. Approve lease with Metropolitan Water District for additional parking, 445 South Tustin Avenue, Orange, annual lease not to exceed 3 years ($10,500 per year); and make California Environmental Quality Act findings - District 3

17. Approve agreement with California Department of Health Care Services for continued access to the Medi-Cal Eligibility Data System; and authorize Director or designee to execute agreement and other related documents - All Districts

GENERAL ADMINISTRATION

18. **County Counsel -** Authorize County Counsel to execute a conflict of interest waiver with Bingham McCutchen LLP to represent BKK Joint Defense Group - All Districts (Continued from 11/18/08, Item 36)

31452 **DELETED**

19. **County Executive Office -** Receive and file Quarterly Customer Care Report for July - September 2008 - All Districts

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

Registrar of Voters:

21. Appoint District Officers in lieu of election on 11/4/08 for various districts where no candidate filed a declaration of candidacy, with appointee to take office at noon on 12/5/08 - All Districts

22. Appoint District Officers in lieu of election on 11/4/08 where the number of persons filing a declaration of candidacy equals the number of positions to be filled - All Districts

23. **Chair Moorlach -** Approve amended Memorandum of Agreement for appointment of County Executive Officer, Thomas G. Mauk, extending term to 10/15/13

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 24-S50B)

ELECTED DEPARTMENT HEADS

Auditor-Controller:

24. Receive and file CAPS+ Quarterly Project Status Report - All Districts
REPORT RECEIVED

25. Approve price agreement N1000010562 with Canvas Systems, LLC for purchase and maintenance of IBM AIX Operating System and to provide hardware maintenance for IBM Power 5 AIX P595, five year term, 11/25/08 - 11/24/13 - All Districts
31452 X
APPROVED AS RECOMMENDED

26. **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 12/9/08, 9:30 a.m. - All Districts
B.O. **CONTINUED TO 1/27/09, 9:30 A.M.**

Sheriff-Coroner:

27. Receive and file status report on Emergency Declaration - Conditions resulting from fire, and continue declaration of Local State of Emergency; and set review to determine continuing need for emergency action for 12/9/08, 9:30 a.m. and every 14 days thereafter - All Districts (4/5 vote) (Continued from 11/18/08, Item S59A)
32145 **APPROVED AS RECOMMENDED**

28. Approve amendment 1 to price agreement N1000009457 with California Forensic Phlebotomy, Inc., for phlebotomy services related to blood alcohol testing, ending 12/17/08 ($15,000; new total $195,000); renewable for two additional one year periods ($30,000; new total $225,000); and approve price agreement N2000009457 for renewal of services, 12/18/08 - 12/17/09 ($225,000) - All Districts
31452 X
APPROVED AS RECOMMENDED

29. Approve renewal of price agreement N3000008350 with Computer Deductions, Inc. for software development, maintenance, and support, 12/1/08 - 11/30/09 ($2,858,961) - All Districts
13452 X
APPROVED AS RECOMMENDED

30. Oral Report on Crout & Sida findings of Orange County jail system - All Districts (Continued from 11/18/08, Item 43)

REPORT RECEIVED

HEALTH CARE AGENCY

31. Approve supplemental Assignment Agreement with State Department of Mental Health for Mental Health Services Act Prevention and Early Intervention, 7/1/08 - 6/30/12 ($3,334,200 per year); and authorize Director or designee to execute agreement - All Districts

31452 **APPROVED AS RECOMMENDED**
X

32. Select restaurant public notification system option and direct Health Care Agency to implement selected system beginning 7/1/09 - All Districts

B.O. **CONTINUED TO 12/9/08, 9:30 A.M.**

33. Approve agreement 08-85310 with State Department of Public Health for Pediatric Immunization Project, 7/1/08 - 6/30/09 ($911,542); and authorize Director or designee to execute Contractors Release form upon submission of final invoice - All Districts

31452 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

34. Receive bids and award contract to FMC Technologies, Jetway for Terminals A, B and C passenger boarding bridges ($8,301,305); 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**
X

OC COMMUNITY RESOURCES

35. Receive and file Annual Report for Orange County Human Relations Commission for FY 2007-08 - All Districts (Continued from 11/18/08, Item 48)

13452 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

36. Declare bids of Olivas Valdez, Inc. and Pima Corporation to be non-responsive; receive bids and award contract to Hillcrest Contracting, Inc. for Seventeenth Street Sidewalk Improvements ($853,381.73) - District 3

31452 **APPROVED AS RECOMMENDED**
X

37. Approve Civic Center Parking/Maintenance Fund 828, FY 2008-09 ($11,790,389); authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 1 (4/5 vote) (Continued from 11/18/08, Item 49)

13452 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

38. Approve agreement with Advanced Earth Sciences for design services of East Flank and Buttress Excavation design, Frank R. Bowerman Landfill ($2,300,000) - District 3
31452 **APPROVED AS RECOMMENDED**
X

39. Approve price agreement N1000010437 with Habitat Restoration Sciences, Inc. for native plant habitat management and maintenance, Central Region Landfill, 11/25/08 - 11/24/11 ($2,000,000) - District 3
31452 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

40. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
B.O. **DELETED**

41. Approve 2009 County of Orange Legislative Platform and consider other legislative subject matters - All Districts (Continued from 11/18/08, Item 55)
14352 **APPROVED AS RECOMMENDED**
XX

42. Approve recommended grant applications submitted by Sheriff-Coroner in 11/25/08 grant report and other actions as recommended - All Districts
14352 **APPROVED AS RECOMMENDED**
XX

43. Adopt resolution ratifying Banc of America Securities LLC, to replace UBS Securities LLC as Remarketing Agent; and authorize Chair or Vice Chair of the Board, County Executive Officer, Chief Financial Officer, Public Finance Manager or designees as Authorized Officers to execute documents and take necessary replacement actions for Newport Coast Phase IV Assessment District No. 01-1, Limited Obligation Improvement Bonds, Adjustable Rate Series 2006 A; approving Goldman Sachs & Company as Remarketing Agent to replace UBS Securities LLC; and authorizing Authorized Officers to execute documents; and authorize Authorized Officers to appoint other replacement bond remarketing agents in the future from Qualified Panel of Underwriters for any bond financings of County Assessment Districts, and conduit bond financings for apartment developments - All Districts
14352 **APPROVED AS RECOMMENDED**
XX

RESO: 08-150

44. Approve selection of Citigroup Global Markets Inc. as senior managing underwriter, Morgan Stanley & Co. Incorporated as co-senior underwriter and firms of Banc of America Securities LLC and J.P. Morgan Securities Inc. as co-managers for Airport Improvement Program Bonds; and find EIR 582 and

addendum 582-1, as revised by Final Supplemental EIR 582, are adequate to satisfy requirements of California Environmental Quality Act - All Districts

21345 X X **APPROVED AS RECOMMENDED**

45. Approve FY 2008-09 First Quarter Budget Report; approve related budget adjustments and amend master position control - All Districts (4/5 vote)

23145 N **APPROVED TRANSFER OF $749,333 FROM EACH DISTRICT'S ALLOCATION IN FUND 130 TO THE GENERAL FUND**

35142 **APPROVED RECOMMENDED ACTIONS EXCLUDING FUND 130 ALLOCATIONS AND HARBOR PATROL FUNDING**

32145 N **APPROVED RECOMMENDED ACTION FOR HARBOR PATROL FUNDING**

46. Authorize County Executive Officer or designee to execute Memoranda of Understanding for Provision of Services between the County and Superior Court, 7/1/08 - 6/30/09 - All Districts

14352 XX **APPROVED AS RECOMMENDED**

47. Approve five-year Internship Cooperative Education Site agreement I07-708 with California State University Fullerton (CSUF) to facilitate undergraduate and graduate fieldwork/internship placement within County agencies/departments; and authorize County Executive Officer or designee to modify the agreement to comply with changes in State and/or Federal law or regulation, without further Board action - All Districts

41352 XX **APPROVED AS RECOMMENDED**

48. Receive and file Quarterly Information Technology Project Status Detail and Executive Summary Report for July - September 2008 and Risk Assessment Report for July - September 2008 - All Districts (Continued from 11/18/08, Item 56)

43152 X **RECEIVE AND FILE**

Chair Moorlach:

49. Consider first reading of "An Ordinance of the Board of Supervisors of the County of Orange Amending the Codified Ordinances as follows: Section 4-11-2(a) to Make a Technical Amendment Necessitated by Recent Legislation; and Section 4-11-11 in Regard to the Appointment of Members of the CalOptima Board of Directors"; and set second reading and adoption for 12/9/08, 9:30 a.m.

B.O. **CONTINUED TO 12/9/08, 9:30 A.M.**

50. Approve proposed amendment to Rule 16 of Board of Supervisors' Rules of Procedure adding a one week waiting period before approval of all labor agreements with bargaining units

42135 **APPROVED AS RECOMMENDED**

X

S50A. **Vice Chair Bates -** Consider direction to staff to contact Department of Justice regarding Concealed Carry Weapon (CCW) permit revocation issue

51342 **DIRECTED COUNTY COUNSEL, WORKING WITH THE SHERIFF, TO EXPLORE WITH DEPARTMENT OF JUSTICE PROVIDING REASONS FOR CCW REVOCATION AND REPORT BACK TO THE BOARD WITHIN 30 DAYS**

ELECTED DEPARTMENT HEADS

S50B. **District Attorney -** Approve price agreement N1000010585 with Forensic Science SErvice, Ltd. for forensic diagnostic review consultancy services, 12/1/08 - 3/1/09 ($83,000) - All Districts

23145 **APPROVED AS RECOMMENDED**

X

IV. PUBLIC HEARINGS (None)

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: Pamela M. Mokler v. County of Orange, etc., et al., (OCSC Case No. 04CC02423) Court of Appeal Case No. G036029

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

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

PUBLIC COMMENTS:
None

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Supervisor Norby - Oral Re: Letter from Chief Paul Walters, Santa Ana, on CCW policies

Chair Moorlach - Oral Re: Jan Sturla appointed Director, State Department of Child Support Services

ADJOURNED: 4:39 P.M.

24135 **Adjourned in memory of Joseph Cortese**

XX

*** 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