REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, May 6, 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 Norby, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Moorlach - Update from Acting Sheriff Jack Anderson

Supervisor Nguyen - Presentation by Chriss Street, Orange County Treasurer-Tax Collector

II. CONSENT CALENDAR (Items 1-24)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 17 WHICH WAS DELETED; ITEM 16 WHICH WAS CONTINUED TO 5/20/08, 9:30 A.M.; AND ITEMS 2, 20 & 23 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chair Moorlach -** Santa Ana River Flood Protection Agency - Appoint Herb I Nakasone, Irvine, as alternate, for term ending 12/31/08

DEPARTMENT APPOINTMENTS

2. **Health Care Agency -** Rescind Resolution 91-829 and approve amended Emergency Medical Services Quality Assurance Board Bylaws; appoint Terre Duensing, Santa Ana; Beverly Nighswonger, Santa Ana; and Patrick Powers, Santa Ana, for term concurrent with position - All Districts

43152 **APPROVED AS RECOMMENDED**

3. **OC Community Services -** Orange County Workforce Investment Board - Reappoint Jim Adams, Santa Ana; Pradeep (Peter) Agarwal, Santa Ana; Pamela Boozan, Santa Ana; William Habermehl, Santa Ana; Lauray Holland Leis, Santa Ana; John Luker, Santa Ana, Don McCrea, Santa Ana; Scott McKenzie, Santa Ana; Bonny Perez, Santa Ana; and Gary Toyama, Santa Ana, to complete term ending 12/31/10 - All Districts

COMMENDATIONS/PROCLAMATIONS/REPORTS

Supervisor Nguyen:

4. Adopt resolution commending Mental Health Association of Orange County's 50th Anniversary
RESO: 08-048

5. Adopt resolution declaring May 12-18, 2008 as "Santiago Creek Week"
RESO: 08-049

6. Adopt resolution commending Petty Officer Michael A. Monsoor for his bravery in the line of fire, and valor in defense of the United States of America
RESO: 08-050

ELECTED DEPARTMENT HEADS

District Attorney:

7. Authorize purchasing agent or designee to issue price agreement N3000006360 with Pula Legal Interpreting Network for outstanding invoices to pay for professional sign language interpreting services, term ending 3/11/08 ($6,000; new total $66,000) - All Districts

8. Approve amendment 1 to lease agreement DA-06-013 with American Pacific Secured File Storage, Inc. for storage space; and make California Environmental Quality Act findings - District 1

Sheriff-Coroner:

9. Approve agreement with TMAD Taylor & Gaines for Central Jails Complex Digital Closed Circuit TV system ($72,000) - District 1

10. Approve rental indemnification agreement with City of Orange for Correctional Programs Volunteer Appreciation picnic to be held at Hart Park, 5/17/08 ($4,000); authorize Sheriff-Coroner or designee to execute agreement; and authorize expenditure

form Inmate Welfare Fund - District 3

11. Approve agreement with TMAD Taylor & Gaines for Theo Lacy Facility Digital Closed Circuit TV system ($72,000) - District 3

12. Approve plans and specifications and set bid opening for 6/11/08, 2:00 p.m., for replacement of Central Men's and Women's Jails electric cell door consoles; and make California Environmental Quality Act and other findings - District 1

CHILD SUPPORT SERVICES

13. Approve amendment 4 to price agreement N1000008502 with Dell Marketing LP for Microsoft Application Licensing, term ending 2/28/10 ($60,000; new total $410,000) - All Districts

HEALTH CARE AGENCY

14. Approve Orange County HIV Planning Council amended Bylaws - All Districts

15. Approve State Representation agreement with State Department of Health Care Services for representation and defense of County in any California Children's services fair hearing appeal, regarding denial or discontinuation of program eligibility or benefits; and authorize Director or designee to execute agreement - All Districts

JOHN WAYNE AIRPORT

16. Approve plans and specifications and set bid opening for 6/4/08, 2:00 p.m., for Terminals A, B and C Passenger Boarding Bridges; and make California Environmental Quality Act findings - District 2

35142 **CONTINUED TO 5/20/08, 9:30 A.M.**

OC COMMUNITY RESOURCES

17. **OC Community Services -** Approve agreement with Mercy House Transitional Living Centers, Inc. for Cold Weather Armory Emergency Shelter Program, FY 2008-09 ($485,000); and authorize Director or designee to execute agreement and sign License to Use State Military Facility agreement with California National Guard for Santa Ana and Fullerton Armory facilities ($134,100) - All Districts (Continued from 4/1/08, Item 7)

35142 **DELETED**

OC PUBLIC WORKS

18. Reject bids and return all bid guarantees; approve revised plans and specifications and set bid opening for 6/11/08, 2:00 p.m., for administrative office reconfiguration, Central Justice Center - District 1

19. Approve agreement D08-009 with All American Asphalt for contract retention funds to be placed in escrow; and authorize Auditor-Controller to make related payments - District 3

20. Approve cooperative agreement with MiOcean Foundation for contribution toward construction costs of Poche Beach Ultraviolet Bacteria Disinfection System project ($250,000); and make California Environmental Quality Act findings - District 5

53142 **APPROVED AS RECOMMENDED**

21. Approve cooperative agreement with Huntington Beach, Signal Landmark and Local Agency Formation Commission for annexation of the Bridgewater Development project; and make California Environmental Quality Act findings - District 2

SOCIAL SERVICES AGENCY

22. Authorize approval and submission of Local Planning Council County Priorities Report Form to State Department of Education for continued funding of child care centers - All Districts

45132 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

23. **County Executive Office -** Approve allocation and expenditure of Third ($66,666) and Fourth ($133,334) District Fund 130 funds for Tri-City Park Master Plan Project; authorize the County Executive Officer or designee to execute agreement; and make related findings - Districts 3 and 4

43152 **APPROVED AS RECOMMENDED**

24. **Supervisor Campbell -** Approve waiver of permit fees to access Black Star Canyon Road for The Warriors Society of Orange County, "The Traverse" fundraiser for the Freedom Alliance Scholarship Fund event on 5/17/08

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 25-52)

ELECTED DEPARTMENT HEADS

District Attorney:

25. Approve lease agreement DA 07-059 with Cornerstone Partners IV, LLC for 4,042 square feet of office space at 5000 Birch Street, Newport Beach; and make California Environmental Quality Act findings - District 2
25134 **APPROVED AS RECOMMENDED**

26. Presentation of District Attorney's Proposed High Thru-Put DNA Laboratory - All Districts
PRESENTED

27. **Sheriff-Coroner -** Consider second reading and adoption 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" - All Districts (Continued from 4/29/08, Item 24)
53142 **APPROVED AS RECOMMENDED**
ORD: 08-011

CHILD SUPPORT SERVICES

28. Approve price agreement S1000000298 with ABC Legal Services, dba: Process Forwarding International for legal process service, 5/6/08 - 5/5/09 ($500,000); renewable for four additional one-year periods, per Board policy - All Districts
35142 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

29. Approve agreement with State Department of Mental Health and California Housing and Finance Agency for Mental Health Services Act Housing Program ($33,158,300); and authorize Director or designee to execute agreement - All Districts
35142 **APPROVED AS RECOMMENDED**

30. Approve amendment 1 to agreement 07-NNA30 with State Department of Alcohol and Drug Programs for alcohol and drug abuse treatment and prevention services, 7/1/07 - 6/30/08 ($196,042 decrease; new total $21,330,694); and authorize Director or designee to execute agreement - All Districts
35142 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

31. Approve amendment 2 to agreements with Butier Engineers, Inc ($75,000; new total $644,600) and Jeff Oviedo and Associates, Inc. ($50,000; new total $80,400) for Project Management services, Capital Improvement Program, FY 2007-08; and make California Environmental Quality Act findings - District 2
23145 **APPROVED AS RECOMMENDED**

32. Approve agreement with Mactec Engineering and Consulting, Inc. for testing and inspection

services, five year term ($8,500,000); renewable for two additional years per Board policy; and find Final EIR 582 and addendum 582-1, as revised by Final EIR 582, are adequate to satisfy requirements of California Environmental Quality Act - District 2

23145 **APPROVED AS RECOMMENDED**

33. Approve agreement with Ninyo & Moore Associates for testing and inspection services, five year term ($8,500,000); renewable for two additional years per Board policy; and find Final EIR 582 and addendum 582-1, as revised by Final EIR 582, are adequate to satisfy requirements of California Environmental Quality Act - District 2

25134 **APPROVED AS RECOMMENDED**

34. Approve consent to assignment of agreement from Jacobs Facilities, Inc. to PinnacleOne, Inc., a wholly owned subsidiary of ARCADIS.US, Inc. for construction management services for Terminal C project; and find Final EIR 582 and addendum 582-1, as revised by Final EIR 582, are adequate to satisfy requirements of California Environmental Quality Act - District 2

23145 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

35. Authorize Auditor-Controller to issue payment to Southern California Edison Company for utility relocation elements for Laguna Canyon Road Widening and Realignment project ($916,597.78) - District 5

53142 **APPROVED AS RECOMMENDED**

36. Approve price agreement N1000009872 with The Soto Company for landscape maintenance services, Mile Square Regional Park, 6/1/08 - 5/31/09 ($348,613); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**

37. Approve price agreement N1000009877 with Green Tech Landscape for landscape maintenance services, Mason Regional Park, 6/1/08 - 5/31/09 ($233,680); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - District 3

32145 **APPROVED AS RECOMMENDED**

38. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve amendment 1 to price agreement N1000008179 with Pirkle Trucking & Equipment Rental, Inc. for on-call rental of haul trucks ($270,000; new total $695,000); and make California Environmental Quality Act findings - All Districts

35142 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

39. Receive bids and award contract to R.J. Noble Company for pavement rehabilitation project, Olinda Alpha Landfill ($544,515); and make California Environmental Quality Act findings - District 3

35142 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Public Defender:

40. Approve lease agreement with Cornerstone Partners IV, LLC., for 5,643 square feet of office space at 5000 Birch Street, Suite 5700, Newport Beach, 5 year term; and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

41. Approve lease agreement with Cornerstone Partners IV, LLC., for 1,472 square feet of office space at 5000 Birch Street, Suite 1100, Newport Beach, 5 year term; and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

42. Approve amendment 1 to agreement CRC1405A with Laboratory Corporation of America Holdings for additional drug testing services, 5/7/08 - 6/30/08 ($75,000; new total $1,410,510)- All Districts

51342 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

43. Approve Police Community Reconciliation Program to assist the public in understanding the Sheriff Department's complaint resolution process; direct Human Resources Department to take necessary actions to fund and implement program; and direct Human Relations Commission to provide quarterly updates on program implementation and accomplishments on a quarterly basis - All Districts (4/5 vote) (Continued from 4/1/08, Item 37)

53142 **APPROVED AS RECOMMENDED**

44. Approve price agreement N1000009880 with The NTI Group, Inc. for public mass notification system services, 4/29/08 - 4/28/11 ($1,688,037) - All Districts

35142 **APPROVED AS RECOMMENDED**

45. Direct County Executive Office to implement the Customer Care Tracking Program and report to the Board as part of the Quarterly Budget Report - All Districts

53142 **APPROVED AS RECOMMENDED**

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

31452 **APPROVED AS RECOMMENDED**

47. Acting as the Legislative Body of Community Facilities District No. 2004-1 (Ladera Ranch) - Approve amendment 1 to Acquisition, Funding and Disclosure agreement for Series A of 2005 Special Tax Bonds; and authorize Public Finance Manager to execute agreement - District 5

B.O. **CONTINUED TO 5/13/08, 9:30 A.M.**

48. Approve recommended grant applications submitted by OC Public Libraries in 5/6/08 Grants report - All Districts

35142 **APPROVED AS RECOMMENDED**

49. Approve FY 2007-08 Third Quarter Budget Report; amend master position control; approve various budget adjustments and fund closures; and approve revised billing rates for steam and chilled water produced by Central Facility for heating and cooling - All Districts (4/5 vote)

23145 **APPROVED RECOMMENDED ACTIONS 1 & 2**

24135 NNN **MOTION TO APPROVE RECOMMENDED ACTION 3 AS MODIFIED TO ADD 2 POSITIONS TO OFFICE OF THE PERFORMANCE AUDITOR FAILED TO CARRY**

13452 **APPROVED RECOMMENDED ACTION 3**

35142 **APPROVED RECOMMENDED ACTIONS 4-14**

50. Approve price agreement N1000009949 with Southern California Risk Management Associates (SCRMA) for administration of County's self-insured workers' compensation claims, 5/7/08 - 6/30/09; renewable for two additional one year periods per Board policy - All Districts

45132 NX **CONTINUED TO 5/13/08, 9:30 A.M.**

51. Approve allocation of Fifth District Fund 406 and 130 expenditures for various OC Parks and District Community Priorities and Project to serve County public interest, make related findings and authorize Clerk of the Board to execute agreements - District 5

51342 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

52. **Office of the Performance Audit Director -** Approve FY 2008/09 Work Plan and schedule for Office of Performance Audit Director - All Districts

45132 NNX **MOTION TO APPROVE STAFF RECOMMENDATIONS FAILED TO CARRY**

45132 X **APPROVED WORK PLAN PROJECTS 1, 2, & 12**

45132 NNX **MOTION TO APPROVE WORK PLAN PROJECT 3 FAILED TO CARRY**

S52A. **Supervisor Bates -** Approve request from Laguna Beach for waiver of parking fees for overflow parking of public meeting on 5/10/08, from 2:00 p.m. to 5:00 p.m. at Aliso Beach

54132 X **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 53)

OC COMMUNITY RESOURCES

53. **OC Community Services -** Public Hearing to consider submission of Final Annual Action Plan, FY 2008-09 to U.S. Department of Housing and Urban Development; and authorize Director or designee to execute related documents and amendments under certain conditions - All Districts

B.O. **CONTINUED TO 5/13/08, 9:30 A.M.**

V. RECESS & DISCUSSION ITEM (Item 54)

GENERAL ADMINISTRATION

54. **Human Resources Department -** Sheriff Comments - All Districts
HELD

VI. CLOSED SESSION (Items CS-1-CS-6)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Orange County Flood Control District v. Hein Hettinga, et al., San Bernardino County Superior Court Case No. RCV 085803

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, 1. APPROVED THE PROPOSED SETTLEMENT AND AUTHORIZED THE DISTRICT'S SPECIAL LITIGATION COUNSEL, CONNIE SANDIFER OF THE FIRM OF OLIVER SANDIFER & MURPHY, TO EXECUTE THE PROPOSED "STIPULATION RE SETTLEMENT AND ENTRY OF JUDGMENT".2. APPROVED, AND AUTHORIZED THE CHAIRMAN OF THE BOARD TO EXECUTE, THE "OCCUPANCY AND LEASE AGREEMENT" PERTAINING TO THE HETTINGA DAIRY PROPERTY BEING ACQUIRED BY THE DISTRICT PURSUANT TO THE SETTLEMENT. 3. APPROVED, AND AUTHORIZED THE CHAIRMAN OF THE BOARD TO EXECUTE, THE "LEASE AGREEMENT" PERTAINING TO THE FORMER GOLD STAR DAIRY SITE NOW OWNED BY THE DISTRICT. 4. AUTHORIZED AND DIRECTED THE COUNTY AUDITOR-CONTROLLER TO ISSUE THE FOLLOWING CHECKS, UPON REQUEST FROM COUNTY COUNSEL, FROM FLOOD ACO FUND 404-404-4100.00, AS FOLLOWS:A. TO "GH DAIRY" IN THE AMOUNT OF $900,000.00; ANDB. TO "HEIN AND ELLEN HETTINGA" IN THE AMOUNT OF $1,568,292.00.C. SUCH OTHER CHECKS AS MAY BE REQUESTED BY COUNTY COUNSEL OR BY OC PUBLIC WORKS (FLOOD DIVISION) FOR ANY ESCROW, TITLE INSURANCE, RECORDING, AND/OR CLOSING COSTS ARISING FROM THE DISTRICT'S ACQUISITION OF THE SUBJECT PROPERTY. ANY SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF THE 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: In re Frontier Airlines Holdings, Inc., et al., United States Bankruptcy Court, Southern District of New York, Case No. 08-11298 (RDD)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO RETAIN FOLEY & LARDNER LLP TO REPRESENT THE COUNTY IN THE CASE OF IN RE FRONTIER AIRLINES HOLDINGS, INC. ANY SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF THE COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

CS-3. 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. **CONTINUED TO 5/13/08, 9:30 A.M.**

CS-4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT REGARDING THREATENED LITIGATION. ANY SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF THE COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

Human Resources Department:

CS-5. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: American Federation of State, County and Municipal Employees (AFSCME)
RE: Terms and Conditions of Employment

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

CS-6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Clerk of the Board of Supervisors

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

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

PUBLIC COMMENTS:

Karen Finn - Oral Re: OCTA Senior bus access

Gary Boatwright - Oral Re: Prison overcrowding

George Maverick - Oral Re: Use of cell phones in libraries

Darrell A. Nolta - Oral Re: Public mass notification concerns and commended Supervisor Campbell for the scenic route designation of Santiago Canyon

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:

ADJOURNED: 3:32 PM.
32145 **Adjourned in memory of Clarise Blamer**

12345 **Adjourned in memory of Silva Family**

12345 **Adjourned in memory of Luna Family**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Supervisor Norby
5. = Supervisor Bates

ORD. = Ordinance
RESO. = Resolution

A. = Abstained
X. = Excused
N. = No
BO = Board Order

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