REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 20, 2007, 9:30 A.M.

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

CHRIS NORBY
CHAIRMAN
Fourth District

JOHN M. W. MOORLACH
VICE CHAIRMAN
Second District

JANET NGUYEN
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

PATRICIA BATES
SUPERVISOR
Fifth 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 Moorlach, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Norby presented a resolution proclaiming November 2007 as "Grand Jury Awareness Month"

II. CONSENT CALENDAR (Items 1-34)

24135 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 12 WHICH WAS CONTINUED TO 12/4/07, 9:30 A.M.; AND ITEMS 3, 4, 10, 11, 13, 19, 20, 26, 29 & 33 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Orange County Veterans Advisory Council - Appoint Fred M. Whitaker, Orange, to complete term ending 4/14/09

ELECTED DEPARTMENT HEADS

2. **District Attorney -** Approve purchase order PC 026 P0800002758 with Choice Point

Government Services to pay outstanding invoices for on-line access of records ($4,613.50) - All Districts

3. **Sheriff-Coroner** - Approve agreement with DMJM H&N for Theo Lacy Space Study ($128,770) - District 3
25134 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

4. Approve agreement with The Regents of the University of California for helmet distribution, 12/1/07 - 6/30/08; and authorize Director or designee to execute agreement - All Districts
43125 **APPROVED AS RECOMMENDED**

5. Approve amendment 3 to agreement H700714-3 with County of Los Angeles for Los Angeles Immunization Network, 7/1/07 - 6/30/08 ($22,463 decrease; new total $127,305); and renew, 7/1/08 - 6/30/09 ($127,305) - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

6. **Acting as the Orange County Housing Authority** - Approve agreement with Federal Emergency Management Agency for Disaster Housing Assistance Program; and authorize Director or designee to execute related agreements - All Districts

7. **Acting as the Board of Supervisors and Orange County Development Agency** - Adopt resolutions pursuant to Health and Safety Code 33445 approving agreement with Irvine Ranch Water District for expenditure of Orange County Development Agency funds for Cabinland Hydropneumatic Pump Station Replacement Project ($75,000); and making California Environmental Quality Act and related findings - District 3
RESO: 07-196 - 07-197

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

8. Approve plans and specifications and set bid opening for 1/9/08, 2:00 p.m., for asphalt overlay resurfacing of Santiago Canyon Road; and make California Environmental Quality Act findings - District 3

9. Approve plans and specifications and set bid opening for 1/16/08, 2:00 p.m., for Phase II Cogeneration Conversion, Central Utility Facility; and find that Final Negative Declaration No. IP05-131 is adequate to satisfy requirements of California Environmental Quality Act findings - District 1

10. Approve plans and specifications and set bid opening for 1/9/08, 2:00 p.m., for Phase 2 Civic Center signage improvements; and make California Environmental Quality Act findings - District 1
41235 N **APPROVED AS RECOMMENDED**

11. Approve standard agreement 07-0442 with State Department of Food and Agriculture for mandated inspection of nursery stock for sudden oak death disease, 7/1/07 - 6/30/08 ($103,639.38); and authorize Agricultural Commissioner to execute agreement - All Districts
43125 **APPROVED AS RECOMMENDED**

12. Approve agreement D07-131 with Orange County Fire Authority for access and use of OC Landbase mapping system, 12/5/07 - 1/25/13 ($75,000 per year revenue); and make California Environmental Quality Act findings - All Districts

13. Approve Consent to Assignment of Strawberry Farms Golf Club leasehold from Sand Canyon, LLC, to Strawberry Farms Golf Club, LLC - District 3

43125 **APPROVED AS RECOMMENDED**

14. Authorize release of security for private street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 16393, William Lyon Homes, Inc. - District 5

15. Authorize release of security for private street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 16392, William Lyon Homes, Inc. - District 5

16. Receive bids and award contract to Architectural Graphics, Inc. for Civic Center signage improvements ($335,355.16) - District 1

17. Approve Escrow Agreement D07-074 with Garcia-Juarez Construction, Inc. for deposit of retention monies in escrow account, O'Neill Regional Park; and authorize Auditor-Controller to make related payments - Districts 3 & 5

18. Approve Escrow Agreement No. D07-070 with R.J. Noble Company for deposit of retention monies in an escrow account; and authorize Auditor-Controller to make related payments - Districts 1, 3 & 4

19. Approve agreement K1000000094 with Geosyntec Consultants for on-call post-fire erosion and sediment control engineering services, two-year term ($350,000); authorize Director or designee to execute a contract contingency not to exceed 10%, authorize department to seek reimbursement from appropriate agencies; make appropriate budget adjustments; and make California Environmental Quality Act findings - All Districts

35124 **APPROVED AS RECOMMENDED**

20. Authorize Director to amend Exclusive Negotiation Agreement with Industrial Realty Group for development of proposed Regional Park at former Marine Corps Air Station, Tustin, extending term to 6/30/08; Authorize Auditor-Controller to make payment to Tustin for mitigation measures, ($63,000); and make California Environmental Quality Act findings - District 3

34125 **APPROVED AS RECOMMENDED WITH DIRECTION TO STAFF TO PROVIDE THE BOARD WITH A PROJECT UPDATE IN 90-DAYS**

21. Approve Memorandum of Understanding with Administrative Office of the Courts and Superior Court for Community Court construction project at Santa Ana Courthouse Annex; approve transfer of County agreement with DMJM H&N, Inc. to the Administrative Office of the Courts for design of Community Court, 909 North Main Street, Santa Ana; and authorize County Executive Office to make additional changes under certain conditions - District 1

22. **Acting as the Orange County Flood Control District -** Approve grant deeds, quitclaim deed, and Assignment of Easements with Irvine and The Irvine Company LLC for operation and maintenance of Marshburn Northwest Channel, Irvine; and make California Environmental Quality Act findings - District 3

23. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D07-118 with RBF Consulting for on-call regulatory permitting services, three-year term ($400,000); and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

24. Approve Memorandum of Understanding CMM3507 with Bridging the Gap by Touching Your Future, Inc. for career mentoring of dependent youth, 11/21/07 - 6/30/10; and authorize Director or designee to execute - All Districts

25. Receive and file CalWORKs County Plan Addendum - All Districts

GENERAL ADMINISTRATION

County Executive Office:

26. Approve price agreement N1000009432 with PlanNet Consulting, LLC for enterprise assessment services, 11/20/07 - 6/30/08 ($80,800) - All Districts
23154 **APPROVED AS RECOMMENDED**

27. Receive and file contracts with Orange County Community Foundation for grant agreement and field of Interest Agreement; and reaffirm allocation of $100,000 to the disaster relief funds; direct County Executive Office to provide Status Report in 90 days - All Districts

Human Resources Department:

28. Approve renewal of price agreement N2000007400 with Transvironmental Solutions Inc. for County Commuter Assistance Programs services, 1/1/08 - 12/31/08 ($167,109) - All Districts

29. Approve renewal of price agreement N2000007470 with various providers for temporary-help services, 2/1/08 - 1/31/09 ($2,500,000) - All Districts
31254 **APPROVED AS RECOMMENDED**

30. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for October 2007 - All Districts

Registrar of Voters:

31. Receive and file certification of results of November 6, 2007, Board of Retirement election; and appoint Robert Griffith to the position of Retired Member for term 1/1/08 - 12/31/10 - All Districts

32. Adopt resolution approving State Standard Agreement 07G30120 for Help America Vote Act (HAVA) allowing expenditure of remaining funds for upgrade of voting system through 12/31/10; and authorize Registrar of Voters or designee to execute agreement and make non-monetary changes under certain conditions and submit all related documents to Secretary of State for completion of project - All Districts
RESO: 07-198

33. Adopt resolution approving Corporate Poll Site Sponsorship Marketing Plan; authorize Registrar of Voters to acknowledge companies and non-profit organizations sponsoring poll sites and assisting in recruitment of poll workers; and approve application form for potential sponsors to participate in program - All Districts

21354 **APPROVED AS RECOMMENDED**

RESO: 07-199

34. Adopt resolution approving State Standard agreement 07G26135 for expenditure of Help America Vote Act funds; authorize Director or designee to execute agreement, make non-monetary changes to agreement without further Board action and submit all documents to Secretary of State - All Districts

RESO: 07-200

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 35-S59E)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

35. Approve amendment 1 to agreement with Mission Viejo for law enforcement services, 7/1/07 - 6/30/08 ($426,234; new total $13,226,172) - District 5
52134 **APPROVED AS RECOMMENDED**

36. Approve renewal of price agreement N2000008350 with Computer Deductions, Inc. for software development, maintenance and support, 12/1/07 - 11/30/08 ($2,858,941); approve contingency increase not to exceed 10%; renewable for three additional one year periods - All Districts
24135 **APPROVED EXTENSION OF CONTRACT FOR 30 DAYS AND INCREASE OF $170,000 AND CONTINUED ITEM TO 12/4/07, 9:30 A.M.**

HEALTH CARE AGENCY

37. Approve amended agreement 04-35889 A01 with State Department of Public Health for Network for a Health California Regional Grant, 1/1/05 - 9/30/08 ($2,934,375) - All Districts
34125 **APPROVED AS RECOMMENDED**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

38. Approve amended agreements with St. Anselm's Cross-Cultural Community Center, Inc., St. Jude Hospital, Inc. and South County Senior Services, Inc. for Senior Non-Emergency Medical Transportation services, 1/1/08 - 6/30/08 ($1,375,086); and authorize Director or designee to execute amendments; approve phase-down strategy for new clients; and authorize Director or designee to adjust agreements using Consumer Price Index - All District
32154 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

39. Authorize Request for Proposal for design, permitting, construction and operation of self-haul Material Recovery Facility, Prima Deshecha landfill - District 5 (Continued from 7/17/07, Item 40; 8/21/07, Item 33; 9/11/07, Item 39)
B.O. **CONTINUED TO 12/11/07, 9:30 A.M.**

40. Select Bryan A Stirrat & Associates as primary and SCS Field Services as alternate firms for landfill gas services for central region landfills; and authorize negotiation of agreement for Board approval - District 3
34125 **APPROVED AS RECOMMENDED**

41. Approve implementation of AB 939 Regional Recycling and Waste Diversion Grant Program; and approve recommended funding allocations- All Districts (Continued from 10/23/07, Item 19; 11/6/07, Item 21)
B.O. **CONTINUED TO 12/4/07, 9:30 A.M.**

JOHN WAYNE AIRPORT

42. Approve agreement with Walker Parking Consultants for design and construction administration services for B1 Parking Structure ($6,042,887); and find Final EIR and addendum 582-1 are adequate to satisfy requirements of California Environmental Quality Act - District 2

24135 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

43. Select DMJM H+N/AECOM as primary and PW Construction, Inc. as alternate firm for Contract Administration-Project Management services for support of construction of Tustin Family Campus; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3

31254 **APPROVED AS RECOMMENDED**

44. Adopt resolution approving intent to abandon 2.1 acres of OC Parks property near Santiago Canyon Road and Cannon Street; set public hearing for 1/29/08, 9:30 a.m., to consider abandonment; and make California Environmental Quality Act findings - District 3 (unanimous vote)

32154 **APPROVED AS RECOMMENDED**
RESO: 07-201

45. Receive bids and award contract to Beador Construction Company, Inc. for construction of multi-use trail, Laguna Coast Wilderness Park ($534,700) - District 5

52134 **APPROVED AS RECOMMENDED**

46. Approve Design-Build procedures for construction project delivery method pursuant to Public Contract Code Section 20133; and authorize advertisement for prequalification of design-build entities - All Districts

23154 **APPROVED AS RECOMMENDED**

47. Rescind resolution 05-143 approving request for Proposition 50-Chapter 8 grant funds; adopt revised resolution accepting the South Orange County Integrated Regional Water Management Plan and authorizing Director or designee to execute grant agreement 06-542-550-0 with State Water Resources Control Board for water quality improvements and water supply in south Orange County ($25,000,000); approve model Implementation Agreement and authorize Director or designee to execute agreements with project proponents; and make California Environmental Quality Act findings - District 5

52134 **APPROVED AS RECOMMENDED**
RESO: 07-202

48. Approve agreement with Parking Concept, Inc. for management and operation of a multi-facility parking complex, 12/1/07-11/30/08; and make California Environmental Quality Act findings - Districts 1 & 3

31254 **APPROVED AS RECOMMENDED**

49. Reject low bid of S.C. Yamamoto, Inc. and approve price agreement N1000009336 with Green Tech for landscape maintenance services, Clark Regional Park, 12/1/07 - 11/30/08 ($170,595); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - District 4

43125 **APPROVED AS RECOMMENDED**

50. Approve addendum to agreement D06-096 with Rancho Mission Viejo Community Development, LLC for installation of underground utility improvements to Ortega Highway - District 5

53124 **APPROVED AS RECOMMENDED**

51. **Acting as the Orange County Flood Control District -** Approve continuance of emergency pursuant to Public Contract Code Section 22050 (c)(1) for emergency repairs of damaged levee of northerly East Garden Grove - Wintersburg Channel; and set for review to determine continuing need for emergency action for 12/4/07, 9:30 a.m. - District 2 (Continued from 10/16/07, Item 32; 10/30/07 Item 13; 11/6/07, Item 24)

23154 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

52. Approve 2008 County of Orange Legislative Platform and consider other legislative subject matters - All Districts

B.O. **CONTINUED TO 12/4/07, 9:30 A.M.**

53. Approve FY 2007-08 First Quarter Budget Report; approve related budget adjustments and amend master position control - All District (4/5 vote)

25134 **APPROVED RECOMMENDED ACTIONS 1, 3, 4 & 6**

43125 N **APPROVED RESTORATION OF FUNDING FOR FULLERTON CLINIC (31 POSITIONS) AND CONTINUED CONSIDERATION OF THE MATTER TO 12/11/07, 9:30 A.M. ALONG WITH CONSIDERATION OF THE STRATEGIC FINANCIAL PLAN**

2 **MOTION TO APPROVE RECOMMENDATION NO. 5 AS AMENDED TO ADD VARIOUS POSITIONS REQUESTED BY THE DISTRICT ATTORNEY DIED FOR LACK OF SECOND**

51234 NN **MOTION TO APPROVE FUNDING AND POSITIONS REQUESTED BY THE DISTRICT ATTORNEY FOR THE HOMICIDE UNIT (4) AND THE SEXUAL ASSAULT UNIT (6) FAILED TO CARRY 4/5 VOTE REQUIREMENT**

24135 **RECOMMENDED ACTION NO. 5 CONTINUED TO 12/11/07, 9:30 A.M. ALONG WITH CONSIDERATION OF THE STRATEGIC FINANCIAL PLAN**

23154 **RECOMMENDED ACTION NO. 2, APPROVED$2.0 MILLION FOR SB 159 HOSPITAL REIMBURSEMENT; $4.5 MILLION FOR FEBRUARY 2008 PRIMARY ELECTION; $1.6 MILLION FOR COURT ORDERED PAYMENT AND $750 THOUSAND FOR EMERGENCY MEDICAL SERVICES AND CONTINUED THE BALANCE OF RECOMMENDED ACTION NO. 2 TO 12/11/07, 9:30 A.M. ALONG WITH CONSIDERATION OF THE STRATEGIC FINANCIAL PLAN AND DIRECTED STAFF TO PROVIDE BOARD WITH EVALUATION OF IMPLEMENTATION OF SB 1773 FEES TO SUPPORT EMS FOR POSSIBLE RECONSIDERATION BY THE BOARD**

54. Approve recommended grant applications as proposed and other actions as

recommended - All Districts

B.O. **CONTINUED TO 12/4/07, 9:30 A.M.**

55. Approve price agreement N1000009296 with Strategic Investment Solutions, Inc. to review and report on performance and risk levels and risk management associated with the Orange County Employees Retirement System asset allocation, investment policies and procedures, and investment manager selection and monitoring practices, 10/16/07 - 10/15/08; renewable for two additional one year periods per Board policy - All Districts (Continued from 10/16/07, Item 33; 10/30/07, Item 35)

B.O. **CONTINUED TO 12/11/07, 9:30 A.M.**

56. Receive and file Quarterly Information Technology Project Report for July 2007 - September 2007 - All Districts

35124 **APPROVED AS RECOMMENDED**
X X

57. **County Counsel -** Continue proclamation of a local emergency in connection with Santiago Fire, located within geographic area of County of Orange pursuant to Government Code Section 8630(b) and section 3-1-6(a) of the Codified Ordinances of the County of Orange; and set review to determine continuing need for emergency action for 12/4/07, 9:30 A.M. - All Districts (Continued from 10/23/07, Item S21C; 11/6/07, Item 27)

32154 **APPROVED AS RECOMMENDED**
X

58. **Supervisor Moorlach -** Approve revision of class specification for Assistant Sheriff, effective immediately

23154 **APPROVED AS RECOMMENDED**

59. **Registrar of Voters -** Approve price agreement N1000009351 with Martin and Chapman, Inc. for back-up ballot printing services, 11/20/07 - 11/19/08 ($2,000,000); and authorize Purchasing Agent to make non-monetary changes under certain conditions - All Districts

23154 **APPROVED AS RECOMMENDED**
X

S59A. **County Executive Office -** Board Directive Response (9/18/07) - Set Closed Session for Performance Auditor interviews; and provide direction to staff - All Districts

34125 **APPROVED AS RECOMMENDED; APPOINTED CHAIR AND VICE CHAIR AS**
X **BOARD AD HOC COMMITTEE TO CONDUCT PRELIMINARY INTERVIEWS**

S59B. **Supervisor Nguyen -** Adopt resolution commending Nam Loc Nguyen on his decades of commitment to public service

43125 **APPROVED AS RECOMMENDED**
X

RESO: 07-203

S59C. **County Executive Office -** Approve price agreement N1000009362 with Townsend Public Affairs, Inc. to provide assistance and expertise on grant proposals, 1/1/08 - 12/31/08 ($120,000); and affirm termination of current agreement with Townsend Public Affairs and Orange County Clerk-Recorder to secure grants related to activities of the Orange County archives at the end of the first quarter of 2008 - All Districts

43125 **APPROVED AS RECOMMENDED**

X

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

S59D. Receive and file Traffic Committee Report dated 9/20/07; approve recommendations; and adopt necessary resolutions - Districts 3 & 5

32154 **APPROVED AS RECOMMENDED**
RESO: 07-204 - 07-205

S59E. Adopt resolution setting forth an emergency permit fee deferral and waiver policy/process for victims of Santiago Fire; authorize Director or designee to defer and waive building and related permit fees and use general funds to cover associated costs; and make related findings - District3

35124 **NO ACTION TAKEN; DIRECTED STAFF TO RECREATE RESOLUTION AS A**
X **STRAIGHT WAIVER OF PERMIT FEES LIMITED TO RECENT FIRE; AND RETURN TO THE BOARD FOR APPROVAL**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Item CS-1)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: BY A UNANIMOUS VOTE, THE BOARD AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION AND TO RETAIN THE LAW FIRM OF SHEPPARD, MULLIN, RICHTER & HAMPTON, TO REPRESENT THE ORANGE COUNTY FLOOD CONTROL DISTRICT. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

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

PUBLIC COMMENTS:
Gary Boatwright - Oral Re: Public safety issues and concerns

Evan Harris, Steve Palmer - Oral Re: OCFA Chief Chip Prather

Elizabeth Arenales, Kristine Loomis & Rosemary Dowd - Oral Re: IHSS wages and benefits

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Bates - Oral Re: AB 1234 trip report: Stated that she attended CSAC Annual Conference in Oakland

Chairman Norby - Oral Re: (1) Announced upcoming meeting at the Green Parrot Restaurant regarding "County Connection"; and (2) asked County Counsel for an opinion on aspects of Sheriff Corona's

current leave

ADJOURNED: 3:18 P.M.

54123 **Adjourned in memory of Evan Cousineau**

14235 **Adjourned in memory of James Donald Edward**

34125 **Adjourned in memory of Gayle Cleary**

34125 **Adjourned in memory of David C Tallichet Jr.**

34125 **Adjourned in memory of Nell V. Stussy**

*** 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)

CHRIS NORBY, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board