REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 7, 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 Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Moorlach presented a resolution commending Designated Psychiatric Facilities for their dedication to meeting needs of those with serious mental disorders

Chair Moorlach presented a resolution proclaiming October 5-11, 2008 as "National Long-Term Care Residents' Rights Week"

II. CONSENT CALENDAR (Items 1-27)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 1 WHICH WAS CONTINUED TO 10/21/08, 9:30 A.M.; ITEMS 2 & 14 WHICH WERE DELETED; AND ITEMS 7, 11, 13, 15, 19, 22, 23, 26 & 27 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chair Moorlach -** Board of Retirement, OCERS - Appoint Thomas E. Flanigan, Newport Beach, to complete term ending 12/31/10

35142 **CONTINUED TO 10/21/08, 9:30 A.M.**

DEPARTMENT APPOINTMENTS

2. **Health Care Agency -** CalOptima Board of Directors - Appoint Edward Kacic; Mary Ann Foo; and Gustavo Valdespino, Irvine, for terms ending 9/30/12 - All Districts (Continued from 9/23/08, Item 3)

35142 **DELETED**

COMMENDATIONS/PROCLAMATIONS/REPORTS

3. **Supervisor Norby -** Adopt resolution congratulating Steven G. Mihaylo College of Business on dedication of new Steven G. Mihaylo Hall, Cal State Fullerton
RESO: 08-135

ELECTED DEPARTMENT HEADS

District Attorney:

4. Authorize negotiation of price agreement with Southern California Private Investigators, Inc. for document analysis services; and return to the Board for approval - All Districts

5. Adopt resolution accepting grant funds from State Department of Insurance for State Healthcare and Disability Insurance Fraud Program, 7/1/08 - 6/30/09 ($521,500); and authorize District Attorney or designee to execute agreement and amendments - All Districts
RESO: 08-136

6. Adopt resolution accepting grant funds from State Office of Emergency Services for Vertical Prosecution Block Grant Program, 7/1/08 - 6/30/09 ($718,541); and authorize District Attorney or designee to execute agreement and amendments - All Districts
RESO: 08-137

7. Select Bode Technology Group as primary and Orchid Cellmark as secondary for DNA processing services; and authorize negotiation of agreement for Board approval - All Districts

13452 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

8. Authorize Emergency Manager or designee to execute related documents for administration of Nuclear Power Preparedness Program funds - All Districts

9. Approve agreement to transfer property or funds to Capistrano Unified School District for Nuclear Preparedness Program; authorize Sheriff-Coroner or her designee to execute agreement; and authorize Auditor-Controller to transfer

equipment under certain conditions - All Districts

10. Receive bids and award contract to Horizons Construction Company International, Inc. for replacement of HVAC units at Theo Lacy Jail Barracks G & H ($424,740) - District 3

11. Approve agreement with Orange County Employee Retirement System for supplemental law enforcement services for meetings, 10/8/08 - 6/30/09 ($2,200); and authorize Sheriff-Coroner or designee to execute future agreements under certain conditions - All Districts

43152 **CONTINUED TO 10/21/08, 9:30 A.M.**

CHILD SUPPORT SERVICES

12. Approve agreement with Crime Survivors, Inc. for exhibit space and participation at the Annual 5K Run/Walk - Health & Safety Expo, 10/11/08; and authorize Director or designee to execute agreement - District 2

HEALTH CARE AGENCY

13. Approve agreement with North Orange County Community College District for High-Risk Drinking Prevention Services - Community College Settings, 10/15/08 - 6/30/09 ($72,500) - All Districts

15342 **APPROVED AS RECOMMENDED**

14. Approve agreement with Phoenix House Orange County, Inc. for Tobacco Cessation services, 10/15/08 - 6/30/09 ($162,750) - All Districts

35142 **DELETED**

15. Approve agreement 08-85535 with State Department of Public Health for Beach Environmental Assessment and Coastal Health Act Grant, 10/1/08 - 9/30/09 ($25,000); and authorize Director or designee to execute Contractors Release form upon submission of final invoice - All Districts

52134 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

16. Approve amendment 1 to agreement with Thirtieth Street Architects, Inc. for additional testing and inspection services for construction of Katie Wheeler branch library, Irvine ($43,197; new total $500,477.09) - District 3

OC PUBLIC WORKS

17. Adopt resolution approving agreement 07-147 with State Coastal Conservancy for cost associated with preparation of Engineering Report and Alignment Study of Santa Ana River Trail and Bikeway; authorize Director or designee to execute agreement and subsequent amendments under certain conditions; and make California Environmental Quality Act findings - District 3
RESO: 08-138

18. Adopt resolution vacating obsolete easements for emergency and public service vehicle

ingress and egress purposes; approve easement deed from The Irvine Land Company, LLC for relocated easements, Newport Beach; and make California Environmental Quality Act findings - District 5
RESO: 08-139

19. **Acting as the Orange County Flood Control District -** Approve agreement with JD Property Management, Inc. for property management services in Prado Dam basin area ($125,000); direct Auditor-Controller to issue an initial expense account check to JD Property Management, Inc. for related expenses ($75,000) and authorize subsequent checks upon Director approval (not to exceed $150,000); and make California Environmental Quality Act findings - All District
43132 **APPROVED AS RECOMMENDED**

20. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve plans and specifications and set bid opening for 11/19/08, 2:00 p.m., for Katella Yard relocation to Collins Avenue, Orange; and make California Environmental Quality Act findings - District 3

PUBLIC PROTECTION

21. **Probation -** Receive and file FY 2007-08 Juvenile Justice Crime Prevention Act Progress report - All Districts

GENERAL ADMINISTRATION

County Executive Office:

22. Approve funding for 2009 Orange County Community Indicators Report - All Districts
43152 **APPROVED AS RECOMMENDED**

23. Approve price agreement N1000010343 with Performance Management Partners for professional services to identify organizational and/or performance improvements in various department or agencies ($100,000) - All Districts
53142 **APPROVED AS RECOMMENDED**

24. **Human Resources Department -** Approve price agreement N1000010242 with Mercer Investment Consulting, Inc. to provide investment consultant services for County's Defined Contribution Programs and Extra Help Employees Defined Benefit Plan, effective 11/19/08 - 11/18/11; renewable for two additional one year periods, per Board policy - All Districts

Registrar of Voters:

25. Authorize Registrar of Voters or designee to execute hold harmless and indemnity agreements with various sponsors for use of facilities for election related activities through 12/31/11 - All Districts

26. Receive and file certification of election results of August 26, 2008 Special Bond Election, Irvine Ranch Water District - District 3
53142 **APPROVED AS RECOMMENDED**

27. **Chair Moorlach -** Approve Senior Citizens Advisory Council amended Bylaws

21345N **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 28-S43A)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

28. Oral Report and presentation on 120-day assessment of the Sheriff's Department entitled "State of the Department" - All Districts
RECEIVED

29. Approve amendment 2 to price agreement N2000008413 with Pepperdine University for provision of youth diversion counseling services, term ending 6/30/09 ($175,360; new total $575,360); renewable for three additional years upon Board approval ($375,000 per year) - All Districts
53142 **APPROVED AS RECOMMENDED**

30. Approve amendment 1 to price agreement N1000010062 with L-3 Communications Mobile-Vision, Inc. for purchase, installation and maintenance of new digital in-car video systems for 235 law enforcement vehicles, 6/24/08 - 6/23/11 ($149,780; new total $2,212,777) - All Districts
32145 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

31. Approve renewal of subordinate price agreement N1000009183 with Cellco Partnership, dba Verizon Wireless Services, LLC for wireless services and equipment, 11/1/08 - 9/30/09 ($367,000); renewable for one additional year ($400,000), per Board policy - All Districts
35142 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT AND COUNTY EXECUTIVE OFFICE

32. Approve Request for Proposals for underwriter services; authorize County Executive Office, Public Finance to send request for proposals package to Goldman Sachs & Co. and De La Rosa & Company and underwriting firms approved for airport bond financing transactions by Public Financing Advisory Committee and Board of Supervisors on 12/12/06; 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 (Continued from 9/23/08, Item 25)
23145 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

33. **Probation -** Approve lease agreement with 1001 S. Grand Ave., LLC for Probation Department's continued occupancy, 5 year term; and make California Environmental Quality Act findings - District 1
13452 **APPROVED AS RECOMMENDED**

Office of Independent Review:

34. Oral Report and presentation on budget projection and staffing needs for the

newly formed Office of Independent Review entitled "Operations Plan" - All Districts

B.O. **DELETED**

35. Approve Office of Independent Review Operational Plan; approve addition of one Executive Secretary I position and amend master position control - All Districts

35142 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

36. Approve acceptance of grant from Office of Emergency Services for comprehensive treatment services for child victims of abuse and neglect, 10/1/08 - 9/30/11 ($600,000); approve agreement FNH1208 with Child Guidance Center, Inc., Community Services Programs, Inc, and Olive Crest Treatment Centers, Inc. for Child Abuse Treatment Program, 10/8/08 - 9/30/11 ($937,500); and authorize Director or designee to execute related documents and amendments under certain conditions - All Districts

53142 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

37. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; and oral report by James F. McConnell, Washington, D.C. Legislative Advocate - All Districts

DISCUSSED

38. Board Directive Response 8/5/08 - Request Board of Supervisors select a preferred notification letter to be sent to OC Cities regarding redevelopment amendment proposals - All Districts (Continued from 9/23/08, Item 35)DELETED

B.O. **DELETED**

39. Exercise option to extend current agreement and approve amendment 3 to agreement with James F. McConnell, Jr. for Washington, D.C. federal advocacy services, 1/1/09 - 12/31/10 ($252,150 per year); renewable for one additional two-year term with Board approval; and authorize payment of $40,000 annually for specialized subcontract work - All Districts

35142 **APPROVED AS RECOMMENDED**

40. Approve allocation and expenditure of Second District Fund 130 funds for Seal Beach Historical and Cultural Society ($2,000); authorize Clerk of the Board to execute agreement; and make related findings - District 2

23145 **APPROVED AS RECOMMENDED**

41. Adopt resolution authorizing reimbursement of expenditures in connection with upgrade of Assessor Assessment Tax System (ATS) and Auditor-Controller, Clerk of the Board and Treasurer-Tax Collector Property Tax Management System (PTMS) and for costs incurred for completion of an Independent Verification and Validation process - All Districts

35142 **APPROVED AS RECOMMENDED**
RESO: 08-140

42. Approve addition of non-profit domestic violence, shelter programs to current eligible list of approved uses of Fund 130 monies by the Board of Supervisors; approve allocation and expenditure of Fourth District Fund 130 funds of $90,000 toward operational costs for Women's Transitional Living Center, Inc.; authorize Clerk of the Board to execute agreement; and make related findings - District 4

41352 **MOTION TO APPROVE RECOMMENDATIONS FAILED TO CARRY**
NNN

43. **Registrar of Voters -** Consider first reading of "An Ordinance of the County of Orange, California, Establishing Electronic Campaign Disclosure and Adding Article II of Division 6 of Title 1, Section 1-6-32 to the Codified Ordinances of Orange County"; and set second reading and adoption for 10/21/08, 9:30 a.m. - All Districts

32145 **APPROVED AS RECOMMENDED**

S43A. **County Executive Office -** Approve Barclays Capital Inc. as Dealer Bank for Teeter Plan Commercial Paper Program; replace Lehman Brothers Inc. with Barclay's Capital Inc. on the approved qualified panel of underwriters - All Districts

25134 **PURSUANT TO GC SEC 54954.2(b)(2), THE BOARD DECLARED THE NEED TO TAKE ADDITIONAL ACTION ON THIS ITEM THAT WAS NOT LISTED ON THE POSTED AGENDA; SUCH INFORMATION AROSE AFTER THE REQUIRED 72-HOUR POSTING**

23145 **APPROVED AND AUTHORIZED THE CEO TO WORK WITH ANY OF THE QUALIFIED PANEL OF UNDERWRITERS NAMED ON THE OCTOBER 1, 2008 LIST INCLUDING THE ADDITION OF BARCLAYS CAPITAL INC.**

IV. PUBLIC HEARINGS (Items 44-45)

ELECTED DEPARTMENT HEADS

44. **Sheriff-Coroner -** Public Hearing to consider approval of use of 2008-09 State Citizens' Options for Public Safety (COPS) Program Supplemental Law Enforcement Services Funds - All Districts

B.O. **CLOSED PUBLIC HEARING**

35142 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

45. 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 (Continued form 9/9/08, Item 53; 9/23/08, Item 36)

B.O. **CONTINUED TO 10/28/08, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-CS-2)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** 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. **CONTINUED TO 10/28/08, 9:30 A.M.**

CS-2. **Human Resources Department -** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Executive Officer
B.O. **HELD, NO REPORTABLE ACTION**

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

PUBLIC COMMENTS:
Darrell Nolta - Oral Re: Board action on item 42 and the economy

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Supervisor Norby - Oral Re: AB1234 Report: Advised the Board of his attendance at a conference where he was a speaker on redevelopment reform

Chair Moorlach - Oral Re: Congratulated Clerk of the Board, Darlene Bloom for her efforts in getting AB 2607 signed by the Governor allowing OC to participate in a pilot project to accept Conflict of Interest Form 700 financial statements electronically

ADJOURNED: 4:06 P.M.

32145 **Adjourned in memory of Louis Brutocao**

25134 **Adjourned in memory of Ella Mae Lindvall**

52134 **Adjourned in memory of Maureen E. Smith**

42135 **Adjourned in memory of Cornell Norby**

12345 **Adjourned in memory of Bryan Zeck**

52134 **Adjourned in memory of Archie "Gil" Jackson**

25134 **Adjourned in memory of Steve Gossett**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen A. = Abstained

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

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