REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 19, 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 Norby, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-27)

31452 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 9, 15 & 16 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Campbell:

1. Assessment Appeals Board No. 4 - Appoint Mary Aileen Matheis, Irvine, for term ending 9/4/11

2. Assessment Appeals Board No. 5 - Appoint Benjamin M. Smith, Irvine, for term ending 9/4/11

Supervisor Nguyen:

3. Orange County Veterans Advisory Council - Appoint Dante Salazar, Garden Grove, to complete term ending 3/27/10

4. Orange County Historical Commission - Appoint Julie Stroud, Santa Ana, for term concurrent with Supervisor's term of office

Chair Moorlach:

5. Assessment Appeals Board No. 2 - Appoint Kenneth C. Jones, Orange, for term ending 9/4/11

6. Assessment Appeals Board No. 3 - Reappoint John W. Briscoe, Fountain Valley, for term ending 9/4/11

7. Assessment Appeals Board No. 4 - Reappoint Arthur C. Wahlstedt, Newport Beach, for term ending 9/4/11

8. Assessment Appeals Board No. 5 - Appoint Irene E. Ziebarth, Newport Beach, for term ending 9/4/11

DEPARTMENT APPOINTMENTS

9. **Health Care Agency -** Emergency Medical Care Committee - Appoint Denis Bilodeau, Orange and Chief Paul Henisey, Irvine; and reappoint Peter Bastone, Mission Viejo; Chief Duane Olson, Corona; Gregory Pate, Anaheim; Douglas Reilly, Laguna Beach; Michael Ritter, MD, Mission Viejo, for terms ending 6/30/10 - All Districts

35142 **APPROVED AS AMENDED; CONTINUED APPOINTMENT OF DENIS BILODEAU TO 9/9/08, 9:30 A.M.**

COMMENDATIONS/PROCLAMATIONS/REPORTS

10. **Supervisor Bates -** Adopt resolution proclaiming September 2008 as "Ovarian Cancer Awareness Month"
RESO: 08-118

ELECTED DEPARTMENT HEADS

11. **Clerk-Recorder -** Approve revised multi-county agreement with counties of Riverside, Los Angeles and San Diego for shared ownership and maintenance of electronic recording delivery system; and authorize Clerk-Recorder or designee to execute agreement and make related changes under certain conditions - All Districts

12. **Sheriff-Coroner -** Approve purchase contract PC 14E P0900000075 with Identix, Inc. for purchase of Live Scan fingerprinting unit ($30,325) - All Districts

13. **Treasurer-Tax Collector -** Approve amendment 3 to price agreement N2000004284 with SunGard AvantGard to upgrade AvantGard Quantum and Q-Risk software systems ($143,200) - All Districts

CHILD SUPPORT SERVICES

14. Approve Plan of Cooperation agreement with Superior Court for coordination of respective efforts and delineation of responsibilities in relation to Child Support Enforcement Program under Title IV-D of Social Security Act, 7/1/08 - 12/31/08; renewable for one additional year; and authorize Director or designee to execute agreement - All Districts

OC COMMUNITY RESOURCES

15. Approve agreement with Applied Survey Research to conduct countywide count of homeless and maintain funding for Federal SuperNOFA Continuum of Care Homeless Assistance Program, FY 2008-09 ($120,000); and authorize Director or designee to execute agreement and make line item budget transfers and related changes - All Districts

13452 **APPROVED AS RECOMMENDED**

16. Approve agreement with OC Partnership to conduct countywide count of homeless and maintain funding for Federal SuperNOFA Continuum of Care Homeless Assistance Program, FY 2008-09 ($65,000); and authorize Director or designee to execute agreement and make line item budget transfers and related changes - All Districts

13452 **APPROVED AS RECOMMENDED**

17. Authorize Director or designee to revise 2006 Continuum of Care Associated Application to include American Family Housing - All Districts

OC PUBLIC WORKS

18. Approve special provisions and plans for 17th Street Sidewalk Improvements project; delegate authority to Chief Engineer, OC Public Works to approve form of proposal and construction agreement and set bid opening date and time contingent upon receiving an authorization to proceed from Caltrans; and make California Environmental Quality Act findings - District 3

19. Approve special provisions and plans for Hewes Avenue Sidewalk Improvements project; delegate authority to Chief Engineer, OC Public Works to approve form of proposal and construction agreement and set bid opening date and time contingent upon receiving an authorization to proceed from Caltrans; and make California Environmental Quality Act findings - District 3

20. Approve agreement D08-031 with Noble Consultants, Inc. for design services for Salt Creek Beach, Dana Point ($300,000), five-year term; and make California Environmental Quality Act findings - District 5

21. Approve price agreement N1000010152 with The Soto Company for landscape maintenance services for south coastal operations, 9/1/08 - 8/31/09 ($283,838); renewable for two additional years per Board policy; and make California

Environmental Quality Act findings - District 5

22. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D08-058 with Mactec Engineering and Consulting, Inc. for on-call geotechnical services, one-year term ($200,000); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - All Districts

PUBLIC PROTECTION

23. **Probation -** Approve agreement with Orange County Superintendent of Schools for the provision of Probation Officer services for Community School Program, 9/1/08 - 8/31/09 ($377,273); and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

24. **Clerk of the Board -** Approve price agreement N1000010276 with SouthTech Systems, Inc. for licensing, software maintenance and technical support of the County's e-Agenda System, effective 9/1/08 - 8/31/09 ($52,353); renewal for two additional one-year term ($54,447 for second year; $56,625 for third year) per Board Policy - All Districts

25. **Human Resources Department -** Approve agreement N1000010259 with Hartford Life and Accident Insurance Company for accidental death & dismemberment insurance, effective 1/1/09 - 12/31/11; renewable for two additional years per Board policy - All Districts

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

27. **Supervisor Bates -** Authorize waiver of fees for Fund for Families fundraising event on 9/7/08, Laguna Niguel Regional Park; and The Newport Beach Concours d'Elegance fundraising event on 9/27/08 and 9/28/08, St. Regis Monarch Beach Resort, Salt Creek Beach and Strand Beach

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 28-S43E)

HEALTH CARE AGENCY

28. Approve agreements and amendments with various providers of hospital and clinic services for Medical Services Initiative Program; and authorize Director or designee to execute individual provider amendments related to master agreements - All Districts
35142 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

29. Approve change order 30 with R & L Brosamer for construction of new commercial remain overnight apron ($1,575,000; new total $34,166,183.82); authorize Director or designee to execute change order; and make California Environmental Quality Act findings - District 2
24135 **APPROVED AS RECOMMENDED**

30. Approve agreement with RBF Consulting for design and construction services for Phase II Perimeter Road Reconstruction ($1,265,092); and make California Environmental Quality Act findings - District 2
23145 **APPROVED AS RECOMMENDED**

A

OC PUBLIC WORKS

31. Approve price agreement N1000010160 with CRG Marine Laboratories for sediment quality analytical services, 9/1/08 - 8/31/09 ($200,000); renewable for three additional years per Board policy; and make California Environmental Quality Act findings - All Districts
31452 **APPROVED AS RECOMMENDED**

32. Approve assignment of conservation easement held by the Donna O'Neill Land Conservancy to The Reserve at Rancho Mission Viejo; approve distribution of any assets of the Donna O'Neill Land Conservancy to the Rancho Mission Viejo Land Trust; approve the dissolution of the Donna O'Neill Land Conservancy; appoint Director of OC Planning or designee as County Donna O'Neill Land Conservancy Member Representative for the purpose of carrying out Board directives and execute related documents; and make California Environmental Quality Act findings - District 5
53142 **APPROVED AS RECOMMENDED**

33. Approve continuance of emergency pursuant to Public Contract Code Section 22050 (c)(1) and make appropriate findings regarding condition of Black Star Canyon Road; and set review to determine continuing need for emergency action for 9/9/08, 9:30 a.m., and every 14 days thereafter; and make California Environmental Quality Act findings - District 3 (4/5 vote) (Continued from 8/5/08, Item S22A)
34152 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

34. Direct CEO to identify potential funding for use in utility user tax relief program and negotiate an agreement with City of Rossmoor upon successful completion of incorporation for Board approval - All Districts

23145 A A **APPROVED AS RECOMMENDED; DIRECTED STAFF TO PROCEED WITH EVALUATION OF ALL LEGAL ISSUES AND CONCERNS RAISED**

35. Approve proposed response to FY 2007-08 Grand Jury Report "Is Orange County Going to the Dogs?" - All Districts

13452 **APPROVED AS RECOMMENDED**

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

DISCUSSED

37. Approve proposed response to FY 2007-08 Grand Jury Report "After the Big One, Will Critical County Services Survive?" - All Districts

13452 **APPROVED AS RECOMMENDED**

38. Receive and file Quarterly Information Technology Project Status Detail and Executive Summary Report for April - June 2008 and Risk Assessment Report for April - June 2008 - All Districts

31452 **APPROVED AS RECOMMENDED**

39. Approve recommended grant applications submitted by OC Waste and Recycling and Sheriff's Department; adopt resolution authorizing OC Waste and Recycling Director or designee to submit application to California Integrated Waste Management Board for Household Hazardous Waste grant and execute related documents; and adopt resolution authorizing Sheriff-Coroner or Undersheriff to submit application to Governor's Office of Homeland Security for Homeland Security Grant Program, FY 08 and execute related documents - All Districts

13452 **APPROVED AS RECOMMENDED**
RESO: 08-119 - 08-120

40. Approve agreement 7CA00270 with CALFIRE for fire protection services, 7/1/08 - 6/30/11 ($16,319,230); and approve assignment of agreement to Orange County Fire Authority - All Districts

53142 **APPROVED AS RECOMMENDED**

Human Resources Department:

41. Adopt Employee Rate Tables for Self-Funded PPO Premier Wellwise and Premier Sharewell Health Plans for 2009 - All Districts (Continued from 8/12/08, Item 21)

35142 **APPROVED AS RECOMMENDED**

42. Adopt Retiree Self-Funded PPO Health Plan Rates for 2009 for Premier Wellwise and Premier Sharewell Health Plans; authorize Director or designee to

continue to apply for Retiree Drug Subsidy Program for Premier Wellwise health plan - All Districts (Continued from 8/12/08, Item 23)

35142 **APPROVED AS RECOMMENDED**

Supervisor Nguyen:

S42A. Assessment Appeals Board No. 1 - Reappoint Stephen Nevarez, Westminster, for term ending 9/4/11

15342 **APPROVED AS RECOMMENDED**

S42B. Airport Commission - Appoint Cheri Pham, Garden Grove, for term concurrent with 1st District Supervisor's term of office

15342 **APPROVED AS RECOMMENDED**

S42C. Orange County Tourism Council - Appoint Jany Lee, Garden Grove, for term concurrent with 1st District Supervisor's term of office

15342 **APPROVED AS RECOMMENDED**

S42D. Orange County Public Facilities Corp. - Appoint Thomas Gordon, Santa Ana, for term concurrent with 1st District Supervisor's term of office

15342 **APPROVED AS RECOMMENDED**

S43E. **County Executive Office -** Authorize OC Public Works to issue a change order to Westcoast Air to install additional conduit for fiber optical use ($124,691) - All Districts

13452 **APPROVED AS RECOMMENDED**

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: In re Global Health Sciences, United States Bankruptcy Court Case No. SA 01-10663; 10665-68 ES

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF IN RE GLOBAL HEALTH SCIENCES. 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 THE COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

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

PUBLIC COMMENTS:

Evan Harris - Oral Re: Sheriff selection and crime in Orange County

Darrell A. Nolta - Oral Re: DNA concerns

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Supervisor Bates - Oral Re: Acknowledged the excellent security provided by Sheriff, Secret Service, and Lake Forest during the recent Presidential Candidate Debate at Saddleback Community Church in Lake Forest. Special recognition to Lt. Don Barnes, Chief of Police services, Lake Forest.

Chair Moorlach - Oral Re: ballot argument approval by Board of Supervisors

ADJOURNED: 12:45 P.M.
32145 **Adjourned in memory of Todd Bachman**

*** 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