REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 5, 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 Campbell, Third District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chair Moorlach recognized graduates of the Orange County Leadership Academy VIII

Supervisor Bates presented a resolution proclaiming February 2008 as "American Heart Month"

II. CONSENT CALENDAR (Items 1-21)

31452 **APPROVED AS RECOMMENDED**

BOARD APPOINTMENTS

Supervisor Campbell:

1. Orange County Human Relations Commission - Appoint D. Vincent DeVargas, Placentia, for term ending 2/4/10

2. Waste Management Commission - Appoint Bill Everest, Orange, to complete term

ending 1/8/10

3. Assessment Appeals Board No. 3 - Appoint David D. Calvert III, Tustin, to complete term ending 9/6/09

4. **Chair Moorlach -** Law Library Board of Trustees - Appoint Barbara Evans, Irvine, and Dennis O'Neil, Newport Beach, to complete terms ending 12/31/08

DEPARTMENT APPOINTMENTS

Health Care Agency:

5. Mental Health Board - Appoint Pamela Kahn, Orange, to complete term ending 3/23/10; Young Nguyen, Garden Grove, to complete term ending 8/14/10; and Yujuan Choy, MD, Irvine, to complete term ending 3/14/09 - All Districts

6. Orange County HIV Planning Council - Appoint Rosalia Galvan, Santa Ana, to complete term ending 12/13/08; Dianna Daly, Huntington Beach; Alfonso Guerrero, Garden Grove; Sylvia Mata, Fullerton; Steven Power, Tustin; Elizabeth Styffe, Lake Forest; and Liz Voelkert, Sacramento, for terms ending 12/31/09 - All Districts

CHILD SUPPORT SERVICES

7. Adopt resolution rescinding Resolution No. 02-147 requiring Child Support Services computer files of delinquent parents match with Orange County payroll computer files - All Districts
RESO: 08-008

HOUSING AND COMMUNITY SERVICES DEPARTMENT

8. Approve Orange County Workforce Investment Area Local Plan Modification (PY 07-08) - All Districts

9. **Acting as the Orange County Development Agency -** Receive and file Orange County Development Agency Annual Report of Financial Transactions and Housing Activity for FY 2006-07 - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

10. Approve plans and specifications and set bid opening for 4/2/08, 2:00 p.m., for pavement rehabilitation project, Olinda Alpha Landfill; and make California Environmental Quality Act findings - District 3

JOHN WAYNE AIRPORT

11. Adopt list of pre-qualified general contractors; approve plans and specifications and set bid opening for 3/19/08, 2:00 p.m., for demolition of B1 Parking Structure; and find Final EIR 582 and addendum 582-1 are adequate to satisfy requirements of California Environmental Quality Act - District 2

ORANGE COUNTY PUBLIC LIBRARY

12. Declare bids of OSA Group, Inc. and Nile Advance Construction to be non-responsive; receive bids and award contract to W.E. Construction, Inc. for ADA restroom upgrades, La Habra, Cypress and San Clemente Branch Libraries ($398,500) - Districts 2, 4 & 5

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

13. Receive bids and award contract to KLM Construction, Inc. for repair of Edinger Avenue Bridge ($159,990) - District 2

14. Approve amendment 3 to agreement D04-066 with Noble Consultants for on-call coastal engineering design services, three-year term ($295,000); and make California Environmental Quality Act findings - District 2

15. **Acting as the Orange County Flood Control District -** Accept grant deed from Talega Associates, LLC for retarding basin and five storm drain easements in Talega Planned Community; and make California Environmental Quality Act findings - District 5

16. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve grant of easement and agreement with Regents of the University of California for conveyance of storm drain easement, Marshburn Channel; and make California Environmental Quality Act findings - District 3

SOCIAL SERVICES AGENCY

17. Approve plans and specifications and set bid opening for 3/12/08, 2:00 p.m., for replacement of cabinetry, Orangewood Children's Home; and make California Environmental Quality Act findings - District 3

18. Approve plans and specifications and set bid opening for 3/12/08, 2:00 p.m., for repainting of interior and exterior of buildings, Orangewood Children's Home; and make California Environmental Quality Act findings - District 3

GENERAL ADMINISTRATION

County Executive Office:

19. Adopt resolution approving property tax exchange with Laguna Beach for annexation of 8.52 acres of unincorporated territory known as Act V Parking lot; and for the transfer of property taxes between Laguna Beach County Water District and Irvine Ranch Water District - District 5
RESO: 08-009

20. Approve amendment 1 to lease with County of Los Angeles for data and network Local Recovery Center, Santa Ana; and make California Environmental Quality Act findings - All Districts

21. **Supervisor Campbell -** Authorize waiver of permit fees to access Black Star Canyon Road for The Warrior's Society of Orange County, Mountain Bike Pow Wow event to support maintenance of public trails in Trabuco District of Cleveland National Forest

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 22-S46A)

ELECTED DEPARTMENT HEADS

22. **Assessor Department -** Consider first reading of "An Ordinance of The County of Orange, California Authorizing the Deferral of Unpaid Nondelinquent Current Fiscal Year Supplemental Roll Taxes Following a Disaster"; and set second reading and adoption for 2/26/08, 9:30 a.m. - All Districts

34152 **APPROVED AS RECOMMENDED**

23. **Clerk-Recorder -** Approve price agreement with SouthTech Systems, Inc. for electronic recording delivery system ($2,520,000 plus applicable taxes); approve Multi-County agreement with various counties for ownership and ongoing maintenance of electronic recording delivery system and to make changes as needed to agreement; authorize Clerk-Recorder to execute; and make related budget adjustments - All Districts

35142 **APPROVED AS RECOMMENDED**

24. **District Attorney -** Approve Alteration Proposal for installation of Emergency Generator at 401 Civic Center ($742,309); and direct Auditor-Controller to make related payments - All Districts

45132 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

25. Accept grant from Governor's Office of Emergency Services for California Multi-Jurisdictional Methamphetamine Enforcement Team ($510,000); authorize Purchasing Agent to purchase a gas chromatograph and mass selective detector system ($105,000); and approve budgetary adjustments - All Districts (4/5 vote)

35142 **APPROVED AS RECOMMENDED**

26. Approve amendment 2 to price agreement N2000008290 with All City Management Services for crossing guard services; renewable for three additional one-year periods ($45,000; new total $510,000) - All Districts

53142 **APPROVED AS RECOMMENDED**

CHILD SUPPORT SERVICES

27. Approve price agreement N1000009424 with Guardian Eagle Security Inc., for unarmed security guard services, 3/1/08 - 6/30/08 ($50,000); renewable for four additional one-year periods ($150,000 per year); approve contingency increase not to exceed 10% - All Districts

54132 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

28. Approve amendment 1 to agreement with State Department of Mental Health for Conditional Release Program, 7/1/07 - 6/30/08 ($80,000; new total $1,142,475); and authorize Director or designee to execute amendment - All Districts

43152 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

29. Deny protest of Wood Bros. Inc.; receive bids and award contract to Independent Construction Company for landslide backcut excavation project, Frank R. Bowerman Landfill ($14,349,656.60); and make California Environmental Quality Act findings - District 3

31452 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

30. Oral Report on status of Airport Improvement Program (Board Directive 9/25/07, Item 35) - All Districts

PRESENTED

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

31. Select various firms for on-call coastal engineering, water quality improvement, watershed management and water quality monitoring services; and authorize negotiation of agreements for Board approval - All Districts (Continued from 1/15/08, Item 48)

34152 **APPROVED AS RECOMMENDED**

32. Receive bids and award contract to Woodcliff Corporation for construction of children's transitional family campus, Tustin Family Campus ($21,052,000); and authorize Director, Social Services Agency, or designee, to make related payments - District 3

35142 **APPROVED AS RECOMMENDED**

33. Select LAN Engineering as primary and Moffatt & Nichol as alternate firms for bridge replacement design for Edinger Avenue Bridge, Bolsa Chica Channel; and authorize negotiation of agreement for Board approval - District 2

23145 **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

34. 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 review to determine continuing need for emergency action for 2/26/08, 9:30 A.M. - District 2 (Continued from 10/16/07, Item 32; 10/30/07 Item 13; 11/6/07, Item 24; 11/20/07, Item 51; 12/4/07, Item 23; 12/18/07, Item 41; 1/8/08, Item 12; 1/15/08, Item 51; 1/29/08, Item 33)

25134 **APPROVED AS RECOMMENDED**

35. Select Tetra Tech and HDR Engineering as primary and MWH and Dudek as alternate firms for design and construction management services for Santa Ana Regional Interceptor Line relocation; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3 (Continued from 1/29/08, Item 34)

34152 AN **APPROVED AS AMENDED TO BIFURCATE AGREEMENT AND AMEND RA 1 & 2 TO (1) SELECT THE TETRA TECH/HDR AS THE PRIMARY ARCHITECT-ENGINEER (A-E) FIRM FOR NEGOTIATION OF A CONTRACT FOR PROJECT DESIGN. SELECT MWH AS FIRST ALTERNATE AND DUDEK AS SECOND ALTERNATE A-E FIRMS FOR NEGOTIATION OF A CONTRACT IN THE EVENT AN AGREEMENT CANNOT BE REACHED WITH THE PRIMARY A-E FIRM FOR PROJECT DESIGN; (2) SELECT MWH AS PRIMARY A-E FIRM FOR CONSTRUCTION**

MANAGEMENT SERVICES FOR THE PROJECT. SELECT TETRA TECH/HDR AS THE FIRST ALTERNATE AND DUDEK AS SECOND ALTERNATE A-E FIRMS FOR NEGOTIATION OF A CONTRACT IN THE EVENT AN AGREEMENT CAN NOT BE REACHED WITH THE PRIMARY A-E FIRM FOR CONSTRUCTION MANAGEMENT SERVICES

36. **Acting as the Board of Supervisors and Orange County Development Agency -** Acting as the Board of Supervisors - Find Final EIR 508A are adequate to satisfy the requirements of California Environmental Quality Act, and find that Resolution 97-18 certifies FEIR 508A; and Acting as the Orange County Development Agency - Find that Resolution R97-1 certifies FEIR 508A and approve agreement with Costa Mesa Sanitary District, City of Newport Beach and the Orange County Development Agency for sewer infrastructure improvements in the East Santa Ana Heights Redevelopment Area - District 2

23145 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

37. Approve lease agreement with Dolphinshire, L.P. for office space, 12912 Brookhurst Street, Garden Grove for expansion of Medi-Cal and Food Stamp programs; and make California Environmental Quality Act findings - District 1

13452 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

35142 **APPROVED AS RECOMMENDED**

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

35142 **APPROVED AS RECOMMENDED**

40. Consider first reading of "An Ordinance of the County of Orange, California, adding article 18 to Division 2 of Title 1 of the Codified Ordinances to establish an Office of Independent Review" and set second reading and adoption for 2/26/08, 9:30 a.m.; and upon adoption direct staff to implement OIR and mediation process for complaints that do not rise to the level of full review by the OIR (Board Directive 12/18/07, Item 56) - All Districts

23145 **APPROVE AS AMENDED TO MODIFY ORDINANCE TO ADD LABOR REPRESENTATIVES TO AD HOC COMMITTEE MEMBERSHIP FOR SELECTION PROCESS OF EXECUTIVE DIRECTOR**

41. Response to 11/6/07 Board Directive, Recommended Action #3 - Receive and file status report on Orange County Disaster Relief fund - All Districts

31452 **APPROVED AS RECOMMENDED**

Human Resources Department:

42. Select Bob Murray & Associates as executive search firm and authorize negotiation of

price agreement with Bob Murray & Associates to conduct the recruitment for Sheriff-Coroner; and authorize issuance of price agreement without further Board approval - All Districts

35142 **APPROVED AS RECOMMENDED**
NN

43. Reaffirm the continuance of Resolution 05-225 for military supplement pay and benefits until National Emergency ends, unless terminated earlier by the Board of Supervisors - All Districts

31452 **APPROVED AS RECOMMENDED**

44. Approve and implement County's Last, Best and Final Offer presented to Alliance of Orange County Workers (AOCW) representing Operations and Service Maintenance Unit - All Districts (Continued from 1/29/08, Item 44)

31452 **APPROVED AS RECOMMENDED**

Chair Moorlach:

45. Direct Registrar of Voters to place "An Ordinance of the County of Orange, California, Amending the County Campaign Reform Ordinance" on the ballot for Statewide primary election on June 3, 2008; and direct County Counsel to prepare ballot language and impartial analysis of ordinance

23145 **MOTION TO APPROVE RECOMMENDATION FAILED TO CARRY**
NNN

46. Direct Registrar of Voters to place "An Ordinance of the County of Orange, California, Establishing a Fair Campaign Practices Commission and Adding Article III, Section 301 to the Charter of Orange County" on the ballot for Statewide primary election on June 3, 2008; and direct County Counsel to prepare ballot language and impartial analysis of ordinance

23145 **MOTION TO APPROVE WITH AMENDMENT TO REMOVE SUBPOENA POWER FAILED TO CARRY**
NNN

S46A. **Supervisor Campbell -** Orange County Tourism Board - Appoint Mark Denny, Tustin, for term concurrent with 3rd District Supervisor's term of office

34152 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 47)

ELECTED DEPARTMENT HEADS

47. **Assessor Department -** Public Hearing to consider reading and adoption of "An Ordinance of The County of Orange, California Authorizing the Transfer of Base Year Value of Property Following a Disaster" - All Districts

B.O. **CLOSED PUBLIC HEARING**

34152 **APPROVED AS RECOMMENDED**
ORD: 08-002

V. CLOSED SESSION (Items SCS-1-SCS-3)

GENERAL ADMINISTRATION

County Counsel:

SCS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Joseph G. Vanderhoff, etc., et al. v. County of Orange, et al., Orange County Superior Court Case No. 07CC08137

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

SCS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: George F. Chamberlain, individually, and as Executor of the Estate of John Derek Chamberlain vs. County of Orange, et al., United States District Court Case No. SACV 07-1154 AHS

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE APPROVED A PROPOSED SETTLEMENT IN THE CASE OF GEORGE F. CHAMBERLAIN, ETC. V. COUNTY OF ORANGE, ET AL. 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 CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS-3. **Human Resources Department** - Acting as the In-Home Supportive Services Public Authority - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: Alliance of Orange County Workers (AOCW), In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
Karen Finn - Oral Re: Sheriff-Coroner and OCFA budget cuts and selection of sheriff

Alan Perkovich - Oral Re: Addressed Board of company desire to work with County on dredging projects

Kristine Loomis & Chris Long - Oral Re: UDW wages and benefits

Darrell Nolta - Oral Re: Voting concerns reported non working electronic voting systems and absentee voting envelopes dropped off at precincts

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Norby - Oral Re: (1) Early voting and absentee voting; and (2) Recycling of solid waste options

Supervisor Campbell - Oral Re: (1) Reminder to vote. (2) Public meeting for Foothill South extension project 2/6/08, Del Mar Fairgrounds, San Diego

ADJOURNED: 3:14 P.M.

35142 **Adjourned in memory of Brandon Meyer**
X

35142 **Adjourned in memory of Irene C Weling**
X

15342 **Adjourned in memory of Victoria Hernandez**
X

*** 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