REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 18, 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	Susan Novak, Chief Deputy

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Presentation by Faubel Public Affairs on Water Quality Awareness Campaign

II. CONSENT CALENDAR (Items 1-29)

31254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1 & 11 WHICH WERE DELETED; ITEM 3 WHICH WAS CONTINUED TO 1/15/08, 9:30 A.M.; AND ITEMS 4 & 6 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Moorlach -** Public Financing Advisory Committee - Appoint Ian S. Rudge, Irvine, to complete term ending 8/11/08

31254 **DELETED**

DEPARTMENT APPOINTMENTS

2. **Health Care Agency -** Well Standards Advisory Board - Reappoint John Gregg, Signal Hill; Roy L Herndon, Fountain Valley; Bruce M. Moore, Anaheim; Jeffery R Renna, Huntington Beach; Nabil B. Saba, P.E., Santa Ana; for terms ending 1/3/11

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Adopt resolution amending membership of the Emergency Management Council and designation of Director of Emergency Services, and rescinding Resolution 05-016 - All Districts (Continued from 12/4/07, Item 3)

31254 **CONTINUED TO 1/15/08, 9:30 A.M.**

4. Approve license agreement with OneLegacy for office space, Coroner's facility, 1071 W. Santa Ana Blvd.; and make California Environmental Quality Act findings - District 1

23154 **APPROVED AS RECOMMENDED**

5. Approve amendment 1 to license agreement with Boys and Girls Club of Tustin for use of a portion of Sheriff's Coroner facility; and make California Environmental Quality Act findings - District 1

6. Approve travel by Sheriff's Department employees and one member of the Board of Supervisors or designee to Canada as goodwill ambassadors, 1/28/08 - 1/31/08; and make related findings - All Districts

34125 **APPROVED AS AMENDED TO GIVE CHAIRMAN AUTHORITY TO DESIGNATE SUPERVISOR OR DESIGNEE WHO WILL ATTEND**

7. **Treasurer-Tax Collector -** Adopt resolution approving public auction sale #1380 on 3/19/08, to sell tax-defaulted property - All Districts
RESO: 07-210

HEALTH CARE AGENCY

8. Approve agreement with California Chapter 4, American Academy of Pediatrics for Pediatric Development Screening services, 1/1/08 - 6/30/09 ($133,412) - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

9. Approve amendment 1 to agreement with Adult Day Services of Orange County for modification of automobile insurance requirement; and authorize Director or designee to execute amendment and approve corporate name change if requested by vendor without further Board action - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

10. Approve amended agreements RW000131 and RW000129 with Geosyntec Consultants for multi-discipline engineering support services for south and central regional landfill operations, extending terms to 9/30/07 - Districts 3 & 5

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

11. Select Donald Krotee Partnership, Inc. as primary and Pickard Architects as alternate firms for Chestnut Central Storage Facility project; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 1

31254 **DELETED**

12. Declare bids of Spec Construction Company, Inc. and Mega Way Enterprises to be non-responsive; receive bids and award contract to PCN3 for construction of entrance improvements, Irvine Regional Park ($378,821.90) - District 3

13. Accept Irrevocable Offer of Dedication from Signal Landmark for local park purposes, Huntington Beach area; and make California Environmental Quality Act findings - District 2

14. Approve lease agreement with Civic Center, LLC. for office space, 600 W. Santa Ana Boulevard, Santa Ana for growth needs of Health Care Agency Employee Health Services Program; and make California Environmental Quality Act findings - District 1

15. Approve plans and specifications and set bid opening for 1/16/08, 2:00 p.m., for asphalt overlay resurfacing of various streets in Orange County; and make California Environmental Quality Act findings - Districts 2 & 3

16. Accept work of S&S Power Engineering, Inc. for Building 12 Uninterruptible Power Supply, project completed 10/3/07 ($153,109) - District 1

17. Receive and file development fee deposit reports; and find deposits held more than five years be retained for future projects within specified fee programs - All Districts

18. Approve renewal of price agreement N1000007381 with Marina Landscape, Inc. for landscape maintenance services, Yorba Regional Park, 3/1/07 - 2/28/08 ($133,114); renewable for one additional year per Board policy; and make California Environmental Quality Act findings - District 3

19. Approve easement deed to Southern California Edison for underground electrical utility services for Wheeler Library and OC Parks facilities; and make California Environmental Quality Act findings - District 3

20. **Acting as the Orange County Flood Control District -** Approve offer and agreement to purchase easement with Lennar Homes of California and storm drain easement deed to Riverside County Flood and Water Conservation Control District over Prado Dam at East Bay and Hall Avenue; and make California Environmental Quality Act and other findings - All Districts (4/5 vote)

21. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D07-119 with LSA Associates, Inc. for environmental documentation and permitting services for Public Works transportation and recreation projects, three-year term ($200,000); and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

22. Approve amendment 1 to extend price agreement N1000008642 with Stealth Network

Communications for Cisco software/hardware maintenance, 1/1/08 - 6/30/08 ($107,643.81; new total $219,915.40); renewal of price agreement contingent upon and coterminous with extension or renewal of CMAS agreement 3-02-70-1696A per Board policy - All Districts

23. Approve price agreement N1000009268 with Westbay Solutions Group LLC for Business Objects training services, 1/1/08 - 12/31/10 ($200,000); renewable for two one-year periods ($80,000) per Board policy - All Districts

PUBLIC PROTECTION

24. **Probation -** Approve amendment 1 to price agreement N1000009024 with Gregory Bodenhamer for professional training services for Parent Empowerment Program, 7/1/07 - 3/31/08 ($20,000; new total $70,000); and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

25. **County Counsel -** Approve consent agreement with Liebert Cassidy Whitmore for representation of Municipal Water District of Orange County in implementation of Proposition 50 and South Orange County Integrated Regional Water Management Plan Grant - All Districts

County Executive Office:

26. Approve renewal of membership for National Association of Counties, 1/01/08 - 12/31/08 ($45,000) - All Districts

27. Receive and file policies for Internet web site (eGovernment) - All Districts

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

29. **Supervisor Campbell and Supervisor Bates -** Approve amendment to Memorandum of Agreement with Benjamin P. De Mayo, County Counsel, for increase of salary to $202,763, effective 8/24/07

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 30-S53B)

ELECTED DEPARTMENT HEADS

30. **District Attorney -** Approve purchase order PC 026 P0800002912 with Hewlett Packard Company for replacement of desktop computers ($1,083,384.14) - All Districts
21354 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

31. Authorize Sheriff-Coroner or designee to execute Frequency Reconfiguration Agreement (FRA) with Nextel and to negotiate and execute amendments to the FRA and any necessary change orders under certain conditions; authorize the Purchasing Agent to negotiate and issue a sole source agreement with Motorola, Inc. to provide equipment and services, with reimbursement to Motorola, Inc. and County for related costs of approximately $3,000,000 or greater from Nextel to support the Federal Communications Commission Rebanding of the 800 MHz Countywide Coordinated Communications System - All Districts
32154 **APPROVED AS RECOMMENDED**

32. Approve amendment 1 to price agreement N1000008413 with Pepperdine University for youth diversion counseling services, 1/1/08 - 12/31/08 ($400,000) - All Districts
32154 **APPROVED AS RECOMMENDED**

33. Approve price agreement N1000009457 with California Forensic Phlebotomy, Inc. for phlebotomy services related to blood alcohol testing,12/18/07 - 12/17/08; renewable for two additional one year periods ($180,000 per year) - All Districts
31254 **APPROVED AS RECOMMENDED**

34. Ratify amendment 3 to price agreement N3000005587, 12/31/06 - 12/30/07 ($41; new total $360 per evaluation) and approve amendment 4 to price agreement N4000005587, 12/31/07 - 12/30/08 with Susan Saxe-Clifford, Ph.D., APC, for psychological evaluation services ($250,000) - All Districts
23154 **APPROVED AS RECOMMENDED**

35. Approve continuance of 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 1/8/08, 9:30 A.M. - All Districts (Continued from 10/23/07, Item S21C; 11/6/07, Item 27; 11/20/07, Item 57 - Previously listed under County Counsel; 12/4/07, Item 17)
34125 **APPROVED AS RECOMMENDED**

36. **Treasurer-Tax Collector -** Approve 2008 Investment Policy Statement as amended; and adopt resolution delegating authority, as specified in Codified Ordinance Section 1-2-320, to the Treasurer-Tax Collector - All Districts (Continued from 12/11/07, Item 15)
B.O. **CONTINUED RECOMMENDED ACTION 1 (AMENDED 2008 INVESTMENT POLICY STATEMENT) TO 4/1/08, 9:30 A.M.**

35124 N **CONFIRMED EXISTING INVESTMENT POLICY STATEMENT; DELEGATED INVESTMENT AUTHORITY AS SPECIFIED IN CODIFIED ORDINANCE SECTION**

1-2-320 TO THE TREASURER FOR 2008; DIRECTED CEO TO NEGOTIATE AND EXECUTE A CONTRACT WITH INDEPENDENT PARTY TO PERFORM RISK ANALYSIS OF INVESTMENT POOL WITH A PRELIMINARY REPORT DUE ON 1/8/08 AND FINAL REPORT BY END OF JANUARY 2008; AND DIRECTED CEO TO PROVIDE A COST ESTIMATE FOR CONTINUED RISK ANALYSIS WITH FINAL REPORT
RESO: 07-211

JOHN WAYNE AIRPORT

37. Select Mactec Engineering and Consulting, Inc. and Ninyo & Moore as primary and Stantec Consulting, Inc. as alternate firms for testing and inspection services for JWA Improvement Program; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**
X

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

38. Approve contract change order no. 12 to agreement D05-096 with SEMA Construction, Inc. for Warner Avenue Bridge widening over Santa Ana River Channel ($116,400) - Districts 1 and 2

21354 **APPROVED AS RECOMMENDED**
X

39. Receive bids and award contract to American Asphalt South, Inc. for slurry seal of various streets ($1,362,160) - Districts 3 & 5

51234 **APPROVED AS RECOMMENDED**
X

40. Adopt resolution approving intent to abandon 0.38 acres of Santiago Oaks Regional Park; set public hearing for 2/26/08, 9:30 a.m., to consider abandonment; approve easement deed from David Duane Blunk and Steffany Blunk; and make California Environmental Quality Act findings - District 3

45123 **APPROVED AS RECOMMENDED**
X

RESO: 07-212

41. **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; approve acceptance of Coastal Development Permit and authorize Director or designee to execute permit; and set for review to determine continuing need for emergency action for 1/8//07, 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)

24135 **APPROVED AS RECOMMENDED**
X

42. **Acting as the Board of Supervisors and Orange County Flood Control District -** Select various firms for on-call aerial photography and digital mapping services; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - All Districts

42135 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

43. Approve price agreement N1000009198 with Transnational Computer Technology for technical support for Child Welfare Services/Case Management System, 1/1/08 - 12/31/10 ($1,672,320); renewable for two one-year periods per Board policy - All Districts
52134 **APPROVED AS RECOMMENDED**
X

44. Approve amendment 1 to agreements FHT0107.A1 with Anaheim-Fullerton Family Resource Center ($57,963; new total $316,463) and FER0807.A1 with Salk Family Resource Center ($57,963; new total $316,463) for Differential Response services, 1/1/08 - 6/30/08 - District 4
45123 **APPROVED AS RECOMMENDED**
X

PUBLIC PROTECTION

45. **Probation** - Approve amendment 2 to agreements with Sentinel Offender Services, LLC for provision of supervised electronic confinement services for low-risk adult offenders, 1/1/08 - 6/30/08 and to price agreement N1000007321 for lease of continuous electronic monitoring equipment/hardware and off-site monitoring services for high-risk adult sex offenders, 1/1/08 - 6/30/08 ($30,000; new total $105,000); and make California Environmental Quality Act findings - All Districts
24135 **APPROVED AS RECOMMENDED**
X

46. **Public Defender** - Approve amendment 2 to lease agreement with Civic Center, LLC for office space, 600 W. Santa Ana Boulevard, Suite #600; and make California Environmental Quality Act findings - District 1
12354 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

47. Receive and file Staff Report; approve amendment 1 to Amended Joint Powers agreement with Orange County Fire Authority - All Districts
35124 **APPROVED AS RECOMMENDED**

48. Approve 2007 Strategic Financial Plan (SFP); and FY 2007-08 First Quarter Budget Report recommended actions continued from 11/20/07 for consideration along with the SFP, including various amendments to the Master Position Control and associated costs implementation of SB 1773 fees to support Emergency Medical Services, allocation of remaining General Fund Balance Available and other directives - All Districts (4/5 vote) (Continued from 11/20/07, Item 53; 12/11/07, Item 27)
53124 **APPROVED AS MODIFIED EXCLUDING RECOMMENDED ACTION #3**

49. Approve recommended positions on introduced or amended legislation and consider

other legislative subject matters - All Districts

25134 **OPPOSED SB 1016**
X

50. Approve recommended grant applications as proposed in 12/18/07 Grants Report and other actions as recommended - All Districts

24135 **APPROVED AS RECOMMENDED**
X

51. Approve allocation and expenditure of First District Fund 130 funds for various projects; and authorize the Clerk of the Board to execute agreements; and make related findings - District 1

15234 **APPROVED AS RECOMMENDED**
NX

52. Approve Strategic Financial Plan and 1st Quarterly Budget Report follow-up matters continued from 11/20/07, Item #53 - All Districts (Continued from 12/11/07, Item 27)

B.O. **DELETED**

53. Approve price agreement N1000009296 and revised scope of work 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 investment portfolio, 12/11/07 - 12/10/08 - All Districts (Continued from 10/16/07, Item 33; 10/30/07, Item 35; 11/20/07, Item 55; 12/11/07, Item 28)

54123 **APPROVED AS RECOMMENDED**
X

DEPARTMENT APPOINTMENTS

S53A. **Health Care Agency -** Orange County HIV Planning Council - Reappointment Kelly Gomez, Anaheim; John Lam Nguyen, Garden Grove; Martin Salas, Irvine; Josie Lopez, Garden Grove; Jermiah G. Tilles, M.D., Irvine; Clayton Chau, M.D., Mitch Cherness, Donna Fleming, Linda Foster, David Guzman and Christopher Ried, M.D, Santa Ana, for terms ending 12/31/09 - All Districts

42135 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

S53B. **Chairman Norby -** Approve allocation of Fourth District Fund 130 funds to La Habra Library ($81,650) and make related findings

45123 **APPROVED AS RECOMMENDED**
NX

IV. PUBLIC HEARINGS (Items 54-55)

ELECTED DEPARTMENT HEADS

54. **Sheriff-Coroner -** Public Hearing to consider first reading of "An Ordinance of the County of Orange, California Amending Article 1 of Title VIII, Section 16 Fee for Removing and Keeping Dead Bodies"; set second reading and adoption for 1/8/08, 9:30 a.m.; and make

California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

45123 **APPROVED AS RECOMMENDED**
N X

HEALTH CARE AGENCY

55. Conduct Public Hearing to consider adopting resolution to provide an additional penalty assessment for distribution to Emergency Medical Services fund, effective 2/1/08; and make California Environmental Quality Act findings - All Districts

34125 **APPROVED AS RECOMMENDED**
N

RESO: 07-213

V. CLOSED SESSION (Item CS-1)

GENERAL ADMINISTRATION

CS-1. **Chairman Norby** - PUBLIC EMPLOYEE APPOINTMENT: PERFORMANCE AUDIT DIRECTOR - Pursuant to Government Code Section 54957:
Title: Performance Audit Director
HELD, NO REPORTABLE ACTION

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

PUBLIC COMMENTS:
None

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
None

ADJOURNED: 4:16 P.M.

54123 **Adjourned in memory of Marilyn Hansson Montgomery**

34125 **Adjourned in memory of Elizabeth Gayle Lee**

14235 **Adjourned in memory of Betty Palmer**

14235 **Adjourned in memory of Dr. Chester Mayo and Chester Mayo, Jr.**

14235 **Adjourned in memory of Roger Paris**

VII. RECESS & ADJOURNMENT

GENERAL ADMINISTRATION

56. **County Executive Officer** - Receive and file staff report concerning Third Party Independent

Oversight; conduct public workshop and provide direction to staff - All Districts

24135 **APPROVED AS RECOMMENDED AND DIRECTED STAFF TO RETURN TO THE BOARD IN JANUARY 2008 WITH FINAL VERSION OF ORDINANCE BASED ON DIRECTION GIVEN DURING WORKSHOP**

*** 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