REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, March 17, 2009,* 9:30 A.M.

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

**PATRICIA BATES**
CHAIR
Fifth District

**JANET NGUYEN**
VICE CHAIR
First District

**JOHN M. W. MOORLACH**
SUPERVISOR
Second District

**BILL CAMPBELL**
SUPERVISOR
Third District

**CHRIS NORBY**
SUPERVISOR
Fourth District

ATTENDANCE: Supervisors Nguyen, Moorlach, Campbell & Norby

EXCUSED: Supervisor Bates

| | | |
|---|---|---|
| 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 Campbell, Third District, led the assembly in the Pledge of Allegiance

## I. PRESENTATIONS/INTRODUCTIONS

## II. CONSENT CALENDAR (Items 1-22)

32145 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 5 WHICH WAS DELETED; ITEMS 6 & 22 WHICH WERE CONTINUED TO 3/24/09, 9:30 A.M. AND ITEMS 3, 14, 15, & 20 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

## BOARD APPOINTMENTS

1. **Supervisor Moorlach -** Public Financing Advisory Committee - Reappoint Shari Freidenrich, Huntington Beach, to complete term ending 8/11/11

## COMMENDATIONS/PROCLAMATIONS/REPORTS

2. **Chair Bates -** Adopt resolution proclaiming April as Child Abuse Prevention Month
*RESO: 09-024*

**ELECTED DEPARTMENT HEADS**

**Sheriff-Coroner:**

3. Approve agreement with Urban Areas Security Initiative funds from City of Los Angeles, FY06 ($93,752); authorize purchasing agent to purchase related equipment and software; authorize Sheriff-Coroner to execute agreement and amendments under certain conditions - All Districts
34125 **CONTINUED TO 3/24/09, 9:30 A.M.**
NX

4. Approve Communications Site License agreement with County of Los Angeles for installation and maintenance of Voice Microwave Link, San Dimas Microwave Radio Site; and make California Environmental Quality Act findings - All Districts

5. **Treasurer-Tax Collector -** Approve amended price agreement N3000006149 with Financial Statement Services, Inc. for printing and mailing services for Orange County Probation Department, 4/1/09 - 8/23/09 ($33,521; new total $633,523) - All Districts
32145 **DELETED**
X

**JOHN WAYNE AIRPORT**

6. Approve agreements with Southern California Edison Company for installation of preferred emergency gear and provision of Reserve Line Capacity; authorize Director to execute agreements; 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
32145 **CONTINUED TO 3/24/09, 9:30 A.M.**
X

**OC COMMUNITY RESOURCES**

7. Adopt resolution authorizing acceptance of dedication of lots P and M of Tract Map 16331 as addition to Salt Creek Beach, Dana Point; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 5
*RESO: 09-025*

8. Approve plans and specifications and set bid opening for 4/15/09, 2:00 p.m., for refurbishment of Laguna Beach Branch Library; and make California Environmental Quality Act findings - District 5

9. Approve option agreement and lease with Bolsa Chica Conservancy for interpretive center, Harriett M. Wieder Regional Park, 3/17/09 - 3/16/12; and make related findings – District 2

10. **Acting as the Board of Supervisors and Orange County Development Agency -** Approve modification of subordination of loans for construction and permanent loan phases for Tonner Hills Apartments; authorize Director or designee to execute subordination agreements; and make California Environmental Quality Act findings - District 3

**OC PUBLIC WORKS**

11. Adopt resolution relinquishing County jurisdiction over portions of Amapola Avenue, City of Orange; and accept work of KZC Construction, Inc. for Orange Park Acres storm drain and overlay resurfacing, Orange, project completed 11/28/07 ($1,317,151.96) - District 3
*RESO: 09-026*

12. Approve amendment 1 to lease agreement with Laguna United Methodist Church for 3,800 square feet office space for Health Care Agency Children and Youth Services Program, 4/1/09 - 11/30/10 ($4,611.25 per month); and make California Environmental Quality Act findings - District 5

13. Approve plans and specifications and set bid opening for 4/22/09, 2:00 p.m., for installation of heating, ventilation, air conditioning and dehumidification system, Arden-Helena Modjeska House and Gardens; and make California Environmental Quality Act findings - District 3

14. Adopt resolution accepting public road right-of-way for Baja Panorama, Menuda Panorama, Media Panorama and Circula Panorama into County Road System; direct Auditor-Controller to make related payments; and make California Environmental Quality Act and other findings - District 3

43125 **APPROVED AS RECOMMENDED**
X

*RESO: 09-027*

15. **Acting as the Orange County Flood Control District -** Approve amendment 1 to agreement D07-024 and lease with California Brea Partners for improvements and cover segment of Loftus Diversion Channel, Brea; and approve Joint Community Facilities Agreement with California Brea Partners and City of Brea for improvements to Loftus Diversion Channel - District 3

34125 **APPROVED AS RECOMMENDED**
X

16. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve easement deeds to Southern California Edison for undeveloped strips of land adjacent to eastern end of Mesa Drive at Upper Newport Bay Nature Preserve and Santa Ana Delhi Channel; and make California Environmental Quality Act findings - District 2

**OC WASTE & RECYCLING**

17. Approve renewal of price agreement N2000008623 with Viejo Sweeping Service for street sweeping services, 4/1/09 - 3/31/10 ($115,000) - Districts 3 & 5

18. Approve plans and specifications and set bid opening for 4/22/09, 2:00 p.m., for Lane Road Former Disposal Station Gas Extraction System and Treatment Facility Improvements project; and make California Environmental Quality Act findings - District 3

19. Approve plans and specifications and set bid opening for 4/22/09, 2:00 p.m., for Power Pole Relocation project, Prima Deshecha Landfill; and make California Environmental Quality Act findings - District 5

**GENERAL ADMINISTRATION**

20. **County Executive Office -** Receive and file 2009 Orange County Community Indicators Report - All Districts

42135 **APPROVED AS RECOMMENDED**

X

**Human Resources Department:**

21. Approve price agreement N1000010781 with ICMA Retirement Services for new health reimbursement arrangement accounts for Association of Orange County Deputy Sheriffs (AOCDS), 4/1/09 - 3/31/12; renewable for two additional years per Board policy - All Districts

22. Approve transition of Law Enforcement Managers from County health plans to Association of Orange County Deputy Sheriffs (AOCDS) health plans, effective 7/1/09 - All Districts (Continued from 3/10/09, Item 18)

32145 **CONTINUED TO 3/24/09, 9:30 A.M.**

X

END OF CONSENT CALENDAR

## III. DISCUSSION ITEMS (Items 23-S31A)

## OC WASTE & RECYCLING

23. Approve continuance of local emergency in connection with the Freeway Complex Fire; located at Olinda Alpha Landfill pursuant to Public Contact Code Section 22050 due to damages and lack of an operational landfill gas extraction, control, and groundwater monitoring systems; set review to determine continuing need for emergency action for 3/24/09, 9:30 a.m., every 14 days thereafter; and make California Environmental Quality Act findings - All Districts (4/5 vote) (Continued from 12/16/08, Item S54B; 1/13/09, Item 42; 1/27/09, Item 63; 2/10/09, Item 28; 3/3/09, Item 32)

32145 **APPROVED AS RECOMMENDED**
X

## GENERAL ADMINISTRATION

**County Executive Office:**

24. Adopt resolution authorizing establishment of 2009 Mortgage Credit Certificate (MCC) Program and direct County Executive Officer or Public Finance Manager or designee to file all necessary notices with appropriate State and Federal agencies and to develop rules and guidelines for the program; authorize submission of application to California Debt Limit Allocation Committee for authority to issue mortgage credit certificates; authorize CEO to enter into Cooperative agreements with participating cities; approve other related actions; and make related findings - All Districts

32145 **APPROVED AS RECOMMENDED**
X

*RESO: 09-028*

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

23145 **APPROVED AS RECOMMENDED**
X

26. Approve Public Resources Advisory Group as financial advisor, Chapman and Cutler LLP as primary and Orrick, Herrington & Sutcliffe, LLP as alternate bond/disclosure counsel to assist in formulating and executing a financing for upgrades of Assessor Assessment Tax System and Property Tax Management System (ATS/PTMS); and authorize negotiation of agreement for Board approval - All Districts

23145 **APPROVED AS RECOMMENDED**
X

27. Approve in concept issuance of Tax and Revenue Anticipation Notes for purpose of financing cash flow needs for FY 2009-10; and select Orrick, Herrington & Sutcliffe LLP as note and disclosure counsel and Kelling Northcross & Nobriga as financial advisor - All Districts

23145 **APPROVED AS RECOMMENDED**
X

28. Approve Stern Brothers & Company as replacement Remarketing Agent for Variable Rate Demand Apartment Development Revenue Bonds, Issue A of 1986 (Alicia Viejo Project) $6,250,000; Acting as the Board of Commissioners of the Orange County Housing Authority - approve Stern Brothers & Company as replacement Remarketing Agent for Variable Rate Demand Apartment Development Revenue Bonds, Issue CC of 1985 (Laguna Serrano Project) $20,500,000; and direct staff to conduct Request for Qualifications process for underwriting and bond remarketing services - District 5

23145 X **APPROVED RECOMMENDED ACTION 1 & 2**

32145 X **APPROVED RECOMMENDED ACTION #3 AS MODIFIED TO DIRECT STAFF TO CONDUCT AN RFQ PROCESS FOR UNDERWRITING AND BOND REMARKETING SERVICES; WITH SUCH PROCESS TO RESULT IN ADDING ANY OF THE QUALIFIED FIRMS TO THE EXISTING LIST OF UNDERWRITING AND BOND REMARKETING FIRMS IF NECESSARY**

29. Approve recommended grant application submitted by Health Care Agency in 3/17/09 grant report and other actions as recommended - All Districts

32145 X **APPROVED AS RECOMMENDED**

30. Receive and file Regional Wireless Broadband Study-Business Case and Recommendations report - All Districts

2 **MOTION TO APPROVE STAFF RECOMMENDATIONS DIED FOR LACK OF SECOND**

34125 X **RECEIVED AND FILED REPORT ONLY**

31. **Registrar of Voters -** Receive and file Vote by Mail Program Report (Board Directive 1/27/09) - All Districts

23145 X **RECEIVED AND FILED REPORT; DIRECTED CEO LEGISLATIVE STAFF TO WORK WITH THE ORANGE COUNTY DELEGATION IN CONSIDERING A VOTER BY MAIL PROGRAM IN ORANGE COUNTY**

S31A. **Chair Bates -** Adopt resolution recognizing Christopher Koerner

34125 X **APPROVED AS RECOMMENDED**

*RESO: 09-029*

## IV. PUBLIC HEARINGS (Item 32)

## ELECTED DEPARTMENT HEADS

32. **Treasurer-Tax Collector -** Public Hearing to consider first reading of "An Ordinance Amending Section 1-2-44 of the Codified Ordinances of the County of Orange, California Decreasing the Fee to be Charged by the Treasurer-Tax Collector for Processing Returned Unpaid Negotiable Paper" and to adopt resolutions increasing

tract and parcel map processing and certain data sales fees; and make California Environmental Quality Act and other findings; set second reading and adoption of Ordinance for 3/24/09, 9:30 a.m. - All Districts

B.O. **CLOSED PUBLIC HEARING**

32145 **APPROVED AS RECOMMENDED**
N X

*RESO: 09-030 - 09-031*

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

**GENERAL ADMINISTRATION**

**County Counsel:**

CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR BATES BEING ABSENT, APPROVED A SETTLEMENT OF ANTICIPATED LITIGATION AND AUTHORIZED CLERK OF THE BOARD TO EXECUTE THE SETTLEMENT AGREEMENT. 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 COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

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

**PUBLIC COMMENTS:**
Darrell Nolta - Oral Re: Planned Parenthood contract funding suspension

**COUNTY EXECUTIVE OFFICER COMMENTS:**
None

**BOARD COMMENTS AND TRAVEL REPORTS:**
Supervisors Moorlach & Norby - Oral Re: Discussed their vote on the funding suspension of the Planned Parenthood contract

Supervisor Nguyen - Oral Re: AB1234 Report: Discussed recent trip to Sacramento to participate on the California Massage Therapy Council who will be developing statewide standards and licensing opportunities

**ADJOURNED: 12:00 P.M.**

31245 **Adjourned in memory of Judith McEachen**

X

31245 **Adjourned in memory of Dr. Louis Gottschalk**
X

21345 **Adjourned in memory of Michael A. (Papa) Nisbet, DDS**
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*