REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 9, 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	Suasn Novak, Chief Deputy

INVOCATION: Supervisor Nguyen, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-27)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 4 WHICH WAS CONTINUED TO 1/13/09, 9:30 A.M.; AND ITEM 9 WHICH WAS CONTINUED TO 1/27/09, 9:30 A.M.; AND ITEMS 12, 17, 24, & 27 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Chair Moorlach:

1. Senior Citizens Advisory Council - Reappoint David Sullivan, Huntington Beach, for term ending 12/31/10

2. Orange County Human Relations Commissions - Reappoint Kenneth K. Inouye, Laguna Hills, for terms ending 12/8/10

DEPARTMENT APPOINTMENTS

3. **OC Community Resources -** Orange County Workforce Investment Board - Reappoint Juan Carlos Araque, Bob Bunyan, Marilen Coughenour, Alireza Jazayeri, Tom Porter, Irvine; Robert Stiens, Santa Ana; Doug Mangione, Orange; Raghu Mathur, Mission Viejo and Ruby Yap, Cypress, for terms ending 12/31/11 - All Districts

4. **Health Care Agency -** Orange County HIV Planning Council - Appoint Tony Barnett, Newport Beach; Shawn Coakley, Costa Mesa; Sarah Kasman, Lake Forest; Jonathan Kostka, Huntington Beach; Leslie Wilson, Rancho Santa Margarita; Phil Yaeger, Irvine and reappoint Amanda Acabeo, Tustin; Andy Encinas, Santa Ana; Rosie Galvan, Santa Ana; Jerry Lail, Irvine; Shelly Lummus, Cypress and Miles Wood, Costa Mesa, for terms ending 12/31/10 - All Districts (Continued from 12/9/08, Item 1)

35142 **CONTINUED TO 1/13/09, 9:30 A.M.**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

5. Approve donation from OneLegacy for mural to be painted on interior wall of Coroner Facility; authorize Sheriff-Coroner or designee to execute agreement and related documents; and make California Environmental Quality Act findings - District 1

6. Approve agreement 07-65927 with State Department of Public Health for participation in Fatal Child Abuse and Neglect Surveillance Program; and authorize Sheriff-Coroner or designee to execute agreement - All Districts

HEALTH CARE AGENCY

7. Approve amended price agreement N3000007573 with Advanced Medical Management, Inc. for Fiscal Intermediary services for HIV Clinic, 3/1/08 - 2/28/09 ($100,599; new total $264,432) - All Districts

8. Approve price agreement N1000010439 with Netsmart New York, Inc. for software maintenance and support services for Behavioral Health Management Information Systems Program, 1/1/09 - 12/31/09 ($84,186); renewable for two additional one-year periods, per Board policy - All Districts

9. Approve amendment 1 to agreement with Straight Talk Clinic, Inc. for HIV Residential Alcohol and Drug Abuse Treatment services, 7/1/08 - 6/30/09 ($10,000; new total $258,264) - All Districts (Continued from 11/25/08, Item 5)

35142 **CONTINUED TO 1/27/09, 9:30 A.M.**

10. Approve purchase order PC 042 P0900601940 with Cepheid for purchase of laboratory equipment ($38,272) - All Districts

11. Ratify issuance of purchase order PC 042 P0800601945 with GovPlace for purchase of

customized Uninterrupted Power Supply and installation services ($110,443) - All Districts

JOHN WAYNE AIRPORT

12. Approve use of design-build procurement for Central Plant project; approve list of pre-qualified design-build contractors; authorize Director to establish and enforce a Department of Industrial Relations approved Third-Party Labor Compliance program; authorize Director to issue a Request for Proposals to approved pre-qualified contractors, establish proposal due date of 2/10/09, receive, open and evaluate proposals and to extend due date if necessary up to 60 days; and make California Environmental Quality Act findings - District 2 (Continued from 11/18/08, Item 15)

25134 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

13. Approve agreement with Irvine for University Park and Heritage Park library maintenance and rehabilitation improvements, 2008-09 ($137,600); and authorize Director or designee to execute agreement - District 3

14. Approve amendment 1 to Workforce Investment Act Cost Reimbursement agreements with ProPath, Inc. ($85,000; new total $182,213 for northern and $165,000; new total $317,787 for southern) for One-Stop Center and Business Services, 7/1/08 - 6/30/09; authorize Director or designee to execute agreements; and authorize Agency to exercise contingency increase not to exceed 10% of Federal funds - All Districts

15. Approve the Letter of Intent with Waterfront Resort Properties, LP and Newport Dunes Marina, LLC for amendment to Newport dunes lease and development of hotel, 10/17/08; and direct staff to return to Board with lease documents within 180 days - District 2

16. Approve lease with Southern Sierra Land and Cattle Company for Santiago Equestrian Center, Limestone Canyon and Whiting Ranch Wilderness Park, 1/1/09 - 12/31/28 – District 5

OC PUBLIC WORKS

17. Receive and file Traffic Committee Report dated 10/16/08; approve recommendations; and adopt necessary resolution - District 5

45132 **APPROVED AS RECOMMENDED**

18. Approve Federal Program Supplement Agreement No. N040 with State Department of Transportation for construction of sidewalk on 17th Street from Esplanade Avenue to Gimbert Lane - District 3

Acting as the Orange County Flood Control District:

19. Approve amendment No. 1 to agreement D98-044 with State Department of Transportation for realignment of Airport Storm Channel, extending term three years - District 2

20. Approve Amendment No. 1 to agreement D06-076 with Boyle Engineering for on-call engineering services, adding special consultants/contractors to existing agreement - All Districts

Acting as the Board of Supervisors and Orange County Flood Control District:

21. Adopt resolution authorizing Director to sign Temporary Right of Entry Permits for County emergency projects; and make California Environmental Quality Act findings - All Districts
RESO: 08-151

22. Approve agreement D08-099 with Kleinfelder West, Inc. for on-call materials testing services, three-year term ($200,000); and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

23. Revise Board of Supervisors' 2009 Meeting schedule and approve cancelation of January 6, 2009 Board of Supervisors regular meeting - All Districts

24. Adopt amended Board of Supervisors "Rules of Procedure, December 2008" - All Districts
41352 **CONTINUED TO 1/27/09, 9:30 A.M.**
N N

County Executive Office:

25. Approve agreement with John W. Harris for Investigations Analyst for Office of Independent Review, 12/16/08 - 8/31/11 ($91,800 per year), plus reimbursement for actual and necessary expenditures - All Districts

26. Approve revised State Office of Emergency Services Universal Form 130 designating titles of individuals authorized to execute and file applications to obtain State and Federal disaster reimbursement for all County departments and agencies - All Districts

27. **Registrar of Voters -** Receive and file Certification of Election results of November 4, 2008 General Election and declare results of Measure J and Measure U - All Districts
42135 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 28-43)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

28. Approve cancellation of amendments to 11 price agreements approved 9/23/08; approve replacement of amendments to extend 11 price agreements with Cellco Partnership, dba Verizon Wireless for cellular telephone equipment and airtime, 10/1/08 - 9/30/09; and authorize related payments - All Districts
35142 **APPROVED AS RECOMMENDED**

29. Approve termination of proclamation of Emergency Declaration - Conditions resulting from fire, originally approved on 11/18/08 - All Districts (4/5 vote) (Continued from 11/18/08, Item S59A; 11/25/08, Item 27)
32145 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

30. Approve amendment 2 to agreement 07-NNA30 with State Department of Alcohol and Drug Programs for Alcohol and Drug Abuse Treatment and Prevention services; and authorize Director or designee to execute agreement - All Districts
13452 **APPROVED AS RECOMMENDED**

31. Select restaurant public notification system option and direct Health Care Agency to implement selected system beginning 7/1/09 - All Districts (Continued from 11/25/08, Item 32)
53142 **CONTINUED TO 12/16/08, 9:30 A.M.**
XN

JOHN WAYNE AIRPORT

32. Approve plans and specifications and set bid opening for 1/28/09, 2:00 p.m., for installation of uninterruptible power supply at administration building; and make California Environmental Quality Act findings - District 2
23145 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

33. Approve termination of Development Fees for Fire Facilities; and make California Environmental Quality Act findings - Districts 3 & 5
B.O. **CONTINUED TO 1/27/09, 9:30 A.M.**

34. Select LSA Associates, Inc. as primary and Huitt-Zollars as alternate firms for preparation of environmental documentation and project report for La Pata Avenue and Camino Del Rio Gap Closure project; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 5
23145 **APPROVED AS RECOMMENDED**
X

35. Approve extension of Permit Fee Waiver Policy for victims of Santiago Fire, 12/31/08

- 12/31/09; and make related findings - District 3
31452 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

36. Approve agreement with Geosyntec Consultants to provide multi-discipline engineering support services, Central Region Landfills ($2,000,000) - District 3
35142 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

37. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; adopt resolution requesting members of the Orange County Congressional delegation support the extension of Ryan White HIV/AIDS Treatment Modernization Act of 2006 and provide appropriations sufficient to address the needs of people living with HIV in local communities - All Districts
35142 **APPROVED AS RECOMMENDED**
RESO: 08-153

38. Approve recommended grant applications submitted by District Attorney and Health Care Agency in 12/9/08 grant report; and adopt resolution authorizing District Attorney execute and submit Juvenile Accountability Block Grant Short-Term Gang Intervention Strategies Project application with Corrections Standard Authority; and make California Environmental Quality Act and other findings - All Districts
31452 N **APPROVED AS RECOMMENDED**

RESO: 08-152

39. Acting as the Board of Supervisors and Orange County Flood Control District - Approve Placentia Redevelopment Agency's request to subordinate County's receipt of statutory and contractual pass through payments resulting from a proposed bond issuance; authorize staff to prepare a written response stating County's approval - District 4
43152 **APPROVED AS RECOMMENDED**

Human Resources Department:

40. Select ACS HR Solutions as primary and ADP, Inc. as alternate firm for total benefits self service administration for all County health and welfare benefits programs offered to active employees and retirees; and authorize negotiation of agreement for Board approval - All Districts
13452 **APPROVED AS RECOMMENDED**

41. Approve amendment 1 to price agreement N1000008332 with Mercer Health & Benefits, LLC for Employee Benefits consulting and actuarial services, term ending 12/7/09 ($250,000; new total $1,320,000) - All Districts
13452 **APPROVED AS RECOMMENDED**

42. **Chair Moorlach -** Consider first reading of "An Ordinance of the County of Orange, California, Amending Sections 4-11-2(a) and 4-11-11, to the Codified Ordinances of the County of Orange regarding Orange County Health Authority"; and set second reading and adoption for 12/16/08, 9:30 a.m. (Continued from 11/25/08, Item 49)

14352 N N **DIRECTED COUNTY COUNSEL TO DRAFT PROPOSED ORDINANCE FOR CONSIDERATION AT 12/16/08 MEETING AS PROPOSED BY SUPERVISOR NGUYEN WHICH WILL REPLACE INDIVIDUAL SUPERVISOR'S APPOINTMENTS WITH A SELECTION PANEL THAT WILL INCLUDE BOARD MEMBERS OR THEIR DESIGNEES**

43. **Supervisor Campbell and Supervisor Bates -** Approve transfer of $424,001 in unallocated Third District Fund 130 funds to General Fund; and approve allocation of Third District Library funds $22,500 to Villa Park Branch Library, $15,000 to Silverado Branch Library and transfer $62,500 in unallocated Third District Library funds to General Fund; and approve transfer of $215,667 in unallocated Fifth District Fund 130 funds and $100,000 in unallocated Fifth District Library funds to General Fund; and make budget adjustments (4/5 vote)

35142 X **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 44)

OC PUBLIC WORKS

44. Public hearing to consider adopting "An Ordinance of the County of Orange, California, Amending Section 7-9-148 of the Codified Ordinances of the County of Orange Regarding the Housing Opportunities Overlay Regulations"; find Negative Declaration IP08-048 satisfies requirements of California Environmental Quality Act; and approve resolution adopting General Plan Amendment HE 08-01 - All Districts

B.O. **CLOSED PUBLIC HEARING**

53142 **APPROVED AS RECOMMENDED**
RESO: 08-154
ORD: 08-016

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

GENERAL ADMINISTRATION

CS-1. **Human Resources Department -** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Director of Internal Audit
CONTINUED TO 12/16/08, 9:30 A.M.

SCS-2. **County Executive Office -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6
Agency Negotiator: Thomas G. Mauk
Employee Organization : Orange County Employees Association (OCEA), Orange County Attorneys Association (OCAA), Orange County Managers Association (OCMA), Association of County Law Enforcement Managers (ACLEM), Alliance of

Orange County Workers (AOCW), American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), International Union of Operating Engineers (IUOE) and unrepresented employees
RE: To discuss terms and conditions of employment
HELD, NO REPORTABLE ACTION

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

PUBLIC COMMENTS:
Anita Hynds - Oral Re: Vicious dog classification and fee

George Garcia - Oral Re: CalOptima membership, Disabled Veterans National Foundation; Energy Independence and Security Act and greenhouse effect

Darrell Nolta - Oral Re: Opposition to District Attorney DNA evidence lab; Jail Report and reform; government revenues in boom times

COUNTY EXECUTIVE OFFICER COMMENTS:
Thomas G. Mauk - Oral Re: County budget and collaboration with employees and unions to identify potential reductions

BOARD COMMENTS AND TRAVEL REPORTS:
Supervisor Norby - Oral Re: Openness and collaboration with unions and the press

Chair Moorlach/Supervisor Norby - Oral Re: AB1234 report for attendance at CSAC conference in San Diego last week

ADJOURNED: 2:10 P.M.

*** 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