REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 21, 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: Supervisors: Bates, Nguyen, Norby & Moorlach

EXCUSED: Supervisor Campbell

PRESENT:	COUNTY EXECUTIVE OFFICER	Alisa Drakodaidis, Deputy CEO
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan 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

Vice Chairman Moorlach presented a resolution commending John Michael "Mike" Spurgeon on his retirement

II. CONSENT CALENDAR (Items 1-23)

15342 XX **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 1 WHICH WAS CONTINUED TO 9/11/07, 9:30 A.M.; ITEM 7 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 13 WHICH WAS DELETED**

DEPARTMENT APPOINTMENTS

1. **Health Care Agency -** CalOptima Board of Directors - Reappoint Michael D. Stephens, Newport Beach, for term ending 9/30/11 - All Districts

15342 XX **CONTINUED TO 9/11/07, 9:30 A.M.**

COMMENDATIONS/PROCLAMATIONS/REPORTS

2. **Chairman Norby -** Adopt resolution congratulating California State University, Fullerton on its 50th Anniversary
RESO: 07-147

ELECTED DEPARTMENT HEADS

District Attorney:

3. Adopt resolution approving FY 2006-07 Federal Annual Certification Report for continued participation of Narcotic Enforcement Team in Federal Equitable Sharing Program - All Districts
RESO: 07-148

4. Adopt resolution ratifying submission of standard agreement CSA 144-07 to the State Department of Corrections and Rehabilitation, Corrections Standard Authority for Juvenile Offender Accountability Grant Program, 7/1/07 - 6/30/08 ($130,814); authorizing District Attorney or designee to execute grant award agreement, future extension, and amendments under certain conditions; and making California Environmental Quality Act and other findings - All Districts
RESO: 07-149

5. Adopt resolution approving submission and execution of standard agreement VCGC7070 with State Victim Compensation and Government Claims Board for continued participation in State Criminal Restitution Compact Program, 7/1/07 - 6/30/09 ($237,461.18); authorize District Attorney or designee to execute agreement, future extension, and amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts
RESO: 07-150

6. Adopt resolution ratifying submission of grant award agreement to and accept grant funds from State Department of Justice for State Spousal Abuser Prosecution Program, 7/1/07 - 6/30/08 ($95,033); authorize District Attorney or designee to execute agreement and subsequent amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts
RESO: 07-151

7. Approve agreement with Santa Ana to accept federal funds for overtime and part-time paralegal to assist Santa Ana Police Department in gang injunction enforcement ($50,519); and authorize District Attorney or designee to execute agreement and subsequent amendments under certain conditions - All Districts
15342 **APPROVED AS RECOMMENDED**
XX

8. **Sheriff-Coroner -** Approve amended price agreement N3000006192 with Rancho Santiago Community College District for registration and tuition fees for Criminal Justice Academy classes, for term ending 8/31/07 ($30,000; new total $105,000) - All Districts

HEALTH CARE AGENCY

9. Approve amended agreement with The Regents of the University of California for physician services, 7/1/07 - 6/30/08 ($51,286; new total $130,286) and 7/1/08 - 6/30/09 ($63,043; new total $144,443) - All Districts

ORANGE COUNTY PUBLIC LIBRARY

10. Receive and file reports on Developer Fee Deposits - All Districts

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

11. Approve agreement D07-063 with Discovery Science Center for public education services to meet the requirements of Santa Ana and San Diego Regional Water Quality Control Boards stormwater permits - All Districts

12. Approve plans and specifications and set bid opening for 9/26/07, 2:00 p.m., for Civic Center signage improvements; and make California Environmental Quality Act findings - District 1

13. Approve revised plans and specifications and set bid opening for 10/3/07, 2:00 p.m., for replacement of existing perimeter fence, Probation/Juvenile Hall; and make California Environmental Quality Act findings - District 3

15342 XX **DELETED**

14. Approve license agreement with Southern California Edison for riding and hiking purposes, Serrano Creek trail; and make California Environmental Quality Act findings - District 5

15. Authorize release of bonds for collection of library fees, Tracts 13992, 13981, 13980 and 13983, Baldwin Building contracts - District 5

16. Approve amendment 2 to agreement D04-066 with Noble Consultants, Inc. for on-call coastal engineering design services, Newport Harbor Patrol/Coastal Facilities, extending term one year; and make California Environmental Quality Act findings - District 2

17. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve plans and specifications and set bid opening for 9/26/07, 2:00 p.m., for slurry seal of Seven Oaks Dam access roads; and make California Environmental Quality Act findings - All Districts

PUBLIC PROTECTION

Probation:

18. Approve Federal Annual Certification Report for continued participation in Federal Equitable Sharing Program, FY 2006-07; and authorize Clerk of the Board and Chief Probation Officer to execute report - All Districts

19. Approve subordinate price agreement N1000009135 with 3Di Inc. for information technology professional support services, 8/21/07 - 8/20/09 ($339,984); and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

20. Adopt Assessment Appeals Board and Assessment Hearing Officer Rules of Procedure governing local Board of Equalization process - All Districts

21. Authorize use of qualified attorney Assessment Appeals Board Members as Hearing Officers for appeal hearings on revocation or denial of various Title 5 permits and licenses in the unincorporated area - All Districts

22. **Human Resources Department -** Approve salary for Clerk of the Board ($133,952), effective 3/3/07 - All Districts

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

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 24-S51B)

ELECTED DEPARTMENT HEADS

District Attorney:

24. Adopt resolution ratifying submission of grant application to and authorize acceptance of grant funds from State Department of Insurance for Automobile Insurance Fraud Program, 7/1/07 - 6/30/08 ($1,227,195); authorize District Attorney or designee to execute the agreement and extensions under certain conditions; and make California Environmental Quality Act and other findings - All Districts

51342 XX **APPROVED AS RECOMMENDED**

RESO: 07-152

25. Adopt resolution ratifying submission of grant application to and authorize acceptance of grant funds from State Department of Insurance for Healthcare and Disability Insurance Fraud Program, 7/1/07 - 6/30/08 ($928,378); authorizing District Attorney or designee to execute grand award agreement, future extension and amendments under certain conditions; and make California Environment Quality Act and other findings - All Districts

51342 XX **APPROVED AS RECOMMENDED**

RESO: 07-153

26. Adopt resolution ratifying submission of grant application to and authorize acceptance of grant funds from State Office of Emergency Services, Law Enforcement and Victim Services Division for Vertical Prosecution Block Grant Program, 7/1/07 - 6/30/08 ($798,379); authorizing District Attorney or designee to execute grant award agreement, future extensions, and amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts

51342 XX **APPROVED AS RECOMMENDED**

RESO: 07-154

27. Approve price agreement N2000008151 with Serological Research Institute for DNA forensic analysis, 9/1/07 - 8/31/08 ($500,000) - All Districts

21354 X **APPROVED AS RECOMMENDED**

28. **Sheriff-Coroner -** Oral Report on DNA programs (Board Directive 8/22/06, Item 54) - All Districts

NO VOTE

29. **Treasurer-Tax Collector -** Approve amendment 7 to price agreement N1000006149 with Financial Statement Services, Inc. for tax bill printing and mailing services, 8/24/07 - 8/23/08 ($458,000) - All Districts

25134 X **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

30. Approve agreement 06-55764 with State Department of Health Services for Ryan White HIV/AIDS Treatment Modernization Act Part B, 4/1/07 - 3/31/10 ($1,699,521) - All Districts
52134 **APPROVED AS RECOMMENDED**
X

31. Approve agreements and amendment with various providers for Medical Services Initiative Program - All Districts
15234 **APPROVED AS RECOMMENDED**
X

32. Approve agreement 07-65069 with State Department of Health Services for AIDS related services, 7/1/07 - 6/30/10 ($9,158,883); authorize Director or designee to execute the Memorandum of Understanding incorporated to the agreement - All Districts
15234 **APPROVED AS RECOMMENDED**
X

INTEGRATED WASTE MANAGEMENT DEPARTMENT

33. Authorize Request for Proposal for design, permitting, construction and operation of self-haul Material Recovery Facility, Prima Deshecha landfill - District 5 (Continued from 7/17/07, Item 40)
B.O. **CONTINUED TO 9/11/07, 9:30 A.M.**

34. Adopt resolution establishing construction and demolition policy program for unincorporated areas; and make California Environmental Quality Act findings - All Districts
51234 **APPROVED AS RECOMMENDED**
X

RESO: 07-155

JOHN WAYNE AIRPORT

35. Select Heery International, Inc. as primary and Arup as alternate firms for Commissioning Agent services for Terminal C project; authorize negotiation of agreement for Board approval; and find Final EIR 582 and addendum 582-1 are adequate to satisfy requirements of California Environmental Quality Act findings - District 2
24135 **APPROVED AS RECOMMENDED**
X

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

36. Release bids submitted by Cornerstone Concrete Construction, Inc. and Faris Construction Company; receive bids and award contract to Hofmann Finn Development Company, Inc. for construction of 800 MHz Sheriff Communications, Dana Point ($624,000) - District 5
54123 **APPROVED AS RECOMMENDED**
X

37. Receive bids and award contract to Imperial Paving Company, Inc. for asphalt overlay resurfacing and slurry seal of various Harbors, Beaches and Parks facilities ($619,385.50) - Districts 3, 4 & 5
54123 **APPROVED AS RECOMMENDED**

X

PUBLIC PROTECTION

38. **Probation -** Approve agreement with Orange County Superintendent of Schools for the provision of Probation Officer services for Community School Program, 9/1/07 - 8/31/08 ($591,238); and make California Environmental Quality Act findings - All Districts

21354 **APPROVED AS RECOMMENDED**
X

39. **Public Defender -** Approve lease with NNN VF 901 Civic, LLC for office space, 901 Civic Center Drive West, Suite 200, Santa Ana; and make California Environmental Quality Act findings - District 1

14235 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

40. **County Counsel -** Increase County Counsel settlement authority from $25,000 to $75,000 under certain conditions; and report every three months to the Board of all settlements made - All Districts

51234 **APPROVED AS RECOMMENDED**
X

County Executive Office:

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

25134 **APPROVED AS RECOMMENDED**
X

42. Approve price agreement N1000009103 with New Idea Engineering, Inc. for Enterprise Search Engine Software, 8/21/07 - 8/20/08 ($574,319); renewable for four additional one-year periods ($66,250 per year), per Board policy - All Districts

12354 **APPROVED AS RECOMMENDED**
X

43. Approve proposed response to FY 2006-07 Grand Jury Report "The Mental Health Services Act in Orange County: Will It Measure Up?" - All Districts

12354 **APPROVED AS RECOMMENDED**
X

44. Approve proposed response to FY 2006-07 Grand Jury Report "Pre & Post Emancipated Youth: Is Camelot Still a Dream?" - All Districts

12354 **APPROVED AS RECOMMENDED**
X

45. Approve proposed response to FY 2006-07 Grand Jury Report "Assembly Bill 939 Waste Diversion: Are We Finally Making Progress?" - All Districts

51234 **APPROVED AS RECOMMENDED**
X

46. Approve grant applications report and adopt resolution as recommended - All Districts
21354 **APPROVED AS RECOMMENDED**
X

RESO: 07-157

47. Approve proposed response to FY 2006-07 Grand Jury Report "The State of Orange County Jails and Programs" - All Districts
51234 **APPROVED AS RECOMMENDED**
X

48. Receive and file Quarterly Information Technology Project Report for April 2007 - June 2007 - All Districts
42135 **RECEIVED AND FILED**
X

49. Acting as the Legislative Body of Community Facilities District No. 2003-1 (Ladera Ranch) - Approve amended Series A of 2004 Special Tax Bonds Acquisition, Funding and Disclosure agreement; and authorize Public Finance manager to execute agreement - District 5
51234 **APPROVED AS RECOMMENDED**
X

Human Resources Department:

50. Approve 2008 employee PPO Health plan rates - All Districts (Continued from 8/14/07, Item 48)
24135 **CONTINUED TO 9/11/07, 9:30 A.M.**
X

51. Approve 2008 retiree PPO Health plan rates - All Districts (Continued from 8/14/07, Item 49)
24135 **CONTINUED TO 9/11/07, 9:30 A.M.**
X

S51A. **Chairman Norby -** Adopt resolution proclaiming September 2007 as "Senior Center Month"
41235 **APPROVED AS RECOMMENDED**
X

RESO: 07-156

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

S51B. Approve conservation easement deed from Tonner Hills 680, LLC and Tonner Hills SSP for open space purposes, Tonner Hills Planned Community; and make California Environmental Quality Act findings - District 3
24135 **APPROVED AS AMENDED TO CHANGE SECTION 3.6. TO READ:**
X **RECREATIONAL ACTIVITIES INCLUDING, BUT NOT LIMITED TO, HORSEBACK RIDING, BIKING, HUNTING, AND FISHING; EXCEPT FOR RECREATIONAL ACCESS WITHIN THE TONNER RIDGE TRAIL AND AN EQUESTRIAN SITE UP TO ONE ACRE IN SIZE LOCATED ADJACENT TO THE TONNER RIDGE TRAIL AND WITHIN THE FORMER GREEN WASTE SITE**

SHOWN ON EXHIBIT "D" ATTACHED HERETO (THE "EQUESTRIAN SITE") TOGETHER WITH SUFFICIENT ACCESS THERETO OVER AN EXISTING ACCESS ROAD ALONG THE TONNER RIDGE TRAIL: PROVIDED, HOWEVER, ALL REMAINING PORTIONS OF THE FORMER GREEN WASTE SITE MUST BE REVEGETATED PURSUANT TO THE TERMS OF THE PERPETUAL MANAGEMENT PLAN FOLLOWING THE CESSATION OF OIL ACTIVITIES AND RECREATIONAL ACCESS WITHIN THE EQUESTRIAN SITE IS CONDITIONED UPON THE COUNTY ACCEPTING, PRIOR TO JANUARY 10, 2031, THE DEDICATION OF SUCH SITE FOR USE AS AN EQUESTRIAN FACILITY

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Item CS-1)

GENERAL ADMINISTRATION

CS-1. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property: 30143 Crown Valley Parkway Laguna Niguel, CA
County Negotiator: William D. Mahoney
Negotiator Party: City of Laguna Niguel
Under Negotiation: Price and terms of payment

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

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

PUBLIC COMMENTS:
Nick Berardino - Oral Re: reported allegations against Chriss Street

Darrell Nolta - Oral Re: Biothreat preparedness, bridge safety and reported allegations against Chriss Street

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Chairman Norby – Oral Re: AB 1234 trip report for attendance at Homeland Security Conference in El Paso, Texas

ADJOURNED: 11:41 A.M.

14235 **On behalf of Supervisor Campbell - Adjourned in memory of Kenny Wilson**
X

14235 **On behalf of Supervisor Campbell - Adjourned in memory of Nguyen Kim Lien**
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)

CHRIS NORBY, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board