REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 11, 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 Moorlach, Second District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chairman Norby presented a resolution to Larry McKenney commending him on his retirement

II. CONSENT CALENDAR (Items 1-32)

31254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3 & 8 WHICH WERE DELETED; ITEMS 10, 27 & 28 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 31 WHICH WAS CONTINUED TO 9/18/07, 9:30 A.M.**

BOARD APPOINTMENTS

Supervisor Moorlach:

1. Orange County Historical Commission - Appoint Donald J. Dobmeier, Garden Grove, for term concurrent with 2nd District Supervisor's term of office

2. Orange County Human Relations Commission - Appoint Mark R. Matthews, Fountain Valley, for term ending 9/10/09

3. **Chairman Norby -** Orange County Local Remote Access Network Board - Appoint Supervisor Bates as regular and Supervisor Moorlach as alternate for terms ending 12/31/07

31254 **DELETED**

Supervisor Nguyen:

4. Regional Recreation and Trails Commission - Appoint Vivian Kirkpatrick-Pilger, Westminster, for term concurrent with 1st District Supervisor's term of office

5. Housing and Community Development Commission - Reappoint Margie Rice, Westminster, for term ending 6/30/09

6. Assessment Appeals Board No. 1 - Appoint Stephen Nevarez, Westminster, to complete term ending 8/31/08

7. Assessment Appeals Board No. 2 - Appoint Pho Van Pham, Westminster, to complete term ending 9/6/09

8. Animal Care Community Outreach Committee - Appoint Dante Salazar, Garden Grove, for term ending 3/30/09

31254 **DELETED**

9. Community Action Partnership of Orange County - Appoint Alberta Christy, Santa Ana, to complete term ending 12/8/08

DEPARTMENT APPOINTMENTS

10. **Health Care Agency -** CalOptima Board of Directors - Reappoint Michael D. Stephens, Newport Beach, for term ending 9/30/11 - All Districts (Continued from 8/21/07, Item 1)

13254 **CONTINUED TO 9/18/07, 9:30 A.M.**

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COMMENDATIONS/PROCLAMATIONS/REPORTS

11. **Chairman Norby -** Adopt resolution congratulating 95.5 KLOS on organizing the largest blood drive in Southern California
RESO: 07-158

ELECTED DEPARTMENT HEADS

Auditor-Controller:

12. Receive and file Semi-Annual Fund/Agency Report for 1/1/07 - 6/30/07 - All Districts

13. Receive and file Annual Report of Revolving Funds for FY 2006-07 - All Districts

14. Receive and file Report of Refunds for FY 2006-07 - All Districts

15. Receive and file Annual Report of Cash Difference Funds, Annual Report of Cash Losses Replenished by the Auditor-Controller and the Annual Report of Overage Fund for FY 2006-07 - All Districts

16. Approve deletion of dismantled, missing, obsolete, stolen and surplused equipment items from department/agency capital asset inventories - All Districts

17. Adopt resolution approving property tax rates and delinquency/roll change/refund allowances and reserve of disputed values for School and Special Districts Fiscal Year 2007-08 - All Districts
RESO: 07-159

18. **District Attorney -** Approve amended lease DA 2004-3 with NNN VF 901 Civic, LLC for office space, 901 Civic Center Drive West, Santa Ana, extending term to 7/31/12; and make California Environmental Quality Act findings - All Districts

Sheriff-Coroner:

19. Approve license agreement with City of Maywood for rental of Sheriff's Katella Training Facility for training purposes, Orange ($1,000); and make California Environmental Quality Act findings - District 3

20. Approve agreement with County of San Bernardino for use of Sheriff's training facilities - All Districts

DANA POINT HARBOR DEPARTMENT

21. Approve amended agreement D05-043 with Moffatt & Nichol for Dana Point Harbor Launch ramp renovation, 10/31/07; authorize Director or designee to execute amendment ($3,767.25); and make California Environmental Quality Act findings - District 5

HOUSING AND COMMUNITY SERVICES DEPARTMENT

22. Approve agreement with 2-1-1 Orange County to provide operating funds for 2-1-1 Information and Referral Call Center, 10/1/07 - 6/30/08 ($200,000); and authorize Director or designee to execute agreement - All Districts

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

23. Accept work of Newman Midland Corp. for new modular at Harbor Patrol Office, Sunset Marina, project completed 7/13/07 ($453,888) - District 2

24. Accept work of JCL Heating and Air Conditioning for Auditor-Controller heating, ventilation and air conditioning duct cleaning, project completed 7/18/07 ($82,657) - District 1

25. Accept work of Harline Enterprises, Inc. for remodel of custody separation area, West Justice Center, project completed 7/20/07 ($136,518.73) - District 1

26. Deny bid protest of California Building Evaluation and Construction, Inc.; receive bids and award contract to Contech Construction for additional walk-up service windows, West Justice Center ($450,000) - District 1

27. Approve lease agreement with Manh Family Trust for rental space, County Community Service Center at 15460 Magnolia Street, Westminster; and make California Environmental Quality Act findings - District 1

15234 **APPROVED AS RECOMMENDED**

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SOCIAL SERVICES AGENCY

28. Approve agreement CMM2506 with Cal State University, Fullerton Auxiliary Services Corporation for literacy instruction services pilot program, 9/12/07 - 3/31/08 ($130,000); and authorize Director or designee to extend term for six additional months without further Board action under certain conditions - All Districts

51234 **APPROVED AS RECOMMENDED**

29. Approve agreement, short form notice and bill of sale with Tustin for construction and ongoing maintenance and operation of Tustin Family Campus; authorize Director or designee to prepare and execute related documents; and make California Environmental Quality Act findings - District 3

PUBLIC PROTECTION

30. **Probation -** Approve price agreement N3000007101 with C.M. Tipton Polygraph & Associates for adult sex offender polygraph examination services, 10/1/07 - 9/30/08 ($150,000); and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

31. **Clerk of the Board -** Approve 2008 Board of Supervisors Meeting Schedule - All Districts **CONTINUED TO 9/18/07, 9:30 A.M.**

32. **Supervisor Campbell -** Authorize waiver of fees for use of San Diego Creek bike trail for Woodbridge High School Cross Country events on 9/15/07 and 12/8/07

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 33-S57B)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

33. Approve amended agreement with GKK Corporation for design of Central Jail Complex Consolidated Maintenance Project ($56,330; new total $653,477); and make California Environmental Quality Act findings - District 1
13254 **APPROVED AS RECOMMENDED**

34. Approve price agreement F1000002989 with Applera Corporation (dba Applied Biosystems) for DNA typing kits, 9/11/07 - 9/10/08 ($145,000); renewable for four additional one-year periods, per Board policy - All Districts
51234 **APPROVED AS RECOMMENDED**

35. Approve purchase order PC 15L P0800000754 with FEI-Zyfer, Inc. for time/frequency standards equipment for 800 MHz radio system ($1,193,740) - All Districts
31254 **APPROVED AS RECOMMENDED**

36. Receive bids and award contract to Sanders Construction Services, Inc. for Loma Ridge Emergency Operations Center Audio/Visual Improvement Project ($1,349,000) - District 3
41235 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

37. Consider determination of rates for basic life support ambulance rates and advanced life support paramedic assessment and transportation fee; rescinding Resolution 06-125, effective 7/1/07; and make California Environmental Quality Act findings - All District (Closed Public Hearing continued from 6/26/07, Item 113; 7/17/07, Item 37; 7/24/07, Item 32)
23154N **APPROVED AS RECOMMENDED WITH THE SELECTION OF OPTION 3**

38. Approve master agreement with various providers of healthcare professional services, 9/29/07 - 9/28/08 ($8,331,533); and authorize Director or designee to execute individual agreements - All Districts
31254 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

39. 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; 8/21/07, Item 33)
53124 **CONTINUED TO 11/20/07, 9:30 A.M.**

JOHN WAYNE AIRPORT

40. Approve amendment 2 to price agreement N2000005180 with FMC Technologies, Inc. for baggage carousels and baggage conveyor systems maintenance services, 7/1/06 - 6/30/08 ($388,136; new total $3,898,772); and make California Environmental Quality Act findings -

District 2

25134 **APPROVED AS RECOMMENDED**

41. Approve price agreement N1000008909 with TruGreen LandCare for landscape maintenance services, 9/11/07 - 9/10/10 ($1,324,715.48); renewable for two additional years per Board policy; and make California Environmental Quality Act and other findings - District 2

23154 **APPROVED AS RECOMMENDED**

42. Ratify submission of grant agreement to and acceptance of grant funds from Federal Aviation Administration for Federal Airport Improvement Program Grant #37 for funding design of Phase II Rehabilitate Perimeter Road project ($247,923) - District 2

23154 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

43. Receive Building 16 Site Reuse Study from M. Arthur Gensler Jr. & Associates, Inc. (dba Gensler) and consider alternative scenarios for further analysis and implementation, Santa Ana Civic Center area - District 1 (Continued from 8/14/07, Item 35)

14235 **DIRECTED RDMD TO PREPARE A CIVIC CENTER DEMAND STUDY AND AN ANALYSIS OF EXISTING LEASES INCLUDING WHEN THEY CAN BE VACATED. SELECTED ALTERNATIVE SCENARIOS 2, 3, 4 AND 5A FOR FURTHER STUDY AND DIRECTED STAFF TO PROVIDE THE BOARD WITH INFORMATION ON OCCUPANTS AND THEIR SPACE ALLOCATIONS, TIMEFRAMES, COST SAVINGS AND POTENTIAL RETAIL SPACE. STAFF TO ANALYZE INCLUSION OF MULTI SERVICE CENTER FOR THE HOMELESS IN THE CIVIC CENTER. FRUIT STREET IS TO BE STUDIED SEPARATELY. DIRECTED RDMD/CORPORATE REAL ESTATE TO EXPLORE FUNDING AND FINANCE SOURCES WITH CEO/PUBLIC FINANCE.**

44. Select Alexander + Hibbs, AIA, Inc. as primary and Grillias-Pirc-Rosier-Alves and Phoenix Planning as alternate firms for study to renovate 401 South Tustin Avenue, Orange; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3

B.O. **CONTINUED TO 9/18/07, 9:30 A.M.**

45. Approve Harbors, Beaches and Parks Strategic Plan; Orange County Parks ("OC Parks") as new name for Harbors, Beaches and Parks (HBP) and Evaluation Report of HBP Facilities Inventory Assessment - All Districts

B.O. **CONTINUED TO 10/2/07, 9:30 A.M.**

46. Approve Civic Center Parking/Maintenance/Security Fund Budget for 2007-08 ($9,446,200); and authorize Auditor-Controller to make related payments and advance funds for cash flow shortages - District 1

13254 **APPROVED AS RECOMMENDED**

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

47. Select various architectural-engineering firms for on-call environmental services; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

23154 **APPROVED AS RECOMMENDED**

48. Approve agreement with Orange County Conservation Corps for resources to be utilized for various labor intensive maintenance projects throughout the County, 9/12/07 - 9/11/08 ($210,000); authorize Director or designee to renew agreement for two additional one year terms per Board policy; and make California Environmental Quality Act findings - All Districts

21354 **APPROVED AS RECOMMENDED**

49. Select various architectural-engineering firms for on-call regulatory permitting services; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

21354 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

32154 **APPROVED AS MODIFIED TO OPPOSE HR 2421**

51. Approve FY 2006-07 Fourth Quarter Budget Report; approve new appropriations within agencies and operating transfers - All Districts (4/5 vote)

31254 **APPROVED AS RECOMMENDED**

Human Resources Department:

52. Approve and adopt wage increase and health plan design change for AFSCME, Eligibility Worker Unit - All Districts

23154 **APPROVED AS RECOMMENDED**

53. Response to Board Directive 8/14/07; Receive and file presentation on Retiree Health Plans - All Districts

24135
XX **RECEIVED & FILED**

54. Approve 2008 employee PPO Health plan rates - All Districts (Continued from 8/14/07, Item 48; 8/21/07, Item 50)

2 **MOTION TO APPROVE RATES BASED UPON A 2% TREND FACTOR FAILED TO RECEIVE A SECOND**

31254
NNN **MOTION TO APPROVE RATES BASED UPON A 4% TREND FACTOR FAILED TO CARRY**

25134 **APPROVED RATES BASED UPON A 2% TREND FACTOR**

55. Approve 2008 retiree PPO Health plan rates - All Districts (Continued from 8/14/07, Item 49; 8/21/07, Item 51)

2 **MOTION TO APPROVE RATES BASED UPON A 2% TREND FACTOR FAILED TO RECEIVE A SECOND**

31254 NNN **MOTION TO APPROVE RATES BASED UPON A 4% TREND FACTOR FAILED TO CARRY**

25134 **APPROVED RATES BASED UPON A 2% TREND FACTOR**

56. Response to Board Directive 8/14/07; approve staff recommendation for refund program for PPO reserve - All Districts

25134 **APPROVE REBATE OPTION BASED ON AUDITOR-CONTROLLER CONDUCTING A FORENSIC AUDIT OF FUND 292 WITH INVITATION TO RETIREE REPRESENTATIVES TO PARTICIPATE IN AUDIT REVIEW AND FOR STRUCTURE OF REBATE OPTIONS TO INCLUDE CASH PAYMENT OR CREDIT TOWARDS HEALTH PLAN PREMIUMS.**

57. **Supervisor Moorlach -** Consider first reading and adoption of "An Urgency Ordinance of the County of Orange, California Repealing Section 1-2-320 of the Codified Ordinances of the County of Orange Delegating Investment Authority to the Treasurer-Tax Collector and delegating investment authority to the Chief Financial Officer"; and authorize fourteen positions to immediately report to the Chief Financial Officer (CFO); direct CFO to annually present Investment Policy Statement to the Board for approval; and disband the Treasury Oversight Committee and replace with Investment Oversight Committee; and direct CFO and County Counsel to take any other steps necessary to implement this action (4/5 vote)

2 **MOTION TO APPROVE AS RECOMMENDED FAILED TO RECEIVE A SECOND**

51234 **CONTINUED TO 10/16/07 9:30 A.M.**

S57A. **Supervisor Campbell -** Adopt resolution congratulating Rancho Santiago Community College District and Orange County Sheriff's Department on the opening of the Regional Training Academy

31254 **APPROVED AS RECOMMENDED**
RESO: 07-160

S57B. **Supervisor Nguyen -** Adopt resolution proclaiming September 15, 2007 - October 15, 2007 as "Hispanic Heritage Month"

31254 **APPROVED AS RECOMMENDED**
RESO: 07-161

IV. PUBLIC HEARINGS (Item 58)

HEALTH CARE AGENCY

58. Public Hearing to consider adopting resolution to establish fees for Medical Marijuana Identification card, effective 10/1/07; and make California Environmental Quality Act findings - All Districts (Continued from 8/14/07, 52)

B.O. **CLOSED PUBLIC HEARING**

42135 N **APPROVED AS RECOMMENDED**

RESO: 07-162

V. CLOSED SESSION (None)

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

PUBLIC COMMENTS:
Darrell A, Nolta - Oral Re: (1) Power outages caused by SCE equipment failures; (2) death of Jung Kim and (3) 7/12 hit & run

George Garcia - Oral Re: County budget & services

Cheryl ShippenLever, Theresa Le - Oral Re: IHHS wage negotiations

David Cortez - Oral Re: (1) Crime near El Modena Basin Park; (2) Waste Disposal Inc. and (3) Weekly street sweeping

Karen A. Finn - Oral Re: Thanked Supervisor Campbell, staff and Congressman Royce for their support

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
None

ADJOURNED: 5:16 P.M.

14235 **Adjourned in memory of George Allen**

34125 **Adjourned in memory of Dr. John D. Cooper**

34125 **Adjourned in memory of Jung Kim**

34125 **Adjourned in memory of Paul Boland**

34125 **Adjourned in memory of Genevieve Louisa Glancy**

24135 **Adjourned in memory of Alice Jeanette Sinclair**

*** 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