REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 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	Darlene J. Bloom

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-13)

32154 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3, 10 & 11 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Senior Citizens Advisory Council - Reappoint Lee Myhre, Orange, for term ending 12/31/08

DEPARTMENT APPOINTMENTS

Health Care Agency:

2. Emergency Medical Services Quality Assurance Board - Appoint Suzanne Goodrich

RN, Orange; Larry Grihalva, J.D., MICP, Costa Mesa; Clarke R. Lew, MD, Tustin and Catherine Ord, RN, BSN, Newport Beach, to complete terms ending 6/30/09

3. 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; 9/11/07, Item 10)

23154 **APPROVED AS RECOMMENDED**

COMMENDATIONS/PROCLAMATIONS/REPORTS

4. **Supervisor Bates -** Adopt resolution declaring October 1 thru October 7, 2007 as "Financial Planning Week"
RESO: 07-163

5. **Chairman Norby -** Adopt resolution declaring October 5, 2007 as "California Arts Day"
RESO: 07-164

ELECTED DEPARTMENT HEADS

6. **Sheriff-Coroner -** Approve plans and specifications and set bid opening for 10/24/07, 2:00 p.m., for Theo Lacy Visiting Booth Conversion Project; and make California Environmental Quality Act findings - District 3

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

7. Accept work of G.B. Cooke, Inc. for temporary refurbishment and deck replacement of Edinger Avenue Bridge, Sunset Aquatic Park, project completed 6/16/06 ($737,992.70) - District 2

8. Adopt resolution certifying EIR 585 Alton Parkway Extension Project; adopt resolution selecting Alternative 1 (1991 roadway alignment) and 4 (Borrego Canyon Wash stabilization) as preferred project and authorizing staff to take necessary actions towards construction, Alton Parkway Extension Project; and making related findings - Districts 3 and 5
RESO: 07-165 - 07-166

9. **Acting as the Orange County Flood Control District -** Approve Communications Site Leases with Omnipoint Communications, Inc. and New Cingular Wireless PCS, LLC for continued operation of communication facilities, Prado Dam; and make California Environmental Quality Act and other findings - All Districts

GENERAL ADMINISTRATION

10. **Clerk of the Board -** Approve 2008 Board of Supervisors Meeting Schedule - All Districts (Continued from 9/11/07, Item 31)

53124 **APPROVED AS AMENDED TO ADD JULY 1 AS A DARK DAY TO THE REVISED MEETING SCHEDULE**

11. **County Executive Office -** Approve price agreement N1000009147 with Burke Consulting for Annual Community Indicators Report, 9/11/07 - 9/10/10 ($279,675); renewable for two additional years per Board policy - All Districts

35124 **APPROVED AS RECOMMENDED**

12. **Human Resources Department -** Approve amended Replacement Benefits Plan; approve

Memorandum of Understanding with Superior Court for replacement benefits plan; and authorize Director or designee as Plan Administrator to execute MOU and amended benefits plan - All Districts

13. **Registrar of Voters -** Approve amended price agreement N2000008230 with DFM Associates for software lease and maintenance on Election Information Management Processing system, effective 10/1/07 - 9/30/08 ($194,909), per Board policy - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 14-22)

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

14. 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 (Continued from 9/11/07, Item 44)
35124 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

15. **Probation -** Approve agreements with Community Service Programs, Inc. for In-Home Family Intervention services for North and West Orange County Youth and Family Resource Centers, 10/1/07 - 9/30/08 (North, $155,485, West $154,363); and make California Environmental Quality Act findings - Districts 1 & 4
13254 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

17. Approve grant applications report as proposed and other actions as recommended - All Districts
31254 **APPROVED AS RECOMMENDED**

18. Adopt resolution for Newport Coast Phase IV Assessment District No. 01-1 authorizing conversion of portion of adjustable rate Limited Obligation Improvement Bonds, Series 2006 A and issuance and sale of fixed rate Limited Obligation Improvement Bonds, Group Three ($14,500,000); approving and authorizing execution of related documents; and approve other related matters - District 5
52134 **APPROVED AS RECOMMENDED**
RESO: 07-167

19. Approve Memorandum of Understanding with Administrative Office of the Courts (AOC) for transferring certain workers' compensation claims from County to AOC workers' compensation program; authorize CEO/Risk Management to negotiate with AOC to secure repayment of monies expended on those claims - All Districts
35124 **APPROVED AS RECOMMENDED**

20. Approve subordinate agreements with Verizon Wireless, Sprint/Nextel, and AT&T Mobility LLC for cellular phone equipment and airtime services, 10/1/07 - 9/30/08; renewable annually per Board policy - All Districts
13254 **APPROVED AS RECOMMENDED**

21. **Chairman Norby -** Approve position description for Performance Audit Director; direct CEO to conduct a search for candidates and return to Board for review and selection within 60 days

24135 **APPROVED AS RECOMMENDED**

22. **Supervisor Moorlach -** Approve amended bylaws for the Orange County Audit Oversight Committee (Continued from 7/31/07, Item 39)
B.O. **DELETED**

IV. PUBLIC HEARINGS (Item 23)

HOUSING AND COMMUNITY SERVICES DEPARTMENT

23. Public Hearing to consider adopting Funding Allocation Policy and Process and Citizen Participation Plan for FY 2008-09 and necessary modifications - All Districts
B.O. **CLOSED PUBLIC HEARING**

34125 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case
B.O. **HELD, THE CLERK READ: BY A UNANIMOUS VOTE, THE BOARD RETAINED THE LAW FIRM OF KIRKLAND & ELLIS REGARDING THE RETROACTIVE 3% @ 50 RETIREMENT BENEFIT.**

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: BY A UNANIMOUS VOTE, THE BOARD APPROVED A PROPOSED SETTLEMENT OF THREATENED LITIGATION. 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.**

CS-3. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property: 433 Civic Center Drive West, Santa Ana
County Negotiator: Thomas G. Mauk
Negotiating Party: CB Richard Ellis for building owner
B.O. **HELD, NO REPORTABLE ACTION**

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

PUBLIC COMMENTS:
Darrell Nolta - Oral RE: Recent UCI Hospital articles

David Cortez - Oral Re: El Modena Area code enforcement, street sweeping and trash pick up service concerns

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Bates - Oral Re: Announced attendance at the recent Sheriff's Office Academy Class of 180 graduation

Supervisor Moorlach - Oral Re: Announced attendance at the recent dedication of the Santa Ana Heights Fire Station; and directed CEO report back to the Board whether neighboring counties and cities have Ethics Officers.

Supervisor Campbell - Oral Re: Announced attendance at recent Yorba Linda Country Club's 50th Anniversary celebration

Supervisor Nguyen - Oral Re: Announced attendance at recent Fiesta Patrias in Santa Ana and attendance at the Dia De La Familia event in Westminster and celebration of the Westminster's 50th Anniversary where staff provided information on county services

Chairman Norby - Oral Re: AB1234 Report: Announced recent trip to Sacramento for the unveiling of the County's display case at the State Capitol; and announced attendance at recent Cal State Fullerton 50th year anniversary event and 50 year celebration of the incorporation of Buena Park

ADJOURNED: 12:10 P.M.
34125 **Adjourned in memory of Jim Fearnes**

13254 **Adjourned in memory of Maria Theresa Nungara**

*** 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