REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 28, 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: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Bates presented a resolution commending Pat Markley on her retirement

Chair Bates will be presenting a resolution commending Arthur T. Leahy for his years of dedicated service to improving transportation in Orange County
DELETED

Chair Bates - Accepted award from Child Care Connections Collaborative for Excellence in Child Care Planning

II. CONSENT CALENDAR (Items 1-31)

31245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 27 WHICH WAS DELETED; AND ITEMS 10, 15, 20, 28, 30 & 31 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Campbell:

1. Assessment Appeals Board - Appoint Habib U. Malik, Irvine, to complete term ending 9/6/09

2. Orange County Veterans Advisory Council - Reappoint Fred Whitaker, Orange, for term ending 4/14/11

Supervisor Nguyen:

3. Public Financing Advisory Committee - Remove Chu Thai, Garden Grove, effective immediately

4. Senior Citizens Advisory Council - Appoint Jerry Margolin, Garden Grove, to complete term ending 12/31/09

5. Orange County Historical Commission - Appoint Steve Sarkis, Stanton, for term concurrent with 1st District Supervisor's term of office

DEPARTMENT APPOINTMENTS

Health Care Agency:

6. Mental Health Board - Reappoint Jason Kellogg, M.D., Huntington Beach, for term ending 3/14/12 - All Districts

7. Alcohol & Drug Advisory Board - Appoint Kelli Wilson, Anaheim, to complete term ending 10/27/11 and Alin Hamade, Westminster, to complete term ending 12/3/09 - All Districts

COMMENDATIONS/PROCLAMATIONS/REPORTS

Chair Bates:

8. Adopt resolution proclaiming May 2009 as Domestic Violence Awareness Month
RESO: 09-041

9. Adopt resolution congratulating Delta Kappa Gamma Society International on its 80th Anniversary
RESO: 09-042

10. Adopt resolution declaring May 1, 2009 as "Silver Star Banner Day" to honor the wounded and ill soldiers of Orange County
41235 **APPROVED AS RECOMMENDED**
RESO: 09-043

ELECTED DEPARTMENT HEADS

11. **Clerk-Recorder -** Adopt resolution approving establishment of multi-county electronic recording delivery system for recordable documents and specified security standards - All Districts
RESO: 09-044

District Attorney:

12. Approve agreement with Federal Bureau of Investigation for use of vehicle by District Attorney and Sheriff-Coroner staff participating in Joint Terrorism Task Force and authorize Sheriff-Coroner and District Attorney or designees to execute; and approve cost reimbursement agreement with Federal Bureau of Investigation for overtime costs of County staff assigned to Orange County Joint Terrorism Task Force and authorize District Attorney or designee to execute - All Districts

13. Approve 5 year agreement with Costa Mesa for prosecution of violators of city ordinances pursuant to Government Code Section 51302 - District 2

Sheriff-Coroner:

14. Approve agreement with City of Orange for use of Hart Park for Sheriff's Correctional Programs Volunteer Appreciation Picnic on 6/6/09; authorize Sheriff-Coroner or designee to execute agreement; and authorize expenditure of $4,000 from Inmate Welfare Fund for expenses related to picnic - District 3

15. Approve amendment 1 to price agreement N2000007739 with Appriss Inc. for victim notification services, 5/1/09 - 4/30/10 ($120,000) - All Districts
23145 **APPROVED AS RECOMMENDED**

16. Approve Indemnification and Hold Harmless agreement with Freeway Industrial Park, Inc.
for Special Weapons and Tactics Team training; and authorize Sheriff-Coroner or designee to execute agreement - District 2

OC COMMUNITY RESOURCES

17. Approve agreement and quitclaim deed for purchase of surplus 1,768 square foot parcel of land with Thomas R. Peck, Jr. and Kathryn Peck, Laguna Beach ($162,750); and make California Environmental Quality Act and other findings - District 5

18. Approve Area Plan for Planning and Service Area 22, Orange County, PYs 2009-12; authorize Director or designee to submit Area Plan to State Department of Aging and to execute and submit subsequent Annual Area Plan Updates, Amendments and Year End Reports to State Department of Aging - All Districts

19. Approve agreement with Southern California Edison and Omnipoint Communications, Inc. for wireless communications facility, Laguna Coast Wilderness Park; and make California Environmental Quality Act and other findings - District 5

OC PUBLIC WORKS

20. Approve purchase order PC 296 P0900003632 with Cummins Cal Pacific, LLC for installation of on-road diesel retrofit devices ($161,695) - All Districts

35124 **APPROVED AS RECOMMENDED**

21. Authorize release of security for private streets, street lights, sewer and water systems and survey monumentation, Tract 16395, Pardee Homes, Ladera Ranch area - District 5

22. Authorize release of security for private streets, street lights, landscaping and monumentation, Tract 16844, Calco-Santa Ana II, LLC, Santa Ana Heights area - District 2

23. Approve Memorandum of Understanding with San Diego County and Riverside County-Upper Santa Margarita Watershed Regional Water Management Groups for integrated regional water management planning and funding in the San Diego Sub-Region Funding Area; authorize Director or designee to execute MOU and amendments under certain conditions; and make California Environmental Quality Act findings - District 5

24. Authorize release of security for private streets, street lights, sewer and water systems and survey monumentation, Tract 15277, Shea Homes Limited Partnership, Aliso Viejo - District 5

25. Approve plans and specifications and set bid opening for 5/20/09, 2:00 p.m., for repair of various curbs, gutters and sidewalks, Orange-El Modena area; and make California Environmental Quality Act findings - District 3

26. Approve plans and specifications and set bid opening for 5/27/09, 2:00 p.m., for reconstruction of drainage facility at Fairhope Drive; and make California Environmental Quality Act findings - District 4

27. **Acting as the Board of Supervisors and Orange County Flood Control District -** Authorize Director to prepare agreement and related documents proposing acceptance of Gypsum Canyon Covered Channel; and make California Environmental Quality Act and other findings - District 3

31245 **DELETED**

GENERAL ADMINISTRATION

County Executive Office:

28. Approve agreement with Diana M. Teran as Staff Attorney for Office of Independent Review, 5/1/09 - 8/31/11 ($179,800 per year) - All Districts

32145 **CONTINUED TO MAY 12, 2009, 9:30 A.M.; DIRECTED DIRECTOR, OFFICE OF INDEPENDENT REVIEW TO ALSO AGENDIZE FINAL OIR REPORT FOR REVIEW BY THE BOARD FOR MAY 12, 2009.**

29. Approve amendment 1 to agreements with South Coast Water District for Aliso Creek recycled water improvement projects and Orange Coast Watershed and Environmental Center for development of Orange Coast Watershed and Environmental Center at Aliso and Wood Canyons Wilderness Park - District 5

30. **Human Resources Department -** Approve 2008-09 Memorandum of Understanding with American Federation of State, County and Municipal Employees (AFSCME) representing Eligibility Worker Unit - All Districts

23145 **APPROVED AS RECOMMENDED**

31. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for March 2009 - All Districts

23145 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 32-S47A)

ELECTED DEPARTMENT HEADS

32. **Auditor-Controller -** Approve price agreement N1000010851 with Deloitte & Touche LLP for Independent Verification & Validation Project Oversight Consulting services of County's Property Tax Management Systems, 4/30/09 - 9/30/10 ($366,630) - All Districts

42135 **APPROVED AS RECOMMENDED**

33. **Sheriff-Coroner -** Ratify emergency purchase order PC 15L P0900003429 with InSite Telecom, Inc. for repair of three radio sites damaged in Freeway Complex Fire ($137,236); and make related findings - District 3

32145 **APPROVED AS RECOMMENDED**

Treasurer-Tax Collector:

34. Receive and file PowerPoint presentation on status of Property Tax Management System project - All Districts (Continued from 4/7/09, Item 29)

42135 **APPROVED AS RECOMMENDED**

35. Adopt resolution authorizing sale and issuance of Savanna Elementary School District General Obligation Bonds Election of 2008, Series A ($8,000,000) - District 4

42135 **APPROVED AS RECOMMENDED**
RESO: 09-045

HEALTH CARE AGENCY

36. Approve amendment 1 to agreements with Mariposa Women and Family Center ($6,581 decrease; new total $676,453) and California Hispanic Commission on Alcohol and Drug Abuse, Inc. ($107,130 decrease; new total $1,838,126) for Behavioral Health Residential, Outpatient and Primary Prevention services, 7/1/08 - 6/30/09 - All Districts

23145 **APPROVED AS RECOMMENDED**

37. Approve amendment 2 to agreement 07-65069 A02 with State Department of Public Health for AIDS related services, 7/1/07 - 6/30/10 ($547,320 decrease; new total $9,853,014); authorize Director or designee to sign Memorandum of Understanding - All Districts

14235 **APPROVED AS RECOMMENDED**

38. Rescind 3/10/09 Board action relating to intention to suspend a portion of Coalition of Orange County Community Clinics funding for the provision of Planned Parenthood services; approve policies regarding community clinic Tobacco Settlement Revenues, effective 7/1/09 - All Districts

41235 **APPROVED RECOMMENDED ACTION NUMBER 1**
NN

41235 **APPROVED RECOMMENDED ACTION NUMBERS 2 & 3**

OC COMMUNITY RESOURCES

39. Approve Workforce Investment Act Youth Master Cost Reimbursement agreement with State Department of Employment Development for funding of employment and training services under the American Recovery and Reinvestment Act, 4/1/09 - 6/30/10 ($1,100,000); authorize Director or designee to execute agreement; and authorize Agency to exercise contingency increase not to exceed 10% if additional funding is allocated - All Districts

12345 **APPROVED AS RECOMMENDED**

40. Approve resolution approving amendment 1 to standard agreements AP-0809-22 ($18,845; new total $9,643,433), HI-0809-22 ($22,774; new total $544,175) and TV-0809-22 ($129,381 decrease; new total $818,852) and amendment 2 to standard agreement HI-0809-22 ($45,961; new total $590,136) with State Department of Aging for FY 2008-09 senior services; approve Administrative Action Plan and amended agreements with various providers of Alzheimer's Day Care Resource Center, Linkages, Respite and Senior Companion Programs for Brown Bag Program funds ($21,846); authorize Director or designee to execute agreements, other related documents and amendments under certain conditions; and authorize Agency to exercise contingency increase not to exceed 10% if additional funding is allocated - All Districts

13245 **APPROVED AS RECOMMENDED**

RESO: 09-046

OC PUBLIC WORKS

41. Approve amendment 1 to agreement D05-068 with RBF Consulting, Inc. for implementation of the Nitrogen and Selenium Management Program, ($875,000; new total $2,875,000); authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - Districts 1, 2, 3 & 5

23145 **APPROVED AS RECOMMENDED**
A

OC WASTE & RECYCLING

42. Approve continuance of local emergency in connection with the Freeway Complex Fire; located at Olinda Alpha Landfill pursuant to Public Contact Code Section 22050 (c)(1) 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 5/12/09, 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; 3/17/09, Item 23; 3/24/09, Item 30; 4/7/09, Item 43)

32145 **APPROVED AS RECOMMENDED**

43. Approve agreement with Discovery Science Center for development of an interactive exhibit to reduce waste in Orange County's landfills ($3,600,000 total) - District 1

13245 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

44. **Probation -** Approve renewal of price agreement N2000008755 with Redwood

Toxicology Laboratory, Inc. for urinalysis and oral fluids laboratory testing services, 5/1/09 - 4/30/10 ($509,155); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - All Districts

21345 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

24135 **APPROVED AS MODIFIED TO REMOVE POSITION ON SB 711 TO ALLOW FOR FURTHER REVIEW**

46. Approve Memorandum of Understanding with County of Solano for lease of floor space for installation and maintenance of back-up computer systems ($49,200), commencing 7/1/09 - All Districts

B.O. **DELETED**

47. Approve recommended grant applications submitted by OC Community Resources and Sheriff-Coroner in 4/28/09 grant report and other actions as recommended - All Districts

13245 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

S47A. Approve request by Whiting-Turner Contracting Company to withdraw bid on project of construction of Terminal C and Improvements to Terminals A & B; 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

B.O. **DELETED**

IV. PUBLIC HEARINGS (Item 48)

OC COMMUNITY RESOURCES

48. Public Hearing to consider approving use of new Community Development Block Grant (CDBG), HOME Investment Partnership Act (HOME), Emergency Shelter Grant (ESG) and American Dream Downpayment Initiative (ADDI) ($5,237,692) and local 15U Affordable Housing Strategic Priority funds ($141,176); and approve use of program income and reprogrammed CDBG, HOME and ESG funds from FY 08-09 Annual Action Plan (AAP); and authorize Director or designee to allocate additional funding for projects listed in proposed FY 09-10 if additional funding becomes available under certain conditions and to prepare Final FY 09-10 AAP and return to Board for final public hearing - All Districts

B.O. **CLOSED PUBLIC HEARING**

23145 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Items CS-1-SCS-5)

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; Discussion of pending litigation, Joann Blackstar, et al. v. County of Orange, et al., USDC Case No. CV09-568 DSF (MLGx)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION IN THE CASE OF JOANN BLACKSTAR, ET AL. V. COUNTY OF ORANGE, ET AL.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Barbara Stanfield v. Michael Casey Matranga and County of Orange, Orange County Superior Court Case No. 30-2008-00109657

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE PROVIDED STAFF WITH SETTLEMENT AUTHORITY IN THE CASE OF BARBARA STANFIELD V. MICHAEL CASEY MATRANGA AND COUNTY OF ORANGE. ANY SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS SETTLEMENT BECOMES FINAL DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

CS-3. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), Alliance of Orange County Workers (AOCW), International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), Orange County Employees Association (OCEA) and Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

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

County Counsel:

SCS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Marie Meissner v. County of Orange, OCSC Case No. 30-2008-00107929

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

SCS-5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: George Jaramillo v. County of Orange, OCSC Case No. 05CC04220

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

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

PUBLIC COMMENTS:
Rodger Beard - Oral Re: Fees and management at Dana Point Harbor

Massimo Marini - Oral Re: Safety of victims of homelessness; closing of armory

Darrell Nolta - Oral Re: Catsup Theft news article; Sheriff & DA "Code of Silence" concerns; swine flu concerns; homelessness issues

COUNTY EXECUTIVE OFFICER COMMENTS:
Tom Mauk - Oral Re: Discussed report prepared by OC Community Resources regarding staff actions taken as a result of the closing of the armory

BOARD COMMENTS AND TRAVEL REPORTS:
Supervisor Norby - Oral Re: AB 1234 Travel Report: Provided Board with an update on recent Redevelopment Conference in Long Beach

At the request of Chair Bates, Health Care Agency Director, David Riley provided the Board and public with an update on the Swine Flu

ADJOURNED: 1:59 P.M.

51234 **Adjourned in memory of Ruth Payne**

35124 **Adjourned in memory Ann Conroy**

51234 **Adjourned in memory of Dr. Thomas A. Tony O'Sullivan**

51234 **Adjourned in memory of Lynn M. Sims**

35124 **Adjourned in memory of Anne Siebert**

*** 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