

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, July 29, 2003, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT: COUNTY EXECUTIVE OFFICER James D. Ruth, Interim CEO
 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 Silva, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

James McConnell, Washington, D.C. Legislative Advocate provided a legislative update

II. CONSENT CALENDAR (Items 1-36)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 10 & 33 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 11 WHICH WAS DELETED**

BOARD APPOINTMENTS

1. **Supervisor Silva** - Mental Health Board - Appoint Trung Minh Thai, Huntington Beach, to complete term ending 12/4/03

 Chairman Wilson:
2. Public Finance Advisory Committee - Reappoint Thomas Hammond, Laguna Niguel, for term ending 8/11/06

S U M M A R Y A C T I O N M I N U T E S

3. Animal Control Advisory Board - Reappoint Theresa Jackson-Taylor, Silverado, for term ending 2/1/05

DEPARTMENT APPOINTMENTS

4. **Health Care Agency** - Alcohol and Drug Advisory Board and Local Suppression of Drug Abuse in Schools Advisory Committee - Appoint Vicki Sue Walker, Costa Mesa, to complete term ending 6/3/06 - All Districts

COMMENDATIONS/PROCLAMATIONS

5. **Chairman Wilson** - Adopt resolution commending Robyn Cornish for her sincere efforts to honor veterans of Orange County
RESO: 03-247

HEALTH CARE AGENCY

6. Approve agreement with Placentia Yorba Linda Unified School District for Tobacco Free Communities School Support services, 8/1/03 - 6/30/24 (\$25,000) - Districts 3 & 4
7. Approve amended agreement DCP-02-03-04-A2 with State Department of Alcohol and Drug Programs for Drug Court Partnership Act of 2002 Grant funds, extending term to 6/30/04 (\$116,954) - All Districts
8. Approve PC 1000 Drug Diversion Certification Program with various providers, 8/1/03 - 7/31/04 - All Districts
9. Approve agreement with Laguna Beach Community Clinic, Inc. for Immunization Support services, 7/1/03 - 6/30/04 (\$96,000) - All Districts
10. Approve amended price agreement S1000000272 with CHC Healthcare Solutions, LLC for Health Insurance Portability and Accountability Act consulting services, term ending 10/31/03 (\$87,265; new total \$272,897) - All Districts

32145 **APPROVED AS RECOMMENDED**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

11. Approve Senior AIDES Sponsor Agreement for Senior Training and Employment Program, PY 2003 (\$212,537) - All Districts (Continued from 7/22/03, Item 10)

32145 **DELETED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

12. Approve plans and specifications and set bid opening for 9/17/03, 2:00 p.m., for expansion of Phase VII-A at Frank R. Bowerman Landfill; and find that the project is covered by Negative Declaration No. 413 - District 3

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

13. Approve Memorandum of Understanding with State Department of Consumer Affairs for structural pest control applicator examination reimbursement, 7/1/03 - 6/30/04 - All Districts

14. Receive and file Traffic Committee reports dated 6/19/2003; approve recommendations; adopt

S U M M A R Y A C T I O N M I N U T E S

necessary resolution; and rescind Resolutions 97-515 and 01-279 - Districts 3 and 5
RESO: 03-248

15. Approve and accept easement deed from Irvine for riding and hiking trail purposes, Hicks Canyon Riding and Hiking Trail - Phases I and II; and make California Environmental Quality Act and other findings - District 3
16. Approve plans and specifications and set bid opening for 8/27/03, 2:00 p.m., for expansion and remodel of Central Justice Center, Santa Ana - District 1
17. Approve Master Services Contract with Southern California Gas Company for natural gas transportation, Central Utility Facility, 8/1/03 - 8/1/05 - District 1
18. Accept work with Environmental Acoustics for remodel of Central Justice Center Legal Research Office expansion; project completed 1/31/03 (\$232,990.51) - District 1
19. Accept work with JRH Construction for public access and ADA compliance, Hall of Administration; project completed 6/7/03 (\$1,851,092) - District 1
20. Accept work with Electroserv Company for security system installation, Registrar of Voters; project completed 5/19/03 (\$87,325) - District 1
21. Accept work with Casron Services Company for ADA playground equipment replacement, Carbon Canyon Regional Park; project completed 6/20/03 (\$185,280) - District 3
22. Approve plans and specifications and set bid opening for 8/27/03, 2:00 p.m., for vertical lifts for shelving system, County Records Center, Santa Ana - District 1
23. **Acting as the Orange County Flood Control District** - Approve amended agreement D02-039 with Chambers Group, Inc. for on-call environmental support services, Santa Ana River Mainstem and Prado Dam Projects, extending term to 6/4/04; renewable for one additional year - All Districts

PUBLIC PROTECTION

District Attorney:

24. Adopt resolution authorizing submission and acceptance of grant application to State Office of Criminal Justice Planning for continued funding for participation in CALGANG Enhancement Project, term ending 6/30/04 (\$300,000); authorize District Attorney or designee to execute subsequent amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts
RESO: 03-249
25. Approve agreement with various cities to provide prosecution services of violators of city ordinances, 7/1/03 - 6/30/08 - All Districts
26. Approve price agreement S1000000280 with Law Offices of Ferguson, Praet & Sherman for development of customized sworn officer policy manual for Bureau of Investigation, 8/1/03 - 7/31/05 (\$9,950); and make related findings - All Districts
27. Approve price agreement N1000005344 with Sentinel Offender Services, LLC for the Suspended License Program, 8/1/03 - 12/31/03 - All Districts

S U M M A R Y A C T I O N M I N U T E S

28. **Probation** - Approve price agreement N1000005243 with Priority Building Services for janitorial maintenance services, Juvenile Hall, 8/1/03 - 7/31/04 (\$56,952); renewable for two additional years; and make California Environmental Quality Act findings - District 3

Sheriff-Coroner:

29. Approve amended agreement with Appriss Incorporated for automated crime victim notification services, 5/1/03 - 4/30/04 (\$89,808) - All Districts
30. Approve price agreement Y1000000772 and lease with American Honda Motor Co., Inc. for donated use of two Honda personal watercraft for three years (\$6.00) - District 2
31. Approve issuance of one-time purchase order to Air Management Industries, Inc. for cleaning of HVAC system at Intake Release Center (\$200,000) - District 1

GENERAL ADMINISTRATION

32. **Clerk of the Board** - Approve initial Conflict of Interest Code for the West Orange County Water Board - District 2

County Executive Office:

33. Receive and file 2002 Orange County Employees Retirement System Comprehensive Annual Financial Report - All Districts
- 34125 **APPROVED AS RECOMMENDED**
34. Approve license agreement with Pacific Symphony Orchestra for use of lawn area in front of Old County Courthouse for public seating during performance, 8/2/03; make California Environmental Quality Act findings - District 1
35. Approve proposed response to findings FY 02/03 Grand Jury Report entitled "A Shortfall in Proposition 36 Support?" - All Districts
36. Approve amendment 4 to lease with Kenneth W. Koll and Katherine B. Heims Co-Trustees of the Walter a Koll Intervivos Trust and amendment 4 to sublease with Superior Court for office and storage space; and make California Environmental Quality Act findings - District 1

END OF CONSENT CALENDAR

S U M M A R Y A C T I O N M I N U T E S

III. DISCUSSION ITEMS (Items 37-58)

HEALTH CARE AGENCY

37. Approve master agreement with various cities for Animal Care services, 7/1/03 - 6/30/04 - All Districts
13245 **APPROVED AS RECOMMENDED**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

38. Authorize submission of grant application to United States Department of Labor for H-1B Technical Skills Training funds training for incumbent and dislocated workers (\$3,000,000) - All Districts
13245 **APPROVED AS RECOMMENDED**
39. Approve agreement FF-0304-22 with the State Department of Aging for Title III and Title VII Older Americans Act Program services, FY 2003-04 (\$7,588,811) - All Districts
12345 **APPROVED AS RECOMMENDED**
40. Authorize submission of grant application to State Employment Development Department for Rapid Response Special Projects funds for dislocated worker services, 7/1/03 - 6/30/04 (\$766,725) - All Districts
31245 **APPROVED AS RECOMMENDED**
41. Approve amendment 5 to agreement 00-H222 with City of Hawthorne for job placement and retraining services to dislocated workers from aerospace, defense, and airline-related industries, 7/1/00 - 9/30/03 (\$250,000; new total \$4,016,912) - All Districts (Continued from 7/22/03, Item 43)
31245 **APPROVED AS RECOMMENDED**
42. Approve agreement TV-0304-22 with State Department of Aging for Title V Older Americans Act Senior Employment Services, FY 2003-04 (\$828,015) - All Districts
21345 **APPROVED AS RECOMMENDED**
43. **Acting as the Board of Supervisors and Orange County Housing Authority** - Approve revised Neighborhood Preservation Program guidelines and policies; authorize Director or designee to approve updated internal policies and procedures for construction management activity for various grants; authorize issuance of Request for Proposals for construction management services for Single Family Residence Loan Program and return to the Board with recommendation for approval; authorize Department and Auditor/Controller to act as management for current loan portfolio and future financial services for rehabilitation loans/grants; authorize Director or designee to approve rehabilitation loans and related activities under certain conditions; approve standard Property Owner and Rehabilitation Grant agreements; and make California Environmental Quality Act and National Environmental Policy Act findings - All Districts
24135 **CONTINUED TO 8/5/03, 9:30 A.M.**

JOHN WAYNE AIRPORT

44. Approve amended agreement with Parking Concepts, Inc. to eliminate tram service in parking structures and adjust hourly rates (\$590,120 annual savings); authorize one-time reimbursement (\$27,524.34); and make California Environmental Quality Act and other findings - District 2
21345 **APPROVED AS RECOMMENDED**

S U M M A R Y A C T I O N M I N U T E S

PLANNING AND DEVELOPMENT SERVICES

45. Approve agreement with Keeton Kreitzer Consulting for preparation of environmental documents, former MCAS El Toro (\$50,000) - District 3
32145 **APPROVED AS RECOMMENDED**
46. Approve amended agreement with Michael Brandman Associates for Antonio Parkway Habitat Mitigation, Monitoring and Maintenance Program, Phase II (\$80,000; new total \$658,427) - District 5
52134 **APPROVED AS RECOMMENDED**

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

47. Approve agreement 03-0117 with State Department of Food and Agriculture for inspection services for Glassy-Winged Sharpshooter/Pierce's Disease Program, 7/1/03 - 6/30/04 (\$650,000) - All Districts
41235 **APPROVED AS RECOMMENDED**
48. Approve amended agreement with Dana Point Marina Company to manage and operate East Basin Marina, Dana Point Harbor; authorize cash advance for establishment of operating account (\$610,000); approve settlement of dispute to Dana Point Marina Company (\$21,381.45); and make California Environmental Quality Act findings - District 5
53124 **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

49. Approve extension of agreement D02-029 with RBF Consulting for on-call engineering services, Santa Ana River Mainstem Project, extending term one year - All Districts
14235 **APPROVED AS RECOMMENDED**
50. Approve acquisition contract and accept grant deed from William W. Saunders Revocable Living Trust and Leland Stanford Junior University for purchase of property, Prado Dam and Basin project (\$840,000); authorize payment of related fees; and make California Environmental Quality Act findings - All Districts
21345 **APPROVED AS RECOMMENDED**
51. **Acting as the Board of Supervisors and Orange County Flood Control District** - Accept improvements to existing pedestrian walkway, Prima Deshecha Canada Channel, Dana Point and San Clemente; direct Department to implement repair, refit and replace improvements for use of walkway by general public for access to Poche Beach; approve necessary agreements and licenses with Orange County Transportation Authority and Southern California Regional Rail Authority for construction and maintenance of flood control and pedestrian walkway improvements; authorize Director or designee to negotiate all related documents and agreements for construction and installation of improvements (\$100,000); terminate permit 25367 with Shorecliff's Community Association; and adopt resolution approving use of Fifth District's 2000 State Park Bond Act Per Capita Program funds (\$100,000) - District 5
52134 **APPROVED AS RECOMMENDED**
RESO: 03-250

S U M M A R Y A C T I O N M I N U T E S

SOCIAL SERVICES AGENCY

52. Approve amendment 14 to multi-county agreement with Electronic Data Systems Corporation for maintenance of computerized Welfare Case Data System (\$475,545); and authorize Agency to make expenditures for separate services and ongoing costs of Orange County's modifications and enhancements (\$315,875), 7/1/03 - 6/30/04 - All Districts
21345 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

53. **District Attorney** - Adopt resolution authorizing submission of grant application to California Department of Insurance for continued participation in State Workers' Compensation Insurance Fraud Investigation and Prosecution Program, term ending 6/30/04 (\$1,593,920); authorize District Attorney or designee to execute subsequent amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts
13245 **APPROVED AS RECOMMENDED**
RESO: 03-251
54. **Sheriff-Coroner** - Approve agreement with Orange County Transportation Authority for law enforcement services, 7/1/03 - 6/30/08 (\$3,766,712, FY 2003-04) - All Districts
31245 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

55. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
B.O. **CONTINUED TO 8/5/03, 9:30 A.M.**
56. Consider issues and options on Contract Contingency - All Districts (Continued from 7/22/03, Item 54)
B.O. **CONTINUED TO 8/5/03, 9:30 A.M.**
57. Approve sale, procedure for sale and Purchase Agreement for Promissory Note for land, Newport Beach; authorize Manager, CEO/Real Estate or designee to establish minimum bid and return to the Board for approval of sale of note; waive prepayment penalty of Golden Hills Properties, LLC if determined to be highest, responsive bidder; authorize execution of related documents; and make related findings - District 2 (4/5 vote)
B.O. **CONTINUED TO 8/12/03, 9:30 A.M.**
58. **Supervisor Silva** - Direct staff to track the pro-rata additional yield earned by the County General Fund 100 from the Treasurer's use of Merrill-Lynch in financial transactions and report to the Board on a quarterly basis the amount of any additional yield and with actions to transfer to the Debt Defeasance Reserve Fund 14V (Continued from 6/24/03, Item 108)
B.O. **DELETED**

S U M M A R Y A C T I O N M I N U T E S

IV. PUBLIC HEARINGS (Item 59)

HEALTH CARE AGENCY

59. Public Hearing to consider adopting resolution approving Environmental Health Solid Waste Program fee schedule update; rescinding Resolution 02-261, effective 7/1/03; and make California Environmental Quality Act findings - All Districts
- B.O. **CLOSED PUBLIC HEARING**
- 12345 **APPROVED AS RECOMMENDED**
RESO: 03-252

V. CLOSED SESSION (Items CS-1-SCS3)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Saddleback Canyons Conservancy, et al. v. County of Orange, et al., SDSC Case No. GIN019733
- B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO FILE AN APPEAL IN THE CASE OF SADDLEBACK CANYONS CONSERVANCY, ET AL. V. COUNTY OF ORANGE, ET AL.**
- SCS2. 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: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT WITH AMERICAN LIVERY DBA AMERICAN TAXI AND TRAVELERS INSURANCE COMPANY. 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.**
- SCS3. **County Executive Office** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Susan Paul
Employee Organizations: United Domestic Workers of America, AFSCME, AFL-CIO and In-Home Supportive Services
- B.O. **HELD, NO REPORTABLE ACTION**

S U M M A R Y A C T I O N M I N U T E S

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Shirley Adams - Oral Re: IHSS compensation & benefits

Larry Laven - Oral Re: Mental Health "Fifty-Two Fifty" program

Darrell Nolta - Oral Re: Mental Health legislation

BOARD COMMENTS:

Campbell: Oral RE: (Item 57) Directed staff to explore selling the note at a premium and to see if there were other notes that could be sold and possibly packaged for a better return to the County.

Silva: Oral RE: Expressed concerns about information being released out of Closed Session before finalization and possible jeopardy to county's negotiation process.

Norby: Oral RE: Expressed concerns about special meetings being scheduled on Tuesday mornings before the regular meeting at 9:30 a.m. when that time was needed for continued agenda item review. Asked staff to schedule closed session items at the conclusion of the regular meeting, following lunch break at a time certain if necessary, e.g. 1:30 p.m. Discussed required semi annual PIP reports that have not been provided to the Board in the past and which are to commence on 7/31/03. Provided update on Buena Park Veterans Hall located on County-owned land and their upcoming request to acquire title. Directed CEO to provide the Board with a status report on how the Registrar of Voters will accomplish the counting of votes for the Recall Election in light of the fact that the new voting equipment will not yet be available.

ADJOURNED: 11:40 A.M.

35124 Adjourned in memory of Bob Hope

35124 Adjourned in memory of Paul McCracken

S U M M A R Y A C T I O N M I N U T E S

*** KEY ***

Left Margin Notes

- 1. ✓ Supervisor Smith
- 2. ✓ Supervisor Silva
- 3. ✓ Supervisor Campbell
- 4. ✓ Supervisor Norby
- 5. ✓ Chairman Wilson

- A. ✓ Abstained
- X. ✓ Excused
- N. ✓ No
- BO ✓ Board Order

Right Margin Notes

- O. ✓ Ordinance
- R. ✓ Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board