

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, August 13, 2002, 9:30 A.M.

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

CYNTHIA P. COAD
CHAIR
Fourth District

THOMAS W. WILSON
VICE CHAIR
Fifth District

CHARLES V. SMITH
SUPERVISOR
First District

JAMES W. SILVA
SUPERVISOR
Second District

TODD SPITZER
SUPERVISOR
Third District

ATTENDANCE: All Present

EXCUSED: None

PRESENT: COUNTY EXECUTIVE OFFICER Michael Schumacher
 COUNTY COUNSEL Benjamin P. de Mayo
 CLERK OF THE BOARD Darlene J. Bloom

INVOCATION: Supervisor Spitzer, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Wilson, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chair Coad presented a resolution proclaiming August 2002 as "4 R Kids Sake - Purple Ribbon Month"

II. CONSENT CALENDAR (Items 1-31)

53124 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 24 AND 30 WHICH WERE DELETED; AND ITEMS 18-20; 25-29 AND 31 WHICH RECEIVED A NO VOTE FROM SUPERVISOR SILVA**

BOARD APPOINTMENTS

1. **Supervisor Silva** - Assessment Appeals Board No. 4 - Reappoint James E. Rhodes, Fountain Valley, for term ending 9/4/05

HEALTH CARE AGENCY

2. Approve amended agreement with Delhi Center for HIV services, 3/1/02 - 2/28/03 (\$62,402; new total \$212,356) - All Districts

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HOUSING AND COMMUNITY DEVELOPMENT

3. Approve subordination, forbearance and foreclosure procedures to be used for delinquent rehabilitation loans; and make California Environmental Quality Act and National Environmental Policy Act findings - All Districts
4. **Acting as the Orange County Housing Authority** - Approve submission of Section 8 Management Assessment Program certification to U.S. Department of Housing and Urban Development for monitoring performance of Section 8 tenant-based programs, FY 2001-02 - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

5. Approve change order 4 to agreement with C.W. Poss, Inc. for construction of Phase V-D expansion project, Frank R. Bowerman landfill, extending term to 8/9/02; and make California Environmental Quality Act findings - District 3

ORANGE COUNTY PUBLIC LIBRARY

6. Receive and file Developer Fee Deposit Reports; and make appropriate findings - All Districts

PLANNING AND DEVELOPMENT SERVICES

7. Approve Tract 16238, Standard Pacific Corp., Ladera Ranch area; accept dedication for street purposes; accept easement for storm drain purposes; approve agreement S0602-0090 and accept bonds guaranteeing construction of improvements - District 5

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

8. Authorize release of security for street improvements, street lights, sewer and water systems, storm drain and monumentation, Tract 15438, Shea Homes Limited Partnership, Aliso Viejo - District 5
9. Authorize release of security for street improvements and street lights and monumentation, Tract 15950, Shea Homes Limited Partnership, Aliso Viejo - District 5
10. Authorize release of cash security and certify completion of street lights, Parcel Map 87-432, George M. Castagna, North Tustin area - District 3
11. Adopt resolution certifying completion of street and street light improvements; authorizing release of securities; and accepting public street improvements and street lights, Tract 15630, WL Homes LLC, Ladera Ranch area - District 5
RESO: 02-256
12. Certify completion and authorize release of security for traffic signal installation at Antonio Parkway and Windmill Avenue, DMB Ladera, LLC, Ladera Ranch area - District 5
13. Approve grant deed to Garden Grove for transfer of Kerry Street; and make California Environmental Quality Act and other findings - District 1
14. Approve agreement D02-079 with California Coastal Commission for Newport Bay dredging and beach nourishment, Newport Beach - District 2

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PUBLIC PROTECTION

15. **Probation** - Approve plans and specifications and set bid opening for 9/11/02, 2:00 p.m., for remodel of reception areas and cashing area, Probation, Santa Ana - District 1

Sheriff-Coroner:

16. Reject all bids received 5/29/02, for renovation of Main Control Guard Station at Central Women's Jail, Santa Ana - District 1
17. Authorize use of County vehicles for transportation of Explorers to Explorer Academy, 8/18/02 - 8/22/02; and make appropriate findings - All Districts

GENERAL ADMINISTRATION

Chair Coad:

18. Approve Community Social Program Grant funds to Anaheim YMCA; approve budget adjustments; and make appropriate findings, 8/13/02 - 2/28/03 (\$15,000)

53124
N

APPROVED AS RECOMMENDED

19. Approve Community Social Program funds to Boys and Girls Club of Placentia; approve budget adjustments; and make appropriate findings, 8/13/02 - 2/28/03 (\$5,000)

53124
N

APPROVED AS RECOMMENDED

20. Approve Community Social Program Grant funds to Boys and Girls Club of Buena Park; approve budget adjustments; and make appropriate findings, 8/13/02 - 2/28/03 (\$5,000)

53124
N

APPROVED AS RECOMMENDED

County Executive Office:

21. **Acting as the Board of Supervisors and MCAS El Toro Local Redevelopment Authority** - Approve agreement with All Star Services Corporation for sale of used personal property, inventory and supplies to facilitate continued operation of golf course and recreation vehicle storage lots (\$106,643) - All Districts

22. Approve price agreement N1000004624 with Intratek Computer, Inc., for Cisco network hardware and software maintenance, 8/1/02 - 7/31/05 (\$57,544 per year); renewable for two additional one year terms; and authorize purchasing agent to amend agreement under certain conditions – All Districts

23. Adopt resolution amending policy on use of County staff, resources and property to support charitable organizations; and approve related documents - All Districts
RESO: 02-257

24. Approve two-year license with Diamond Parking, Inc. for 46 parking spaces for employees of CEO/Administration, 405 West 5th Street, Santa Ana; and make California Environmental Quality Act findings - District 1

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53124 **DELETED**

Supervisor Spitzer:

25. Approve Community Social Program Grant funds to Hispanic Education Endowment Fund; approve budget adjustments; and make appropriate findings, 8/13/02 - 8/13/03 (\$5,000)

53124 **APPROVED AS RECOMMENDED**
N

26. Approve Community Social Program Grant funds to YMCA Yorba Linda/Placentia Branch; approve budget adjustments; and make appropriate findings, 8/13/02 - 8/13/03 (\$5,000)

53125 **APPROVED AS RECOMMENDED**
N

27. Approve Community Social Program Grant funds to Martin Luther King Jr. Scholarship; approve budget adjustments; and make appropriate findings, 8/13/02 - 8/13/03 (\$5,000)

53124 **APPROVED AS RECOMMENDED**
N

28. Approve Community Social Program Grant funds to Boy Scouts of America; approve budget adjustments; and make appropriate findings, 8/13/02 - 8/13/03 (\$1,000)

53124 **APPROVED AS RECOMMENDED**
N

29. Approve Community Social Program Grant funds to El Modena High School; approve budget adjustments; and make appropriate findings, 8/13/02 - 8/13/03 (\$5,000)

53124 **APPROVED AS RECOMMENDED**
N

30. Direct CEO to organize a two day Open House to be held at the Registrar of Voters for vendors responding to Request for Proposal to showcase their Direct Record Electronic Voting Systems

53124 **DELETED**

31. **Supervisor Wilson** - Approve Community Social Program Grant funds to Shorecliffs Beach Association; approve budget adjustments; and make appropriate findings, 8/13/02 -1/31/03 (\$1,000)

53124 **APPROVED AS RECOMMENDED**
N

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 32-S42B)

COMMUNITY SERVICES AGENCY

32. Approve amendment 3 to agreement 00-H222 with Hawthorne to serve dislocated workers from aerospace, defense and airline-related industries utilizing Workforce Investment Act funds, 7/1/00 - 12/31/02 (\$275,000; new total \$3,766,912) - All Districts
21354 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

33. Approve agreement with Santa Ana for supportive social and housing services for persons living with HIV/AIDS, 7/1/02 - 6/30/04 (\$500,000) - All Districts
12354 **APPROVED AS RECOMMENDED**
34. Approve amended master agreement for mental health and psychotropic medication services, 7/1/01 - 6/30/02 (\$366,200; new total \$1,412,225) - All Districts
15234 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

35. Select GeoSyntec Consultants as primary and R.W. Beck as alternate firms for consultant services for alternative energy/landfill gas management operations; and authorize negotiation of agreement for Board approval - Districts 3 & 5
35124 **APPROVED AS RECOMMENDED**

Integrated Waste Management:

36. Approve agreement with Bryan A. Stirrat & Associates for multi-discipline engineering support services at North Region Landfills, 3 year term (\$500,000) - District 3
35124 **APPROVED AS RECOMMENDED**
37. Waive irregularities in bid submitted by Reyes Construction, Inc.; deny bid protest from C.W. Poss, Inc., receive bids and award contract to Reyes Construction, Inc. for final closure construction at Santiago Canyon Landfill (\$11,437,178) - District 3
31254 **APPROVED AS RECOMMENDED**
N

SOCIAL SERVICES AGENCY

38. **Acting as the Orange County In-Home Supportive Services Public Authority** - Approve 8 new positions for Orange County In-Home Supportive Services Public Authority; direct CEO/Human Resources to begin recruitment process for Executive Director and Secretary/Office Manager positions and to establish a contract for benefits for Public Authority employees; and amend master position control - All Districts
53124 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

39. **County Executive Office** - Approve price agreement N10000004642 with Internap Network Services for internet access services, 8/13/02 - 8/12/05 (\$347,531); renewable for two additional years (\$114,540 per year) - All Districts

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21354 APPROVED AS RECOMMENDED

40. **Supervisor Wilson and Supervisor Spitzer** - Direct County Executive Officer, Chief Information Officer and Orange County Sheriff to develop a sex offender map to be posted on Orange County website; and direct staff to report back to the Board in two weeks with a status report on implementation

35124 APPROVED AS AMENDED TO DELETE THE WORDS ..."SIMILAR TO.." AND REPLACE WITH ..."UTILIZING AS A MODEL .." IN RECOMMENDED ACTION #1; REPLACE RECOMMENDED ACTION #2 WITH, DIRECT COUNTY COUNSEL TO COORDINATE WITH APPROPRIATE LEGAL GROUPS TO PROVIDE BOARD OF SUPERVISOR WITH A LEGAL ANALYSIS AND REPORT BACK WITH FINDINGS; AND RECOMMENDED ACTION #3 RETURN TO BOARD ON AUGUST 27, 2002, 9:30 A.M. WITH STATUS REPORT

41. **Supervisor Spitzer** - Amend Treasurer Investment Policy Statement requiring Board of Supervisors approval prior to utilizing Merrill Lynch, its subsidiaries or affiliates for various investment matters

53124 APPROVED AS RECOMMENDED

42. **Treasurer-Tax Collector** - Adopt resolution authorizing issuance and sale of La Habra City School District General Obligation Bonds, Election 2000, Series 2002A; and approve related documents - District 4

43125 APPROVED AS RECOMMENDED

RESO: 02-258

County Executive Office:

S42A. Approve license agreement with Department of Navy for equipment storage use of certain facilities at former MCAS El Toro - All Districts

42135 APPROVED AS RECOMMENDED

S42B. Adopt resolutions with Newport Beach and Costa Mesa for division of property for annexation of cities portion of Santa Ana Heights and Emmerson areas - All Districts

25134 APPROVED AS RECOMMENDED

RESO: 02-259 - 02-260

IV. PUBLIC HEARINGS (Item 43)

HEALTH CARE AGENCY

43. Public Hearing to consider adopting resolution rescinding Resolution 01-244; approving update of Solid Waste Program Fee Schedule, effective 7/1/02; and making California Environmental Quality Act findings - All Districts

B.O. CLOSED PUBLIC HEARING

12354 APPROVED AS RECOMMENDED

RESO: 02-261

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

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

GENERAL ADMINISTRATION

County Counsel:

CS-1 . CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The cases are: ETRPA v. County of Orange, Board of Supervisors, et al., San Diego Sup. Ct. Case No. GIC785764; County of Orange v. City of Laguna Woods, et al., San Diego Sup. Ct. Case No. GIC781205; ETRPA v. Southern Calif. Assoc. of Governments (County of Orange, Intervenor), OCSC Case No. 01CC06129; ETRPA and Paul Eckles v. Board of Supervisors; et al., San Diego Sup. Ct. Case No. GIC776645; consolidated with Bart Garry v. City of Irvine, County of Orange, et al., San Diego Sup. Ct. Case No. GIC779128; ETRPA, et al. v. Board of Supervisors, et al., Court of Appeal, Case No. DO37802; Citizens for Jobs & the Economy, et al. v. County of Orange, et al., Court of Appeal, Case No DO37543; County of Orange v. City of Irvine, OCSC Case No. 00CC03146; consolidated with Citizens for Jobs & the Economy v. City of Irvine, OCSC Case No. 00CC03173; Songstad v. Superior Court, Court of Appeal Case No. DO38503 (appeal from OCSC Case No. 01CC08612); Naughton v. Board of Supervisors, OCSC Case No. 02CC04400; and Nestande and CJE v. Watson, et al., OCSC Case No. 01CC08612 - All Districts

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

CS-2 . CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: County of Orange v. Kevin J. Linden dba Elite Distributing Co., OCSC No. 02CC02013 (Continued from 8/6/02, Item SCS-1)

B.O. **DELETED**

CS-3 . CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors to consider threatened litigation pursuant to Government Code Section 54956.9(b)(3)(D); one case

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

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

None

BOARD COMMENTS:

Chair Coad - Oral Re: Acknowledged new published Board of Supervisor's Rules of Procedures available at the Clerk of the Board's office

ADJOURNED: 11:55 P.M.

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*** KEY ***

Left Margin Notes

1. ✓ Supervisor Smith
2. ✓ Supervisor Silva
3. ✓ Supervisor Spitzer
4. ✓ Chair Coad
5. ✓ Supervisor Wilson

Right Margin Notes

- | | |
|------------------|-----------------|
| A. ✓ Abstained | O. ✓ Ordinance |
| X. ✓ Excused | R. ✓ Resolution |
| N. ✓ No | |
| BO ✓ Board Order | |

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

CYNTHIA P. COAD, CHAIR
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board