REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 29, 2008, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

JOHN M. W. MOORLACH
CHAIR
Second District

PATRICIA BATES
VICE CHAIR
Fifth District

JANET NGUYEN
SUPERVISOR
First 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	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Nguyen, First District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chair Moorlach introduced the 2008-09 Grand Jury

Chair Moorlach welcomed group of Santa Ana High School students observing meeting

II. CONSENT CALENDAR (Items 1-16)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 4 WHICH WAS DELETED AND ITEMS 9, 13, 14 & 15 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

1. Receive bids and award contract to American Alarm, Inc. for replacement of electric cell door consoles at Central Men's and Women's Jails, Santa Ana ($296,300) - District 1

2. Approve plans and specifications and set bid opening for 9/10/08, 2:00 p.m., for replacement of Uninterruptible Power Supply at the Emergency Operations Center; and make California Environmental Quality Act findings - District 3

JOHN WAYNE AIRPORT

3. Approve agreement with AE Consulting, Inc. for design and support services for Airside Dock Access for Terminal C Project ($186,775); 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

OC PUBLIC WORKS

4. Select FORMA Design, Inc. as primary and RBF Consulting as alternate firms for entitlement planning services of Greenspot property, Highland; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - All Districts (Continued from 6/17/08, Item 22)

35142 **DELETED**

5. Approve plans and specifications and set bid opening for 9/3/08, 2:00 p.m., for structural stabilization of Arden Modjeska Stone Building restoration at Modjeska Historic Park, Silverado; and make California Environmental Quality Act findings - District 3

6. Approve plans and specifications and set bid opening for 9/3/08, 2:00 p.m., for Phase 3 Civic Center Signage Improvements, Santa Ana; and make California Environmental Quality Act findings - District 1

7. Initiate amendment to Transportation Element of General Plan to reclassify Santiago Canyon Road between Jeffrey Road and Live Oak Canyon Road; and authorize Director to work with Orange County Transportation Authority on proposed amendment - District 3

8. Approve amendment 2 to lease with Lewis R. Schmid and Judith E. Schmid, Trustees of the Schmid Family Trust, for office space for Environmental Resources Section, Anaheim, extending term to 3/31/09; and make California Environmental Quality Act findings - District 4

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

9. Approve agreement with Costa Mesa for installation of 17 acres of riparian habitat and trails for Santa Ana Mainstem project; and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

10. Approve agreement D08-055 with Earth Mechanics, Inc. for on-call geotechnical services, one-year term ($200,000); renewable two additional years per Board

policy; and make California Environmental Quality Act findings - All Districts

11. Approve agreement D08-056 with GMU Geotechnical for on-call geotechnical services, one-year term ($200,000); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - All Districts

12. Approve agreement D08-065 with Pacific Advanced Civil Engineering, Inc. for on-call engineering services, three-year term ($200,000); and make California Environmental Quality Act findings - All Districts

13. Response to Board Directive (6/3/08) - Receive and file status report for Katella Yard Relocation - District 3

35142 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Probation:

14. Approve amendment 2 to price agreement N3000007009 with BI, Inc. for lease of continuous electronic monitoring equipment/hardware for provision of off-site centralized monitoring services for Juvenile Offender Supervised Electronic Confinement Program, 8/1/07 - 7/31/08 ($25,000; new total $100,500); renewable for one additional year per Board policy ($125,000); and make California Environmental Quality Act findings - All Districts

23145 **APPROVED AS RECOMMENDED**

15. Approve special use permit and operating plan with U.S. Department of Agriculture, Forest Service for continued occupancy of Los Pinos Conservation Camp, Cleveland National Forest, 8/1/08 - 7/31/28; and make California Environmental Quality Act findings - All Districts

31452 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

16. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for June 2008 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 17-33)

ELECTED DEPARTMENT HEADS

17. **Auditor-Controller -** Receive and file CAPS Human Resources/Payroll System Fit Analysis CGI Contract; and authorize Purchasing Agent or designee to issue price agreement N1000010195 with CGI-AMS, Inc. (CGI) to perform a Fit Analysis for a potential upgrade to the CAPS Human Resources/Payroll Advantage 2.x system to Advantage 3.x, 8/1/08 - 7/31/09 ($1,050,000) - All Districts

35142 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

18. Accept grant funds from Santa Ana for U.S. Department of Homeland Security, Office of Domestic Preparedness FY07 Urban Areas Security Initiative ($650,000); authorize Sheriff- Coroner to execute agreement and related documents and amendments under certain conditions; and authorize purchasing agent to purchase related equipment under certain conditions - All Districts

53142 **APPROVED AS RECOMMENDED**

19. Approve termination of emergency action originally approved on 4/15/08 ratifying emergency price agreement N1000009933 for installation and acquisition of a CCTV Digital Surveillance and Recording System for Theo Lacy Facility, including inmate barracks and interior of guard stations - District 3 (4/5 vote) (Continued from 4/15/08, S32A; 4/29/08, Item 25; 5/13/08, Item 14; 5/20/08, Item S53A; 6/3/08, Item 55; 6/17/08, Item 38; 6/24/08, Item 64; 7/15/08, Item 42)

35142 **APPROVED AS RECOMMENDED**

Treasurer-Tax Collector:

20. Adopt resolution authorizing sale and issuance of Santa Ana Unified School District General Obligation Bonds Election of 2008, Series A ($100,000,000) - District 1

13452 **APPROVED AS RECOMMENDED**
RESO: 08-087

21. Adopt resolution authorizing temporary transfer of monies to Orange County School Districts from County of Orange Educational Investment Pool; approving Temporary Transfer agreement form and authorizing Treasurer to execute individual agreements; and making related findings - All Districts

32145 **APPROVED AS RECOMMENDED**
RESO: 08-088

HEALTH CARE AGENCY

22. Approve agreement 08-85076 with State Department of Public Health for Childhood Lead Poisoning Prevention Program, 7/1/08 - 6/30/11 ($2,750,123) - All Districts

31452 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

23. Adopt resolution approving schedule of fines for civil code enforcement citations; and make California Environmental Quality Act findings - All Districts
B.O. **DELETED**

24. Receive bids and award contract to Big West Construction for remodeling of multi-purpose room, Auditor-Controller ($588,000); and make California Environmental Quality Act findings - District 1
13452 **APPROVED AS RECOMMENDED**

25. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve cooperative agreement with City of Orange for relocation of Katella Yard Operations to 2245 North Glassell Street/222 East Bristol Lane and 2023 Collins Avenue, Orange; and make California Environmental Quality Act findings - District 3
35142 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

26. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
NO ACTION

27. Approve proposed response to FY 2007-08 Grand Jury Report "Restaurant Inspections: What No One Is Telling You." - All Districts
31452 **APPROVED AS RECOMMENDED**

28. Approve proposed response to FY 2007-08 Grand Jury Report "A Snapshot of Juvenile Facilities in Orange County." - All Districts
35142 **APPROVED AS RECOMMENDED**

29. Approve proposed response to FY 2007-08 Grand Jury Report "Orange County Campaign Reform Ordinance--Fair Campaign Practices Commission" - All Districts (Continued from 7/15/08, Item 55)
23145 N **APPROVED RESPONSE TO GRAND JURY REPORT WITH MODIFICATION TO F-2 ADDING "THERE IS NO EFFECTIVE AND OPERATIVE OVERSIGHT TO ENFORCE REGULATIONS OF THE ORANGE COUNTY CAMPAIGN REFORM FINANCE ORDINANCE"; ESTABLISHED AD HOC COMMITTEE TO STUDY INCOMPATIBILITY BETWEEN STATE LAW AND TINCUP2 AND WHETHER AN OVERSIGHT COMMISSION SHOULD BE ESTABLISHED; AD HOC COMMITTEE TO BE FACILITATED BY ROB RICHARDSON, ASSISTANT CEO, WITH EACH SUPERVISOR APPOINTING TWO MEMBERS; DIRECTED COUNTY COUNSEL TO WORK WITH REGISTRAR OF VOTERS TO DEVELOP A SEPARATE ORDINANCE FOR AN ELECTRONIC FILING PROCEDURE FOR CANDIDATES WHO RAISE OR BORROW MORE THAN $25,000**

30. Approve recommended grant applications submitted by OC Public Library in 7/29/08 grants report - All Districts

31452 **APPROVED AS RECOMMENDED**

31. Consider revision of Rule 29 of Board Rules of Procedure Manual to increase monetary thresholds for placing items on Board's Consent and Discussion Calendar from $500,000 to $1,000,000 - All Districts

35142 **APPROVED REVISION OF CHAPTER VI, RULE #29 OF THE BOARD**
N **RULES OF PROCEDURE MANUAL TO INCREASE THE MONETARY THRESHOLDS FOR PLACING ITEMS ON THE BOARD'S CONSENT AND DISCUSSION CALENDAR FROM $500,000 TO $750,000**

32. Adopt resolution authorizing issuance and sale not to exceed $100,000,000 of County of Orange 2008-2009 Tax and Revenue Anticipation Notes; authorizing the sale of the Notes as described therein; approving the execution and delivery of a Continuing Disclosure Certificate; authorizing preparation and distribution of a Preliminary Official Statement, an Official Statement, and Purchase Agreement; and authorizing taking of necessary actions and execution of necessary documents - All Districts

23145 **APPROVED AS RECOMMENDED**
RESO: 08-089

33. **Chair Moorlach -** Direct Registrar of Voters to place "An Ordinance of the County of Orange, California, Providing for Voter Approval of Increases in Retirement System Benefits and Adding Article III, Section 301 to the Charter of Orange County" on the ballot for consolidation with November 4, 2008 Statewide general election; direct County Counsel to prepare the ballot language and impartial analysis of the Ordinance; and direct Auditor-Controller to prepare fiscal impact statement pursuant to Election Code Section 9160(c)

23145 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 34-36)

JOHN WAYNE AIRPORT

34. Public Hearing to consider adopting resolution selecting option 2 approving parking rates, effective 8/1/08; and make California Environmental Quality Act and other findings - District 2

B.O. **CLOSED PUBLIC HEARING**

23145 **APPROVED AS RECOMMENDED**
N
N

RESO: 08-090

OC COMMUNITY RESOURCES

35. Public Hearing to consider adopting resolution establishing fees for individual animal licenses, effective 9/1/08 and animal business licenses and animals impounded, effective 8/1/08; rescinding Resolution 07-063; and making California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

31452 **APPROVED AS RECOMMENDED**
RESO: 08-091

GENERAL ADMINISTRATION

36. **County Counsel -** Acting as the Orange County Flood Control District - Public Hearing to consider adopting resolution determining the necessity of acquisition by eminent domain of real property of Los Alamitos Pump Station Property for purposes of controlling flood and storm waters through replacement of an existing pump station and by significantly increasing pumping capacity; authorizing County Counsel or litigation counsel to institute eminent domain proceedings and Auditor-Controller to encumber and disburse funds; and making California Environmental Quality Act and other findings - All Districts (4/5 vote)

B.O. **CLOSED PUBLIC HEARING**

35142 **APPROVED AS RECOMMENDED**
RESO: 08-092

V. CLOSED SESSION (None)

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

PUBLIC COMMENTS:
Bruce Heyman - Oral re: proposed elimination of recreational boater resources at Dana Point Harbor

Darrell Nolta - Oral re: opposition to decisions made re: Sheriff Dept including appointment of individuals from Los Angeles to executive team, $250,000 contract for jail study and running away from real issues; DNA high volume input lab and challenges to the validity of the use of DNA

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Supervisor Campbell - Oral re: directed Sheriff's Lab Director to come to future Board meeting and comment on LA Times 7/20/08 article questioning validity of use of DNA as evidence.

Supervisor Bates - Oral re: complemented staff for work on Senior Summit held on 7/25/08; directed Dana Point Harbor to agendize a report to Board on revitalization project including activities and collaboration with City and stakeholders; and recognized 5th District staff person, Elise Lampe, who is leaving to attend medical school

Chair Moorlach - Oral re: next week Board will consider contract with Steve Connolly as Executive Director for Office of Independent Review; thank you to Deputy J. C. Pena for handling crowd in boardroom during today's earthquake; and his office's approval of Sheriff Hutchens' executive team appointments

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ADJOURNED: 12:34 P.M.

32145 Adjourned in memory of Diane Sibert

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12345 **Adjourned in memory of Sardis Bobo**

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12345 **Adjourned in memory of Charles Jacquemin**

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25134 **Adjourned in memory of Connie Marjean Cook**

*** 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)

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Chair, Orange County Board of Supervisors

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Orange County Clerk of the Board