

BOARD OF SUPERVISORS

Liz Kniss, District 5, President
 Ken Yeager, District 4, Vice President
 Donald F. Gage, District 1
 George Shirakawa, District 2
 Dave Cortese, District 3



Gary Graves
 Acting County Executive

Ann Miller Ravel
 County Counsel

SUMMARY OF PROCEEDINGS OF MARCH 24, 2009

BOARD OF SUPERVISORS' CHAMBERS
 West Hedding Street, San Jose, California

Tel. (408) 299-5001

Fax (408) 298-8460

TDD (408) 993-8272

SANTA CLARA COUNTY BOARD OF SUPERVISORS
 SPECIAL DISTRICTS
 THE FIRE DISTRICTS
 FINANCING AUTHORITY
 PUBLIC AUTHORITY OF SANTA CLARA COUNTY
 VECTOR CONTROL DISTRICT
 SANITATION DISTRICT NO. 2-3

Opening

- . Roll Call - All members present.
- . Recited Pledge of Allegiance.
- . Received Invocation by Raquel Plasencia, a senior at Andrew Hill High School, San Jose.
- . Announced dedication of meeting and adjournment in honor and memory of Agnes Boales, Eileen Kelly, Lisa Kalvelage, Barbara Sibley, Dr. Jerome Tossy, and Mary Louise Martinez.

Public Issues

1. Received the following comments under Public Comment:

Received comments from Patricia McClure and Edward Berbena, members, Service Employees' International Union (SEIU), Local 521, expressing concern regarding deletion of staff positions in the Adult Probation Department.

2. Approved consent calendar and changes to the Board of Supervisors' Agenda. (Items with an asterisk [*] in front of the number were on the consent calendar and were voted on in one motion at the beginning of the meeting.)

* 3. Approved Summary of Proceedings of March 3, 2009, and minutes of January 27, 2009.

Social Services Agency

* 4. Considered recommendations relating to the addition of three positions within the Social Services Agency (SSA), Department of Aging and Adult Services (DAAS), In-Home Supportive Services (IHSS), and took the following actions:

a. Approved Request for Appropriation Modification No. 159 - \$226,632 increasing revenue and expenditures in the SSA budget.

b. Waived reading and adopted Salary Ordinance No. NS-5.09.79 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding two Office Specialist III positions and one Data Office Specialist position in the SSA, DAAS, IHSS.

Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

* 5. Considered recommendations relating to the California Child and Family Services Review Self Assessment, and took the following actions:

a. Accepted California Child and Family Services Review Self Assessment.

- b. Approved submission of the California Child and Family Services Review Self Assessment to the California Department of Social Services.
- * 6. Approved delegation of authority to the Director, Social Services Agency, or designee, to negotiate, execute, amend, and terminate Memorandum of Understanding with the Santa Clara County Office of Education relating to providing allowable Title IV-E administrative services directly related to educational information on foster youth, beginning the date indicated on the letter of acknowledgement received by the California Department of Social Services through June 30, 2010, with option of two additional one-year terms, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2012.
- * 7. Considered recommendations relating to Operational Agreement with Bill Wilson Center, and took the following actions:
- a. Ratified Operational Agreement with Bill Wilson Center relating to participating in the Homeless Youth and Exploitation (HX) Program for period July 1, 2009 through June 30, 2010.
 - b. Approved delegation of authority to the Director, Social Services Agency, or designee, to negotiate, execute, amend, and terminate Operational Agreement with Bill Wilson Center relating to participating in the HX Program for period July 1, 2009 through June 30, 2010, with the option to renew for two additional one-year terms, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2012.

In-Home Supportive Service Public Authority

- * 8. Adopted Resolution authorizing the Presiding Officer to use a facsimile signature in lieu of a personal signature and to elect to use certain titles.

Santa Clara Valley Health and Hospital System

- * 9. Considered recommendations relating to the Mental Health Permanent Supportive Housing Project, and took the following actions:
- a. Approved delegation of authority to the Director, Mental Health Department, or designee, to negotiate, execute, extend, and amend the 2007 Supportive Housing Grant Agreement with the Federal Department of Housing and Urban Development relating to the Mental Health Permanent Supportive Housing Project, in an amount not to exceed \$702,301 for a two-year period beginning upon execution of the Agreement, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2013.
 - b. Approved delegation of authority to the Director, Mental Health Department, or designee, to negotiate, execute, extend, and amend Agreement(s) with provider(s) to be selected through a Request for Proposals process, relating to providing housing and supportive services, in an amount not to exceed \$772,715 for a two-year period beginning upon the execution of Agreement(s), following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2013.
- * 10. Authorized submission of a proposal to the California Department of Mental Health and California Housing Finance Agency relating to funding the "90 Archer Street" Housing Project with an estimated \$1,200,000 from the Santa Clara County share of the Mental Health Services Act Housing Program funds.
- * 11. Approved delegation of authority to the Chief Executive Officer, Santa Clara Valley Health and Hospital System, or designee, to negotiate, execute, and amend Agreement with Computer Sciences Corporation relating to providing consultant services for development of an Enterprise Core Hospital Information System five-year strategic plan and preparation of a Request for Proposals for selection of an Enterprise Core strategy, in an amount not to exceed \$406,000 for period beginning upon execution of Agreement through August 30, 2009, with option to extend the term by up to three months if needed, following approval by County Counsel as to form and legality, and

approval by the Office of the County Executive. Delegation of authority shall expire on November 30, 2009.

- * 12. Approved delegation of authority to the Chief Executive Officer, Santa Clara Valley Health and Hospital System (SCVHHS), or designee, to negotiate and execute Third Amendment to Professional Services Agreement with Salas O'Brien Engineers, Inc., relating to providing architectural/engineering and related professional design services at SCVHHS, increasing the maximum compensation by \$250,000 to \$750,000 and extending the term for one year through June 30, 2010, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2010.
- * 13. Approved delegation of authority to the Chief Executive Officer, Santa Clara Valley Health and Hospital System, or designee, to execute Second Amendment to Professional Services Agreement with Rolf Jensen Associates relating to providing fire protection engineering and related professional design services, increasing the maximum compensation limit by \$500,000 to \$765,000, extending the term for one year through June 30, 2010, and revising billing rates effective July 1, 2009, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2010.
- * 14. Ratified grant application submitted by Santa Clara Valley Medical Center Ambulatory and Managed Care to United Healthcare relating to grant funding for chronic disease population management in the amount of \$564,850 for period April 1, 2009 through March 31, 2011.

Employee Services Agency

- * 15. Waived reading and adopted Salary Ordinance No. NS-5.09.78 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding four unclassified Park Maintenance Worker Trainee positions in the Parks and Recreation Department. Positions shall expire on August 23, 2009.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

- * 16. Accepted semi-annual report on extra-help usage for the first two quarters of Fiscal Year 2009.

Board of Supervisors

- 17. Considered recommendations, under advisement from November 18, 2008 (Item No. 21), relating to the recommended appointment of the Santa Clara County Poet Laureate, and took the following actions:
 - a. Accepted report relating to the Appointment of the County Poet Laureate.
 - b. Appointed Nils Peterson to the honorary post of Santa Clara County Poet Laureate commencing for a two-year period April 1, 2009 through March 31, 2011.
- * 18. There was no announcement of travel for members of the Board of Supervisors and other elected officials.
- * 19. Accepted reports from members of the Board of Supervisors relating to meetings attended through March 18, 2009.
- 20. Considered the following items of concern and referred to Administration for review and report:
 - a. **Referred to Administration for report to the Finance and Government Operations Committee (FGOC) on May 14, 2009, and for report to the Housing, Land Use, Environment, and Transportation Committee on date uncertain:** Preparation of information relating to developing an inventory of opportunity sites to locate solar power plants and other solar facilities on County lands, and a process for requesting qualifications and proposals.
 - b. **Referred to Administration for report to the FGOC on date uncertain:** Preparation of information regarding development of plans to promote the Eco Pass Program, with monthly reports on the status of implementation and participation in the Eco Pass Program.

- c. **Referred to Administration for report to the FGOC on date uncertain:**
Preparation of information relating to incorporating the achievement of Leadership in Energy and Environmental Design (LEED) certification as a point of negotiation for all future real estate transactions, including leased or owned buildings.
 - d. **Held to April 7, 2009:** Referral to Administration a request to incorporate various features in an enhanced Climate Change Program for the County of Santa Clara.
- * 21. Considered recommendations relating to Fiscal Year (FY) 2010 Board Workshops and processes for Budget modification and Board Budget-related referrals, and took the following actions:
- a. Approved the Budget Workshop schedule for the FY 2010 Recommended Budget.
 - b. Approved the Budget modification process for the FY 2010 Final Budget.
 - c. Approved the Budget-related referral process for the FY 2010 Final Budget.
 - d. Directed the Acting County Executive to inform the other Board appointees, Constitutional Officers, and agency/department heads of the Board-approved process.
- * 22. There was no report from Supervisor Gage, Chairperson, Housing, Land Use, Environment, and Transportation Committee.
- * 23. There was no report from Supervisor Shirakawa, Chairperson, Public Safety and Justice Committee.
- * 24. There was no report from President Kniss, Chairperson, Health and Hospital Committee.

25. Accepted report from Supervisor Yeager, Chairperson, Finance and Government Operations Committee (FGOC) relating to meeting of March 12, 2009, and took the following actions:
- a. Accepted items 13-18 as Board information only.
 - b. Accepted update to the Real Estate Master Plan Report and authorized Cushman Wakefield to begin implementation of five recommendations.
 - c. Declared County-owned parcel (portion of Assessor's Parcel Number 451-22-052) adjacent to 1121 Bryan Avenue, San Jose, as surplus; authorized the Roads and Airports Department to offer this parcel to public agencies and non-profit housing sponsors for purchase at fair market value, and then to private entities for purchase at fair market value if there is no interest in the parcel expressed by public agencies and non-profit housing sponsors in response to the notice of availability.
 - d. Waived reading and adopted Ordinance No. NS-300.799 (preliminary) amending Section A34-24 of the Santa Clara County Ordinance Code relating to increasing fees collected by the Registrar of Voters.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes
 - e. Adopted Resolution approving delegation of authority to the County Executive, Office of the County Executive, or designee, to serve as co-chair of Destination: Home Executive Committee, to take all actions vested in the co-chair pursuant to the Operating Guidelines for Destination: Home, and to negotiate, enter, and amend Agreement(s) to facilitate the goals and objectives of Destination: Home, following approval by County Counsel as to form and legality and approval of the Office of the County Executive. Delegation of authority shall expire on June 30, 2012.
 - f. Accepted progress report, under advisement from September 9, 2008 (Item No. 20 -c), relating to operation of the one-year pilot Shelter Outreach Center Program.
 - g. Accepted report, under advisement from February 10, 2009 (Item No. 12), relating to objectives and timeline for the Climate Change Program.

h. Accepted report, under advisement from December 16, 2008 (Item No. 15), from Employee Services Agency, on the utilization of the Eco Pass Program.

i. Considered various recommendations from the Facilities and Fleet Department on five County Cafeterias, as follows:

1. Suspended County commission through December 31, 2010 or until vendor is able to pay through increased revenue.
2. Eliminated cafeteria services at the Junction cafeteria by March 31, 2009.
3. Approved delegation of authority to the Director, Facilities and Fleet, or designee, to negotiate, execute, amend and/or terminate the existing Food Service Management Contract, as directed and approved by the Board, for period January 1, 2009 through December 31, 2010, and two, one-year option periods, if exercised, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall end on the last day of the Contract term or Renewal Option, if exercised.
4. Approved Appropriation Modification No. 154 - transferring \$113,220 from the Vending and Cafeteria Trust Fund, allocating approximately \$78,000 to subsidize cafeteria operations at the four locations (Charcot, Berger, Hedding, and Julian) for the remainder of Fiscal Year (FY) 2009.
5. Considered various alternative options relating to continued cafeteria operations at the four locations (Charcot, Berger, Hedding, and Julian), and took the following actions:

Provided 17 percent subsidy to operators of the four remaining cafeterias.

Approved a funding allocation of approximately \$35,000, included in Appropriation Modification No. 154, to continue subsidy for biodegradable products for the remainder of FY 2009.

Referred to the Administration for report to FGOC on date uncertain: Preparation of information on issues relating to the cost for biodegradable products and/or other options.

- * 26. There was no report from President Kniss, Chairperson, Legislative Committee.
- 27. Accepted report from Supervisor Cortese, Chairperson, Children, Seniors, and Families Committee (CSFC) relating to meeting of February 26, 2009, and took the following actions:
 - a. Accepted CSFC meeting agenda items 6-9 as Board information only.
 - b. Approved recommendations from the Social Services Agency on the Santa Clara County Child Welfare System Improvement Plan.
 - c. Authorized the Social Services Advisory Commission to:
 - 1. Collaborate with the County Office of Public Affairs to refine language of a survey to be administered regarding immigrant and refugee populations' access to County social services.
 - 2. Conduct survey and convene focus groups on immigrant and refugee populations' access to County social services.
- * 28. Accepted report from President Kniss, Board Delegate to the Valley Transportation Authority, relating to meeting of March 5, 2009.
- * 29. There was no report from President Kniss or Supervisor Gage, Board Delegates to the Local Agency Formation Commission (LAFCo).
- * 30. There was no report from Supervisor Yeager, Board Delegate to the Metropolitan Transportation Commission.
- * 31. Accepted report from President Kniss, Board Delegate to the Bay Area Air Quality Management District, relating to meeting of February 4, 2009.

County Executive

- 32. Accepted verbal report from Acting County Executive relating to the impact of the Federal Stimulus Package on the State of California.

- * 33. Adopted Resolution authorizing performance of services by the Registrar of Voters for a mail ballot election to be held on May 5, 2009 for Moreland Elementary and Cupertino Union School Districts.

- * 34. Considered recommendations relating to the Statewide Special Election May 19, 2009, and took the following actions:
 - a. Adopted Resolution authorizing performance of services by the Registrar of Voters and consolidation of elections in the Statewide Special Election to be held on May 19, 2009.

 - b. Approved Request for Appropriation Modification No. 156 - \$5,000,000 increasing revenue and expenditures in the Office of the Registrar of Voters budget.

- * 35. Approved delegation of authority to the Director, Office of Emergency Services, or designee, to recruit, negotiate, award, amend, and/or terminate Agreement relating to additional resources required for technical and business training and support of the AlertSCC Notification System, in an amount not to exceed \$150,000 for period April 1, 2009 through September 30, 2010, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on October 31, 2010.

- * 36. Considered recommendations relating to the Bay Area Urban Area Security Initiative (UASI) Program grant funds, and took the following actions:
 - a. Accepted 2008 UASI grant funds in the amount of \$2,296,341.

 - b. Approved Request for Appropriation Modification No. 150 - \$2,296,341 increasing revenue and expenditures in the Office of the County Executive and the Office of the Sheriff budgets.

 - c. Approved delegation of authority to the Director, Office of Emergency Services, or designee, to negotiate, execute, amend, and terminate Agreements with the City and County of San Francisco, City of Oakland, City of San Jose, and Alameda County relating to the application for and allocation and distribution of

Bay Area UASI Program grant funds, for period October 23, 2008 through December 31, 2011, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2011.

- * 37. Authorized extension of 520 hours each for 41 extra-help employees beyond the 1,040 hour limitation in the Office of the Registrar of Voters through Fiscal Year 2009.

- 38. Considered recommendations, under advisement from December 16, 2008 (Item No. 43), relating to review of the County Charter, and took the following action:

Referred to the Administration for report to the Finance and Government Operations Committee on date uncertain: Preparation of information relating to the review of the County Charter.

- * 39. Approved delegation of authority to the Acting County Executive, Office of the County Executive, or designee, to negotiate, execute, amend, and terminate a Forbearance Agreement with EHC LifeBuilders, Inc. (EHC), the City of San Jose, and Comerica Bank relating to allowing for the sale of certain EHC properties and disbursement of proceeds, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire in December 2009.
- * 40. Approved recommendation to change the time to expend funds for the Affordable Housing Funds loan to Bridge Housing Corporation for its Fabian Way Senior Housing Project from five years to six years.
- * 41. Considered recommendations relating to the South San Francisco Bay Emergency Access Port Study, and took the following actions:
 - a. Allocated \$60,000 in one-time funds to the San Jose Silicon Valley Chamber of Commerce, the fiscal agent for the grant application, for County share of a local match for the South San Francisco Bay Emergency Port Access Project Study.

b. Approved Request for Appropriation Modification No. 157 - \$60,000 transferring funds from the Parks and Recreation Department operational contingency reserve to the Office of the County Executive budget.

- * 42. Accepted report relating to recommended changes in Census Tract boundaries and approved for submission to the Federal Census Bureau.

County Counsel

43. Accepted verbal report from County Counsel relating to a legal matter regarding the Redevelopment Agency of the City of San Jose's Proposal to amend various Redevelopment Plans for the merged project areas, and an upcoming closed session.

- * 44. Approved amended Conflict of Interest Code for the Housing Authority of the County of Santa Clara.

Boards & Commissions

- * 45. Announced the following appointments by individual Board members to various Boards and Commissions:

Supervisor Gage (District 1):

Appointee Name

Forrest Williams

Don Silacci

Douglas McNea

Sharon Sweeney

Board/Commission Name

Commission on the Status of Women

Fairgrounds Management Corporation

Measure A Independent

Citizens' Oversight Committee

Citizens' Advisory

Commission on Elections

Supervisor Shirakawa (District 2):Appointee Name

William (Bill) J. Guthrie

Board/Commission NameMeasure A Independent
Citizens' Oversight Committee**Supervisor Cortese (District 3):**Appointee Name

Michael Rose

Board/Commission NameMeasure A Citizens'
Oversight Committee**Supervisor Kniss (District 5):**Appointee Name

Audrey Sutton

Georgina Van Horn

Board/Commission Name

Animal Advisory Commission

Province of Florence, Italy

Sister-County Commission

Sue Leeder

Advisory Commission for

Persons with Disabilities

Susan Fowle

Senior Care Commission

Naomi Nakano-Matsumoto

Housing and Community

Development Advisory Committee

46. Approved the following Board As-a-Whole appointments to various Boards and Commissions:

<u>Appointee Name</u>	<u>Recommended By</u>	<u>Board/Commission</u>
Augustina Armendariz	Gage	Citizens' Advisory Commission on Elections
Robert Walias	Gage	HIV Planning Council
Marianne Gallagher	Gage	HIV Planning Council
Susanne B. Wilson	President	Santa Clara County Law Library
Steven L. Hallgrimson	President	Santa Clara County Law Library

Marcel Pajuelo-Schwartz	Kniss	Lower Peninsula Flood Control
Deleted: Margene Chmyz	Kniss	Mental Health Board
Nori Herras-Tejero	Cortese	HIV Health Services Planning Council
Imam Tahir Anwar	Cortese	Human Relations Commission
Tito Cortez	Cortese	Mental Health Board
Jacqueline Gutierrez	Cortese	Mental Health Board

- * 47. Approved the following Board As-a-Whole appointments to Boards and Commissions:

<u>Appointee Name</u>	<u>Appointing Supervisor</u>	<u>Board/Commission</u>
Jean A. Meddaugh	Gage	Measure A Citizens' Oversight Committee
Norman Kline	Cortese	Measure A Citizens' Oversight Committee

- * 48. Approved the following recommendations relating to resignations from Boards and Commissions:
- a. Accepted resignation of Avtar Chahal from the Advisory Commission for Persons with Disabilities for a four-year term expiring June 30, 2009. Appointee shall be nominated from a list of three nominees submitted by the Commission. Position is allocated to District 3.
 - b. Accepted resignation of Bev Strand from the Commission on the Status of Women for a three-year term expiring June 30, 2009. Appointee shall represent the public-at-large. Position is allocated to District 5.
 - c. Accepted resignation of Gloria Nieto from the County of Santa Clara/Moscow Sister-County Commission for a three-year term expiring June 30, 2010. Appointee shall have demonstrated interest or participation in matters pertaining to the relationship between Russia and the United States. Position is allocated to District 4.

- d. Declared position vacant on the Advisory Commission for Persons with Disabilities previously held by Robin McNitt for a four-year term expiring June 30, 2010. Appointee shall be nominated from a list of three nominees submitted by the Commission. Position is allocated to District 1.

Law and Justice

- * 49. Considered recommendations relating to the Probation Department's Work Furlough Program Inmate Welfare Fund (IWF), and took the following actions:
 - a. Accepted annual report relating to the Fiscal Year (FY) 2008 annual statement of financial condition for the Probation Department's Work Furlough Program IWF.
 - b. Approved Request for Appropriation Modification No. 155 - \$72,456.27 transferring one-time funds from the Probation Department's Work Furlough Program IWF to the Department of Correction's IWF.
 - c. Adopted Resolution relating to the transfer of funds from the Probation Department's Work Furlough Program IWF to the Department of Correction's IWF.
- * 50. Approved Request for Appropriation Modification No. 158 - \$10,000 decreasing the Fund Balance and increasing expenditures in the Probation Department, Juvenile Welfare Trust Fund budget.
- * 51. Approved delegation of authority to the Sheriff, Office of the Sheriff, or designee, to negotiate, execute, amend, and terminate Memorandum of Understanding with the United States Department of Justice, Drug Enforcement Administration, relating to providing a deputy to perform investigative services in a task force, for period February 16, 2009 through September 30, 2009, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2010.

Finance Agency

- * 52. Considered recommendations relating to Countywide financial audit services, and took the following actions:

- a. Approved Agreement with Macias Gini & O'Connell, LLP, relating to providing annual Countywide financial audit services in an amount not to exceed \$2,500,000, commencing April 1, 2009 and effective until the audits for Fiscal Years 2009-2013 have been completed, with an option to renew the contract up to three additional years.
- b. Approved delegation of authority to the Director, Finance Agency, or designee, to amend or terminate Agreement with Macias Gini & O'Connell, LLP, relating to providing annual Countywide financial audit services, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2013.

53. Accepted presentation relating to bond issuance, and took the following action:

Adopted Resolution authorizing issuance of the County of Santa Clara General Obligation Bonds, 2009 Series A (Election of 2008), in a principal amount not to exceed \$350,000,000 for rebuilding and improving the earthquake safety of the Valley Medical Center Hospital, meeting State seismic laws, and helping replace closed medical facilities in downtown San Jose.

* 54. Adopted Resolution approving the sale of certain tax-defaulted properties.

Financing Authority

55. Accepted presentation relating to bond issuance, and took the following action:

Adopted Resolution authorizing issuance of El Camino Hospital Revenue Bonds, Series 2009, in a principal amount not to exceed \$100,000,000 for financing the construction and equipping of a new hospital building and renovations and improvements to existing health care facilities.

* 56. Adopted Resolution relating to authorization of Presiding Officer to use a facsimile signature in lieu of a personal signature and election to use certain titles.

1:30 p.m. Time Certain

57. Resolutions, Commendations, and Memorials.

- a. Adopted Resolution proclaiming April 2009 as "Child Abuse Awareness Month" in Santa Clara County, and authorized display of the Children's Memorial Flag in the courtyard, located at 70 West Hedding Street, San Jose, during the month of April to commemorate Child Abuse Awareness Month. (Child Abuse Council)
- b. Adopted Resolution commending Linda Castaldi as she retires after 34 years of service to Santa Clara County. (Social Services Agency)
- c. Adopted and presented Resolution proclaiming March 22-28, 2009 as "Disaster Service Worker Week" in Santa Clara County. (Office of the County Executive)
- d. Ratified Resolution, presented March 23, 2009, commending Sarah Flowers for her dedicated service to the citizens of Santa Clara County on the occasion of her retirement after more than 17 years, and extending best wishes for future endeavors with her family and in her community. (Kniss)
- e. Ratified Resolution, presented March 18, 2009, commending Family and Children Services for more than 60 years of dedication to increasing the strength, safety, and self-sufficiency of children, adults, and families through innovative, accessible, and integrated programs and services addressing critical health and human services needs in Silicon Valley. (Kniss)
- f. Adopted Resolution commending Leona M. Butler for her clarity of vision and inspired leadership in providing health care for the children and families of Santa Clara County. (Kniss)
- g. Adopted Resolution commending Betty Deal for being named the City of Campbell, 2008 Citizen of the Year. (Yeager)
- h. Adopted Resolution designating March 2009 as "Women's History Month" in Santa Clara County, highlighting the extraordinary achievements of women

throughout our history, while recognizing the equally significant obstacles they had to overcome on the road to success. (Shirakawa)

- i. Adopted Resolution proclaiming March 28, 2009 as "World Wildlife Fund's Earth Hour Day" in Santa Clara County. (Cortese)
- j. Adopted and presented Resolution commending Korean American Community Services for its dedication to providing vital services and resources to the Korean American community in Santa Clara County for 30 years. (Yeager)

Department of Planning and Development Services

- * 58. Approved delegation of authority to the Acting County Executive, Office of the County Executive, or designee, to negotiate, execute, administer, modify, enforce, and terminate Amendment to an existing contract with Land Use Planning Services, Inc., relating to providing project management services for the Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Program, extending the term through January 31, 2011, and increasing the maximum financial obligation by \$284,350, subject to Board of Supervisors' approval of the budget each fiscal year, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on January 31, 2011.

Department of Agriculture and Environmental Management

59. Considered recommendations, under advisement from September 9, 2008 (Item No. 15), relating to policy options for reducing or eliminating single-use carryout bags at the point of sale in unincorporated Santa Clara County, and took the following actions:
- a. Accepted report relating to policy options for reducing or eliminating single-use carryout bags at the point of sale in unincorporated Santa Clara County.
 - b. Approved the recommendation of a tiered approach beginning with increased public education and outreach, providing incentives to reduce the use of single-use bags, gradually moving toward a fee or ban if environmental impact benchmarks are not met after a period of one to two years, with additional

analysis on impacts to low-income families and small businesses, and allowing a period of time for businesses to use their inventory of previously purchased bags.

Roads and Airports

- * 60. Adopted Resolution relating to maintained mileage of County highways in the County of Santa Clara.

- * 61. Considered recommendations relating to Professional Services Agreement (PSA) regarding the Central Expressway Auxiliary Lanes Project, and took the following actions:
 - a. Approved PSA with Nolte Associates, Inc., relating to providing professional engineering services for the Central Expressway Auxiliary Lanes Project between Mathilda Avenue and Fair Oaks Avenue, in an amount not to exceed \$249,100 for period March 30, 2009 through March 30, 2010.

 - b. Authorized the Director, Roads and Airports Department, to act as the Owner's Authorized Representative to execute Project Agreements for services during the term of the PSA, including, if necessary, extensions to the Agreement expiration date and increases to the maximum compensation amount up to \$25,000, to an amount not to exceed \$274,100, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive; and, to perform other administrative functions pursuant to the PSA.

- * 62. Considered recommendations relating to two American Recovery and Reinvestment Act Projects, and took the following actions:
 - a. Approved the Project, adopted plans and specifications, and authorized advertisement of contract documents for the Montague Expressway Pavement Rehabilitation Project (Phase 3), Federal Project Number ESPL-5937(132), subject to authorization by Caltrans to advertise the Project.

 - b. Approved the Project, adopted plans and specifications, and authorized advertisement of Contract Documents for the County Unincorporated Roads Pavement Rehabilitation Project, Federal Project Number ESPL-5937(133), subject to authorization by Caltrans to advertise the project.

Facilities and Fleet

- * 63. Approved Third Amendment to Professional Services Agreement with Gilbane Building Company relating to construction delay and impact analysis consulting and construction project management services for the Morgan Hill Courthouse and various other Capital Projects, increasing the maximum compensation limit (MCL) by \$1,000,000 to a new MCL of \$4,500,000.

- * 64. Considered recommendations relating to the Civic Center Garage Repair Project, Project No. 263-BL08057, and took the following actions:
 - a. Approved delegation of authority to the Director, Facilities and Fleet Department (FAF), or designee, to negotiate, execute, and amend Professional Service Agreements with Biggs Cardosa Associates, Inc., and Watry Design, Inc., relating to providing continued special inspection, design, and engineering services, in an amount not to exceed a combined value of \$625,000, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2009.

 - b. Approved delegation of authority to the Director, FAF, or designee, to negotiate, execute, and amend Change Orders with Schwager Davis, Inc., for continued repair work, in an amount not to exceed \$5,300,000. Delegation of authority shall expire on December 31, 2009.

- * 65. Adopted Resolution delegating authority to the Director, Facilities and Fleet Department, or designee, to issue Change Orders for four existing Agreements relating to the New Crime Lab Project (Project No. 263-C033018), and accept the work upon completion. Delegation of authority shall expire on July 31, 2009.

- * 66. Extended delegation of authority to County Executive, Office of the County Executive, or designee, to negotiate, enter, and amend Agreement(s) to facilitate completion of the Morgan Hill Courthouse and Justice Agencies Building Project, extending the delegation expiration date from March 31, 2009 to September 30, 2009.

Central Fire Protection District

- * 67. Adopted Resolution of Intent to approve Amendment to Contract between the Board of Administration, California Public Employees' Retirement System (PERS), and the Board of Directors, Santa Clara County Central Fire Protection District.
- * 68. Adopted Resolution authorizing the Presiding Officer to use a facsimile signature in lieu of a personal signature and to elect to use certain titles.

South Santa Clara County Fire District

- * 69. Adopted Resolution authorizing the Presiding Officer to use a facsimile signature in lieu of a personal signature and to elect to use certain titles.

Vector Control District

- * 70. Adopted Resolution authorizing the Presiding Officer to use a facsimile signature in lieu of a personal signature and to elect to use certain titles.

Sanitation District No. 2-3

- * 71. Considered recommendations relating to County Sanitation District No. 2-3, and took the following actions:
 - a. Accepted Monthly Financial Report from County Sanitation District No. 2-3 for period ending February 28, 2009 and authorized payment of bills in an amount not to exceed \$275,254.11.
 - b. Approved Second Amendment to Agreement with the County of Santa Clara relating to providing legal services by the Office of the County Counsel for Fiscal Year 2009-2010.

- * 72. Adopted Resolution authorizing the Presiding Officer to use a facsimile signature in lieu of a personal signature and to elect to use certain titles.

Final Adoption of Ordinances

- * 73. Adopted Salary Ordinance No. NS-5.09.74 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding one Geographic Information Systems Analyst position in the Parks and Recreation Department.

Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

- * 74. Adopted Salary Ordinance No. NS-5.09.76 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees deleting one 3/5-time Hospital Services Assistant II or Nursing Attendant position, one 4/5-time Hospital Services Assistant II or Nursing Attendant position, and twelve Hospital Services Assistant II or Hospital Services Assistant I positions and adding one 3/5-time Monitor Technician position, one 4/5-time Monitor Technician position, and twelve Monitor Technician positions in the Santa Clara Valley Health and Hospital System, Santa Clara Valley Medical Center.

Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

- * 75. Adopted Ordinance No. NS-300.800 (final) amending the Santa Clara County Ordinance Code adding Division A37 relating to administrative fines and penalties; and, procedure, review, and appeal (Administrative Hearing Process).

Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

Closing

76. Announced next meeting to be a special closed session at a date and time to be determined to discuss items noticed pursuant to the Brown Act.

Adjourned in honor and memory of Agnes Boales, long-time resident of San Jose and an active PTA, church, Scouting and Model Cities member and leader; Eileen Kelly, long-time resident of San Jose and volunteer at St. Lucy, St. Christopher, Sacred Heart, St. Mary, Presentation, and Bellarmine schools; Lisa Kalvelage, peace activist

and coordinator for the San Jose Peace Center; Barbara Sibley, long-time resident of Los Altos and community volunteer involved with the Auxiliary of Lucile Packard Children's Hospital; Dr. Jerome Tossy, orthopedic surgeon, and president of Mountain View Rotary, Los Altos Chamber of Commerce, Mountain View-Los Angeles Education Foundation, and recipient of the Los Altos-Los Altos Hills Community Service Award; and, Mary Louise Martinez, first-generation resident of Santa Clara County, and mother of Sylvia Alvarez, President, Evergreen School Board, and Sal Alvarez, Chaplain, La Raza Roundtable; and, authorized that letters of condolence be forwarded to the families.

Adjourned to a special closed session at a date and time to be determined, in the Tenth Floor Supervisors' Conference Room, County Government Center, 70 West Hedding Street, San Jose, California, for an open and public session for the purpose of identifying designated representatives to discuss salaries, or related to labor negotiations, or to discuss real property negotiations; and, subsequently adjourning into a closed session to discuss items properly noticed.

ATTEST:

MARIA MARINOS, Clerk
Board of Supervisors