

December 16, 2008



SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS
SANTA CLARA COUNTY

COUNTY GOVERNMENT CENTER
EAST WING
70 WEST HEDDING STREET
SAN JOSE, CALIFORNIA 95110
(408) 299-5001 FAX (408) 298-8460
TDD (408) 993-8272

<http://www.sccgov.org>

MEMBERS OF THE BOARD

Donald F. Gage District 1

Blanca Alvarado District 2

Ken Yeager District 4

Liz Kniss District 5

Gary Graves

Acting County Executive

Maria Marinos

Clerk of the Board

(408) 299-5001

Blanca Alvarado, Chair Pro Tem
Board of Supervisors

December 16, 2008

Convened as the Board of Supervisors of the County of Santa Clara and sitting as the Governing Board of all Special Districts, the Fire Districts, the Financing Authority, the In-Home Supportive Services Public Authority, Vector Control District, and Sanitation District Number 2-3.

Opening

- Roll Call - All members present and Supervisorial District 3 seat was vacant.
- Recited Pledge of Allegiance.
- Received invocation by Pastor Bill Buchholz of Family Community Church, South San Jose.
- Announced dedication of meeting and adjournment in honor and memory of Barbara McWood and Phyllis Seidman.

Public Issues

1. Received the following comments under Public Comment:

Received comments from Reverend Deacon Sal Alvarez, Diocese of San Jose, expressing appreciation to Chair Pro Tem Alvarado for numerous contributions to the community during her career as a public servant.

1A. Approved consent calendar and changes to the Board of Supervisors' Agenda.

* 2. Approved Summary of Proceedings of December 9, 2008, and minutes of October 14, 2008.

Social Services Agency

* 3. Approved delegation of authority to the Director, Social Services Agency, or designee, to negotiate, execute, amend, and terminate Medi-Cal Data Privacy and Security Agreement with the State relating to ensuring privacy and security of Medi-Cal Personally Identifiable Information for period December 16, 2008 through June 30, 2009, with option 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, 2011.

* 4. Approved delegation of authority to the Director, Social Services Agency, or designee, to negotiate, execute, amend, and terminate Grant Agreement with the Walter S. Johnson Foundation relating to providing supportive services for California Connected by 25 Initiative for period December 31, 2008 through April 30, 2009, with option for two additional one-year terms, in amounts not to exceed \$75,000 and \$50,000 respectively, unless additional revenue is available, 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 April 30, 2011.

* 5. Authorized extension of extra-help hours beyond the 1,040 limitation through Fiscal Year 2009 for one Office Specialist II position and four Office Specialist III positions

in the Department of Aging and Adult Services, and one Graduate Student Intern-Level IV position and one Account Clerk II position in the Social Services Agency, Department of Fiscal and Administrative Services.

- * 6. Approved delegation of authority to the Director, Social Services Agency, or designee, to negotiate, execute, amend, and terminate Memoranda of Understanding with InnVision and EHC LifeBuilders relating to providing services at One-Stop Homeless Prevention Centers for period December 16, 2008 through December 15, 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 15, 2009.

Santa Clara Valley Health and Hospital System

- * 7. Considered recommendations relating to mental health services for parolees, and took the following actions:
 - a. Accepted award from California Department of Corrections and Rehabilitation (CDCR) relating to providing mental health services for mentally ill parolees released from the State Prison System, in the amount of \$3,286,831 for period January 1, 2009 through June 30, 2011.
 - b. Approved delegation of authority to the Director, Mental Health Department, or designee, to negotiate, execute, and amend Agreement with CDCR in an amount not to exceed \$3,286,831 for period January 1, 2009 through June 30, 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 June 30, 2011.
 - c. Approved delegation of authority to the Director, Mental Health Department, or designee, to amend existing Mental Health Services Act Full Service Partnership Agreements with Catholic Charities of Santa Clara County, Community Solutions, and Gardner Family Care Center relating to providing mental health 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, 2011.

- * 8. Considered recommendations relating to Fiscal Year 2009 Agreements with psychiatrists providing services to mentally ill/substance-abusing clients referred by the Superior Court's Drug/Mental Health Court, and took the following actions:
- a. Approved delegation of authority to the Director, Department of Alcohol and Drug Services (DADS), or designee, to amend Agreement with Julius Fu, M.D., relating to providing psychiatric services, increasing maximum financial obligation by \$31,792 from \$100,000 to \$131,792, 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, 2009.
 - b. Approved delegation of authority to the Director, DADS, or designee, to amend Agreement with Andrew Klompus, M.D., relating to providing psychiatric services, increasing maximum financial obligation by \$31,792 from \$100,000 to \$131,792, 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, 2009.
 - c. Approved delegation of authority to the Director, DADS, or designee, to amend Agreements with Julius Fu, M.D., and Andrew Klompus, M.D., relating to providing psychiatric services to modify units or to increase the maximum financial obligation by an amount no greater than ten percent of the amended Service Agreement maximum, 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, 2009.
- * 9. Authorized submission of an update to the Mental Health Services Act Community Services and Supports Plan for Fiscal Year 2008-09 to the California Department of Mental Health, incorporating an additional \$4,623,175 in ongoing funds.
10. Considered recommendations relating to creation of an Independent Citizens' Oversight Committee for Hospital Seismic Safety and Medical Facilities (Measure A) General Obligation Bond, and took the following actions:
- a. Accepted report relating to creation of an Independent Citizen's Oversight Committee to review the expenditure of proceeds for the Measure A General Obligation Bond.

b. Waived reading and adopted Ordinance No. NS-300.797 (preliminary), as amended, adding Chapter XVI of Division A6 of Title A of the Santa Clara County Ordinance Code relating to the establishment of a Citizens' Oversight Committee for Measure A.

Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes

- * 11. Approved delegation of authority to the Chief Executive Officer, Santa Clara Valley Health and Hospital System, to make modifications to the Ability to Pay Determination Program, as necessary, to align the Program with Assembly Bill 774 requirements, and to make changes to the Valley Care Coverage Initiative benefit structure for period December 16, 2008 through December 15, 2009. Delegation of authority shall expire on December 15, 2009.

Employee Services Agency

- * 12. Waived reading and adopted Salary Ordinance No. NS-5.09.61 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees deleting one Administrative Services Manager I position and adding one Administrative Services Manager II or Administrative Services Manager I position in the Department of Agriculture and Environmental Management.

Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes

- * 13. Considered recommendations from the Employee Services Agency relating to the Facilities and Fleet Department (FAF), and took the following actions:

a. Abolished the classification of Production Controller.

b. Waived reading and adopted Salary Ordinance No. NS-5.09.54 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees deleting two Production Controller positions and three Office Specialist III positions and adding four Account Clerk II positions and one Administrative Assistant position in FAF, and deleting the Production Controller classification from the Salary Schedule.

Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes

- * 14. Adopted Resolution adopting Cafeteria Plan - Premium Reduction Option Plan Document, effective January 1, 2009.

- 15. Approved delegation of authority to the Deputy County Executive, Employee Services Agency, to execute Agreement with Santa Clara Valley Transportation Authority (VTA) relating to renewal of standard Eco Pass Program, in an amount not to exceed \$287,947.50 for period January 1, 2009 through December 31, 2009, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.

Referred to Administration for report on date uncertain: Review of County employees' utilization of Eco Pass Program and information regarding options for increasing number of employees riding on VTA.

Board of Supervisors

- * 16. There was no announcement of travel for members of the Board of Supervisors or other elected officials.

- * 17. Accepted reports from members of the Board of Supervisors relating to meetings attended through December 10, 2008.

- 18. Considered the following item of concern to refer to Administration for review and report:

Referred to Administration for report on date uncertain: Analysis of appropriate projects for County to request Federal funding from pending Federal economic stimulus packages and bailout funds.

- * 19. Approved 2009 Board of Supervisors' meeting dates.

- * 20. Approved revision to Rules of the Board, Section 33, relating to numeration of Section and Board Committee procedures.

- * 21. There was no report from Supervisor Gage, Chairperson, Housing, Land Use, Environment, and Transportation Committee.
- * 22. There was no report from Supervisor Alvarado, Chairperson, Public Safety and Justice Committee.
- * 23. There was no report from Supervisor Kniss, Chairperson, Health and Hospital Committee.
- * 24. There was no report from Supervisor Kniss, Vice Chairperson, Finance and Government Operations Committee.
- * 25. There was no report from Supervisor Kniss, Chairperson, Legislative Committee.
- * 26. There was no report from Supervisor Yeager, Chairperson, Children, Seniors and Families Committee.
- 27. Accepted report from Supervisor Kniss, Board Delegate to the Santa Clara Valley Transportation Authority (VTA), relating to meeting of November 6, 2008.
- * 28. There was no report from Supervisor Yeager, Board Delegate to the Metropolitan Transportation Commission.
- * 29. There was no report from Supervisors Alvarado or Gage, Board Delegates to the Local Agency Formation Commission (LAFCo).
- * 30. There was no report from Supervisors Kniss or Yeager, Board Delegates to the Bay Area Air Quality Management District.

County Executive

31. Accepted verbal report from County Executive relating to State Legislative Republicans' Budget Proposal.
- * 32. Considered recommendations relating to the Presidential General Election held on November 4, 2008, and took the following actions:
- a. Accepted the Registrar of Voters' Certificate of Election Results, Official Summary Results, and the Registrar of Voters' Website Official Final Results.
 - b. Declared Diane Ritchie to have been elected as Judge of Superior Court Office Number 8.
 - c. Declared the following unopposed candidates to have been elected to the designated offices:

<u>Candidate</u>	<u>Office</u>
Mary Arand	Judge of Superior Court Office No. 1
Kenneth Paul Barnum	Judge of Superior Court Office No. 2
Arthur Bocanegra	Judge of Superior Court Office No. 3
Gilbert T. Brown	Judge of Superior Court Office No. 4
Thomas William Cain	Judge of Superior Court Office No. 5
David A. Cena	Judge of Superior Court Office No. 6
Sharon A. Chatman	Judge of Superior Court Office No. 7
Alden E. Danner	Judge of Superior Court Office No. 9
Edward J. Davila	Judge of Superior Court Office No. 10
Raymond J. Davilla, Jr.	Judge of Superior Court Office No. 11
Ron M. Del Pozzo	Judge of Superior Court Office No. 12
My-Le Jacqueline Duong	Judge of Superior Court Office No. 13
Thomas C. Edwards	Judge of Superior Court Office No. 14
Catherine A. Gallagher	Judge of Superior Court Office No. 15
Mary Ann Grilli	Judge of Superior Court Office No. 16
John F. Herlihy	Judge of Superior Court Office No. 17

Joseph H. Huber	Judge of Superior Court Office No. 18
Eugene M. Hyman	Judge of Superior Court Office No. 19
Jamie Jacobs-May	Judge of Superior Court Office No. 20
Peter H. Kirwan	Judge of Superior Court Office No. 21
Kurt E. Kumli	Judge of Superior Court Office No. 22
Edward F. Lee	Judge of Superior Court Office No. 23
Richard J. Loftus, Jr.	Judge of Superior Court Office No. 24
Katherine Lucero	Judge of Superior Court Office No. 25
Stephen Manley	Judge of Superior Court Office No. 26
Kevin E. McKenney	Judge of Superior Court Office No. 27
Kevin J. Murphy	Judge of Superior Court Office No. 28
Diane Northway	Judge of Superior Court Office No. 29
Carol Overton	Judge of Superior Court Office No. 30
Hector E. Ramon	Judge of Superior Court Office No. 31
Shawna M. Schwarz	Judge of Superior Court Office No. 33
Kenneth L. Shapero	Judge of Superior Court Office No. 34
Brian C. Walsh	Judge of Superior Court Office No. 35
Erica Yew	Judge of Superior Court Office No. 36

- d. Declared the results of the election under its jurisdiction as to the following measures voted on at the election:
1. Santa Clara County Measure A (Seismic Safety): Passed with the number of votes needed.
 2. Santa Clara County Measure B (Santa Clara Valley Transportation Authority [VTA]): Passed with the number of votes needed.
 3. Santa Clara County Measure C (VTA): Passed with the number of votes needed.
 4. Santa Clara County Measure D (VTA): Passed with the number of votes needed.
 5. City of Gilroy Measure E: Passed with the number of votes needed.
 6. City of Gilroy Measure F: Passed with the number of votes needed.
 7. City of Morgan Hill Measure G: Failed to win with the number of votes needed to pass.
 8. City of Morgan Hill Measure H: Failed to win with the number of votes needed to pass.
 9. City of San Jose Measure J: Passed with the number of votes needed.

10. City of San Jose Measure K: Passed with the number of votes needed.
 11. City of San Jose Measure L: Passed with the number of votes needed.
 12. City of San Jose Measure M: Passed with the number of votes needed.
 13. City of Palo Alto Measure N: Passed with the number of votes needed.
 14. City of Campbell Measure O: Passed with the number of votes needed.
 15. Gilroy Unified School District Measure P: Passed with the number of votes needed.
 16. Campbell Union High School District Measure R: Passed with the number of votes needed.
 17. Oak Grove School District Measure S: Passed with the number of votes needed.
 18. Evergreen School District Measure T: Passed with the number of votes needed.
 19. Franklin-McKinley School District Measure U: Passed with the number of votes needed.
 20. Berryessa Union School District Measure W: Passed with the number of votes needed.
- * 33. Approved Seventh Amendment to Professional Services Agreement with MacKay & Soms relating to providing ongoing professional consultation services to the County in assessing conditions at the Fairgrounds in concert with determining the land and facilities required to accommodate continuing and future community uses at the Fairgrounds, and to support the land use analysis for possible Fairgrounds development, extending the time for completion of services from December 31, 2008 to December 31, 2010.
34. Approved Fourth Amendment to Management Agreement with Fairgrounds Management Corporation (FMC) relating to the continuance of basic event and property management oversight for the Fairgrounds by FMC through 2009, extending term of Agreement from December 31, 2008 to December 31, 2009.
35. Approved Exclusive Negotiating Rights Agreement with Catellus relating to negotiations for a Term Sheet to be subsequently approved by the Board of Supervisors for Fairgrounds Development.
- * 36. Approved the amended Conflict of Interest Code, Exhibit A forms for the following departments:

Department of Agriculture and Environmental Management
Office of the Assessor
Board of Supervisors
Clerk of the Board of Supervisors
Office of the County Counsel
Office of the County Executive
Department of Child Support Services
Department of Correction
Office of the District Attorney
Employee Services Agency
Facilities and Fleet Department
Finance Agency
Santa Clara Valley Health and Hospital System
Information Services Department
Parks and Recreation Department
Department of Planning and Development
Probation Department
Office of the Public Defender
Registrar of Voters
Roads and Airports Department
Office of the Sheriff
Social Services Agency

- * 37. Accepted semi-annual report of gifts under \$10,000 received by various departments for period May 1, 2008 through November 30, 2008.
- * 38. Considered recommendations relating to County Vehicle and Equipment Fuel Credit Cards, and took the following actions:
 - a. Approved delegation of authority to the Director, Procurement Department, or designee, to negotiate, amend, execute, administer, enforce, and terminate Agreement No. 5500000396 with Wright Express Financial Services relating to providing County Vehicle and Equipment Fuel Credit Cards, in an amount not

to exceed \$500,000 for a total amount not to exceed \$4,500,000 for period May 1, 2000 through June 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 June 30, 2009.

- b. Approved delegation of authority to the Director, Procurement Department, or designee, to issue a solicitation relating to providing County Vehicle and Equipment Fuel Credit Cards for a three-year period, with option for two additional one-year extensions. Delegation of authority shall expire on June 30, 2009.

* 39. Considered recommendations relating to Cisco products and related maintenance, and took the following actions:

- a. Approved delegation of authority to the Director, Procurement Department, or designee, to extend term of Agreement No. 5500000766 with AT&T Datacomm relating to providing Cisco products and related maintenance for period December 31, 2008 through February 28, 2009, and make administrative business process changes, 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 February 28, 2009.
- b. Approved extension of delegation of authority to the Director, Procurement Department, or designee, to issue a solicitation relating to providing Cisco products and related maintenance for a three-year period, with option for two additional one-year extensions from December 31, 2008 through February 28, 2009. Delegation of authority shall expire on February 28, 2009.

* 40. Approved delegation of authority to the Director, Procurement Department, or designee, to negotiate, amend, execute, administer, enforce, and terminate Agreement No. 5500000974 with Good Source relating to providing meat products, in an amount not to exceed \$500,000 for a total contract amount of \$3,000,000 for period January 15, 2004 through June 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 June 30, 2009.

- * 41. Considered recommendations relating to the rental of therapeutic surface products and beds and bariatric hospital equipment, and took the following actions:
- a. Approved delegation of authority to the Director, Procurement Department, or designee, to negotiate, execute, amend, administer, enforce, and terminate Amendments with Hill-Rom Company, Inc., relating to providing therapeutic surface products and beds and bariatric beds, extending contract term for one year, from December 31, 2008 to December 31, 2009, for a total contract amount of \$4,100,000 for period December 1, 2001 through December 31, 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, 2009.
 - b. Approved delegation of authority to the Director, Procurement Department, or designee, to issue a Request for Proposals relating to providing therapeutic surface products and beds and bariatric hospital equipment. Delegation of authority shall expire on December 31, 2009.
- * 42. Waived reading and adopted Salary Ordinance No. NS-5.09.60 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding one unclassified Associate Management Analyst B or unclassified Associate Management Analyst A position, one unclassified Senior IT Project Manager or unclassified IT Project Manager position, and one unclassified Senior Business IT Consultant or unclassified Business IT Consultant position in the Information Services Department. Positions shall expire on July 25, 2010 at 11:59 p.m.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
43. **Held to date uncertain:** Consideration of recommendations relating to County Charter review.

Possible action:

- a. Introduction and preliminary adoption of Ordinance No. NS-300.595 adding Chapter VIII of Division A6 of the Santa Clara County Ordinance Code relating to establishment of a Charter Review Committee. (Roll Call Vote to waive reading, Roll Call Vote to adopt)

OR

- b. Direct Administration and County Counsel to review ministerial matters only relating to the Charter and forward recommendations for potential amendments.

OR

- c. Defer discussion about Charter Review for six months.

- * 44. Considered recommendations relating to the transfer of responsibilities for trial court facilities pursuant to the Trial Court Facilities Act of 2002, from the County of Santa Clara (County) to the Judicial Council of California, Administrative Office of the Courts (AOC), and took the following actions:
 - a. Approved delegation of authority to the Acting County Executive, Office of the County Executive, or designee, to negotiate, amend, and execute any and all documents necessary to transfer to the Judicial Council of California, pursuant to the Trial Court Facilities Act of 2002, certain real properties used as Court Facilities including the Los Gatos Court, Assessor's Parcel Number (APN) 406-28-032, and Palo Alto Court, APNs 124-29-008 and 124-29-007, 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, 2008.
 - b. Adopted Resolution delegating authority to the Acting County Executive, Office of the County Executive, to take actions required to implement transfer of leased court facilities to the AOC, including negotiation, execution, and amendment of Agreements, following approval by County Counsel as to form and legality. Delegation of authority shall expire on June 1, 2010.
 - c. Approved delegation of authority to the Acting County Executive, Office of the County Executive, or designee, to grant consent or provide extensions of time periods in the Agreements, make any non-substantive changes, and execute other documents determined to be necessary to implement the intent 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 December 31, 2009.

- d. Approved delegation of authority to the Director, Facilities and Fleet Department, or designee, to transfer or assign utility accounts relating to certain court facilities to the AOC, 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.

- e. Approved delegation of authority to the Director, Procurement Department, or designee, to amend service contracts with Applied Power, Pacific Coast Trane Service, Reliant Water Management, San Jose Boiler Works, Sonitrol, and any other vendor relating to providing building equipment operations and maintenance services for the court facilities and deleting references to court facilities, 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.

County Counsel

- 45. Accepted verbal report from County Counsel regarding a verdict in favor of the County relating to a medical malpractice suit.

- * 46. Considered recommendations relating to conflict of interest codes for certain local agencies, and took the following actions:
 - a. Approved the amended Conflict of Interest Codes for each of the following local agencies:
 1. Central Fire Protection District (dba Santa Clara County Fire Department)
 2. County Sanitation District No. 2-3 of Santa Clara County
 3. Homeless Healthcare Advisory Board
 4. Rancho Rinconada Recreation and Park District
 5. Santa Clara County Health Authority (dba Santa Clara Family Health Plan)
 6. Santa Clara County Open Space Authority
 7. Santa Clara Valley Transportation Authority
 8. Santa Clara Valley Water District
 9. Silicon Valley Library System
 10. South County Regional Wastewater Authority
 11. Santa Clara County Office of Education
 12. Alum Rock Union Elementary School District

13. Berryessa Union School District
14. Cambrian School District
15. Cupertino Union School District
16. East Side Union High School District
17. Evergreen School District
18. Foothill-De Anza Community College District
19. Franklin-McKinley School District
20. Fremont Union High School District
21. Los Gatos Union School District
22. Mount Pleasant School District
23. Orchard School District
24. San Jose/Evergreen Community College District
25. Santa Clara Unified School District
26. Saratoga Union School District

- b. Approved the newly adopted Conflict of Interest Code for the Santa Clara County Library District Joint Powers Authority.

- * 47. Considered recommendations relating to staffing changes in the Office of the County Counsel, and took the following actions:

- a. Waived reading and adopted Salary Ordinance No. NS-5.09.58 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding one Attorney IV or Attorney III or Attorney II or Attorney I position in the Office of the County Counsel.

Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes

- b. Approved Request for Appropriation Modification No. 62 - \$119,622 increasing revenue and expenditures in the Office of the County Counsel budget.

Clerk of the Board

- * 48. Considered recommendations relating to adding one Board Clerk I position in the Office of the Clerk of the Board of Supervisors, and took the following actions:

- a. Waived reading and adopted Salary Ordinance No. NS-5.09.57 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the

compensation of employees adding one Board Clerk I position in the Office of the Clerk of the Board of Supervisors.

Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes

- b. Approved Request for Appropriation Modification No. 96 - \$92,890 increasing revenue and expenditures in the Office of the Clerk of the Board of Supervisors budget.

Boards & Commissions

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

Supervisor Gage (District 1):

Appointee Name

Darlene Reddaway

Board/Commission Name

County of Santa Clara/Moscow
Sister-County Commission

Supervisor Alvarado (District 2):

Appointee Name

Adel Olvera

William Anderson

Board/Commission Name

Human Relations Commission
Fairgrounds Management
Corporation

Supervisor Yeager (District 4):

Appointee Name

Maureen Lowell

Michael Smith

David Barry

Henderson Ford, III

Board/Commission Name

Domestic Violence Council
Historical Heritage Commission
Historical Heritage Commission
Santa Clara Valley Water
District West Valley Flood
Control and Watershed
Advisory Committee

- * 50. 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>
Steve Schilling	Gage	Lion's Gate Community Services District
Verna Ann Hayden	Alvarado	Housing Authority of the County of Santa Clara
Elizabeth Shivell	Yeager	Child Abuse Council

- * 51. Approved the following recommendations relating to resignations from Boards and Commissions:
- a. Accepted resignation of Bonnie Greiner from the Province of Florence, Italy, Sister-County Commission for a three-year term expiring June 30, 2010. Appointee shall have previously demonstrated an interest or participation in matters pertaining to the relationship between Italy and the United States. Position is allocated to District 3.
 - b. Accepted resignation of Nancy Orr from the Animal Advisory Commission for a three-year term expiring June 30, 2009. Appointee shall represent the public at large and demonstrate an interest in animal welfare. Position is allocated to District 2.

Law & Justice

- * 52. Adopted Resolution authorizing increase in certain recording fees to fund investigation of real estate fraud crimes, pursuant to Government Code Section 27388.
53. Considered recommendations relating to the State 2007 Local Youthful Offender Rehabilitative Facility Construction Funding Program, as authorized by certain provisions in Senate Bill (SB) 81, and took the following actions:
- a. Adopted Resolution delegating authority to the Chief Probation Officer, Probation Department, or designee, to submit and/or sign a Youthful Offender Rehabilitative Facility Construction Grant Application on or before January 6,

2009, and negotiate, amend, and terminate any necessary Agreements, annual renewals, or extensions relating to the Grant, for period ending June 30, 2012, 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. (Supervisor Alvarado abstained.)

AND

- b. Approved Option 1 to apply for SB 81 grant monies to renovate the William F. James Ranch in Morgan Hill, an 84-bed facility. (Supervisor Alvarado abstained.)
- c. Considered Option 2 for the Youthful Offender Rehabilitative Facility Construction Funding Program to renovate and expand the William F. James Ranch in Morgan Hill, from an 84-bed facility to a 108-bed facility.

54. **Referred to Administration for further discussion and analysis at PSJC in January or February 2009:** Consideration of recommendations relating to video surveillance system in the Main Jail North basement.

Possible action:

- a. Adopt Resolution delegating authority to the Chief of Correction, Department of Correction, to negotiate, execute, amend, and terminate Agreements relating to video and audio surveillance and recording in the Main Jail North basement, in an amount not to exceed \$17,000,000 for period December 16, 2008 through December 31, 2013, 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, 2013.
- b. Approve Request for Appropriation Modification No. 97 - \$5,650,000 transferring funds from the General Fund Contingency Reserve to the Department of Correction budget relating to video and audio surveillance and recording in the Main Jail North basement.

Referred to County Counsel for off-agenda report to PSJC: Preparation of information relating to legal cases resulting from an insufficient video surveillance system in the Main Jail North basement.

Finance Agency

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

Adopted Resolution authorizing the issuance and sale of Evergreen Elementary School District Election of 2006 General Obligation Bonds, Series B, in a principal amount not to exceed \$30,000,000 relating to financing the acquisition or improvement of property in the District.

* 56. Renewed annual delegation of authority established under Government Code Section 27000.1, authorizing the Director, Finance Agency (Treasurer), to invest or reinvest funds of the County Treasury.

1:30 p.m. Time Certain

57. Presented gifts to outgoing Supervisor Blanca Alvarado, District 2, and outgoing Supervisor Pete McHugh, District 3, by Board members.

58. Resolutions, Commendations, and Memorials:

- a. Adopted Resolution commending Victor Salazar as he retires after 34 years of service to the County of Santa Clara. (Department of Correction)
- b. Adopted Resolution commending Mary L. Heaney as she retires after 34 years of service to the County of Santa Clara. (Employee Services Agency)
- c. Adopted Resolution commending Jerry R. Klein, M.D., as he retires after 26 years of service to the County of Santa Clara. (Santa Clara Valley Health and Hospital System)
- d. Adopted and presented Resolutions commending Karl Vidt and Jude Silva-Barrios as recipients of the 2008 Leslie David Burgess Lifetime Achievement Award for dedication, commitment, and advocacy on behalf of people who are living with or who are vulnerable to HIV and AIDS. (Public Health Department)

- e. Adopted Resolution commending Orlando Guiang as he retires after more than 26 years of public service to the County of Santa Clara. (Department of Correction)
- f. Adopted and presented Resolution commending the Santa Clara County Youth Task Force as it celebrates ten years of youth leadership and development in Santa Clara County. (Alvarado)
- g. Adopted Resolution commending Tom Starkey for dedication and professionalism in representing the members of Operating Engineers' Local 3 and advancing the level of organizational power of County Employees' Management Association. (Yeager)
- h. Presented Resolution, adopted December 9, 2008, commending Rachel Subega as she retires after 30 years of service to the County of Santa Clara. (Department of Child Support Services)
- i. Presented Resolution, adopted December 9, 2008, commending Toni Inda as she retires after 30 years of service to the County of Santa Clara. (Department of Child Support Services)
- j. Adopted Resolution commending Robert McKibbin as he retires after more than 22 years of dedicated service to the County of Santa Clara. (Office of the Assessor)
- k. Adopted Resolution commending William McWood as he retires after 32 years of service to the County of Santa Clara. (Office of the County Executive)
- l. Adopted and presented Resolution commending Patrick Love, Director, County Asset and Economic Development, as he retires after 35 years of service to the County of Santa Clara. (Office of the County Executive)
- m. Adopted Resolution commending Lynne Johnson for her dedication and service to the residents of Palo Alto and her steadfast leadership in the Palo Alto Police Department. (Kniss)

2:00 p.m. Hearing - South Santa Clara County Fire District

59. Convened hearing to consider final adoption of Ordinance No. NS-08.1 repealing the existing District Fire Code, re-enacting a new District Fire Code, and adopting the County of Santa Clara Fire Code (Division B7 of the Santa Clara County Ordinance Code) by reference, as the South Santa Clara District Fire Code.
- a. Opened public hearing and received no testimony.
 - b. Closed public hearing.
 - c. Adopted Ordinance No. NS-08.01 (final), repealing the existing District Fire Code, re-enacting a new District Fire Code, and adopting by reference the Santa Clara County Fire Code with Amendments.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes

2:00 p.m. Time Certain

60. Considered recommendations relating to the South Santa Clara County Fire District, and took the following actions:
- a. Ratified Ordinance No. NS-08.1 of the Board of Directors for the South Santa Clara County Fire District, adopting by reference, the Fire Code of the County of Santa Clara.
 - b. Delegated enforcement of the new Ordinance to the Chief of the Fire District.

2:00 p.m. Hearing

61. **Continued to date uncertain:** Hearing to consider Resolution approving proposed issuance of bonds by the Association of Bay Area Governments (ABAG) Finance Authority relating to financing for the costs of refinancing and financing schools owned by Valley Christian Schools.

Possible actions:

- a. Open public hearing and receive testimony.
 - b. Close public hearing.
 - c. Adopt Resolution authorizing issuance and sale of bonds by the ABAG Finance Authority, in an aggregate principal amount not to exceed \$23,000,000, for the costs of refinancing and financing schools owned by Valley Christian Schools. (Roll Call Vote)
62. Convened hearing to consider application for vacation of a 1,324 square foot portion of Lawrence Expressway right-of-way, Santa Clara, for a proposed residential housing development.
- a. Opened public hearing and received no testimony.
 - b. Closed public hearing.
 - c. Adopted Resolution vacating a portion of Lawrence Expressway right-of-way, Santa Clara.

Department of Planning and Development Services

63. Considered recommendations relating to application to delete from the Heritage Resource Inventory the Hirasaki-Sakai Ranch, Parcel 2 of Parcel Map (PM) 607-48, Assessor's Parcel Numbers (APN) 841-17-086 and 841-17-087, located at 700 Holloway Road, Gilroy, property of Hisashi Hirasaki, Jean Hirasaki, and Joanne Hirasaki, and took the following actions:
- a. Adopted Resolution deleting from the Heritage Resource Inventory, pursuant to the provisions of Division C17 of the County of Santa Clara Ordinance Code, the Hirasaki-Sakai Ranch, located at 700 Holloway Road, Gilroy.
 - b. Directed staff to initiate the related amendments to delete the site-specific amendment R-LU-A: 8 from the General Plan and to delete the -h3 Historic Preservation Combining Zoning District from the Zoning Ordinance.

- * 64. Considered recommendations relating to the non-renewal of Williamson Act-contracted parcels, and took the following actions:
 - a. Adopted Resolution establishing and updating fees for services relating to Williamson Act contracts.
 - b. Approved delegation of authority to the Director, Department of Planning and Development, to initiate the non-renewal of Williamson Act contracts for parcels determined by the Division of Agriculture not to be in commercial agricultural production.
 - c. Accepted as information only, list of property owner-initiated non-renewal of Williamson Act-contracted parcels filed between October 2, 2007 and October 1, 2008.

Parks and Recreation Department

- * 65. Accepted donation of \$20,000 from the Robert N. and Florence Slinger Foundation on behalf of the Parks and Recreation Department.
- * 66. Considered recommendations relating to Agreement for potable water service and for license to implement, and took the following actions:
 - a. Approved Agreement with Milpitas Unified School District and City of Milpitas relating to providing potable water service to Air Point School, effective December 16, 2008 and continuing as long as the District utilizes the property as specified in the Agreement.
 - b. Approved License Agreement with Milpitas Unified School District for the purpose of implementing the Agreement, effective December 16, 2008 for an initial 30-year term, and automatically renewing for two successive 30-year terms, expiring on December 16, 2098.
 - c. Approved delegation of authority to the Director, Parks and Recreation Department, or designee, to execute any documents to carry out the purposes of the License, including but not limited to Amendments to the License, 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 16, 2098.

- * 67. Considered recommendations relating to continuation of a Vessel Inspection Program in Fiscal Year 2009 to prevent the spread of invasive quagga and zebra mussels into Santa Clara County waterways, and took the following actions:
- a. Approved continuation of a mandatory Vessel Inspection and Quarantine Program at four boating reservoirs in County Parks, including Coyote, Anderson, Calero, and Stevens Creek until June 30, 2009, and the commencement of an off-season component to the Vessel Inspection Program for period January 1, 2009 through April 14, 2009, which would continue launches at Calero and Anderson reservoirs and prohibit launches at Coyote and Stevens Creek reservoirs during the boating off-season.
 - b. Approved delegation of authority to the Director, Parks and Recreation Department, or designee, to negotiate, execute, amend, and terminate Agreements for vessel inspection services, in an amount not to exceed total expenditures of \$400,000 for period January 1, 2009 through June 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 June 30, 2009.
 - c. Approved delegation of authority to the Director, Parks and Recreation Department, or designee, to negotiate, execute, amend, and terminate Funding Agreements with the Santa Clara Valley Water District for 50/50 cost sharing of the total Vessel Inspection Program costs for period January 1, 2009 through June 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 June 30, 2009.
 - d. Approved Request for Appropriation Modification No. 98 - \$160,000 increasing revenue and expenditures in the Parks and Recreation Department for FY 2009.

Department of Agriculture and Environmental Management

- * 68. Adopted Resolution declaring weeds or brush growing and/or rubbish on certain described properties to be a public nuisance, and authorized the Clerk of the Board of

Supervisors to schedule a public hearing on January 13, 2009, at 2:00 p.m., to consider objections to proposed destruction or removal of weeds, brush, and/or rubbish.

Roads & Airports

- * 69. Adopted Resolution delegating authority to the Director, Roads and Airports Department, or designee, to apply for, execute, and administer Rubberized Asphalt Concrete Use Grants from the California Integrated Waste Management Board for period Fiscal Year (FY) 2009 through FY 2014, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire when grant funds have been expended.
- 70. **Held to date uncertain:** Consideration of recommendations relating to renaming Capitol Expressway in honor of Cesar E. Chavez.

Possible action:

- a. Accept report relating to process, impact, and feasibility of renaming a portion of Capitol Expressway in honor of Cesar E. Chavez.
- b. Set a date and time for public hearing to consider renaming a portion of Capitol Expressway in honor of Cesar E. Chavez.

Facilities and Fleet

- * 71. Accepted Project as complete and authorized the Clerk of the Board to execute Notice of Completion of Contract and Acceptance of Work on Contract No. 07-09, Timpany Center of Santa Clara County Structural Renovations. Contractor - CRW Industries, Inc.
- * 72. Approved Request for Appropriation Modification No. 84 - \$50,000 transferring funds within the Facilities and Fleet Department, Capital Programs Division budget for Remodel North County District Attorney's Office Project.

- * 77. Adopted Salary Ordinance No. NS-5.09.53 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees revising Footnote No. 568 to extend deletion date for one classified limited-term Staff Developer position from February 28, 2009 to December 27, 2009, and revising Footnote No. 569 to extend deletion date for one classified limited-term Information Systems Manager I position, one classified limited-term Information Systems Analyst I position, and one classified limited-term Information Systems Analyst II position from December 28, 2008 to December 27, 2009, in Santa Clara Valley Medical Center.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 78. Adopted Salary Ordinance No. NS-5.09.52 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding 11 Medical Assistant positions, three Health Services Representative positions, and nine Licensed Vocational Nurse or Medical Assistant positions in Santa Clara Valley Medical Center.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 79. Adopted Ordinance NS-1100.105 (final) amending Division C3 of the Santa Clara County Ordinance Code adding Chapter III regarding Green Building Regulations.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 80. Adopted Salary Ordinance No. NS-5.09.45 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding two Sheriff Correctional Officer positions in the Sheriff - DOC Contract.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 81. Adopted Salary Ordinance No. NS-5.09.44 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding one Senior Paralegal or Paralegal position and one Criminalist III or Criminalist II or Criminalist I position in the Office of the District Attorney.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 82. Adopted Salary Ordinance No. NS-5.09.37 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding one Deputy Sheriff position in the Office of the Sheriff.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes

- * 83. Adopted Salary Ordinance NS-5.09.49 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding and deleting various positions in the Probation Department, Social Services Agency, and SCVHHS, and amending Footnote Nos. 572 and 573 extending the date for deletion of various positions from December 28, 2008 to January 11, 2009.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 84. Adopted Salary Ordinance No. NS-5.09.55 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding two unclassified Senior Appraiser positions in the Office of the Assessor. Positions shall expire on June 30, 2010.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 85. Adopted Salary Ordinance No. NS-5.09.51 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees deleting one Accountant Assistant or Account Clerk II position and adding one Accountant III or Accountant II or Accountant Auditor Appraiser position in the Information Services Department.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 86. Adopted Salary Ordinance No. NS-5.09.50 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding one half-time Librarian II or Librarian I position in the County Library.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 87. Adopted Salary Ordinance No. NS-20.09.01 (final) amending Executive Management Salary Ordinance No. NS-20.09 relating to the compensation of employees adding one Captain position in the Office of the Sheriff.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- Adopted Salary Ordinance No. NS-5.09.46 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees deleting one Sheriff's Lieutenant position in the Office of the Sheriff.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes

- * 88. Adopted Ordinance No. NS-300.796 (final) adding Chapter XI, commencing with Section A6-140 of Division A6 of Title A of the Santa Clara County Ordinance Code relating to the establishment of a Citizens' Advisory Commission on Elections.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 89. Adopted Salary Ordinance No. NS-5.09.47 (final) amending Santa Clara County Ordinance No. NS-5.09 relating to the compensation of employees deleting one Human Resources Analyst or Management Analyst or Associate Management Analyst B or Associate Management Analyst A position and one Senior Hospital Clinical Psychologist or Hospital Clinical Psychologist or Senior Hospital Psychological Assistant or Hospital Psychological Assistant position and adding one Senior Human Resources Analyst or Human Resources Analyst or Management Analyst position, one Senior Hospital Clinical Psychologist or Hospital Clinical Psychologist or Senior Hospital Psychological Assistant or Hospital Psychological Assistant position and correcting the salaries for the Occupational Therapist III and Physical Therapist III classifications in SCVHHS.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 90. Adopted Salary Ordinance No. NS-5.09.48 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees deleting four Emergency Medical Services Coordinator positions and adding one Senior Emergency Medical Services Specialist position and three Emergency Medical Services Specialist positions in Santa Clara Valley Health and Hospital System, Public Health Department.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes
- * 91. Adopted Salary Ordinance No. NS-5.09.56 (final) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees deleting 35 Employment Counselor positions, 10 Employment Counselor or Employment Technician II or Employment Technician I positions, two Employment Technician II positions, and 105 Employment Technician II or Employment Technician I positions and adding 35 Employment Counselor III positions, 10 Employment Counselor III or Employment Counselor II or Employment Counselor I positions, and 107 Employment Counselor II positions or Employment Counselor I positions in the Social Services Agency.
Vote: Gage: Yes Alvarado: Yes District 3: Vacant Yeager: Yes Kniss: Yes

Closing

92. Announced Monday, January 12, 2009, at 2:00 p.m., as date and time for closed session to discuss items noticed pursuant to the Brown Act.

Adjourned in honor and memory of Barbara McWood, President, B3 Promotional Products, member of the Campbell Chamber of Commerce, and wife of William McWood, Senior Management Analyst, Office of Affordable Housing, and Phyllis Seidman, Instructor, Palo Alto Medical Center Multiple Sclerosis Support Group, and recipient of the Human Relations Award of Special Merit by the Friends of Human Relations Commission of Santa Clara County for outstanding service in the community; and, authorized that letters of condolence be forwarded to the families.

Adjourned to an open and public session on Monday, January 12, 2009 at 2:00 p.m., in the Tenth Floor Supervisors' Conference Room, County Government Center, 70 West Hedding Street, San Jose, for the purpose of identifying designated representatives to discuss salaries, salary schedules, or fringe benefits of represented and unrepresented employees, or related to labor negotiations, or to disclose real property negotiations if discussion will take place to purchase, sell, exchange or lease real property; subsequently, adjourning into a closed session to discuss items noticed by the County Counsel and Clerk of the Board of Supervisors.

ATTEST: MARIA MARINOS
Clerk of the Board of Supervisors