

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 MAY 19, 2009

BOARD OF SUPERVISORS' CHAMBERS
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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 Reverend Evelyn Vigil, Facility Chaplain, Main Jail.
- . Announced dedication of meeting and adjournment in honor and memory of Joan Doss.

Public Issues

1. There were no comments under Public Comment.
2. Approved consent calendar and changes to the Board of Supervisors' Agenda.
3. Approved Summary of Proceedings of May 5, 2009.

Deleted from Agenda: Approval of minutes of April 7, 2009.

Social Services Agency

- * 4. Approved delegation of authority to the Director, Social Services Agency, or designee, to enter into a Memorandum of Understanding with Catholic Charities relating to providing supervised intensive intervention visitation services by the Kindred Souls Intensive Intervention Visitation Program for period July 1, 2009 through June 30, 2010, with the 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.
- * 5. Approved Request for Appropriation Modification No. 185 - \$398,661 increasing revenue and expenditures in the Social Services Agency Budget, within the California Work Opportunity and Responsibility to Kids (CalWORKs) Mental Health and Substance Abuse Program, and increasing reimbursement and expenditures in the Department of Drug and Alcohol Services budget in the amount of \$384,452, and in the Mental Health Department budget, in the amount of \$14,209.

Santa Clara Valley Health and Hospital System

- * 6. Approved Request for Appropriation Modification No. 184 - \$80,000 increasing reimbursement and expenditures for the Adolescent Family Life Program and Cal-Learn Services in the Public Health Department budget.

- * 7. Considered recommendations relating to contracting with outside entities for providing Santa Clara Valley Medical Center (SCVMC) laboratory services, and took the following actions:
- a. Approved recommendation that formal Agreements be implemented with outside entities relating to providing laboratory services in excess of \$10,000 annually, and that outside entities with less than \$10,000 in annual volume be billed by invoice at list prices.
 - b. Approved recommendation to allow SCVMC to offer adjusted pricing for laboratory services to outside entities under contract, when appropriate, in order to remain competitive in the community with adjusted pricing criteria and rates being reviewed annually.
 - c. Approved delegation of authority to the Chief Executive Officer, Santa Clara Valley Health and Hospital System, or designee, to negotiate and execute Agreements and subsequent Amendments with outside entities relating to providing laboratory 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 May 18, 2014.
8. **Held to June 9, 2009:** Adoption of Resolution delegating authority to the Santa Clara Valley Health and Hospital System-Chief Executive Officer, or designee, to execute Agreements and subsequent Amendments with Advanced Clinical Employment Staffing, LLC; Cross Country TravCorps, Inc., dba Cross Country Staffing; HealthSource Global Staffing, Inc.; HRN Services, Inc.; Maxim Healthcare Services, Inc., dba TravelMax; and, Medical Staffing Network, Inc., dba InteliStaf Travel relating to providing travel nurse staffing at Santa Clara Valley Medical Center and Children's Shelter and Custody Health Services, in an amount not to exceed \$2,500,000 per Fiscal Year for period July 1, 2009 through June 30, 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 on June 30, 2014.

Employee Services Agency

- * 9. Ratified tentative Extension Agreement with Service Employees' International Union (SEIU) Legacy Local 535 Supervisory Chapter, now Local 521, extending the current

labor contract from October 5, 2009 through October 2, 2011, with no wage adjustment for the duration of the Agreement.

- * 10. Ratified tentative Extension Agreement with Engineers and Scientists of California, International Federation of Professional and Technical Engineers (IFPTE) Local 20, extending the current labor contract from October 3, 2011 through September 29, 2013.
- * 11. Ratified tentative Extension Agreement with Service Employees' International Union (SEIU) legacy Local 535 Worker Chapter, now Local 521, extending the current labor contract from June 15, 2009 through June 12, 2011, with no wage adjustment for the duration of the Agreement.
- * 12. Ratified tentative Extension Agreement with Service Employees' International Union (SEIU) Legacy Local 715, now Local 521, extending the current labor contract from June 15, 2009 through June 12, 2011, with no wage adjustment for the duration of the Agreement.
- * 13. Ratified tentative Extension Agreement with County Employees Management Association (CEMA) extending the current labor contract from August 10, 2009 through August 7, 2011.
- * 14. Ratified tentative Extension Agreement with Engineers and Architects Association, International Federation of Professional and Technical Engineers (IFPTE) Local 21, extending the current labor contract from September 20, 2010 through September 16, 2012.
- * 15. Ratified tentative Extension Agreement with the Union of American Physicians and Dentists, American Federation of State, County, and Municipal Employees (AFSCME) Local 206, extending the current labor contract from August 24, 2009 through August 21, 2011, with no wage adjustment for the duration of the Agreement.
- * 16. Ratified tentative Extension Agreement with the Building and Construction Trades Council of Santa Clara and San Benito Counties, extending the current labor contract

from November 16, 2009 to November 13, 2011, with no wage adjustment for the duration of the Agreement.

- * 17. Considered recommendations relating to the County Library, and took the following actions:
 - a. Approved new job specification for the classification of Circulation Systems Supervisor.
 - b. Waived reading and adopted Salary Ordinance No. NS-5.09.87 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees deleting one Library Circulation Supervisor position, adding one Circulation Systems Supervisor position, adding Footnote 187, which authorizes payment of a lead differential to one Librarian II position, and amending the salary schedule to add the Circulation Systems Supervisor classification.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes
- 18. Approved the 2010 plan year premium rates for various County employee/retiree health and benefit plans. (Supervisor Cortese abstained)

Board of Supervisors

- * 19. Announced travel for members of the Board of Supervisors and other elected officials as follows:
 - a. Supervisor Yeager will travel to Los Angeles, California, to attend the Fifth Biennial Childhood Obesity Conference on June 9-11, 2009.
 - b. President Kniss will travel to Sacramento County, California, to attend the 2009 California State Association of Counties (CSAC) Legislative Conference on May 27-28, 2009.
- * 20. Accepted reports from members of the Board of Supervisors relating to meetings attended through May 13, 2009.

21. There were no items of concern to refer to the Administration for review and report.
- * 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 May 7, 2009, and approved the FGOC recommendations relating to the Management Audit of the Social Services Agency, Department of Employment and Benefit Services, as indicated in the audit matrix.
- * 26. Accepted report from Supervisor Yeager, Chairperson, Finance and Government Operations Committee relating to meeting of May 14, 2009, and took the following action:

Adopted Resolution delegating authority to Agency/Department Heads to implement the Master Contract List for Fiscal Year 2010, as recommended by the Finance and Government Operations Committee, for period July 1, 2009 through June 30, 2010 for contracts, and for period July 1, 2009 through June 30, 2014 for grant or revenue Agreements, 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, 2014.
- * 27. There was no report from President Kniss, Chairperson, Legislative Committee.
28. Accepted report from Supervisor Cortese, Chairperson, Children, Seniors and Families Committee (CSFC) relating to the meeting of April 30, 2009, and took the following actions:

- a. Adopted Resolution amending General Assistance Policies 141: Residence of an Alien.
- b. Adopted Resolution recognizing the Child Welfare Court population as a priority population of the County of Santa Clara and directing each County agency to coordinate its services to meet the needs of this population in a collaborative justice model. (President Kniss voted no.)

Directed staff to prepare an inventory of County agencies serving the Child Welfare System population and other data points as outlined in the April 30, 2009 transmittal from Supervisor Cortese to the CSFC, for report to the CSFC on June 25, 2009.

- c. Directed staff to prepare an update on the detention of minors at juvenile hall, including alternative placement options and other data points as discussed at the April 30, 2009 CSFC meeting, for report to the CSFC on June 25, 2009.
- d. Accepted items 7-11 and 13-15 as information only.

29. Accepted report from President Kniss, Board Delegate to the Santa Clara Valley Transportation Authority (VTA), relating to meeting of May 7, 2009.
- * 30. There was no report from Supervisor Yeager, Chairperson, Board Delegate to the Metropolitan Transportation Commission.
- * 31. There was no report from President Kniss or Supervisor Gage, Board Delegates to Local Agency Formation Commission (LAFCo).
- * 32. There was no report from President Kniss or Supervisor Yeager, Board Delegates to the Bay Area Air Quality Management District.

County Executive

33. Accepted report from Acting County Executive on update of the May 19, 2009 Special Election and local budget impacts relating to Governor Arnold Schwarzenegger's Fiscal Year 2010 May Revise.

- * 34. Considered recommendations relating to Agreement for drug eluting stents, and took the following actions:
- a. Approved delegation of authority to the Director, Procurement Department, or designee, to amend Agreement No. 5500001491 with Johnson & Johnson Health Care Systems, Inc., relating to providing drug eluting stents, extending the term of the Agreement from May 31, 2009 to May 31, 2011, and reducing compensation by \$590,550 for a total contract amount not to exceed \$3,000,000, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.
 - b. Approved delegation of authority to the Director, Procurement Department, or designee, to administer, enforce, modify, and terminate amended Agreement No. 5500001491. Delegation of authority shall expire on May 31, 2011.
- * 35. Considered recommendations relating to a Human Remains Removal Services Agreement, and took the following actions:
- a. Approved Agreement with Alacritas, Inc. (Alacritas), relating to providing human remains removal services, in an amount not to exceed \$481,260, for period May 19, 2009 through May 18, 2012, with option to renew for two additional one-year periods.
 - b. Approved delegation of authority to the Director, Procurement Department, or designee, to negotiate, amend, execute, administer, enforce, and terminate Agreement with Alacritas, 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 May 18, 2012.
- * 36. Considered recommendations relating to asphalt and related products, and took the following actions:
- a. Approved delegation of authority to the Director, Procurement Department, or designee, to amend Agreement No. 5500001394 with Reed and Graham, Inc., relating to providing hot asphalt, quarry materials, emulsions, and related products and services, increasing compensation by \$1,500,000 for a total contract amount not to exceed \$3,500,000 and extending the term of the

Agreement from September 17, 2009 to September 17, 2010, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.

- b. Approved delegation of authority to the Director, Procurement Department, or designee, to administer, enforce, modify, and terminate amended Agreement No. 5500001394. Delegation of authority shall expire on September 17, 2010.

* 37. Considered recommendations relating to asphalt and related products, and took the following actions:

- a. Approved delegation of authority to the Director, Procurement Department, or designee, to amend Agreement No 5500001393 with Graniterock Company relating to providing hot asphalt, quarry materials, emulsions, and related products and services, increasing compensation by \$1,500,000 for a total contract amount not to exceed \$3,500,000 and extending the term of the Agreement from September 17, 2009 to September 17, 2010, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.
- b. Approved delegation of authority to the Director, Procurement Department, or designee, to administer, enforce, modify, and terminate amended Agreement No. 5500001393. Delegation of authority shall expire on September 17, 2010.

* 38. Considered recommendations relating to Siemens Q340 bDNA Analyzer test kits and related Services Agreement, and took the following actions:

- a. Approved delegation of authority to the Director, Procurement Department, or designee, to amend Agreement No. 5500001621 with Siemens Healthcare Diagnostics, Inc., relating to providing test kits and related services for Q340 bDNA Analyzer, increasing compensation by \$335,238.60 for a total contract amount not to exceed \$2,300,000 and extending the term of the Agreement from June 15, 2009 to June 15, 2010, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.
- b. Approved delegation of authority to the Director, Procurement Department, or designee, to administer, enforce, modify, and terminate amended Agreement No. 5500001621. Delegation of authority shall expire on June 15, 2010.

- * 39. Considered recommendations relating to International Business Machines (IBM) Computer Software License Rental Program, and took the following actions:
- a. Approved delegation of authority to the Director, Procurement Department, or designee, to amend Agreement No. 5500001212 with IBM relating to providing IBM Computer Software License Rental Program increasing compensation by \$1,000,000 for a total contract amount not to exceed \$3,000,000 and extending the term of the Agreement from December 31, 2009 to June 30, 2011, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.
 - b. Approved delegation of authority to the Director, Procurement Department, or designee, to administer, enforce, modify, and terminate amended Agreement No. 5500001212. Delegation of authority shall expire on June 30, 2011.
- * 40. Considered recommendations relating to Sun Microsystems hardware, software, and related maintenance, and took the following actions:
- a. Approved delegation of authority to the Director, Procurement Department, or designee, to amend Agreement No. 5500001064 with Dynamic Systems, Inc., relating to providing Sun Microsystems hardware, software, and related maintenance increasing compensation by \$2,000,000 for a total contract amount not to exceed \$6,500,000 and extending the term of the Agreement from June 30, 2009 to June 30, 2012, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.
 - b. Approved delegation of authority to the Director, Procurement Department, or designee, to administer, enforce, modify, and terminate amended Agreement No. 5500001064. Delegation of authority shall expire on June 30, 2012.
- * 41. Considered recommendations relating to Oracle software licenses and related maintenance, and took the following actions:
- a. Approved delegation of authority to the Director, Procurement Department, or designee, to amend Agreement No. 5500001192 with Oracle USA, Incorporated, relating to providing Oracle software licenses and related maintenance, increasing compensation by \$4,500,000 for a total contract amount not to exceed

\$7,100,000 and extending the term of the Agreement from June 30, 2009 to June 30, 2012, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.

- b. Approved delegation of authority to the Director, Procurement Department, or designee, to administer, enforce, modify, and terminate amended Agreement No. 5500001192. Delegation of authority shall expire on June 30, 2012.

* 42. Considered recommendations relating to the purchase of fuel, and took the following actions:

- a. Approved delegation of authority to the Director, Procurement Department, or designee, to negotiate, execute, administer, modify, and terminate Agreement or Memorandum of Understanding (MOU) with other interested Bay Area jurisdictions to cooperatively conduct a reverse auction for fuel for the various jurisdictions' needs.
- b. Approved delegation of authority to the Director, Procurement Department, or designee, to conduct a reverse auction for supply of fuel for five years, in cooperation with other Bay Area jurisdictions.
- c. Approved delegation of authority to the Director, Procurement Department, or designee, to negotiate, amend, execute, administer, enforce, and terminate Agreement No. 5500001001 with Petro-Diamond, Inc., relating to providing vehicle fuel, extending the term from June 30, 2009 to January 31, 2010, and increasing the compensation by \$2,500,000 for a total contract amount not to exceed \$16,500,000, 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 January 31, 2010.
- d. Approved delegation of authority to the Director, Procurement Department, or designee, to negotiate, amend, execute, administer, enforce, and terminate Agreement No. 5500001000 with Valley Oil Company relating to providing vehicle fuel, extending the term from June 30, 2009 to January 31, 2010, and increasing the compensation by \$600,000 for a total contract amount not to exceed \$3,600,000, 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 January 31, 2010.

- * 43. Approved delegation of authority to the Director, Procurement Department, or designee, to negotiate and execute Amendments with MSWS Enterprises relating to providing consulting and training services, in an amount not to exceed \$203,425.16 for period July 1, 2007 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.

- * 44. Considered recommendations relating to computer peripherals and related maintenance, and took the following actions:
 - a. Approved delegation of authority to the Director, Procurement Department, or designee, to amend Agreement No. 5500001093 with SHI International Corp., (formerly Software House International) relating to providing computer peripherals and related maintenance increasing compensation by \$1,500,000 for a total contract amount not to exceed \$18,000,000 and extending the term of the Agreement from June 30, 2009 to June 30, 2012, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.

 - b. Approved delegation of authority to the Director, Procurement Department, or designee, to administer, enforce, modify, and terminate amended Agreement No. 5500001093. Delegation of authority shall expire on June 30, 2012.

- * 45. Approved delegation of authority to the County Executive, Office of the County Executive, to transfer funds between the Santa Clara Valley Medical Center (SCVMC) and Special Programs and Reserves budgets, as necessary, relating to the Board approved use and annual Fiscal Year-End technical adjustments of SCVMC budget reserves, in accordance with Board policy, for period May 19, 2009 through May 19, 2014. Delegation of authority shall expire on May 19, 2014.

- 46. Approved delegation of authority, as amended, to the County Executive, or designee, to negotiate, execute, amend, and terminate the following Agreements with Jones and Stokes Associates, Inc., relating to lead consultant services for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), and to negotiate incentive compensation in an amount not to exceed ten percent of the current amendment amount, 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.

- a. Fourth Amendment to Professional Services Agreement with Jones and Stokes Associates, Inc., for HCP/NCCP lead consultant services, increasing the total contract amount by \$427,632 from \$2,250,711 to \$2,678,343.
 - b. First Amendment to the July 1, 2008 through June 30, 2009 (Phase 4) Annual Project Agreement with Jones and Stokes Associates, Inc., for HCP/NCCP lead consultant services, increasing maximum amount by \$31,132 from \$661,864 to \$692,996.
 - c. Annual Project Agreement for period July 1, 2009 through June 30, 2010 (Phase 5) with Jones and Stokes Associates, Inc., for HCP/NCCP lead consultant services, with a maximum amount of \$396,500.
47. Considered recommendations relating to the H1N1 (swine influenza A) virus infection and the County's response, and took the following actions:
- a. Accepted verbal report from the Acting County Executive and Public Health Officer.
 - b. Adopted Resolution terminating the proclamation of a local emergency effective May 31, 2009.
- * 48. Considered recommendations relating to the County response to the H1N1 influenza virus, and took the following actions:
- a. Accepted report relating to resources expended during the activation of the Emergency Operations Center in response to the H1N1 influenza virus.
 - b. Approved Request for Appropriation Modification No. 192 - \$517,944 transferring funds from the General Fund Contingency Reserve to the Office of Emergency Services budget for expenditures relating to the activation of the Emergency Operations Center in response to the H1N1 influenza virus.
- * 49. Considered recommendations relating to Public Safety Interoperable Communications (PSIC) Grant Program funds, and took the following actions:
- a. Accepted 2007 PSIC Grant funds in the amount of \$6,224,893, which includes a 20 percent local match of \$1,244,978.

- b. Approved Request for Appropriation Modification No, 189 - \$5,721,511 increasing revenue and expenditures in the County Communications Department budget.
 - c. Approved delegation of authority to the Director, County Communications Department, or designee, to negotiate, execute, amend, and terminate Agreements with the City and County of San Francisco and the City of San Jose relating to the distribution of Fiscal Year 2007 PSIC Grant funds for period June 9, 2008 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 September 30, 2010.
50. Convened hearing to consider a list of potential projects to access \$469,256 from the Federal Community Development Block Grant (CDBG-R) Program and delegation of authority to the Acting County Executive to finalize eligible projects and to submit to the U.S. Department of Housing and Urban Development (HUD) a Second Substantial Amendment to the Urban County Consolidated Plan 2008 Action Plan in order to receive funds, and took the following actions:
- a. Opened public hearing and received no testimony.
 - b. Closed public hearing.
 - c. Approved list of potential projects, as amended, adding Bascom Avenue Repavement Project, to access \$469,256 from the CDBG-R Program.
 - d. Approved delegation of authority to the Acting County Executive, or designee, to finalize selection of the project or projects to be included in the Second Substantial Amendment, based on eligibility as directed ed by HUD, and public comments received, 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 15, 2009.
 - e. Approved delegation of authority to the Acting County Executive, or designee, to prepare and sign all necessary documents required by HUD and submit the Second Substantial Amendment, 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 15, 2009.

County Counsel

51. There was no report from County Counsel on legal issues.
- * 52. Approved amended Conflict of Interest Code for the Santa Clara County Library District Joint Powers Authority.
53. Removed Item 53 from the consent calendar, received update on funding issues relating to Independent Defense Counsel Office, and approved Request for Appropriation Modification No. 188 - \$180,957 transferring funds from the General Fund Contingency Reserve to the Office of the County Counsel budget and transferring \$819,043 within the Office of the County Counsel budget relating to outside legal services for the Independent Defense Counsel Office.

Boards & Commissions

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

Supervisor Gage (District 1):

Appointee Name

Wei Wang

Board/Commission Name

Hsinchu, Taiwan Republic of China
Sister-County Commission

Supervisor Shirakawa (District 2):

Appointee Name

Jyh Chau Horng

Board/Commission Name

Hsinchu, Taiwan Republic of China
Sister-County Commission

Supervisor Cortese (District 3):

Appointee Name

David Kent Dewell

Board/Commission Name

Province of Florence, Italy
Sister-County Commission

- * 55. 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>
Mark J. Rodriguez	Shirakawa	Cordevalle Youth Golf Foundation, Inc.
James Bariteau	Cortese	Cordevalle Youth Golf Foundation, Inc.
Joe Bentley	Gage	Uvas/Llagas Flood Control and Watershed (south zone)

- * 56. Approved the following recommendation for Board As-a-Whole appointment:

<u>Appointee Name</u>	<u>Appointing Supervisor</u>	<u>Board/Commission</u>
Mary Ellen Lacy	Shirakawa	Measure A Citizens' Oversight Committee

- * 57. Approved the following recommendations relating to resignations from Boards and Commissions.

- a. Accepted resignation of Chata Alfaro from the Domestic Violence Council for a three-year term expiring June 30, 2010. Appointee shall be a representative from a battered women's shelter. Position is rotating and remains with District 1 until term expiration.
- b. Accepted resignation of Dora Castro from the Public Authority for In-Home Supportive Services Advisory Board for a four-year term expiring June 30, 2009. Appointee shall be a union representative independent provider. Position is rotating and remains with District 5 until term expiration.

Law and Justice

- * 58. Approved Request for Appropriation Modification No. 173 - \$60,000 transferring funds within the Probation Department budget relating to the Domestic Violence Trust Fund.

- * 59. Considered recommendations relating to Fiscal Year (FY) 2010 Juvenile Accountability Block Grant (JABG), and took the following actions:
- a. Approved the proposed FY 2010 JABG budget and expenditure plan.
 - b. Adopted Resolution relating to the FY 2010 JABG application, affirming membership of the Santa Clara County Juvenile Justice Coordinating Council; delegating authority to the Chief Probation Officer, Probation Department, or designee, to submit the Santa Clara County Grant Application to the State Corrections Standards Authority for FY 2010 JABG, and to negotiate, execute, and terminate any necessary contracts, amendments, annual renewals, or extensions 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.
- * 60. Considered recommendations relating to the South County Alternate Reception Center, a joint project between the Police Departments and the County, and took the following actions:
- a. Ratified grant application submitted by the Chief Probation Officer to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Fiscal Year 2008 Congressional Earmark Program, in the amount of \$347,007.
 - b. Approved Request for Appropriation Modification No.190 - \$173,503.50 increasing revenue and expenditures in the Probation Department budget.
 - c. Approved delegation of authority to the Chief Probation Officer, Probation Department, or designee, to negotiate, execute, amend, and terminate Grant Agreement with OJJDP in the amount of \$347,007 for period July 1, 2008 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, 2011, and following Board approval, the Department will request that OJJDP extend the grant period through June 30, 2011.
 - d. Waived reading and adopted Salary Ordinance No. NS-5.09.88 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the

compensation of employees adding one half-time Deputy Probation Officer III or Deputy Probation Officer II or Deputy Probation Officer I position and one Law Enforcement Clerk I or Office Specialist III position in the Probation Department.

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

* 61. Considered recommendations relating to the Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA) Fiscal Year 2009 American Recovery and Reinvestment Act (ARRA): Edward Byrne Memorial Competitive Grant application, and took the following actions:

- a. Approved delegation of authority to the Chief Probation Officer, Probation Department, or designee, to submit Grant Application to the BJA; accept grant funds; and, to negotiate, execute, and terminate any necessary contracts, amendments, annual renewals or extensions, in an amount not to exceed \$2,288,474 (option 1) or \$1,307,884 (option 2) for period July 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.
- b. Ratified grant application submitted for the ARRA: Edward Byrne Memorial Competitive Grant Program by the Probation Department to the BJA for reinforcement and rehabilitation of juveniles by providing comprehensive services and supervision for the Community Probation Program.

* 62. Considered recommendations relating to the American Recovery and Reinvestment Act (ARRA) Fiscal Year (FY) 2009 Local Youth Mentoring Initiative, and took the following actions:

- a. Ratified grant application submitted by the Probation Department to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for the ARRA FY 2009 Local Youth Mentoring Initiative on April 20, 2009, thereby approving intent to partner with Fresh Lifelines for Youth (FLY).
- b. Approved delegation of authority to the Chief Probation Officer, Probation Department, or designee, to submit Grant Application to the OJJDP relating to providing mentoring services, in an amount not to exceed \$500,000 for period July 1, 2009 through June 30, 2013; accept grant funds; and, negotiate, execute,

and terminate any necessary Agreements, Amendments, annual renewals, or extensions through June 30, 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 June 30, 2013.

- * 63. Waived reading and adopted Salary Ordinance No. NS-300.801 (preliminary) amending Section A14-68 of the Santa Clara County Ordinance Code amending existing provisions regarding fees charged for transportation and personnel handling for decedents by the Office of the Medical Examiner-Coroner, increasing the fee from \$150 to \$210.

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

Finance Agency

64. Accepted presentation relating to bond issuance for Fiscal Year 2009-2010 TRANS for the County of Santa Clara, and took the following action:

Adopted Resolution of the Board of Supervisors of the County of Santa Clara providing for the borrowing of funds in the name of the County of Santa Clara for Fiscal Year 2009-2010 and the issuance and sale of 2009 Tax and Revenue Anticipation Notes in the amount not to exceed \$200,000,000.

- * 65. Adopted Resolution directing the County Controller-Treasurer to temporarily transfer funds from the County General Fund to the Gilroy Unified School District (District) Debt Service Fund to provide sufficient cash flow for the District to meet its debt service requirements in September 2009.
- * 66. Approved modification to the delegation of authority to the Director, Procurement Department, or designee, to amend contracts with Sun Microsystems and MW2 Consulting relating to providing software development services for the Tax Collection and Apportionment System (TCAS), authorizing \$2,300,000 to the delegation of authority for Fiscal Year 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 September 30, 2010.

- * 67. Considered recommendations relating to the County of Santa Clara Investment Policy, and took the following actions:
- a. Reviewed and approved the County of Santa Clara Investment Policy.
 - b. Adopted Board Policy Resolution No. 09-02 revising section 4.8.5 and 4.8.7 of the Board of Supervisors' Policy Manual relating to Treasury investment.
 - c. Directed the Clerk of the Board to include Policy in Board of Supervisors' Policy Manual.

1:30 p.m. Time Certain

68. Accepted award from the Northern California Solar Energy Association. (President)
69. Resolutions, Commendations, and Memorials.
- a. Adopted and presented Resolution commending Margie Lowe for dedication and humanitarian services to veterans in Santa Clara County and recognizing her as the County's "2009 Friend of the Veteran." (County Executive)
 - b. Adopted and presented Resolutions commending Cyndy Cook, Edie Hanson, Annie Leung, Nora Huynh, and William Shaw as they are selected to receive an Employee Wellness Recognition Award for outstanding achievement in personal health, as well as influencing co-workers toward health and wellness. (Kniss)
 - c. Adopted and presented Resolution proclaiming the month of May as "American Legion Auxiliary Month" in Santa Clara County. (Cortese)
 - d. Ratified Resolution, presented on May 8, 2009, commending Crosscultural Community Services Center for its outstanding work in providing support to students and families in Santa Clara County. (Cortese)
 - e. Ratified Resolution, presented on May 9, 2009, commending William J. Adams for tremendous dedication and service to the Boy Scouts of America in Santa

Clara County. (Cortese)

- f. Ratified Resolution, presented on May 2, 2009, proclaiming the month of May 2009 as "International Buddhist Month of Compassion, Peace, and Harmony" in Santa Clara County. (Cortese)
- g. Ratified Resolution, presented on May 14, 2009, commending Diane Luu for hard work and demonstrated will to improve her life and the life of those around her through higher education. (Cortese)
- h. Ratified Resolution, presented on May 15, 2009, commending Venerable Yongey Mingyur Rinpoche for commitment to helping individuals find peace within themselves through interpreting the teachings of the ancients and sharing his personal intellect and intuition. (Cortese)
- i. Ratified Resolution, presented on May 8, 2009, commending the Chinese Music Teachers' Association of Northern California for outstanding work to promote music as a healthy medium around which our community can unite and participate. (Cortese)
- j. Adopted and presented Resolution commending Merryhill Elementary School for understanding the vital importance of minimizing the impact on the environment from the daily activities of society, for encouraging its students to make the changes in their own lives, and for joining the discussion and movement towards environmentally friendly practices.(Cortese)
- k. Ratified Resolution, presented on May 14, 2009, commending Luu Pham for outstanding academic achievements and tremendous community services which have led to a stronger school, a stronger student body, and stronger individual. (Cortese)
- l. Adopted Resolution commending Frances Lewis-Johnese for her commitment to and accomplishments in public service. (Yeager)
- m. Adopted Resolution commending Les Nichols as he retires after 25 years of leadership and service as a Judge of the Superior Court in Santa Clara County. (Kniss)

2:00 p.m. Hearing

70. Convened hearing to consider recommendations relating to reauthorizing and increasing the Countywide Assembly Bill (AB) 939 Implementation Fee and increasing the Countywide Solid Waste Planning Fee.
- a. Opened public hearing and received no testimony.
 - b. Closed public hearing.
 - c. Adopted Resolution amending the Countywide Solid Waste Planning Fee.
 - d. Adopted Resolution approving the collection of a Countywide AB 939 Implementation Fee and approving delegation of authority to the Director, Department of Agriculture and Environmental Management, to negotiate, execute, and amend the Agency Agreement for Countywide AB 939 Implementation Fee, 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.
 - e. Approved delegation of authority to the Director, Department of Agriculture and Environmental Management, to negotiate, execute, and amend Agreement for the Countywide Household Hazardous Waste Collection Program, 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.

2:00 p.m. Hearing - Vector Control District

71. Convened hearing to consider ordering of services and levy of continued assessments for Fiscal Year (FY) 2009-2010 for the mosquito, vector, and disease control assessment. (Resolution of Intention adopted on May 5, 2009)
- a. Opened public hearing and received no testimony.
 - b. Closed public hearing.
 - c. Accepted the Preliminary Engineer's Report as the Final Engineer's Report with the assessment diagram.

- d. Adopted Resolution approving Engineer's Report, confirming diagram and assessment, and ordering levy of the Mosquito, Vector, and Disease Control Assessment for FY 2009-2010.

2:00 p.m. Land Use Hearing

72. Convened hearing to consider request to change zoning designation from R1E-1ac.-nl (R1E, one family residence - estate; -1ac. lot size combining district; -N1, neighborhood preservation combining district) to R1E-20-nl (R1E, one family residence - estate; -20 lot size combining district, -N1, neighborhood preservation combining district) for property located at 595 Joandra Court, 605 Joandra Court, and 1520 Fairway Drive, Los Altos, property of Jeanine and Terrance Conner, Donald and Patricia Wright, and Scott and Catherin Brown. (File No. 9978-15-71 -08Z) (Supervisory District 5)
 - a. Opened public hearing and received no testimony.
 - b. Closed public hearing.
 - c. Approved use of prior California Environmental Quality Act (CEQA) document.
 - d. Adopted Ordinance No. NS-1200.09.03 amending Section 1.20.060, Zoning Maps, of the Santa Clara County Ordinance Code rezoning 3.3 acres from R1E-1ac.-nl to R1E-20-nl for property located at 595 Joandra Court, 605 Joandra Court, and 1520 Fairway Drive, property of Jeanine and Terrance Conner, Donald and Patricia Wright, and Scott and Catherin Brown.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes
73. Convened hearing to consider Resolution summarily vacating an ingress and egress for installation of and maintenance of Public Utilities Easement on property located at 1505 Fairway Drive, unincorporated Los Altos. Property of Kent and Mary Gustafson. (Assessor's Parcel No. 331-04-193) (Supervisory District 5)
 - a. Opened public hearing and received no testimony.
 - b. Closed public hearing.

- c. Adopted Resolution summarily vacating easement for ingress and egress for installation of and maintenance of Public Utilities Easement on property located at 1505 Fairway Drive, unincorporated Los Altos.

74. **Continued to June 24, 2009:** Hearing to consider Resolution accepting offer of dedication for new storm drain easement and summarily vacating existing storm drain easement on property located at 2303 East Valley Court, San Jose. Property of Jerry and Lena Baker. (Assessor's Parcel No. 654-18-034) (Supervisory District 3)

Possible action:

- a. Open public hearing and receive testimony.
- b. Close public hearing.
- c. Adopt Resolution accepting offer of dedication for new storm drain easement and summarily vacating existing storm drain easement on property located at 2303 East Valley Court, San Jose.

Department of Planning and Development Services

- * 75. Considered recommendations relating to an automatic extension of time for building site and grading approvals that expired or are set to expire between January 1, 2009 and December 31, 2009, and took the following actions:
- a. Accepted report.
 - b. Waived reading and adopted Interim Ordinance No. NS-9.280 (preliminary) relating to automatically extending the expiration date by 24 months for Building Site Approvals and Grading Approvals for single-family residential developments that expired or would expire between January 1, 2009 and December 31, 2009.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

Parks and Recreation Department

- * 76. Considered recommendations relating to Coyote Lake Campground Sewage Dump Station at Coyote Lake Harvey Bear Ranch County Park, Contract No. 08-26, and took the following actions:
- a. Approved Contract Change Order-Final-Coyote Lake Campground Sewage Dump Station at Coyote Lake Harvey Bear Ranch County Park, Contract No. 08-26. Contractor - Nor Cal Contractor. Net increase of \$6,551 and an increase of three calendar days.
 - b. Accepted Project as complete and authorized the Clerk of the Board to execute Notice of Completion of Contract and Acceptance of Work on the above.
 - c. Approved Request for Appropriation Modification No. 172 - \$1,512.53 transferring funds within the Department of Parks and Recreation budget.

Department of Agriculture and Environmental Management

- * 77. Approved acceptance of \$20,000 in grant funds from Maddie's Fund, The Pet Rescue Foundation, on behalf of the Department of Agriculture and Environmental Management, Santa Clara County Animal Shelter.
- * 78. Approved Request for Appropriation Modification No. 187 - \$461,000 increasing revenue and expenditures in the Department of Agriculture and Environmental Management budget and transferring funds to Facilities and Fleet Department - Capital Programs budget relating to relocation of the Division of Agriculture office in South County.

Roads & Airports

- * 79. Considered recommendations relating to Alamitos Road Tieback Wall North of Cinnabar Hills Drive, San Jose, Contract 08-12; and, Montague Expressway Pavement Rehabilitation Project (Phase 2), Contract 07-22, and took the following actions:

- a. Approved Contract Change Order No. 1 Final - Alamos Road Tieback Wall North of Cinnabar Hills Drive, San Jose, Contract 08-12. Contractor - George Bianchi Construction, Inc. Net decrease of \$60,921.85 and an increase of 10 working days.
 - b. Approved Contract Change Order No. 1 Final - Montague Expressway Pavement Rehabilitation Project (Phase 2), Contract 07-22. Contractor - Top Grade Construction, Inc. Net increase of \$8,427.36 and a decrease of 13 working days.
 - c. Accepted Project as complete and authorized the Clerk of the Board to execute Notice of Completion and Acceptance of Work on Contract 08-12, Alamos Road Tieback Wall North of Cinnabar Hills Drive, San Jose. Contractor - George Bianchi Construction, Inc.
 - d. Accepted Project as complete and authorized the Clerk of the Board to execute Notice of Completion and Acceptance of Work on Contract 07-22, Montague Expressway Pavement Rehabilitation Project (Phase 2). Contractor - Top Grade Construction, Inc.
- * 80. Considered recommendations relating to grant funding for the Lawrence Expressway Bicycle Signal Detection Project and the Almaden/San Tomas Expressways Signal Timing Project, and took the following actions:
- a. Adopted Resolution requesting the Metropolitan Transportation Commission (MTC) to allocate Fiscal Year 2009-2010 Transportation Development Act, Article 3 (TDA-3) Pedestrian/Bicycle Project Funding, including Project application form and findings, relating to the Lawrence Expressway Bicycle Signal Detection Project.
 - b. Approved Appropriation Modification No. 177 - \$150,000 increasing revenue and expenditures in the Roads and Airports Department budget relating to the Almaden/San Tomas Expressways Signal Timing Project.
- * 81. Accepted Report on Bids for the Replacement of Stevens Creek Bridges on Stevens Canyon Road, Bridge Nos. 37C0576 and 37C0577 (New Bridge Nos. 37C0606 and 37C0607), and took the following actions:
- a. Awarded contract to RGW Construction, Inc., in the amount of \$2,031,527

which includes a Supplemental Work Allowance (SWA) in accordance with the contract documents and a construction time of 410 working days.

b. Authorized the Director, Roads and Airports Department, to issue change orders as necessary against the SWA and to approve modifications to the construction time.

c. Ratified Addendum No. 1.

82. Considered adoption of Resolution amending the Schedule of Fees and Charges applicable to County Airports effective July 1, 2009, which includes an increase of 8 percent in the tie down rate at Palo Alto Airport (PAO), as recommended by the Roads and Airports Department; or, approval of recommendation from the Airports Commission that the increase in PAO tie down rates for Fiscal Year 2009-2010 be limited to four percent.

Directed the Administration to conduct outreach activities with airport users of various airports within a three-month time frame relating to appropriate fee increases, and subsequently provide the Board with a recommendation.

Facilities and Fleet

* 83. Approved Project Manual, adopted Construction Task Catalog and Technical Specifications, and authorized advertisement of contract documents for three Job Order Contracts (JOC): JOC-FAF-2009-01, JOC-FAF-2009-02, and JOC-FAF-2009-03.

Opening of Bids: Thursday, June 4, 2009, at 2:00 p.m.,
in the Office of the Clerk of the Board of Supervisors.

84. Considered recommendations relating to Fiscal Year (FY) 2007 vehicle replacements, and took following action:

Directed staff to prepare Request for Appropriation Modification to transfer FY 2007 unused capital funds to the General Fund Contingency Reserve to purchase a new vehicle for the Office of the Sheriff.

Sanitation District

- * 85. 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 April 30, 2009, and authorized payment of bills in an amount not to exceed \$39,099.25.
 - b. Directed the Clerk of the Board to set a public hearing on June 24, 2009, at 2:00 p.m., to consider Sewer Service Charges to be collected on the County Tax Roll commencing with Fiscal Year 2009-2010.

Final Adoption of Ordinances

- * 86. Adopted Salary Ordinance No. NS-5.09.85 (final), as amended, amending Santa Clara County Salary Ordinance No. NS-5.09 relating to the compensation of employees adding eight Deputy Sheriff positions in the Office of the Sheriff.
- Vote:** Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

Closing

87. Announced Tuesday, May 26, 2009, at 9:00 a.m., as the date and time for closed session to discuss items noticed pursuant to the Brown Act.

Adjourned in honor and memory of Joan Doss, long-time civil rights activist, volunteer for local League of Women's Voters, and President of the Willow Glen Neighborhood Association; and authorized that a letter of condolence be forwarded to the family.

Adjourned to Tuesday, May 26, 2009, at 9:00 a.m., in the Tenth Floor Supervisors' Conference Room, 70 West Hedding Street, San Jose, for the purpose of discussing the public employee appointment for the position of County Executive, subsequently adjourning to Monday, June 8, 2009, at 2:00 p.m., in the Tenth Floor Supervisors' Conference Room, 70 West Hedding Street, San Jose, for an open and public session

for the purpose of identifying designated representatives to discuss salaries, or related to labor negotiations, or to disclose real property negotiations; and, subsequently adjourning into a closed session to discuss items properly noticed by the County Counsel and Clerk of the Board.

ATTEST:

MARIA MARINOS, Clerk

Board of Supervisors