

# 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



Jeffrey V. Smith  
 County Executive  
  
 Miguel Marquez  
 Acting County Counsel  
  
 Maria Marinos  
 Clerk of the Board

## SUMMARY OF PROCEEDINGS OF OCTOBER 6, 2009

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

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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

1. Roll Call - All members present.
2. Recited Pledge of Allegiance.
3. Received invocation by Pastor Oscore Dace, The Bible Way Christian Center.
4. Announced dedication of meeting and adjournment in honor and memory of Charles Donald Hebard and Rosemary Stasek.

### Public Issues

5. There was no public comment.

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

\* 7. Approved Summaries of Proceedings of September 29 and 30, 2009.

### Social Services Agency

\* 8. Waived reading and adopted Salary Ordinance No. NS-5.10.26 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees deleting one Stock Clerk position and adding one Office Specialist II position in the Social Services Agency.

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

### Health & Hospital System

\* 9. Accepted report from Public Health Officer relating to the need for continuation of Proclamation of Local Emergency, due to increasing human cases of H1N1 influenza in Santa Clara County, which was proclaimed by the Board of Supervisors on September 29, 2009.

\* 10. Considered recommendations relating to the Public Health Preparedness Program, and took the following actions:

a. Approved delegation of authority to the Public Health Administrator, or designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to Agreement with California Department of Public Health to provide public health emergency preparedness services, in an amount not to exceed \$4,530,888 for period July 1, 2009 through August 9, 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 August 9, 2011.

b. Adopted Resolution delegating authority to the Public Health Administrator, or designee, to negotiate, execute, amend, terminate, and take any and all necessary

or advisable actions relating to Contracts and Contract Amendments with participating hospitals, clinics, pharmacies, emergency medical services providers, individuals, and other entities for the purpose of implementing the various programs, in an amount not to exceed funding made available by the State for the purposes stated for period July 1, 2009 through August 9, 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 August 9, 2011.

- c. Waived reading and adopted Salary Ordinance No. NS-5.10.24 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees adding one unclassified Warehouse Materials Handler position in the Public Health Department. Position shall expire on May 1, 2011.

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

- d. Approved Request for Appropriation Modification No. 63 - \$1,304,546 increasing revenue and expenditures in the Public Health Department budget, and \$1,104,546, increasing/decreasing receipts and disbursements in the Public Health Trust Fund budgets.

- \* 11. Approved Request for Appropriation Modification No. 65 - \$160,932 decreasing revenue and expenditures in the Public Health Department budget relating to Advanced Practice Center funding.
- \* 12. Approved delegation of authority to the Public Health Administrator, or designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to Agreement with Marin County for Santa Clara County's share of Local Government Agency participation fees for the Medi-Cal Administrative Activities/Targeted Case Management Programs for Fiscal Years 2009, 2010, and 2011, in an amount not to exceed \$210,000 for period October 6, 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.

**10:00 a.m. Time Certain**

13. Accepted presentation from State Department of Consumer Affairs on the various services they provide.

**Employee Services Agency**

- \* 14. Considered recommendations relating to the Office of the County Executive, and took the following actions:
  - a. Approved new job specification for the classification of Asset Development Manager.
  - b. Abolished the classifications of Manager of Special Projects and Manager of Special Projects-GSA-U.
  - c. Waived reading and adopted Salary Ordinance No. NS-5.10.23 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees adding the classification and salary range for Asset Development Manager to the Salary Schedule, deleting the classification and salary range for Manager of Special Projects, deleting one Manager of Special Projects position, and adding one Asset Development Manager position in the Office of the County Executive.  
**Vote:** Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes
- \* 15. Waived reading and adopted Salary Ordinance No. NS-5.10.22 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees adjusting salaries for classifications represented by the Registered Nurses Professional Association (RNPA), providing a four percent general wage increase; and, adjusting salaries for employees in Physician Assistant-Primary Care classifications represented by Service Employees' International Union (SEIU) Local 521 and for employees in nursing-related classifications represented by County Employees Management Association (CEMA).  
**Vote:** Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

- \* 16. Approved First Amendment to Agreement with IHI Environmental relating to providing industrial hygiene services, in an amount not to exceed \$400,000 and extending the term of Agreement through November 4, 2011.

### Board of Supervisors

- \* 17. There was no announcement of travel for members of the Board of Supervisors and other elected officials.
- \* 18. Accepted reports from members of the Board of Supervisors relating to meetings attended through September 30, 2009.
- 19. Considered the following item of concern and referred to Administration for review and report:

**Referred to Facilities and Fleet Department and the Probation Department for report to the Public Safety and Justice Committee on November 5, 2009:**  
Preparation of information relating to the Juvenile Hall Athletic Field.

- 20. Accepted report from Board President, and took the following actions:

Accepted information on High Speed Rail Authority Policymaker Working Group. (President)

Appointed Supervisor Gage to serve on the High Speed Rail Authority Policymaker Working Group.

- \* 21. Appointed President Liz Kniss as Santa Clara County's representative to the California State Association of Counties (CSAC) Board of Directors, and appointed Vice President Ken Yeager as Santa Clara County's alternate representative to the CSAC Board of Directors.

22. Accepted report from Supervisor Gage, Chairperson, Housing, Land Use, Environment, and Transportation Committee, relating to meeting of September 24, 2009, and took the following actions:
- a. Accepted Committee agenda items 7, 9-12, and 15-18 as Board information only.
  - b. Under advisement from June 17, 2009 Budget Hearing (Item No. 102): Accepted report from the Parks and Recreation Department on the Park Charter Fund guidelines relating to proposed expenditure from the Park Charter Fund of \$2,500,000 for expansion of the Parks Patrol Program for Fiscal Year 2010.
  - c. Under advisement from August 25, 2009 (Item No. 65): Considered recommendations from the Parks and Recreation Department on the Parks Capital Plan for Acquisition.
  - d. Approved delegation of authority to the Director, Department of Agriculture and Environmental Management, or designee, relating to Amendment to Fluorescent Lamp Recycling Program Agreement with Pacific Gas and Electric Company. (Item 13)
  - e. Approved Request for Appropriation Modification No. 47 - \$60,000 increasing revenue and expenditures in the Department of Agriculture and Environmental Management, Department of Environmental Health budget. (Item 13)
  - f. Considered acceptance of gift/donation of \$20,720.29 from the estate of Correnne Sarbaugh on behalf of the Department of Agriculture and Environmental Management, and authorized the President to forward letter of appreciation to the Estate of Correnne Sarbaugh. (Item 14)
- \* 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. There was no report from Vice President Yeager, Chairperson, Finance and Government Operations Committee.
- \* 26. There was no report from President Kniss, Chairperson, Legislative Committee.
- \* 27. Accepted report from Supervisor Cortese, Chairperson, Children, Seniors, and Families Committee, relating to meeting of September 21, 2009, and accepted Committee agenda items 3-12 as Board information only.
- \* 28. There was no report from President Kniss and Supervisor Gage, Board Delegates to the Santa Clara Valley Transportation Authority (VTA).
- \* 29. Accepted report from Vice President Yeager, Board Delegate to the Metropolitan Transportation Commission, relating to the meeting of September 23, 2009.
- \* 30. There was no report from President Kniss and Supervisor Gage, Board Delegates to Local Agency Formation Commission (LAFCo).
- \* 31. Accepted report from President Kniss and Vice President Yeager, Board Delegates to the Bay Area Air Quality Management District, relating to meeting of September 16, 2009.

### County Executive

- 32. Accepted report from County Executive relating to the County's advocacy efforts on Federal Health Care Reform.
- \* 33. Accepted monthly status report on items referred to Administration for action or report back.
- 34. **Held to Date Uncertain at the request of the County Executive:** Approve 25th Amendment to Agreement with the Office of the Sheriff relating to providing certain services for the operation of the Santa Clara County Department of Correction, for period June 1, 2010 through May 31, 2014.

- \* 35. Approved Request for Appropriation Modification No. 64 - \$915,049 increasing revenue and expenditures in the Facilities and Fleet Department and the Office of the County Executive, Office of Affordable Housing budgets, relating to the American Recovery and Reinvestment Act of 2009 Community Development Block Grant – Recovery for Rehabilitation of the Mariposa Lodge Women's Dormitory.
- \* 36. Considered recommendations relating to the 2008 Urban Area Security Initiative (UASI) Grant Funds, and took the following actions:
  - a. Accepted additional 2008 UASI Grant Funds in the amount of \$2,062,943.
  - b. Approved Request for Appropriation Modification No. 71 - \$2,062,943 increasing revenue and expenditures in the Office of the County Executive.
- \* 37. Approved Request for Appropriation Modification No. 72 - \$5,721,511 increasing revenue and expenditures in the County Communications Department budget relating to a Public Safety Interoperable Communications (PSIC) Grant Project.
- \* 38. Adopted Resolution declaring real property, located at 375 Knowles Avenue, Los Gatos (Assessor's Parcel Number 406-28-032), as surplus and no longer required for County purposes.
- \* 39. Approved Agreement granting an easement of County-owned real property to the City of San Jose.

### County Counsel

- 40. There was no report from the Acting County Counsel on legal issues.
- 41. There was no reportable action taken at the October 5, 2009 Closed Session.
- \* 42. Considered recommendations relating to Board Policy regarding distribution of tickets or passes, and took the following actions:

- a. Adopted Board Policy Resolution No. 09-06 adding Board of Supervisors' Policy Manual section 3.48 relating to the County policy for distribution of tickets or passes.
- b. Directed Clerk of the Board to include policy in the Board of Supervisors' Policy Manual.
- c. Directed Clerk of the Board to post the policy in a prominent fashion on the County website, to post the Fair Political Practices Commission Form 802 to the website within 30 days after ticket distribution, and to retain the Form 802 for a period of not less than seven years.

### Clerk of the Board

- \* 43. Approved Request for Appropriation Modification No. 74 - \$80,000 increasing revenue and expenditures in the Office of the Clerk of the Board budget by transferring funds from the Information Services Department budget, relating to video production equipment for the Broadcasting of Board Meetings Project.
- \* 44. Considered recommendations relating to adding six unclassified Office Specialist positions 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-5.10.27 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees adding two unclassified Office Specialist I positions and four unclassified Office Specialist III positions in the Office of the Clerk of the Board of Supervisors. The positions shall expire on May 1, 2011.  
**Vote:** Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes
  - b. Approved Request for Appropriation Modification No.73 - \$289,429 increasing revenue and expenditures in the Office of the Clerk of the Board budget and transferring funds from the General Fund Contingency Reserve to the Clerk of the Board budget for Fiscal Year 2010 costs associated with the addition of six unclassified positions.

## Boards & Commissions

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

**Supervisor Yeager (District 4):**

<u>Appointee Name</u>	<u>Board/Commission Name</u>
Kurt Ohlfs	Advisory Commission for Persons with Disabilities

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

<u>Appointee Name</u>	<u>Recommended By</u>	<u>Board/Commission</u>
Charles Pontious	Yeager	Mental Health Board

- \* 47. Authorized the Historical Heritage Commission to forward comment letter to California Department of Transportation (Caltrans) on the Finding of Effects Report for the SCL-09 Three Spot Locations Improvements Project between PM 2.5 and 7.0 in Santa Clara County.

## Law & Justice

- \* 48. Adopted Resolution establishing an Administration Review fee for services provided by the Probation Department.
- \* 49. Considered recommendations relating to the California Emergency Management Agency Justice Assistance Fiscal Year 2009 American Recovery and Reinvestment Act (ARRA): Sexual Assault Specialized Response Unit Program Grant, and took the following actions:
- a. Approved delegation of authority to the Sheriff, or designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions to

implement a Sexual Assault Specialized Response Unit Program Grant, and accepted ARRA grant funds from the California Emergency Management Agency, in an amount not to exceed \$250,000 relating to a program intended to improve investigation and support for victims of sexual assault for period September 1, 2009 through February 28, 2011, following approval by County Counsel as to form and legality, and approval by the County Executive. Delegation of authority shall expire on February 28, 2011.

- b. Approved delegation of authority to the Sheriff and the County Executive, or designees, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to Memorandum of Understanding with the YWCA of Silicon Valley for rape crisis counseling and victim support services, in an amount not to exceed \$72,792 for period September 1, 2009 through February 28, 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 February 28, 2011.
- c. Approved Request for Appropriation Modification No. 66 - \$250,000 increasing revenue and expenditures in the Office of the Sheriff budget relating to acceptance of ARRA Sexual Assault Specialized Response Program Grant funds.
- d. Waived reading and adopted Salary Ordinance No. NS-5.10.25 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees adding one unclassified Deputy Sheriff position in the Office of the Sheriff. Position shall expire on February 20, 2011.

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

### Finance Agency

\* 50. Considered recommendations relating to the County of Santa Clara Investment Policy. Possible action, and took the following actions:

- a. Reviewed and approved the County of Santa Clara Investment Policy.
- b. Adopted Policy Resolution No. 09-04 revising Sections 4.8.7, 4.8.12, and 4.8.14, and adding Section 4.8.16 to the Board of Supervisors' Policy Manual relating to financial assets held by the County Treasury.

- c. Directed Clerk of the Board to include policy in the Board of Supervisors' Policy Manual.

**1:30 p.m. Time Certain**

51. Resolutions, Commendations, and Memorials:

- a. Adopted and presented Resolutions welcoming and commending Irina Ryazanova for organizational and facilitation work on behalf of the County of Santa Clara/Moscow Sister-County Commission, and welcoming her colleague Goulmara Panina. (Cortese)
- b. Adopted and presented Resolutions commending Irina Vladimirovna Blinkova, Natalya Anatolyevna Nazimova, Olga Yevgenyevna Klimkina, Ruslan Kachakhovich Abasyan, Sergei Konstantinovich Shlamus, and Yelena Sergeevna Potapova for their dedication to the children of Russia through the exchanging of ideas and best practices in child welfare and foster care services. (Cortese)
- c. Adopted and presented Resolution proclaiming the week of October 12-18 as "Obsessive-Compulsive Disorder Awareness Week" in Santa Clara County. (Kniss)

52. Approved and presented the following Certificates of Appreciation to Employees of the Month for October 2009:

Christine Swensen Appraisal Data Coordinator	Office of the Assessor Business Division
Archie Pablo Information Systems Manager	Employee Services Agency Information Systems
Michele Dillon Justice System Clerk I	Office of the Public Defender Investigation Division

Liza Giron-Espinoza Career Development Supervisor	Social Services Agency Department of Family and Children Services Administrative Support Bureau
Andrew Atkin Information Systems Manager	Santa Clara Valley Health and Hospital System Information Systems
Guillermo Tapia Lead Pharmacist	Santa Clara Valley Health and Hospital System Santa Clara Valley Medical Center Pharmacy
Rosemarie Ryan Account Assistant	Agriculture and Environmental Management Environmental Health Administration Division

### **Department of Planning and Development Services**

- \* 53. Approved delegation of authority to the County Executive, or designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to Service Agreement with Jones and Stokes Associates to provide public information and outreach services for the Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), in an amount not to exceed \$84,412 for period October 15, 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.

## Roads & Airports

- \* 54. Considered recommendations relating to various Grant Programs administered by the California Department of Transportation (Caltrans), and took the following actions:
- a. Approved delegation of authority to the Director, Roads and Airports Department, to submit Grant Application to Caltrans for Highway Safety Improvement Program (HSIP) funds for Shannon Road between Santa Rosa Drive and Diduca Way, near Los Gatos, in the amount of \$540,000, including a ten percent local match commitment of \$60,000 for a total project cost of \$600,000.
  - b. Approved Request for Appropriation Modification No. 68 - \$1,390,000 increasing revenue and expenditures in the Roads and Airports Department budget relating to grants received.
- \* 55. Considered recommendations relating to Agreements with the Federal Aviation Administration (FAA) for the Airport Traffic Control Tower (ATCT) and various navigation, communication, and weather aid facilities at Reid-Hillview Airport (RHV), and took the following actions:
- a. Approved Lease Agreement No. DTFAWP-09-L-00025 with the FAA relating to the ATCT at RHV for period October 6, 2009 through September 30, 2019.
  - b. Approved Memorandum of Agreement No. DTFAWP-07-L-00005 with the FAA relating to navigation, communication, and weather aid facilities at RHV for period October 1, 2009 through September 30, 2027.

## Final Adoption of Ordinances

- \* 56. Adopted Salary Ordinance No. NS-5.10.20 (final) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees deleting one half-time Health Planning Specialist III position, one Health Care Program Analyst II or Health Care Program Analyst I position, and one Administrative Assistant position in the Santa Clara Valley Health and Hospital System, Public Health Department.
- Vote:** Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

- \* 57. Adopted Salary Ordinance No. NS-5.10.21 (final) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees deleting one Health Education Specialist or Health Education Associate position, one Public Health Assistant or Community Worker position, one Health Information Clerk III or Health Information Clerk II or Health Information Clerk I position, and one half-time Health Information Clerk II or Health Information Clerk I position and adding two Public Health Community Specialist positions in the Santa Clara Valley Health and Hospital System, Public Health Department.

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

- \* 58. Adopted Ordinance No. NS-1003.62 (final) amending Section B12-37 of the Santa Clara County Ordinance Code adding Fitzgerald Avenue, Gilroy, to the list of streets with a 45 mile-per-hour speed zone limit.

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

### Closing

59. Announced October 19, 2009, at 2:00 p.m., as the date and time for closed session to discuss items noticed pursuant to the Brown Act.

Adjourned in honor and memory of Rosemary Stasek, former mayor of the City of Mountain View, known for her commitment to open space, youth programs, and diversity; and, Charles Donald Hebard, longtime resident and supporter of the City of Campbell and the County, who volunteered for various civic positions and was active in community service; and, authorized that letters of condolence be forwarded to the families.

Adjourned to Monday, October 19, 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.

ATTEST: MARIA MARINOS

Clerk of the Board of Supervisors