

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

Miguel Marquez
 Acting County Counsel

Maria Marinos
 Clerk of the Board

SUMMARY OF PROCEEDINGS OF AUGUST 25, 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 Pastor Anita Warner, Advent Lutheran Church, Morgan Hill.
- . Announced dedication of meeting and adjournment in honor and memory of Thomas Edward Sullivan.

Public Issues

1. Received the following comments under Public Comment:

Richard Chavira, Senior Warehouse Materials Handler, Probation Department, spoke of the need for County-sponsored programs benefiting single fathers.

2. Approved consent calendar and changes to the Board of Supervisors' Agenda. (Items with an asterisk [*] in front of the number were on the consent calendar and were voted on in one motion at the beginning of the meeting.)
- * 3. Approved Summary of Proceedings and Minutes of August 11, 2009.

Social Services Agency

- * 4. Approved Request for Appropriation Modification No. 27 - \$154,399.50 increasing revenue and expenditures in the Fiscal Year 2010 Social Services Agency budget to support the Differential Response Program.
- * 5. Approved delegation of authority to the Director, Social Services Agency, or designee, to negotiate, execute, amend, and terminate Agreement with Vietnamese Voluntary Foundation (VIVO) relating to providing older refugee services, in an amount not to exceed \$27,990 unless additional revenue is available, for period October 1, 2009 through September 30, 2010, with option for two additional one-year extensions, following approval from County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on September 30, 2012.

Health & Hospital System

- * 6. Authorized submission of proposal to the California Department of Mental Health and California Housing Finance Agency to fund the Sobrato Gilroy Homeless Center Housing Project with an estimated \$3,400,000 from the Santa Clara County share of the Mental Health Services Act Housing Program funds.
7. Approved delegation of authority to the Director, Mental Health Department, or designee, to negotiate, execute, amend, and extend Memoranda of Understanding with Kings Crossing and Belovida Senior Housing projects relating to the Mental Health

Services Act Housing Program for period beginning upon execution of the Agreements through August 24, 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 August 24, 2012.

Held to date uncertain: Consideration of approval of delegation of authority to the Director, Mental Health Department, or designee, to negotiate, execute, amend, and extend Memoranda of Understanding with housing project developers and community-based organizations relating to the Mental Health Services Act Housing Program that are currently under State and Local review.

- * 8. Considered recommendations relating to implementation of the Mental Health Services Act (MHSA) in the Mental Health Department, and took the following actions:
- a. Waived reading and adopted Salary Ordinance No. NS-5.10.07 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees deleting one half-time Psychiatrist III-Mental Health position, one Psychiatric Technician II or Licensed Vocational Nurse or Psychiatric Technician I position, and one half-time Clinical Psychologist position and adding three Mental Health Program Specialist II or Mental Health Program Specialist I positions, one Office Specialist III position, and one Management Analyst or Associate Management Analyst B or Associate Management Analyst A position in the Mental Health Department.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes
 - b. Approved Request for Appropriation Modification No. 26 - \$207,081 increasing revenue and expenditures in the Mental Health Department budget, and \$207,081 increasing receipts and disbursements in the MHSA trust fund budgets.
- * 9. Considered recommendations relating to two Justice Assistance Grant (JAG) project grants, and took the following actions:
- a. Approved Request for Appropriation Modification No. 31 - \$302,581 increasing revenue and expenditures in the Department of Alcohol and Drug Services (DADS) budget, and \$115,021 increasing receipts and disbursements in the DADS trust fund budget.

- b. Accepted spending plans for the Recovery Act JAG funds (\$187,560) and the Regular JAG 2009 funds (\$115,021).
 - c. Approved delegation of authority to the Director, DADS, or designee, to negotiate, execute, and amend terms and conditions, including funding amount, for Memoranda of Understanding with Superior Court relating to reimbursement for substance abuse treatment services which are being funded through Fiscal Year 2009 Recovery Act Edward Byrne Memorial JAG Program, in an amount not to exceed \$187,560 for period September 1, 2009 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.
 - d. Approved delegation of authority to the Director, DADS, or designee, to amend Agreement with Julius Fu, M.D., relating to providing psychiatric services, increasing the maximum financial obligation by \$68,479 from \$131,792, for a total of \$200,271, 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, DADS, or designee, to amend Agreement with Julius Fu, M.D., relating to providing psychiatric services to modify units or increase 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, 2010.
- * 10. Considered recommendations relating to Substance Abuse Mental Health Services Administration (SAMHSA) Grant, and took the following actions:
- a. Approved Request for Appropriation Modification No. 30 - \$120,377 increasing revenue and expenditures in the Department of Alcohol and Drug Services (DADS) budget.
 - b. Accepted spending plan associated with extension allocation from SAMHSA to Santa Clara County Superior Court to fund services to be provided by DADS.
 - c. Waived reading and adopted Salary Ordinance No. NS-5.10.03 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the

compensation of employees revising Footnote 609 to change the date of deletion of one Marriage and Family Therapist II or Marriage and Family Therapist I or Psychiatric Social Worker II or Psychiatric Social Worker I position in DADS from September 29, 2009 to September 30, 2010.

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

- d. Approved delegation of authority to the Director, DADS, or designee, to negotiate and execute Memoranda of Understanding (MOU) with the Superior Court relating to drug court reimbursement for costs funded through the SAMHSA grant for period September 30, 2009 through September 29, 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 29, 2010.
 - e. Approved delegation of authority to the Director, DADS, or designee, to amend said MOU increasing the maximum financial obligation in an amount not to exceed ten percent and amending terms of the MOU such as units of service rendered, rates per units of service, nature of services rendered, or any other provisions, 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 29, 2010.
- * 11. Ratified Grant Application submitted by Santa Clara Valley Medical Center, Ambulatory and Managed Care, to the Health Resources and Services Administration relating to grant funding for the Valley Homeless Healthcare Program Facilities Investment Project, in the amount of \$2,643,343 for period November 1, 2009 through October 31, 2011.
- * 12. Considered recommendations relating to The Health Trust grant award, and took the following actions:
- a. Accepted Letter of Award from The Health Trust relating to Santa Clara County Health Inequities Report Project, in the amount of \$85,000, for period September 1, 2009 through February 28, 2011.
 - b. Approved delegation of authority to the Public Health Administrator, or designee, to execute Agreement and Amendments to Agreement with The Health Trust relating to providing the Santa Clara County Health Inequities Report, in

an amount not to exceed \$85,000, 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. 19 - \$40,000 increasing revenue and expenditures in the Public Health Department budget.

13. Authorized payment of \$85,090.31 to Pro-Sweep, Inc., relating to providing janitorial services at Valley Health Centers, Sunnyvale and Gilroy, for period October 1, 2008 through January 17, 2009. (Supervisor Shirakawa voted no.)

Referred to Administration for report to the Board through the Health and Hospital Committee on date uncertain: Analysis of current Santa Clara Valley Medical Center (SCVMC) contract approval process to determine prospective methods to monitor the contract process in the future.

- * 14. Adopted Resolution delegating authority to the Public Health Administrator, or designee, to negotiate and execute Contracts and Contract Amendments with various First Responder/Public Safety Agencies relating to the distribution of prophylaxis pharmaceuticals, for period September 1, 2009 through August 31, 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 31, 2010.
- * 15. Considered recommendations relating to the Women, Infants and Children (WIC) Program, and took the following actions:
- a. Approved delegation of authority to the Public Health Administrator, or designee, to execute First Amendment to Agreement with California Department of Public Health relating to providing WIC Program services, increasing the maximum contract amount by \$213,000 to \$12,922,000 for period October 1, 2008 through September 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 September 30, 2011.
 - b. Waived reading and adopted Salary Ordinance No. NS-5.10.06 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the

compensation of employees adding one Health Services Representative position and one Public Health Nutrition Associate position in the Public Health Department.

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

c. Approved Request for Appropriation Modification No. 20 - \$369,750 increasing revenue and expenditures in the Public Health Department budget.

- * 16. Adopted Resolution supporting Santa Clara Valley Medical Center Trauma Center and its mission, leaders, and participants in their continued efforts to provide outstanding care to trauma patients, to provide education to the community at large regarding prevention of trauma, and to provide education to the medical and nursing communities regarding the treatment of trauma patients.
17. **Held to September 15, 2009:** Introduction and preliminary adoption of Salary Ordinance No. NS-5.10.14 amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees adding six Revenue Control Analyst positions in the Santa Clara Valley Medical Center. (Roll Call Vote to waive reading, Roll Call Vote to adopt)
18. **Held to date uncertain following the October 19, 2009 Health and Hospital Committee meeting:** Held from June 24, 2009 (Item No. 16c-1): Recognize \$609,469 in new ongoing Fiscal Year (FY) 2010 Mental Health Services Act (MHSA) revenue and expenses, which in combination with the \$391,000 one-time County general funds approved by the Board for FY 2010, yields a total of \$1,000,469 to be utilized for contract services for uninsured children to be developed in collaboration with contract providers.
19. Considered recommendations relating to provision of diagnostic imaging services, and took the following actions:
- a. Extended existing contract with Alliance Imaging, Inc. relating to providing Positron Emission Tomography/Computed Tomography (PET/CT) Services through October 31, 2009.
 - b. **Referred to Administration for report to the Board through the Health and Hospital Committee on September 16, 2009:** Evaluation of costs relating to

PET/CT services, including contract review and an analysis of possible cost reduction strategies.

Employee Services Agency

20. Considered recommendations relating to the Department of Correction (DOC), and took the following actions:
- a. Waived reading and adopted Salary Ordinance No. NS-5.10.10 (preliminary) amending Salary Ordinance No. NS-5.10 relating to the compensation of employees deleting four Custody Supported Assistant (CSA) positions from the DOC, adding four Sheriff Correctional Officer positions in the Office of the Sheriff - DOC Contract, and adding Footnote No. 189 creating a five percent differential for specified CSA positions, and requiring a Class B California Driver's License for CSA positions in the DOC, Support Services Division, Program Unit.
Vote: Gage: Yes Shirakawa: Yes Cortese: No Yeager: Yes Kniss: Yes
 - b. Approved Request for Appropriation Modification No. 36 - \$164,271 transferring funds from the General Fund Contingency Reserve to the Department of Correction budget. (Supervisor Cortese voted no.)
- * 21. Waived reading and adopted Salary Ordinance No. NS-5.10.08 (preliminary) amending Salary Ordinance No. NS-5.10 relating to the compensation of employees providing for a two percent general wage increase and 0.833 percent realignment for all classifications represented by the Deputy Sheriffs' Association (DSA) and the District Attorney Investigators' Association (DAIA); classifications of Correctional Lieutenant and Sheriff Correctional Sergeant represented by the Correctional Peace Officers' Association (CPOA); specified classifications represented by Service Employees' International Union (SEIU) Local 521, Administrative, Professional, and Technical Unit; and, unrepresented classifications of Deputy Sheriff Cadet, Deputy Sheriff-Special Duty Officer, Reserve Deputy Sheriff, and Reserve Sergeant.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes
- * 22. Considered recommendations relating to the Parks and Recreation Department, and took the following actions:

- a. Approved new job specification for the classification of Parks Outdoor Recreation Coordinator.
- b. Waived reading and adopted Salary Ordinance No. NS-5.10.13 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees adding the classification and salary range for the Parks Outdoor Recreation Coordinator to the salary schedule, deleting one Administrative Assistant position, and adding one Parks Outdoor Recreation Coordinator position in the Parks and Recreation Department.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

- * 23. Under advisement from June 24, 2009 (Item No. 28): Waived reading and adopted Salary Ordinance No. NS-5.10.15 (preliminary) amending Salary Ordinance No. NS-5.10 adding one four-fifths-time Marriage and Family Therapist II or Marriage and Family Therapist I or Psychiatric Social Worker I position in the Mental Health Department.

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

Board of Supervisors

- * 24. There was no announcement of travel for members of the Board of Supervisors and other elected officials.
- * 25. Accepted reports from members of the Board of Supervisors relating to meetings attended through August 19, 2009.
26. Considered items of concern and referred to Administration for review and report.

Referred to Administration and County Counsel for report to the Board on date uncertain: Preparation of information relating to amending Board Policy to include a prohibition of the solicitation of Supervisors for monetary sponsorships of County-presented events.

Referred to Administration and County Counsel for report to the Board on date uncertain: Preparation of information relating to reducing the contract

approval threshold for Board review to less than \$100,000, and an analysis of impacts associated with reviewing additional contracts.

- * 27. Adopted Resolution supporting the effort to name a peak near Los Gatos after Victor Collord. (Gage)

- * 28. Considered recommendations relating to the appointment of the County Executive and Acting County Counsel, and took the following actions:
 - a. Waived reading and adopted Salary Ordinance No. NS-20.09.03 (preliminary) amending Executive Management Salary Ordinance No. NS-20.09 relating to the compensation of employees adjusting the flat rate salary for the classifications of County Executive and County Counsel.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

 - b. Authorized the President to execute Employment Contract with Dr. Jeffrey V. Smith for the position of County Executive.

- * 29. There was no report from Supervisor Gage, Chairperson, Housing, Land Use, Environment, and Transportation Committee.

- * 30. Accepted report from Supervisor Shirakawa, Chairperson, Public Safety and Justice Committee, relating to meeting of August 6, 2009, and took the following actions:
 - a. Adopted Resolution authorizing Juvenile Rehabilitation Facilities (JRF) funds to be used for increased program services for the care and benefit of the wards and to help defray costs associated with staffing the vocational training courses provided in the JRF Enterprise Program, authorizing payment of compensation for wards in the Ranch Aftercare Program participating in the new JRF Apprenticeship Work-Study Program, and delegating authority to the Chief Probation Officer, or designee, to negotiate, execute, amend, and terminate Agreements with other entities for services provided by wards through the Ranch Enterprise 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, 2012.

 - b. Accepted Committee agenda items 5 - 9, 11, and 12 as Board information only.

31. Accepted report from President Kniss, Chairperson, Health and Hospital Committee (HHC), relating to the meeting of August 19, 2009, and took the following actions:
- a. Accepted report from the Department of Alcohol and Drug Services (DADS) on the re-bid of contracts in the adult system of care.

Directed Administration to review the DADS Request for Proposal (RFP) process for report to the Board through HHC and the Children, Seniors and Families Committee on date uncertain.
 - b. Accepted General Fund and Enterprise Fund financial reports for the months of April and May, 2009.

Referred to Administration for report to Board through the HHC:
Preparation of additional information relating to plans to modify the methodology by which the Average Daily Census is calculated, tabulated, and recorded at Santa Clara Valley Medical Center.
- * 32. There was no report from Supervisor Yeager, Chairperson, Finance and Government Operations Committee.
- * 33. There was no report from President Kniss, Chairperson, Legislative Committee.
- * 34. There was no report from Supervisor Cortese, Chairperson, Children, Seniors and Families Committee.
- * 35. Accepted reports from Supervisor Gage and President Kniss, Board Delegates to the Santa Clara Valley Transportation Authority (VTA), on meetings of July 16, and August 6, 2009.
- * 36. There was no report from Supervisor Yeager, Board Delegate to the Metropolitan Transportation Commission.

- * 37. There was no report from President Kniss or Supervisor Gage, Board Delegates to the Local Agency Formation Commission (LAFCo).
- * 38. Accepted report from President Kniss, Board Delegate to the Bay Area Air Quality Management District, on meeting of August 5, 2009.

County Executive

- 39. Accepted report from Acting County Executive relating to State budget updates.
- 40. Under advisement from August 11, 2009 (Item No. 42-c): Accepted report from Acting County Executive relating to State Budget Reductions.
- * 41. Held from August 11, 2009 (Item No. 38): Considered recommendations relating to Memorandum of Understanding (MOU) with Arts Council Silicon Valley, and took the following actions:
 - a. Accepted staff report.
 - b. Approved MOU with Arts Council Silicon Valley relating to providing Fiscal Year 2009-2010 funding for the promotion of arts and culture in Santa Clara County, in the amount of \$325,000 for period ending June 30, 2010.
- 42. Considered recommendations relating to Final Grand Jury Report relating to the working relationship between the Department of Correction (DOC) and the Facilities and Fleet Department (FAF), and took the following actions:
 - a. Adopted response from Administration to Final Grand Jury Report relating to the working relationship between the DOC and the FAF.
 - b. Authorized Chairperson and Clerk of the Board of Supervisors to forward department response to Grand Jury Report to the Presiding Judge of the Superior Court with approval that responses constitute the response of the Board of Supervisors, consistent with provisions of California Penal Section 933 (c).

Referred to Administration for report to Board through the Finance and Government Operations Committee in February 2010: Status report on issues relating to the working relationship between the DOC and the FAF Department.

43. Considered recommendations relating to the Second Administrative Draft of the Santa Clara Valley Habitat Plan, and took the following actions:
- a. Accepted status report on the preparation of the Second Administrative Draft of the Valley Habitat Plan, and provided direction and overall responses on the major components of the Plan.
 - b. Affirmed support for continued preparation of the Valley Habitat Plan including incorporation of the emerging Land and Stream Conservation Strategy and the use of a Joint Powers Authority to implement the Plan.
 - c. Supported recommended refinements to the Valley Habitat Plan to reduce the fee burden assigned to most rural property owners and streamline the permitting and conditioning process applied to future projects covered under the Valley Habitat Plan.
 - d. Approved scheduling a workshop at a future Housing, Land Use, Environment, and Transportation Committee meeting to further study the Valley Habitat Plan's key policy areas and to better understand the benefits and costs of the Valley Habitat Plan to the County and property owners in our jurisdiction.
 - e. Directed that the Habitat Plan implementation entity be similar to other Joint Powers Authorities that provide for one paid Executive Director position with overall responsibility and shared staff from among the partners, as needed, with the County bearing no additional costs for staffing beyond its proportionate share.
 - f. Acknowledged that the upcoming Parks Acquisition Strategy update will be incorporated into the County's plans for contributing park land to the Project; that the Parks contribution is an estimate and not a budget appropriation and that no commitment is being made at this time; and, that any future consideration will come back through the budget process.

Referred to the Administration at the request of Supervisor Cortese for report to Board off agenda: Additional information regarding fee proposals, including an alternative proposal that bases fees on impact rather than parcel size.

Referred to the Administration for report to Board through the Finance and Government Operations Committee: Update on the financing components for the Valley Habitat Plan.

County Counsel

44. Accepted report from Acting County Counsel on legal issues and actions taken at the August 24, 2009 closed session meeting of the Board of Supervisors.

Boards & Commissions

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

Supervisor Gage (District 1):

Appointee Name

John Gibbs

Board/Commission Name

Parks and Recreation Commission

Supervisor Shirakawa (District 2):

Appointee Name

Garry Dennis McLeod

Board/Commission Name

National Guard and
Veterans Affairs Commission

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

Appointee Name

Debra Thompson

Recommended By

Yeager

Board/Commission

HIV Health Services
Planning Council

- * 47. Considered recommendations relating to funding request for California Department of Fish and Game (DFG) K-9 Program, and took the following actions:
- a. Approved Request for Appropriation Modification No. 38 - \$5,000 recognizing funds from the Fish and Game Commission expenditure account for sponsorship of canine Buck relating to the DFG K-9 Program.
 - b. Approved request from the Fish and Game Commission to send letters to the Boards of Supervisors of the Counties of San Mateo, San Benito, Monterey, and Santa Cruz requesting support for the K-9 Program.
- * 48. Approved Request for Appropriation Modification No. 37 - \$5,000 recognizing funds from the Fish and Game Commission expenditure account for purchase of security cameras and lighting retrofit for the Youth Science Institute (YSI) Aviary and Science and Nature Center located in Alum Rock City Park.
- * 49. Approved the following recommendations relating to resignations from Boards and Commissions.
- a. Accepted resignation of Anson Ray Otani from the HIV Health Services Planning Council for a two-year term expiring December 31, 2009. Appointee shall be a member of the affected community and a non-aligned consumer. Position is allocated to District 2.
 - b. Accepted resignation of Jennifer Reding from the Animal Advisory Commission for a three-year term expiring June 30, 2011. Appointee shall be a representative of Santa Clara Valley Veterinary Medical Association. Position is rotating and remains with District 3 until term expiration.
 - c. Accepted resignation of Alfred Issaco from the Council on Equal Employment Opportunities for a four-year term expiring June 30, 2010. Appointee shall be a representative of Local 521. Position is rotating and remains with District 5 until term expiration.
 - d. Accepted resignation of Leonard Robins from the Senior Care Commission for a three-year term expiring June 30, 2010. Appointee shall be a senior citizen who represents the public-at-large. Position is allocated to District 5.

- e. Accepted resignation of Kris Wang from the Parks and Recreation Commission for a four-year term expiring June 30, 2011. Appointee shall represent the public-at-large. Position is allocated to District 5.

Law & Justice

- * 50. Waived reading and adopted Salary Ordinance No. NS-5.10.11 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees deleting one Night Attendant position and adding one Senior Group Counselor or Group Counselor II or Group Counselor I position in the Probation Department.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes
- * 51. Considered recommendations relating to Boating Safety and Enforcement Equipment Grant, and took the following actions:
 - a. Accepted Boating Safety and Enforcement Equipment Program Grant from the California Department of Boating and Waterways in the amount of \$22,150.
 - b. Approved delegation of authority to the Sheriff and County Executive, or designees, to negotiate, execute, amend, and terminate Agreement with the California Department of Boating and Waterways relating to the Boating Safety and Enforcement Equipment Program Grant in an amount not to exceed \$22,150 for period August 1, 2009 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.
 - c. Approved Request for Appropriation Modification No. 29 - \$22,150 increasing revenue and expenditures in the Office of the Sheriff budget.
- * 52. Considered recommendations relating to California Multi-Jurisdictional Methamphetamine Enforcement (Cal-MMET) Program Grant, and took the following actions:
 - a. Accepted grant from the State of California Emergency Management Administration in the amount of \$477,916 for the Cal-MMET Teams Program.

- b. Approved Request for Appropriation Modification No. 34 - \$477,916 increasing revenue and expenditures in the Office of the Sheriff budget.
- * 53. Considered recommendations relating to Sexual Assault Felony Enforcement (SAFE) Team Program Grant, and took the following actions:
- a. Accepted grant from the State of California Emergency Management Agency in the amount of \$1,020,145 for the SAFE Team Program.
 - b. Approved Request for Appropriation Modification No. 33 - \$1,020,145 increasing revenue and expenditures in the Office of the Sheriff budget.

Finance Agency

- * 54. Approved Request for Appropriation Modification No. 32 - \$913,622.93 transferring funds within the Office of the Clerk-Recorder budget relating to expenditures posted to the Recorder's Document Storage Fund and new one-time expenditures identified in the Recorder's Modernization Fund and in the Recorder's Electronic Recording Fund.
- * 55. Accepted and authorized filing of Detailed Investment Portfolio Listing for period ending June 30, 2009.
- * 56. Adopted Resolution levying property tax per Revenue and Taxation Code Section 93, and adopting tax rates or assessments authorized by Revenue and Taxation Code Sections 93(a) and 100(b) for the County of Santa Clara and for various jurisdictions within the County for Fiscal Year 2009-2010.
- * 57. Considered recommendations relating to the sale of tax-defaulted properties, and took the following actions:
- a. Approved Agreement with Midpeninsula Regional Open Space District (MPROSD) relating to purchase of four Hacienda Park parcels located in San Jose, in the amount of \$6,650.

b. Approved Agreement with MPROSD relating to purchase of Assessors' Parcel Number 562-09-018 located in Los Gatos, in the amount of \$7,100.

* 58. Ratified Agreement with Campbell Union High School District relating to parcel tax levies.

1:30 p.m. Time Certain

59. Resolutions, Commendations, and Memorials.

- a. Adopted Resolution proclaiming August 26, 2009 as "Women's Equality Day" and inviting the citizens of Santa Clara County to the Women's Equality Day Reception. (Commission on the Status of Women)
- b. Adopted Resolution recognizing Dr. Patricia Morrissey, Dr. Carolyn Compton, and the Morrissey/Compton Educational Center for their contributions to the educational well being of Santa Clara County youth served by the Juvenile Justice and Child Welfare Systems. (Social Services Agency)
- c. Adopted Resolution recognizing the Honorable Judge Read Ambler for his contributions to the educational well being of Santa Clara County youth served by the Juvenile Justice and Child Welfare Systems. (Social Services Agency)
- d. Adopted and Supervisor Gage presented a Resolution commending Helen Bonino as she celebrates her 100th birthday. (Gage)
- e. Adopted Resolution commending Manny Barbara for 36 years of exemplary service to the Oak Grove School District. (Gage)
- f. Adopted Resolution commending Karen Saunders for her commitment to and accomplishments in public service for over 30 years. (Yeager)
- g. Ratified Resolution, presented on August 9, 2009, commending Sister Anne Locke in honor of her Golden Jubilee in the Order of the Sisters of Notre Dame de Namur and for her tremendous dedication and service to young people and those in need in Santa Clara County and beyond. (Cortese)

- h. Ratified Resolution, presented on August 14, 2009, proclaiming August 15, 2009 as "India Independence Day" in Santa Clara County. (Cortese)
- i. Adopted and President Kniss presented Resolution commending Ted Brown for his service to the Santa Clara County Roads Commission. (Kniss)
- j. Adopted Resolution proclaiming the week of September 13-19, 2009 as "Childhood Cancer Awareness Week" in Santa Clara County. (Kniss)
- k. Adopted and President Kniss presented Resolution proclaiming a committed partnership with the United States Census Bureau to help ensure a full and accurate count in Santa Clara County in 2010. (Kniss)
- l. Adopted Resolution commending Hugh O'Brian for his founding and continued leadership of Hugh O'Brian Youth Leadership (HOBY) which has been inspiring and developing youth and volunteers to a life dedicated to leadership, service, and innovation for more than 50 years. (Cortese)
- m. Adopted Resolution recognizing and commending the 29th Annual Italian Family Festa as a valuable and vibrant event commemorating and promoting the rich Italian-American Heritage in Santa Clara County. (Cortese)
- n. Adopted and Supervisor Cortese presented Resolutions commending Rocky Cao, Albert Jong, and Alvin Jong for representing the United States Taekwondo Team while competing at the World Championships; and, commending Team-M for preparing many great Taekwondo elite athletes in Santa Clara County and representing the United States Taekwondo Team while competing at the World Championships. (Cortese)

2:00 p.m. Hearing

- 60. Convened hearing to consider Resolution relating to the Countywide Nondisposal Facility Element (NDFE), and took the following actions:
 - a. Opened public hearing and received no testimony.

- b. Closed public hearing.
 - c. Adopted Resolution adopting the Seventh Amendment to the NDFE.
61. Convened hearing to consider Resolution approving proposed issuance of bonds by the California Municipal Finance Authority relating to the financing or refinancing the costs of acquisition, construction, and improvement of facilities for the Diocese of San Jose and authorizing the execution of a Joint Exercise of Powers Agreement, and took the following actions:
- a. Opened public hearing and received no testimony.
 - b. Closed public hearing.
 - c. Adopted Resolution authorizing issuance and sale of bonds by the California Municipal Finance Authority, in an aggregate principal amount not to exceed \$20,000,000 for the costs of financing or refinancing the acquisition, construction, and improvement of facilities for the Diocese of San Jose and authorizing the execution of a Joint Exercise of Powers Agreement by the Director, Finance Agency.

2:00 p.m. Land Use Hearing

62. Convened hearing to consider request for proposed tentative map for a two-lot subdivision of property located at 605 Joandra Court in unincorporated Los Altos. Property of Donald and Patricia Wright (File No. 9941-15-71-09S) (Supervisory District 5), and took the following actions:
- a. Opened public hearing and received testimony.
 - b. Closed public hearing.
 - c. Adopted Resolution approving tentative map for a two-lot subdivision located at 605 Joandra Court in unincorporated Los Altos.

Department of Planning and Development Services

- * 63. Under advisement from June 24, 2009 (Item No. 26): Adopted Resolution endorsing Standard Plan A: Residential Seismic Strengthening Plan - 2008.

- * 64. Considered recommendations relating to the County's Nonpoint Source Pollution Control Program for the Pajaro River Watershed Area of South County and the submittal of a National Pollutant Discharge Elimination System (NPDES) Storm Water Phase II Permit, and took the following actions:
 - a. Accepted report.

 - b. Approved revised Regional Storm Water Management Plan (SWMP).

 - c. Authorized staff to submit SWMP to the Central Coast Regional Water Quality Control Board, in application for a NPDES Storm Water Phase II Permit for the South County area.

Parks and Recreation Department

- 65. Under advisement from June 9, 2009 (Item No. 31): Considered report relating to the process by which the Parks and Recreation Department will update its Acquisition Plan, and **directed the Administration** to present the report at the September 24, 2009 Housing, Land Use, Environment and Transportation Committee meeting, for subsequent Board consideration and approval.

Department of Agriculture and Environmental Management

- * 66. Under advisement from April 7, 2009 (Item No. 38): Accepted report relating to update on implementation of a Defensible Space Fire Prevention Pilot Program.

Facilities and Fleet

67. **Deleted from Agenda:** Consideration of Request for Appropriation Modification No. 22 - \$50,000 increasing revenue and offsetting appropriations in the Facilities and Fleet Department Budget to fund the purchase of new and replacement food service equipment for the County Government Center, West Julian Campus, Charcot Campus, and Berger Service Center Cafeterias.
- * 68. Approved First Amendment to Agreement with the State of California, State Lands Commission, relating to removal of the Sea Scout Building from State Land covered by the Lease PRC 4598.9.
- * 69. 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. 08-25, Secured Judicial Parking - Downtown Superior Courts and Hall of Justice, Project No. 263-CP09015. Contractor - Robert A. Bothman, Inc.
- * 70. Adopted Resolution delegating authority to the Director, Facilities and Fleet Department, to execute and amend all necessary permits and Agreements required by utility providers and other authorities, for the Elmwood East Gate Entrance and Access Road Project, Elmwood Emergency Water Supply Project, and Malech Road Water Supply Project, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2010.
- * 71. Accepted Project as complete and authorized the Clerk of the Board to execute Notice of Completion of Contract and Acceptance of Work on Project No. 263-CP06009, Procure/Install Temporary Modulars at William F. James Ranch. Contractor - Robert A. Bothman, Inc.

Sanitation District

- * 72. Accepted Monthly Financial Report from County Sanitation District No. 2-3 for period ending August 2009, and authorized payment of bills in an amount not to exceed \$84,363.76.

- 73. **Deleted from Agenda:** Approve change in the useful life of County Sanitation District 2-3 fixed assets to properly calculate depreciation for inclusion in the County Sanitation District 2-3 financial statements.

Final Adoption of Ordinances

- * 74. Adopted Ordinance No. NS-1100.108 (final) amending selected provisions of Chapter III (Green Building Regulations) of Division C3 of the County of Santa Clara Ordinance Code relating to changing the effective date of mandatory green building requirements for single family residences to January 1, 2010.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

- * 75. Adopted Master Salary Ordinance No. NS-5.10 (final) for Fiscal Year 2010.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

- * 76. Adopted Salary Ordinance No. NS-5.10.01 (final) amending Salary Ordinance No. NS-5.10 relating to the compensation of employees deleting one Executive Assistant I or Administrative Assistant position and adding one Executive Assistant II or Executive Assistant I position in the Information Services Department, and deleting one Executive Assistant I or Administrative Assistant position and adding one Executive Assistant II or Executive Assistant I position in the Facilities and Fleet Department.
Vote: Gage: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Yes

- * 77. Adopted Salary Ordinance No. NS-5.10.02 (final) amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees deleting two

Social Services Program Manager II or Social Services Program Manager I positions and adding two Social Services Program Manager III positions in the Social Services Agency.

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

Closing

78. Announced date and time for closed session to discuss items noticed pursuant to the Brown Act.

Adjourn in Memoriam