

BOARD OF SUPERVISORS

Mike Wasserman, District 1
George Shirakawa, District 2
Dave Cortese, District 3
Ken Yeager, District 4
Liz Kniss, District 5



Jeffrey V. Smith
County Executive

Miguel Márquez
County Counsel

Maria Marinos
Clerk of the Board

SUMMARY OF PROCEEDINGS OF APRIL 26, 2011

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

1. Roll Call - All members and Maria Marinos, Clerk of the Board of Supervisors, were present. Supervisor Liz Kniss took her seat at 9:38 a.m.
2. Recited Pledge of Allegiance.

Public Issues

3. Received the following public comments:

Ruben Garcia, Eligibility Worker, Department of Employment And Benefit Services (DEBS), Social Services Agency (SSA), highlighted proposed budget solutions to generate health care related revenue to Santa Clara County.

Susan Beach, Communications Dispatcher, County Communications, Office of the County Executive, and Brian O'Neill, Political Chairperson, Service Employees' International Union (SEIU), Local 521, expressed concern regarding health care reform and vacated management positions in the Santa Clara Valley Health and Hospital System (SCVHHS).

Bruce Thurman, Deputy Public Guardian Investigator, Department of Adult And Aging Services (DAAS), SSA, spoke in support of an alternate plan for budget reductions to prevent layoffs and service reductions.

Mara Murphy, Estate Administrator, DAAS, SSA, spoke of the importance of estate administrators roles in preventing elder financial abuse.

Susan Fowle, Deputy Public Guardian Investigator, DAAS, SSA, spoke of the importance of public guardians and noted services provided to seniors and disabled adults.

Don Phillips, Librarian, County Library, stated that County employees provide critical services to the community and spoke of the importance of employee input to develop a balanced budget plan.

Jason Gorman and Raul Vasquez, Gardeners, Facilities and Fleet Department, and Zeb Feldman, Internal Organizer, SEIU, Local 521, provided suggestions regarding the abilities of County gardeners to provide landscape services throughout the County to reduce budget reductions and position eliminations.

Olga Burch, Public Health Nurse, SCVHHS, spoke in support of public health education and prevention programs and expressed concern regarding further budget reductions to the hospital system.

4. 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.)

Ceremonial Presentations

5. Ceremonial Presentations. (See Item No. 52)
 - a. Presented Resolution No. 2011-239 proclaiming April 24, 2011 as "Santa Clara County Day of Remembrance of the Armenian Genocide of 1915-1923." (Cortese)
 - b. Presented Resolution No. 2011-245 proclaiming May 1, 2011 as "Workers and Immigrant Rights Day" in Santa Clara County. (Cortese)
 - c. Presented Resolution No. 2011-249 to the Silicon Valley Bicycle Coalition proclaiming May 2011 as "Bike to Work Month." (Yeager)
 - d. Presented Resolution No. 2011-250 commending American Medical Response for its work to organize the community to support Bryan Stow and his family in their time of need. (Yeager)

Sanitation District No. 2-3 - Time Certain - To Be Heard No Earlier Than 9:30 a.m.

6. Convened hearing to consider Sewer Service Charges for County Sanitation District No. 2-3 to be collected on the County Tax Roll for Fiscal Year 2011-2012.
 - a. Opened public hearing and received no testimony.
 - b. Closed public hearing.
 - c. Adopted Ordinance No. 43 (final) amending Article VII, Sections 7.01 through 7.04, of the County Sanitation District No. 2-3 of Santa Clara County Operations Code relating to sewer service charges and authorizing the collection of charges on the tax roll.

Vote: Wasserman: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes
Kniss: Yes

Time Certain - To Be Heard No Earlier Than 9:30 a.m.

7. Convened hearing to consider recommendations relating to adoption of an Ordinance banning single-use carryout bags.

a. Opened public hearing and received testimony.

Five members of the public expressed agreement with the recommendations relating to banning single-use carryout bags.

President Cortese acknowledged receipt of a letter submitted on behalf of the American Chemistry Council's Progressive Bag Affiliates requesting an Environmental Impact Report to ensure compliance with the California Environmental Quality Act.

b. Closed public hearing.

c. Under advisement from April 13, 2010 (Item No. 53): Accepted report relating to single-use carryout bags.

(Supervisor Wasserman voted no.)

d. Adopted Resolution No. 2011-218 adopting a Negative Declaration and making related California Environmental Quality Act findings relating to adoption of an Ordinance banning single-use paper and plastic carryout bags in unincorporated Santa Clara County.

(Supervisor Wasserman voted no.)

e. Waived reading and adopted Ordinance No. NS-517.77 (preliminary) adding Chapter XVII to Division B11 of Title B of the Santa Clara County Ordinance Code relating to the prohibition of free distribution of single-use carryout bags at retail establishments within unincorporated Santa Clara County.

Vote: Wasserman: No Shirakawa: Yes Cortese: Yes Yeager: Yes
Kniss: Yes

Referred to Administration at the request of Supervisor Yeager for report to the Housing, Land Use, and Environment Committee one year after adoption of Ordinance: Establishment of a plan to ensure monitoring of compliance, including an analysis of reusable bag distribution and information relating to the quality of bags provided by affected retailers in the unincorporated area.

8. Considered recommendations relating to the Fiscal Year (FY) 2012 Action Plan for use of Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) funds.
 - a. Opened public hearing and received testimony.

Felix AuYeung, Senior Project Manager, EAH Housing, spoke of a collaboration between the City of Morgan Hill Redevelopment Agency and EAH Housing and noted an application for Mental Health Services Act (MHSA) funding.
 - b. Closed public hearing.
 - c. Approved proposed allocation of FY 2012 Department of Housing and Urban Development (HUD) funds received for the CDBG and HOME Programs.
 - d. Approved proposed contract conditions and contingency plans for final HUD fund grant amounts, as recommended by the participating City Councils and the Housing and Community Development (HCD) Advisory Committee.
 - e. Approved proposed allocation of HUD CDBG fund allocations for the Board's discretionary share, in the amount of \$130,616.
 - f. Approved the draft FY 2012 Action Plan presented by the Office of Affordable Housing (OAH).
 - g. Authorized the OAH to edit and make other necessary revisions to the draft FY 2012 Action Plan in order to finalize and submit a final FY 2012 Action Plan following public comment, and submit the final Action Plan to HUD by May 15, 2011.
 - h. Authorized the County Executive, or designee, to execute necessary documents required by HUD to receive FY 2012 CDBG and HOME funds.

- i. Authorized the OAH to prepare Agreements, Amendments, loan documents, and such other documents and instruments, necessary or appropriate in order to disburse CDBG and HOME funds consistent with Board approval of the FY 2012 expenditures as set forth in the FY 2012 Action Plan, including previously approved but not yet completed city projects; and, thereafter protect the County's interest and secure repayment of funds by the recipients of the CDBG and HOME funds, where appropriate, and enforce compliance with applicable project restrictions.
- j. Authorized the current Board President, or designee, to execute all documents so prepared by OAH, following approval by County Counsel as to form and legality.
- k. Authorized the Office of the County Executive, Office of Budget and Analysis, to increase revenues and expenditures appropriations in the OAH to reflect approved allocations in the FY 2012 Final Budget.

Time Certain - Land Use - To Be Heard No Earlier Than 9:30 a.m.

9. Continued from April 5, 2011 (Item No. 7): Convened hearing to consider appeal of David Lawee and Lorna Borenstein from the decision of the Planning Commission to grant Design Review approval for property located at 19605 Redberry Drive, Los Gatos. Property of Lonny and Pat Oswalt. (File No. 6738-24-53-10DR-10APL) (Supervisory District 5)
 - a. Opened public hearing and received testimony.

Lonny Oswalt, Design Review Applicant; Mark Fredkin, Attorney, Morgan, Franich, Fredkin, and Marsh; David Pruitt, Project Designer; Tran Oswalt, Attorney, MobileFrame; and, John Ransom, Lorene Lauritsen, and Eric Boyenga, concerned citizens, requested that the Board deny the appeal and grant Design Review approval for property located at 19605 Redberry Drive.

David Lawee, Design Review Appellant; Kirsten Powell, Attorney, Logan and Powell; and, Marti Cannizzaro, Wanda Kownacki, and James Schwabe, concerned citizens, requested that the Board grant the appeal and deny Design Review approval for property located at 19605 Redberry Drive.

Doug Aumack, concerned citizen, noted that the applicant has met all existing guidelines, commented regarding the negative impact that large houses have on the surrounding community, and requested that the Board consider additional neighborhood conformity requirements in the future.

Beverly Ledwith, concerned citizen, expressed appreciation to the applicant for advising neighbors regarding construction status, and commented that temporary construction noise is not a long term issue for residents in the area.

b. Closed public hearing.

c. Denied appeal and granted Design Review as conditioned on the final landscape plan, including sufficient screening between the homes, including at least 12 new 20-gallon trees, which is shown on the preliminary partial landscape plan, and referred to County Counsel for preparation of findings.

Referred to Administration at the request of Supervisor Wasserman for report to the Board on date uncertain after the June 2011 Budget Hearing: An analysis relating to amending the existing one-to-one tree replacement ratio, and a comparison of floor-area ratio requirements between the County and the City of Los Gatos.

10. **Continued to May 24, 2011 at request of Supervisor Wasserman:** Hearing to consider appeal of Tony and Tina DaSilva of the Code Enforcement Appeals Board decision to approve the Building Official's decision denying a request for Alternate Materials, Design and Methods for property located at 12130 New Avenue, San Martin (Assessor's Parcel No. 825-35-015). Property of Tony and Tina DaSilva.

Possible action:

a. Open public hearing.

b. Close public hearing.

c. Declare intent to approve, disapprove, or modify the decision of the Code Enforcement Appeals Board and referred the matter to County Counsel for preparation of findings.

11. Convened hearing to consider appeal of Larry Noon of the Code Enforcement Appeals Board decision to approve the Building Official's decision and order that electrical service to an unsafe dwelling be disconnected and that electrical permits for electrical service not be issued to a separate illegally constructed dwelling. Properties of Larry Noon, 17525 Santa Cruz Highway (Assessor's Parcel No. [APN] 544-01-005) and 17531 Santa Cruz Highway (APN 544-01-002), Los Gatos.
 - a. Opened public hearing and received testimony.

Larry Noon, Appellant; David de Carion, Attorney; and, Mensur Sabanija, concerned citizen, requested that the Board grant the appeal and restore electrical service to APN 544-01-005.
 - b. Closed public hearing.
 - c. Declared intent to uphold the decision of the Code Enforcement Appeals Board, and referred the matter to County Counsel for preparation of findings.

Referred to Administration at the request of President Cortese: Directed staff to continue to collaborate with the property owners, appellant, and others involved in the future to provide assistance to minimize the difficulties for property owners and continue to assist with compliance requirements to alleviate the situation.

Board of Supervisors and Board Appointees

12. Accepted report from Supervisor Kniss, Chairperson, Legislative Committee, relating to meeting of April 14, 2011.
 - a. Considered acceptance of State and Federal Update including legislation added by staff and recommended for County support.
 - b. Supported the California Cancer Research Act.
 - c. Supported Assembly Bill (AB) 56 (Hill): Public Utilities: Rate Recovery and Expenditure: Pipeline Safety.

- d. Opposed AB 695 (Norby): Motorcycle Helmets.
 - e. **Held to date uncertain, pending review by the Legislative Committee after the Association of Bay Area Governments (ABAG) considers adopting a process for renaming the San Francisco Bay Trail in May 2011, at the request of President Cortese:** Accept report, oppose renaming the San Francisco Bay Trail, and send a letter to ABAG reflecting this action.
 - f. Accepted Committee agenda items 4, 5, and 7 as Board information only.
13. Accepted report from Supervisor Kniss, Chairperson, Health and Hospital Committee, relating to meeting of April 13, 2011.
- a. Accepted report and approved acquisition of the Network of Care web portal for Seniors and Persons With Disabilities.
 - b. Accepted report relating to the Supplemental Transport Ambulance Resource (STAR) Program and include future STAR reports within the annual response time reports to the Committee.
 - c. Accepted staff report and approved recommendation for expenditures from the Emergency Medical Services Trust Fund (recommendations a-d).

Referred to Administration for report to the Health and Hospital Committee on date uncertain at the request of Supervisor Kniss: Directed staff to provide reports relating to implementing audit recommendations provided to the Finance and Government Operations Committee regarding the Medi-Cal waiver.

President Cortese noted for the record that Hilbert Morales and Elizabeth Rose-Morales, Publishers, El Observador, submitted correspondence regarding policy recommendations for the Santa Clara Valley Health and Hospital System (SCVHHS) and Santa Clara Valley Medical Center (VMC).

- d. Accepted Committee agenda items 5-8, 10-16, 18, and 20 as Board information only.

14. Accepted verbal report from Jeffrey Smith, County Executive, Office of the County Executive, relating to the Fiscal Year 2012 County Budget.
15. Accepted report from County Counsel on legal issues and closed session meeting of April 25, 2011.

Miguel Marquez, County Counsel, Office of the County Counsel, reported that at the April 25, 2011 closed session, with a vote of 3-0 with Supervisors Shirakawa and Yeager absent, the Board approved a settlement agreement with the Silicon Valley Children's Fund that provides for the disposition of proceeds relating to the County's former Children's Shelter property at 4525 Union Avenue in San Jose. Under the agreement, the Fund would receive at least \$5 million, but not more than \$8.4 million, of net proceeds from the disposition of the property. The Board also approved, with a vote of 4-0 with Supervisor Yeager absent, authority to initiate litigation in one matter. The name of the action and the defendant, as well as the substance of the litigation, shall be disclosed, once the action is formally commenced, to any person upon inquiry.

Regular Agenda - Items for Discussion

16. Accepted presentation relating to bond issuance, and adopted Resolution No. 2011-219 authorizing issuance of Los Gatos Union School District General Obligation Bonds (election of 2010), in a principal amount not to exceed \$15,700,000 relating to financing the acquisition or improvement of property in the District.
17. Accepted presentation relating to Fiscal Year (FY) 2011-2012 Tax and Revenue Anticipation Notes (TRANS) and adopted Resolution No. 2011-220 providing for the borrowing of funds in the name of the Santa Clara Unified School District for FY 2011-2012 and the issuance and sale of 2011 TRANS in an amount not to exceed \$30,000,000.

18. **Held to Date Uncertain at request of Administration**, and under advisement from March 29, 2011 (Item No. 43): Consider recommendations relating to Agreement with Alvarez & Marsal Healthcare Industry Group. (Office of the County Executive)
19. **Held to Date Uncertain at request of Supervisor Shirakawa**, and under advisement from March 1, 2011 (Item No. 14): Accept report relating to rail line for potential trail (Five Wounds Trail). (Parks and Recreation Department)
20. Considered Item Nos. 48 and 59 previously removed from the Consent Calendar.

Closing

21. Announced Monday, May 9, 2011, 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 Lance Corporal Harry Lew, Alejandra Maree Gonzales, Juliana Crozier, Anne Mack, and Richard Rios, and authorized that letters of condolence be forwarded to the families.

ATTEST: MARIA MARINOS
Clerk of the Board of Supervisors

CONSENT CALENDAR - Items will be considered under Item No. 4. Items removed from the consent calendar will be considered at the end of the morning session regular agenda.

- * 22. Approved Summary of Proceedings of April 5, 2011 and minutes of March 28 and 29, and April 4 and 5, 2011.

Health & Hospital System

- * 23. Approved Request for Appropriation Modification No. 165 - \$259,270 increasing revenue and expenditures in the Senate Bill 12 Emergency Medical Services Payments Fund.

- * 24. Considered recommendations relating to adding positions to the Mental Health Departments' Evans Lane Facility Criminal Justice Program.
 - a. Waived reading and adopted Salary Ordinance No. NS-5.11.64 (preliminary) amending Santa Clara County Salary Ordinance No. NS-5.11 relating to the compensation of employees deleting one half-time Psychiatric Technician II or Licensed Vocational Nurse or Psychiatric Technician I position and adding one Cook I position and one Food Service Worker II position in the Mental Health Department.
Vote: Wasserman: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes
Kniss: Absent

 - b. Approved Request for Appropriation Modification No.162 - \$24,320 transferring funds within the Mental Health Department budget.

- * 25. Approved Third Amendment to Agreement with American Medical Response West for non-emergency medical transport services to Santa Clara Valley Health and Hospital System through December 31, 2012.

Department of Alcohol and Drug Services

- * 26. Considered recommendations relating to Department of Alcohol and Drug Services (DADS) adolescent substance use treatment contract with Asian American Recovery Services.
 - a. Approved First Amendment to Agreement with Asian American Recovery Services relating to providing adolescent substance use treatment services, increasing the maximum financial obligation from \$207,420 to \$226,420, for period July 1, 2010 through June 30, 2011.

b. Approved Request for Appropriation Modification No. 167 - \$19,000 increasing revenue and expenditures in the DADS budget.

* 27. Considered recommendations relating to California Emergency Management Agency (CalEMA) Grant.

- a. Approved Request for Appropriation Modification No. 174 - \$101,163 increasing revenue and expenditures in the Department of Alcohol and Drug Services (DADS) budget.
- b. Approved delegation of authority to the Director, DADS, or designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to Agreement with CalEMA to provide substance use treatment residential beds and transitional housing units, in an amount not to exceed \$504,492 for period January 1, 2011 through December 31, 2011, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2011.
- c. Accepted spending plan for the CalEMA grant.
- d. Approved Agreement with Horizon Services, Inc., relating to providing substance use treatment beds, in an amount not to exceed \$19,627 for period May 1, 2011 through December 31, 2011, that has been reviewed and approved by County Counsel as to form and legality.
- e. Approved delegation of authority to the Director, DADS, or designee, to amend Agreement with Horizon Services, Inc., to provide substance use treatment beds, to modify units, or to increase the maximum financial obligation by an amount no greater than ten percent of the amended 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 December 31, 2011.
- f. Approved Agreement with Pathway Society, Inc., relating to providing substance use treatment beds, in an amount not to exceed \$213,333 for period May 1, 2011 through December 31, 2011, that has been reviewed and approved by County Counsel as to form and legality.

- g. Approved delegation of authority to the Director, DADS, or designee, to amend Agreement with Pathway Society, Inc., to provide substance use treatment beds, to modify units, or to increase the maximum financial obligation by an amount no greater than ten percent of the amended 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 December 31, 2011.
- h. Approved Agreement with Countywide Alcohol and Drugs Services, Inc., relating to providing transitional housing unit beds, in an amount not to exceed \$37,216 for period May 1, 2011 through December 31, 2011 that has been reviewed and approved by County Counsel as to form and legality.
- i. Approved delegation of authority to the Director, DADS, or designee, to amend Agreement with Countywide Alcohol and Drugs Services, Inc., to provide transitional housing unit beds, to modify units, or to increase the maximum financial obligation by an amount no greater than ten percent of the amended 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 December 31, 2011.
- j. Approved Agreement with Crossroads Associates relating to providing transitional housing unit beds, in an amount not to exceed \$108,930 for period May 1, 2011 through December 31, 2011, that has been reviewed and approved by County Counsel as to form and legality.
- k. Approved delegation of authority to the Director, DADS, or designee, to amend Agreement with Crossroads Associates to provide transitional housing unit beds, to modify units, or to increase the maximum financial obligation by an amount no greater than ten percent of the amended 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 December 31, 2011.
- l. Approved Agreement with InnVision relating to providing transitional housing unit beds, in an amount not to exceed \$23,578 for period May 1, 2011 through December 31, 2011, that has been reviewed and approved by County Counsel as to form and legality.

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- m. Approved delegation of authority to the Director, DADS, or designee, to amend Agreement with InnVision to provide transitional housing unit beds, to modify units, or to increase the maximum financial obligation by an amount no greater than ten percent of the amended 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 December 31, 2011.

Employee Services Agency

- * 28. Approved the County of Santa Clara 457 Governmental Deferred Compensation Plan and Trust, as amended and restated, and the corresponding Addendum to 457 Governmental Deferred Compensation Plan and Trust, as recommended by the Defined Contribution Plans Committee.

Board of Supervisors

- * 29. Announced travel for members of the Board of Supervisors and other elected officials as follows:
 - a. District Attorney Jeffrey Rosen traveled to Sacramento, California, to attend the Alliance of California Law Enforcement "Legislative Day" on April 6, 2011.
 - b. Supervisor Yeager traveled to Santa Cruz, California, to attend the Joint Venture Silicon Valley Network "Regionalism in the 21st Century" Conference on March 24, 2011, and to Sacramento, California, to attend the 2011 Silicon Valley Leadership Group Sacramento Advocacy Trip on April 12-13, 2011.
 - c. Andres Quintero, staff to Supervisor George Shirakawa, District Two traveled to Washington D.C. for a Community Leaders Briefing held on April 15, 2011.
- * 30. Accepted reports from members of the Board of Supervisors relating to meetings attended through April 20, 2011.
- * 31. Accepted report from Supervisor Shirakawa, Chairperson, Public Safety and Justice Committee, relating to meeting of April 12, 2011, and accepted Committee agenda items 5-7 as Board information only.

- * 32. **Held to May 10, 2011 at request of President Cortese:** Accept report from the Children, Seniors, and Families Committee relating to meeting of March 16, 2011. (Cortese)

Possible action:

- a. Accept Committee agenda items 3-6 and 8-13 as Board information only.
 - b. Consider recommendations relating to the coordination of drug testing services among Santa Clara County programs.
 1. Direct the Office of the County Executive to work with County departments who provide alcohol and drug testing services to standardize the number and type of panels and the frequency of drug testing to the greatest extent possible.
 2. Direct the Office of the County Executive to work with the Office of the County Counsel and the County departments who provide alcohol and drug testing services, to further explore the issue of confidentiality rights and sharing of drug testing information.
 3. Direct the Office of the County Executive to provide a progress report at the September 2011 meeting of the Children, Seniors, and Families Committee.
- * 33. **Held to May 10, 2011 at request of President Cortese:** Accept report from Board Delegated to the Metropolitan Transportation Commission relating to meeting of March 23, 2011. (Cortese)

County Executive

- * 34. Adopted Resolution No. 2011-221 approving the election date change for governing board members in the Los Altos School District to the same day as the Statewide general election.

- * 35. Adopted Resolution No. 2011-222 approving the election date change for governing board members in the Foothill-De Anza Community College District to the same day as the Statewide general election.
- * 36. Adopted Resolution No. 2011-223 declaring intent to lease real property located at 900 Thompson Court, Milpitas (Assessor's Parcel No. 086-05-024).

Procurement Department

- * 37. Approved delegation of authority to the Director of Procurement, or designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to Agreement No. 5500001621 with Siemens Healthcare Diagnostics, Inc., to provide test kits and related services for Q340 bDNA Analyzer, in an amount not to exceed \$2,100,000 for period January 16, 2001 through December 15, 2011, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 15, 2011.

County Counsel

- * 38. Considered recommendations relating to conflict of interest codes.
 - a. Approved the Conflict of Interest Code for Palo Alto Unified School District.
 - b. Approved the Conflict of Interest Code for Santa Clara Unified School District.

Boards & Commissions

- * 39. Announced appointments by individual Board members to various Boards and Commissions.
 - a. Vice President Shirakawa appointed Lorange Carl Wilson to the County of Santa Clara/Moscow Sister-County Commission, seat no. 14.

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- b. Supervisor Kniss appointed Youngsoo Ryu to the Advisory Commission on Consumer Affairs, seat no. 7.
 - c. President Cortese appointed Donald R. Peoples to the Watchdog Committee for Measure B.
- * 40. Approved Board As-a-Whole appointment of Carl Guardino, nominated by Supervisor Yeager to serve on the Housing Authority of Santa Clara County, seat no. 3.
- * 41. Approved recommendations relating to resignations from Boards and Commissions.
- a. Accepted resignation of Karen Anton from the Certification Appeals Board.
 - b. Accepted resignation of Mathew Rafat from the Advisory Commission on Consumer Affairs.
 - c. Accepted resignation of Jacqueline Gutierrez from the Mental Health Board.

Law & Justice

- * 42. Considered recommendations relating to the Fiscal Year (FY) 2012 Criminal Restitution Compact Program.
- a. Adopted Resolution No. 2011-224 delegating authority to the District Attorney, or designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to Agreement with the California Victim Compensation and Government Claims Board for the Office of the District Attorney to provide services through the Criminal Restitution Compact Program, in an amount not to exceed \$293,145.26 for period July 1, 2011 through June 30, 2012, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2012.
 - b. Authorized the Office of the County Executive, Office of Budget and Analysis, to decrease revenue and expenditures in the Office of the District Attorney FY 2012 budget by \$9,854.26.

- * 43. Considered recommendations relating to the Paul Coverdell Forensic Science Improvement Act (FSIA) Grant Program.
 - a. Adopted Resolution No. 2011-225 delegating authority to the District Attorney, or designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to Grant Award Agreement with the California Emergency Management Agency (CalEMA) for the 2010 Paul Coverdell FSIA Grant Program, in an amount not to exceed \$184,727 for period October 1, 2010 through August 31, 2011, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2011.
 - b. Approved Request for Appropriation Modification No. 170 - \$123,948 increasing revenue and expenditures in the Office of District Attorney budget.

- * 44. Considered recommendations relating to the Cal-ID Vehicle Registration Fee Spending Plan, (Senate Bill 720).
 - a. Approved Fiscal Year (FY) 2012 Vehicle Registration Fee Spending Plan pursuant to Vehicle Code Section 9250.19, and authorized payments to various County-wide law enforcement agencies totaling \$3,143,970 relating to maintaining the County-wide fingerprint identification system.
 - b. Accepted FY 2011 Vehicle Registration Fee Spending Plan update of actual revenues and expenditures through March 31, 2011.
 - c. Accepted FY 2010 report to the State Controller's Office, Division of Accounting and Reporting, detailing final sources and uses of funds collected pursuant to Vehicle Code Section 9250.19.

- * 45. Approved Request for Appropriation Modification No. 169 - \$34,404 increasing revenue and expenditures in the Office of the Sheriff budget for deputies assigned to the Drug Enforcement Agency Task Force.

- * 46. Considered recommendations relating to Domestic Cannabis Eradication Suppression Program Grant.

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- a. Accepted grant from the U.S. Drug Enforcement Administration, in the amount of \$90,000 for the Domestic Cannabis Eradication Suppression Program Grant.
 - b. Approved Request for Appropriation Modification No. 172 - \$90,000 increasing revenue and expenditures in the Office of the Sheriff budget.
 - c. Approved delegation of authority to the Sheriff, or designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to a Grant Award Agreement with the U.S. Department of Justice for the eradication of illicit cannabis plants, in an amount not to exceed \$90,000 for period January 1, 2011 through December 31, 2011, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2011.
- * 47. Considered recommendations relating to the Juvenile Accountability Block Grant (JABG).
- a. Approved Request for Appropriation Modification No. 128 - \$42,377 increasing revenue and expenditures in the Probation Department budget.
 - b. Approved delegation of authority to the Chief Probation Officer, or designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to Service Agreements with various vendors to provide services for the JABG, in an amount not to exceed \$205,390 for period July 1, 2010 through June 30, 2011, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2011.
 - c. Adopted Resolution No. 2011-226 affirming membership of the Santa Clara County Juvenile Justice Coordinating Council, and delegating authority to the Chief Probation Officer, or designee, to submit and/or execute the County of Santa Clara Grant Application to the California Standards Authority for Fiscal Year 2012 and to negotiate, execute and terminate any necessary contracts and amendments, 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.

48. Removed from the Consent Calendar at request of Supervisor Shirakawa: Considered recommendations relating to the Juvenile Justice Crime Prevention Act (JJCPA) Grant.

- a. Approved delegation of authority to the Chief Probation Officer, or designee, to negotiate, execute, amend, or terminate any Agreements relating to JJCPA funds, in an amount not to exceed \$4,208,514 for period July 1, 2010 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.

Referred to Administration for report to the Board in June 2011 at the request of Supervisor Shirakawa: Request to analyze and recommend modifications to the Agreements relating to JJCPA funds to prevent the elimination of a Deputy Probation Officer position from the Restorative Justice Program (RJP) and the restoration of the contract for the RJP mentoring component.

- b. Adopted Resolution No. 227 affirming membership of the Santa Clara County Juvenile Justice Coordinating Council, and delegating authority to the Chief Probation Officer, or designee, to submit and/or execute the County of Santa Clara Grant Application to the California Standards Authority for Fiscal Year 2012 and to negotiate, execute, and terminate any necessary contracts and amendments, 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.

* 49. Considered recommendations relating to the Youthful Offender Block Grant (YOBG).

- a. Approved Request for Appropriation Modification No. 180 - \$91,584 increasing revenue and expenditures in the Probation Department budget.
- b. Approved delegation of authority to the Chief Probation Officer, or designee, to negotiate, execute, amend, or terminate any Agreements relating to YOBG funds, in an amount not to exceed \$3,164,987 for period July 1, 2010 through June 30, 2011, following approval by County Counsel as to form and legality,

and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2011.

- c. Approved delegation of authority to the Chief Probation Officer, or designee, to negotiate, execute, amend, or terminate any Agreements relating to YOBG funds, in an amount not to exceed \$3,164,987 for period July 1, 2011 through June 30, 2012, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2012.

Department of Child Support Services

- * 50. Authorized extension of extra-help hours beyond the 1,040 hour limitation through Fiscal Year 2011 for one Office Specialist III in the Department of Child Support Services.
- * 51. Ratified Memorandum of Understanding with Goodwill of Silicon Valley relating to grant application for the Enhanced Transitional Jobs Program.

Resolutions, Commendations and Memorials

- * 52. Resolutions, Commendations, and Memorials. (See Item No. 5)
 - a. Ratified Resolution No. 2011-228, presented on April 9, 2011, commending the Portuguese Organization for Social Services and Opportunities (POSSO) for its commitment to enriching the lives of Portuguese-speaking seniors in Santa Clara County. (Yeager)
 - b. Adopted Resolution No. 2011-229 proclaiming April 24-30, 2011, as "Office Professionals' Week" with Wednesday, April 27, 2011, as "Office Professionals' Day" in Santa Clara County, and recognizing this profession for its commitment to service (County Executive)
 - c. Adopted Resolution No. 2011-230 commending Janice Doi, Deputy District Attorney, as she retires after 28 years of service to the County of Santa Clara, Office of the District Attorney. (Office of the District Attorney)

- d. Adopted Resolution No. 2011-231 commending Christine Hudson, Deputy District Attorney, as she retires after 24 years of service to the County of Santa Clara, Office of the District Attorney. (Office of the District Attorney)
- e. Adopted Resolution No. 2011-232 commending Peggy Albert as she retires after 42 years of dedicated service to the County of Santa Clara. (Santa Clara Valley Health and Hospital System)
- f. Adopted Resolution No. 2011-233 commending Judy Nudler Borah as she retires after 35 years of dedicated service to the County of Santa Clara. (Department of Planning and Development)
- g. Adopted Resolution No. 2011-234 commending James Chee Yee as he retires after 22 years of dedicated service to the County of Santa Clara. (Department of Planning and Development)
- h. Adopted Resolution No. 2011-235 commending Lydia Palmer as she retires after 42 years of dedicated service to the County of Santa Clara. (Finance Agency)
- i. Ratified Resolution No. 2011-236, presented April 16, 2011, commending Marc Liebman for his dedication and service to the students, teachers, parents, and his colleagues; and, for his unwavering commitment to making his school district one of safety and pride. (Cortese)
- j. Adopted Resolution No. 2011-237 proclaiming April 30, 2011 as "Black April Remembrance Day" in Santa Clara County. (Cortese)
- k. Ratified Resolution No. 2011-238 recognizing the "Japan, we are with you," Fundraising Dinner as an effort in supporting Japan and its people during this time of crisis. (Cortese)
- l. Adopted Resolution No. 2011-239 proclaiming April 24, 2011 as "Santa Clara County Day of Remembrance of the Armenian Genocide of 1915 -1923." (Cortese)
- m. Adopted Resolution No. 2011-240 proclaiming April 21, 2011 as "Holocaust Remembrance Day" in Santa Clara County. (Cortese)

- n. Adopted Resolution No. 2011-241 proclaiming April 28, 2011 as "Take Our Daughters and Sons to Work Day" in Santa Clara County, and encouraging County employees to participate with family and friends. (Cortese)
- o. Adopted Resolution No. 2011-242 proclaiming April 2011 as "DMV/Donate Life California Month" in Santa Clara County. (Cortese)
- p. Ratified Resolution No. 2011-243, presented April 23, 2011, recognizing Chieu Nhoc Nho Ve Quoc Han 30/4/1975 as an effort to educate and remind the younger generations not to forget the tragedy, but to continue advocating for freedom, democracy, and human rights for Vietnam. (Cortese)
- q. Adopted Resolution No. 2011-244 commending Helen Farkas for her dedication and service in sharing her life story for others to learn, and to make sure that history will not repeat itself and tragedies like the Holocaust will not happen to anyone else in this County or anywhere in the United States of America. (Cortese)
- r. Adopted Resolution No. 2011-245 proclaiming May 1, 2011 as "Workers and Immigrant Rights Day" in Santa Clara County. (Cortese)
- s. Adopted Resolution No. 2011-246 commending "Canopy" for the role it has played in planting and protecting trees that are critical to a livable, sustainable urban environment, and for its work to educate, inspire, and engage residents, businesses, and government agencies to protect and enhance local urban forests for 15 years. (Kniss)
- t. Ratified Resolution No. 2011-247, presented April 16, 2011, commending the California Line Dance Association of America for its commitment to building a stronger and healthier community and lifestyle for the residents of Santa Clara County. (Cortese)
- u. Ratified Resolution No. 2011-248, presented April 19, 2011, commending David Figueroa Ortega, Consul General de Mexico for his dedication and commitment to the residents of Santa Clara County. (Shirakawa)
- v. Adopted Resolution No. 2011-249 proclaiming May 2011 as "Bike to Work Month." (Yeager)

- w. Adopted Resolution No. 2011-250 commending American Medical Response for its work to organize the community to support Bryan Stow and his family in their time of need. (Yeager)

Department of Planning and Development Services

- * 53. Approved Deferred Annexation Agreement for a 20-lot subdivision located at 507 Porter Lane, San Jose. Property owners Charles J. Viso and Cherry L. Viso, and Ponderosa Homes. (File No. 9160-48-74-05S-05G) (Supervisory District 3)
- * 54. Accepted transfer of \$118,172.77 in the Saratoga Housing Area Rehabilitation Program (SHARP) funds and \$26,000 in unused SHARP administrative funds, for a total of \$144,172.77 to the Unincorporated Area Housing Rehabilitation Program Fund.
- * 55. Accepted two amended open space and conservation easement grants relating to the Cordeville Cluster Subdivision and Golf Course located at 1 Cordeville Club Drive, San Martin, and authorized the Board President to execute certificates of acceptance for the amended easements. Property owners Cordeville L.P., a California Limited Partnership, and Lion's Gate Community Services District, a special district. (File No. 6362-67-28-96CS)
- * 56. Approved Request for Appropriation Modification No.179 - \$50,000 transferring funds from the Comprehensive Planning Fee fund to the Department of Planning and Development budget.

Department of Agriculture and Environmental Management

- * 57. Considered recommendations relating to a gift/donation of \$10,000 from Peninsula Fix Our Ferals.
 - a. Accepted gift.
 - b. Authorized President to forward letter of appreciation to Peninsula Fix Our Ferals.

- c. Approved Request for Appropriation Modification No. 171 - \$10,000 transferring funds from Donation Trust Fund to the Department of Agriculture and Environmental Management, Animal Care and Control Division budget relating to the County Spay/Neuter Program and the Santa Clara County Animal Shelter.
- * 58. Considered recommendations relating to reauthorization of the Countywide Assembly Bill (AB) 939 Implementation Fee.
- a. Adopted Resolution No. 2011-251 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, amend, terminate, and take any and all necessary or advisable actions relating to the Agency Agreement for Countywide AB 939 Implementation Fee with each jurisdiction, 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. Approved delegation of authority to the Director, Department of Agriculture and Environmental Management, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to the Agreement for 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, 2012.

Roads & Airports

59. Removed from the Consent Calendar at request of Supervisor Shirakawa and **held to May 10, 2011**: Consider recommendations relating to Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grants for Palo Alto Airport, Reid-Hillview Airport and South County Airport.
- a. Authorize the Director, Roads and Airports Department, to submit Grant Application to the FAA, through the City of Palo Alto, relating to AIP grant funding for Palo Alto Airport Pavement Maintenance, in an amount not to exceed \$350,000 for Fiscal Year (FY) 2012.

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- b. Authorize the Director, Roads and Airports Department to submit Grant Application to FAA relating to AIP grant funding for Reid-Hillview Airport Pavement Maintenance, in an amount not to exceed \$450,000 for FY 2012.
- c. Authorize the Director, Roads and Airports Department, to submit Grant Application to FAA relating to AIP grant funding for South County Airport Pavement Maintenance, in an amount not to exceed \$400,000 for FY 2012.
- d. Authorize the Director, Roads and Airports Department, to submit Grant Applications to the California Department of Transportation (Caltrans) for State matching funds upon receiving FAA AIP grant offers for any of the above applications, 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.
- e. Authorize the President to accepted grant offers from the FAA and Caltrans.

Referred to Administration for report to the Board on May 10, 2011 at the request of Supervisor Kniss: Request for a status update regarding negotiations relating to the Palo Alto Airport.

- * 60. Adopted Resolution No. 2011-252 approving the Roads and Airports Department Schedule of Administrative Fines to implement Division A37 of the Santa Clara County Ordinance Code relating to administrative fines/penalties; procedure, review, and appeal.
- * 61. Considered recommendations relating to Agreement with City of Santa Clara for San Tomas Expressway Widening and Pedestrian/Bicycle Trail.
 - a. Approved Agreement with City of Santa Clara relating to funding for design of San Tomas Expressway Widening and Pedestrian/Bicycle Trail, in the amount of \$1,217,080 for period April 26, 2011 through December 31, 2017.
 - b. Approved delegation of authority to the Director, Roads and Airports Department, to amend, terminate, and take any and all necessary or advisable actions relating to Agreement, following approval by County Counsel as to form and legality and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2017.

c. Approved Request for Appropriation Modification No.166 - \$1,217,080 increasing revenue and expenditures in the Roads and Airports Department budget.

- * 62. Approved the Project, adopted plans and specifications, and authorized advertisement of Contract Documents for the 2011 Microsurfacing of County Roads at Various Locations Project, and directed the Clerk of the Board to open bids on Thursday, May 26, 2011, at 2:00 p.m., in the Office of the Clerk of the Board of Supervisors.

Facilities and Fleet

- * 63. Considered recommendations relating to the Elmwood Sally Port/Gate House and Perimeter Fence Access Road Improvements Project (Project No. 263-CP08014).
- a. Approved Request for Appropriation Modification No. 176 - \$150,000 transferring funds within the Facilities and Fleet budget.
- b. Authorized an increase in the Supplemental Work Allowance (SWA) for the Elmwood Sally Port and Perimeter Access Road Project (Project No. 263-CP08014) for BCI Builders, Inc, Contract No. 10-17, in the amount of \$280,000 for a new total SWA of \$545,100 and a new contract encumbrance of \$3,196,100.

Central Fire Protection District

- * 64. Approved Request for Appropriation Modification No. 178 - \$161,000 transferring funds within the Santa Clara County Central Fire Protection District budget.

South Santa Clara County Fire District

- * 65. Considered recommendations relating to the Cooperative Fire Protection Services Agreement for Local Agencies between South Santa Clara County Fire District (SSCCFD) and the California Department of Fire Protection and Forestry (CAL FIRE).

- a. Approved Fourth Amendment to Agreement with CAL FIRE relating to fire protection services within the SSCCFD, including the area protected by the Pacheco Forest Fire Station, as allowed under Public Resources Code Section 4144, during the official non-peak wildfire season of each contract year, as declared by the State of California (mid-November to mid-May), in the amount of \$4,796,592.76 for the period July 1, 2011 through June 30, 2012.
- b. Adopted Resolution No. 2011-1 approving Fourth Amendment to CAL FIRE Agreement No. 1CA00017 for fire protection and services from July 1, 2011 through June 30, 2012.

Sanitation District

- * 66. Accepted Monthly Financial Report from County Sanitation District No. 2-3 for period ending March 31, 2011 and authorized payment of bills in an amount not to exceed \$465,999.15.

Final Adoption of Ordinances

- * 67. Adopted Ordinance No. NS-8.29 (final) repealing Ordinance No. NS-8.28, which provided for a special election on June 7, 2011, to be consolidated with a Statewide special election.
Vote: Wasserman: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Absent
- * 68. Adopted Salary Ordinance No. NS-5.11.63 (final) amending Santa Clara County Salary Ordinance No. NS-5.11 relating to the compensation of employees deleting one Prevention Program Analyst II or Prevention Program Analyst I position in Community Health Services and one Human Resources Analyst or Management Analyst or Associate Management Analyst B or Associate Management Analyst A position, one Information Systems Analyst I position, two Information Systems Analyst II or Information Systems Analyst I positions, one half-time Media Specialist Coordinator position, one half-time Office Specialist II position, and one Office Specialist III position in Valley Medical Center.
Vote: Wasserman: Yes Shirakawa: Yes Cortese: Yes Yeager: Yes Kniss: Absent