

BOARD OF SUPERVISORS

Susan Ellenberg, District 4, President
Otto Lee, District 3, Vice President
Sylvia Arenas, District 1
Cindy Chavez, District 2
S. Joseph Simitian, District 5



James R. Williams
County Executive

Tony LoPresti
County Counsel

Tiffany Lennear
Clerk of the Board

MINUTES

December 5, 2023 9:30 AM

Regular Meeting

BOARD OF SUPERVISORS CHAMBERS

70 West Hedding Street, San Jose, CA

Telephone (408) 299-5001

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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

COUNTY LIGHTING SERVICE AREA

Opening

1. Roll Call.

President Ellenberg called the meeting to order at 9:30 a.m. A quorum was present.

Attendee Name	Title	Status	Arrived
Sylvia Arenas	Supervisor	Present	
Cindy Chavez	Supervisor	Present	
Otto Lee	Vice President	Present	
Susan Ellenberg	President	Present	
S. Joseph Simitian	Supervisor	Present	

2. Pledge of Allegiance.

The Pledge of Allegiance was recited.

3. Invocation. (Arenas)

Corrected to identify Frederick J. Ferrer, Child Advocates of Silicon Valley, as the Invocator.

The Invocation was received.

Ceremonial Presentations**4. Announce Adjournments in Memoriam. (See Item No. 33)**

The Adjournments were announced.

- a. Adjourn in honor and memory of Michael Elliott Fox. (Chavez/Simitian) (ID# 118591)
- b. Adjourn in honor and memory of Don Horsley. (Simitian) (ID# 118734)

5. Commendations and Proclamations. (See Item No. 96)

No Commendations or Proclamations were presented.

Public Issues**6. Public Comment. (ID# 118801)**

Forty individuals addressed the Board.

7. Approve Consent Calendar and changes to the Board of Supervisors' Agenda.

Item No. 12 was added to the Consent Calendar. Item No. 39 was removed from the Consent Calendar. Item Nos. 22 and 34b were held to December 12, 2023.

Requests were noted for Item Nos. 12 and 22.

Corrections were noted to Item Nos. 3, 30, 41, and 66.

7 RESULT: APPROVED AS AMENDED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Time Certain - To Be Heard No Earlier Than 10:00 a.m.**8. Public Hearing - Intent to Purchase Real Property located at 1265 Montecito Avenue, Mountain View. (Office of Supportive Housing)**

- a. Public Hearing to consider the purchase of real property located at 1265 Montecito Avenue, Assessor's Parcel No. 150-26-004, for a public purpose. (Supervisory District Five) (LA-1) (ID# 118390)
 - i. Open public hearing and receive testimony.
 - ii. Close public hearing.

President Ellenberg opened the public hearing. No public comments were received.
President Ellenberg closed the public hearing.

8.a RESULT: HEARING CLOSED

- b. Consider recommendations relating to the purchase and ground lease of real property located at 1265 Montecito Avenue, Mountain View, Assessor's Parcel No. 150-26-004 (Property). (LA-1) Resolution # BOS-2023-167 (ID# 118391)

Possible action:

- i. Adopt Resolution finding the acquisition serves a public purpose; finding that the property to be leased is exempt surplus land under the Surplus Land Act; and approving delegation of authority to the County Executive, or designee, to negotiate, enter into, and sign all agreements and documents necessary or required to acquire and consummate the purchase of the Property, and to take all other necessary action to complete the acquisition, in an amount not to exceed \$9,500,000, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2026.
- ii. Approve delegation of authority to the County Executive, or designee, to take any and all necessary or advisable actions relating to the Ground Lease and Regulatory Agreement, including but not limited to negotiating and executing the Ground Lease, the Regulatory Agreement, and documents related thereto; implementing, amending, modifying, enforcing, and managing the Ground Lease and Regulatory Agreement and their respective terms, with a contract term not to exceed 99 years, 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, 2026.

Supervisor Arenas left her seat at 10:59 a.m.

8.b RESULT: APPROVED [4 TO 0]

MOVER: S. Joseph Simitian, Supervisor

SECONDER: Otto Lee, Vice President

AYES: Chavez, Lee, Ellenberg, Simitian

ABSENT: Arenas

9. Public Hearing - Intent to Purchase Real Property located off Redwood Retreat Road, near Mount Madonna County Park. (Parks and Recreation Department)

- a. Public Hearing to consider approval of purchase of real property for a public park purpose located off Redwood Retreat Road, near Mount Madonna County Park, in unincorporated Gilroy, in the County of Santa Clara, State of California, known as Assessor's Parcel Nos. 756-37-002 and 756-37-008 from Winnifred B. Makinen, Trustee of the Winnifred B. Makinen Trust. (LA-1) (ID# 118552)
 - i. Open public hearing and receive testimony.
 - ii. Close public hearing.

President Ellenberg opened the public hearing. No public comments were received.
President Ellenberg closed the public hearing.

9.a RESULT: HEARING CLOSED

- b. Consider recommendations relating to approval of purchase of a real property interest for a public park purpose. (LA-1) Resolution # BOS-2023-168 (ID# 118555)

Possible action:

- i. Adopt Resolution finding the acquisition of the Property located off Redwood Retreat Road, near Mount Madonna County Park, in unincorporated Gilroy, County of Santa Clara, California, Assessor's Parcel Nos. 756-37-002 and 756-37-008, serves a public park purpose, is in conformity with the adopted Parks and Recreation Element of the County General Plan, and is exempt from the California Environmental Quality Act (CEQA); approving the purchase of the Property; authorizing the President of the Board of Supervisors to execute the Purchase and Sale Agreement to acquire the Property; and delegating the authority to the County Executive, or designee, to negotiate, amend, and execute all documents and agreements necessary to consummate the purchase, including but not limited to the Certificate of Acceptance, following approval as to form and legality by County Counsel and approval by the Office of the County Executive, and take all other necessary action to complete the acquisition. Delegation of authority shall expire on December 31, 2024.
- ii. Approve Request for Appropriation Modification No. 121 - \$2,000,000 transferring funds within the Parks and Recreation Department budget, relating to the acquisition for a public park purpose.

9.b RESULT: APPROVED [4 TO 0]

MOVER: Cindy Chavez, Supervisor

SECONDER: Otto Lee, Vice President

AYES: Chavez, Lee, Ellenberg, Simitian

ABSENT: Arenas

10. Public Hearing - Intent to Purchase Real Property located at 540 Cohansey Avenue, Gilroy. (Facilities and Fleet Department)

- a. Public Hearing to consider purchase of real property located at 540 Cohansey Avenue, Gilroy, Assessor's Parcel No. 835-05-018. (Supervisory District One) (LA-1) (ID# 118606)
 - i. Open public hearing and receive testimony.
 - ii. Close public hearing.

President Ellenberg opened the public hearing. One individual addressed the Board.
President Ellenberg closed the public hearing.

10.a RESULT: HEARING CLOSED

- b. Adopt Resolution finding the acquisition of the Property is exempt from the California Environmental Quality Act (CEQA); approving the purchase of the property; finding the acquisition serves a public purpose; and approving a delegation of authority to the County Executive, or designee, to negotiate, enter into, and sign all agreements and documents necessary or required for the consummation of the purchase of the Property, including but not limited to the Certificate of Acceptance, and to take all other necessary action to complete the acquisition, in an amount not to exceed \$1,261,000, plus closing costs and near-term property management costs of up to \$30,000, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on June 1, 2024. (LA-1) Resolution # BOS-2023-169 (ID# 118587)

Vice President Lee requested that Administration report to the Health and Hospital Committee on date uncertain relating to Saint Louise Regional Hospital site layouts and options to increase bed capacity.

10.b RESULT: APPROVED [4 TO 0]

MOVER: Cindy Chavez, Supervisor

SECONDER: Otto Lee, Vice President

AYES: Chavez, Lee, Ellenberg, Simitian

ABSENT: Arenas

Time Certain - To Be Heard No Earlier Than 1:00 p.m.**11. Consider recommendations relating to the effective implementation of expanded involuntary commitment under Senate Bill (SB) 43. (Behavioral Health Services Department) Resolution # BOS-2023-177 (ID# 118524)**

Possible action:

- a. Receive report from the Behavioral Health Services Department, Office of the County Counsel, Santa Clara Valley Healthcare, and the Social Services Agency relating to the implementation of SB 43.
- b. Adopt Resolution of the Board of Supervisors of the County of Santa Clara to ensure swift, successful, and effective implementation of expanded involuntary commitment under SB 43.

Taken out of order after Item No. 16.

Seventeen individuals addressed the Board.

Supervisor Chavez requested that Administration report to the Board on date uncertain relating to 5150 holds, intensive treatments, conservatorship referrals, and conservatorships by number of persons, rather than number of instances.

At the request of Vice President Lee, the Board directed Administration to report to the Board in the first quarter of Calendar Year 2024 relating to a Venn diagram or other visual aide to describe the relationships between the expanded involuntary commitment under SB 43, the Community Assistance, Recovery, and Empowerment (CARE) Court, and Assisted Outpatient Treatment (AOT); a list of the necessary infrastructure such as building facilities, the type of beds, the number of beds, and personnel to support each of these programs; and, identification of opportunities to support rapid and well-planned implementation of multiple programs in advance of the January 1, 2026 deadline.

At the request of Supervisor Chavez, the Board directed Administration to report to the Board in the first quarter of Calendar Year 2024 relating to the ability to expand the Lanterman-Petris-Short (LPS) Act Conservatorship team to include specialists to assist high-needs unhoused individuals; a description of County efforts to coordinate services for the homeless community in general; and, identification of the number of individuals in the County that may be eligible for expanded involuntary commitment under SB 43.

11 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Susan Ellenberg, President

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Board Referrals

- 12. Approve referral to Administration to report to the Board in December 2023 relating to the Children's Advocacy Center - South County Expansion that was originally prepared for the November 20, 2023 meeting of the Children, Seniors and Families Committee, and agendize the item for Board discussion and direction. (Arenas) (ID# 118737)**

Added to the Consent Calendar at the request of Vice President Lee.

Supervisor Arenas requested that Administration include in the report to the Board in December 2023 options for consideration to address the immediate needs of child sexual abuse survivors in South County, including providing access to the Children's Advocacy Center or additional options to provide services in South County in the interim.

12 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

13. Approve referral to County Counsel to report to the Board with an Ordinance reestablishing the Race and Health Disparities Community Board for a term of 10 years. (Ellenberg/Simitian) (ID# 118648)

Taken out of order after Item No. 10.

Supervisor Arenas took her seat at 11:18 a.m.

Two individuals addressed the Board.

Supervisor Chavez requested that Administration report to the Board on date uncertain relating to the planned communication and reporting structure of the Race and Health Disparities Community Board.

13 RESULT: APPROVED [UNANIMOUS]

MOVER: Susan Ellenberg, President

SECONDER: S. Joseph Simitian, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

14. Approve referral to Administration to report to the Health and Hospital Committee no later than February 2024 relating to options for improving the availability of diagnostic imaging for the early detection of breast cancer to County residents (subject to some income limits), including but not limited to estimates of the costs, logistics, and potential efficacy of improving/expanding any already-existing programs, the opportunity and/or need to create a new program that supports this goal, and related outreach plans to ensure clear communication with the public; and, specifically address the imaging needs of patients with dense breast tissue. (Simitian/Arenas) (ID# 118683)

Four individuals addressed the Board.

14 RESULT: APPROVED [UNANIMOUS]

MOVER: S. Joseph Simitian, Supervisor

SECONDER: Sylvia Arenas, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Board of Supervisors and Board Appointees

15. Receive and consider nominations for Board President and Vice President for calendar year 2024.

Supervisor Chavez made a motion to nominate Supervisor Ellenberg for Board President and Supervisor Lee for Vice President for calendar year 2024. Supervisor Arenas seconded the motion. Pursuant to advice from Tony LoPresti, County Counsel, no vote was taken.

16. Receive report from County Executive.

Taken out of order after Item No. 21.

President Ellenberg reconvened the meeting at 1:31 p.m. with Vice President Lee and Supervisors Simitian and Chavez present.

Supervisor Arenas took her seat at 1:34 p.m.

James R. Williams, County Executive, provided information relating to the State and County budget process for Fiscal Year 2024-2025. He stated that Administration will report to the Board on December 12, 2023 relating to California Advancing and Innovating Medi-Cal (CalAIM) payment reform, including fiscal implications, impacts to County community partners, and State level advocacy regarding CalAIM payment reform, unfunded mandates, and other issues.

Vice President Lee requested that Administration provide an off-agenda report to the Board on date uncertain relating to the development timeline of the County-acquired 4.3-acre site at 10 Kirk Avenue as a housing facility for veterans.

Supervisor Chavez requested that Administration report to the Board on date uncertain relating to concerns recently raised by Technology Services and Solutions Department employees.

Supervisor Chavez requested that Administration report to the Board during Closed Session on December 11, 2023 relating to Labor Relations issues.

16 RESULT: RECEIVED

17. Receive report from County Counsel on legal issues and Closed Session meeting of December 4, 2023.

Taken out of order after Item No. 15.

Mr. LoPresti stated that there were no reportable actions taken at the December 4, 2023 Closed Session meeting.

17 RESULT: RECEIVED

Regular Agenda - Items for Discussion

18. Consider recommendations relating to installation and activation of video security camera at the controlled substances pharmacy safe at the Saint Louise Regional Hospital. (Santa Clara Valley Healthcare) (ID# 118306)

Possible action:

- a. Adopt finding that the benefits of the surveillance technology outweigh the costs pursuant to Section A40-4 of the County of Santa Clara Ordinance Code.
- b. Approve installation and activation of the additional video security camera at the Schedule II controlled substances (CII) pharmacy safe at the Saint Louise Regional Hospital.

Two individuals addressed the Board.

18 RESULT: APPROVED [UNANIMOUS]**MOVER:** S. Joseph Simitian, Supervisor**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**19. Consider recommendations relating to the Juvenile Institutions Facilities and Adult Probation Video Security Systems. (Probation Department) (ID# 115288)**

Possible action:

- a. Receive Anticipated Surveillance Impact Report for Juvenile Institutions Video Surveillance Systems.
- b. Receive Anticipated Surveillance Impact Report for Adult Probation Video Security Cameras.
- c. Adopt finding that the benefits of the surveillance technologies outweigh the costs pursuant to Section A40-4 of the Santa Clara County Ordinance Code.
- d. Approve Surveillance Use Policy for the Juvenile Institutions Video Surveillance Systems that has been reviewed and approved by County Counsel as to form and legality.
- e. Approve the acquisition of security cameras for the William F. James Ranch.
- f. Approve Surveillance Use Policy for Adult Probation Video Security Cameras that has been reviewed and approved by County Counsel as to form and legality.
- g. Approve acquisition of security cameras for the Adult Probation Division.

Two individuals addressed the Board.

19 RESULT: APPROVED [UNANIMOUS]**MOVER:** S. Joseph Simitian, Supervisor**SECONDER:** Otto Lee, Vice President**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**20. Consider recommendations relating to Federal Fiscal Year (FFY) 2023 State Homeland Security Grant Program (SHSGP) application. (Office of the County Executive) (ID# 118506)**

Possible action:

- a. Approve Grant Application to California Governor's Office of Emergency Services for Federal Fiscal Year 2023 State Homeland Security Grant Program relating to the Milpitas Police Department Mobile Trailer Security System in the amount of \$39,717 for period September 1, 2023 through May 31, 2026, that includes funding for surveillance technology.

- b. Approve Grant Application to California Governor's Office of Emergency Services for Federal Fiscal Year 2023 State Homeland Security Grant Program relating to the Office of the Sheriff Thermal Binoculars in the amount of \$62,672 for period September 1, 2023 through May 31, 2026, that includes funding for surveillance technology.

One individual addressed the Board.

At the request of Supervisor Chavez, the Board directed Administration to report to the Finance and Government Operations Committee on date uncertain relating to policies and procedures regarding the use of grant funding received by safety agencies within the County.

20 RESULT: APPROVED [UNANIMOUS]

MOVER: Cindy Chavez, Supervisor

SECONDER: Otto Lee, Vice President

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

21. Under advisement from August 29, 2023 (Item No. 19): Receive report relating to Agricultural Worker Housing. (Office of the County Executive and Office of the County Counsel) (ID# 117859)

Six individuals addressed the Board.

At the request of Supervisor Arenas, the Board directed Administration and County Counsel to report to the Board in 90 days relating to an update on the workplan that fully fleshes out proposed targeting and deadline dates, as well as adding columns for funding or other Board approvals.

At the request of Supervisor Arenas, the Board directed Administration and County Counsel to ensure that outreach for the surveys and roundtable meetings is sufficiently robust; including the goal of utilizing partnerships with community-based organizations, cities, and schools; by contracting with promotora programs, finding ways to offer farmworkers incentives for their time, including food and childcare to allow for their robust participation; include both seasonal and year-round farmworkers in the survey process; and, report to the Housing, Land Use, Environment, and Transportation Committee (HLUET) in the first quarter of 2024 relating to the outreach plan. At the request of Supervisor Arenas, the Board directed Administration and County Counsel to provide an off-agenda report to the Board on date uncertain relating to wastewater capacity at the San Martin Highland campus, and, if necessary, the steps Administration recommends to expand capacity, particularly through opportunities to partner with Morgan Hill and Gilroy on the upcoming Sewer Trunk Line project.

At the request of Supervisor Arenas, the Board directed Administration and County Counsel to add "City-County Agreements" (as described in the Association of Bay Area Governments 2022 Farmworker Housing Toolkit and as referenced in staff's report) as top priority in the Agricultural Worker Housing Workplan; and, to draft potential

amendments to existing County policies for Board consideration on date uncertain; and, draft potential changes to Santa Clara Local Agency Formation Commission (LAFCO) policies, consulting with LAFCO staff, that could be submitted to the LAFCO Board for their consideration.

At the request of Supervisor Arenas, the Board directed Administration and County Counsel to report to HLUET in December 2023 regarding strategies implemented by other counties and cities and recommendations related to each.

At the request of Supervisor Arenas, the Board directed Administration and County Counsel to provide a written report to HLUET in January 2024 relating to a preview of options for consideration in the Mid-Year Budget Review and Fiscal Year (FY) 2024-2025 Budget, including funding for potential pilot programs, consultants, and staffing levels for FY 2024-2025; and, further development of legislative and intergovernmental proposals.

At the request of Supervisor Arenas, the Board directed Administration and County Counsel to report to HLUET in February 2024 relating to an update on potential pilot programs and programs developed by other jurisdictions.

At the request of Supervisor Arenas, the Board directed Administration and County Counsel to report to HLUET in March 2024 relating to each agricultural housing project with an application or pre-application submitted to the Planning Department, and the status and challenges of each site.

At the request of Supervisor Chavez, the Board directed Administration to report to the Board on date uncertain relating to opportunities to collaborate with public entities and local community colleges to build agricultural worker housing; and, options to integrate childcare into future housing developments.

President Ellenberg recessed the meeting at 12:56 p.m.

21 RESULT: RECEIVED [UNANIMOUS]

MOVER: Sylvia Arenas, Supervisor

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

22. Under advisement from October 17, 2023 (Item Nos. 57 and 58): Receive report from the Office of Supportive Housing relating to the Community Plan to End Homelessness accomplishments and future plans.

Held to December 12, 2023 at the request of Administration.

Supervisor Chavez requested that Administration include in the next Community Plan to End Homelessness report to the Board information relating to contractor performance metrics, and a timeline for the Request for Qualifications and Request for Proposals, and non-profit input in developing benchmarks.

22 RESULT: HELD [UNANIMOUS]**Next: 12/12/2023 9:30 AM****MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**23. Receive report relating to the implementation of the 2016 Affordable Housing Bond. (Office of Supportive Housing) (ID# 118494)**

Taken out of order after Item No. 11 and considered concurrently with Item Nos. 24-29.

Three individuals addressed the Board.

President Ellenberg requested that Administration contact Supervisorial District Four on date uncertain to discuss potential correspondence with other jurisdictions regarding partnering with the County to provide supportive housing through the 2016 Affordable Housing Bond.

At the request of Supervisor Arenas, the Board directed Administration to include in the next quarterly report to the Board information relating to an updated Housing Bond cost analysis that includes the cost of development in addition to the cost per unit door; and, historical differences in development costs compared to current and estimated future costs.

23 RESULT: RECEIVED [UNANIMOUS]**MOVER:** Cindy Chavez, Supervisor**SECONDER:** Sylvia Arenas, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**24. Approve delegation of authority to the County Executive, or designee, to negotiate, execute, amend, or terminate all legal documents, including but not limited to contracts, loan agreements, deeds of trust, promissory notes, subordination agreements, assignment agreements, and estoppels relating to one or more loans with Community Development Partners or affiliate, in an amount not to exceed \$8,000,000 for the development of 158 new affordable housing units (plus two manager's units) referred to as 525 North Capitol Avenue to be located at 525 North Capitol Avenue, San José, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive, and subject to Administration review of related due diligence matters and other standard requirements set forth in the final documentation. Delegation of authority shall expire on December 31, 2026. (Office of Supportive Housing) (LA-1) (ID# 114402)**

Considered concurrently with Item Nos. 23 and 25-29.

24 RESULT: APPROVED [UNANIMOUS]**MOVER:** Cindy Chavez, Supervisor**SECONDER:** Sylvia Arenas, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**25. Consider recommendations relating to real property located at 3001 El Camino Real, Palo Alto. (Office of Supportive Housing) (LA-1) Resolution # BOS-2023-178 (ID# 117720)**

Possible action:

- a. Approve delegation of authority to the County Executive, or designee, to negotiate, execute, amend, or terminate all legal documents, including but not limited to contracts, loan agreements, deeds of trust, promissory notes, subordination agreements, assignment agreements, option to acquire, and estoppels relating to one or more loans with Charities Housing Development Corporation of Santa Clara County or affiliate, in an amount not to exceed \$13,000,000 for the development of 127 new affordable housing units (plus two manager's units) referred to as El Camino Real Multifamily Project to be located at 3001 El Camino Real, Palo Alto, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive, and subject to Administration review of related due diligence matters and other standard requirements set forth in the final documentation. Delegation of authority shall expire on December 31, 2026.
- b. Adopt Resolution as a responsible agency for the El Camino Multifamily Project confirming that the Board has independently reviewed and considered the information contained in the environmental record for the project, and making required California Environmental Quality Act findings.

Considered concurrently with Item Nos. 23-24 and 26-29.

25 RESULT: APPROVED [UNANIMOUS]**MOVER:** Cindy Chavez, Supervisor**SECONDER:** Sylvia Arenas, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**26. Consider recommendations relating to real property located at 1020 Terra Bella, Mountain View. (Office of Supportive Housing) (LA-1) Resolution # BOS-2023-179 (ID# 117721)**

Possible action:

- a. Approve delegation of authority to the County Executive, or designee, to negotiate, execute, amend, or terminate all legal documents, including but not limited to contracts, loan agreements, deeds of trust, promissory notes, subordination agreements, assignment agreements, and estoppels relating to one or more loans with Alta Housing or affiliate, in an amount not to exceed \$10,500,000 for the

development of 106 affordable housing units (plus two manager's units) at 1020 Terra Bella to be located at 1020 Terra Bella Avenue in the City of Mountain View, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive, and subject to Administration review of related due diligence matters and other standard requirements set forth in the final documentation. Delegation of authority shall expire on December 31, 2026.

- b. Adopt Resolution as a responsible agency for the 1020 Terra Bella project confirming that the Board has independently reviewed and considered the information contained in the environmental record for the project and making required California Environmental Quality Act findings.

Considered concurrently with Item Nos. 23-25 and 27-29.

26 RESULT: APPROVED [UNANIMOUS]

MOVER: Cindy Chavez, Supervisor

SECONDER: Sylvia Arenas, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

- 27. Approve delegation of authority to the County Executive, or designee, to negotiate, execute, amend, or terminate all legal documents, including but not limited to contracts, loan agreements, deeds of trust, promissory notes, subordination agreements, assignment agreements, option to acquire, and estoppels relating to one or more loans with Charities Housing or affiliate, in an amount not to exceed \$4,000,000 for the development of 48 new affordable housing units (plus one manager's unit) referred to as Santa Teresa Multifamily to be located at 5885 Santa Teresa Boulevard, San José, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive, and subject to Administration review of related due diligence matters and other standard requirements set forth in the final documentation. Delegation of authority shall expire on December 31, 2026. (Office of Supportive Housing) (LA-1) (ID# 118248)**

Considered concurrently with Item Nos. 23-26 and 28-29.

27 RESULT: APPROVED [UNANIMOUS]

MOVER: Cindy Chavez, Supervisor

SECONDER: Sylvia Arenas, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

- 28. Approve delegation of authority to the County Executive, or designee, to negotiate, execute, amend, or terminate all legal documents, including but not limited to contracts, loan agreements, deeds of trust, promissory notes, subordination agreements, assignment agreements, and estoppels relating to one or more loans with Danco Communities or affiliate, in an amount not to exceed \$7,900,000 for the development of 78 new affordable housing units (plus one manager's unit) referred to as 96 West El Camino Family Apartments to be located at 96 West El Camino**

Real, Mountain View, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive, and subject to Administration review of related due diligence matters and other standard requirements set forth in the final documentation. Delegation of authority shall expire on December 31, 2026. (Office of Supportive Housing) (LA-1) (ID# 118289)

Considered concurrently with Item Nos. 23-27 and 29.

28 RESULT: APPROVED [UNANIMOUS]

MOVER: Cindy Chavez, Supervisor

SECONDER: Sylvia Arenas, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

29. Approve delegation of authority to the County Executive, or designee, to negotiate, execute, amend, or terminate all legal documents, including but not limited to contracts, loan agreements, deeds of trust, promissory notes, subordination agreements, assignment agreements, and estoppels relating to one or more loans with Affirmed Housing or affiliate, in an amount not to exceed \$4,000,000 for the development of 189 new affordable housing units (plus two manager's units) referred to as Kooser Apartments to be located at 1371 Kooser Road, San José, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive, and subject to Administration review of related due diligence matters and other standard requirements set forth in the final documentation. Delegation of authority shall expire on December 31, 2026. (Office of Supportive Housing) (LA-1) (ID# 118343)

Considered concurrently with Item Nos. 23-28.

29 RESULT: APPROVED [UNANIMOUS]

MOVER: Cindy Chavez, Supervisor

SECONDER: Sylvia Arenas, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

30. Under advisement from October 3, 2023 (Item No. 12): Consider recommendations relating to updating the responsibilities of the Office of Correction and Law Enforcement Monitoring and increasing the durability of its information-sharing agreements. (County Counsel) (LA-1) Resolution # BOS-2023-180 (ID# 118658)

Possible action:

- a. Adopt Resolution amending Board of Supervisors' Policy Manual section 3.64 relating to Policy on the Office of Correction and Law Enforcement Monitoring, and direct the Clerk of the Board to include Policy in Board of Supervisors' Policy Manual.

- b. Direct the Clerk of the Board and County Counsel to report to the Board in January 2024 with a proposed amendment extending the term of the Agreement with OIR Group for Office of Correction and Law Enforcement Monitoring Services.

Corrected to reflect that the item is subject to the Levine Act (LA-1).

30 RESULT: APPROVED [UNANIMOUS]

MOVER: S. Joseph Simitian, Supervisor

SECONDER: Otto Lee, Vice President

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

31. Under advisement from October 3, 2023 (Item No. 12): Adoption of Ordinance No. NS-300.979, an Ordinance of the Board of Supervisors of the County of Santa Clara amending Section A20-9 of Chapter I of Division A20, Section A22-36 of Chapter III of Division A22, and Section A40-8 of Division A40 of the County of Santa Clara Ordinance Code relating to military equipment and surveillance technology. (County Counsel) (ID# 118659)

- Introduce, waive reading, and preliminarily adopt on December 5, 2023.
- Adopt (Final) on December 12, 2023.

This Ordinance amends Section A20-9 of Chapter I of Division A20, Section A22-36 of Chapter III of Division A22, and Section 440-8 of Division A40 of the County Ordinance Code to reflect the role of the Office of Correction and Law Enforcement Monitoring with respect to military-style equipment and justice-related surveillance technology.

31 RESULT: ADOPTED (PRELIM.) [UNANIMOUS] Next: 12/12/2023 9:30 AM

MOVER: S. Joseph Simitian, Supervisor

SECONDER: Otto Lee, Vice President

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

32. Consider items previously removed from the Consent Calendar.

See Item No. 39.

Closing

33. Adjourn. (See Item No. 4)

President Ellenberg adjourned the meeting at 4:01 p.m.

Consent Calendar - Items will be considered under Item No. 7. Items removed from the Consent Calendar will be considered at the end of the regular agenda.

34. Minutes Approval:

- a. Approve minutes of the November 6, 2023 Regular Meeting: Presentations and Closed Session.

34.a RESULT: APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**b. Approve minutes of the November 7, 2023 Regular Meeting.**

Held to December 12, 2023 at the request of President Ellenberg.

34.b RESULT: HELD [UNANIMOUS]**Next: 12/12/2023 9:30 AM****MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**Social Services Agency**

35. Adopt Resolution authorizing application for and acceptance of the County of Santa Clara allocation awards under the State of California Round 5 of the Transitional Housing Program in the amount of \$2,251,080, Round 2 of the Housing Navigation and Maintenance Program in the amount of \$235,832, and Round 3 of the Transitional Housing Program – Plus Housing Supplement Program in the amount of \$3,226,120, and delegating authority to the County Executive, or designee, to enter into and execute any and all documents required or deemed necessary and appropriate to receive the allocation awards, and any and all amendments thereto, 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, 2029. Resolution # BOS-2023-170 (ID# 118528)

35 RESULT: ADOPTED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

36. Approve Request for Appropriation Modification No. 112 - \$1,080,353 increasing revenue and expenditures in the Social Services Agency budget, relating to adding positions, and contract and administrative services in the Social Services Agency, Department of Employment and Benefit Services. (4/5 Vote) (ID# 118313)

36 RESULT: APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

37. Adoption of Salary Ordinance No. NS-5.24.37, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees

adding two Employment Counselor or Associate Employment Counselor positions in the Social Services Agency. (ID# 118314)

- Introduce, waive reading, and preliminarily adopt on December 5, 2023.
- Adopt (Final) on December 12, 2023.

37 RESULT: ADOPTED (PRELIM.) [UNANIMOUS] Next: 12/12/2023 9:30 AM
MOVER: Otto Lee, Vice President
SECONDER: Cindy Chavez, Supervisor
AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Santa Clara Valley Healthcare

38. Approve Request for Appropriation Modification No. 93 - \$90,000 transferring funds from the EMS Trust Fund and increasing revenue and expenditures in the Emergency Medical Services budget, relating to the Santa Clara Valley Healthcare Stop the Bleed Kits Project. (4/5 Vote) (ID# 118247)

38 RESULT: APPROVED [UNANIMOUS]
MOVER: Otto Lee, Vice President
SECONDER: Cindy Chavez, Supervisor
AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Employee Services Agency

39. Under advisement from October 18, 2022 (Item No. 50): Receive report from the Employee Services Agency relating to the utilization of Concern Employee Assistance Program benefits by County employees. (ID# 118599)

Removed from the Consent Calendar at the request of Supervisor Chavez.

At the request of Supervisor Chavez, the Board directed Administration to provide an off-agenda report to the Board on date uncertain relating to recommendations to utilize metrics to clarify expectations of and meet the needs of employees through the Employee Assistance Program (EAP); additional information relating to EAP contract oversight and associated referrals to non-County mental health providers; and, an analysis of expanding EAP services to a trauma-based model compared to a general workforce model.

39 RESULT: RECEIVED [UNANIMOUS]
MOVER: Cindy Chavez, Supervisor
SECONDER: Sylvia Arenas, Supervisor
AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

40. Approve Agreement with Santa Clara County Engineers and Architects Association (affiliated with the International Federation of Professional and Technical Engineers (Local 21)), for period December 11, 2023 through November

22, 2026, that has been reviewed and approved by County Counsel as to form and legality. (ID# 118680)

40 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

41. Adoption of Salary Ordinance No. NS-5.24.42, amending Santa Clara County Ordinance No. NS-5.24 relating to the compensation of employees adjusting salaries for classifications represented by Santa Clara County Engineers and Architects Association (affiliated with the International Federation of Professional and Technical Engineers, (Local 21)), providing for a five-percent general wage increase in year one of the contract and a four-percent general wage increase in year two. (ID# 118681)

- Introduce, waive reading, and preliminarily adopt on December 5, 2023.
- Adopt (Final) on December 12, 2023.

Corrected to reflect a Salary Ordinance number of NS-5.24.42.

41 RESULT: ADOPTED (PRELIM.) [UNANIMOUS] Next: 12/12/2023 9:30 AM

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

42. Adopt Resolution amending and restating the County of Santa Clara 2024 Internal Revenue Code Section 125 Flexible Benefits Plan Document. Resolution # BOS-2023-171 (ID# 118615)

42 RESULT: ADOPTED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

43. Ratify Side Letter Agreement with the Correctional Peace Officers' Association (CPOA) amending Sections 1.1 and 7.12 of the Memorandum of Understanding effective from November 30, 2020 through September 3, 2023 between the County and CPOA relating to two approximately 11 percent assignment differentials implemented on September 19, 2022 by Salary Ordinance No. NS-5.23.27 in Footnotes 264 and 265, to comply with the California Code of Regulations related to the California Public Employees' Retirement Law, that has been reviewed and approved by County Counsel as to form and legality. (ID# 118030)

43 RESULT: RATIFIED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

44. Approve Request for Appropriation Modification No. 117 - \$60,517 transferring funds from the General Fund Contingency Reserve to the Probation Department budget, and transferring funds within the Santa Clara Valley Healthcare budget, relating to the reclassification of the Laundry Worker classification series. (4/5 vote) (ID# 118595)

44 RESULT: APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

45. Amend Classification Plan to abolish the classification of Laundry Worker I. (ID# 118539)

45 RESULT: APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

46. Adoption of Salary Ordinance No. NS-5.24.36, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees deleting one Laundry Worker II or Laundry Worker I position and adding one Laundry Worker position in the Probation department; deleting two Laundry Worker II positions, one half-time Laundry Worker I position and six Laundry Worker I positions and adding two Material Supply Specialist positions, one half-time Warehouse Material Handler position and six Warehouse Material Handler positions in Santa Clara Valley Healthcare; and increasing the salary of the Laundry Worker classification by approximately five percent; abolishing Laundry Worker I and unclassified Laundry Worker I classifications; and revising Footnote 126. (ID# 118538)

- Introduce, waive reading, and preliminarily adopt on December 5, 2023.
- Adopt (Final) on December 12, 2023.

46 RESULT: ADOPTED (PRELIM.) [UNANIMOUS]**Next: 12/12/2023 9:30 AM****MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

Board of Supervisors**47. Consider recommendations relating to sponsorship of Empowering Our Community for Success. (Arenas) (LA-1) (ID# 118747)**

Possible action:

- a. Approve waiver of Board of Supervisor's Policy 3.68.4.2 which requires approval of sponsorship at least 30 days before the event or activity.
- b. Approve County sponsorship of Empowering Our Community for Success in the amount of \$2,000 from the Supervisorial District One allocation in the Office of the Clerk of the Board Fiscal Year 2023-2024 budget, to support the Teen Holiday Celebration.

47 RESULT: APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**48. Approve County sponsorship of Milpitas Elementary Science Olympiad in the amount of \$200 from the Supervisorial District Three allocation in the Office of the Clerk of the Board Fiscal Year 2023-2024 budget, to support Milpitas Science Olympiad. (Lee) (LA-1) (ID# 117851)****48 RESULT: APPROVED [UNANIMOUS]****MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**49. Announce travel for elected officials as follows:**

- a. Supervisor Ellenberg will travel to Long Beach to attend the California Association of Public Hospitals and Health Systems Annual Conference on December 6-7, 2023. (ID# 118750)

49.a RESULT: RECEIVED**50. Pursuant to Government Code Section 53232.3(d), no member of the Board of Supervisors attended a meeting, as defined in Government Code Section 54952.2(a), at the expense of the County of Santa Clara for period November 2, 2023 through November 29, 2023.****50 RESULT: RECEIVED****Public Safety and Justice Committee****51. Receive report from the Public Safety and Justice Committee relating to the meeting of September 20, 2023. (Ellenberg) (ID# 118740)**

51 RESULT: RECEIVED

52. Receive report from the Public Safety and Justice Committee relating to the meeting of October 19, 2023. (Ellenberg) (ID# 118741)

52 RESULT: RECEIVED**Finance and Government Operations Committee**

53. Receive report from the Finance, Government and Operations Committee relating to the meeting of November 9, 2023. (Lee) (ID# 118642)

53 RESULT: RECEIVED**Children, Seniors, and Families Committee**

54. Receive report from the Children, Seniors, and Families Committee relating to the meeting of January 27, 2023. (Chavez) (ID# 118719)

54 RESULT: RECEIVED

55. Receive report from the Children, Seniors, and Families Committee relating to the meeting of February 21, 2023. (Chavez) (ID# 118720)

55 RESULT: RECEIVED

56. Receive report from the Children, Seniors, and Families Committee relating to the meeting of April 11, 2023. (Chavez) (ID# 118722)

56 RESULT: RECEIVED

57. Receive report from the Children, Seniors, and Families Committee relating to the meeting of April 27, 2023. (Chavez) (ID# 118723)

57 RESULT: RECEIVED

58. Receive report from the Children, Seniors, and Families Committee relating to the meeting of May 25, 2023. (Chavez) (ID# 118724)

58 RESULT: RECEIVED

59. Receive report from the Children, Seniors, and Families Committee relating to the meeting of June 22, 2023. (Chavez) (ID# 118725)

59 RESULT: RECEIVED

60. Receive report from the Children, Seniors, and Families Committee relating to the meeting of August 24, 2023. (Chavez) (ID# 118726)

60 RESULT: RECEIVED

61. Receive report from the Children, Seniors, and Families Committee relating to the meeting of September 28, 2023. (Chavez) (ID# 118728)

61 RESULT: RECEIVED

62. Receive report from the Children, Seniors, and Families Committee relating to the meeting of October 23, 2023. (Chavez) (ID# 118729)

62 RESULT: RECEIVED

County Executive

63. Receive annual report from Office of the County Executive relating to Non-Cooperation with Identity-Based Registries and Internment Activities. (ID# 118525)

63 RESULT: RECEIVED

64. Consider recommendations relating to Federal Fiscal Year 2023 Emergency Management Performance Grant funds. (ID# 118193)

Possible action:

- a. Accept Grant Award from the California Office of Emergency Services relating to funding for the Federal Fiscal Year 2023 Emergency Management Performance Grant in the amount of \$500,004 for period July 1, 2023 through June 30, 2025.
- b. Approve Request for Appropriation Modification No. 120 - \$500,004 increasing revenue and expenditures in the Office of Emergency Management budget, relating to funding for emergency management. (4/5 Vote)

64 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

65. Consider recommendations relating to an agreement with the County of San Mateo. (LA-1) Resolution # BOS-2023-172 (ID# 118052)

Possible action:

- a. Adopt Resolution as a responsible agency for the Realize Flood Park Project confirming that the Board has independently reviewed and considered the information contained in the environmental record for the project, and making required California Environmental Quality Act findings.
- b. Approve Request for Appropriation Modification No. 111 - \$1,300,000 transferring funds within the Office of the County Executive budget, relating to grant funding for the Realize Flood Park Project located at 215 Bay Road, Menlo Park.

- c. Approve Project Agreement with the County of San Mateo relating to grant funding for the Realize Flood Park Project in an amount not to exceed \$1,300,000 for period December 5, 2023 through December 4, 2028, that has been reviewed and approved by County Counsel as to form and legality.

65 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

- 66. Approve retroactive County sponsorship of the Silicon Valley Leadership Group Foundation in an amount not to exceed \$1,200 from the Office of the County Executive Fiscal Year 2023-2024 budget, to support discounts offered to County employees who participated in the 19th Annual Silicon Valley Turkey Trot. (Office of the County Executive) (LA-1) (ID# 118754)**

Corrected to reflect that the item is subject to the Levine Act (LA-1).

66 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

- 67. Receive semi-annual report of gifts under \$10,000 received by County departments for period May 1, 2023 through October 31, 2023. (ID# 118582)**

67 RESULT: RECEIVED

- 68. Receive report relating to anticipated solicitations. (ID# 118610)**

68 RESULT: RECEIVED

- 69. Receive monthly status report on items referred to Administration. (ID# 117026)**

69 RESULT: RECEIVED

Office of Supportive Housing

- 70. Approve Agreement with HomeFirst Services of Santa Clara County relating to providing supportive services at Solaire Apartments in an amount not to exceed \$430,153 for period December 5, 2023 through June 30, 2024, that has been reviewed and approved by County Counsel as to form and legality. A single source exception to competitive procurement has been approved by the Procurement Department pursuant to Board of Supervisors Policy 5.6.5.1(D)(2)(a). (LA-1) (ID# 118268)**

70 RESULT: APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

71. Approve retroactive First Amendment to Memorandum of Understanding with Superior Court of California, County of Santa Clara, relating to providing one Community Worker position to the Office of Supportive Housing to enhance treatment and service delivery increasing the maximum contract amount by \$55,857 from \$459,202 to \$515,059, and extending the agreement for a six-month period through March 29, 2024, that has been reviewed and approved by County Counsel as to form and legality. (ID# 118322)

71 RESULT: APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

72. Approve Second Amendment to Agreement with Sacred Heart Community Service relating to providing homelessness prevention services increasing the maximum contract amount by \$969,314 from \$20,147,289 to \$21,116,603, with no change to the term of the Agreement, that has been reviewed and approved by County Counsel as to form and legality. A single source exception to competitive procurement has been approved by the Procurement Department pursuant to Board of Supervisors Policy 5.6.5.1(D)(2)(a). (LA-1) (ID# 118294)

72 RESULT: APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

73. Approve Fourteenth Amendment to Agreement with Abode Services relating to providing Rental Assistance Program administration decreasing the maximum contract amount by \$1,000,000 from \$206,999,969 to \$205,999,969, with no change to the term of the Agreement, that has been reviewed and approved by County Counsel as to form and legality. An exception to Board of Supervisors Policy 5.4.5.4, Length of Term of Contracts, has been approved by the Office of Countywide Contracting Management. (LA-1) (ID# 118252)

73 RESULT: APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

Procurement Department

- 74. Approve Agreement No. 5500003348 with Stryker Sales, LLC, relating to providing preventive maintenance, repair, and support services for Stryker endoscopy equipment, in an amount not to exceed \$703,000 for period December 5, 2023 to December 4, 2026, that has been reviewed and approved by County Counsel as to form and legality. An exemption to competitive procurement has been approved by the Office of Countywide Contracting Management pursuant to Board of Supervisors Policy 5.6.5.1(D)(1). (LA-1) (ID# 118245)**

74 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Technology Services and Solutions Department

- 75. Approve Request for Appropriation Modification No. 113 - \$8,803,743 increasing revenue and expenditures in the Technology Services and Solutions Department budget, and transferring funds from the IT Stability Fund relating to adding funding for three new IT projects and one existing IT project. (4/5 Vote) (ID# 118556)**

75 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

- 76. Approve Request for Appropriation Modification No. 100 - \$234,237 transferring funds from the General Fund Contingency Reserve to the Finance Agency budget, increasing expenditures in the Finance Agency budget, and increasing revenue and expenditures in the Technology Services and Solutions Department budget, relating to adding One Data Engineer position and One Business Systems Analyst position to support the Tax Collection and Apportionment System and the Trust Fund System. (4/5 Vote) (ID# 118215)**

76 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

- 77. Adoption of Salary Ordinance No. NS-5.24.33, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees adding one Business System Analyst position and one Data Engineer or Associate Data Engineer position in Technology Solutions and Services Department. (ID# 118203)**

- Introduce, waive reading, and preliminarily adopt on December 5, 2023.
- Adopt (Final) on December 12, 2023.

77 RESULT: ADOPTED (PRELIM.) [UNANIMOUS]	Next: 12/12/2023 9:30 AM
MOVER: Otto Lee, Vice President	
SECONDER: Cindy Chavez, Supervisor	
AYES: Arenas, Chavez, Lee, Ellenberg, Simitian	

County Counsel

78. Consider recommendations relating to Conflict of Interest Codes. (ID# 118672)

Possible action:

- Approve the Conflict of Interest Code for Berryessa Union School District.
- Approve the Conflict of Interest Code for Franklin-McKinley School District.
- Approve the Conflict of Interest Code for West Valley Solid Waste Management Authority.

78 RESULT: APPROVED [UNANIMOUS]
MOVER: Otto Lee, Vice President
SECONDER: Cindy Chavez, Supervisor
AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

79. Approve amended Exhibits to the County of Santa Clara Conflict of Interest Code for the following departments/agencies. (ID# 118673)

- Behavioral Health Services Department
- County Library
- Department of Child Support Services
- Department of Parks and Recreation
- Department of Environmental Health
- Employee Services Agency
- Finance Agency
- Office of the Assessor
- Office of the County Executive
- Office of the Sheriff
- Probation Department
- Public Health Department
- Risk Management
- Roads and Airports Department

o. Technology Services and Solutions

p. Valley Health Plan

79 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Clerk of the Board

80. Approve exercising the second option to extend the Agreement with OIR Group relating to Office of Correction and Law Enforcement Monitoring Services, increasing the maximum contract amount by \$1,589,524.44 from \$5,964,030 to \$7,553,554.44, and extending the agreement for a 12-month period through January 14, 2025, and direct County Counsel to give OIR Group written notice by December 15, 2023. (LA-1) (ID# 118660)

80 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Boards and Commissions

81. Approve Fiscal Year 2023-2024 annual work plans for the following Commissions: (ID# 118637)

a. Airports Commission

b. Community Correction and Law Enforcement Monitoring Committee

c. Historical Heritage Commission

d. San Martin Planning Advisory Committee

81 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

82. Receive announcement of appointments and reappointments by individual Board members to various Boards and Commissions:

a. Supervisor Lee: (ID# 118621)

i. Reappoints Maria O'Hollearn to the Commission on the Status of Women, seat number 1.

82.a RESULT: RECEIVED

b. Supervisor Simitian: (ID# 118466)

- i. Appoints Gregory Ryan Cronin to the County Development Review Board, seat number 1.
- ii. Appoints Frank Alioto to the Behavioral Health Board, seat number 15.
- iii. Appoints Evani Purohit to the Youth Task Force, seat number 10.
- iv. Appoints Robert Chaykin to the Human Rights Commission, seat number 5.
- v. Reappoints Orrin Mahoney to the Fairgrounds Management Corporation Board of Directors, seat number 5.

82.b RESULT:RECEIVED**83. Approve Board-As-a-Whole appointments and reappointments to various Boards and Commissions:**

- a. Supervisor Ellenberg nominates: (ID# 118748)
 - i. Richard Labagh for reappointment to the Assessment Appeals Board III, seat number 3.

83.a RESULT:APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**84. Approve Board-As-a-Whole appointment and reappointment to the Community Correction and Law Enforcement Monitoring Committee, as nominated by the Office of Correction and Law Enforcement Monitoring. (ID# 118628)**

- a. Bernie Mills for reappointment to seat number 8.
- b. Sharine Xuan for appointment to seat number 9.
- c. Sharine Xuan for reappointment to the seat number 9, effective January 1, 2024.

84 RESULT: APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**85. Consider recommendations relating to resignations from Boards and Commissions. (ID# 118432)**

Possible action:

- a. Accept the resignation of Lynn Liu from the Health Advisory Commission.
- b. Accept the resignation of Gerard Jenkins from the Health Advisory Commission.

- c. Accept the resignation of Dennis Grilli from the Metropolitan City of Florence, Italy Sister-County Commission.
- d. Accept the resignation of Christine Clifford from the Community Corrections and Law Enforcement Monitoring Committee.

85 RESULT: ACCEPTED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Law and Justice

86. Receive and approve report relating to the Office of Correction and Law Enforcement Monitoring Calendar Year 2024 Work Plan. (ID# 118739)

86 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

87. Adopt Resolution establishing the Crime Laboratory Fee Schedule. Resolution # BOS-2023-173 (ID# 118627)

87 RESULT: ADOPTED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

88. Adopt Resolution delegating authority to the District Attorney, or designee, to negotiate, execute, amend, or terminate a grant agreement with the California Office of Traffic Safety to provide improvements to the Evidential Breath Alcohol Program Infrastructure in an amount not to exceed \$120,000 for period October 1, 2023 through September 30, 2024, 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, 2024. Resolution # BOS-2023-174 (ID# 118619)

88 RESULT: ADOPTED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

89. Adopt Resolution delegating authority to the District Attorney, or designee, to submit grant applications and to negotiate, execute, amend, or terminate resulting grant agreements with the California Department of Insurance for agreements covering Fiscal Years 2023-2024, 2024-2025, and 2025-2026, 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, 2026. Resolution # BOS-2023-175 (ID# 118228)

89 RESULT: ADOPTED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

90. Approve Request for Appropriation Modification No. 65 - \$689,593 increasing revenue and expenditures in the Office of the District Attorney budget, relating to receipt of insurance fraud grants. (4/5 Vote) (ID# 118226)

90 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

91. Adoption of Salary Ordinance No. NS-5.24.32, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees adding one Senior Paralegal or Paralegal position in the Office of the District Attorney. (ID# 118227)

- Introduce, waive reading, and preliminarily adopt on December 5, 2023.

- Adopt (Final) on December 12, 2023.

91 RESULT: ADOPTED (PRELIM.) [UNANIMOUS] Next: 12/12/2023 9:30 AM

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

92. Approve Request for Appropriation Modification No. 110 - \$1,792,398 increasing revenue and expenditures in the Probation Department budget, transferring funds from the 2011 Realignment Trust Fund to the Probation Department budget, and increasing expenditures and transferring funds to the Behavioral Health Services Department budget, relating to the Secure Youth Treatment Facility Program. (4/5 Vote) (ID# 118218)

92 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Finance Agency

- 93. Approve renewal of annual delegation of authority established under Government Code 27000.1 authorizing the Director of Finance to invest or reinvest funds of the County of Santa Clara Treasury for Calendar Year 2024. (ID# 118468)**

93 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

- 94. Approve Twenty-Second Amendment to Agreement with Gorilla Logic, Inc., relating to providing software development services and related maintenance increasing the maximum contract amount by \$13,868,386 from \$31,092,990 to \$44,961,376, and extending the agreement for a 60-month period through December 31, 2028, that has been reviewed and approved by County Counsel as to form and legality. An exception to Board of Supervisors Policy 5.4.5.4, Length of Term of Contracts, has been approved by the Office of Countywide Contracting Management. (LA-1) (ID# 117630)**

94 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

- 95. Approve Fourth Amendment to Agreement with Bank of New York Mellon Trust Company, N.A., relating to providing custodial banking services with no change to the maximum contract amount, and extending the agreement for a six-month period through June 30, 2024, that has been reviewed and approved by County Counsel as to form and legality. An exception to Board of Supervisors Policy 5.4.5.4, Length of Term of Contracts, has been approved by the Office of Countywide Contracting Management. (LA-1) (ID# 118531)**

95 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Commendations and Proclamations

- 96. Commendations and Proclamations. (See Item No. 5)**

- a. Adopt Commendation for Community Health Partnership for its success over the past 30 years in providing affordable, accessible, and quality patient-centered health care for all Santa Clara and San Mateo County residents. (Lee) (ID# 118630)

96.a RESULT: ADOPTED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

- b. Adopt Commendation for the Santa Clara County Medical Association for its success over the past 147 years in serving the residents of Santa Clara County. (Lee) (ID# 118631)

96.b RESULT: ADOPTED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

- c. Adopt Commendation for Roop Phagura for her dedication and service in providing a quality of life for veterans in Santa Clara County. (Lee) (ID# 118645)

96.c RESULT: ADOPTED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

- d. Adopt Commendation for Dr. Puneet Sandhu, DDS, for her dedication and service in providing a quality of life for veterans in Santa Clara County. (Lee) (ID# 118644)

96.d RESULT: ADOPTED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

- e. Adopt Commendation for Deborah Padovan as she retires after nearly two decades of public service including serving as the City Clerk of the Town of Los Altos Hills since 2011. (Simitian) (ID# 118641)

96.e RESULT: ADOPTED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

- f. Adopt Commendation for Susan Morton as she retires after 38 years of service to the County of Santa Clara. (Finance Agency, Department of Tax and Collections) (ID# 118593)

96.f RESULT: ADOPTED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

- g. Adopt Commendation for Kristin Wong Baker as she retires after 27 years of service to the County of Santa Clara. (County Counsel) (ID# 118662)

96.g RESULT: ADOPTED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian

- h. Adopt Commendation for Nancy Clark as she retires after 24 years of service to the County of Santa Clara. (County Counsel) (ID# 118682)

96.h RESULT: ADOPTED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**Department of Planning and Development**

- 97. Adopt Resolution declaring additional findings supporting the County local amendments to the 2022 California Fire and Building Codes. Resolution # BOS-2023-176 (ID# 118616)**

97 RESULT: ADOPTED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**Parks and Recreation Department**

- 98. Consider recommendations relating to Contract Documents for the Clubhouse Remodel Project at Field Sports Park. California Environmental Quality Act (CEQA): Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines. (ID# 118492)**

Possible action:

- a. Approve the Project, adopt plans specifications, and authorize advertisement of Contract Documents for the Clubhouse Remodel Project at Field Sports Park and direct the Clerk of the Board to open bids on Thursday, January 11, 2024, at 2:00 p.m., in the Office of the Clerk of the Board of Supervisors. The opening of bids shall be made available to the public via virtual teleconference, a link to which will be posted via Addendum to the Invitation to Bid no later than 72 hours before the

time scheduled for the opening of bids. The results will be posted on the Clerk of the Board website no later than the following day.

- b. Authorize the County Executive, or designee, to make clarifications, make minor changes, and issue addenda as necessary to the contract documents and the advertisement including the timing of receipt of proposals.

98 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Facilities and Fleet Department

- 99. Approve Request for Appropriation Modification No. 115 - \$18,500,000 transferring funds within the Facilities and Fleet Department budget, relating to tenant improvements at 4151 Middlefield Road, Palo Alto. (ID# 118590)**

99 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

- 100. Consider recommendations relating to an agreement with Pacific Gas and Electric Company (PG&E). (LA-1) (ID# 118509)**

Possible action:

- a. Make necessary findings that it is not in the public's best interest to require competitive bidding for the repairs and it is in the public's best interest to award to PG&E.
- b. Approve Agreement with PG&E relating to the Administrative Office Building power plant update repairs in an amount of \$2,221,555 for a period of 730 days after issuance of notice to proceed and five-year preventive maintenance services for a total contract value in an amount not to exceed \$3,039,082, that has been reviewed and approved by County Counsel as to form and legality.
- c. Authorize County Executive, or designee, to be the Owners Authorized Representative to negotiate, execute, amend, and take any and all necessary or advisable actions relating to the Agreement, following approval by County Counsel as to form and legality. Delegation of authority shall expire on December 31, 2028.

100 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

101. Consider recommendations relating to the Santa Clara Valley Medical Center (SCVMC) Burn Unit Upgrade Project (Project No. 263-CP18009). (LA-1) (ID# 118486)

Possible action:

- a. Approve Contract Change Order No. 24 - Interim - SCVMC Burn Unit Upgrade Project (Project No. 263-CP18009). Contractor - SBAY Construction, Inc. Net increase of \$5,709,791 and an increase of 240 calendar days in contract time.
- b. Authorize the County Executive, or designee, to issue Change Orders, as necessary, consistent with Public Contract Code Section 20142.

101 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

102. Accept Project as complete and authorize the Clerk of the Board to execute Notice of Completion of Contract and Acceptance of Work on Contract No. 20-03, VMC O'Connor Seismic Compliance, Project No. 263-CP20004. Contractor - SBAY Construction, Inc. (ID# 118514)

102 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

103. Accept Project as complete and authorize the Clerk of the Board to execute Notice of Completion of Contract and Acceptance of Work on Contract No. 19-15, VMC O'Connor Hospital Elevator Modernization, Project No. 263-CP20005. Contractor - FTG Builders, Inc. (ID# 118512)

103 RESULT: APPROVED [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Central Fire Protection District

104. Adopt Resolution of the Board of Directors of the Central Fire Protection District delegating authority to the Fire Chief, or designee, to negotiate, execute, amend, or terminate no-cost operational agreements and mutual aid deployment reimbursement agreements with public entities, 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 5, 2028. Resolution # CFPD-2023-6 (ID# 117338)

The Board of Supervisors, sitting as the Governing Board of the Central Fire Protection District, took the following action:

104 RESULT: ADOPTED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**South Santa Clara County Fire District****105. Appoint Baraka A. Carter as the Fire Chief of the South Santa Clara County Fire District. (ID# 118496)**

The Board of Supervisors, sitting as the Governing Board of the South Santa Clara County Fire District, took the following action:

105 RESULT: APPROVED [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**Final Adoption of Ordinances****106. Adoption of Salary Ordinance No. NS-5.24.30, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees deleting one Senior Management Analyst or Management Analyst position and adding one Program Manager II position in the Social Services Agency. (ID# 117974)**

- Introduce, waive reading, and preliminarily adopt on November 7, 2023.
- Adopt (Final) on December 5, 2023.

106 RESULT: ADOPTED (FINAL) [UNANIMOUS]**MOVER:** Otto Lee, Vice President**SECONDER:** Cindy Chavez, Supervisor**AYES:** Arenas, Chavez, Lee, Ellenberg, Simitian**107. Adoption of Salary Ordinance No. NS-5.24.35, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees adding six unclassified Management Aide positions in Technology Services and Solutions. Positions shall expire at 11:59 p.m. on January 5, 2025. (ID# 118176)**

- Introduce, waive reading, and preliminarily adopt on November 7, 2023.
- Adopt (Final) on December 5, 2023.

107 RESULT: ADOPTED (FINAL) [UNANIMOUS]

MOVER: Otto Lee, Vice President

SECONDER: Cindy Chavez, Supervisor

AYES: Arenas, Chavez, Lee, Ellenberg, Simitian

Susan Ellenberg, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

Attest:

Tiffany Lennear, Clerk
Board of Supervisors
(cm/cr/ck)