

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

Curtis Boone
Acting Clerk of the Board

MINUTES January 23, 2024 9:30 AM Regular Meeting

BOARD OF SUPERVISORS CHAMBERS
70 West Hedding Street, San Jose, CA 95110
Telephone (408) 299-5001

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

Call to Order

1. Roll Call.

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

Status	Attendee Name and Title
Present	Cindy Chavez, Supervisor
	Otto Lee, Vice President
	Susan Ellenberg, President
Absent	Sylvia Arenas, Supervisor
	S. Simitian, Supervisor

Opening

2. Pledge of Allegiance.

The Pledge of Allegiance was recited.

3. Elect Supervisor Susan Ellenberg as President and Supervisor Otto Lee as Vice President for 2024.

Supervisor Chavez made a motion to elect Supervisor Susan Ellenberg as President and Supervisor Otto Lee as Vice President. Vice President Lee seconded the motion. The motion was tabled, and the item was revisited after Item No. 5.

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Chavez **SECOND BY:** Lee

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

4. Receive comments from incoming President Susan Ellenberg.
Taken out of order after Item No. 3 was revisited.
5. Invocation by Kathy Córdova, Executive Director of Recovery Café San José.
Taken out of order after Item No. 3.
Supervisors Simitian and Arenas took their seats at 9:36 a.m.
The Invocation was received.

Ceremonial Presentations

6. Announce Adjournments in Memoriam. (See Item No. 36)
Taken out of order after Item No. 4.
The Adjournments were announced.
 - a. Adjourn in honor and memory of Gary Richards. (Chavez)
 - b. Adjourn in honor and memory of Patrick Scott. (Lee)
7. Commendations and Proclamations. (See Item No. 84)
No Commendations or Proclamations were presented.

Public Issues

8. Public Comment.
Sixteen individuals addressed the Board.
Vice President Lee requested that County Counsel provide an off-agenda report to the Board on date uncertain relating to requirements for remote Commissioner attendance for the Senior Care Commission and other boards and commissions.
Vice President Lee requested that Administration and the Sheriff provide an off-agenda report to the Board on date uncertain relating to the training and staffing of security personnel for County hospitals.
9. Approve Consent Calendar and changes to the Board of Supervisors' Agenda.
Two individuals addressed the Board.
Item Nos. 24 and 25 were added to the Consent Calendar. Item Nos. 55, 56, and 61 were removed from the Consent Calendar. Item Nos. 29, 51, and 97 were held to February 6, 2024. Item No. 30 was held to February 27, 2024. Item No. 19 was held to April 16, 2024. Item Nos. 31 and 98 were held to date uncertain.
Requests were noted for Item Nos. 25, 38, 65, 83, and 84.
President Ellenberg and Supervisor Simitian abstained on Item No. 49.
Corrections were noted for Item Nos. 35, 61, 78, 81b, 81c, and 95.

MOTION TO: Approve as amended **RESULT:** Pass [5 - 0]
MOTION BY: Lee **SECOND BY:** Arenas
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Revisited after Item No. 28.

MOTION TO: Reconsider **RESULT:** Pass [5 - 0]
MOTION BY: Lee **SECOND BY:** Arenas
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Approved as amended to incorporate supplemental attachments to Item Nos. 44, 68, 78, and 79.

MOTION TO: Approve as amended **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Time Certain - To Be Heard No Earlier Than 10:00 a.m.

10. Public Hearing to consider approval of purchase of Real Property for a public park purpose located off East Dunne Avenue and Finley Ridge Road, in unincorporated Santa Clara County, known as Assessor's Parcel Numbers 865-06-012, 865-06-021, 865-06-022 from James Woodward, the Estate of Robert Kuster, and the Trustee of the Woodward Family Trust. (LA-1)
- Open public hearing and receive testimony.
 - Close public hearing.
 - Adopt Resolution finding the acquisition of the property located off East Dunne Avenue and Finley Ridge Road in unincorporated San José, County of Santa Clara, California (APNs 865-06-012, 865-06-021, 865-06-022), 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 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 County Executive, and to take all other necessary action to complete the acquisition. Delegation of authority shall expire on January 31, 2025.
 - Approve Request for Appropriation Modification No. 136 - \$4,638,001 transferring funds within the Parks and Recreation Department budget, relating to the acquisition for a public park purpose. Resolution # BOS-2024-01 (ID# 23-1738)

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

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Lee **SECOND BY:** Ellenberg

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

11. Public Hearing to consider approval of purchase of Real Property for a public park purpose located off East Dunne Avenue and Finley Ridge Road, in unincorporated Santa Clara County, known as Assessor's Parcel No. 865-06-013, from Albert J. Bresani and Marie E. Bresani, Trustees of the Bresani Family Trust. (LA-1)
- Open public hearing and receive testimony.
 - Close public hearing.
 - Adopt Resolution finding the acquisition of the Property located off East Dunne Avenue and Finley Ridge Road in unincorporated San José, County of Santa Clara, California (APN 865-06-013), 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 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 County Executive, and to take all other necessary action to complete the acquisition. Delegation of authority shall expire on January 31, 2025.
 - Approve Request for Appropriation Modification No. 137 - \$960,000 transferring funds within the Parks and Recreation Department budget, relating to acquisition for a public park purpose. Resolution # BOS-2024-02 (ID# 23-1739)

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

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Lee **SECOND BY:** Arenas

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Board Referrals

12. Held from December 12, 2024 (Item No. 16): Approve referral to Administration to report to the Board of Supervisors at or before the April 16, 2024 meeting with options relating to ensuring that the Technology Services and Solutions Department procedures and practices reflect the most modern innovations in providing exceptional customer service to County agencies. (Simitian) (ID# 24-1948)

At the request of Supervisor Chavez, the Board directed Administration to report to the Board within the next month relating to the status of County efforts to expand community internet access.

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Simitian **SECOND BY:** Arenas

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

13. Consider recommendations relating to community violence prevention.

(Ellenberg/Arenas)

Possible action:

- a. Approve referral to Administration to develop a Countywide Community Violence Prevention Strategic Plan for Fiscal Year 2024-2025; and report to the Board no later than March 2024 with a proposed development process.
- b. Approve referral to Administration to report to the Board no later than March 2024 with options for establishing a community violence prevention fund.

(ID# 24-2183)

Supervisor Chavez requested that Administration include in the report information relating to census tract data, options for alignment between the various needs assessments, and the specific goals of each intervention strategy.

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Ellenberg

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

14. Approve referral to Administration and County Counsel to report to the Board on March 12, 2024 with a Board Policy establishing inventory guidelines for Fiscal Years (FY) 2024-2025 and 2025-2026. (Ellenberg/Arenas)

Recommended action:

- a. A standardized cover letter attachment to be included with all inventory requests to enable more efficient processing by the Clerk of the Board.
- b. Options to create a public facing website to disseminate inventory information.
- c. Initially recommend a cap of \$1 million per Supervisorial district for inventory items for each of the next two fiscal years, in light of the County's overall fiscal situation.
- d. Re-evaluate Supervisorial district inventory items cap for FY 2025-2026 during the following mid-year budget based on updated budgetary finance projection information.
- e. Options to consider an equity tool that would ensure districts with higher need receive additional dollars for distribution in their district, with a total Countywide amount of \$2 million for FY 2024-2025 for this purpose.
- f. Administration to propose additional funding for Request for Proposal (RFP) for items that regularly are funded through the inventory processes. (ID# 24-2182)

One individual addressed the Board.

At the request of Vice President Lee, the Board directed Administration and County Counsel to report to the Board on March 12, 2024 with a mechanism within the inventory item process to identify, streamline, and publicly notice duplicate funding requests from community-based organizations; and, provide flexibility to re-allocate unused inventory item funding among the Supervisorial Districts.

President Ellenberg made a motion to approve the referral as submitted. Supervisor Arenas seconded the motion. President Ellenberg amended the motion to immediately approve a cap of \$1 million per Supervisorial District for inventory items for each of the next two fiscal years. Supervisor Arenas accepted the amendment.

At the request of President Ellenberg and Supervisor Arenas, the Board approved the referral to Administration and County Counsel as amended to report to the Board on March 12, 2024 with a Board Policy establishing inventory guidelines for FY 2024-2025 and 2025-2026, including a standardized cover letter attachment to be included with all inventory requests to enable more efficient processing by the Clerk of the Board; options to create a public facing website to disseminate inventory information; procedures to re-evaluate Supervisorial district inventory items cap for FY 2025-2026 following mid-year budget based on updated budgetary finance projection information; options to consider an equity tool that would ensure districts with higher need receive additional dollars for distribution in their district, with a total Countywide amount of \$2 million for FY 2024-2025 for this purpose; and, options for additional funding for RFP for items that regularly are funded through the inventory processes.

At the request of President Ellenberg and Supervisor Arenas, the Board approved a cap of \$1 million per Supervisorial district for inventory items for each of the next two fiscal years, in light of the County's overall fiscal situation.

President Ellenberg recessed the meeting at 12:32 p.m.

MOTION TO: Approve as amended **RESULT:** Pass [3 - 1]

MOTION BY: Ellenberg **SECOND BY:** Arenas

AYES: Arenas, Lee, Ellenberg

NAYS: Chavez

ABSTAIN: Simitian

Board of Supervisors and Board Appointees

15. Held from December 12, 2023 (Item No. 17): Adopt Resolution announcing the County's commitment to end child marriage by calling for an "18 no exceptions" law. (Lee) Resolution # BOS-2024-03 (ID# 24-1937)

President Ellenberg reconvened the meeting at 1:04 p.m. with all members present. Six individuals addressed the Board.

MOTION TO: Adopt **RESULT:** Pass [3 - 0]

MOTION BY: Lee **SECOND BY:** Chavez

AYES: Chavez, Simitian, Lee

ABSTAIN: Arenas, Ellenberg

16. Receive report from County Executive.

James R. Williams, County Executive, stated that the County Mid-Year Budget Review will take place on February 6, 2024 and noted a budget deficit of approximately \$280 million. Mr. Williams further advised of proposed changes to the California Educational Revenue Augmentation Fund and associated negative budget

impacts. Mr. Williams stated that he will provide an update at the February 6, 2024 Board meeting.

Supervisor Chavez requested that Administration provide an off-agenda report to the Board on date uncertain relating to the status of a disparity study regarding the management of business and procurement processes.

RESULT: Receive

17. Receive report from County Counsel on legal issues and Closed Session meeting of January 22, 2024.

Tony LoPresti, County Counsel, stated that at the January 22, 2024 Closed Session, by unanimous vote with all members present, the Board authorized the County to initiate litigation in one matter. Mr. LoPresti further stated that the name of the action, defendant, and substance of the litigation, shall be disclosed, once litigation is formally commenced, to any person upon inquiry.

RESULT: Receive**Regular Agenda - Items for Discussion**

18. Consider recommendations relating to the Valley Homeless Healthcare Program. (Santa Clara Valley Healthcare)

Possible action:

- a. Approve operational report from Health Resources and Services Administration (HRSA) Project Director.
- b. Approve Budget Period Progress Report for the grant period June 1, 2024 through May 31, 2025.

(ID# 23-1828)

President Ellenberg requested that Administration provide an off-agenda report to the Board on date uncertain relating to the deployment of Mi-Fi devices in the medical mobile unit to resolve patient registration issues.

Supervisor Arenas requested that Administration report to the Board on date uncertain relating to the reduction of seasonal and year-round migrant agricultural farm workers and the associated reduction in patient numbers; and, options to provide site services at a South County location taking into consideration the distinction between seasonal and year-round farm workers and where they may be located given the harvest season to provide services that are intentionally closer to farm workers and includes client outreach.

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Simitian **SECOND BY:** Lee

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

19. Held from December 12, 2023 (Item No. 31): Consider recommendations relating to the Surveillance-Technology and Community-Safety Ordinance. (Office of the County Executive)

Possible action:

- a. Receive report from the Office of the County Executive with a summary of all requests for Board approval and all notifications and Surveillance Use Policies received by the Board pursuant to Ordinance Code section A40-2 or section A40-5.
- b. Receive Annual Surveillance Reports for the following Surveillance Use Policies:
 - i. Countywide - Badge Password-Access Technology for Multifunction Printer-Copying Machines
 - ii. Countywide - Computers and Mobile Phones with Audiovisual Recording Capabilities
 - iii. Countywide - Email Marketing Software
 - iv. Countywide - Facility Access Control Technology
 - v. Countywide - Portable Security Cameras
 - vi. Countywide - Video Security Cameras
 - vii. Clerk of the Board of Supervisors - Audiovisual Recording Devices
 - viii. Consumer and Environmental Protection Agency - Audio Recorders
 - ix. Consumer and Environmental Protection Agency - Digital Cameras
 - x. Consumer and Environmental Protection Agency - Unmanned Aerial Aircraft (UAS)
 - xi. County Communications - 9-1-1 Audio Recording System
 - xii. County of Santa Clara Health System - Baby Match Technology Used at Santa Clara Valley Medical Center
 - xiii. County of Santa Clara Health System - Badge and Biometric Readers
 - xiv. County of Santa Clara Health System - FairWarning Electronic Health Record Privacy Monitoring
 - xv. County of Santa Clara Health System - Mobile Audio and Visual Recording Devices
 - xvi. County of Santa Clara Health System - NicView Camera Technology Used at Santa Clara Valley Medical Center
 - xvii. County of Santa Clara Health System - Professional Research Consultants Communication Technology
 - xviii. County of Santa Clara Health System - Real Time Location System Technology Used at SCVMC, OCH, SLRH, and Clinics
 - xix. County of Santa Clara Health System - Telephonic and Voice Recording Equipment
 - xx. County of Santa Clara Health System - Video Security Cameras at Parisi House on the Hill
 - xxi. County of Santa Clara Health System - Vocera Communication Technology
 - xxii. County of Santa Clara Health System - Voice Controlled Intelligent Personal Assistant (VIPA)
 - xxiii. County of Santa Clara Health System Emergency Medical Services Agency - Mobile Area Routing and Vehicle Location Information System (MARVLIS)
 - xxiv. Department of Parks and Recreation - Aerial Cameras and Global Positioning System Technologies

- xxv. Department of Parks and Recreation - Closed-Circuit Cameras
- xxvi. Department of Planning and Development - Audio Recorders
- xxvii. Department of Planning and Development - Digital Cameras
- xxviii. Employee Services Agency - Digital Cameras and Camcorders
- xxix. Employee Services Agency - Video-Audio Surveillance for Online Examination Administration
- xxx. Facilities and Fleet Department - Telematics, A Vehicle Fleet Management Tool
- xxxi. Multi-Departmental Children's Advocacy Center - Security Video Cameras
- xxxii. Multi-Departmental County Government Center - Security Cameras
- xxxiii. Multi-Departmental Muriel Wright Facility - Video Security Cameras
- xxxiv. Office of Pretrial Services - Electronic Alcohol Monitoring Devices
- xxxv. Office of Pretrial Services - Global Positioning System Electronic Monitoring Devices
- xxxvi. Office of the Assessor - Digital Cameras Used to Assess Property
- xxxvii. Office of the County Counsel - Digital Audio Recorders
- xxxviii. Office of the County Counsel - Digital Camera
- xxxix. Office of the County Counsel Equal Opportunity Division - Audio Recorders
 - xl. Office of the County Executive - Digital Cameras
 - xli. Office of the County Executive Reentry Resource Center - Security Cameras
 - xlii. Office of the District Attorney - Children's Advocacy Center Interview Room Audio and Video Recording System
 - xliii. Office of the District Attorney - Data Extraction-Examination Forensic Tools and Software
 - xliv. Office of the District Attorney - Digital Recorders
 - xlv. Office of the District Attorney - Global Positioning System Trackers
 - xlvi. Office of the District Attorney - Night Vision Binoculars
 - xlvii. Office of the District Attorney - Video and Audio Surveillance and Recording System for REACT Task Force Office
 - xlviii. Office of the District Attorney - Video Surveillance and Recording of Evidence Storage Facility
 - xliv. Office of the District Attorney Crime Lab - Access Card and Biometric Fingerprint Systems
 - 1. Office of the District Attorney Crime Lab - Digital and Multimedia Evidence Software Hardware
 - li. Office of the District Attorney Crime Lab - DNA Collection and Analysis Software
 - lii. Office of the District Attorney Crime Lab - Security Cameras
 - liii. Office of the Medical Examiner-Coroner - Digital Cameras
 - liv. Office of the Public Defender-Alternate Defender - Data Extraction and Examination Equipment
 - lv. Office of the Public Defender-Alternate Defender - Digital Audio Recorders

- lvi. Office of the Public Defender-Alternate Defender - Digital Cameras
- lvii. Office of the Public Defender-Alternate Defender-Independent Defense
Office-Office of the District Attorney - VIDIZMO Media Processing Tool
- lviii. Office of the Sheriff - Automated License Plate Reader Technology
- lix. Office of the Sheriff - Body Worn Camera System
- lx. Office of the Sheriff - Bomb Disposal Robots
- lxi. Office of the Sheriff - Callyo Mobile Bug
- lxii. Office of the Sheriff - City of Saratoga's Automated License Plate Readers
- lxiii. Office of the Sheriff - Command Vehicle Camera
- lxiv. Office of the Sheriff - Court Security and Safety Surveillance Equipment
- lxv. Office of the Sheriff - Court Security Video Cameras
- lxvi. Office of the Sheriff - Crisis Negotiations Team Emergency Negotiation
Telephone Call Box and Rescue Phone System
- lxvii. Office of the Sheriff - Digital Cameras and Video
- lxviii. Office of the Sheriff - Digital Voice Recorders
- lxix. Office of the Sheriff - Direct-Link Bridge Series System
- lxx. Office of the Sheriff - Electronic Monitoring Program Monitoring Devices
(Global Positioning System Monitoring Devices)
- lxxi. Office of the Sheriff - Flash Camera
- lxxii. Office of the Sheriff - In-Car Video Recording System (Dash Cam System)
- lxxiii. Office of the Sheriff - Integrated Helicopter Mapping System
- lxxiv. Office of the Sheriff - Live Scan Machines, Mobile ID Fingerprint
Machines, and Latent Expert Workstation Technology
- lxxv. Office of the Sheriff - Live Trac PT-10 Plus Global Positioning System
Tracking Devices
- lxxvi. Office of the Sheriff - Security Video Cameras at Sheriff's Headquarters,
Substations, and Evidence Storage Areas
- lxxvii. Office of the Sheriff - Tactical Ball Cameras
- lxxviii. Office of the Sheriff - Tactical Electronics Core Camera System
- lxxix. Office of the Sheriff - Town of Los Altos Hills' Automated License Plate
Readers
- lxxx. Office of the Sheriff - Trail Cameras
- lxxxi. Office of the Sheriff - Underwater Remotely Operated Vehicle
- lxxxii. Office of the Sheriff - Unmanned Aerial Systems (UAS)
- lxxxiii. Office of the Sheriff - VideOversight Interview Recording and Case
Management System
- lxxxiv. Office of the Sheriff - VIP Gander and Mini-Gander Bomb Robot Camera
Systems
- lxxxv. Office of the Sheriff Custody Bureau - Booking Photograph Cameras
- lxxxvi. Office of the Sheriff Custody Bureau - Facility Security Cameras for Main
Jail North and Elmwood
- lxxxvii. Office of the Sheriff Custody Bureau - Full-Body Security Screener
Technology
- lxxxviii. Office of the Sheriff Custody Bureau - Handheld Digital Cameras

- lxxxix. Office of the Sheriff Custody Bureau - Inmate Tablet Monitoring Technology
 - xc. Office of the Sheriff Custody Bureau - Inmate Telephone Monitoring
 - xc. Office of the Sheriff Custody Bureau - Inmate Tracking System
 - xcii. Office of the Sheriff Custody Bureau - Portable Digital Audio Recorders
 - xciii. Office of the Sheriff Custody Bureau - Safety and Security Surveillance Equipment
 - xciv. Probation Department - Electronic Monitoring Program Devices
 - xcv. Probation Department - Juvenile Hall Video Security System
 - xcvi. Probation Department - William F. James Ranch Video Security System
 - xcvii. Procurement Department - Audio Recorders
 - xcviii. Registrar of Voters - Security Cameras
 - xcix. Roads and Airports Department - Airport Noise and Operations Monitoring System
 - c. Roads and Airports Department - Facility Security Camera Systems
 - ci. Social Services Agency - Telephonic and Voice Recording Equipment
- c. Adopt finding that the benefits to the impacted County department(s) and the community of the surveillance technology outweigh the costs, and that reasonable safeguards exist to address reasonable concerns regarding privacy, civil liberties, and civil rights impacted by deployment of the above-listed surveillance technology. (ID# 24-2055)

Held to April 16, 2024 at the request of Supervisor Simitian.

MOTION TO: Hold **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

20. Consider recommendations relating to the installation and activation of video security cameras at the Tuberculosis and Refugee Clinic at 1996 Lundy Avenue in San Jose. (Santa Clara Valley Healthcare)

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 County Ordinance Code.
- b. Approve the installation and activation of the video security cameras system at the Tuberculosis and Refugee Clinic. (ID# 23-1812)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Simitian **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

21. Consider recommendations relating to the installation and activation of additional video security cameras at Learning Partnership. (Behavioral Health Services Department)

Possible action:

- a. Adopt finding that the benefits of the surveillance technology outweigh the costs pursuant to Section A40-4 of the Santa Clara County Ordinance Code.

- b. Approve the activation of additional video security cameras at Learning Partnership, located at 1075 East Santa Clara Street, San Jose, CA, 95116. (ID# 23-1734)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Simitian **SECOND BY:** Lee

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

22. Consider recommendations relating to Automated License Plate Readers. (Office of the Sheriff)

Possible action:

- a. Receive Anticipated Surveillance Impact Report for Automated License Plate Readers for the County of Santa Clara.
- b. Approve revised Office of the Sheriff – County of Santa Clara Automated License Plate Readers Surveillance Use Policy, that has been reviewed and approved by County Counsel as to form and legality.
- c. Approve revised Office of the Sheriff – Town of Los Altos Hills' Automated License Plate Readers Surveillance Use Policy, that has been reviewed and approved by County Counsel as to form and legality.
- d. Approve revised Office of the Sheriff – City of Saratoga's Automated License Plate Readers Surveillance Use Policy, that has been reviewed and approved by County Counsel as to form and legality.
- e. Adopt finding that the benefits of the Automated License Plate Reader surveillance technology outweigh the costs pursuant to Section A40-4 of the Santa Clara County Ordinance Code. (ID# 24-1876)

One individual addressed the Board.

At the request of Supervisor Chavez, the Board requested that the Sheriff report to the Board on date uncertain relating to planned traffic control investments in unincorporated areas; and, collect input from residents in the East Foothills community for subsequent Board consideration.

At the request of Supervisor Simitian, the Board requested that the Office of the Sheriff enhance the regular ordinance-required annual reports relating to automated license plate reader technology to specifically analyze issues or challenges with the application of automated license plate reader technology; addresses privacy concerns regarding location and individual identity; efficacy in terms of crime fighting utility and misidentification; and, issues relating to data sharing.

At the request of Supervisor Simitian, the Board approved the automated license plate reader use policies as amended to automatically sunset two years after the acquisition and implementation of automated license plate reader technology, after which the policies would need to be re-approved; and, directed County Counsel to include this sunset provision in any relevant documents.

At the request of Supervisor Simitian, the Board requested that the Office of the Sheriff, in collaboration with the Office of Correction and Law Enforcement Monitoring, the Office of the County Counsel, and the County Privacy Office, report to the Board, separate from and in addition to the regular ordinance-required annual

reports, no later than two years after the acquisition and implementation of automated license plate reader technology with information relating to issues or challenges with the application of automated license plate reader technology; and, address privacy concerns regarding location and individual identity, efficacy in terms of crime fighting utility and misidentification, and issues regarding data sharing.

At the request of President Ellenberg, the Board further approved the automatic license plate reader use policies as amended to include language that the Office of the Sheriff shall take reasonable measures to ensure the accuracy of collected automated license plate reader data; the Flock Safety Automated License Plate Reader System shall enable users to report inaccurate data which shall be reviewed by the system and corrected; and, audits required by this policy shall include the number of times images have been flagged and corrected, which will also be reported in the annual surveillance report.

MOTION TO: Approve as amended **RESULT:** Pass [5 - 0]

MOTION BY: Chavez **SECOND BY:** Simitian

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

23. Consider recommendations relating to Federal Fiscal Year 2024 State Homeland Security Grant Program application. (Registrar of Voters)

Possible action:

- a. Approve Grant Application to the California Governor's Office of Emergency Services for Federal Fiscal Year 2024 State Homeland Security Grant Program relating to the Registrar of Voters Election Security equipment in the amount of \$56,472 for period September 1, 2024 through May 31, 2027, that includes funding for surveillance technology.
- b. Receive the Registrar of Voters Anticipated Surveillance Impact Report for Badge Readers for 1555 Berger Drive County Warehouse Building.
- c. Receive the Registrar of Voters Anticipated Surveillance Impact Report for Video Intercoms for Berger Drive Campus.
- d. Adopt finding that the benefits of the surveillance technology outweigh the costs pursuant to Section A40-4 of the Santa Clara County Ordinance Code.

(ID# 24-2100)

MOTION TO: Approved **RESULT:** Pass [5 - 0]

MOTION BY: Chavez **SECOND BY:** Lee

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

24. Under advisement from November 7, 2023 (Item No. 11): Receive report from the Consumer and Environmental Protection Agency relating to Battery Recycling Outreach. (ID# 23-1758)

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

MOTION TO: Receive **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

25. Approve delegation of authority to the County Executive, or designee, to submit Grant Application and enter into, negotiate, execute, amend, or terminate any contracts, agreements, or other documents deemed necessary and appropriate to apply for and accept a California Department of Social Services Office of Child Abuse Prevention grant relating to grant funding for the Road to Resilience Program, in an amount not to exceed \$1,800,000 for period July 1, 2024 to June 30, 2027, 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, 2027. (Social Services Agency) (ID# 24-1939)

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

Supervisor Chavez requested that Administration collaborate with all departments relating to access to reproductive health services for women with substance abuse issues; and, include in the grant proposal options to expand prevention efforts within the County, including working with community-based organizations or incentive-based programs, and sex education for all genders.

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

26. Consider recommendations relating to Children's Advocacy Center (CAC) South County. (LA-1) (Office of the District Attorney)

Possible action:

- a. Under advisement from December 12, 2023 meeting (Item No. 28): Receive report from the Office of the District Attorney (DA) and Santa Clara Valley Healthcare (SCVH) relating to the Children's Advocacy Center (CAC) South County.
- b. Approve Request for Appropriation Modification No. 146 - \$226,000 transferring funds from the General Fund Contingency Reserve to the Office of the District Attorney budget relating to the provision of architectural and transportation services in support of providing Children's Advocacy Center services to South County residents. (4/5 Vote) (ID# 24-2042)

Supervisor Chavez requested that Administration report to the Board on date uncertain relating to the long-term vision for use of Valley Health Center Morgan Hill as a permanent location for the CAC South County, including a timeline for completion of the project.

At the request of Supervisor Chavez, the Board directed Administration to report to the Children, Seniors, and Families Committee on date uncertain relating to a programmatic approach to linking behavioral health services, drug and alcohol treatment, and school education partnerships at CAC South County.

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

27. Held from December 12, 2023 (Item No. 27): Receive report from the Santa Clara County Central Fire Protection District relating to employee demographics and recruitment outreach efforts. (ID# 24-1931)

At the request of Supervisor Arenas, the Board directed Administration to explore incorporating Emergency Medical Technician and Paramedic training programs in the Emergency Medical Services Requests for Proposals as a pipeline to recruit female and other diverse populations to the County Fire Districts' total employee count, including as Firefighters/Engineers; and, request demographic information from American Medical Response.

At the request of Supervisor Chavez, the Board directed Administration to engage in a regional approach to the recruitment, education, and retention of females and other diverse populations.

At the request of Vice Chairperson Lee, the Board directed Administration to explore an internship program for females and other diverse populations of all ages who express an interest in becoming Firefighters/Engineers, including NorCal First Alarm Girl's Fire Camp participants.

At the request of Supervisor Chavez, the Board directed Administration to explore recruitment of females and other diverse populations through the County Intern and Earn Program.

At the request of Supervisor Arenas, the Board directed Administration to explore recruitment of females and other diverse populations to the County Fire Districts' total employee count, including Firefighters/Engineers, through the San Jose Conservation Corps.

Vice President Lee requested that Administration explore recruitment of females and other diverse populations as Firefighters/Engineers through veteran groups, including the County Office of Veterans Services.

MOTION TO: Receive **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

28. Under advisement from September 19, 2023 (Item No. 9): Receive report from the Office of Correction and Law Enforcement Monitoring relating to the request for a follow-up report on the Sheriff's Office Use of Chemical Agents in Planned Use of Force Incidents. (ID# 24-2149)

Five individuals addressed the Board.

At the request of President Ellenberg, the Board directed Administration to seek to maximize the therapeutic value of any new facilities that may be considered to serve individuals required to be held in County custody.

At the request of President Ellenberg, the Board directed the Office of Correction and Law Enforcement Monitoring (OCLEM) to report to the Board on date uncertain relating to Custody Health Services implementation of OCLEM recommendations once the new leadership structure has stabilized; and, any concerns regarding continued implementation of OCLEM recommendations that may arise.

At the request of Vice President Lee, the Board directed OCLEM to report to the Board on date uncertain relating to identification of alternatives to chemical agents for restraining inmates that prioritize safety and humane treatment, including information from other jurisdictions, other countries, and California State psychiatric hospitals that house individuals convicted of a crime.

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Ellenberg **SECOND BY:** Lee

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

29. Under advisement from November 7, 2023 (Item No. 10): Receive report relating to options for consideration regarding a matching fund to match the City of San Jose's contribution of \$150,00 for the Blue Zones Project. (Office of the County Executive)

Held to February 6, 2024 at the request of Administration.

MOTION TO: Hold **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

30. Under advisement from November 7, 2023 (Item No. 21): Receive report from the Office of the County Executive relating to a salary ordinance for the ten positions proposed from the County Caregiver Returnship Program.

Held to February 27, 2024 at the request of Administration.

MOTION TO: Hold **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

31. Held from December 12, 2023 (Item No. 26): Consider recommendations relating to Agreement with Axon Enterprises, Inc., for Conducted Energy Devices (TASER 10 CED Les-Lethal Technology), Evidence Management System, Accessories, and Related Services. (Office of the Sheriff)

Possible action:

- a. Approve Agreement with Axon Enterprises, Inc., relating to providing 1,100 conducted energy devices, evidence management system, accessories, and related services in an amount not to exceed \$4,900,000 for period December 12, 2023 through December 11, 2028, that has been reviewed and approved by County Counsel as to form and legality.

OR

- b. Approve Agreement with Axon Enterprises, Inc., relating to providing 500 conducted energy devices, evidence management system, accessories, and related services in an amount not to exceed \$2,500,000 for period December 12, 2023 through December 11, 2028, that has been reviewed and approved by County Counsel as to form and legality.

- c. Approve Request for Appropriation Modification No. 129 – \$1,961,966 transferring funds from the Federal Forfeited Property Trust Fund to the Office of the Sheriff budget, relating to procurement of Axon TASER 10 CEDs.
(4/5 Vote)

Held to date uncertain at the request of the Sheriff.

MOTION TO: Hold **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

32. Consider items previously removed from the Consent Calendar.
See Item Nos. 55, 56, and 61.

Closing

33. Adjourn. (See Item No. 6)
President Ellenberg adjourned the meeting at 5:56 p.m.

Consent Calendar - Items will be considered under Item No. 9. Items removed from the Consent Calendar will be considered at the end of the Regular Agenda.

34. Minutes Approval:
a. Approve minutes of the December 4, 2023 Regular Meeting: Presentations and Closed Session (ID# 24-2189)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- b. Approve minutes of the December 5, 2023 Regular Meeting. (ID# 24-2190)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- c. Approve minutes of the December 11, 2023 Regular Meeting: Presentations and Closed Session (ID# 24-2191)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- d. Approve minutes of the December 12, 2023 Regular Meeting (ID# 24-2192)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- e. Approve minutes of the December 19, 2023 Special Meeting (ID# 24-2193)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Social Services Agency

35. Consider acceptance of donation of \$10,000 from the Italian Men's Club of San Jose on behalf of the Social Services Agency. (LA-1)

Possible action:

- a. Accept donation.
- b. Authorize President of the Board to forward letter of appreciation to the Italian Men's Club of San Jose. (ID# 24-1866)

Corrected to reflect that the item is not subject to the Levine Act.

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Santa Clara Valley Healthcare

36. Approve Ninth Amendment to Agreement with Toyon Associates, Inc., relating to providing cost report and reimbursement services increasing the maximum contract amount by \$800,000 from \$7,240,000 to \$8,040,000, and extending the agreement for a 12-month period through December 31, 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# 23-1831)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

37. Approve appointments/reappointments and privileging actions of specified medical staff and allied health professionals at Santa Clara Valley Medical Center, O'Connor Hospital, and St. Louise Regional Hospital as outlined on the Credentials Report dated December 21, 2023. (LA-4) (ID# 23-1655)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Board of Supervisors

38. Consider Board of Supervisors' assignments for 2024, as recommended by the President of the Board, to Board Policy Committees and other local and regional bodies including Association of Bay Area Governments, Bay Area Air Quality

Management District, Metropolitan Transportation Commission, and the San Francisco Bay Conservation and Development Commission. (Ellenberg)

Possible action:

- a. Approve recommended assignments for Supervisor Arenas (District One).
 - b. Approve recommended assignments for Supervisor Chavez (District Two).
 - c. Approve recommended assignments for Supervisor Lee (District Three).
 - d. Approve recommended assignments for President Ellenberg (District Four).
 - e. Approve recommended assignments for Supervisor Simitian (District Five).
- (ID# 24-3403)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

39. Supervisor Otto Lee will travel to Yosemite to attend the CivicWell Policymakers Conference on March 14-17, 2024. (ID# 24-2121)

MOTION TO: Receive **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

40. Supervisor Ellenberg traveled to Sacramento to attend the California State Association of Counties Executive Committee Meeting and Executive Committee Dinner on January 17-18, 2024. (ID# 24-2031)

MOTION TO: Receive **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

41. Consider recommendations relating to sponsorship of the 44th Annual Dr. Martin Luther King, Jr. (MLK) Luncheon. (Chavez/Ellenberg)

Possible action:

- a. Approve waiver of Board of Supervisors' Policy 3.68.4.2 which requires approval of sponsorship at least 30 days before the event/activity.
- b. Approve County sponsorship of the African American Community Service Agency in the amount of \$1,750 from the Supervisorial District Two and Supervisorial District Four allocations in the Office of the Clerk of the Board Fiscal Year 2023-2024 budget to support the 44th Annual MLK Luncheon.

(ID# 24-1958)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

42. Consider recommendations relating to sponsorship of UStar Productions. (Arenas) (LA-1)

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 UStar Productions in the amount of \$1,000 from the Supervisorial District One allocation in the Office of the Clerk of the Board Fiscal Year 2023-2024 budget, to support the Tết Festival 2024 - Hội Xuân San Jose. (ID# 24-2115)

MOTION TO: Approve **RESULT:** Pass [5 - 0]**MOTION BY:** Arenas **SECOND BY:** Chavez**AYES:** Arenas, Chavez, Simitian, Lee, Ellenberg

43. 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 December 7, 2023 through January 17, 2023.

MOTION TO: Receive **RESULT:** Pass [5 - 0]**MOTION BY:** Arenas **SECOND BY:** Chavez**AYES:** Arenas, Chavez, Simitian, Lee, Ellenberg**Public Health Department**

44. Consider recommendations relating to Climate Change Resiliency Mini-Grants. (LA-1)

Possible action:

- a. Approve amended delegation of authority to the County Executive, or designee, to negotiate, execute, amend, or terminate mini-grants with eligible nonprofit community organizations relating to implementing climate change mitigation and adaptation activities as part of the Climate Change Resiliency Mini-Grants program, increasing the maximum mini grant amounts by \$2,000 from \$8,000 each to \$10,000 each and increasing the cumulative not to exceed amount from \$80,000 to a cumulative not to exceed amount of \$107,500, with no change to the contract term, 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 November 15, 2025.
- b. Approve Request for Appropriation Modification No. 132 - \$27,500 transferring funds from the Office of Sustainability-Office of the County Executive budget to the Public Health Department budget, relating to funding for climate change mitigation and adaptation activities as part of the Climate Change Resiliency Mini-Grants program. (ID# 23-1668)

MOTION TO: Approve **RESULT:** Pass [5 - 0]**MOTION BY:** Arenas **SECOND BY:** Chavez**AYES:** Arenas, Chavez, Simitian, Lee, Ellenberg

Behavioral Health Services Department

45. Consider recommendations relating to Behavioral Health Services Department Short-Doyle (SD)/Mental Health Services Act (MHSA) and Substance Use Treatment Services (SUTS) contracts. (LA-1)

Possible action:

- a. Adopt amended Resolution delegating authority to the County Executive, or designee, to negotiate, execute, amend, or terminate SD/MHSA and SUTS contracts with various entities to provide behavioral health treatment services, increasing the maximum delegated amount by \$20,000,000 from \$389,000,000 to \$409,000,000 for agreements under delegation of authority to start no earlier than July 1, 2023 and end no later than June 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 June 30, 2024.
- b. Approve Request for Appropriation Modification No. 139 - \$20,000,000 increasing estimated revenue and expenditure appropriations in the Behavioral Health Services Department budget, relating to increasing the behavioral health SD/MHSA and SUTS contracts. (4/5 Vote) Resolution # BOS-2024-04 (ID# 23-1740)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

46. Consider recommendations relating to the delegation of authority for the Community Care Expansion (CCE) Preservation Grant Program. (LA-1)

Possible action:

- a. Approve amended delegation of authority to the County Executive, or designee, to negotiate, execute, amend, or terminate revenue agreements with the California Department of Social Services' approved program administrator, relating to receiving grant funding from the CCE Preservation Grant Program in an amount not to exceed \$10,000,000 or the grant award from the State, whichever is lower, and a contract term that starts upon execution of the agreement and ends no later than March 31, 2029, 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 March 31, 2029.
- b. Approve amended delegation of authority to the County Executive, or designee, to negotiate, execute, amend, or terminate expense agreements with operators of existing licensed adult and senior residential care facilities relating to provision of funding from the CCE Preservation Grant Program in an amount not to exceed \$10,000,000 or the grant award from the State, whichever is lower, and with the contract terms that start upon execution of the agreements and end no later than March 31, 2029, 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 March 31, 2029. (ID# 23-1736)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

47. Approve Second Amendment to Agreement with CBIZ Optumas relating to providing consultation support and technical assistance, increasing the maximum contract amount by \$295,915 from \$160,200 to \$456,115 with no change to the term of the Agreement, that has been reviewed and approved by County Counsel as to form and legality. (ID# 23-1730)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

48. Approve retroactive Agreement with Abode Services relating to providing rent administration and payment services in an amount not to exceed \$3,900,000 for period January 1, 2024 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 Office of Countywide Contracting Management pursuant to Board of Supervisors Policy 5.6.5.1(D)(2)(a). (LA-1) (ID# 23-1733)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Employee Services Agency

49. Introduce and preliminarily adopt Salary Ordinance No. NS-20.23.06, an Ordinance amending Santa Clara County Executive Leadership Master Salary Ordinance No. NS-20.23 relating to compensation of employees increasing the flat rate salaries of the Assessor, District Attorney, and Sheriff by 2.6163 percent. (ID# 24-1858)

MOTION TO: Adopt (Prelim.) **RESULT:** Pass [3 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Lee
ABSTAIN: Simitian, Ellenberg

50. Consider recommendations relating to various actions in the Office of the District Attorney.

Possible action:

- a. Approve Appropriation Modification No. 149 - \$207,972 transferring funds within the Office of the District Attorney budget, relating to adding one Communications Director-District Attorney's Office and one unclassified Assistant to the District Attorney.
- b. Approve job specification and amend Classification Plan to add the executive leadership classification of Communications Director-District Attorney's Office.
- c. Approve job specification and amend Classification Plan to add the classification of Assistant to the District Attorney - Unclassified.

- d. Introduce and preliminarily adopt Salary Ordinance No. NS-20.23.07, an Ordinance amending Santa Clara County Executive Leadership Master Salary Ordinance No. NS-20.23 adding one Communications Director-District Attorney's Office position in the Office of the District Attorney; adding one Assistant District Attorney; and deleting one Unclassified Assistant District Attorney.
- e. Introduce and preliminarily adopt Salary Ordinance No. NS-5.24.46, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees adding one Unclassified Assistant to the District Attorney position in the Office of the District Attorney and amending the Salary Schedule to add the classification of Unclassified Assistant to the District Attorney. (ID# 24-1859)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

51. Consider recommendations relating to a reclassification of one Program Manager II to Program Manager III in the Social Services Agency.

Possible action:

- a. Introduce and preliminarily adopt Salary Ordinance No. NS-5.24.45, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees deleting one Program Manager II position and adding one Program Manager III position in the Social Services Agency.
- b. Approve Request for Appropriation Modification No. 142 - \$3,041 increasing revenue and expenditures in the Social Services Agency budget, relating to a class study of one Program Manager II. (4/5 Vote) (ID# 23-1843)

Held to February 6, 2024 at the request of Supervisor Arenas.

MOTION TO: Hold **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

52. Approve County of Santa Clara Public Pay Schedule relating to compensation changes through December 25, 2023. (ID# 24-1887)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Finance and Government Operations Committee

53. Receive report from the Finance and Government Operations Committee relating to the meeting of December 21, 2023. (Lee) (ID# 24-2173)

MOTION TO: Receive **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

County Executive

54. Adopt Resolution authorizing consolidation and performance of services by the Registrar of Voters in the consolidated Presidential Primary Election to be held March 5, 2024. Resolution # BOS-2024-05 (ID# 24-2058)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

55. Consider recommendations relating to 2024 Legislative Policies.

Possible action:

- a. Receive report from the Office of the County Executive relating to Legislative Policies for 2024.
- b. Approve Legislative Policies for 2024. (ID# 24-1905)

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

Taken out of order after Item No. 61 and considered concurrently with Item No. 56.

The Board approved the 2024 Legislative Priorities as amended to reflect the following changes: page 54, paragraph 2, insert “keep children safe and” after “that”; and, page 54, paragraph 7, delete “preserve and support” and substitute “improvement outcomes for.”

At the request of Supervisor Arenas, the Board directed Administration to schedule a study session on date uncertain relating to legislative priorities, including a process for comprehensive review of priorities and integration of conversations by the Board and Policy Committees.

MOTION TO: Approve as amended **RESULT:** [4 - 0]
MOTION BY: Arenas **SECOND BY:** Ellenberg
AYES: Arenas, Chavez, Lee, Ellenberg
ABSENT: Simitian

56. Approve proposed 2024 Legislative Initiatives. (ID# 23-1834)

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

Taken out of order after Item No. 61 and considered concurrently with Item No. 55.

MOTION TO: Approve **RESULT:** Pass [4 - 0]
MOTION BY: Arenas **SECOND BY:** Ellenberg
AYES: Arenas, Chavez, Lee, Ellenberg
ABSENT: Simitian

57. Consider recommendations relating to the Santa Clara County Fairgrounds Management Corporation, Inc. (FMC).

Possible action:

- a. Receive report from the Office of the County Executive
- b. Approve FMC 2024 Budget and Business Plan.
- c. Receive FMC audit for year ending December 31, 2022. (ID# 24-1863)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

58. Consider recommendations from County Executive relating to nominations for appointment by the Board of Supervisors to the Santa Clara County Sustainability Commission.

Possible action:

- a. Appoint William DeVicenzi to the Sustainability Commission.
- b. Appoint Marissa Kulkarni to the Sustainability Commission.
- c. Appoint Dan Pornel to the Sustainability Commission.
- d. Appoint Deborah Vasquez to the Sustainability Commission.
- e. Appoint Elisabeth Floyd as youth at large member to the Sustainability Commission.
- f. Appoint Purva Marfatia as youth at large member to the Sustainability Commission. (ID# 23-1673)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

59. Approve Sixth Amendment to Agreement with Working Partnerships USA relating to providing labor standards outreach and education services to businesses and vulnerable worker populations in Santa Clara County, increasing the maximum contract amount by \$187,000 from \$4,758,262 to \$4,945,262, with no change to the term of the Agreement, that has been reviewed and approved by County Counsel as to form and legality. (LA-1) (ID# 24-1865)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

60. Consider recommendations relating to the Corporate Sponsorship, Marketing, and Advertising Program.

Possible action:

- a. Adopt Resolution adopting the 2023 Annual Review of the Corporate Sponsorship, Marketing, and Advertising Program.
- b. Approve the 2024 Work Plan for the Corporate Sponsorship, Marketing, and Advertising Program. Resolution # BOS-2024-06 (ID# 24-1855)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

61. Approve First Amendment to Grant Agreement with Amigos de Guadalupe Center for Justice and Empowerment relating to providing coordination of temporary emergency shelter and referrals to support services for families and individuals who intend to seek

asylum and who entered the United States after the end of Title 42, increasing the maximum contract amount by \$150,000 from \$360,000 to \$510,000, with no change to the term of the Grant Agreement, that has been reviewed and approved by County Counsel as to form and legality. (ID# 24-2165)

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

Taken out of order after Item No. 9 was reconsidered.

Eleven individuals addressed the Board.

Corrected to reflect that a single-source exception to competitive procurement was approved by the Office of Countywide Contracting Management pursuant to Board of Supervisors Policy 5.6.5.1(D)(2)(a), and that the item is subject to the Levine Act (LA-1).

At the request of Supervisor Chavez, the Board directed Administration to report to the Board by February 27, 2024 relating to options to support individuals impacted by the expiration of Title 42, including consideration of broader County initiatives regarding housing families.

At the request of Vice President Lee, the Board directed Administration to engage cities and private organizations in the County relating to funding to support individuals impacted by the expiration of Title 42.

At the request of Supervisor Chavez, the Board directed Administration to report to the Children, Seniors, and Families Committee on February 2, 2024 relating to options to support families impacted by the expiration of Title 42 that also recognize other families and populations in the County experiencing homelessness.

At the request of Supervisor Chavez, the Board directed Administration to report to the Board on date uncertain relating to the status of a needs assessment for current contracts regarding all immigration response efforts, including contracts relating to legal issues and the provision of other services.

MOTION TO: Approve as amended **RESULT:** Pass [5 - 0]

MOTION BY: Chavez **SECOND BY:** Arenas

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

62. Receive report from the Office of the County Executive relating to anticipated solicitations. (ID# 23-1643)

MOTION TO: Receive **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

63. Receive report monthly status report on items referred to Administration. (ID# 24-2157)

MOTION TO: Receive **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Procurement Department

64. Adopt Resolution delegating authority to the County Executive, or designee, to negotiate, execute, amend, or terminate agreements with vendors participating in the Voluntary Vendor Cost Reduction Initiative, following approval by County Counsel as to form and legality. Delegation of authority shall expire on June 30, 2025. (LA-1) (Office of the County Executive) Resolution # BOS-2024-07 (ID# 24-1903)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

65. Approve Second Amendment to Agreement with Quality Cleaning Professionals, LLC, relating to providing performance-based janitorial services, increasing the maximum contract amount by \$6,200,000 from \$2,300,00 to \$8,500,000 with no change to the term of the Agreement, that has been reviewed and approved by County Counsel as to form and legality. (LA-1) (ID# 24-1906)

President Ellenberg requested that Administration and the Sheriff report to the Public Safety and Justice Committee within three months relating to the custody work program and the creation of a janitorial vocational program for reentry clients.

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Technology Services and Solutions Department

66. Approve Request for Appropriation Modification No. 122 - \$1,958,006 transferring funds within the Technology Services and Solutions (TSS) Department budget, relating to the Information Technology (IT) Stability Fund, increasing funding for three existing County IT projects. (4/5 Vote) (ID# 24-1947)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

County Library

67. Appoint Yosimar Reyes to the honorary post of the Santa Clara County Poet Laureate for period January 23, 2024 through December 31, 2025. (LA-1) (ID# 23-1641)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

County Counsel

68. Consider recommendations relating to legal services agreement with Olson Remcho, LLP. (LA-1)

Possible action:

- a. Approve First Amendment to Agreement with Olson Remcho, LLP, relating to providing legal services increasing the maximum contract amount by \$100,000 from \$200,000 to \$300,000, and extending the Agreement for a six-month period through December 31, 2024, that has been reviewed and approved by County Counsel as to form and legality.
- b. Approve Request for Appropriation Modification No. 141 - \$100,000 transferring funds from the General Fund Contingency Reserve to the Office of the County Counsel budget, relating to increasing the scope of legal services provided in relation to the Levine Act. (4/5 Vote) (ID# 24-1929)

MOTION TO: Approve **RESULT:** Pass [5 - 0]**MOTION BY:** Arenas **SECOND BY:** Chavez**AYES:** Arenas, Chavez, Simitian, Lee, Ellenberg

69. Consider recommendations relating to Conflict of Interest Codes.

Possible action:

- a. Approve the Conflict of Interest Code for Santa Clara County Health Authority.
 - b. Approve the Conflict of Interest Code for Alum Rock Union School District.
 - c. Approve the Conflict of Interest Code for Mountain View Whisman School District.
 - d. Approve the Conflict of Interest Code for University Preparatory Academy.
- (ID# 24-1982)

MOTION TO: Approve **RESULT:** Pass [5 - 0]**MOTION BY:** Arenas **SECOND BY:** Chavez**AYES:** Arenas, Chavez, Simitian, Lee, Ellenberg

70. Approve amended Exhibits to the County of Santa Clara Conflict of Interest Code for the following departments/agencies:
- a. Office of the County Executive
 - b. Development Review Board (ID# 24-2119)

MOTION TO: Approve **RESULT:** Pass [5 - 0]**MOTION BY:** Arenas **SECOND BY:** Chavez**AYES:** Arenas, Chavez, Simitian, Lee, Ellenberg**Clerk of the Board**

71. Under advisement from December 5, 2023 (Item No. 30): Approve First Amendment to Agreement with OIR Group relating to correction and law enforcement monitoring services with no change to the maximum contract amount, and extending the Agreement for a five-year period through January 14, 2030, that has been reviewed and approved by County Counsel as to form and legality. (LA-1) (ID# 24-2061)

MOTION TO: Approve **RESULT:** Pass [5 - 0]**MOTION BY:** Arenas **SECOND BY:** Chavez**AYES:** Arenas, Chavez, Simitian, Lee, Ellenberg

72. Consider recommendations relating to Board of Supervisors 2024 Schedule of Meetings.

Possible action:

- a. Adopt Board of Supervisors 2024 Schedule of Meetings.
- b. Announce that Regular Meetings held on Tuesdays will commence at 9:30 a.m. (ID# 24-2195)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Boards and Commissions

73. Approve Fiscal Year 2023-2024 Annual Work Plans and Budget for the County of Santa Clara, Moscow Sister-County Commission. (ID# 23-1674)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

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

- a. Supervisor Lee:

- i. Appoints Farah Hasnat to the Commission on Equal Access and Employment Opportunity, seat number 3.
- ii. Appoints Dr. Sara Farr to the Health Advisory Commission, seat number 7.
- iii. Appoints Tabassum Pren to the Health Advisory Commission, seat number 10. (ID# 24-1935)

MOTION TO: Receive **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- b. Supervisor Ellenberg:

- i. Appoints Vanessa Torres to the Domestic Violence Council, seat number 15. (ID# 24-1963)

MOTION TO: Receive **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

75. Approve Board-As-a-Whole appointments and reappointments to various Boards and Commissions:

- a. Supervisor Chavez nominates:

- i. Karen Gauss for appointment to the Road Commissions, seat number 6.
- ii. Rhonda McClinton-Brown for appointment to the Re-Entry Network, as the alternate to seat number 7.

- iii. Brandon Cabrera for appointment to the Re-Entry Network, as the alternate to seat number 10.
- iv. Jennifer Temoin for appointment to the Re-Entry Network, seat number 33. (ID# 24-2135)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- b. Supervisor Ellenberg nominates:
 - i. Theodore Fletcher for appointment to the HIV Commission, seat number 14. (ID# 24-2153)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Office of the District Attorney

76. Approve First Amendment to Agreement with Community Solutions relating to providing comprehensive support and counseling services at the Mariposas Resiliency Center, increasing the maximum contract amount by \$627,210 from \$486,163 to \$1,113,373, and extending the Agreement for a 9-month period through June 30, 2025, that has been reviewed and approved by County Counsel as to form and legality. (LA-1) (ID# 24-1908)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

77. Approve County sponsorship of the San Jose Police Department in the amount of \$2,500 from the Office of the District Attorney Fiscal Year 2023-2024 budget for the Asset Forfeiture Proceeds Fund, to support a series of five Know Your Limit San Jose events. (ID# 24-1909)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

78. Approve Request for Appropriation Modification No. 78 - \$628,138 increasing estimated revenue and expenditure appropriations in the Office of the District Attorney budget, relating to receipt of the California Board of State and Community Corrections Organized Retail Theft Vertical Prosecution Grant. (LA-1) (4/5 Vote) (ID# 24-1910)
- Corrected to reflect that the item is not subject to the Levine Act.

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

79. Approve Request for Appropriation Modification No. 126 - \$100,000 increasing estimated revenue and expenditure appropriations in the Office of the District Attorney budget, relating to receipt of a Freed From Gun Violence Project grant from the Kaiser Foundation Hospital Fund for Community Benefit Programs at the East Bay Community Foundation. (LA-1) (4/5 Vote) (ID# 24-1912)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Finance Agency

80. Adopt Resolution authorizing the Mountain View-Los Altos Union High School District to sell General Obligation Bonds, Election of 2018, Series D on its own behalf in an aggregate principal amount not to exceed \$27,000,000. Resolution # BOS-2024-08 (ID# 24-1848)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Commendations and Proclamations

81. Commendations and Proclamations. (See Item No. 7)
- a. Adopt Commendation for UStar Productions on their outstanding commitment to preserving and promoting Vietnamese culture through their annual Tết Festival 2024 - Hội Xuân San Jose in celebration of the Year of the Dragon. (Arenas) (ID# 24-2118)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- b. Adopt Commendation for the Vietnamese American Roundtable (VAR). (Chavez) (ID# 24-2139)

Corrected to reflect that the Commendation was a joint item from Supervisor Chavez and Vice President Lee.

MOTION TO: Adopt **RESULT:** Pass [0 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

ABSENT: Arenas, Chavez, Simitian, Lee, Ellenberg

- c. Adopt Commendation for the Immigrant Resettlement and Cultural Center/Viet Museum. (Chavez) (ID# 24-2152)

Corrected to reflect that the Commendation was a joint item from Supervisor Chavez and Vice President Lee.

MOTION TO: Adopt **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- d. Adopt Commendation for the United Vietnamese Student Associations of Northern California (NorCal UVSA). (Chavez/Lee) (ID# 24-2148)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- e. Adopt Commendation for the Association of Northern California Chinese Schools for promoting and preserving the culture, history, and traditions of the Taiwanese and Chinese American communities. (Lee) (ID# 24-2116)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- f. Adopt Commendation for Sunnyvale School District on the occasion of its 125 years of serving our children in Santa Clara County. (Lee) (ID# 24-2164)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- g. Adopt Commendation for Allysson McDonald for her tremendous dedication and service to improving the quality of life for the residents of Milpitas. (Lee) (ID# 24-2136)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- h. Adopt Proclamation declaring January 26, 2024 as “India’s Republic Day” in Santa Clara County. (Lee) (ID# 24-2111)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- i. Adopt Commendation for the Vietnamese American Service Center Lunar New Year Celebration as they celebrate the 2024 Lunar New Year. (Ellenberg) (ID# 24-2154)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

- j. Adopt Proclamation declaring February 2024 as “Black History Month” in Santa Clara County. (Ellenberg) (ID# 24-2151)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Parks and Recreation Department

82. Consider recommendations relating to the Ojo de Agua Trail at Coyote Lake-Harvey Bear Ranch County Park.

Possible action:

- a. Approve the Project, adopt specifications and Project Manual, authorize advertisement of Contract Documents for the Ojo de Agua Trail at Coyote Lake – Harvey Bear Ranch County Park, and direct the Clerk of the Board of Supervisors to open bids on Thursday, February 29, 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. (ID# 23-1747)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

83. Consider recommendations relating to intent to purchase Real Property necessary for a public park purpose.

Possible action:

- a. Adopt Resolution finding that the acquisition of the Real Property located on San Felipe Road in unincorporated San Jose, County of Santa Clara, California (APN 660-01-013) is exempt from the California Environmental Quality Act (CEQA); and issuing a Notice of Intent to purchase Real Property from The Conservation Fund.
- b. Authorize the Clerk of the Board to set Tuesday, February 27, 2024, at no earlier than 10:00 a.m. as the date and time to consider acquisition of Real Property. Resolution # BOS-2024-09 (ID# 23-1742)

Supervisor Chavez requested that Administration provide an off-agenda report to the Board prior to February 27, 2024 relating to planned trail access, including input from habitat conservation groups.

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

84. Consider recommendations relating to intent to purchase Real Property necessary for a public park purpose.

Possible action:

- a. Adopt Resolution finding that the purchase of Real Property located off Congress Springs Road in unincorporated Saratoga, County of Santa Clara, California (Assessor's Parcel No. 517-04-030) is exempt from CEQA and issuing a Notice of Intent to purchase the Property from Paul Yuan-Shen Lin, Trustee of the Lin Living Trust.
- b. Authorize the Clerk of the Board to set Tuesday, February 27, 2024, at no earlier than 10:00 a.m., as the date and time to consider acquisition of Real Property. Resolution # BOS-2024-10 (ID# 23-1709)

Supervisor Chavez requested that Administration provide an off-agenda report to the Board prior to February 27, 2024 relating to planned trail access, including input from habitat conservation groups.

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

85. Approve Contract Change Order No. 1 - Interim - for the Hacienda Deep Gulch Remediation Project at Almaden Quicksilver County Park, Contract No. 23-02. Contractor- Kiewit Infrastructure West Company. Net increase of \$428,090.18, no change in contract time, no increase in Supplemental Work Allowance. (LA-1) (ID# 23-1732)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

86. 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. 23-13, Aubry Creek Bridge at Sanborn County Park. Contractor - M3 Integrated Services, Inc. (ID# 23-1737)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

87. Consider recommendations relating to expressing support for the City of San José to acquire real property interests that comprise the Five Wounds Trail corridor between William Street and Lower Silver Creek.

Possible action:

- a. Adopt Resolution expressing support for the City of San José to acquire real property interests that comprise the Five Wounds Trail corridor between William Street and Lower Silver Creek.
- b. Approve Request for Appropriation Modification No. 138 - \$500,000 transferring funds within the Parks and Recreation Department budget to a holding account set aside for the potential acquisition of the Five Wounds Trail Easement for a public park purpose. Resolution # BOS-2024-11 (ID# 23-1721)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Consumer and Environmental Protection Agency

88. Consider recommendations from the Consumer and Environmental Protection Agency relating to abatement of weeds.

Possible action:

- a. Adopt Resolution declaring weeds, brush, and/or rubbish on certain described properties in unincorporated areas of the County of Santa Clara to be a public nuisance, and authorize the Clerk of the Board to schedule a public hearing with the Office of the County Hearing Officer on March 7, 2024 at 1:00 p.m., to consider objections to proposed destruction or removal of weeds, brush, and/or rubbish.
- b. Approve recommendation from the Consumer and Environmental Protection Agency to modify Weed Abatement Program fees changing the Annual Inspection fee from \$92 to \$96, the Second Inspection fee from \$519 to \$546, and the Contract Work fee from \$891 to \$884. Resolution # BOS-2024-12 (ID# 24-1877)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Roads and Airports Department

89. Consider recommendations relating to Contract No. 23-20 for Construction of the Sanitation District Miguelita Road Sewer Improvement Project. California Environmental Quality Act (CEQA): Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines. (LA-1)

Possible action:

- a. Authorize President, Board of Directors, to execute Agreement and Release of Any and All Claims Document, Contract Document 00660, relating to Miguelita Road Sewer Improvement Project for County Sanitation District No. 2-3 in the amount of \$217,800 that has been reviewed and approved by County Counsel as to form and legality.
- b. Accept Project as complete and authorize the Clerk of the Board to execute Notice of Completion of Contract and Acceptance of Work. (ID# 23-1811)

MOTION TO: Approve **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

90. Consider recommendations relating to Contract Documents for Llagas Creek Bridge 37C0096 Replacement. California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA): Categorical exclusion under NEPA in accordance

with 23 CFR 771.117 and exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines.

Possible action:

- a. Approve the Project, adopt plans and specifications, and authorize advertisement of Contract Documents for Llagas Creek Bridge 37C0096 Replacement on Uvas Road, Federal Project No. BRLO-5937(106), subject to authorization by the California Department of Transportation to advertise the Project. 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 schedule of receipt of proposals. (ID# 23-1842)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

91. Adopt Resolution establishing No Parking Dusk Till Dawn Area on Black Road.
Resolution # BOS-2024-14 (ID# 23-1813)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

92. Adopt Resolution establishing No Parking Any Time Area on Black Road.
Resolution # BOS-2024-13 (ID# 23-1793)

MOTION TO: Adopt **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

93. Consider recommendations relating to bids for construction of the Habitat Revegetation for Alamitos Creek Bridge No. 37C0159 (New No. 37C0603) Project, Federal Project No. STPLZ-5937(228). California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA): Categorical exclusion under NEPA in accordance with 23 CFR 771.117 and exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines.

Possible action:

- a. Award contract to Confluence Restoration, Inc., in the amount of \$131,695, which includes an allowance for Supplemental Work in accordance with the Contract Documents, and a construction time of 90 working days.
- b. Authorize the County Executive, or designee, to issue Change Orders against the allowance for Supplemental Work and to approve modifications to the construction time.

- c. Authorize the Director, Roads and Airports Department, to approve changes that the Director deems reasonable and necessary to the Board-approved construction documents with such approval to occur in advance of the construction authorized by such changes.
- d. Ratify Addendum to Bid Documents No. 1 which made minor changes to the Special Provisions, provided missing supplemental project information, and changed the bid opening to a video conference. (ID# 23-1844)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

94. Introduce and preliminarily adopt Salary Ordinance No. NS-5.24.47, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees adding one Supervising Account Clerk I position in the Roads and Airports Department. (ID# 23-1746)

MOTION TO: Adopt (Prelim.) **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Facilities and Fleet Department

95. Consider recommendations relating to Tenant Improvements at West Tasman Drive, Phase II Project (Tasman II). (LA-1)

Possible action:

- a. Approve Request for Appropriation Modification No. 144 - \$4,614,854 transferring funds from Capital Project No. 263-CP20002 "Silver Creek Improvements," to Capital Project No. 263-CP19011 "Tenant Improvements at West Tasman Drive Phase II." (4/5 Vote)
- b. Approve an increase in the Supplemental Work Allowance (SWA) for the Tenant Improvements at West Tasman Drive Phase II Project, Contract No. 19-08, awarded to XL Construction Corporation, increasing the SWA by \$9,900,000 from \$7,000,000 to \$16,900,000 for a new total contract encumbrance of \$136,418,933.
- c. Approve Contract Change Order No. 151 - Tenant Improvements at West Tasman Drive Phase II, Contract No. 19-08. Contractor - XL Construction Corporation. Net increase of \$10,291,247.00 and an increase of 393 calendar days. (ID# 23-1827)

Corrected to reflect an increased SWA amount of \$7,643,057 from \$7,000,000 to \$14,463,057 for a new total contract encumbrance of \$134,161,990; and, deletion of Contract Change Order No. 151.

MOTION TO: Approve as amended **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

96. Consider recommendations relating to Professional Services Agreement (PSA) for Construction Project Management Services (CMS) for various projects at the County of Santa Clara. (LA-1)

Possible action:

- a. Approve PSA with Skansa USA Building, Inc., relating to providing CMS in an amount not to exceed \$5,000,000 for the period January 23, 2024, through January 22, 2029, that has been reviewed and approved by County Counsel as to form and legality.
- b. Approve PSA with AECOM Technical Services, Inc., relating to providing CMS in an amount not to exceed \$5,000,000 for the period January 23, 2024 through January 22, 2029, that has been reviewed and approved by County Counsel as to form and legality.
- c. Approve PSA with Consor PMCM, Inc., relating to providing CMS in an amount not to exceed \$5,000,000 for the period January 23, 2024 through January 22, 2029, that has been reviewed and approved by County Counsel as to form and legality.
- d. Approve PSA with Cumming Management Group, Inc., relating to providing CMS in an amount not to exceed \$5,000,000 for the period January 23, 2024 through January 22, 2029, that has been reviewed and approved by County Counsel as to form and legality.
- e. Approve PSA with Gilbane Building Company relating to providing CMS in an amount not to exceed \$5,000,000 for the period January 23, 2024 through January 22, 2029, that has been reviewed and approved by County Counsel as to form and legality.
- f. Authorize the County Executive, or designee, to be the Owner's Authorized Representative to negotiate, execute, amend, and take any and all necessary or advisable actions relating to the PSA, including issuance of Project Agreements for services during the term of the PSA, extension of the PSA term by up to six months, and increase of the maximum compensation limit by up to \$500,000, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on January 22, 2029. (ID# 23-1815)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

97. Consider recommendations relating to 2024 Job Order Contracts (JOCs). California Environmental Quality Act (CEQA): Exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines.

Possible action:

- a. Authorize the County Executive, or designee, to issue a Prequalification Package for contractors seeking to bid on County of Santa Clara JOCs, determine the pool of prequalified contractors based on the approved Contractor Prequalification Package, and to conduct a determination appeal hearing if necessary.

- b. Approve the JOC Bidding and Contracting Documents relating to Backlog Programs and other Board-approved Projects for both low bid JOCs and best value JOCs.
- c. Approve delegation of authority to the County Executive, or designee, to solicit and/or resolicit up to ten individual JOCs on a best value basis, or alternatively on a low bid basis if the best value process is not feasible, using the approved Project Manuals, and direct the Clerk of the Board to advertise and to open low bid JOC bids, when applicable, in the Office of the Clerk of the Board of Supervisors for the period from January 23, 2024 through December 31, 2024. Delegation of authority shall expire on December 31, 2024.
- d. Approve delegation of authority to 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. Delegation of authority shall expire on December 31, 2024. (ID# 23-1816)

Held to February 6, 2024 at the request of Administration.

MOTION TO: Hold **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

98. Approve Contract Change Order No. 29 - Interim - VMC at Bascom Seismic Improvement Project (Project No. 263-CP19020). Contractor - Stronghold Engineering Inc. Net increase of \$1,583,111 and no change in contract time. (LA-1) (ID# 24-2646)

Held to February 6, 2024 at the request of Administration.

MOTION TO: Hold **RESULT:** Pass [5 - 0]
MOTION BY: Arenas **SECOND BY:** Chavez
AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Central Fire Protection District

99. Consider recommendations relating to the Lease Agreement for 16795 Lark Avenue, Los Gatos. (LA-1)
Possible action:
- a. Approve Fourth Amendment to Lease Agreement with Boccardo Corporation relating to providing 8,823 square feet of rentable office space increasing the maximum contract amount by \$157,404 from \$2,643,544 to \$2,800,948, and extending the term of the agreement for a four-month period through May 31, 2024, that has been reviewed and approved by County Counsel as to form and legality.
 - b. Authorize the Fire Chief, or designee, to manage the Lease within the terms approved by the Board of Directors of the Santa Clara County Central Fire Protection District. (ID# 24-1932)

MOTION TO: Approve **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

Final Adoption of Ordinances

100. Final adoption of Salary Ordinance No. NS-5.24.38, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees deleting one Justice System Clerk II or Justice System Clerk I position and adding one Property/Evidence Technician position in the Office of the District Attorney. (ID# 24-2138)

MOTION TO: Adopt (Final) **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

101. Final adoption of Salary Ordinance No. NS-5.24.40, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees deleting one Senior Financial Analyst or Financial Analyst II or Financial Analyst I position in the Department of Tax and Collections and adding one Senior Financial Analyst or Financial Analyst II or Financial Analyst I position in the Social Services Agency. (ID# 24-2170)

MOTION TO: Adopt (Final) **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

102. Final adoption of Salary Ordinance No. NS-5.24.41, an Ordinance amending Santa Clara County Salary Ordinance No. NS-5.24 relating to compensation of employees increasing the salary of the Optometrist classification by 15 percent. (ID# 24-2171)

MOTION TO: Adopt (Final) **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

103. Final adoption of Ordinance No. NS-300.980, an Ordinance of the Board of Supervisors of the County of Santa Clara amending Section A6-34 of Chapter 3 of Division A6 of the Santa Clara County Ordinance Code relating to Membership of the Veterans Commission of the County of Santa Clara. (ID# 24-2134)

This Ordinance updates the membership of the Veterans Commission of the County of Santa Clara to add five additional nonvoting, ex officio members.

MOTION TO: Adopt (Final) **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

104. Final adoption of Ordinance No. NS-300.981, an Ordinance of the Board of Supervisors of the County of Santa Clara adding Chapter XXIV of Division A6 of the Santa Clara County Ordinance Code relating to the establishment of Race and Health Disparities Community Board. (ID# 24-2172)

This Ordinance establishes the Race and Health Disparities Community Board to develop recommendations in partnership with Administration to address issues of race and race-based health disparities in health care delivery within the County.

MOTION TO: Adopt (Final) **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

105. Final adoption of Ordinance No. NS-1015.65, an Ordinance of the Board of Supervisors of the County of Santa Clara amending Section B12-33 of Article 2 of Chapter II of Division B12 of the Santa Clara County Ordinance Code relating to Decrease of State Limit to Thirty-Five Miles-Per-Hour. (ID# 24-2137)

This Ordinance establishes a 35 miles-per-hour speed limit on Live Oak Avenue between Hale Avenue to Monterey Road.

MOTION TO: Adopt (Final) **RESULT:** Pass [5 - 0]

MOTION BY: Arenas **SECOND BY:** Chavez

AYES: Arenas, Chavez, Simitian, Lee, Ellenberg

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:

Curtis Boone, Acting Clerk
Board of Supervisors
(cr/ck/pd)