



# MINUTES

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**Meeting was called to order at 9:02 a.m.**

**TUESDAY, SEPTEMBER 20, 2016**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

**Present: Supervisors Dave Pine, Carole Groom, Don Horsley, Adrienne Tissier. President Warren Slocum presiding.**

**Staff Present: Mr. John L. Maltbie, County Manager/Clerk of the Board; Mr. John C. Beiers, County Counsel; Mr. Jim Saco, Budget Director, and Ms. Sherry Golestan, Agenda Administrator.**

## **PUBLIC COMMENT**

### **Speakers Recognized by the President:**

Mr. Martin Fox, Belmont  
Mr. Brent Turner, California Association of Voting Officials  
Mr. Tom Weissmiller, San Mateo County resident  
Ms. Jen Woolson, Menlo Park  
Ms. Jennifer Pfaff, Burlingame

This item is reserved for persons wishing to address the Board on any County-related matters that are as follows: 1) Not otherwise on this meeting agenda; 2) Listed on the Consent Agenda; 3) County Manager's Report on the Regular Agenda; or 4) Board Members' Reports on the Regular Agenda. Public comments on matters not listed above shall be heard at the time the matter is called.

As with all public comment, members of the public who wish to address the Board should complete a speaker's slip to make a public comment. Speakers are customarily limited to two minutes, but an extension can be provided to you at the discretion of the Board President.

## **ACTION TO SET AGENDA and TO APPROVE CONSENT AGENDA ITEMS**

**Item No. 2 was moved to consent.**

**Item No. 18 was pulled from consent to regular agenda by Supervisor Horsley for discussion.**

# COUNTY OF SAN MATEO

## BOARD OF SUPERVISORS

Item No. 19 was pulled from consent to regular agenda by Supervisor Pine for discussion.

**Motion: Horsley / Second: Tissier**

**Ayes: Pine, Groom, Horsley, Slocum, Tissier**

**Noes: None**

(This item is to set the final consent and regular agenda, and for the approval of the items listed on the consent agenda. All items on the consent agenda are approved by one action.)

### PRESENTATIONS AND AWARDS

1. Presentation of a proclamation **(3870)** designating October 1, 2016 as Bay Day.  
(Supervisors Warren Slocum and Dave Pine)

**Speakers Recognized by the President:**

Supervisor Dave Pine, Board of Supervisors

Laura Thompson, Bay Trail Project Manager for Association of Bay Area Governments

Supervisor Warren Slocum, Board of Supervisors

**Motion: Pine / Second: Tissier**

**Ayes: Pine, Groom, Horsley, Slocum, Tissier**

**Noes: None**

18. Approve the Board of Supervisors' response to the 2015-2016 Grand Jury Report, "The San Mateo County Harbor District: The Price of Dysfunction is Rising."

**Upon motion by Supervisor Horsley, seconded by Supervisor Tissier, and carried unanimously; the Board approved a change to the response for Recommendation 1 as follows: The recommendation has not been implemented, but may be implemented in the future..."**

19. Approve the Board of Supervisors' response to the 2015-2016 Grand Jury Report, "San Mateo County Law Library in Crisis."

**Upon motion by Supervisor Pine, seconded by Supervisor Groom, and carried unanimously; the Board agrees that many of the changes mentioned in the report have been made and others are in the process; however, some financial help should be given to community members in the future who are representing themselves through the County budget process.**

### MATTERS SET FOR SPECIFIED TIME

Times listed under this section are approximate. The Board makes every effort to adhere to the times listed, but in some cases, because of unexpected presentations, items may not be heard precisely at the time scheduled. In no case will any item be heard before the scheduled time.

3. 9:00 a.m.

# COUNTY OF SAN MATEO

## BOARD OF SUPERVISORS

Approve the following actions related to final budget changes to the Fiscal Year 2016-17  
Approved Recommended Budget:

- 1) Adopt resolutions (**074789, 074790, 074791, 074792**):
  - a) Approving the revised County of San Mateo budget as to the expenditures for Fiscal Year 2016-17 and making appropriations therefore; and
  - b) Approving the revised County of San Mateo budget as to the means of financing for Fiscal Year 2016-17; and
  - c) Establishing the appropriation limit for the County of San Mateo for Fiscal Year 2016-17; and
  - d) Amending the Master Salary Resolution for changes related to the Fiscal Year 2016-17 budget.

**Speakers Recognized by the President:**

Mr. John L. Maltbie, County Manager  
Mr. Jim Saco, Budget Director  
Supervisor Don Horsley, Board of Supervisors  
Supervisor Adrienne J. Tissier, Board of Supervisors  
Mr. Jim Porter, Director of Public Works  
Supervisor Carole Groom, Board of Supervisors  
Supervisor Dave Pine, Board of Supervisors  
Supervisor Warren Slocum, Board of Supervisors  
Ms. Reyna Farrales, Deputy County Manager

**Motion: Horsley / Second: Tissier**

**Ayes: Pine, Groom, Horsley, Slocum, Tissier**

**Noes: None**

4. 9:15 a.m.

Accept the following report back items from the June 21, 2016 Recommended Budget hearing:

- 1) **Measure A** Parameters and Timeline for the FY 2017-19 Budget Cycle; and
- 2) Criteria for Use of **Measure A** vs. General Funds.

**Speakers Recognized by the President:**

Ms. Reyna Farrales, Deputy County Manager  
Supervisor Adrienne J. Tissier, Board of Supervisors  
Supervisor Dave Pine, Board of Supervisors

# COUNTY OF SAN MATEO

## BOARD OF SUPERVISORS

**Motion: Tissier / Second: Horsley**  
**Ayes: Pine, Groom, Horsley, Slocum, Tissier**  
**Noes: None**

*THE PRESIDENT ACKNOWLEDGED ADDITIONAL SPEAKERS THAT ARRIVED LATE UNDER PUBLIC COMMENT*

**Speakers Recognized by the President:**

Ms. Laura Hernandez, Redwood City  
Salimah Hankins, East Palo Alto  
Ms. Diana Reddy, Faith In Action  
Supervisor Warren Slocum, Board of Supervisors  
Supervisor Don Horsley, Board of Supervisors  
Mr. John C. Beiers, County Counsel  
Supervisor Dave Pine, Board of Supervisors

*THE BOARD RECESSED AT 10:37 A.M. AND RESUMED AT 10:48 A.M.*

5. 9:30 a.m.

Accept reports from the County Manager and Controller on the Private Defender Program, and direct staff to implement recommendations over the next six months to improve County oversight of the contract with the San Mateo County Bar Association, with follow-up audit to be performed by the Controller after March 31, 2017.

**Speakers Recognized by the President:**

Ms. Reyna Farrales, Deputy County Manager  
Mr. Steve Chase, South San Francisco  
Mr. Richard Keyes, Esq., Redwood City  
Mr. Martin Fox, Belmont  
Mr. Naresh Rajan, Esq., Private Defender Program  
Mr. Kevin Nowack, Esq., Redwood City  
Ms. Suzanne Luban, Esq., Stanford Law School  
Mr. Dean Johnson, Redwood City  
Ms. Myra Weiher, Assistant Chief Defender, Private Defender Program  
Prof. Ron Tyler, Stanford Law School  
Ms. Deborah Kemper, Esq., San Mateo County Bar Association  
Ms. Joan Tillman, Esq., Private Defender Panel Member  
Mr. Steven Shaiwan, Private Defender Program  
Mr. John Digiaccinto, Chief Defender, Private Defender Program  
Supervisor Dave Pine, Board of Supervisors  
Supervisor Adrienne J. Tissier, Board of Supervisors  
Mr. John C. Beiers, County Counsel  
Supervisor Warren Slocum, Board of Supervisors  
Supervisor Carole Groom, Board of Supervisors  
Mr. John L. Maltbie, County Manager  
Mr. Ken Rutherford, Redwood City

# COUNTY OF SAN MATEO

## BOARD OF SUPERVISORS

Ms. S.D. Narayan, President, San Mateo County Bar Association  
Mr. Geoff Carr, Esq., Redwood City  
Mr. John Halley, Esq., Redwood City  
Ms. Monica Toole, Esq., Private Defender Program  
Mr. Scott Sherman, Esq., Redwood City  
Mr. Ray Buenaventura, Daly City  
Ms. Rosalie McCloud, San Mateo  
Supervisor Don Horsley, Board of Supervisors

*SUPERVISOR TISSIER LEFT CHAMBERS AT 11:56 AM AND RETURNED AT 11:58 A.M.*

**Upon motion by Supervisor Horsley, seconded by Supervisor Groom, and carried unanimously, the Board agreed to modify Provision No. 2 to include a termination clause giving 24 months' notice of termination, and to strike Provision No. 3 regarding oversight of the Private Defender Program.**

### REGULAR AGENDA

#### PARKS

6. Resolution **(074793)** authorizing the submittal of an application for grant funding from the California Department of Parks and Recreation's Habitat Conservation Fund Grant Program for the Coyote Point Eastern Promenade Trail Project, in the amount of \$200,000.

#### **Speakers Recognized by the President:**

Ms. Marlene Finley, Director of Parks Department  
Supervisor Adrienne J. Tissier, Board of Supervisors  
Supervisor Dave Pine, Board of Supervisors  
Mr. Mario Nastari, Parks Department  
Ms. Mary Helen McMahon, Burlingame  
Ms. Diane E. Condon-Wirgler, Burlingame  
Ms. Rosalie McCloud, San Mateo  
Ms. Jennifer Pfaff, Burlingame  
Mr. Juergen Pfaff, Burlingame  
Mr. Russ Cohen, Burlingame  
Supervisor Carole Groom, Board of Supervisors  
Supervisor Don Horsley, Board of Supervisors  
Ms. Sarah Birkeland, Assistant Director, Parks Department  
Ms. Cecily Harris, Development Consultant, Parks Department

*SUPERVISOR TISSIER LEFT CHAMBERS AT 12:26 PM AND RETURNED AT 12:31 P.M.*

**Motion: Tissier / Second: Horsley**  
**Ayes: Groom, Horsley, Slocum, Tissier**  
**Noes: Pine**

*THE BOARD RECESSED AT 1:14 PM AND RESUMED AT 1:20 P.M.*

# COUNTY OF SAN MATEO

## BOARD OF SUPERVISORS

7. Accept this report responding to the Board's inquiry on the Mini-park Policy.

**Speakers Recognized by the President:**

Ms. Marlene Finely, Director of Parks Department

**Motion: Horsley / Second: Groom**

**Ayes: Pine, Groom, Horsley, Slocum, Tissier**

**Noes: None**

### PLANNING AND BUILDING

8. Adopt the proposed amendments to Section 12,000 (Significant Tree Regulations) and Section 11,000 (Heritage Tree Regulations) of the San Mateo County Ordinance Code, to add specific language to improve protection of Significant and Heritage Trees.

**Speakers Recognized by the President:**

Mr. Steve Monowitz, Planning and Building

Supervisor Dave Pine, Board of Supervisors

Supervisor Adrienne J. Tissier, Board of Supervisors

Supervisor Don Horsley, Board of Supervisors

Supervisor Carole Groom, Board of Supervisors

Mr. John L. Maltbie, County Manager

Ms. Ramona Murray, Menlo Oaks District

Ms. Anne Kortlander, Menlo Oak Tree Advocacy (MOTA)

Mr. John Danforth, Menlo Oak Tree Advocacy (MOTA)

Ms. Janet Weisman Goff, Menlo Oaks Tree Advocacy (MOTA)

Ms. Susan O'Brien, Menlo Park

Supervisor Warren Slocum, Board of Supervisors

*SUPERVISOR DON HORSLEY LEFT CHAMBERS AT 1:23 PM AND RETURNED AT 1:24 P.M.*

*SUPERVISOR ADRIENNE J. TISSIER LEFT CHAMBERS AT 1:24 P.M. AND RETURNED AT 1:25 P.M.*

**Motion: Tissier / Second: Groom**

**Ayes: Pine, Groom, Horsley, Slocum, Tissier**

**Noes: None**

### *AMENDED MOTION*

**Upon motion by Supervisor Tissier, seconded by Supervisor Groom, and carried unanimously; the Board agreed to change the following penalty language mentioned in the staff memo under A2 of the Discussion, from "After-the-Fact Tree Removal Application fee *can be* up to 10 times..." to "After-the-Fact Tree Removal Application fees shall be up to 10 times..."**

# COUNTY OF SAN MATEO

## BOARD OF SUPERVISORS

9. Public Hearing to consider an appeal of the Planning Commission's decision to uphold an appeal and deny a Heritage Tree Removal Permit for removal of a 49-inch d.b.h. (diameter at breast height) Valley Oak tree located in the rear yard of 671 Menlo Oaks Drive, in the unincorporated Menlo Oaks area of San Mateo County:

A) Open public hearing

**Motion: Tissier / Second: Horsley**  
**Ayes: Groom, Horsley, Slocum, Tissier**  
**Noes: Pine**

*SUPERVISOR ADRIENNE J. TISSIER LEFT CHAMBERS at 2:09 P.M. AND RETURNED AT 2:10 P.M.*

**Speakers Recognized by the President:**

Mr. Steve Monowitz, Director, Planning and Building  
Ms. Anne Kortlander, Menlo Park  
Ms. Victoria Lindsley, Menlo Park  
Mr. Kevin Kielty, San Mateo  
Ms. Judy Horst, Menlo Oaks Tree Advocacy (MOTA)  
Supervisor Don Horsley, Board of Supervisors  
Mr. John C. Beiers, County Counsel  
Ms. Suzanne O'Brien, Menlo Park  
Mr. Jim Wickett, Atherton  
Ms. Janet Weisman Goff, Menlo Oaks Tree Advocacy (MOTA)

B) Close public hearing

**Motion: Horsley / Second: Groom**  
**Ayes: Pine, Groom, Horsley, Slocum, Tissier**  
**Noes: None**

- C) Recommending that the Board of Supervisors uphold the current appeal by the property owner and make the findings based on criteria in the County Ordinance for removal of the heritage tree as found in Attachment A of this staff report. However, if the Board of Supervisors is not able to make these findings, an alternate finding for denial of the appeal and permit has been included in Attachment B of this staff report.

**Motion: Tissier / Second: Groom**  
**Ayes: Pine, Groom, Horsley, Slocum, Tissier**  
**Noes: None**

## COUNTY MANAGER

10. County Manager's Report #18 of 2016

# COUNTY OF SAN MATEO

## BOARD OF SUPERVISORS

### Speakers Recognized by the President:

Mr. John L. Maltbie, County Manager

## BOARD OF SUPERVISORS

### 11. Board Members' Reports

Supervisor Carole Groom shared with the public her attendance at the California Coastal Cleanup Day at Linda Mar State Beach. She also announced that the Belmont Library is hosting an event called "Parks Forever" on October 21, 2016 with Marlene Finley, Director of Parks.

Supervisor Adrienne J. Tissier shared with the public that the Maple Street Correctional Center has earned LEED Gold Certification from the U.S. Green Building Council, and congratulated Sheriff Carlos Bolanos and the Sheriff's Office. Supervisor Tissier reminded the public that "Seniors on the Move" will be held at the San Mateo County Event Center on October 25, 2016, and her office or the Office of Supervisor Jackie Speier can be contacted for information or online at [speier.house.gov](http://speier.house.gov).

Supervisor Warren Slocum reminded the public that the "Age Well Drive Smart Seminar" is taking place in Foster City on September 29<sup>th</sup> and Daly City on October 18<sup>th</sup>.

## CONSENT AGENDA

All items on the consent agenda are approved by one action unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda. Any item on the regular agenda may be transferred to the consent agenda.

## AGRICULTURE\WEIGHTS & MEASURES

12. Resolution **(074794)** authorizing an agreement with the California Department of Food and Agriculture for light brown apple moth inspection services, for the term of October 1, 2016 through June 30, 2017, in an amount not to exceed \$112,585.

## ASSESSOR-COUNTY CLERK-RECORDER

13. Resolution **(074795)** authorizing implementation of Coastside County Water District Governing Board requesting that future board elections be moved from odd- to even-numbered years.

## BOARD OF SUPERVISORS

2. Presentation of a resolution **(3871)** honoring Eliana Bushwalter on the occasion of her retirement from the Public Health Nutrition Program. (Supervisor Warren Slocum)
14. Ratification of a resolution **(3872)** honoring Damaris and Juan Magadan and their four-year



# COUNTY OF SAN MATEO

## BOARD OF SUPERVISORS

old daughter Jennifer and the American Cancer Fund for Children and Kids Cancer Connection Proclamation recognizing September as Childhood Cancer Awareness Month in San Mateo County. (Supervisor Warren Slocum)

15. Resolution **(074796)** Consenting to the Inclusion of Certain Commercial Lodging Facilities Located in the Unincorporated Territory of the County of San Mateo Within the Half Moon Bay Hotel Business Improvement District. (Supervisor Don Horsley)
16. Recommendation for appointment of the following nominees to the Assessment Appeals Board for the positions and terms specified below: (Supervisors Warren Slocum and Dave Pine)
  - A) Appoint Thomas F. Casey as a Regular Commissioner for a term ending September 30, 2019; and
  - B) Appoint Joan M. Chipser as an Alternate Commissioner for a term ending September 30, 2019; and
  - C) Reappoint Craig Collins as a Regular Commissioner through March 31, 2017; and
  - D) Reappoint Vincent Muzzi as an Alternate Commissioner, reappointment through September 30, 2017.

## CONTROLLER

17. Resolution **(074797)** authorizing adoption of the tax rates on the secured roll for FY 2016-2017.

## COUNTY MANAGER

20. Resolution **(074798)** regarding an amendment to Permit Agreement with PG&E:
  - A) Authorizing the President of the Board of Supervisors to execute an amendment to Permit Agreement 5387 with Pacific Gas and Electric Company for the use of a portion of the Tower Road Complex located in unincorporated San Mateo, extending the term through December 31, 2017, and modifying the base rent to \$27,557 per month; and
  - B) Authorizing the County Manager, or his designee, to accept and execute on behalf of the County any and all notices, options, consents, approvals, terminations, and documents in connection with the Amendment to the Permit Agreement.
21. Resolution **(074799)** authorizing an agreement with Live in Peace in an amount not to exceed \$1,300,000 to provide educational supportive services and case management to youth who are on probation, truant and at-risk of being truant in East Palo Alto and East Menlo Park, for the term of October 1, 2016 through December 31, 2017.

# COUNTY OF SAN MATEO

## BOARD OF SUPERVISORS

### HEALTH SYSTEM

22. Resolution **(074800)** authorizing the Chief of the Health System to execute an agreement with the State of California Department of Health Care Services for the Drug Medi-Cal Organized Delivery System services, for the term of October 18, 2016 through June 30, 2019, in an amount not to exceed \$19,269,141.
23. Resolution **(074801)** authorizing the Controller to continue payments on certain Health System contracts from July 1, 2016 through December 31, 2016.
24. Resolution **(074802)** authorizing an amendment to the agreement with Voices of Recovery San Mateo County, increasing the amount by \$154,756, to an amount not to exceed \$677,282, with no change to the term of the agreement.
25. Resolution **(074803)** authorizing an amendment to the agreement with Sound Physicians Medical Group, Inc. dba Sound Physicians of California to provide hospitalist services, increasing the amount by \$1,050,000, to an amount not to exceed \$8,400,000.

### HUMAN RESOURCES

26. Report recommending the denial of claims (Non-culpable)

### PARKS

27. Resolution **(074804)** authorizing **Measure A** mini-park funding through a memorandum of understanding between the County of San Mateo and the Fair Oaks Beautification Association to fund one-time basketball court improvements, and three years of annual maintenance costs for the basketball court, and a playground located in unincorporated North Fair Oaks in the amount of \$45,000.
28. Resolution **(074805)** authorizing funding to the Coastside Fishing Foundation for the 2016 Chinook Salmon Smolt Net Pen Acclimation Project in the amount of \$10,000 from the Parks Department's California Department of Fish and Wildlife Propagation Fund.

### PROBATION

29. Resolution **(074806)** authorizing the Chief Probation Officer to execute a Revenue Agreement with the California Health and Human Services Agency, Office of Systems Integration (OSI) to provide OSI Subject Matter Expert services, for the term of September 1, 2016 through July 31, 2020, in an amount not to exceed \$855,157.

### PUBLIC WORKS

30. **Measure A:** Resolution **(074807)** authorizing the Director of Public Works to extend the call for sealed bids for the Maple Street Shelter Expansion and Renovation project, to be received by Thursday, October 6, 2016, at 2:30 p.m., in the office of the County Manager/Clerk of the Board of Supervisors.

# COUNTY OF SAN MATEO

## BOARD OF SUPERVISORS

### SHERIFF

31. Resolution **(074808)** authorizing an agreement with the San Mateo County Office of Education for intake, assessment, instruction and high school equivalency testing (HSET, formerly GED) within the County's correctional facilities for the term July 1, 2016 through December 31, 2016, in an amount not to exceed \$62,612, with the option to extend the term six months through June 30, 2017, and increase the amount by \$62,612, for a combined maximum fiscal obligation of \$125,224.
32. Resolution **(074809)** authorizing an agreement with the Service League of San Mateo County for inmate services within the County's correctional facilities for the term of July 1, 2016 through December 31, 2016, in an amount not to exceed \$334,527, with the option to extend the term six months through June 30, 2017, and increase the amount by \$334,527 for a combined maximum fiscal obligation of \$669,054.

### CLOSED SESSION

(The Board will adjourn to closed session to consider the following items at the end of the agenda, or at any time during the meeting as time permits. At the conclusion of closed session, the Board will reconvene in open session to report on any actions taken for which a report is required by law.)

- A) Conference with Legal Counsel - Anticipated Litigation
  - 1) Significant exposure to litigation pursuant to subdivision (d)(2) of Gov't Code Section 54956.9  
One case
  - 2) Initiation of litigation pursuant to subdivision (d)(4) of Gov't Code Section 54956.9  
One Case

**The Board recessed to regular closed session for discussion at 2:41 P.M.**

**The Board reconvened to open session at 3:51 P.M.**

**County Counsel made the following report: Board discussed all items and no final reportable action was taken.**

**The meeting adjourned in memory of Bob Kline, Richard Gordon, Roslyn Morris, and Dr. Gerald Murphy, Sr. at 3:52 P.M.**