



The meeting was called to order at 9:06 a.m.

November 6, 2012

## PLEDGE OF ALLEGIANCE

**ROLL CALL – Present: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier**  
**Absent: None**

## PUBLIC COMMENT

### **Speakers recognized by the President:**

Martin Fox, Belmont  
Janet Davis, Menlo Park  
Mitch Jones, Menlo Park  
David Bui, Menlo Park

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

**Motion: Horsley / Second: Jacobs Gibson**

**Ayes: Supervisors Pine, Groom, Horsley, Jacobs Gibson and 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 roll call motion.)

## PRESENTATIONS AND AWARDS

1. Resolution **(072238)** accepting the 2013 budget of the San Mateo County Exposition and Fair Association presented by the San Mateo County Event Center (Communications from Other Agencies)

### **Speakers recognized by the President:**

Chris Carpenter, San Mateo County Event Center  
Supervisor Dave Pine, Board of Supervisors  
Supervisor Carole Groom, Board of Supervisors  
Supervisor Adrienne Tissier, Board of Supervisors

**Motion: Groom / Second: Horsley**

2. Presentation of a resolution **(3380)** honoring Richard Napier upon his retirement as the Executive Director of the City/County Association of Governments of San Mateo County (Supervisor Adrienne Tissier)

**Speakers recognized by the President:**

Supervisor Adrienne Tissier, Board of Supervisors  
Carlos Romero, City/County Association of Governments of San Mateo County  
Richard Napier, Recipient  
Supervisor Don Horsley, Board of Supervisors  
Supervisor Carole Groom, Board of Supervisors  
Supervisor Rose Jacobs Gibson, Board of Supervisors  
Supervisor Dave Pine, Board of Supervisors

**Motion: Tissier / Second: Jacobs Gibson**

3. Presentation of a proclamation **(3381)** designating November 2012 as National Adoption Month (Supervisor Adrienne Tissier)

**Speakers recognized by the President:**

Supervisor Adrienne Tissier, Board of Supervisors  
Dr. Loc Nguyen, Director of Children and Family Services, Human Services Agency  
Jennifer Wilson, Adoptive Parent

**Motion: Tissier / Second: Horsley**

**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.

4. 9:00 a.m.

Public hearing to consider: (County Counsel)

- A) A resolution under the Tax Equity and Fiscal Responsibility Act regarding the issuance by the California Municipal Finance Authority of bonds in an amount not to exceed \$40,000,000 for the purpose of making a loan to The Nueva School, a California nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 to enable the Borrower to finance the costs of the construction of a new campus for high school instruction for up to 450 students to be located in the County of San Mateo on East 28th Avenue near the intersection of East 28th Avenue and South Delaware Street in the Bay Meadows Development in the City of San Mateo; and

- B) Adopting a resolution (**072239**) approving the issuance by the California Municipal Finance Authority of revenue bonds for the benefit of the Nueva School and related actions

- 1) Report and recommendation
- 2) Close hearing

**Motion: Horsley / Second: Jacobs Gibson**

- 3) Adopt resolution

**Motion: Horsley / Second: Groom**

**Speakers recognized by the President:**

John Beiers, County Counsel  
Supervisor Dave Pine, Board of Supervisors  
Mona Dmitrenko, California Municipal Finance Authority Financial Advisor

**Ayes: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier**  
**Noes: None**

5. 2:30 p.m.

Williamson Act Program Study Session (Planning and Building)

**Speakers recognized by the President:**

Jim Eggemeyer, Planning and Building  
Tim Fox, Deputy County Counsel  
Steve Monowitz, Planning and Building  
Supervisor Don Horsley, Board of Supervisors  
Supervisor Adrienne Tissier, Board of Supervisors  
Lyndall Erb, Equestrian Trail Riders Action Committee  
Kerry Burke, Half Moon Bay  
Bill Gass, San Mateo Farm Bureau  
John Gamper, California Farm Bureau Federation  
Leslie Phipps, San Gregorio  
David Cline, Montara  
Supervisor Carole Groom, Board of Supervisors  
Supervisor Dave Pine, Board of Supervisors

## **REGULAR AGENDA**

### **SamCERA (Retirement)**

6. Executive Director's Report

**Speakers recognized by the President:**

David Bailey, Executive Director, SamCERA  
Supervisor Adrienne Tissier, Board of Supervisors  
Supervisor Dave Pine, Board of Supervisors  
Supervisor Don Horsley, Board of Supervisors  
John Maltbie, County Manager

## **COUNTY MANAGER**

7. Resolution (**072240**) enacting Section 31641.04 of the Government Code enabling otherwise eligible employees in the following classifications to select an early retirement option as alternative to layoffs: Electrician and Assistant Director of Health Information Management

### **Speakers recognized by the President:**

John L. Maltbie, County Manager

**Motion: Horsley / Second: Jacobs Gibson**

## **BOARD OF SUPERVISORS**

8. Board Members' Reports

### **Speakers recognized by the President:**

Martin Fox, Belmont

**Supervisor Pine stated that he toured the McGuire Correctional Facility to learn more about the Choices Program with Shirley Lamarr, Program Services Manager, Correctional Health Services.**

**Supervisor Jacobs Gibson responded to comments made during the public comment period regarding North Fair Oaks (NFO). Supervisor Jacobs Gibson noted that Ms. Janet Davis made some very derogatory statements about our staff and the North Fair Oaks Council. Supervisor Jacobs Gibson stated that she didn't want anyone from the public thinking that services are not being provided to the NFO community, or that they are not being heard, or that there is no response to the community. This is so untrue and disrespectful of Ms. Davis to say. Ms. Davis owns property in NFO, but doesn't live in the area. Although we appreciate her interest, we don't need the negativity. Supervisor Jacobs Gibson also wanted to address the comments from two other gentlemen regarding the catering business. She stated that it is being worked on; it is a very contentious situation; it is not being ignored, but it is not an easy simple solution and again, it is being worked on.**

## **CONSENT AGENDA**

All items on the consent agenda are approved by one roll call motion 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.

9. Approve the minutes from the meeting of October 23, 2012

## **BOARD OF SUPERVISORS**

10. Resolution **(072241)** calling for the removal of Michael Peevey, President, California Public Utilities Commission (Supervisor Dave Pine)

### **Speakers recognized by the President:**

Supervisor Dave Pine, Board of Supervisors  
Kathy DeRenzi, San Bruno Resident  
Jim Ruane, Mayor, City of San Bruno

**Motion: Pine / Second: Groom**

**Ayes: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier**

**Noes: None**

11. Recommendation for the appointment of James Schuessler to the San Mateo Health Commission, term ending July 1, 2016 (Supervisor Don Horsley)
12. Ratification of a resolution **(3382)** honoring Chief Robert L. Lotti II upon his retirement from the Colma Police Department (Supervisor Adrienne Tissier)
13. Ratification of a resolution **(3383)** honoring the 11th Anniversary of the North Fair Oaks Community Festival (Supervisor Rose Jacobs Gibson)
14. Ratification of a resolution **(3384)** honoring The Welch Family of San Bruno Investment Company for their contribution to the San Mateo County History Museum (Supervisor Adrienne Tissier)
15. Adoption of an ordinance **(04637)** amending the Ordinance Code to regulate the distribution of single-use carryout bags by retail establishments in unincorporated San Mateo County, previously introduced on October 23, 2012 and waiver of reading the ordinance in its entirety

## **COUNTY COUNSEL**

16. Resolution **(072242)** authorizing the County Counsel to execute an amendment to the agreement with Fox, Shjeflo, Hartley & Babu, LLP for legal services for the term of March 28, 2012 through March 27, 2013, increasing the amount by \$150,000 to \$250,000

## **COUNTY MANAGER**

17. Resolution **(072243)** authorizing execution of a Quitclaim Deed to the City of San Mateo of a 20 foot wide public street easement over 2090 South Delaware Street located in the City of San Mateo and owned by Delaware Street Apartments LLC
18. Approve the Board of Supervisors' meeting schedule for calendar year 2013

## **COURTS**

19. Approve the appointments of Gurjeet Singh Chahal and Juan Gabriel to the Juvenile Justice & Delinquency Prevention Youth Commission, terms expiring December 31, 2016

## **DISTRICT ATTORNEY**

20. Resolution **(072244)** ratifying the District Attorney's submission of a grant application for the Victim/Witness Assistance Program for FY2012-13 for funds administered through the California Emergency Management Agency in the amount of \$358,613; and execution of the grant award agreement and authorizing the District Attorney to make any extensions or amendments thereof which do not require commitment of county funds

## **GOVERNING BOARDS**

21. A) Resolution **(072245)** authorizing the President of this Governing Board of the In-Home Supportive Services Public Authority, to execute an amendment to the group agreement with the San Mateo Community Health Authority, doing business as the Health Plan of San Mateo, for the provision of health benefits to independent providers of the In-Home Supportive Services program, increasing the individual monthly health insurance premium from \$195.31 to \$303 effective July 1, 2012, thus increasing the amount by \$2,174,086 to \$9,134,934 (Health System)
- B) Resolution **(072246)** authorizing a transfer in the amount of \$519,573 from unanticipated realignment sales tax and \$499,198 from unanticipated Federal – In-Home Supportive Services revenue totaling \$1,018,771 to blanket insurance premiums for FY 2012-13 (4/5ths vote required)
22. Acting as the Governing Board of the San Mateo County Flood Control District, adopt a resolution **(072247)** approving the reappointment of members to the Colma Creek Flood Control Zone Advisory Committee: (Department of Public Works)
- A) Helen Fisicaro as the Town of Colma representative, term expiring March 31, 2014; and
- B) Pete DeJarnatt as the City of Pacifica representative, term expiring March 31, 2016; and
- C) Richard Bordi, Richard Battaglia, and Sam Bonanno as At Large members from the City of South San Francisco, terms expiring March 31, 2013, March 31, 2014 and March 31, 2016, respectively; and
- D) Gail De Fries as an At Large member from the City of Daly City, term expiring March 31, 2014

## **HEALTH SYSTEM**

23. Resolution **(072248)** authorizing an agreement with San Mateo Orthopedic Medical Group to provide specialty orthopedic services for the term of October 1, 2012 through September 30,

2013, in the amount of \$200,000

24. Resolution **(072249)** authorizing an agreement with Scott Oesterling, MD to provide obstetrics and gynecology services for the term of January 1, 2013 through December 31, 2014, in the amount of \$4,787,648
25. Resolution **(072250)** authorizing an amendment to the agreement with Telecare Corporation for Full Service Partnership services, increasing the amount by \$60,000 to \$9,868,830

## **HOUSING**

26. Resolution **(072251)** authorizing an amendment to the agreement with El Concilio of San Mateo County, increasing the amount by \$70,000 to \$140,000

## **HUMAN RESOURCES**

27. Report recommending the denial of claims (Non-culpable)
28. Resolution **(072252)** authorizing an amendment to the Memorandum of Understanding with the American Federation of State, County and Municipal Employees, extending the terms and conditions of the existing Memorandum of Understanding through October 11, 2014
29. Resolution **(072253)** authorizing an amendment to the agreement with Cornerstone OnDemand to provide a Countywide Learning Management System, extending the term through October 30, 2014, increasing the amount by \$87,456 to \$1,291,157
30. Adoption of an **(04638)** ordinance amending the salary ordinance and accepting the report on the total number of positions in the County, previously introduced on October 23, 2012 and waiver of reading the ordinance in its entirety

## **HUMAN SERVICES AGENCY**

31. Resolution **(072254)**:
  - A) Accepting the Workforce Innovation Fund grant from the U.S. Department of Labor for employment and training services in the amount of \$2,632,250 for the term of July 7, 2012 through June 30, 2015; and
  - B) Authorizing agreements with Paul Downs for the management and coordination of the ALLIES Steering Committee and consortium members for the term of September 1, 2012 through June 30, 2015 in the amount of \$354,169, and with FSG for the development of shared metric and system data collection and analysis in the amount of \$624,940 for the term of July 1, 2012 through June 30, 2015
  - C) Resolution **(072255)** authorizing a transfer in the amount of \$1,368,000 from unanticipated revenue to various accounts (4/5ths vote required)

## **INFORMATION SERVICES**

32. Resolution **(072256)** waiving the Request for Proposal Process and authorizing the County Purchasing Agent to issue a Purchase Order to Aurora Enterprises for McAfee Anti-Virus Management System hardware, software licenses and support for the term of November 7, 2012 through September 30, 2015, in an amount not to exceed \$185,713.29

## **PUBLIC WORKS**

33. Resolution **(072257)** authorizing an agreement with Mavericks Invitational, Inc. to allow the parking of vehicles at the Half Moon Bay Airport for the one-day Mavericks Invitational Surf Contest

## **SHERIFF**

34. Resolution **(072258)** waiving the Request for Proposals process and authorizing an agreement with Community Overcoming Relationship Abuse for the provision of Emergency Response Program services to survivors of domestic violence for FY 2012-13, in an amount not to exceed \$132,610
35. Resolution **(072259)** waiving the Request for Proposals process and authorizing an amendment to the agreement with the San Mateo County Office of Education for the provision of prevocational and remedial education programs within the County's correctional facilities, increasing the amount by \$124,306 to \$248,612 and extending the term through June 30, 2013

## **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 - Existing Litigation**

*Jonathan Buckheit v. San Mateo County et al.*

United States District Court Case No. C09-05000 JCS

### **B) Conference with Legal Counsel - Anticipated Litigation**

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9

Two cases

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9

One case

### **C) Conference with Labor Negotiators**

Agency designated representative: Donna Vaillancourt, Nicole McKay

Employee Organizations: SEIU, AFSCME, unrepresented employees



**This item was not discussed during closed session.**

**The Board recessed to regular Closed Session at 10:40 a.m.**

**The Board reconvened the open session at 2:36 p.m.**

**County Counsel made the following report: No reportable action was taken on items A and B.**

**The meeting was adjourned at 4:05 p.m. in memory of Maximo "Max" Ramos and Catherine Prosser.**