

# MINUTES

**Board Members**

Dave Pine  
Carole Groom  
Don Horsley  
Rose Jacobs Gibson  
Adrienne J. Tissier

**County Manager/  
Clerk of the Board**  
John L. Maltbie

**County Counsel**  
John C. Beiers

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**REGULAR MEETING  
SAN MATEO COUNTY BOARD OF SUPERVISORS  
TUESDAY, NOVEMBER 06, 2012  
9:00 A.M.**

*A copy of the Board of Supervisors' agenda packet is available for review at the Law Library, 710 Hamilton Street at Marshall Street, across from the Hall of Justice. The library is open Monday through Thursday 8:00 a.m. – 8:00 p.m., Friday 8:00 a.m. – 5:00 p.m., and Saturday 12:00 p.m. – 4:00 p.m.*

*Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact Rebecca Romero, Agenda Administrator at least 2 working days before the meeting at (650) 363-1802 and/or [rxromero@smcgov.org](mailto:rxromero@smcgov.org). Notification in advance of the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Attendees to this meeting are reminded that other attendees may be sensitive to various chemical based products.*

*If you wish to speak to the Board, please fill out a speaker's slip located on the table near the door. If you have anything that you wish distributed to the Board and included in the official record, please hand it to the Clerk of the Board who will distribute the information to the Board members and staff.*

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PUBLIC COMMENT**

(This item is reserved for persons wishing to address the Board on any County-related matters not otherwise on this agenda, and on any listed agenda items other than those Matters Set for a Specified Time or on the Regular Agenda. Members of the public who wish to address the Board should complete a speaker request form. Speakers are customarily limited to two minutes.)

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

Park

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

(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.)

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

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

**Noes: None**

### **PRESENTATIONS AND AWARDS**

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

Chris Carpenter, General Manager  
Supervisor Dave Pine, Board of Supervisors  
Carole Groom  
Adrienne Tissier

**Motion: Groom / Second: Horsley**

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

**Noes: None**

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

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

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

**Noes: None**

Adrienne Tissier  
Richard Napier, Recipient  
Carlos Romero, C/CAG  
Don Horsley  
Carole Groom  
Rose Jacobs Gibson  
Dave Pine

3. [Presentation of a proclamation designating November 2012 as National Adoption Month \(Supervisor Adrienne Tissier\)](#)

**Motion: Tissier / Second: Horsley**

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

**Noes: None**

Adrienne Tissier

Jennifer Wilson, Adoptive Parent

Crystal Pastieon (spelling?), Adoptive Parent

## **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: \(County Counsel\)](#)

John Beiers, County Counsel

Dave Pine

Mona D??, CMFA

**Motion: Horsley / Second: Groom**

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

**Noes: None**

1) [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](#)

2) [Adopting a resolution approving the issuance by the California Municipal Finance Authority of revenue bonds for the benefit of the Nueva School and related actions](#)

5. 2:30 p.m.

[Williamson Act Program Study Session \(Planning and Building\)](#)

## **REGULAR AGENDA**

[SamCERA \(Retirement\)](#)

6. [Executive Director's Report](#)

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 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](#)

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

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

John Maltbie, County Manager

**BOARD OF SUPERVISORS**

8. [Board Members' Reports](#)

Martin Fox, Belmont  
Dave Pine, Visit to McGuire Correctional Facility  
Rose Jacobs Gibson, Comments made during the public comment period regarding negative comments towards NFO

**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 calling for the removal of Michael Peevey, President, California Public Utilities Commission \(Supervisor Dave Pine\)](#)

This item was moved to the regular agenda.  
Supervisor Dave Pine, Board of Supervisors  
Kathy DeRenzi (spelling?), San Bruno Resident  
Mayor Jim Ruane, San Bruno

**Motion: Pine / Second: Groom**

**Ayes: Supervisors Pine, Pine, Groom, Horsley, Jacobs Gibson, 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 honoring Chief Robert L. Lotti II upon his retirement from the Colma Police Department \(Supervisor Adrienne Tissier\)](#)
13. [Ratification of a resolution honoring the 11th Anniversary of the North Fair Oaks Community Festival \(Supervisor Rose Jacobs Gibson\)](#)
14. [Ratification of a resolution 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 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 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 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 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 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)
- A) B) Resolution 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 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 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 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 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 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 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 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 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:](#)
  - 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 authorizing a transfer in the amount of \\$1,368,000 from unanticipated revenue to various accounts \(4/5ths vote required\)](#)

## **INFORMATION SERVICES**

32. [Resolution 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 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 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 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

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Public records that relate to any item on the open session agenda for a regular board meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board. The Board has designated the office of the Clerk of the Board of Supervisors, located at 400 County Center, Redwood City, CA 94063, for the purpose of making those public records available for inspection. The documents are also available on the County's Internet Web site, at the link for Board of Supervisors agendas for upcoming meetings. The website is located at: [http://www.co.sanmateo.ca.us/smc/departments/bos/home/0,2151,1864\\_26218,00.html](http://www.co.sanmateo.ca.us/smc/departments/bos/home/0,2151,1864_26218,00.html). The San Mateo County Ordinance Code can be accessed on the World Wide Web at: [http://library2.municode.com/default-now/home.htm?infobase=16029&doc\\_action=whatsnew](http://library2.municode.com/default-now/home.htm?infobase=16029&doc_action=whatsnew)



