

MINUTES

Board Members	Acting
Dave Pine	County Manager/
Carole Groom	Clerk of the Board
Don Horsley	John L. Maltbie
Rose Jacobs Gibson	County Counsel
Adrienne J. Tissier	John C. Beiers

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**REGULAR MEETING
SAN MATEO COUNTY BOARD OF SUPERVISORS
TUESDAY, FEBRUARY 28, 2012
9:00 A.M.**

The meeting was called to order at 9:04 a.m.

February 28, 2012

PLEDGE OF ALLEGIANCE

**ROLL CALL – Present: Supervisors Pine, Groom, Horsley and Tissier
Absent: Jacobs Gibson**

PUBLIC COMMENT

Speakers recognized by the President:

Martin Fox, Belmont
E. C. Sapp, Redwood City
Dan Harvey, Hertz Corporation
Will Withington, Enterprise Holdings
Jon Bauesteros, San Francisco Travel
Mark Church, Assessor-County Clerk-Recorder
Mary Griffin, former Mayor of Millbrae
Supervisor Dave Pine, Board of Supervisors
Dave Carbone, Retiree from Planning & Building, County of San Mateo

ACTION TO SET AGENDA and TO APPROVE CONSENT AGENDA ITEMS

Motion: Horsley / Second: Pine

Items #10 and #15 were moved from the consent agenda to the regular agenda.

Item #27 was pulled from the agenda.

PRESENTATIONS AND AWARDS

- A) Update to the Board of Supervisors from Assemblyman Rich Gordon

Speakers recognized by the President:

Assemblyman Rich Gordon, State Assembly
Supervisor Adrienne Tissier, Board of Supervisors
Supervisor Don Horsley, Board of Supervisors
Supervisor Dave Pine, Board of Supervisors

- B) Presentation by the City/County Association of Governments on the San Mateo County Transportation Plan for Low Income Populations (Supervisor Don Horsley)

Speakers recognized by the President:

Supervisor Don Horsley, Board of Supervisors
Corinne Goodrich, SamTrans
Ronny Kraft, SamTrans
Supervisor Adrienne Tissier, Board of Supervisors

- C) Presentation of a proclamation **(3291)** designating February 2012 as Black History Month (Supervisor Rose Jacobs Gibson)

Speakers recognized by the President:

Supervisor Don Horsley, Board of Supervisors
Gloria Brown, African American Health Advisory Committee

Motion: Horsley / Second: Pine

- D) Presentation of a proclamation **(3292)** designating March 1 through 7, 2012 as Weights and Measures Week (Supervisor Don Horsley)

Speakers recognized by the President:

Supervisor Don Horsley, Board of Supervisors
Fred Crowder, Commissioner Sealer of Weights and Measures

Motion: Horsley / Second: Groom

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.

1. 9:00 a.m.

- A) Public hearing to consider a resolution **(071831)** adopting a special parcel tax at an annual rate not to exceed \$65 per parcel for extended police and structural fire protection services in County Service Area No. 1 to be levied in each of the next four fiscal year effective upon voter approval (County Manager)

B) Adopt a resolution (**071832**) calling an election in County Service Area No.1 for the purpose of submitting to the electors of said area a ballot measure for the adoption of the special tax for extended police and structural fire protection services

1) Report and recommendation

2) Close public hearing

Motion: Horsley / Second: Groom

3) Adopt resolutions

Motion: Groom / Second: Pine

Speakers recognized by the President:

John Maltbie, Acting County Manager

Ayes: Supervisors Pine, Groom, Horsley and Tissier

Noes: None

Absent: Jacobs Gibson

2. 1:30 p.m.

Presentation of Service Awards, 455 County Center, Room 101, Redwood City (County Manager)

REGULAR AGENDA

COUNTY COUNSEL

3. Approve a process to fill the vacancy caused by the resignation of Tom Huening from the office of County Controller and, if appropriate, adopt a resolution calling a special election to fill the vacancy

Speakers recognized by the President:

John Beiers, County Counsel

Supervisor Adrienne Tissier, Board of Supervisors

Supervisor Don Horsley, Board of Supervisors

Supervisor Dave Pine, Board of Supervisors

Supervisor Carole Groom, Board of Supervisors

Motion to continue: Groom / Second: Horsley

This item was continued to the meeting of March 13, 2012.

COUNTY MANAGER

4. County Manager's Report

Speakers recognized by the President:

Martin Fox, Belmont

Acting County Manager John Maltbie gave the Board a brief update on state issues.

BOARD OF SUPERVISOR

5. Board members' committee reports

Speakers recognized by the President:

Martin Fox, Belmont

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.

6. Approve the minutes for the meeting of February 14, 2012

BOARD OF SUPERVISORS

7. Ratification of a resolution **(3293)** honoring David Franklin Carbone upon his retirement from the County of San Mateo (Supervisor Dave Pine)
8. Ratification of a resolution **(3294)** honoring Chris Coppola upon her retirement from the County of San Mateo (Supervisor Carole Groom)
9. Ratification of a resolution **(3295)** honoring Self-Help for the Elderly, San Mateo Center upon its 20th anniversary (Supervisor Carole Groom)
10. Appointments to Redevelopment Oversight Boards

This item was moved to the regular agenda.

Speakers recognized by the President:

John Beiers, County Counsel
Supervisor Dave Pine, Board of Supervisors

Motion: Horsley / Second: Pine

CONTROLLER

11. Resolution (**071833**) waiving the Request for Proposals process and authorizing:
 - A) An amendment to the agreement with SunGard, Public Sector, Inc., for provision of maintenance services for the County's Integrated Financial and Administrative Solutions software, extending the term through June 30, 2014, decreasing the amount by \$113,346, no Net County Cost; and
 - B) The Controller to execute subsequent amendments and minor modifications in amount not to exceed \$25,000

COUNTY COUNSEL

12.
 - A) Adoption of an ordinance (**04604**) amending Chapter 5.136 of the San Mateo County Ordinance Code to increase the transient occupancy tax imposed on transients occupying hotel rooms in the unincorporated area of the County from 10% to 12% of the rent charged by the hotel operator, previously introduced on February 14 2012 and waiver of reading the ordinance in its entirety (4/5ths vote required)
 - B) Adoption of a resolution (**071834**) calling an election for the purpose of submitting to the electors a proposition for the adoption of an ordinance amending Chapter 5.136 of the San Mateo County Ordinance Code to increase the transient occupancy tax imposed on transients occupying hotel rooms in the unincorporated area of the county from 10% to 12% of the rent charged by the hotel operator
13.
 - A) Adoption of an ordinance (**04605**) imposing a business license tax on operators of commercial parking facilities at the rate of 8% of gross receipts of parking facility operators in the unincorporated county, previously introduced on February 14, 2012 and waiver of reading the ordinance in its entirety (4/5ths vote required)
 - B) Adoption of a resolution (**071835**) calling an election for the purpose of submitting to the electors a proposition for the adoption of an ordinance to impose a business license tax at the rate of 8% of gross receipts of parking facility operators in the unincorporated county
14.
 - A) Adoption of an ordinance (**04606**) imposing a business license tax on operators of vehicle rental businesses at the rate of two and one-half percent (2.5%) of gross receipts of vehicle rental businesses in the unincorporated county, previously introduced on February 14, 2012 and waiver of reading the ordinance in its entirety (4/5ths vote required)
 - B) Adoption of a resolution (**071836**) calling an election for the purpose of submitting the electors a proposition for the adoption of an ordinance to impose a business license tax at the rate of two and a half percent (2.5%) of gross receipts of vehicle rental businesses in the unincorporated county

COUNTY MANAGER

15. Resolution **(071837)** authorizing:
- A) A cooperative agreement with the California Department of Transportation for the provision of transitional employment opportunities through a selected contract agency for the term of March 1, 2012 through February 28, 2014 in the amount of \$2,258,658; and
 - B) Waiving the Request for Proposals process and authorizing an agreement with Job Train for the provision of transitional employment opportunities for the formerly incarcerated for the term of March 1, 2012 through February 28, 2014 in an amount not to exceed \$2,140,680; and
 - C) The County Manager or his designee to execute subsequent amendments and minor modifications in an amount not to exceed \$100,000

This item was moved to the regular agenda.

Speakers recognized by the President:

Supervisor Dave Pine, Board of Supervisors
Shirley Melnicoe, County Manager's Office

16. Resolution **(071838)** authorizing and agreeing to accept the exchange of property tax revenues between the County of San Mateo and the Town of Atherton for the proposed annexation of the property located at 70 Camino por los Arboles, Town of Atherton
17. Resolution **(071839)** authorizing and agreeing to accept the exchange of property tax revenues between the County of San Mateo and County Service Area No. 1 for the proposed annexation of lots 1 through 4 on Bunker Hill Drive of the Ticonderoga LLP/Chamberlain Group, San Mateo Highlands area

GOVERNING BOARD

18. Acting as the Governing Board of the Burlingame Hills Sewer Maintenance District and the Emerald Lake Heights Sewer Maintenance District, adopt a resolution **(071840)**: (Public Works)
- A) Adopting plans and specifications including conformance with prevailing wage scale requirements for the Burlingame Hills Sewer Maintenance District and Emerald Lake Heights Sewer Maintenance District Closed Circuit Television Pipeline and Manhole Inspection Project dated January 20, 2012; and
 - B) Awarding and authorizing execution of an agreement with Coastline Water Resources, Inc., in the amount of \$111,942; and
 - C) Authorizing the Director of the Department of Public Works to execute subsequent change orders to grant time extensions for project completion and payment in an aggregate amount not to exceed \$11,188

HEALTH SYSTEM

19. Resolution **(071841)** authorizing:
 - A) An agreement with Bradley Graw, MD for the provision of specialty orthopedic services for the term of May 1, 2012 through April 30, 2014 in an amount not to exceed \$300,000; and
 - B) The Chief of the Health System or her designee to execute subsequent amendments and minor modifications in an amount not to exceed \$25,000
20. Resolution **(071842)** authorizing an amendment to the agreement with the California Department of Public Health for the provision of HIV/AIDS ambulatory/outpatient medical care, decreasing the amount by \$39,700 to \$1,736,534
21. Resolution **(071843)** authorizing an amendment to the agreement with Mental Health Association of San Mateo County for the provision of funding for Integrated Full Service Partnership services at Cedar Street supported housing for adults with all mental illness, increasing the amount by \$37,333 to \$1,579,176
22. Resolution **(071844)** authorizing an amendment to the agreement with Self Help for the Elderly for the provision of objective health insurance counseling, advocacy and assistance, increasing the amount by \$40,604 to \$458,312, no Net County Costs
23. Resolution **(071845)** authorizing:
 - A) An amendment to the agreement with GE Healthcare Technologies a division of General Electric Company for the provision of biomed service and preventive maintenance on diagnostic imaging equipment at the San Mateo Medical Center expanding service to include the County's Public Health Lab and increasing the amount by \$1,300,000 to \$5,668,792
 - B) The Chief of the Health System or her designee to execute subsequent amendments and minor modifications in an amount not to exceed \$25,000
24. Resolution **(071846)** authorizing a transfer in the amount of \$200,000 from Unanticipated Revenue to Contract Special Program Services Automation Services (4/5ths vote required)
25. Introduction of an ordinance amending the Master Salary ordinance and waiver of reading the ordinance in its entirety

This item was continued to the meeting of March 13, 2012 for adoption.

HUMAN RESOURCES

26. Report recommending the denial of the following claims (Non-Culpable):

Jose Arriola
Evans Lowell Creiry
Carlos A. Cruz

Farmers Insurance and Lisa Copeland
Geico as subrogee of Angela Exson
Courtney Schrier

27. Introduction of an ordinance amending the salary ordinance and accepting the report on the total number of positions in the County and waiver of reading the ordinance in its entirety

This item was pulled from the agenda.

28. Adoption of an ordinance (**04607**) amending the salary ordinance and accepting the report on the total number of positions in the County, previously introduced on February 14, 2012 and waiver of reading the ordinance in its entirety

HUMAN SERVICES AGENCY

29. Resolution (**071847**) authorizing:
- A) An agreement with the Bay Area Cash Assistance Program for Immigrants for the provision of the County of San Mateo to act as the Fiscal Agent in making payments on the behalf of the Consortium Counties identified as San Mateo, Alameda, Contra Costa, Marin, Merced, Monterey, Santa Cruz, Solano, Sonoma and Stanislaus, and as specified by the state to eligible Cash Assistance Program for Immigrant recipients for the term of July 1, 2011 through June 30, 2014, no Net County Cost; and
 - B) The Director of the Human Services Agency or her designee to execute subsequent amendments and minor modifications

INFORMATION SERVICES

30. Resolution (**071848**) authorizing a transfer in the amount of \$55,000 from Network Reserves to the services and supplies in the Information Services Department (4/5ths vote required)

PROBATION

31. Resolution (**071849**) authorizing:
- A) An agreement with the County Office of Education to subcontract with the Cleo Eulau Center for the provision of psychotherapy for at-risk and system involved youth for the term of July 1, 2011 through June 30, 2014 in an amount not to exceed \$100,800, no Net County Cost; and
 - B) The Chief Probation Officer or his designee to execute subsequent contract amendments and minor modifications in an amount not to exceed \$25,000
32. Resolution (**071850**) authorizing:
- A) An agreement with Boys and Girls Clubs of the Peninsula for the provision of mentoring at-risk and system involved youth for the term of July 1, 2011 through June 30, 2014 in an amount not to exceed \$160,000, no Net County Cost; and
 - B) The Chief Probation Officer or his designee to execute subsequent contract amendments and minor modifications in an amount not to exceed \$25,000

33. Adoption of an ordinance **(04608)** amending the salary ordinance, previously introduced on February 14, 2012 and waiver of reading the ordinance in its entirety

PUBLIC WORKS

34. Resolution **(071851)** authorizing a transfer in the amount of \$6,264,500 from General Fund ERAF reserves to Capital Projects for construction and occupancy costs for One Circle Star Plaza
35. Resolution **(071852)** authorizing a revised work plan for utilizing the Fiscal Year 2009-10 Appropriation of Proposition 1B Transportation Bond Funds (4/5ths vote required)

SHERIFF

36. A) Resolution **(071853)** authorizing:
- 1) An agreement with the City of Millbrae for the provision of transferring personnel and equipment to the County effective March 4, 2012 to effectuate the transfer of law enforcement services from the Millbrae Police Department to the Sheriff's office; and
 - 2) An agreement with the City of Millbrae for the provision of law enforcement services provided by the Sheriff's office for the term of March 4, 2012 through March 3, 2017 with the option to renew for three additional five-year terms with reimbursement to the County in the amount of \$1,602,461 for FY 2011-12, no Net County Cost; and
 - 3) The Sheriff or his designee to accept or execute notices, documents and amendments associated with these agreements under the terms
- B) Resolution **(071854)** authorizing a transfer in the amount of \$1,602,461 from Unanticipated Revenue to the Sheriff's office budget (4/5ths vote required)

TREASURER

37. Resolution **(071855)** authorizing the renewing of the delegation of investment authority to the Treasurer-Tax Collector for calendar year 2012 pursuant to Section 2.91.040 of Title 2, Article 2.9, Chapter 2.91 of the San Mateo County Ordinance Code

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

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

B) Conference with Legal Counsel - Existing Litigation

Arnett, Carl v. County of San Mateo
San Mateo County Superior Court Case No. 502984

C) Public Employee Performance Evaluation

Title: Acting County Manager; County Counsel

D) Public Employee Appointment

Title: County Manager

The process of recruiting a County Manager will be postponed until 2013.

E) Conference with Labor Negotiator

Closed session pursuant to subdivision (a) of Government Code Section 54957.6

Agency Negotiator: John Maltbie/Adrienne Tissier

Unrepresented employee: County Counsel

The Board recessed to the regular Closed Session at 10:33 a.m.

The Board reconvened the open session at 12:30 p.m.

County Counsel made the following report:

The Board voted unanimously to join pending litigation by other counties against the state over the state's decision to stop paying Institutions for Mental Diseases (IMD) ancillary services.

The meeting adjourned at 12:30 p.m. in memory of Noye Imamura, Tom Martinez and Patrick John Tracy.