

SUMMARY ACTION MINUTES



BOARD OF SUPERVISORS

Regular Meeting

Tuesday, September 22, 2009

COUNTY ADMINISTRATION BUILDING
SUPERVISORS' CHAMBER
1221 OAK STREET
FIFTH FLOOR, ROOM 512
OAKLAND, CALIFORNIA

SCOTT HAGGERTY
GAIL STEELE
ALICE LAI-BITKER, PRESIDENT
NATE MILEY, VICE-PRESIDENT
KEITH CARSON

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

RICHARD E. WINNIE
COUNTY COUNSEL

MISSION

*TO ENRICH THE LIVES OF ALAMEDA COUNTY RESIDENTS THROUGH VISIONARY POLICIES AND
ACCESSIBLE, RESPONSIVE, AND EFFECTIVE SERVICES.*

VISION

ALAMEDA COUNTY IS RECOGNIZED AS ONE OF THE BEST COUNTIES IN WHICH TO LIVE, WORK AND DO BUSINESS.

The Board of Supervisors welcomes you to its meetings and your interest is appreciated. If you wish to speak on a matter on the agenda or during public input, please fill out a speaker slip at the front of the Chambers and turn it in to the Clerk as soon as possible. When addressing the Board, please give your name for the record prior to your presentation. If you wish to speak on a matter **not** on the agenda, please wait until the President calls for public input at the end of the Regular Calendar. **NOTE:** Only matters within the Board of Supervisors' jurisdiction may be addressed. Time limitations shall be at the discretion of the President of the Board.

Pursuant to Board Policy: (1) Signs or demonstrations are prohibited during Board meetings; (2) Any Board Member may request a **two-week** continuance on any item appearing for the first time; (3) All agenda items shall be received by the County Administrator prior to 3 p.m. on Tuesday **two** weeks before the meeting date or earlier when a Holiday intervenes.

Hearing difficulty? Please ask the Clerk for use of a personal sound receiver. The Board of Supervisors' meetings are wheelchair accessible. Call (510) 208-4949 (voice) or (510) 834-6754 (TDD) to request a sign-language interpreter. Five working days' notice is required. If you have questions regarding the agenda, please call (510) 208-4949.

Attention: The Alameda County internet address is www.acgov.org. All regular Board of Supervisors' meetings held in the Board Chamber can be heard live on the Board's web page. In order to log on, please do the following: click on the County's homepage as noted above and click on the "[Board of Supervisors Meeting - LIVE! Broadcast](#)" link. You may also access archived audio recordings, meeting agenda and minutes, as well as meeting dates on the Board's web page <http://www.acgov.org/board/index.htm>. All documents are archived on the web page for a period of 6 months.

Normally, the Board meets on Tuesdays and their **meeting begins no earlier than 10:30 a.m.** and may begin later, depending on the Closed Session, which normally begins at 9:30 a.m.

SUMMARY ACTION MINUTES

9:30 A.M.

CALL TO ORDER AND SALUTE TO FLAG

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

- a) Agency Negotiators: Mary Welch and Keith Fleming – Employee Organization: All Labor Organizations
- b) Agency Negotiator: Mary Welch – Employee Organization: Unrepresented Management

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

- a) Initiation of litigation pursuant to Subdivision (c) of Government Code § 54956.9: (Five Cases)
- b) Significant exposure to litigation pursuant to Subdivision (b) of Government Code § 54956.9: (Four Cases)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

- a) Name of Case: *Collins, et al. v. County of Alameda, et al.*, Superior Court of California, Alameda County Case No.: HG 07-327316

10:30 A.M. - SET MATTERS

- 1. **CONSENT CALENDAR (See Appendix, Item Numbers 18 – 26)**

524 13 **Approved as recommended with the exception of item #20 which is continued to Tuesday, 9/29/09**
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10:30 A.M. - REGULAR CALENDAR

COUNTY COUNSEL: REPORT ON ACTION TAKEN IN CLOSED SESSION

None

BOARD OF SUPERVISORS' REMARKS

None

PROCLAMATIONS/COMMENDATIONS

- 1A. *President Lai-Bitker* – Proclaim September 27, 2009 through October 3, 2009 as “Sea Otter Awareness Week”
[Attachment](#)
Presented

FILE 24273

SUMMARY ACTION MINUTES

PUBLIC ASSISTANCE

2. *Social Services Agency* – Authorize the Auditor-Controller to pay expenses in the fiscal year 2009-2010 budget for the Alameda County Commission on the Status of Women, if necessary, while on official business, 7/1/09 – 6/30/10 (\$15,000); approve in principle the formalization of the Junior Commission under the auspices of the Alameda County Commission on the Status of Women and require amendment of its bylaws to include the Junior Commission as a sub-commission; and authorize the Auditor-Controller to pay expenses from the budget noted above including travel expenses of members of the Junior Commission on assignments designated or considered as official business
– CAO Recommends: Approve

[Attachment](#)

254 13 **Approved as recommended**

FILE 25273

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SITTING AS THE IN-HOME SUPPORT SERVICES PUBLIC AUTHORITY

3. *Social Services Agency* – Approve and authorize the execution of contract amendments (Procurement No. 3394) with the Long Term Care Workers Health Trust Fund, SEIU Local 6434, United Long Term Care Workers Union (Principal: John Ronches; Location: Los Angeles) to continue providing health care services for the Public Authority for In-Home Support Services homecare workers, extending the term from 9/30/09 to 9/30/10 (\$5,500,000) – CAO Recommends: Approve

[Attachment](#)

254 13 **Approved as recommended**

FILE 23846

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C-3394

4. *Social Services Agency* – Approve and authorize the execution of a standard agreement (Procurement No. 4360) with RTZ Associates, Inc. (Principal: Michael Zawadski; Location: Oakland) for provision of database software and maintenance for the Public Authority for In-Home Support Services, 7/1/09 – 6/30/12 (\$37,677.76) – CAO Recommends: Approve

[Attachment](#)

254 13 **Approved as recommended**

FILE 25274

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C-4360

5. *Social Services Agency* – Approve and authorize the execution of a standard agreement (Procurement No. 4433) with Maxim Healthcare Services, Inc. (Principal: Joel Zdarko; Location: Concord) for provision of In-Home Support Services recipients requiring immediate replacement of their homecare workers, 10/1/09 – 6/30/12 (\$268,000) – CAO Recommends: Approve

[Attachment](#)

254 13 **Approved as recommended**

FILE 25275

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C-4433

SUMMARY ACTION MINUTES

- 5A. *Social Services Agency* – Approve termination of current fiscal year 2009-2010 contracts with five organizations providing In-Home Support Services Registry Services to address State cuts to Public Authority funding for the period of 7/1/09 – 6/30/10, effective 10/30/09; and authorize the Agency Director to execute approved contract cancellations – CAO Recommends: Approve
[Attachment](#)
Continued to Tuesday, 9/29/09 **FILE 23499**
6. *Social Services Agency* – Approve the following recommendations for fiscal year 2009-2010 recommendations of the Public Authority for In-Home Support Advisory Board and Advisory Board committees, trainers, In-Home Support Services workers/consumers concerning reimbursement of expenses and payment of stipends:
- A. Approve the reimbursement of IHSS Public Authority Advisory Board-related expenditures including advance payment or reimbursement for training and conferences and stipends for meeting attendance, not to exceed \$44,450;
 - B. Approve the payment of stipends for special activities, training related costs, and incentives for homecare workers to attend workshops, not to exceed \$43,240; and
 - C. Authorize a stipend payment to a maximum of eight (8) SEIU Long Term Care Workers Union 6434 homecare workers to support activities falling within the scope of representation, 10/1/07 – 9/30/09 (MOU, Section 6), not to exceed \$3,400 – CAO Recommends: Approve

[Attachment](#)

254 13 Approved as recommended

FILE 23639

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HEALTH CARE SERVICES

7. *Health Care Services Agency Administration* – Approve a standard agreement (Procurement No. 4503) with Tiburcio Vasquez Health Center Inc. (Principal: Jose Joel Garcia; Location: Union City) utilizing District 2 Measure A “Other” funds in order to provide health education services, 7/1/09 – 6/30/10 (\$60,000) – CAO Recommends: Approve

[Attachment](#)

254 13 Approved as recommended

FILE 23398

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C-4503

8. *Public Health Department* – Approve and authorize a mid-year budget adjustment to increase appropriation and revenue by \$97,753; and authorize the Auditor-Controller to make the necessary budget adjustments – CAO Recommends: Approve – (4/5 Vote)

[Attachment](#)

Continued to Tuesday, 9/29/09

FILE 25276

SUMMARY ACTION MINUTES

GENERAL ADMINISTRATION

9. *Supervisor Miley* – Adopt a resolution supporting the “Alameda County Eden Area Senior Alcohol and Other Drug Prevention Initiative” in their actions to increase public policies, laws and institutional practices that will reduce substance abuse for older adults in Alameda County
[Attachment](#)
Presented **FILE 25277**
R-2009-359
10. *Alameda County Employees’ Retirement Association* – Adopt a resolution to reaffirm adoption of California Government Code Sections 31452.65, 31558.1 and 31721 as recommended by the Board of Retirement – CAO Recommends: Approve
[Attachment](#)
254 13 Approved as recommended **FILE 25278**
XX R-2009-360
11. *Community Development Agency* – Accept the State of California Department of Food and Agriculture annual funding for the Enforcement of Sudden Oak Death Regulations to continue the Sudden Oak Death Program in Alameda County, 7/1/09 – 6/30/10 (\$48,512.65); and authorize the Agency Director to execute the contracts and any amendments thereto – CAO Recommends: Approve
[Attachment](#)
254 13 Approved as recommended **FILE 25279**
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- 11A. *County Administrator and General Services Agency* – Authorize the Purchasing Agent to negotiate and sign the Second Amendment to extend Master Contract No. 900312, Procurement No. 1116 with Permanente Medical Group (Principal: Douglas Benner; Location: Oakland) to provide the Risk Management Unit with occupational health and wellness services, increasing the amount from \$1,883,962 to \$2,472,665 (\$588,703 increase), extending the term beginning 10/1/2009 to 12/31/10, the contract allows for this extension by mutual agreement
[Attachment](#)
254 13 Approved as recommended **FILE 25280**
XX C-900312
C-1116
12. *Human Resource Services* – Second reading and adoption of a salary ordinance amendment establishing two new job classifications; one in the Community Development Agency and one in the Health Care Services Agency and adding two footnotes in the Health Care Services Agency – **Continued from Tuesday, 9/15/09 (Item #16) for second reading**
[Attachment](#)
- 524 13 Read title, waived reading of ordinance in its entirety and adopted Ordinance** **FILE 25228**
XX O-2009-45 O-2009-45

SUMMARY ACTION MINUTES

PUBLIC PROTECTION

- 12A. *Sheriff* – Approve a retroactive purchase order (Purchase Order No. 6042) with International Tactical Medical School (Principal: Lawrence Heiskell; Location: Palm Springs) to provide a two-week on-site tactical medicine training course, 8/21/09 – 9/4/09 (\$150,000) – CAO Recommends: Approve

[Attachment](#)

254 13 Approved as recommended

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FILE 25281

C-6042

PUBLIC WORKS

13. *Public Works Agency* – Reject the lowest bid, from Jim Freethy Excavating, Inc., as non-responsive; accept the second lowest bid and award Contract No. 4479 between the Public Works Agency and Pleasanton Engineering Contractors (Principal: David Radojevich; Location: Dublin) based on the unit prices stated in its bid proposal for the project, Storm Damage Repair on Cull Canyon Road at Mile 3.60 in Eden Township, Alameda County, California (\$149,095); authorize the execution of said contract upon review by County Counsel, said work to be completed within forty working days from the date of receipt of Notice to Proceed; and approve the encumbrance of an additional \$14,910 as a Supplemental Work Allowance for a total encumbered amount of \$164,005 for the project, and authorize the Director of Public Works to approve contract changes as necessary against the Supplemental Work Allowance – **Continued from Tuesday, 9/8/09 (Item #59) and Tuesday, 9/15/09 (Item # 22A)**

[Attachment](#)

524 13 Approved as recommended

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FILE 24602

C-4479

14. *Public Works Agency* – Accept the bid and award Contract No. 4585 between the Public Works Agency and MCK Services (Principal: Mark Hazen; Location: Martinez) based on the unit prices stated in its bid proposal for the Pavement Rehabilitation of Redwood Road between Castro Valley Boulevard and Camino Alta Mira in Castro Valley, Alameda County, California Specification No. 2132 (\$1,353,548); authorize the execution of said contract upon review by County Counsel, said work to be completed within forty calendar days from the date of receipt of Notice to Proceed; and approve encumbrance of an additional \$135,355 as a Supplemental Work Allowance for a total encumbered amount of \$1,488,903 for the project and authorize the Director of Public Works to approve contract changes as necessary against the Supplemental Work Allowance – CAO Recommends: Approve

[Attachment](#)

Continued to Tuesday, 9/29/09

FILE 25282

15. *Public Works Agency* – Approve and adopt a resolution for the State Route 238 Hayward Bypass Local Alternative Transportation Improvement Program – CAO Recommends: Approve

[Attachment](#)

254 13 Approved as recommended

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FILE 25283

R-2009-361

SUMMARY ACTION MINUTES

16. *Public Works Agency* – Adopt a resolution to accept the improvements by Clarum Liberty Pointe, L.P. (Principal: Nicole Gittleston; Location: Palo Alto) in Tract 7378 located at Liberty Street and 165th Avenue in unincorporated San Leandro; release the “Performance Surety Bond” and “Labor and Materials Surety Bond”; and accept a “Maintenance Guarantee Bond” in the amount of \$163,909 to guarantee the correction of any design defects and/or defective work – CAO Recommends: Approve [Attachment](#)

254 13 **Approved as recommended**
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FILE 25284
R-2009-362

11:00 A.M. - SET MATTER

BOARD OF SUPERVISORS’ APPRECIATION PROGRAM

17. *President Lai-Bitker* – Recognizing the following employees for their daily contributions in conducting County business and providing public service:

- A. Gabriel Alvarez – Community Development Agency
- B. Jayanthi Krishnamoorthy – Information Technology Department
- C. J. Dominique Pinkney – Public Defenders Office

Presented

FILE 24272

PUBLIC INPUT (TIME LIMIT: 3 MINUTES PER SPEAKER)

None



ADJOURNED IN MEMORY OF

Tamara Thompson 17 years old of Oakland and Amanda Caravantes 17 years old of Newark

SUMMARY ACTION MINUTES

APPENDIX

CONSENT CALENDAR

(ANY BOARD MEMBER MAY PULL ANY CONSENT ITEM FOR DISCUSSION OR SEPARATE VOTE)

PUBLIC ASSISTANCE

18. *Social Services Agency* – Approve amendments to Master Contract No. 900142, Procurement No. 4365 with Lao Family Community Development Services (Principal: Kathy Chao-Rothberg; Location: Oakland) for continued service delivery of CalWORKs Work Experience/Community Services, extending the term from 9/30/09 to 10/31/09, extending the amount from \$124,200 to \$165,600 (\$41,400 increase); and authorize the Agency Director to execute the amendments under the master contracting process

[Attachment](#)

**FILE 25285
C-900142
C-4365**

19. *Social Services Agency* – Approve the following recommendations to continue targeted youth services to a segment of current Summer Youth Employment participants:

- A. Approve contract amendments that extend the current award periods of May 1, 2009 – September 30, 2009 by an additional two months through November 30, 2009 to the current contracts with:
- i. Procurement No. 3921 with Hayward Unified School District/Hayward Adult School (Principal: Dale Vigil; Location: Hayward) in the amount of \$430,000;
 - ii. Procurement No. 3923 with Hayward Unified School District/Hayward Adult School (Principal: Dale Vigil; Location: Hayward) in the amount of \$470,000;
 - iii. Procurement No. 3922 with Associated Community Action Program (Principal: Nanette Dillard Location: Unincorporated/Eden Area) in the amount of \$245,000; and
- B. Authorize the Agency Director to execute contract amendments under the master contracting process

[Attachment](#)

**FILE 25286
C-3921
C-3923
C-3922**

SUMMARY ACTION MINUTES

HEALTH CARE SERVICES

20. *Behavioral Health Care Services* – Approve a Services-as-Needed master contract augmentation (Master Contract No. 00008, Procurement No. 4319) with Subacute Treatment for Adolescent Rehabilitation Services, Inc. (Principal: Mary Jane Gross; Location: Oakland) to provide additional outpatient services to youth residing in Alameda County, 7/1/09 – 6/30/10, increasing the amount from \$61,894,247 to \$62,001,153 (\$106,906 increase); authorize the Agency Director to negotiate and sign the contract; and authorize the Auditor-Controller to increase appropriations with offsetting revenues – (4/5 Vote)

[Attachment](#)

Continued to Tuesday, 9/29/09

FILE 24587

GENERAL ADMINISTRATION

21. *Community Development Agency* – Authorize the execution of Amendment No. 7 (Contract No. 793) with Aspire Consulting L.L.C. (Principal: Kathie Barkow; Location: Union City) for Homeless Management Information System transition and training, extending the term from 9/30/09 to 9/30/10, increasing the amount from \$1,443,683.64 to \$1,568,069.64 (\$124,386 increase)

[Attachment](#)

FILE 24588

C-793

22. *Treasurer-Tax Collector* – Receive the Report of Receipts and Disbursements for July 31, 2009

[Attachment](#)

FILE 24779

BOARD OF DIRECTORS FOR THE ALAMEDA COUNTY FIRE DEPARTMENT

23. *Fire Department* – Approve and authorize the execution of Modification No. 5 to Subcontract No. B526570 with Lawrence Livermore National Security, LLC to extend the provision of fire and medical response services, 10/1/09 – 6/30/10, increasing the amount from \$16,228,802 to \$23,041,489 (\$6,812,687 increase); approve and authorize the execution of Amendment No. 1 to License No. DE-RO52-M8NA27723 to extend the term of the license for use of Lawrence Livermore Laboratory facility; and approve the incorporation of the contract provisions to the Subcontract: Security and Site Access Provisions, Site Services Requirements, and Environment, Safety and Health Provisions

[Attachment](#)

FILE 25289

C-2009-189

SUMMARY ACTION MINUTES

PUBLIC PROTECTION

24. *Probation* – Approve and authorize the execution, as the “Authority Responsible Official of the Governing Body” the signature of fiscal year 2008-2009 Federal Annual Certification for submission to the Department of Justice, Asset Forfeiture and Money Laundering section, sixty days after the close of the fiscal year

[Attachment](#)

FILE 25290

BOARDS AND COMMISSIONS

- 24A. *President Lai-Bitker* – Appoint George Dewey to the Alameda County Human Relations Commission, term ending 9/22/12

[Attachment](#)

FILE 25072

25. *Supervisor Carson* – Appoint Ron Nelson to the Alameda County Medical Center Board of Trustees, term ending 4/25/12

[Attachment](#)

FILE 25072

26. *Social Services Agency* – Re-appoint the following to the In-Home Supportive Services Public Authority Advisory Board, term ending 12/31/10

- A. Ursula Blau
- B. Blane Beckwith
- C. Michelle Rousey
- D. Carmen Quinones
- E. Ramiro Montoya
- F. Shannon Holbrook

[Attachment](#)

FILE 25072

SUMMARY ACTION MINUTES

END OF CONSENT

OUT-OF-STATE TRAVEL

27. *Board of Supervisors* – First District Supervisor – “Intelligent Transport Systems World Conference” – Stockholm, Sweden, 9/19/09 – 9/26/09 (No County Cost)
[Attachment](#)
28. *County Administrator* – Assistant County Administrator – “National Forum for Black Public Administrators Conference” – Austin, Texas, 10/8/09 – 10/10/09 (\$1,051)
[Attachment](#)

FILE 24270

No further business appearing, the meeting is adjourned.

REVIEWED BY: _____
PRESIDENT, BOARD OF SUPERVISORS

REVIEWED BY: _____
CLERK, BOARD OF SUPERVISORS

**** KEY ****

Left Margin Notes

1	Supervisor Haggerty	A	Abstained
2	Supervisor Steele	X	Excused
3	President Lai-Bitker	N	No
4	Supervisor Miley	BO	Board Order
5	Supervisor Carson		

Right Margin Notes

C	Contract
O	Ordinance
R	Resolution
LIB	Library

File # 24265
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TD