



Memorandum

TO: Rules and Open Government
Committee

FROM: Les White

SUBJECT: Annual City/County Meeting

DATE: June 7, 2007

RECOMMENDATION

Approval to set the Annual City of San Jose and Santa Clara County Meeting on August 23, 2007.

PURPOSE OF MEETING

To bring the elected officials from both the City of San Jose and the County of Santa Clara together to fulfill the Amended and Restated agreement requirements and to allot the opportunity to continue to establish a stronger City-County Relationship.

OUTCOME

To inform the Council and the Board of the status of various items that are of mutual interest to the City and the County.

BACKGROUND AND ANALYSIS

The City and the County have, over the past year, established a re-commitment to a stronger relationship. As a result, both staff and elected officials have met several times since the last Annual meeting in August 2006 to identify areas and key issues of mutual interest. A framework, modeled after the City and Water District relationship has emerged between the City and the County, and staff and elected officials continue to schedule meetings leading up to the August 23 annual meeting.

As a result of these meetings, the attached draft list of City-County Issues has been developed. This list is in the process of being updated to include a one-sentence overview of the bottomline of each issue as well as some milestone information. The top 5 priority areas have been identified as the following: Old City Hall, Fairgrounds, Annexations, Coyote Valley, and the Pandemic Flu. These will be moved to the top of the attached list for the updated version.

STUDY SESSION CRITERIA

- ✓ **Criteria 1:** Due to the nature of the topic area, may report to more than one Committee.
- ✓ **Criteria 2:** Topic area falls under more than one City Service Area.

RULES AND OPEN GOVERNMENT COMMITTEE

June 7, 2007

Subject: Annual City-County Meeting

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- ✓ **Criteria 3:** Topic is a Citywide issue/policy that needs Council's direction and input to proceed.
- ✓ **Criteria 4:** There is a significant amount of public interest and requires a study session to accommodate public input.
- ✓ **Criteria 5:** There are outside organizations that need to participate or sit on a panel.

COORDINATION

This memorandum has been coordinated with the City Clerk's Office.


Les White
City Manager

Attachment



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General Government

1. City/County Annual Meeting and Relationship
City Point Person – **Les White**, City Manager
County Point Person – **Pete Kutras**, County Executive

See attachments: February 19, 2007 letter and April 10, 2007 letter between Mayor Chuck Reed and Board Chairperson Don Gage.

2. Spielbauer Case
City Point Person – **Rick Doyle**, City Attorney
County Point Person – **Ann Ravel**, County Counsel

City View: The City is going to write the Amicus Brief for the County on this case.

County View: The County welcomes the City's amicus brief.

3. Legislative Guiding Principles
City Point Person – **Betsy Shotwell**, Director of Intergovernmental Relations
County Point Person – **Katie Brown**, Legislative Director

City View: City staff is working on updating this item with such items as Prop. 1B.

County View: The County welcomes opportunities to coordinate advocacy on legislative matters that are of common interest.

4. Property Assessment and Revenue for Education Funding Program (PARE) Bill, AB 83
County Point Person – **Larry Stone**, County Assessor
City Point Person – **Larry Lisenbee**, Budget Director

County View: It is in the economic interest of the City and its redevelopment agency to officially support passage of AB 83, which would result in the continued support of an important State source of funding for property tax administration.

City View: The City has not taken a position on the bill. The County Executive issued a memo earlier this year asking that the Board of Supervisors not support the bill sponsored by our County Assessor unless amended. The Board majority did vote however to support AB 83.

5. Grants Management/Needs Assessment
City Point Persons – **Mark Linder**, Deputy City Manager, and **Craig Temple**, City Manager's Office
County Point Persons – **Leslie Crowell**, Budget Director, and **Margaret Olaiya**, Countywide Contract Administrator

City View: In March 2007, the City assigned a full-time resource, a participant in the City's Leadership Fellow program, to address the grant management workload. The current focus of work is twofold: development of a citywide procedures manual for grant management and implementation of a technology tool to assist grant management activities.

City staff met with County staff on May 21 to coordinate and share information on grant management issues and best practices.

County View: In the spring of 2006, the Council of Nonprofits recommended that the City contact the County Contracts Administrator to share some of the successes the County has achieved in the area of contracting with the idea of assisting the City in developing best practices in its contracting activities.

Vilcia Rodriguez of the City Manager's Office contacted the County in October 2006. Margaret Olaiya explained her role as the centralized resource for County employees on matters related to contracting. The Contracts Best Practices Working Group's role is to seek ways to achieve improved processes related to contracting, the various databases, financial systems, and websites.

The City has requested copies of the County's executed contracts that it could review for its internal process. A copy of a community-based organizations list was also provided to the City. The City requested the Contracts Administrator job specification so that a similar one could be set up in the City. A position now exists in the City Manager's Office. The City has also set up a working group similar to the County's Best Practices Working Group.

At the County's Contract Workshop for employees held in February 2007, two City representatives participated in the training. It is provided twice-a-year. The County welcomes other City staff participating in future workshops.

6. Coordinated Efforts Concerning Workforce Development

County Point Person – **Luke Leung**, Deputy County Executive, Employee Services Agency
City Point Person – **Mark Danaj**, Director of Human Resources

County View: The City and County share a common concern related to workforce development in light of the expected wave of retirements in critical areas, such as, planning, law enforcement, emergency dispatch, public works, and parks and recreation, etc. Instead of the agencies chasing the few qualified applicants, the agencies should share information and resources to widen the eligible pool of public service employees.

City View: The City is actively partnering with other local jurisdictions through the Cal-ICMA Two-County Preparing the Next Generation team, local colleges and universities, and related groups such as Work2Future and Junior Achievement Silicon Valley, to cultivate a public sector pipeline of talent. Due to the accelerating number of retirements, San José is currently developing a succession planning strategy to meet the needs of the City's diverse customers and workforce, i.e., which facilitates the professional development of current staff,

the attraction and retention of new staff, and the continuity and creative delivery of top-notch City services.

7. Tax Increment Pass-Through Payments

County Point Person – **John Guthrie**, Director of Finance

City Point Person – **Harry Mavrogenes**, Executive Director, Redevelopment Agency

County View: The County urges the Redevelopment Agency (RDA) to pay for its share of the tax increment pass-through revenues on a timely basis. These payments are sometimes unreasonably delayed for almost a year after their due date. With the South Rincon Project, for example, the County invoices the RDA twice a year (April and December) for its share of the pass-through tax increment for a fiscal year. The invoice is based on current information and is subject to a true-up adjustment in August. The payment is due within 30 days. The FY06 payment was received on November 26, 2006; about 11 months after the first invoice. Payments for FY04 and 05 were also similarly delayed.

For the Merged Area Projects, the agreement requires the RDA to make pass-through payments to the County within 30 days of receiving sufficient incremental taxes to make such payments. Our apportionment records indicate that the RDA generally receives a sufficient amount of tax increments by January, and the County times its billing accordingly. However, the County does not receive any payment until the last quarter (November or December) in the calendar year, about five or six months after the fiscal year end.

City View: The Agency Finance staff holds onto the tax increment until all indebtedness is paid in each fiscal year, as confirmed in the year-end audit.

As the County is aware, 20% of all tax increments received from the County by the Agency is set aside for the low to moderate income housing fund as required by the California Community Redevelopment Law and 80% is transmitted to bond trustee to pay the Agency's debt service obligation due in the current year as required by bond indentures. This results in zero tax increment money in the possession of the Agency to pay the County Pass-through.

Section B of the Amended and Reinstated Agreement between the Agency and the County dated 5/22/01 states that the County Pass-Through is subordinated to all Agency's loans, bond or other indebtedness, and any pledge of or lien on the merged area tax increment. The Agency has to wait until the year-end financial audit is completed and audited financial reports are issued to ensure that all debt obligations are identified and satisfied. After the audit is completed, normally in November, and once the Agency meets all its obligations, the County Pass-through is paid.

8. San Jose Police Department and County Network Connection and Infrastructure
County Point Person – **Joyce Wing**, County Chief Information Officer
City Point Persons – **Rob Davis**, Chief of Police, and **Tammy Becker**, Operations Support
Services Division Manager

County View: This project creates a network connection, with appropriate security, to permit the San Jose Police Department (SJPD) to access the County’s Criminal Justice Information Control (CJIC) and Geographic Information System (GIS) and for the County to access the Automated Fingerprint Identification System (AFIS). It is also planned for the County to access the Mug Shot System.

There are numerous hurdles to overcome including obtaining technical support from City staff in a timely manner to resolve infrastructure issues that normally require both City and County staff to troubleshoot and solve; obtaining from the City requested installation of additional network fiber infrastructure and equipment reconfiguration by SJPD to aid in resolving network problems when they occur; obtaining a clear demarcation of support responsibility for network equipment so it is clear who is responsible for problem resolution; and removing unnecessary internal SJPD traffic routed through County equipment. The agreed-upon network fiber infrastructure and an equipment reconfiguration would resolve this problem.

City View: Networks currently exist which allow SJPD to access CJIC and the County to access AFIS.

There were some issues that materialized approximately a year ago in which the County was called because of an AFIS network failure. The County believed that SJPD’s network design for system-to-system communications between AFIS and CJIC, including the installation of a second firewall, was the source of the problem. The County found that there was some duplicate coding in a newly installed firewall. The County removed the code. According to documents “the connection has been stable” since that fix.

This failure brought to light an issue related to troubleshooting. SJPD met with the County and resolved the issue. SJPD Central ID personnel handle 24/7 calls from user agencies and attempt to do a level of diagnostics. If SJPD personnel are not able to resolve the issue, they contact Motorola (the vendor). Motorola was present in this meeting and confirmed this is part of the service provided through the maintenance agreement. The Motorola tech is able to trouble shoot to determine if the problem is hardware, software or network. He notifies the appropriate entity to perform repairs if it is not a Motorola problem.

Motorola is not on-site 24/7 but the technician has an office at SJPD and is readily available 24/7. The Motorola technician has been extremely responsive to all AFIS needs.

Each agency is responsible for the network within their facilities. This is consistent with the MOU. A disputed area of the network was identified. Initially, there was concern about responsibility for fiber between the County and SJPD. Since that meeting, the County located County owned fiber running between the Sheriff’s Office and SJPD. Since this is

County owned it should be County maintained. This fiber has no hardware and merely acts as a conduit between the Sheriff's Office and SJPD firewalls.

9. Automated Fingerprint Identification System (AFIS) Application Support

County Point Person – **Joyce Wing**, County CIO

City Point Persons – **Rob Davis**, Chief of Police, and **Tammy Becker**, Operations Support Services Division Manager

County View: The County needs support for the AFIS fingerprint and palm print database that allows: Fingerprint and palm prints to be sent to the City's Central Identification Unit (CIU) for arrestee/registrant identity verification; interface with Criminal Justice Information Control (CJIC) to create/update person information entered on the agency LiveScan devices; interface with CJIC to print pre-booking sheets and fingerprint cards; and latent fingerprint search.

SJPD relies on the AFIS vendor to provide application support. When there are application errors, no one at SJPD can diagnose or resolve the problems. Since vendor programming staff is off-site, it is usually County staff who recognize and diagnose the problem; however, resolution requires AFIS vendor assistance. It falls to County staff to contact the AFIS vendor and/or re-program County systems (such as, CJIC) to accommodate AFIS system changes/limitations. This is done at no charge to SJPD or the CAL-ID RAN Board. However, CJIC annually pays 27% of the entire CAL-ID Program budget.

Similar issues exist for the network infrastructure. The AFIS network was vendor installed and whenever there is an issue, the County Network Infrastructure Services and Sheriff staff end up addressing the problem. ISD has suggested replacing the original network equipment, which is obsolete, with new equipment that can provide remote diagnostic and management capabilities, but so far no updates on any action has been provided.

City View: Each agency, including the County, is responsible for maintaining their own networks to a demarcation and paying for maintenance from Motorola (either through direct payment or as part of their CAL-ID Budgets).

Modifications to the existing AFIS network are in progress. The modifications were necessitated by the County-wide mug shot project. The existing 56k connections were not sufficient to support both AFIS and mug traffic. The Sheriff's Office volunteered the use of the SLETS network to minimize costs to the user agencies.

Early discussions about this new AFIS network indicated that traffic would need to pass through the County network. Since those discussions, the County discovered that there was existing fiber directly linking the Sheriff's Office to SJPD eliminating the need to pass through the County.

The mug shot project does require collaboration with CJIC for an interface. The interface is intended to allow mug shot to pull information from CJIC to reduce errors related to multiple

data system entries. There are other projects, including mobile identification, which will eventually require collaboration with CJIC. SJPD has already conducted a meeting on mobile ID with CJIC, the Sheriff's Office, and the County to engage them in discussion about how this project can proceed. These projects are intended to assist agencies with efficiency in identification and data entry.

10. Overall Justice Technology Projects Communication

County Point Person – **Joyce Wing**, CIO

City Point Persons – **Rob Davis**, Chief of Police, and **Tammy Becker**, Operations Support Services Division Manager

County View: SJPD has initiated several justice technology projects that have impacted the larger law and justice community, such as, the countywide Mug Shot System. While the County lauds SJPD's initiative to improve crime-fighting, communication between SJPD and other agencies that may be affected by SJPD projects is not always timely. Little countywide communication or coordination is undertaken by SJPD when projects are initiated, resulting in "last-minute" interactions when system interfaces or business process changes are required.

City View: SJPD is interested in moving technology forward for the benefit of all agencies within the county. SJPD's role in the mug shot project, however, was the result of direction from the County Chiefs' Association and the CAL ID RAN Board. This project was planned for close to a year before the project kick-off and discussions involved all agencies. It does appear in some cases that information was not adequately passed along to those ultimately involved in the implementation. SJPD resolves to ensure that future projects are communicated to appropriate staff. For example, SJPD has been involved in very preliminary discussions with DOJ regarding mobile identification. SJPD has already met with CJIC, the County, and the Sheriff's Office to conceptualize the impact of such a project. SJPD received input from these agencies on how they would like to see the project proceed.

11. Booking Fee

County Point Person – **Leslie Crowell**, Budget Director

City Point Person – **Larry Lisenbee**, Budget Director

County View: Legislation enacted last year makes this the last fiscal year that counties will charge booking fees. The Governor's FY07-08 budget includes a \$35 million appropriation that would fund Local Detention Facilities Revenue Accounts (LDFRA). If that appropriation remains in the final budget, counties would no longer rely on their authority to levy a booking fee on arresting jurisdictions, as now provided in the Government Code. Instead, the Board of Supervisors will establish a LDFRA enabling us to receive an allocation intended to cover the revenue it would have otherwise generated from a booking fee.

AB1805 of 2006 gave the authority to charge arresting jurisdictions up to half a county's cost for booking suspects. Because of questions that arose about how the booking fee is developed, the County prepared a letter to the City of San Jose and other affected jurisdictions

dated May 14, 2007 that indicates that the costs the County is charging jurisdictions in the current year are consistent with what is permitted statutorily.

City View: The issue is increased charge for booking fee this year. In accordance with last year's AB 1805, and following the issuance of the May Revise, the Governor's proposed FY 07-08 budget continues to include \$35 million for an alternative to traditional booking fees called "jail access fees." This is the same level of funding as last year. The increase for the City would be from the \$1.27 million that has been budgeted in the 2006-07 Adopted Budget, and has been paid for years, to a new total of \$2.154 million.

Several other cities, led by Sunnyvale and Campbell have challenged this increase and asked for written justification from the County. To this point, the County has issued billings which state if payment is not received that the amount owed will be withheld from our next Property Tax payment from them. The County, Leslie Crowell, informed Larry that at this point it does not intend to withhold property tax payments and does intend to provide the requested info when they get a chance.

City Staff is awaiting documentation justifying the increase per the April 25 meeting.

11b. Property Tax Administration Fee

County Point Person – **Leslie Crowell**, Budget Director

City Point Person – **Larry Lisenbee**, Budget Director

County View: SB 1096 enacted in 2004 increased the amount of property tax revenues cities receive and permitted the County to recover more of its costs in collecting and apportioning property tax changes. The County submitted a letter dated May 10, 2007 to the city managers that documents the early and extensive efforts the County undertook to counsel cities about the impending legislative changes and the effect it would have on the cities financially.

City View: The County intends to increase our fee from \$1.1 million in 2005-06 to \$2.5 million this year. No written notice was provided of this increase and we only discovered it by receiving a spread sheet at a meeting designed for a different purpose. Our Finance department was unaware of this issue. Thus 8 months into the year we are faced with an unbudgeted, previously unknown increase of \$1.4 million that we would have to find. This issue has arisen in a number of other Counties we are discovering, and the League of Cities is looking into it.

Several other cities, led by Sunnyvale and Campbell have also challenged this increase and asked for written justification from the County. To this date we have not only seen no back-up, we still have not been formally notified or billed for this increase. We believe this process to be indefensible, and places us in an untenable position 8 months into our fiscal year.

12. Targeted Case Management (TCM)/Medi-Cal Administrative Activities (MAA)

County Point Person – **Ira Schwartz**, Community Health Protection Division Director
City Point Persons – **Scott Johnson**, Director of Finance, and **Albert Balagso**, Director of
Parks, Recreation, and Neighborhood Services

County View: The City funds Catholic Charities for a home visitation program. Catholic Charities, in turn, has a contract with the County for Targeted Case Management (TCM) billing. Each year, the City must demonstrate that the funds claimed by Catholic Charities as expenses are backed by the City as "certified public expenditures." This written documentation should be provided to the County in a timelier manner to prevent possible audit exceptions.

City View: The City funds Catholic Charities for a portion of a home visitation program through the Healthy Neighborhoods Venture Fund (project # SH028). On December 20, 2005, at the request of Catholic Charities, the City provided written documentation to Catholic Charities to demonstrate that City funds claimed by Catholic Charities are backed by the City as "certified public expenditures." The City, working with Catholic Charities and the County, will determine the County's timeline for submission of this documentation and provide the appropriate information to Catholic Charities for timely reporting to the County.

13. Periodic Reports Concerning Red-Tagged or Fire-Damaged Property

County Point Person – **Larry Stone**, Assessor
City Point Person – **Darryl Von Raesfeld**, Fire Chief

County View: The County requests a monthly report, preferably in an electronic format such as an electronic data record, of properties that have been red-tagged, or damaged by fire or other calamity with damage estimated to be \$10,000 or more. The Assessor would use this information to contact the owner. When damage is in excess of \$10,000, property tax relief is available when a claim is timely filed. The Assessor's interest in red-tagged property is to determine whether a diminution in value has occurred, which the Assessor is statutorily required to consider in the annual assessments. The absence of receiving this information has been singled out by the State Board of Equalization in its Audit of the Assessor's Office as an area for improvement.

City View: Building inspectors survey all structures that have been severely damaged by incidents and they place red tags on buildings that are not habitable. Building has the capability to provide an automated monthly report of properties that receive damage surveys and are red tagged. Virtually all these properties have damage exceeding \$10,000. However, Building does not calculate valuation until permit issuance so this information would not be available to the Assessor for some time after an incident has occurred.

14. Notification of New Subdivisions

County Point Person – **Larry Stone**, Assessor

City Point Person – **Joe Horwedel**, Director of Planning, Building, and Code Enforcement

County View: The County requests reporting of new subdivisions prior to when the Final Subdivision Map is recorded. The Assessor would like to meet with City representatives to determine the appropriate point, earlier in the approval process, for notification to the Assessor. This would assist the Assessor in more efficiently processing the creation of new Assessor Parcel Numbers, building permits, and ownership changes. In so doing, the Assessor would be able to more timely create Supplemental Assessments, which would benefit both City and County tax collections.

City View:

15. Improving the Timeliness of Assessments of Commercial Aircraft at SJC

County Point Person – **Larry Stone**, Assessor

City Point Person – **Bill Sherry**, Aviation Director

County View: The County would like to develop more streamlined procedures for obtaining information from Mineta San Jose International Airport necessary for the timely assessment of commercial aircraft. These include commercial charter carriers that may have a home airport outside of this county and may be fractionally owned by the user landing at the airport. While the Assessor has had a long and productive relationship with the airport, it has become more difficult to obtain timely information since the formation of Homeland Security. The Assessor would like to explore the possibility of having one or more staff obtain an appropriate level of security clearance to facilitate the exchange of information.

City View: With today's heightened aviation security, it would be difficult to obtain a security clearance for county staff unless a compelling justification can be made. However, in order to determine both the appropriate level of security clearance and the possibility of obtaining it, we would suggest facilitating a meeting between the Assessor's Office and the local Transportation Security Administration (Department of Homeland Security) staff to determine what options may be available to facilitate the exchange of information.

Homeland Security and Emergency Preparedness

16. Homeland Security

City Point Person – **Kimberly Shunk**, City OES Director

County Point Person – **Bob Fracoli**, Acting County OES Director

City View: SUASI 2006: The Super Urban Area Security Initiative (SUASI) is comprised of the 10 counties and 3 large cities that ring the San Francisco Bay. While the City and County of San Francisco is the fiscal agent, governance for the SUASI is vested in the Approval Authority, which consists of the emergency managers from the cities of San Jose, Oakland, and San Francisco, and the emergency managers from the counties in which they

are located: Santa Clara, Alameda, and San Francisco. The Director of State OES Coastal Region, who is a temporary member of the Approval Authority, votes only in the event of a tie; Rich Eisner, the incumbent, retired in December 2006 and Kathleen Crawford has been named acting regional administrator.

The Bay Area SUASI was awarded approximately \$28M in 2006. For the first time in the history of the grant, the Governor's Office of Homeland Security exercised their option to retain 20% of the award, reducing the amount received by the region to \$22M. The 2006 SUASI grant expires in March 2008, though San Francisco, as the fiscal agent, intends to shorten the deadline to December 31, 2007 so they have time to close out records.

Day-to-day grant activities are being handled through a management team which consists of two members from the South Bay (Guy Bernardo and Skip Shervington), two members from the East Bay (Rocky Medeiros and Susan Newton), and two members from the Peninsula (Ann Potter, with retired Battalion Chief Rich Shortall serving as Executive Director). A majority of the work will be handled through professional services contracts

Status: Governance has been formally established through a Memorandum of Understanding (MOU), though the Approval Authority is considering the formation of a Joint Powers Authority as a more appropriate governance vehicle. A discussion about this proposal was held during the Approval Authority meeting on April 19, 2007.

Awards to commercial contractors have resulted from the RFPs that were posted for SUASI projects in early 2006; contracts are being finalized.

The 2006 SUASI grant was audited by DHS from April 17-19, 2007.

SUASI 2007: On January 5, 2007, the federal Department of Homeland Security (DHS) announced grant guidance for the 2007 SUASI. Grant applications were due in Washington, D.C. no later than April 5. The federal announcement promised that grant awards would be announced no later than July 3, 2007. However, final approval of spending plans by the Governor's Office of Homeland Security, which is required before funds can be released to local jurisdictions, generally takes a month or so. The Governor's Office of Homeland Security may once again exercise its right to keep 20% from each grant awarded in California. This 3 year grant expires in 2010.

Status: The 12 working groups developed through the 2006 SUASI grant process began working on the 2007 SUASI application in November 2006. The application for the 2007 SUASI was submitted to DHS on April 3, 2007, after being pre-screened by DHS in March. This application included 14 investment justifications, which included the original 12 brought forward from the 2006 SUASI grant, plus 2 new partnership proposals. The first is an Emergency Managers Mutual Aid proposal in partnership with Los Angeles/Long Beach, and the second is an interoperable communications proposal in partnership with Sacramento to add a microwave on Mt. Vaca to connect the Bay Area to the Sacramento region. In May, the SUASI is sending 3 peer reviewers from the Management Team (Rich Shortall, Guy Bernardo, Rocky Medeiros) to evaluate grant applications from across the nation.

UASI 04 & 05: San José will meet the 2004 UASI grant deadline with all of the money spent. Spending for the 2005 UASI grant remains difficult; the grant officially expired on March 31, 2007.

Status: As of April 17, 2007, 100% of the 2004 UASI grant was spent, while 80% of the 2005 UASI grant has been spent or encumbered.

On March 21 and 22, 2007, the Governor's Office of Homeland Security approved extensions for specific investment strategies under the 2005 UASI grant in order to allow San José sufficient time to complete projects.

All equipment orders must be complete, with invoices received, by June 30, 2007; this includes contingency spending on satellite phones.

The TriMac project, which connects the public health labs in San Benito, Monterey, and Santa Cruz Counties with the diagnostic lab in Santa Clara County, is being managed by Santa Clara County Communications and County OES. This project received an extension until August 31, 2007. At County's request, the UASI Approval Authority also authorized a \$150,000 increase in funding for TriMac through an electronic vote taken on March 12, 2007. Both San José City Council and Santa Clara County Board of Supervisors will have to approve the amendment to the Memorandum of Understanding for TriMac in order to add \$150,000 in grant funding and extend the completion date.

County View: The Bay Area SUASI is a federal Department of Homeland Security grant that provides resources for the unique equipment, training, planning, and exercise needs of 35 selected national high-threat urban areas. The Bay Area SUASI is one of 35 national urban areas and one of five identified in California.

The Bay Area SUASI concept is designed to build greater regional capabilities across a larger geographical area. Super urban areas receive funding based on evaluated risk and need. This is accomplished through the submission of regional investment justifications that address specific needs to meet the target capabilities outlined in the National Preparedness Goal.

Eleven initiatives have been funded in 2006 that are consistent with National Preparedness Goal. They are:

- ❖ Expand Regional Cooperation
- ❖ Training and Exercise
- ❖ Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) Detection and Response
- ❖ Medical Surge
- ❖ Infrastructure Protection
- ❖ Mass Prophylaxis
- ❖ Interoperable Communications
- ❖ Information Sharing and Collaboration

- ❖ Public Information and Warning
- ❖ Mass Care
- ❖ Citizen Preparedness and Participation

A major goal of the 2006 SUASI plan is to conduct a detailed assessment of Bay Area capabilities as they relate to each of the eleven initiatives. The assessments will be analyzed to identify a baseline in which to build on. The analysis will also identify gaps and specific needs within the eleven initiatives that will be prioritized and addressed with current or future funds.

Status: The County has approved the MOU. Requests for professional services were posted and the vendors for each initiative have been selected. The contracts phase has begun and should be completed shortly at which time assessments will begin and completed by December 31, 2007.

17. Golden Guardian 2007 (Statewide Disaster Planning Exercise)
City Point Person – **Kimberly Shunk**, City OES Director
County Point Persons – **Bob Fracoli**, Acting County OES Director, and **Marty Fenstersheib**, Public Health Officer

City View: The City of San Jose and Santa Clara County are co-sponsoring this year's statewide disaster exercise. Golden Guardian '07 will be held on November 14, 2007 and will focus on a biological agent release at a large stadium venue. Planning for this event is a year long process and involves representatives from agencies throughout the region.

County View: The County and the City are leading the Bay Area in planning Golden Guardian 2007, along with guidance and assistance from the Governor's Office of Homeland Security Exercise and Evaluation Program (HSEEP). Since this event is the release of a biological agent, however, the County's Public Health Department is the lead agency in planning the response for a public health/medical emergency.

In the past, our Operational Area has exercised using scenarios that had both law and fire-related themes. Our intent this year is to test a health-related scenario that will involve the establishment of a Medication Center to dispense appropriate and necessary medication to persons at-risk from exposure to the biological agent, as well as to provide medication to first responders. The Public Health Officer has requested the City identify facilities and staff in order to be able to provide medications (mass prophylaxis) to city residents during a public health/medical emergency.

18. Use of City Facilities and Staff for Public Health Emergencies

City Point Persons – **Darryl Von Raesfeld**, Fire Chief, **Rob Davis**, Police Chief, and **Kimberly Shunk**, City OES Director

County Point Persons – **Marty Fenstershieb**, Public Health Officer, and **Bob Fracoli**, Acting County OES Director

City View: In developing response plans to address public health threats such as pandemic flu or a bioterrorism attack, the Public Health Officer has identified that the County needs to use city facilities and staff to accomplish mass prophylaxis of citizens.

San Jose is working towards fulfilling these requests, though progress remains slow. The problem of managing Memoranda of Understanding (MOUs) with private sector businesses has not yet been addressed. Additionally, there are regional law enforcement and operations concerns which are still being worked out. San José OES, Police and Fire have been participating in monthly meetings of the mass prophylaxis working group. San José OES participated in the creation and review of the mass prophylaxis plan. San José OES has also participated in monthly meetings for the Cities Readiness Initiative beginning in July 2006 and helped plan the tabletop exercise conducted on July 28. Along with Police, Fire, and OES, San José's Parks, Recreation, & Neighborhood Services, General Services, and Human Resources departments participated in the Point of Distribution (POD) Summit sponsored by the Public Health Officer on January 30, 2007. As demonstrated by the recent – and highly successful - priority prophylaxis exercise for San José first responders conducted on May 10, 2007, San José plans to use a “drive through” approach at regional malls as contrasted with establishing many small, fixed facilities (PODs) in the community which present staffing problems when day-to-day services to residents must also be maintained.

OES, General Services, Fire EMS, and a representative from the San José Convention Center attended the Mass Care and Pandemic Flu Planning workshop sponsored by the Public Health Officer on April 16, 2007. During this April workshop, which was the first to provide information to City Managers, OES raised several significant concerns; among these: (a) While California law includes a provision which allows civil servants to be designated as Disaster Service Workers, this provision does not permit unilateral assignment to duties which are inherently dangerous to the employee or for which the employee is not adequately trained and equipped. Therefore, the current plan to assign city employees to work with or around critically sick people in an Influenza Care Center (ICC) is not a viable component of the proposed Public Health plan. If this element of the plan goes forward, this will become a meet and confer issue for city employees. (b) The current plan assigns responsibilities to the city which actually belong to VTA or other County entities such as the Social Services Agency. (c) OES was supported in these concerns by representatives from the Convention Center, Red Cross, Palo Alto OES, and others. Physicians representing local hospitals suggested that County Public Health could task them for medical surge earlier in the process, thereby reducing the need to use city facilities. (d) Using city facilities like the Convention Center as ICCs and then attempting to return them to commercial use poses a significant financial and psychological challenge; the potential negative economic impact is significant.

Along with County OES, City OES was asked on May 11, 2007 to review and evaluate Public Health's new Biohazard Defense System Response Plan. This initiative appropriately

belongs to County OES. City OES does not have adequate resources to effectively handle both city and county initiatives.

County View: Stronger coordination between City Office of Emergency Services (OES) and the Public Health Department on bioterrorism and pandemic planning and response is necessary. City representatives at the table are not always empowered to make decisions as in the case of nominating Points of Dispensing (POD) locations for distribution of mass prophylaxis and medication centers. The City still needs to identify 40 PODS. Other related coordination issues include: logistics oversight (traffic and security), procurement of supplies, volunteer coordination, Joint Information Command Center (JIC), possible “Disaster Service Worker” status for City employees to assist at influenza care centers, and exercises and drills. More recently, the Health Officer met with the Santa Clara County city managers including San Jose’s City Manager in mid-May to provide an overall update on pandemic flu preparation as well as the status of establishing PODs.

Home preparedness for disasters including Pandemic Flu is critical to an effective response. San Jose has a strong neighborhood association structure with ties to the city. Public Health needs to work much more closely with these neighborhood groups in collaboration with the City. In addition, six large facilities countywide need to be identified to serve as Influenza Care Centers (ICCs).

Public Safety

19. Mutual Aid Plan

City Point Person – **Darryl Von Raesfeld**, Fire Chief

County Point Persons – **Derek Witmer**, Battalion Chief, South Santa Clara County Fire Protection District, and **Ken Waldvogel**, Chief of Central Fire

City View: The County fire departments have a Mutual Aid Plan. This cooperative agreement is reviewed and modified by the County Fire Chiefs on an annual basis. By most accounts, the current plan is working. The most recent revision to the plan permits jurisdictions to provide station coverage for fire departments that have committed resources to an emergency. This is in contrast to the Santana Row Fire in 2002, when jurisdictions could only respond to the actual emergency, which slowed response. The plan, however, is in need of additional revisions. Continued growth in the southern portions of the County (i.e., Morgan Hill, San Martin, etc.) has significantly increased the number of mutual-aid requests for San Jose resources (e.g., Engine 27, Truck 13/18, Water Tender 13, etc.) to respond to structure fires. The volume of requests in 2006 is significantly greater than forecasted when the agreement between South Santa Clara County Fire Protection District and the City was adopted by Council. The increase in requests has created an inequity of resource requests between the City and South County. Potential remedies include reopening the existing Auto- and Mutual-Aid Agreement to restrict the number of resources and requests or creating a fee-for-service arrangement to compensate the City for the provision of its resources. Both of these options will require discussions between the City and the South Santa Clara Fire Protection Board.

The Fire Department is scheduled to meet with the California Fire Department (Cal Fire), which is under contract to provide fire protection services within the South Santa Clara County Fire Protection District, in the first week of May. In addition to wildland fire protection issues, the Department intends to initiate a dialog with Cal Fire regarding mutual-aid responses into South Santa Clara County. Staff is currently working to define the number, type and costs associated with these responses.

County View: The Board of Supervisors is the governing body for the South Santa Clara County Fire District (SSCCFD). It values its mutual aid agreements and realizes that in today's environment of increasing growth, fire departments must depend upon each other to provide the level of protection expected by our residents.

SSCCFD recognizes that agreements need to be updated periodically and it welcomes the opportunity to meet with the City to discuss equitable options that will allow the continued sharing of resources.

20. Fire Protection in Underserved Areas

City Point Person – **Darryl Von Raesfeld**, Fire Chief

County Point Person – **Ken Waldvogel**, Fire Chief

City View: At the last County Fire Chief's meeting, the issue of fire protection for unincorporated County areas, not falling in an established fire district, was discussed. These areas have been defined in a LAFCO report as "underserved areas" of Santa Clara County. The County Board of Supervisors is interested in obtaining written commitments from existing Cities and Fire Districts to serve these areas, when they fall within a particular jurisdiction's "sphere of influence." This issue was first briefly discussed in 2002 with County Supervisor Dan Gage without resolution. Recently, County Counsel sent a letter to County fire departments requesting information on the level of service that has historically been provided and the willingness and level of service would departments continue to provide to these areas. San Jose's sphere of influence is estimated to include approximately 50,000 acres (79 sq. miles) of "under-served area." There are significant issues such as service level expectations, as well as the Department's capacity to provide service to these areas. Recommendations found within the LAFCO report may provide an appropriate starting point for this discussion and serve the City's interest of being a good neighbor without compromising local service levels.

At the last County Fire Chief's meeting (April 4, 2007), Ken Waldvogel, Acting Chief Engineer (a.k.a. Fire Chief) of the Santa Clara County Fire Department reported that all letters requesting written clarification regarding willingness of existing jurisdiction to serve "underserved areas" of the County had been received. In each case, queried jurisdictions reported they would continue to provide services in accordance with existing mutual-aid agreements. In light of consensus of response, the County Board of Supervisors will have to address this issue by either adopting a recommendation found within the LAFCO report or by adopting an alternative approach that would enable existing jurisdictions to provide contractual services to these areas.

County View: The “Countywide Fire Protection Service Review” report by the Local Agency Formation Commission (LAFCO), which was adopted on April 7, 2004, identified issues with the fire services delivery system in areas outside of organized fire protection jurisdictions. The LAFCO report identified four alternatives with respect to underserved areas of Santa Clara County. In addition, the Board of Supervisors’ management auditor conducted an extensive analysis of the Central Fire District in 2005/2006. The final audit report also identified the existence of county residents without a designated Fire Protection Agency. The audit team recommended consideration of a governmental reorganization to resolve the existing deficit in fire protection, planning, and services within the county, and two recommendations were presented in the audit report.

Central Fire staff presented a progress report to a Board committee in June, 2006 on the management audit recommendations, and included a presentation concerning the “Underserved Area Fire Protection Work Plan.” Several initial tasks were presented including the assessment of each city fire department and fire district's capability and willingness to continue response into underserved areas. Several of those tasks have been completed. Central Fire will present an updated briefing to the Board's Housing and Land Use Committee in next few months. Central Fire's role as a dependent fire district under the Board of Supervisors makes its response into the underserved similar to that of its municipal neighbors. Central Fire also desires reasonable resolution to the problem and are working with County staff in making progress to that end. Central Fire’s chief will continue to maintain monthly reporting to the fire chiefs within the county on the progress toward resolving this issue.

21. Domestic Violence

County Point Person – **Norma Doctor Sparks**, Director, Department of Family and Children’s Services, Social Services Agency

City Point Persons – **Rob Davis**, Police Chief, and **Eve Castellanos**, Domestic Violence Coordinator

County View: The Greenbook Project coordinated polices and services to better serve families experiencing domestic violence and child abuse. In 2006, the Project arranged for a Safety Audit that focused on how government agencies and service providers could most effectively protect and assist these families. It would be constructive to discuss some of the following findings and audit recommendations with the City.

1. Emergency Protection Restraining Orders (EPROs) are perhaps not being issued by police officers as often as necessary to protect children from batterers. Based on this Safety Audit, the County would like to explore if EPROs are being fully utilized, and issues, such as:
 - ❖ Unintended consequences of EPROs.
 - ❖ The reasons why some victims do not want or support the issuance of an EPRO.
 - ❖ Resource issues that may make it difficult for the police officer to issue an EPRO.
 - ❖ The parameters that guide police officers regarding issuance of EPROS.
 - ❖ Training needs of police officers regarding their obligations to issue EPROS.

- ❖ Alternatives for cases where Law Enforcement wants to issue an EPRO and the victim refuses.
- 2. The safety audit recommended that the Enhanced Joint Response protocols be evaluated and revised, if necessary, to include information about working with children when domestic violence is present.
- 3. The language spoken by the family seems to impact the early assessments and services identified for families experiencing domestic violence. The audit recommends:
 - ❖ Revise the Domestic Violence Protocol for Law Enforcement to advise officers that children should never be used as interpreters at the scene when interviewing victims or perpetrators. The protocol should also advise against using other family members and neighbors to interpret, as information given to the officer in these situations can be manipulated and unreliable.
 - ❖ Offer support and resources to expand the Domestic Violence Advocacy Consortium's Language Bank to serve broader needs.
 - ❖ Identify difficulties using "over the phone" or language lines for interpretation services. Provide training to improve officers' ability to utilize this service and research other models of interpretation services provided in other communities.
 - ❖ Certified professional interpreters need training on domestic violence.

City View: The City is interested in working with the County to sustain practices that were implemented as a part of the Greenbook Project, as well as exploring practices that should be implemented and/or strengthened as identified in the Safety Audit that was released in 2006. In addition, the City is interested on advancing and strengthening domestic violence related initiatives as they relate to ensuring that victims of domestic violence have resources available to help them live free from violence, including housing issues (emergency shelter and long-term transitional housing), job training and placement, and adequate access to support services. In addition, the City is interested in exploring methods so that our law enforcement can continue to strengthen their efforts to hold offenders of violence accountable through effective intervention. Some of the areas that we are currently exploring in order to ensure batterer accountability and safe interventions, include the following:

1. EPROs Sought on Behalf of Children

While EPROs obtained on behalf of dependant children are an effective tool in domestic violence situations, officers must avoid the use of such orders as a means to circumvent the adult victim's lawful decision not to seek an EPRO. While the impact of domestic violence perpetrated between parents has numerous negative effects on minor children, the vast majority of domestic violence cases assessed by first responders do not involve known abuse directly against minor children. For the Court to intervene through the issuance of an EPRO, the batterer must place the child at risk by exhibiting certain behaviors such as physical abuse, verbal threats, neglect, or abusive conduct toward others in the household that directly threatens the child's safety. It is doubtful that the intent of the law enabling peace officers to seek EPROs on behalf of a dependant child was meant to be exercised when no direct or articulable threat to the child exists.

Training on utilizing EPROs to protect minor children has been a focus of annual department-wide training since 2005. We will continue to develop and implement further training on this topic; however department members will be directed to appropriately pursue this avenue of redress whenever the safety of the child is in question. Seeking an EPRO ostensibly on behalf of a minor child with the underlying intent being to circumvent the adult victim's wishes is a practice that must be avoided. In cases where the adult victim's wishes are contrary to the best interests of the child, an EPRO will be sought and DFCS will be notified to explore additional action.

2. The Greenbook Safety Audit recommended that the Enhanced Joint Response protocols be evaluated and revised, if necessary, to include information about working with children when domestic violence is present. We are interested in developing the protocol to maximize its efficiency to keep victims and children safe and holding batterers accountable.
3. Banning Officers from Using Children as Translators

Two of the four recommendations made by the Greenbook Project in regard to this issue are already implemented by SJPD (i.e., identify difficulties using "over the phone" or language lines for interpretation services. Provide training to improve officers' ability to utilize this service and research other models of interpretation services provided in other communities and revision of the Domestic Violence Protocol.)

This issue has discussed extensively at the annual meeting for the Domestic Violence Protocol, which included representatives from local law enforcement agencies, the District Attorney's Office, and community based service providers and advocates. Nevertheless, the domestic violence incident is a dynamic, dangerous and ever-changing situation for the first responder conducting the initial investigation. To totally restrict officers from using children as a translator is not a feasible alternative at this time. Using a child from the family is an option that must remain available. There are certain situations in which officers do not have a translator at their disposal in order to obtain the basic facts of what occurred. These situations most often occur when the parents speak in an uncommon native tongue. The only option in some cases is to use a juvenile family member, while we discourage this use, we continue to promote the alternatives that we do have in place for officers (including the Language Access Telephone Service Line and use of the Domestic Violence Advocacy Consortium's Language Bank.)

The San José Police Department recognizes the negative impact of using a child from the family as a translator in domestic violence situations. Since September 2005, that subject has been addressed during the Department's annual mandated training. Officers are trained to avoid, if they can, using the children as translators. Further, the City's Family/Domestic Violence Advisory Board is currently identifying best practices and methods related to this issue that have been adopted by other law enforcement agencies to recommend for implementation by SJPD.

22. School Crossing Guards

County Point Person – **Michael Murdter**, Director of Roads and Airports

City Point Persons – **Jim Helmer**, Director of Transportation and **Rob Davis**, Chief of Police

County View: The City operates an extensive School Adult Crossing Guard Program and deploys a small number of guards at intersections in several unincorporated pockets in Districts 2 and 4 on a reimbursable basis through a cooperative agreement with Roads. This program was initiated by former Supervisor Simitian with an allocation from the General Fund and has been funded subsequently by District 2 and 4 Infrastructure Funds. The program works well and is a good example of City/County cooperation. County funding will most likely be exhausted by the end of FY08.

City View: Absent funding, the San Jose Police Department would no longer be able to provide adult crossing guards at unincorporated intersections.

23. Services to Juvenile Offenders

County Point Person – **Sheila Mitchell**, Chief Probation Officer

City Point Person – **Rob Davis**, Chief of Police

County View: In the Mayor's Gang Prevention Task Force (MGPTF) Strategic Plan, Goal 5 states:

The long-range goal of the MGPTF Technical Team is to create a seamless intervention-based service delivery system, one that establishes a single point of contact so that families and providers can easily access services, resources, and information. The MGPTF Technical Team will align and coordinate its Intervention Strategic Work Plan with other similar plans and initiatives in order to gain local, state, and national support, ensuring that San José youth remain safe and can maximize their fullest potential.

Objectives:

1. Identify local, state, and national initiatives that support intervention-based programs and formalize linkages with them. Example: **The County of Santa Clara's Juvenile Detention Reform (JDR) Initiative**, United Way's Greater San José Alternative Education Collaborative, Strong Neighborhoods Initiative, School City Collaborative, Workforce Investment Act, the State of California's Office of the Attorney General, Family/Domestic Violence Advisory Board, and the National League of Cities Disconnected Youth Initiative.

The County's JDR effort speaks to more effectively rehabilitating youth and has six key goals, which are in alignment with the Mayor's Gang Prevention Task Force:

- ❖ Use data to determine where there are opportunities to reduce the unnecessary and inappropriate detention of youth.
- ❖ Reduce disproportionate minority confinement.
- ❖ Reduce unnecessary delay in case processing.
- ❖ Reduce unnecessary and inappropriate detention of youth.

- ❖ Control the Juvenile Hall “front gate” by developing and implementing effective admissions policies and practices.

City View: The City looks forward to the County’s participation and alignment with the strategic goals of the Mayor’s Gang Prevention Task force. City staff will continue to meet with the County to strengthen this partnership especially in the Juvenile Detention Reform Initiative. Recent examples of participation include the annual Retreat of the MGPTF, ongoing attendance of County staff in the MGPTF monthly Tech Team meetings, training of City Police Command staff in the Police Booking protocol and the Risk Assessment instrument. Future projects include a City/County review of the Risk Assessment instrument.

The City is working with the County staff to explore strategies to reinstate the referral of the juvenile offenders into the Anti-Graffiti program.

24. Spay and Neuter Program

County Point Person – **Greg Van Wassenhove**, Director of Agriculture and Environment
City Point Persons – **Albert Balagso** and **Jon Cicerlli**, Parks, Recreation, and Neighborhood Services

County View: This narrative was written by the City: “ County provided a letter dated May 3, 2007 to the City requesting assistance in allocating City funds in the amount of \$40,485 to supplement County resources to continue the availability of spay/neuter program services to residents in San Jose.”

City View: The City runs its own Animal Shelter and has these services available to its residents. The City will work with the County to provide reference and contact information for its shelter so that the County can refer San Jose residents.

Health and Human Services

25. Dental Health

County Point Person – **Marty Fenstershieb**, Public Health Officer
City Point Person – **John Stufflebean**, Director of Environmental Services

County View: San Jose is the largest city in the United States whose water is not fluoridated. Numerous studies have shown that dental health is critical to the overall health and well-being of children. Children who have poor dentition have difficulty thriving and learning, and are at increased risks for other infections. Poor and disadvantaged children are at the greatest risk. Water fluoridation has been shown to be the most cost beneficial means of ensuring that kids have the best chance for a healthy start toward good dental care.

State statute requires that the city be fluoridated, but only if adequate funding is available. Initial discussions with San Jose Water Company have been productive. There appears to be support but some technological barriers will need to be overcome. The Health Officer would

like to begin working with the City of San Jose toward achieving citywide fluoridation. Other cities in the county that have fluoridated water started the process by putting the issue on the ballot before moving forward.

City View: The City of San Jose's Municipal Water System (SJMWS) is one of three water retailers in San Jose along with San Jose Water Company (SJWC) & Great Oaks Water Company (GOWC). The SJMWS provides water service to 12% of the City in the Evergreen, North San Jose/Alviso, Edenvale & Coyote areas. The SJMWS has been providing fluoridated water to the Evergreen Area (population 110,000) since 1965 and over the last three years fluoridated water has been supplied to the North San Jose/Alviso area. Edenvale is currently a campus industrial area and has no fluoridation. The City has made provisions in the new wells in Coyote to supply fluoridated water when the area is developed.

The City has a track record of providing fluoridated water and is willing to assist the County in working with the private water companies and Santa Clara Valley Water District to achieve City-wide fluoridation.

26. Planning for Impacts on Health and Safety Resulting from County Budget Reductions

County Point Persons – **Nancy Pena**, Director of Mental Health, **Bob Garner**, Director of Alcohol and Drug Services, **Guadalupe Olivas**, Director of Public Health, and **Sheila Mitchell**, Chief Probation Officer

City Point Person – **Rob Davis**, Chief of Police

County View: As the County makes drastic budget reductions to our health and justice departments in the next fiscal year, the cumulative effect will affect health and safety in San Jose. As an illustration, one of Mental Health's FY08 budget reduction proposals is to cut several million dollars in outpatient services, severely reducing outpatient services for poor and uninsured. One of the strategies Mental Health is implementing through new Mental Health Services Act (Prop. 63) funding, which may help to mitigate the impact of the reduction, is the establishment of community-based urgent care centers. Mental Health will work with the San Jose Police Department to offer this new crisis service in an effort to avoid use of the more costly Emergency Psychiatric Services (EPS) located at Valley Medical Center. City and County staff should meet about the broader impacts so that all stakeholders can better understand and plan for them.

In addition, Reductions of nearly 40% for adult drug and alcohol services such as outpatient counseling and residential treatment will mean that substantial numbers of actively using drug addicts will remain untreated in the community, and these individuals will commit both drug offenses and drug-related offenses; many will be arrested and end up in jail.

City View: The proposed budget cuts for County Mental Health Services (MHS) will have a significant impact on San Jose Police resources. Specifically, the San Jose Police Department (SJPD) will be required to respond to more calls for service involving people of all ages in crisis due to a lack of available mental health services. Ultimately, officer and citizen injuries will increase as SJPD responds to calls where there is an increased potential for violence due to the involvement of persons with untreated, severe mental illness.

The SJPD has been working in partnership with MHS to develop the Urgent Care Center model which will attempt to meet the needs of many who have mental health issues. Additionally, the Department is planning to work together with MHS to explore a Mobile Crisis Response Team that would enlist the help of Police personnel and clinicians to respond to the needs of the mentally ill in the community who are in crisis.

27. Health and Wellness Center

City Point Person – **Angel Rios**, Deputy Director, Parks, Recreation, and Neighborhood Services

County Point Persons – **Robin Roche**, Acting VMC Director, and Director of Ambulatory and Community Health Services, and **Michael Lipman**, FQHC Director

City View: PRNS staff is interested in exploring a partnership with the County of Santa Clara with the aim of jointly developing and operating a Health and Wellness Center for persons with disabilities. The current “Strategic Plan for Persons with Disabilities” adopted by the City Council in 2000 calls for the completion of a feasibility study to determine the viability of such a project. Supervisor Jim Beall previously expressed that the proposed project is in alignment with the County’s Santa Clara Valley Medical Center Expansion Master Plan.

County View: The program has merit, and the Health and Hospital System would be interested in learning more about the proposal. It is likely, however, that many of the patients would be unsponsored and would likely add to the burden of uncompensated care as the County prepares to drastically cut health and human services in the wake of a forecasted \$227 million FY08 deficit. The County is concerned about the impact to the Enterprise and General Fund associated with this proposed expansion of services and deems it unlikely that it could participate as a partner at the present time and in the foreseeable future.

28. Transitional and Permanent Affordable Housing

County Point Person – **Norma Doctor Sparks**, Director, Department of Family and Children’s Services, Social Services Agency

City Point Person – **Leslye Krutko**, Director of Housing

County View: The Department of Family and Children’s Services has met with the City to discuss developments the City has identified as potential sites for scattered transitional housing as well as permanent affordable housing. Using the below market rate units for transitional housing could potentially extend our budget greatly by reducing housing costs. The City wants to be involved in how we approach these affordable housing developers so they can help structure agreements to secure the units.

City View: The City and County are working cooperatively to end chronic homelessness through the Blue Ribbon Commission on Ending Chronic Homelessness in Ten Years and Solving the Affordable Housing Crisis in Twenty Years. We have met with County representatives about joining forces to link County service and housing funds with permanent housing units we are helping to finance. We are happy to continue these efforts, as our work

to house the homeless will only be successful if we have both the housing stock (largely City subsidized) and funding to provide needed services and rent subsidies (largely County subsidized). We certainly agree that this effort will result in budget savings, because serving an *unhoused* person is infinitely more expensive than providing them with permanent housing with supportive services.

29. Blue Ribbon Commission on Homelessness

City Point Person – **Leslye Krutko**, Director of Housing

County Point Person – **Margie Matthews**, Director, Office of Affordable Housing

City View: The City of San Jose is very pleased with the effort to convene a Blue Ribbon Commission on Ending Chronic Homelessness in Ten Years and Solving the Affordable Housing Crisis in Twenty Years. Housing Department staff has been working with Maureen O'Malley Moore from Supervisor Don Gage's Office and Margie Matthews from the Office of Affordable Housing to plan and staff the Commission and its working groups. We are confident that this effort, with this level of participation, will finally enable us to achieve the goal of ending chronic homelessness in the City and County.

County View: On March 22, 2007, Supervisor Gage convened a Blue Ribbon Commission on Ending Homelessness and Solving the Affordable Housing Crisis. The Commission consists of 27 community leaders from government, business, labor, and the non-profit sector and will meet quarterly. Working Groups, consisting of experts in their fields, have been established in three main areas: Prevent Homelessness, Shift to Housing First, and Increase the Housing Supply.

The purpose of the Commission is to provide countywide leadership and support for the initiatives originally contained in the County's and City's 10-year plans to end homelessness, as required for continued eligibility for federal McKinney-Vento Grants. The Commission will also provide leadership and support for strategies contained in the recent LISC study, "Housing Silicon Valley: A 20-Year Plan to end the Affordable Housing Crisis."

The charge to the Commission is to:

- ❖ Review and adopt implementation strategies from the Working Groups.
- ❖ Launch a regional public education campaign to gain countywide support.
- ❖ Develop or access new sources of funding for housing and homelessness.
- ❖ Establish realistic goals and measurements for continuing success.

The goal is to raise awareness of housing and homelessness among community leaders, address the affordable housing crisis, and end homelessness.

The Blue Ribbon Commission has had two meetings. In addition, more than 200 people have participated in numerous working group meetings under the major issue areas of:

- ❖ Prevent Homelessness
- ❖ Shift to Housing First

❖ Increase the supply of Housing

On May 24, 2007, the Blue Ribbon Commission endorsed a number of immediate actions including: 1) Establishing a pilot project to improve access to benefits for the homeless; 2) Forming assessment committees to identify housing needs of individuals when they enter County systems (hospital, mental health, jails, and foster care) rather than at the time of discharge; 3) Working with apartment owners and service providers to make renting an apartment easier for prospective tenants.

Work will continue on longer term implementation strategies including raising public awareness and seeking new sources of revenue.

30. Community for a Lifetime – A Ten-Year Strategic Plan to Advance the Well-Being of Santa Clara County’s Older Adults

County Point Person – **Betty Malks**, Director, Department of Aging and Adult Services, Social Services Agency

City Point Person – **Albert Balagso**, Director of Parks, Recreation and Neighborhood Services

County View: Community for a Lifetime is a joint effort between the City and the County. The plan was approved by the City Council and Board of Supervisors. The Plan contains next steps, which include the implementation of the Leadership and Coordination strategies that form the infrastructure for effective implementation of all other strategies.

Key points of concern:

- ❖ An agreement to share in the cost of a project manager with five agencies, including the City and County, to coordinate activities and the successful implementation of the Ten-Year Strategic Plan.
- ❖ The continuation of meetings of the Executive Council, formation of the Leadership Group, and the Service Advocacy and Coordination Group.
- ❖ The establishment of a public/private partnership.

City View: The City and County share a common view for the advancement of the Aging Strategic Plan, adopted in February 2005. Collaborative work through the Executive Council and newly hired Project Manager continues moving this unified effort forward. The launching of the Leadership Group, co-chaired by Councilmember Constant and Supervisor Gage will take place on June 28th.

31. Medical Clinic on San Jose State University

County Point Persons – **Robin Roche**, Acting VMC Director, and Director of Ambulatory and Community Health Services, and **Michael Lipman**, FQHC Director

City Point Person – **Paul Krutko**, Chief Development Officer

City View: The concept of a medical clinic on the San Jose State campus was discussed at the April 25, 2007 City-County meeting.

County View: The Health and Hospital System would be interested in learning more about the proposal, particularly if the State/City could partner with the County to fund the services as many of the students would be unsponsored, have limited (university-sponsored) coverage, or HMO coverage (Kaiser), which would not cover the services.

32. Former San Jose Medical Center Site

County Point Person – **Kim Roberts**, Executive Director, Santa Clara Valley Health and Hospital System

City Point Person – **Paul Krutko**, Chief Development Officer

City View: Discussion of the County designating Twenty-Fourth Street and Santa Clara as a future downtown hospital site.

County View: The County submitted to the City the Santa Clara Valley Health and Hospital System's Strategic Business Plan, which presents the County's long-term planning for ambulatory clinics, among other plans. The County does not have a plan for building a hospital in downtown San Jose.

Land Use, Master Planning, and Redevelopment

33. Old Civic Center Re-Use

City Point Person – **Ed Shikada**, Deputy City Manager

County Point Person – **Patrick Love**, Asset and Economic Development Director

City View: This project involves the City's interest in developing or reusing the old Hall site (approximately 10 acres) and E Lot (approximately 8 acres) that is adjacent to the County Government Center. The County has an interest in developing the Richey Army Reserve Site (8.5 acres) and the parking lot at First and Hedding (8.0 acres). The City has received a draft of a historical study of the Old Civic Center (City Hall is judged to be historically significant, the annex and the Health Building are of no historical significance). The City is proceeding with an analysis of the site and is evaluating initiation of a General Plan amendment on the E Lot, and proposes a reuse plan for Old City Hall.

The County Board of Supervisors accepted a report on the conceptual land use options for the Greater County Civic Center Area on March 27 and directed the County Administration to prepare a work plan further defining potential development scenarios relating to the old City Hall property and the Army Reserve property, for report in May 2007.

City staff plans to present a report on to the City Council in June on potential disposition options for old City Hall, and recommend Council approval to enter into formal discussions with the County on sale or transfer of the property. Staff is also reviewing the financial viability of retrofitting old City Hall for office use, and would like to explore this option with the County including any potential for innovative lease/purchase approaches. Preliminary estimates, however, indicate that retrofit costs would require lease rates that are above market.

County View: The County Executive's Office is in discussions with the City Manager's Office regarding the potential acquisition of the Old City Hall property, consisting of 10 acres and four structures. City Planning commissioned a historical study of the old City buildings, which concluded that the Old City Hall main building had historical significance. The implications of this preliminary finding are not yet known and may impact the County's interest in the property and the property's value.

The City Manager's Office has suggested the possibility of a land swap of the Old City Hall property for the 14-acre Tully Road Parking Lot, located across the street from the County Fairgrounds proper. The City's interest in the Tully property would be to develop a fire training center, including a new Fire Station #26, to be relocated from across Tully Road. That proposal was discussed with the Board as part of a presentation on March 27, 2007 regarding conceptual land use options for the Fairgrounds. Cooperative planning discussions are continuing with the City Manager's Office regarding these issues.

The County is also developing conceptual land use options for the existing County Civic Center site. These concepts were presented to the Board of Supervisors on March 27, 2007. These concepts will be refined for further consideration by the Board when more is known about the disposition of the Army Reserve site and the old City Hall property.

34. Richey Army Reserve Site

City Point Persons – **Ed Shikada**, Deputy City Manager, and **Laurel Prevetti**, Deputy Director of Planning

County Point Person – **Larry Klamecki**, Special Projects Manager

City View: The City has sent a letter to D.O.D in support of the County as lead agency in regard to the development of the Richey Army Reserve Site. D.O.D. has designated to the County as lead in establishing a Local Redevelopment Authority (LRA) to reuse the site. If the proposed use is a non-County government use, then the City will have land use or authority over that use. Consequently, the County has requested a senior staff member with planning experience to serve on the LRA.

County View: The County has established the Local Redevelopment Authority and welcomes the participation of a Deputy City Manager and Deputy Planning Director. The County Executive's Office will be coordinating what is expected to be a proposal for the use of all or part of the 8-acre Army Reserve site for County government purposes. Consideration of the County proposal by the LRA will be in the context of all other proposals received for potential re-use including those from homeless service providers.

A five-member Local Redevelopment Authority Committee was appointed by the County Executive. The County members are Larry Klamecki, Margie Matthews, Sylvia Gallegos, and Bill Drake. Ed Shikada is the City member, supported by Laurel Prevetti as an alternate member.

The Committee published a public notice soliciting Notices of Interest in reuse and redevelopment of the Richey Army Reserve property. The committee received Notices of Interest from Charities Housing Development Corporation and the County of Santa Clara.

The Committee is studying the notices and making supplemental information requests to further clarify the respondents' submittals. Following receipt of the supplemental information, the Committee will have its land use consultant prepare conceptual site plans for each proposal, conduct public meetings in mid-Summer to receive public comments, and deliver its report to the County Executive in early November. The County Executive will then convey his recommendation to the Board, acting as the Richey Local Redevelopment Authority.

35. San Jose State University Campus Planning

City Point Persons – **Paul Krutko**, Director of Economic Development, and **Kim Walesh**, Assistant Director of Economic Development
County Point Person – **Patrick Love**, Asset and Economic Development Director

City View: At the Joint Meeting, the County asked that it include a County representative in Joint Planning Issues. The Office of Economic Development and Planning has added the County on the list of stakeholders to outreach to over the next 18 months of project where the County will be contacted and involved.

County View: The County has not yet been involved with the City in any discussions regarding San Jose State Campus planning; specifically, the proposed new stadium for joint use by San Jose State football and a new Earthquakes professional soccer franchise, but would be pleased to participate, as appropriate, in the process. Developer Lew Wolff did approach the County in 2006 and met with the County Executive's Office about the potential use of the County Fairgrounds for a professional soccer stadium. Those discussions did not go beyond the initial stages.

36. Annexation and Annexed Properties

Background: As part of the recent City/County Settlement Agreement, the City agreed to annex, by 2011, all of the county pockets of 150 acres or less in the City's urban service area. In addition, the City agreed to make good faith efforts to annex pockets greater than 150 acres. The County agreed to absorb the cost of the preparation of maps as well as Assessor and Surveyor costs. LAFCO staff and the City also identified San Jose islands that had been included in the Urban Pockets Maps prepared by the County that are not eligible for the streamlined island annexation process because some portions of the parcels in the islands are located outside of the City's urban service area.

City Point Person – **Joe Horwedel**, Director of Planning, Building, and Code Enforcement
County Point Persons – **Jane Decker**, Deputy County Executive, and **Michael Murdter**, Director of Roads and Airports

City View: As a result of upcoming annexations, the City will be taking on more public infrastructure in a substandard condition. This will exacerbate the existing maintenance and

operations funding shortfalls and declining condition of our current infrastructure. Any effort the County can make to improve infrastructure in these pockets in advance of transferring them to the City, and establish better equity in distribution of roadway maintenance dollars between the County and cities would greatly improve our ability to maintain San Jose's transportation infrastructure.

County View: It is incumbent on the City to determine the best way to ensure that the pockets not eligible for the streamlined annexation process, and possibly more islands, be annexed in order to meet the provisions of the Settlement Agreement.

The County will work closely with the City to effect the annexation of the urban pockets. The City's expectations for pre-annexation improvements such as curb/gutter, etc. well exceed the County's current availability of resources to make improvements, but the County is making pavement improvements in these pockets.

37. Coyote Valley Specific Plan

City Point Person – **Joe Horwedel**, Director of Planning, Building, and Code Enforcement
County Point Person – **Jane Decker**, Deputy County Executive

a. *Mitigation Funding*

County View: County staff is actively advocating for Coyote Valley development to fund upgrades to the County's rural road system in the South County area. There appears to be limited nexus for this condition. It is noted that the Coyote Valley plan will result in the annexation of existing County roads in the Coyote Valley area, thereby resulting in decreased maintenance costs for the County. County staff is also strongly promoting the funding of significant regional transportation improvements by Coyote Valley. San José has committed to funding "fair share" costs for cumulative impacts related to all planned development in South County (including, Morgan Hill, Gilroy and outside of county), however, County staff appears more interested in extracting further funding.

b. *Roads Impacts*

County View: County Roads and Airports staff have been actively involved in the CEQA process for the development of the CVSP to ensure that the traffic impacts from the CVSP development are accurately and realistically identified, and those impacts mitigated by the City of San Jose.

c. *Natural and Water Resources*

County View: CVSP is an approximately 3,400 acre urban development proposed to be built directly adjacent to Coyote Creek Parkway County Park. The CVSP project also proposes encroachment on public parkland for bridge crossings over Coyote Creek and the re-alignment of northbound Monterey Road. The plan calls for locating multi-story structures, residential development and roadways next to the park without the provision of adequate buffers for protecting the sensitive habitats within the Coyote Creek riparian corridor. In addition, a development of this scale and intensity will result in potentially significant environmental impacts on the creek corridor that include impacts to the

creek's hydrologic functions, water quality, and the natural resources of Coyote Creek Parkway County Park.

On March 27, 2007, the City released the Draft Environmental Impact Report (DEIR) for a review period that will conclude on June 29, 2007. To prepare responses to the DEIR, County Parks has been working with consultants on the DEIR review to address the significant impacts to biological resources, hydrology and water quality, and public services including parks and recreation impacts among other issues. County Parks' issues along with a number of other significant concerns will be folded into the County's overall response to the DEIR.

Among the multitude of concerns that County Parks has addressed with the proposed development, County Parks will also be commenting on the provision of optimal buffers for the riparian habitat corridor, the avoidance of the use of parkland for CVSP development infrastructure (i.e., future extensions of Highway 101 interchanges, bridge crossings over Coyote Creek and arterial roadway needs), and appropriately mitigating for the development's impacts on Coyote Creek Parkway County Park and its riparian habitat corridor.

38. Reid-Hillview Airport Property Lease(s)

County Point Person – **Michael Murdter**, Director of Roads and Airports

City Point Persons – **Jim Helmer**, Director of Transportation, and **Joe Horwedel**, Director of Planning, Building and Code Enforcement

County View: The City will have land development jurisdiction for the airport property designated for non-aviation commercial lease. The leasing process for the Tully/Capitol parcel is still in its infancy so it will be some time before the City needs to do anything.

A related issue is that VTA's Capitol Light Rail project will require a take of airport property frontage including some of the Tully/Capitol parcel. Although not strictly a City issue per se, the City is heavily involved in the pre-construction planning for the project and this issue directly impacts the Capitol Expressway relinquishment.

City View: The City is open to having discussions with County on appropriate land development on the property. The intent of the relinquishment is to support the transformation of the expressway to better address various community and local agency goals and both the Evergreen and LRT projects are key components related to the City's interest in receiving the expressway.

One of the driving forces of the relinquishment concerned improvements to the expressway associated with the Evergreen-East Hills Visioning Study. As a result of Council's decision on May 15, these improvements are not likely to occur in the near term. Also, the outcomes of VTA's audit and recent deferral to approve both the SEIR and begin property acquisition for the light rail project casts some concern on the part of the City as to when this project will

move forward. It is noted however, that VTA is currently planning to place their deferred items on the August 2007 VTA Board agenda.

The timing of the relinquishment has not yet been determined and at this time is not a critical path item.

39. Reid-Hillview Airport Sound Insulation

County Point Person – **Michael Murdter**, Director of Roads and Airports

City Point Person – **Bill Sherry**, Aviation Director

County View: When the County receives an FAA grant to insulate homes around the airport for sound attenuation, the County would like to piggyback on the City's sound insulation program, which has completed hundreds of homes around SJC. County Airports staff have had informal contact with the SJC noise program staff and they seem amenable to the idea, but timing is an issue since the SJC program is winding down.

City View: We have already had discussions with County Staff on this issue and are amenable to assist them with their sound insulation program. We do not anticipate our program "winding down" in any significant way before the end of calendar year 2008 and anticipate the program continuing for some time afterwards in order to do follow-up work.

40. Household Hazardous Waste Program and Las Plumas Site

County Point Person – **John Stufflebean**, Director of Environmental Services

County Point Persons – **Greg Van Wassenhove**, Director of Agriculture and Environment Management, and **Bill Drake**, Manager of Special Projects, Facilities and Fleets

City View: The City received a letter of support from the County of the Las Plumas Site. The countywide Household Hazardous Waste (HHW) Program is administered by the County Environmental Health Program on behalf of nearly all Santa Clara County cities (all except Palo Alto). The County has operated an HHW Facility at the City of San Jose Central Service Yard since 1995.

The County-wide HHW Program ended operations at the HHW facility out of the City's Central Service Yard (CSY) in November 2006. The City is proposing relocating the HHW Facility to 1608 Las Plumas Avenue.

The City and County have proposed constructing the HHW facility in two phases. Phase I would provide temporary facilities at the Las Plumas site for a period of up to three years. Phase II would involve construction of a permanent structure in an area that is central to all San Jose residents.

County View: *The City requested the County take a position on its proposal to construct a Household Hazardous Waste (HHW) collection facility as part of the development of the Las Plumas site.*

Under a contractual agreement with the cities, the County manages a program for the collection and disposal of HHW at periodic events throughout the county, except in Palo Alto. Most of the events are staged at temporary sites, but it is less expensive to the City to use a permanent facility for the County-City cooperative HHW program in San Jose. The County would benefit from a permanent facility because it would be easier to operate and more secure than temporary locations. The County operated out of a similar permanent facility in San Jose in the past with no problems.

The City requested the County comment on a letter sent in by the landlord of property on Las Plumas that the County leases for social services. The letter contends that County employees and their clients may be in harm's way if the HHW facility is constructed.

County Counsel researched the issue with the Departments of Facilities and Fleet, Occupational Safety and Environmental Compliance, Mental Health, and Social Services. They were no concerns to report. There is also a recent environmental impact report completed by the City on the Las Plumas site. The two significant impacts are addressed through several mitigation measures. Given this information, the County is not concerned about impacts on Social Services Agency operations.

The County submitted a letter dated May 3, 2007 to the City expressing the County's support of establishing a permanent household hazardous waste facility. The County also agreed to have Greg Van Wassenhove testify at various forums about the County's position.

Parks and Recreation

41. Branham/Snell Right-of-Way, the Future Martial Cottle Park, and the Proposed Lester Community Garden in Martial Cottle Park
County Point Person – **Lisa Killough**, Director of Parks and Recreation
City Point Person – **Albert Balagso**, Director of Parks, Recreation, and Neighborhood Services

County View: For a couple of years, Parks has been negotiating with the City Public Works Department for right-of-way (ROW) that the City needs in order to widen Branham and Snell adjacent to Martial Cottle Park, formerly known as the Lester Property. The City requires five acres of the park for this project. The proposal under negotiation (and approved by the Board in closed session on April 10, 2006) would be for the City to compensate by providing the County: a five-acre parcel next to Almaden Quicksilver County Park; a \$500,000 contribution to the park development; utility stub-outs for the park development; and a sanitary and storm sewer connection fee adjustment. Current negotiations are focused on the Lester Community Garden, which the City is proposing to build and operate within Martial Cottle Park as part of its park development obligation.

In addition, Parks has recently learned that the City owns ROW on the south side of Highway 85, which could be useful for a trail connection (underneath the highway) to Martial Cottle Park. Parks has recently recommended including this property, known as the Cahalan ROW,

into a compensation package, and the City has yet to respond to this proposal. Although negotiations have been moving slowly, it appears that this agreement is headed toward a favorable outcome. No date has yet been set for Board or Council action on the agreement. As a side note, Parks is about to kick off the master plan for Martial Cottle Park. The City stands to reap a tremendous benefit when this park is built as it will serve a neighborhood that has very few parks. Parks has a goal of opening Martial Cottle to the public in the next five years.

City View: PRNS is involved with the County Parks to develop a community garden on the Lester property. Staff have tentatively agreed that PRNS will design, construct and manage a community garden on the Lester Site. The intent is to keep the capital investment from the City under \$500,000 to design and construct the garden.

This arrangement for the community garden will likely also be tied into the right-of-way transfer agreement being developed to give the City the necessary land on Branham Lane and Snell Avenue to widen the streets to their ultimate width. This agreement is being coordinated between Public Works, PRNS, and the City Attorney's Office and County Parks.

42. Scott/Clifton Property

County Point Person – **Lisa Killough**, Director of Parks and Recreation

City Point Person – **Albert Balagso**, Director of Parks, Recreation and Neighborhood Services

County View: At January 23, 2006 closed session meeting, the Board considered a City Redevelopment Agency request for \$500,000 from the Park Charter acquisition fund to be applied for acquisition of a half-acre parcel in the Burbank unincorporated area. This parcel would contribute to a neighborhood connection into the Los Gatos Creek Trail in downtown San Jose.

The Board indicated that it would support a funding contribution once the Branham/Snell ROW agreement has successfully completed. Neither the Parks Department nor City staff has pursued negotiations on this agreement since the closed session meeting. It is not clear at this juncture whether the City still expects the County to participate in this acquisition.

City View: The City has made an offer on the property but the offer was contingent on a clean site being transferred to the City. Phase II soil testing indicated additional contamination so the City is currently awaiting a response from the property owner to determine if the owner is planning on remediating the site. If not, the City will need to determine next steps. Currently, the San Jose Redevelopment Agency is funding the property acquisition and development. If funding is available, the City would be interested in engaging in discussions with the County to assist with the development of this site.

43. Measure P: Regional Recreation Facility at Fairgrounds

City Point Person – **Ed Shikada**, Deputy City Manager

County Point Persons – **Pete Kutras**, County Executive, and **Patrick Love**, Asset and Economic Development Director

City View: The City currently has approximately \$26M to construct sports parks per the bond measure passed by voters in 2000, in addition to citywide parkland dedication requirements associated with residential development. City staff is interested in any opportunity to partner with the County on potential recreational uses on portions of the fairgrounds property.

The County Board of Supervisors accepted a report on the conceptual land use options for the Fairgrounds on March 27 and directed County staff to prepare information relating to development of an RFP for developer teams to prepare proposed development scenarios for multi-cultural and revenue-generating uses of all or part of the property for report in May 2007. In addition, the Board referred to the County Administration to prepare information relating to the establishment of an ad hoc committee to address land-use options for the property with the City of San Jose.

County View: The Fairgrounds Revitalization Project, approved by the Board in April 2000, included a community recreation facility along with the concert theater and a new County Expo Center. The recreation facility was envisioned at that time as a large gym for youth and adult recreation leagues, to be operated by a private contractor under a ground lease with the County. The proposed facility was originally included in the Revitalization Project in response to the relocation of the Spartan Little League fields from the Fairgrounds to a new City park, Tully Community Ballfields, at Tully and Galveston, for which the County contributed \$1.5 million in funding. In August 2006, the Board acted not to pursue the Revitalization Project. The County is open to discussions of alternatives to the recreation center or new concepts for recreation at the Fairgrounds, in the context of the Board's decisions about the future development of the Fairgrounds.

On March 27, 2007, the County Executive presented to the Board some conceptual land use options for the potential future development of the Fairgrounds property. On May 22, 2007, the County Executive reported back to the Board with the elements that would be included in a subsequent developer RFQ/RFP, and the Board authorized the County Executive to initiate such a RFQ/RFP process. The process will be done in two steps – developers will be pre-qualified according to relevant experience, financial capability, and other criteria. Qualified developers will then be invited to submit proposals responding to specific elements of the RFP, including housing, commercial development, mixed use, and continued public use. The developer selection process will begin in June 2007 and is expected to be concluded in the Spring of 2008. The goals for the Fairgrounds property to be developed are to develop the property for the highest and best use and to provide the County with a continuing stream of new revenue. The County Executive's Asset and Economic Development Director has been coordinating with the Deputy City Manager regarding this process and will continue to do so throughout the process.

44. Willow Glen Spur Trail Acquisition

City Point Person – **Katy Allen**, Director of Public Works

County Point Person – **Lisa Killough**, Director of Parks and Recreation

City View: In recent negotiations with Union Pacific Railroad Corp. (UPRR), UPRR intends to design a soil relocation plan completely within the boundaries of its property. The contaminated soil would be located in a linear fashion and capped with asphalt concrete. The resulting project would serve as the future trail alignment and land on either side of the trail would be deemed to be “clean.” DPW will provide input on the appropriate drainage patterns and location of stub-out pipes for future irrigation. It is anticipated that UPRR will be able to process all paperwork and obtain public input in time for construction to proceed during 2007. The County has made a total of \$2 million available towards acquisition; however, for any given acquisition the maximum match is 25% of total funds available. The agreement with the County does not specify that acquiring the eastern reach from Hwy 87 to Senter has to occur first. It will be the subject of a future acquisition once funds are assembled.

Funding for the Acquisition of the Willow Glen Spur Trail is:

- ❖ \$763,250 Park Trust Funds from Council District 6
- ❖ \$965,813 County Match*
- ❖ \$300,000 SCVWD Grant
- ❖ \$800,000 Prop. 40 Grant
- ❖ \$1,000,000 Open Space Authority (2003)
- ❖ \$1,000,000 Open Space Authority (2004)

Total: \$4,829,063

\$170,938 is needed to close the gap to \$5 million, which is the sale price from Union Pacific Railroad. Potential sources include the County or one-time Construction and Conveyance revenue declared at mid year. The City will also need to front the \$800,000 first as the Prop. 40 grant is reimbursable.

County View: On September 28, 2004, the Board approved a \$2 million funding agreement between County Parks and the City for acquisition of property to build the Willow Glen Spur Trail. This trail, when implemented, will connect three regional trails noted in the Countywide Trails Master Plan: Coyote Creek, Guadalupe River, and Los Gatos Creek. The County’s \$2 million has yet to be transferred because the City is still negotiating with the landowner, Union Pacific Railroad (UPRR), for the sale. The negotiations are going slowly as the City works through the acquisition details, including some issues related to contaminants. City staff has recently requested and been granted an extension of time to acquire the property. The County’s contribution is predicated on a 1 to 4 ratio - meaning for every dollar that the County contributes to the acquisition, the City will contribute four dollars. This arrangement will encourage the City to purchase as much, if not all, of the property needed for the complete alignment in exchange for the County’s full funding. Once the property is acquired, the County will have no responsibility for development and operation of this trail. County Parks is supportive of the overall intent of this agreement.

45. Shady Oaks Park at Coyote Creek Parkway

County Point Person – **Lisa Killough**, Director of Parks and Recreation

City Point Person – **Albert Balagso**, Director of PRNS

County View: The City leases a portion of Coyote Creek Parkway and has built and maintains a neighborhood park called Shady Oaks (near the intersection of Silver Creek Valley Blvd.). Since completion of the City's Park Strategic Plan (called the "Greenprint"), there has been a goal of expanding Shady Oaks Park to include a soccer complex. The current leasehold includes undeveloped land that could be used for such purpose. Councilmember Forrest Williams and City staff have made a few presentations to the County and City Parks and Recreation Commissions over the past three years regarding this proposal. The County Parks Commission has expressed support for a complex to the extent that the neighborhood values are preserved and the riparian corridor is protected. At this juncture, it does not appear that the City has reached consensus with the neighborhood regarding the design and the project is at a standstill. County Parks is somewhat neutral on the proposal. Should the City resume discussions on the design, County Parks would advocate for a scaled back design that provides a greater buffer zone for the creek and neighborhood.

City View: The City is currently engaging in a Citywide Sports Field Study which will be completed in early 2008. One of the purposes of this study is to work with the community to identify and prioritize sites for additional sports facilities. If Shady Oaks surfaces as a priority site out of this study, the City will re-engage the County and the local community in discussions regarding the potential size and scope of the facility.

Special Events

46. Cirque du Soleil

City Point Person – **Paul Krutko**, Chief Development Officer

County Point Person – **Patrick Love**, Asset and Economic Development Director

City View: Cirque du Soleil has made recent contact with the City, and requested a return engagement in January of 2008 through March 2008, with show dates from January 24 to March 9, 2008 for a total of approximately 60 shows. The site occupation period would be therefore from January 7 to March 21, 2008. Cirque's officials have asked if site at the corner of San Pedro/Mission Streets would be available for their use. While no official response has been provided, the City has informed Cirque that they are pleased to have them come back to San Jose, and that the San Pedro/Mission site (E-Lot) is under consideration. If pursued, the City would meet with the County early in the process, review last year's event, and determine appropriate steps and communications to minimize impacts on the surrounding government services, residents and businesses.

County View: The County Executive's Office coordinated successfully with the City Manager's Office on the 2006 Cirque du Soleil event and will continue this collaboration for

the 2008 event. Issues of concern for the County include the affect on County Civic Center operations, traffic and road closures on San Pedro Street, potential impacts on County parking lots, and impacts on the operations of the County Public Defender's Office.

47. Tour of California/King of the Mountain

Background: The Tour of California is a professional cycling stage road race. The Sierra Road climb was a part of the route the cyclists followed in the 94.6-mile road race from Stockton to San Jose, finishing at City Hall. The WEBCOR San Jose King of the Mountain Ride, a pre-ride to the 2007 Tour of California, was held on Saturday, February 17, and it included the Sierra Road climb. Proceeds from the King of the Mountain event benefits Fit for Learning, a program of the County Office of Education in cooperation with Healthy Silicon Valley that addresses the crisis of childhood obesity.

City Point Person – **Paul Krutko**, Director of Economic Development
County Point Person – **Michael Murdter**, Director of Roads and Airports

City View: Discussion to focus on City Events for next year related to County unincorporated areas and roads. Note: California Highway Patrol is running the big event on County Roads down the entire State. We do not choose the route – the State does that. The City just decides where in downtown the race will end.

County View: These events have resulted in inconvenience to County residents in the past due to road closures, traffic, and lack of timely notification. Last month's King of the Mountain ride required a total road closure of Felter Road despite the City's assurances that no closure would be required. Roads is developing a formal road closure policy for consideration by the Board.

While the County supports regional events of interest to the larger community, it also has a responsibility to ensure local residents are not unduly inconvenienced. This can be accomplished through better event coordination among the relevant public agencies.