

BOARD OF SUPERVISORS

Dave Cortese, District 3, President
S. Joseph Simitian, District 5, Vice President
Mike Wasserman, District 1
Cindy Chavez, District 2
Ken Yeager, District 4



Jeffrey V. Smith
County Executive

James R. Williams
County Counsel

Megan Doyle
Clerk of the Board

MINUTES
January 24, 2017 9:30 AM
Regular Meeting

BOARD OF SUPERVISORS' CHAMBERS
County Government Center – 70 West Hedding Street, 1st floor, San Jose, CA
Tel. (408) 299-5001 Fax (408) 938-4525 TDD (408) 993-8272

SANTA CLARA COUNTY BOARD OF SUPERVISORS
SPECIAL DISTRICTS
THE FIRE DISTRICTS
FINANCING AUTHORITY
PUBLIC AUTHORITY OF SANTA CLARA COUNTY
VECTOR CONTROL DISTRICT
SANITATION DISTRICT NO. 2-3
COUNTY LIGHTING SERVICE AREA

Opening

1. Roll Call.

President Cortese called the meeting to order at 9:34 a.m. A quorum was present.

Attendee Name	Title	Status	Arrived
Mike Wasserman	Supervisor	Present	
Cindy Chavez	Supervisor	Present	
Dave Cortese	President	Present	
Ken Yeager	Supervisor	Present	
S. Joseph Simitian	Vice President	Present	

2. Pledge of Allegiance.

The Pledge of Allegiance was recited.

3. Invocation by Pastor Michael Love, Trinity United Methodist Church, Mountain View. (Simitian) (ID# 84781)

The invocation was received.

agreement, that has been reviewed and approved by County Counsel as to form and legality.

- c. Approve Request for Appropriation Modification No. 144 - \$490,000 transferring funds from the General Fund Contingency Reserve to the Office of Supportive Housing budget. (4/5 Roll Call Vote)

Added to the Consent Calendar at the request of Supervisors Wasserman and Yeager.

11 RESULT: APPROVED [UNANIMOUS]

MOVER: Ken Yeager, Supervisor

SECONDER: Cindy Chavez, Supervisor

AYES: Wasserman, Chavez, Cortese, Yeager, Simitian

12. Receive the Management Audit of County Sanitation District No. 2-3. (Management Audit Division) (ID# 84506)

One individual addressed the Board.

At the request of President Cortese, the Board directed the Office of the County Executive to prepare a Request For Proposals (RFP) for management of County Sanitation District 2-3. The Board further directed the Office of the County Counsel to review and advise on all charges passed on to customers in District 2-3 relating to the waste water treatment plant, in particular for those charges which are or may be in violation of Proposition 218 or are unnecessary for the terms of service, and report to the Board in closed session before the RFP is prepared.

At the request of President Cortese, the Board directed Administration to implement a process for administrative oversight of County Sanitation District 2-3 during the upcoming Fiscal Year budget process.

12 RESULT: RECEIVED [UNANIMOUS]

MOVER: Dave Cortese, President

SECONDER: Cindy Chavez, Supervisor

AYES: Wasserman, Chavez, Cortese, Yeager, Simitian

13. Held from January 10, 2017 (Item No. 22): Consider recommendations relating to Body Worn Cameras. (Office of the Sheriff) (ID# 84164)

Possible action:

- a. Receive Anticipated Surveillance Impact Report for Body Worn Cameras.
- b. Adopt finding that the benefits of the surveillance technology outweigh the costs pursuant to Section A40-4 of the Santa Clara County Ordinance Code.
- c. Approve Proposed Surveillance Use Policy for Body Worn Cameras for Office of the Sheriff, that has been reviewed and approved by County Counsel as to form and legality.

- d. Approve Request for Appropriation Modification No. 113 - \$1,136,002 transferring \$721,492 from the Special Programs Budget and transferring \$414,510 from the Information Services Department budget to the Office of the Sheriff and Sheriff-DOC Contract budgets, relating to the addition of four positions, training, and equipment to support the body worn camera program. (Roll Call Vote)

Seven individuals addressed the Board.

The Surveillance Use Policy was amended to incorporate the following changes: to change the wording from "an" to "a" in the second paragraph under Item No. 1 on page one; add "BWCs also provide transparency for the community as well as individual and organizational accountability. BWCs can help build community trust, improve conduct and behavior, and reinforce community policing," to the end of the first paragraph in the "Purpose" section; **add Section ix entitled "Biometrics" to the policy to read as follows:** "Pursuant to Section A40-2B of the Santa Clara County Ordinance Code, the Sheriff's office must notify and obtain approval from the Board at a properly noticed public meeting on the regular calendar before acquiring new surveillance technology. As such, the attached body worn camera anticipated impact report and use policy relate only to the acquisition and use of BWCs. The intent of the Sheriff's office is to use such equipment consistent with the purposes stated in the Body Worn Camera Surveillance Use Policy. **Furthermore, the current purchase of Body Worn Cameras does not include biometric capabilities. If at some future point, the Sheriff's Office decided to consider biometric additions for its BWC program to enhance public safety, it would be obligated to bring the BWC Surveillance Use Policy back to the Board of Supervisors for review and consideration, in alignment with the County's Surveillance Ordinance as defined in Section A40 (Surveillance-Technology and Community-Safety)";** change "up to" to "no longer than" in the second and fourth items in the Retention section; incorporate "makes footage available to individuals filing police misconduct complaints unless prohibited by law as determined by County Counsel and consistent with necessary privacy protections to protect the privacy interests of other parties who may be in the footage" into the policy; add a glossary definition of "delete" into the policy; and, add "all BWC recordings and files" in the Retention section.

The Board received the Anticipated Surveillance Impact report, adopted finding that the benefits of the surveillance technology outweigh the costs, and approved Request for Modification No. 113; with the stipulation that all approvals are contingent on the incorporation of BWC equipment training at the Academy.

At the request of Supervisor Chavez, the Board directed Administration to report to the Finance and Government Operations Committee or Public Safety and Justice Committee on date uncertain relating to the public education component of the Body Worn Camera policy.

At the request of Vice President Simitian, the Board directed Administration to collaborate with the Office of the Sheriff to report to the Board six months after Body