

**Board of Supervisors
Special Meeting
Jun 26, 2012 9:00 AM**

- 9:00 AM Tuesday June 26th, 2012 good morning. I am going to call June 26th special board meeting to order. Please call the role.
Supervisor kniss?
Here.
Supervisor cortese.
Here.
Vice president yeager? here.
President shirakawa.
Here.
You have a quorum, sir.
Please stand for the pledge of allegiance. Thank you, item no. 3 public comment. Is there anyone that would like to address the board on an item not on the agenda. I see none. We'll move to item no. 4, consent calendar. I don't think we have actions under consent today. Item no. 5, refer to administration to request to identify the process and necessary steps to create an institute of regenerative medicine at santa clara valley medical center. We have the memo you submitted, supervisor.
- 9:02 AM Thank you, we have an item that is unusual and it is one I can take no credit for, whatsoever, it began with Dr. Steve mckenna and Dr. Jeff smith. With your indulgence, I would ask Dr. Smith to say a few words. Dr. Mckenna is here to speak and people who are in the program who will speak as well. As well as other interested parties. Jeff, you lead it off.
Well, um, this all came from discussions that we had after jeron pulled out of the research project we had been a part of. This a very important research program. The state voted back, I think in 2004 to create and fund the california institute for regenerative medicine, which has 5.3 billion dollars in the state.
- 9:04 AM Jeff, say that one more time. that is important.
California in institute.
The part about the money?
5.2 billion dollars. jerron decided they were going to focus their research in other areas even though there was great success. We had a recognized international leader in Dr. Mckenna who had been promoting this project. After jerron pulled out, we were trying to figure out how to continue with this very important research. Obviously we couldn't do it on the county's dime. What is before you is the possibility of creating an institute. It would be a great service to our patients and we are recommending we move ahead with exploring these opportunities.
- 9:05 AM Thanks, jeff. if I could continue on, george, we have been following this for quite some time. We are bringing it forward today as a referral. We are very interested in what stem cell research could bring to us here. We see ourselves as true leaders in this valley. We have a wonderful opportunity to take advantage of prop 71, which many of you remember passed. There is still money there. We have to have this kind of organization as an instrument in place for this to happen. Dr. Mckenna our leading physician. Report to us for ken and me in august including the fiscal, legal, governance and clinical come together necessary to position for research, treatment and medical care related to stem cell therapies for those in any kind of accident that has caused that type of damage needing regenerative tissue. We are setting this up in our valley puts us up in a different position than we have been in before. Back to you, president.
- 9:08 AM We'll start with Dr. Mckenna. read off the names. Anne perkins, katy, rich, and we'll start with you.
George, Dr. Mckenna can be the mc. Going up and down the ramp with a wheelchair will take a little doing.
I am Dr. Steve mckenna.
Steve, get on that mic.
I am Dr. Mckenna. I want to thank the board of supervisors for having me back to speak to you today. As many of you may remember, last time I was here, we were about to launch a landmark clinical trial in u. S. History, first trial was begun, valley medical center within the last two years. Coming out of the trial, we were able to enroll two patients in the entire nation, five patients were enrolled in the clinical trial. We are happy to have katy and rich to speak before you. In the next 2-10 years in the silicon valley. As councilmember kniss was mentioning, we have a singularity in time in california right now, the california institute of regenerative medicine has 5.2 billion dollars to be spent to stimulate these transition of these clinical trials to practice. As santa clara valley is the only center in california west of the mississippi who has provided stem cells, it is a natural partner for the industrial groups interested in bringing the clinical trials forward. Based on that I would like to kniss. Thank Dr. Smith and supervisor we will need to pursue funding potentially from serm. There are groups at the state and federal level as well as residents of santa clara who have had families with these diseases being unique therapies. More common diseases like alzheimer's disease, stroke, cardiomyopathy. We are looking at a different type of medicine. Instead of being able to decrease the side effects, we might be curing these diseases. Based on that need and ability, we are going to take several months to come up with a component and bring that back to you in august.
- 9:12 AM Thank you. with that, um, maybe, just to go in order, why don't we have rich lahara come down. Preefly share his story. Follow with katy shirifi.
Good morning, katy.
Am I close enough?
- 9:13 AM Close as you can. hi everyone. My name is katy shirifi. Thank you for having me. I am the fifth and final patient in the jerron clinical trials. I was in a single car accident back in november. I had, spinal cord injury and currently paralyzed. One of the main things that is important to me about the trial and in general in research is that I have gained neurological return that someone with my type of injury normally wouldn't gain back. It is for all different types of illnesses as well. I had a great experience. I think being able to combine the two things having the research and trials here and the rehab part as well, it would make it a lot easier for someone considering being part of the trial having the doctors and rehab all come together. That is about it, thank you.

9:14 AM Katy. I think you came up from san diego where she is a college student.
Next we have richard lahara who was a patient in the clinical trial. He has a few words to say as well.
Again my name is richard lahara September 5th 2011, I had an accident. Any research that can improve man kinds illnesses or exploring. Conditions is well worth the world's first stem cell study. I knew it was an important step for the cure. Currently, all eyes on us to see what our next step is. Santa clara valley medical is a top facility. They are in the position to continue this research. Touch note on the general study, definitely was a success as the five patients being me, katy, and a few others. We had no adverse effects.

9:16 AM Thank you for your time>> I want to thank rich and katy for their courage in coming forward. They are two of the first people that have received embryonic stem cells. Both of them definitely have stepped up to this role as leaders after having received these treatments.

9:17 AM Good morning, my name is franklin mara. I own a house, have a well paying job. I was injured in a diving accident 24 years ago, broke my neck became a paraplegic. Spinal cord injury patients are back at the hospital or at their homes. They are along the lines like jessie who I met four months ago, father of four children, construction worker who fell from a site he was working at. Broke his neck. He was, construction was all he knew. He was not able to do that work any longer. Borderline suicidal. He didn't know how to provide for his family and wife. Alex, whom I met last night, sent home with a ventilator, high school student, wondering what his future would be like. Those are the faces of spinal cord injury, none of you will ever see. It is a debilitating disease. Such a change in your life style. For me attender age of 24, my life changed and turned upside down and opportunity for valley medical center to be part of this institute is a once in a lifetime opportunity. I urge this board to take the bold initiative at this defining moment to support these initiatives. Life in a wheelchair is horrible and expensive, too. Just the thought of all these people, the state and federal government has to support through social programs is mind boggling. 80 percent remain unemployed. That is 10-1 ratio. Imagine if they could be a productive member of society. Imagine if medical expenses could be reviewed substantially. Through studies, there was that hope one day these people can become a productive member of society. I urge us to throw your entire support behind your initiative. Don't look back, set the tone for the rest of the country to follow. I thank you for your time.

9:20 AM Thank you.
I also wanted to add that franklin is the head of the pure support group, tireless in his efforts to bring patients back to the community. Good morning everyone, I am chris wilder, I want to say a quick word about the vmc foundation is throwing full weight and support behind this effort. We are pleased to be working on ground breaking at vmc. We consider this is one of those things. As we work to move our entire spinal cord injury into the new pavilion over the next couple of years, are we merely one of the finest rehabilitation centers in the country or are we also going to be launching what amounts to the field of medicine? Proud Dr. Mckenna has asked me to work with him. My staff is extremely excited to go out in the community to support this effort going forward. I look forward to doing that. We are excited about it. My staff is excited. I can't wait to get started, thank you all so much.

9:21 AM Thanks, chris.
Good morning.
My name is anne perkins, manager at rehab at santa clara valley. We have done a story of collaboration. That is the future of this research of this type which is so complex. Roman reed is another important advocate for spinal cord injury research. Along with his father raised a lot of money and sent a quick message up in sacramento. I am going to read his comments. My name is roman reed, sorry I am unable to be there in person. I am busy in sacramento supporting ab 67 this legislature will contribute 15 million dollars will be voted on today. Hold these deliberations in your thoughts and prayers. Possibility of bringing more research capabilities is a rare idea that doesn't have a down side. He closes by saying he highly recommends any expansion of resources for research at santa clara valley, also for most important reason s which is for the hundreds of thousands of persons with spinal cord injury like myself who future could be changed by innovative therapies. Thank you.

9:23 AM I have no other cards. supervisor kniss, motion and second?
We do have a motion, a public benefit non profit corporation or legal entity that will be appropriate for the purpose of this regenerative medicine center or institute. My intention this not have county general funds or valley medical center enterprise money. That is the goal. Those are my comments. I want to thank everyone who came, especially katy. You all spoke so frankly and honestly. Last speaker who spoke about the pain of this, the, how your life has changed forever if you are in a wheelchair.

9:24 AM I have no other supervisors, vote by light. Motion and second on the floor. That carries unanimously. Any final comments i'll give it to you.
I would simply say this is ground breaking isn't quite the right word. I particularly want to thank jeff smith as also Dr. Mckenna. this is not my idea. I knew about the jerron trial. I have a background in nursing, this is a very, very important step we are taking. They are the ones that led the way. Those two have led the way. You have seen what the recipients, how they can benefit. Katy has had a lot of regeneration. Her life has changed because of it. Would you nod, katy and say yes, I am absolutely correct. Thank you all so much. New thank you supervisor. Item no. 6 another referral to administration through the finance and government committee and direction abc andd. Supervisor yeager?

9:25 AM Thank you president shirakawa. I would like to thank supervisor cortese having experienced the process, several concerns stirred out of my mind. My sense was that more inventory items came than usual. Late inventory items hinders the efforts. The final votes during the budget hearings. This referral proposes to remedy the deficiencies as we saw them primarily by requiring inventory items to allow the necessary review. I look back to report back to fgoc in august on how to adjust their own schedule to accommodate this revised process. Move approval of the referral and ask supervisor cortese.

9:27 AM Motion and second. supervisor cortese?
Wanted to thank supervisor yeager for taking the time to do the heavy lifting. Typical referral, at this point as prescriptive, asking administration to come back with fgoc. It is going to need to be about process and that's all the time we have process and timing. It is important to know how soon and when and so on these things can be done as we get into fgoc process. When these recommendations are finalized to have a discussion about whether or not any aspect should be imbedded in our open government ordinance. Policies have tended to come and go as I understand it with the board of supervisors on process and easily overturned later on. It maybe something as chair of the committee, supervisor yeager, we would want to explore. In terms of trying to figure out once we have a final set of recommendations how to lock them in deeper into the system so they can't be changed too easily. With that said, I appreciate supervisor yeager's work in bringing this forward.

9:28 AM Motion and second, vote by light. And that carries 4-0 with supervisor kniss out of the room.

9:29 AM She told me she was -- >> supervisor is in support, 5-0. Item no. 7 is an item we held from last week, proposed 1/8 or 1/4 retail transactions. We'll take a short presentation. Jeff, who wants to take that on? Sorry sylvia.
Good morning, sylvia, deputy county executive. Matter before the board is a report back requesting administration and county council to -- a brief overview pursuant to the board direction attached are the ordinances as well as resolutions calling for the

respective measures, two ordinances contain a sunset provision for 10 years and also annual reports for fiscal accountability. Our current county sales tax rate will indeed increase July 1st by 1/8 from 8 and a quarter to 8 and 3/8, the board request information with respect to competing tax measures. The governor's tax measure, which includes increasing personal income taxes for high paying tax payors as well as a quarter cent tax increase for four years. Other measure that passed, education funding of about 10 billion dollars through increases in personal income taxes and also a 1/3 and relates to taxes on multistate businesses and calculated california tax liability based on the percentage of sales in california. Dedicates a half billion over five years to energy efficiency and clean energy jobs. With respect to local tax measures, July 10th, water district will make a decision about whether it will extend existing parcel tax set to expire. Gill roy city council met and acted to not proceed with the tax measure as well. City of san jose will continue to do more polling work in July and specifically contemplating august 7th, quarter cent or half cent sales tax. Also whether there would be voter receptivity to go bond measure for street repairs and maintenance. Also other measures that are not tax measures per se some relating to a library and minimum wage. Based on our second round about reach to the school districts special distributes and cities, a parcel tax or go bond measure in november. There are 5 other sds school districts either in July or early august with respect to the pertinent on page 5. 2/3 vote which translates to our board of supervisors to place a general purpose tax measure and finally revised staff report contains corrected revenue forecast for 1/8 or 1 cent task force.

9:34 AM I wish to support, with both the state and federal government practicing realignment, county will need additional resources in order to sustain by the local priorities. Good reasons to believe the public will be supportive. As someone deeply involved in prior campaigns. The county has -- even the time we lost an election, problem was with the implied partnership with vta, rather than with the county itself. Indeed the percentage of voters who believe the counties on the right track is the highest in a decade. I urge support of a 1/8 measure.

9:35 AM Thank you.

There is so many services that have been cut. Services that the public supports greatly. From the polling data that we went out and obtained, we believe even with the other measures, a very good chance to pass this measure. In fact, if the vote was done today, we might win in a landslide. People understand local governments are hurting and I personally would like to lend a lot of support this summer and fall to a campaign that would lead to a victory for a 1/8 sales tax measure for the count of santa clara. I thank you very much.

9:36 AM As chris mentioned, obviously, it is not a surprise there is huge need for county services in this economic downturn. People are relying on county safety net more and more. They need to rely on the services the county has been able to provide. More than 1 in 12 went below the poverty threshold. \$87,000 a year, a 4 person house hold needs to make \$54,000 to be self-efficient. The state cuts being what they are, county and critical safety net maybe impacted more. As you know there is a plan to shift to med cal. They couldn't absorb this influx of children. Valley med and community clinics will be adversely impacted. I respectfully ask you to consider this sales tax increase. Thank you

9:38 AM Thank you.

Good morning president shirakawa. I am with gardener health services. I am here in support of the tax, sales tax initiatives. In thinking about this, one -- I want to go back to a situation where a personal situation many years ago where life beat down my sister and she committed suicide. This was in another county. The reality is whether it was because there was expertise, she traveled 80 miles to get to the county of river side. There in lies the value of the county and valley medical center and the community health centers. I am sure you have many instances where you see the small miracles and provide to people that have no hope and provide a service where people have expertise, the burn unit, the new center we talked about today, you have an expertise and we have a need. In santa clara county, there are 428,000 individuals at 200 percent of poverty and below. That is 24 percent of the population that are going to need it. 173,000 uninsured, 250,000 underinsured and we need operating funds to maintain the system. We have facilities, but we need operating funds to create a future, thank you.

9:39 AM Thanks.

President shirakawa, supervisors, my name is steve preminjer. We are asking for you to have the opportunity to say yes to support the services so vitally needed.

9:40 AM Thank you steve.

Good morning.

Good morning. my name is michelle lou. As you know aki and many other community based organizations are an extension of the county. At aki we have contracts with public health, social health, as well as landlord-tenant relationship. We see tremendous unmet community need. Aki had to turn away 650 calls because our emergency shelters were at full capacity. Centers of survivors for torture, we have a 3-4 week waiting list because we can't afford to bring more on staff. We continue to see a greater need for focussed hiv for latino and asians in east san jose.

9:42 AM In what amount, I am of the belief that we need to seize the opportunity of going to the voters and asking for this kind of support. I am not convinced that a quarter cent sales tax would be doable this time. In fact, I think there is based on what I heard from the speakers and folks leading up to this meeting doing a lot of ground work in the community, the county itself has established such a willingness to right the ship, tighten its own purse strings. Obviously the employees of this county when asked to make serious concessions stepped up with 75 million dollars in recurring concessions. We have made great strides in terms of reigning in and adjusting things at valley medical center and as we all know across the board, we have been, we have taken a much tougher attitude toward the cost benefit. I think that has been recognized out in the community and without getting into specifics this is polling out there, it is not polling that the county has done. Some of the speakers have referenced that work. That work shows unlike a couple of years before, the counties favorability in the eyes of the voters in terms of the work done here is high enough to support an augmentation like this. I know there maybe questions on specifics by board members, I would like to get a motion on the floor, president shirakawa, maybe if there is tweaking or questions or concerns that come up with that from that I would like to hear more from you and others including legal counsel on the issues of actual ballot language. I am not sure we have an issue to come back.

9:45 AM August, second reading, correct counsel?

Let me ask before I make the motion, legal counsel, can we take a,b, andc as one? C requires 4/5 control call vote.

I am going to move a, c, and b.

That would be for move forward all the items necessary for 8 cent sales tax to adopt a resolution and introduce preliminary adoption of ordinance, ns-7. 13.

9:46 AM Thank you, supervisor. second for myself. Supervisor yeager?

I didn't know if county counsel wanted to respond?

Asking for you to outline the process ballot language. I know we received internal memos, attorney-client information in terms of getting it right, given the importance, I am not asking for the legal analysis now, but the process in any reassurance you can give us as to what opportunities will have to make sure that language is right before it goes to rov in final form.

9:47 AM Because we are having two readings today and august 7th, if we want to tweak the ballot language and have that voted on the 7th, that is safe to do so.
As is today and do modifications, again assuming we have the 4/5 vote.

9:48 AM August 7th is a tuesday.
We are looking at 2013.
Many projects, our speakers mentioned, it would be good to get an additional reading on how the economy is doing, whether employment in the valley is up or down or cost of living, any sort of thing that gives us a sense of how we are doing economically. We'll know thursday, hold our breath about what the supreme court is going to do with the affordable care act. That might have a big effect on health care in this valley and importance of additional revenue. I think all us could get depressed about the state budget quickly. The legislature didn't, the government didn't pass a real budget. Ranges from 8 billion and more as far as the deficit remains and how it would effect our county. State sales tax doesn't look promising. I think we need to get an idea of how that is going to effect us as well. Any additional information that we continue to get whether it is on realignment or inhome support services. All the state programs that we are looking at cutting. If that happens, even though they are going to hold off until november, we can be more clairvoyant and how it is going to effect us. As we communicate to the public how the overall economic and state issues effect us. It gives us a better argument as to why people should consider the 1/8 cent sales tax.

9:50 AM You made the argument to control our own destiny. I was not sure. Now I am sure.
Can I follow up on supervisor yeager's comments? I think I agree completely that it is unclear what the state and federal government are going to do and particularly what the supreme court is going to do regarding services that are critical for our community and as you say, the question really is, whether the voters in santa clara county, public and santa clara county wants to assure their current level of services or even increased services to health of the community in a number of ways and welfare of the community. Our experience in the past has been that this community is very much interested in self-control in setting the stage for a higher expectation than the rest of the country and much of the state. This is an opportunity for the voters to actually do that and built into the ordinance is the requirement there be an ongoing frequent response to the public about how the money is being used and obviously the board making that decision so that people can have complete transparency. Trying to get at that information.

9:53 AM We centerly wall.
Prop 13, you can recall that is what is driving all this, we have no other way other than we have property taxes here just as the cities do and the county. We are dependent on ourselves, we can continue to provide the services we all believe are extremely valuable at the county. We are hearing a little bit of downturn in the economy. Although the traffic is terrible. I think I would be willing to vote unless we hear something dramatic between now and august 7th. I regret we have to go against this in a peace peel meal manner. Most have a predictable way. Ours is absolutely dependant on a number of incomes very subject to precisely where the economy is going.

9:54 AM Supervisor wasserman?
Thank you, president shirakawa. The sales tax in california is the highest in the country, santa clara is also very high at 8 and a quarter. On sunday, this sunday, 5 days from now, sales tax rate goes up again. I am not in favor of increasing the sales tax burden on our county residents as it could drive more residents and businesses out of santa clara county.

9:56 AM Hi know former county executive pete kutris was out stumping up against one of the transportation sales tax measures. I think the information brought forward by sylvia, supervisor wasserman brought forward is valid. A lot of the information has been brought forward by the request of supervisor yeager. A general request, we know there is polling. At some point, there is either additional polling or subset of polling that exists that can be brought forward and made public report so it can assist us in answering some of these questions, certainly the board of supervisors I speak on behalf of all of us, leave it to those who are the political strategies to figure out if that can be done. That is all I want to say.

9:57 AM Kathy, I am going to let you speak for a minute.

9:58 AM I would like the say the state lottery only contributes 2 percent. Where is this money going? A lot doesn't go to the schools, parcel tax are what the schools use, bond measures. Very concerned. This money needs to go to the children or the organizations not to the general fund where it is used for whatever. Make sure you watch where this money goes. I already stopped buying a lot of things because of this. Please help us to find where this money goes.

9:59 AM Checking the ordinance on revising, we need five days to consider it after you change it. That would run up against the date of filing the materials with the red star voters which is the tenth.
Obviously to notify the board, if county council thinks it is advisable to convene a meeting august 2nd or august 1st. It is sometimes difficult to track everyone down. First couple of days, it is plausible we could pull people together if it turns out to be a matter of legal opinion.

10:00 AM Thank you, council. please vote by light.
That carries, 4-1 with supervisor wasserman in opposition. Thank you all. Next item, item no. 8. It is our last item for the day. It is a hearing to consider an appeal filed by multiple parties, presentation, then appellant. Lee high, five minutes, all five minutes. Then i'll open up the general public testimony, then close public comment hearing then go to the board, does that sound like a plan? Staff?

10:01 AM Mr. President, members of the board, good morning, nash gonzales. Director of the board. The purpose is for the board to considered four appeals filed granting approval of the permanente cory. This is an amendment to the 85 plan, permanente cory is a mining operation located in unincorporated santa clara area within the foot high schools west of the city of couper tino. This has involved extensive public out reach meetings held in the community of cupertino and bring forth what the county was entertaining. A process that resulted in environmental impact report released in 2011. Extensive noticing has occurred with regards to this process for all the meetings including planning commission as well as the meeting we have here this morning. Individuals that request individual notices sent to them that also occurred through e-mail blasts. Also extensively worked with public agencies to keep them apprised of what was going on throughout this process. The proposed plan was a 20-year plan in conformance with the california act of 1976. The county surface mining and land standards. Board scope of review is a denovo. The board is not limited in its review. This slide covers what we are going to go through this morning. I have talked about the purpose of the hearing. 2733 of the public resources reclamation, combined process of treatment that minimizes water degradation from mining operations. So that the mine lands can be reclaimed to a usable condition readily adaptable and creates no danger to public health and safety. As the slide points out, reclamation plan is an exit strategy. The four binders sitting here to my left. What we are looking at is oversight, overview for the reclamation of the site. I am going to turn it over to indicated in blue, nash indicated standards and areas much smaller in scope. Proposed reclamation amend, in addition it will increase financial security in order to reclaim those grants 11 million today to over 47 million. If the mine operator was unable to fulfill reclamation, that could be used by the county to reclaim that land under financial security. Next three slides intended to walk the board through a 3d model sort of what the volumes mean in terms of reclaiming the site. What is before you in a 3d model is the permanente quarry site. The main pit where the mine operator has limestone. Over the

past decades, overburden, the rock not used for cement production is on the wsma. There is a large overburden pile also called mine waste again. Needs to be put outside of the mining or mine operator to extract limestone. Approximately one million of cubic yards in that area. Under this reclamation to additional 3.8 million cubic yards of overburden. Those are the three main areas subject to this plan. One area used to extract limestone, main pit, two to store overburden on the east and west material storage area. What is before you in this is the topography that exists. Mining proposed to go deeper about 400 feet deeper in the pit. Limestone extracted and used again in adjacent plan for cement production. Overburden which is not used is proposed to be placed in the east material storage area. That is on the east side of the site. In the final phase of the plan, the pit where the mine stone is proposed to be back filled with overburden in the past placed in west material storage area. As you can see benching would go into the main pit, stabilize a series of landslides in that pit to reclaim the site. East material is an overburden storage area, the site closest to the valley floor and the city of cupertino. Up to 4.8 million cubic yards of overburden placed there. This is a foot of them showing the massing of how much overburden would go into that area. As nash indicated, extensive meetings, one workshop and four meetings. Public testimony. And many of the issues brought forward were discussed by the planning committee. June 7th. They did take the action to make to approve the reclamation plan. We have received four appeals. Walked through them briefly. You have received staff transmittal, each and every appeal and in the interest of time today, we are going to go over the main issues broadly and available for questions. First appeal received was from lehigh permanente. It is in regards to four conditions of approval, air quality, water quality monitoring and ground water monitoring. In these instances, planning commission changed the original conditions. Lehigh is appealing those changes. Staff recommends approval of the appeal and modifies the conditions to go back to original as they were originally written before modified by the planning commission. Three additional appeals filed by the clean environment, quarry and district. They were filed last week. They seek to overturn to approve the rec plan. Just use 2-3 slides to go over the main slides. County and state have concluded cement is separate from mining. This is a letter from 2007 issued from state office of minor reclamation. The cement plan is not subject to mining or reclamation. Cement plan is used for manufacturing cement. Not in the past. The cement site is not used for mining in the past or currently. The quarry operator so they can operate independently. Both state and county determined the cement plan is not mining and not subject to the reclamation plan. Additional appeal issue is request that alternative evaluate that doesn't include east material storage area. Alternatives evaluated were inadequate. Central material storage area. Intent was to look is there another place where overburden could be stored? This location was located between the pit and east material storage area. As required by ceqa, a no project alternative in this instance as nash indicated, mine must have a reclamation plan. They did evaluate, if it was denied, what would a delay and reclamation plan look like? Out of these three alternatives in the project, all three were less environmentally superior than the project with respect to selenium runoff, with respect to hazard and noise. Finally much of the public comment and issues in appeal has been on putting the mine waste in a different location or taking it off site. Eir did evaluate, is it feasible to remove all from the site? Trucks, rail? Because there isn't a market for overburden or accept this mine waste. That alternative isn't feasible. If it was feasible. There would be quality impacts or transportation impacts associated with it. One of the third main issues that has come up in appeals and much of public testimony is selenium impacts. Due to contact of surface water with limestone, there is increased concentration runs in the permanente creek. Through reclamation of the quarry and required by -- reclamation must leave a mine in the stable site. Put ago cap and cover on all the covered areas, selenium will reduce to below micro 5 grams per liter. This plan will allow them to with standards. Other issues brought up in the appeal letters, questions regarding health risk assessment prepared for the eir matter, issues regarding the scenic easements which covers a ridge line out of the property. Questions regarding eir baseline. Staff isn't going to go into these in the presentation for each and every appeal point brought up. Those issues have been addressed in the transmittal and available for questions. Overall staff does conclude after considering all the appeals and testimony received, none of the additional information changes as recommended. No. 1, eir does comply with the environmental act of california, seqa. No. 2, rec plan termed by the office of minor reclamation. The quarry has a vested right to mine. It is not oversight of mining operations. The quarry operator has the right to mine the property. What is subject to the review today is how the property is reclaimed. Staff has not found no other alternative either in eir or otherwise than as proposed under the plan. Finally, the objectives in approving the reclamation plan, staff has been working on this over five or six years, this reclamation plan allows those violations to be abated. The financial assurance for the 1985 reclamation plan doesn't allow reclamation of the site. It will be increased from 11 million to over 47 million dollars. Also as nash indicated performance standards are far and above what is in the existing plan with respect to education and addressing all the disturbed areas. Staff recommendation to the board of supervisors approval the appeal regarding the approval. Staff recommends adopting the resolution and make the findings required under seqa and considerations and reporting program. Approving reclamation plan with modified. The conditions of approval that concludes staff presentation and available for comment, thanks.

10:21 AM Thank you, staff. any questions up to this point? I am going to recognize the appellants for five minutes, supervisors, anyone? Quick question.

I have a question. I want to put it out now in case somebody else wants to speak to it later on. Thank you for the recommendations. It is the largest packets we have had for such a small agenda. The storage, a little unsettled. Everything else I have resolved in my mind. What are the requirements on that? People have genuine concerns, I think, in terms of visibility, site, lines, so forth. How do they know it is not going to become could you explain quickly? I know in a standard grading permit type of situation, in a rural area we have all kinds of remedies. With that the mine operator is required to submit ariel and where they have and will do mining over the past year and next couple of years. That insures oversight. It is known, two violations, it relates to past disturbances, the annual oversight, ability is much, much diminished.

10:24 AM If I can follow up, you said something I wasn't clear of before.

Reading through the transcript that we have of the planning commission meetings, I know one of two commissioners were concerned as were some members of the public that testified on the issue of the material storage. In terms of on going monitoring, planning commission could have, I hate to call it a bite at the apple. It isn't heartwarming to the quarry people. They have the right to review on an annual basis on conditions of the permit is what I am hearing you say. That would include material storage issue should there be any deviation from the plan.

10:25 AM That is correct.

Thank you, supervisors. I have similar thoughts. Supervisor kniss?

Mine is a process. we are not addressing the cement plant. I want everyone to understand it has nothing to do with the cement plan which is a grandfathered situation.

10:26 AM Lehigh who is an applicant and appellant.

Thank you, supervisors I am going to share my time with mark harrison. I want to cover three points. Mr. Eastwood talked about staff recommendations, we are still standing by that. Staff did an excellent job nash gonzales, elizabeth, rob, gary, they worked with a lot of time and effort. We appreciate that. Also the planning commission, chairman le favors, this thing has been kicked around a lot. Three meetings along with the workshop. We heard a lot of the things, we appreciate the work they did. Finally, nash gonzales mentioned this is an exit strategy. We consider this a fiscal and physical commitment. I want to thank you for the opportunity and like to introduce mark harrison.

10:27 AM Thank you president shirakawa and members of the board, I am counsel to lehigh. First basis is condition 45 was modified and condition 45 was an either/or condition. The impact. Either of them totally mitigate planning commission did both. As a matter of law, if one conditions impacts -- that is that poin. Most importantly are comments on conditions 80 and 81. Approach to selenium had more attention. The national selenium expert in florida and had him look at the site. The out growth were a number of monitoring conditions among other things. They all interrelate and based on the expert study done. In 80 and 81, there is a 2-year monitoring and data collection period. That was changed to one year, we think it is important to put it back to two years. Frankly, it is the necessary amount of sometime to collect the data. In this case, based on all the analysis done, every expert opinion rendered on this project, there is no impact whatsoever from this site on wells in the valley. We don't think it is appropriate at this time. During the yearly reviews, clearly there is an opportunity. Right now, it doesn't appear to be needed at all. I also wanted to conclude and will finish here quickly and say this is the most comprehensive rec plan I have ever worked on. I want to say most people who involved in it, also the opinion of the aauthoritative state agency, doc has determined this is a superior plan and conditions recommended by staff are conditions that come out of the aktd wall actual studies. We ask that you grant our appeal and uphold staffs recommendations. Be happy to answer questions.

10:31 AM Next is bay area clean environment, tim, are you going to speak?
Tim and I will be speaking on behalf of base. Rather than on behalf of the city.
The county found notice of violation, use of msa for waste storage was not legal. Residents discovered a growing pile in their back yardz that the county ignored and extreme 2-1 slope. How have we gotten to acceptance in the face of our residence? Stop msa growing now, make msa the first to go back in when extraction was done. That is a recent survey of 230 people. If you want to leave a regular legacy of true reclamation, 60 percent goes into making concrete through the aggregate and limestone, burden in the west fill it in, burden in the east, fill it in. Without doing that you left a giant di vit in the ground. Fill in the pit with both available piles. Hear what han sons bp said, and I quote, 80 percent has been planted in that wooded vegetation. We will increase density of the woody vegetation and supplying water in accelerating growth from the surrounding hillside. That effort should be visible in 3-5 years. It is a flat barren artificial pile of rock. My scouts and I looked down when we hike to black mountain. This is not reclamation. You can understand residents are skeptical of any waste. Does it make sense to you a single foot of dirt on top a mound of clay which is what you have left can sustain native vegetation including large trees at ranchos san antonio? Really? Does it make sense to move west but not east pile? This is not environmental. This is a matter of cost for the operator. If you ask, the price of cement might go up if we reclaim this land. That is what we are asking. Thank you, I yield the rest of my time to tim

10:34 AM Thanks, councilmember.
First of all, we requested this be delayed so our lawyer could speak to us. I was disappointed not to hear that. Ab 3098 was turned on its ire and used as a hammer. The county argued and used that logic to invoke a lup hole that voed an overriding consideration. And violations to the clean water act which will be caused by this plan. Lehigh violates the law for more than 10 years and selling to the government for the whole time despite ab 3098, due to 28,000 signatures demanding enhorsement of ab 3098, county used impending enforcement action to help lehigh directly contradicting intent of ab 3098. Solely on a financial analysis done by lehigh consultant. It is not balanced as required by seqa. Without time to prepare, we managed to turn in incredible analysis which showed lehigh's conditions cost bay area over 60 million dollars a year. Not the mercury, not the trucks. State water board requested that the draft eir be recirculated.

10:36 AM Thank you. thank you tim. Next up is cory knoll. Josh, are you josh? Come on up.

10:37 AM Good morning, my name is josh bennett. Knoll. I am here on behalf of cory I want to thank the board to consider all the the appeals. I want to touch on a few things. Firstoff, we don't believe the eir is complete. We think it should be redone. Material errors contained. First off, uses air model which the district disapproves. It is not seqa compliant included in the eir. We think it needs to be redone. No consideration of the cement trucks. They are included in mining. No diesel delivery truck consideration. Admissions, equal but are left out. 50,000 truck trips and full production, estimated to be 100,000. There is no potential impact of the emissions they might leave. We think, also in addition there is no, consideration of the selenium was incomplete. General election out today, reasonably foreseeable could be used. No proposal by ge, what kind of impact their product might have on reducing selenium impact and a bunch of money wasted on random studies. We believe also significant errors in the health risk assessment. The values used were too lenient and not based upon February 2012 levels. And relies on incorrect reference exposure levels. Hra sounds all clear. We would like the board to take these matters into consideration on deciding on the cory knoll's appeal.

10:39 AM Next up is mid pin. steve, you are going to speak?

10:40 AM Thank you president shirakawa, my name is steve abers. I am the general manager for the open space district. In addition, we have 30 staff members stationed there and their safety and that of visiting public is a high priority for us. The environmental impacts from on going quarry operation are addressed to the greatest extent possible. We recognize the importance through jobs and construction materials and decisively with the issues by its business decisions for the good of its employees and public. Eir is sufficient because it doesn't adequately address the district. Due to limited time to comment here, am not able to discuss other issues of sporns. Eir is sufficient with respect to water quality. Next 15-20 years unabated until the mine is closed. Eir identifies this as the creek. Greatest source to permanent eir concludes that water treatment is infeasible because of cost. We believe allowing continued water pollution and increasing pollution fails to meet the water quality protection mandates of the clean water act. District remains concerned with air quality and nearby foothills field office. Local limestone which proportedly contained 10 times the level of mercury imported. Eir failed to recognize analyzed documentation within the emsa. Same le kags preexisting data available but not used in the eir. Project poses significant excavation within the areas known to contain toxic soils in the eir. This is a huge new visual impact to rancho as they hike along the trail. Adequately addressing recreational values. Recreational values are marginalize by addressing them piecemeal. Lehigh can still do the right thing and clean up the creek, control the dust. The county has a key role in making this happen. That can start here with the board of supervisors correcting the efficiencies in the eir. We are asking them to be dealt with by lehigh. They should protect staff and employees. Please give serious consideration to reversing the planning commissions approval of eir, and conditions of approval so eir can address deficiencies and recirculated for public review. Thank you.

10:45 AM Thank you. board I am going to take the rest of the cards and come back and refer rebut l. One minute is going to go quick. Stage up and get ready.
President shirakawa, did you open public comment?

10:47 AM Hello, president shirakawa, I am the chair of the county planning commission. I am here on behalf of the county planning commission. At their June 7th meeting, they voted unanimous lyly and the reclamation plan for lehigh. This came after extensive study, workshops and public hearings. Let me go through those that we did. Three public workshops, one public comment period on the environmental impact report, two quarry mobile workshops. In gill roy, granite rock and lehigh permanent what was adopted, environmentally superior. And alternative for conditions were best as far as we were concerned. Any questions.

10:48 AM Thank you, if we do, we'll call you back up, Mr. Chairman.
Good morning president shirakawa. Members of the board of supervisors. My name is jim pompi, I am the assistant director of the

office of mine reclamation. A few general comments about the reclamation plan before you, at least upholding the planning commissions approval. I was pleased to see the 1985 plan. I think the concerns were useful in bringing this process to this point as expeditiously as it has. The comments were taken into consideration in the office of reclamations approval of this plan. Counties required to extend to department of conservation for a 30-day review. Assigned to a professional geologist. They have been resolved through working with the county and cooperation from the mine operator. I am going to wind up here saying that I have the recommendation that the board of supervisors approve this plan. Thank you very much.

10:51 AM Thank you.

2006 and 2008 if you approve the planning commission approve it, you are helping the biggest polluters in the county legalize their illegal act. My opinion, the county hasn't exhausted every avenue to look at the selenium pollution issue.

10:52 AM Vice president of the san jose chamber of commerce requests that the board consider the report before you today as approved by the planning commission, adopt statement of overriding considerations, mitigation monitoring programs and reclamation plan as brought before you and recommended by staff. Potential environmental impacts with appropriate mitigations and overriding consideration. Reclamation plan will provide superior, state-of-the-art responsible implementation tool for lehigh management, and all operations and reclamations to completion of the project. We appreciate your support and thank you for hearing us today. Thank you.

10:53 AM Good morning Mr. President, supervisors. I am representing bodie concrete, 97 years has been the amount of time they have been in business. Bode considers itself to a leader for our industry. First company in the state of california to be green star certified. Won numerous awards with clean and green and city and county and so forth. We are adjoining property leasers with them on the port with them in san francisco. We are supportive of them and the staff. I would like to add I grew up in the valley. I used to play at stephens creek. I would like it returned to the same status it was when I was a kid growing up. I believe these people are going to do that through what they have done in the past. Thank you for your time

10:55 AM Thank you.

The public is in grave danger from the selenium poisons spewing from lehigh, the lands and the quarry. Have we forgotten the exposure from the selenium dust poison? Through the air in which the water pollution is causing medical problems, severe pain and death. Citizens would like to point out mercury poison dust carries in the air and breathed as a vapor. As will life threatening carcinogens. I would ask the board to look into the issue of the one year verses two year on the conditions and also there be testing done on the wells. This is very important and water board still looking into that, thank you.

10:56 AM Thank you.

I want to thank you for your years of partnership and support for open space. I am here to support our districts appeal on the lehigh permanente quarry. It is a huge and complex project. I understand you have tough choices ahead of you. I want to focus on the big picture. Specifically the watershed level. I am working on a summit and hope you all come. It is to protect and enhance the watersheds and encourage all of us to think like a watershed. It is a 12, permanente creek is one of those sheds. It originals on black mountain and our lands and comes out to rancho san antonio. It inspired beth kaiser to name her health care plan kaiser permanente after the creek. I am out of time. I did want you to pay attention to our staff appeal letter and think like a watershed and support our appeal. Thank you very much

10:58 AM Thank you.

I am dave single representing myself. I know lehigh was appealed. How will we know to come back and check for violations. What I want to ask you is ab 3092, spefgly the catch violators to force the law to be enforced? You are supposed to pay for the damage. You realize that full cost have to be born by the operation, thank you.

10:59 AM I would like to thank the board for taking the time to do this today. I am hear to urge that you grant all the appeals except lehigs. Almost all of them make their money from the cement plant directly or indrethly. I realize it is very influential. Very touch for us to deal with that we have to take time out from families and jobs. It is not easy. Our houses and families are at stake, so we keep doing it. To the point in hand. If the eir alternatives are considered to be infeasible for economic reasons, the 47 million dollars put aside is nowhere near enough. Always overruns. It is not enough money.

11:00 AM Thank you.

Kevin, heather, and alan zovalie. We believe it is time for all our hard work done to move forward, thank you.

11:01 AM Good morning, my name is heather zagar. I am an employee of le high. I am a third generation of the permanente site. My family has had a hand in the operation that provided materials for highway 85 and shark tank. They had a term for an employee like me. It was called the legacy. My family has been digging out rocks for 70 years now. With the reck plan is putting the rocks back reclaiming the lands. It is the right thing to do. I believe what the supervisors have before them is a comprehensive and complete reck plan. One that speaks to the commitment. It has employed a member of my family for over 70 years, they understand commitment. The fruits of the rec plan will live longer and that will be the legacy. Thank you.

11:02 AM Thank you.

I have worked at this facility for eight years. My team are responsible for every known standard. We have been involved in implementing technologies that haven't been implemented anywhere else in the nation. We do it ahead of the rest of the industry and ahead of the regulations and because it is the right thing to do and will continue to do that. Reclamation plan reflects the plan and urge for your support.

11:03 AM Thank you.

11:04 AM Last few speakers.

I am employee of the cement plan for over 30 years. I think lehigh is the right company to be running the cement plan and quarry. I believe they will make every effort to be a good member of the community. They care about their employees, 2008-present, inspite of devastating economy, not one employee has been laid off. We have had cuts in inventory production, but no job cuts, we all have medical and dental benefits. For the third year in a row, team lehigh will be participating in american cancer society. Thank you very much.

11:05 AM I am going to allow rebuttle. vote by light. I am going to go back in orderer, i'll give you 2 minutes, lehigh.

Thank you president.

Mid pin, there was a statement made that this plan doesn't address water quality, in deed, that is the focus of the reclamation plan. There will be extensive monitoring to track it. There was a statement made by mid pin, this plan didn't address the impacts of the mining. That is what the reclamation plan is intended to do to restore the site after mining. Lastly, lehigh looks forward to meeting with mid pin, what lehigh is doing seems to be consistent with the long term goals of mid pin and we want to find a way to make that partnership happen rather than be adversaries. As far as bay area for clean environment. Major focus is move emsa. I will remind board. Be happy to answer questions, president.

11:07 AM Rod or tim, did you want, not required. You have the option.
Thank you very much, my group and groups around respect cement and its need in our buildings. I have been 30 years in the tax sector. We all appreciate what cement has brought for these products. All I ask you to consider here is if you think about these arguments, fill in the hole with the west material storage area, that is a good idea. East material, what gives there? What is the argument? Have you seen any evidence that makes sense that is compelling? You have a lot of folks representing cement here. We respect their, what they are trying to do if our communities. I ask you to consider the consequences of spending more money and getting a better reclamation done by removing that pile on the east material storage area. It is what mid pin is asking for, reasonable, fair. We think that is doing the cheapest ping thing is not what is in the pest position.

11:09 AM Thank you councilmember.
Thank you for the opportunity. One thing comes to mind, I hear people say lehigh is great. It is a little bit counter intuitive. We are not saying there can't be jobs and can't make a good living. They need to follow the law and minimize the amount of pollution. Thank you.

11:10 AM Steve midpin.
Thank you president shirakawa. It has been suggested we get together with lehigh and we will be. I did tour their facility last year. I understand the importance to the community as does my district. We understand a lot of the challenges they have from their perspective. We have been to their site. I would invite lehigh to come. I will meet with their ceo. Sometimes you have to say things that are a little unpleasant, thank you, board.

11:11 AM Thanks.
Board members, we closed public hearing. And now let's go to questions and or comments from the board. Supervisor wasserman?
What I have heard, take it out, put it back in or let it accumulate. It is more environmental friendly to allow what is going on building up and filling in. If you could spend a couple of minutes to the chair explaining that, I would appreciate it.

11:12 AM Absolutely. eir evaluated the option of putting it in the storage area. Noise impacts, there are sensitive receptors, potential for noise impacts double. Most concerning was selenium impacts. Long term selenium concentrations will reduce. That would double amount of time in which concentrations going into the creek increase. It is much faster than having an open construction site. The eir found that alternative was not environmentally inferior to the proposed project. Rob.

11:13 AM Thank you.
Supervisor cortese? I think that answers my question. I wanted a little more information on that. Let me, one more time ask this, under the reclamation plan, support of the appeal denial of the planning commission recommendation, on this issue, should environment, decision of the material storage, weather it moving to the pit or any other alternative, let me ask in terms of monitoring conditions and further environmental analysis, what opportunities there will be to continue to address it and or work voluntarily with those in the community that have concerns? I am looking for process opportunities.

11:15 AM It is an open process on an annual basis. With that, data regarding truck traffic and air admissions. They will be monitoring with the reck plan.
We have seen with building construction over the years, the evolution, if you will of lead standards, a state-of-the-art sometimes things take longer transported through a lengthier process. Done in a more environmentally sound way in order to meet the state-of-the-art in terms of today's standards. Are we in your opinion at the state-of-the-art, I know we are talking about moving dirt and materials. Whether when you talk about this pit alternative, the amount of excess activity. I don't know how you weigh that against the some of the other issues like site line. As far as moving materials, I mean, is this as good as it gets? Is this plan already, someone called it most comprehensive plan they have dealt with? Is it the best we can do in that regard?

11:18 AM There is a balancing agent. nash has much more background.
If I May through the chair, nash gonzales. Looking at the original plan, basic conditions of approval were placed on this plan. In a very basic way. A total of 16 conditions verses 89-90 conditions in the plan today. Again tas very comprehensive reclamation plan. I think this comes back to what supervisor cortese is eluding to, can we do better, reclamation plans over time have e volved and become more comprehensive and provided for a more performance and goals and standards. A lot more emphasis on the operator to make sure they comply with smara. And in addition to planning conditions having review of this reclamation plan, the county staff will be performing annual inspections required under smara. We also will review financial assurances that go with this plan. They require more oversite and more reporting. Obviously, it puts operators under the microscope by the state since then. These plans do evolve with time.

11:20 AM Okay. thank you, supervisor kniss.
Thanks, george. just to put this all in perspective and give information. Quarry began in early 1900s. It has been there more than 100 years. I imagined henry kaiser would be surprised what is going on who started his involvement in 1939, probably before most of the audience was born. Interesting to put it into perspective. Full disclosure on my part. I haven't met with base or cory knoll. I talked extensively with mid pin including steve last night and this morning. Also note that the quarry people did interact with them. How do you find balance in our valley that was, when we moved here. Now when you go up there, you see primarily houses. I think you have heard staff, especially rob eastwood talk about this. They have aired the issue at 17 public hearings since 2007. It is the 7th public meeting this year. That doesn't count the time planning staff has been responding to public comments, 12 meets at our own board of supervisors or 4 meets at state mining and geology board. I have been to sacramento 3 times as well. Long enough we went while jodie was here. Some of them hired their own personal consultants to come in and lock at this issue. In particular, no one here from los altos hills. Scott strict land was at the meeting. Scott from my staff has been following this very closely for the last several years. By means of saying all that, I think this indicates there has been a great deal of opportunity for public involvement, for cities to be involved in this, for us to hear many comments back. So I would urge that we do move forward this morning. I particularly like to thank and he is ken's appointment, scott lefever, thank you. The planning commission has done extraordinary work. This is not when we normally meet. We have a meeting that would allow this to go forth before the end of the year. Scott, thank you. As we said, this was thousands of hours on behalf of staff, also the community who looked carefully into this. No one here from los altos hills, they did one of the best jobs of hiring an outside consultant. There is an air monitoring station that we urge the air board come in. Ken and I serve on the air board. We felt that station should go in. It is a half a mile from rancho. The appellant this morning now lehigh didn't speak to that issue. Air quality is some of the best in the valley it is monitored by the air board. We had a meeting in cupertino, ken, I am right, that was in may. Entire board came to the meeting in may. That is about 6 weeks ago. We really do think this rec plan is intending to do what they intend to do. When it is complete it will be restored to the regular site. 89 conditions in this are included the eir. Reclamation will solve the issue of the naturally occurring selenium. The human body does need a small amount. We be able to monitor that and know the results. All of this happens because there is a reclamation plan. I was very pleased that Mr. Pompei came down from sacramento, where are you? Thank you for coming down. We ask you to be here. Then we say you have a minute to talk. It is a lot of driving for talking for one minute. I would note the mining operations are vested. I have to indicate cupertino didn't exist. We have to have a clean up plan. That is what we are talking about today. That is absolutely a

requirement. To talk about the appeals there were several this morning and many came in at the last minute. I know that planning staff did their best to come back to that. Any of the changes that were brought up before were added by the planning commission. Regarding mid pin, I think, disclosed publically, I talked with steve extensively last night. I think at this point, george, I am ready to make the following motions after 2-3 years of us spending extensive time on it.

11:28 AM Please>> first motion is in accord grant c and deny d, e, and f. David, elizabeth, f, frank. I believe I had a second. Wait for a vote on that, Mr. President.

11:29 AM Okay. any discussions? Motion by kniss. Staff recommendation c, cat. Deny david, elizabeth and frank. D, e, and f. That is the motion Second by yeager. Any other discussions? Vote by light. That carries unanimously, supervisor kniss. Move that we adopt resolution g. G for general, taking actions 1-5. That is resolution g. Motion. second by yeager. Any discussion. Vote by light. That carries unanimously.

11:30 AM George, I might say our office has been district 5 following particular thanks to scott strictland who has gone to I don't know how many meetings. Thank you to the appeals group for showing up and giving us that information. It is very appreciated. Point of clarification, there are 6 items to approve in the last. Which one did I leave out, lori? Approve reclamation plan amendment subject to approval as modified.

11:31 AM New supplement. Subject to the conditions of approval as modified, is that correct? Vote by light on this item. And that carries unanimously. Supervisor cortese, did you have a comment? Just a further point of order. D, e, and f, we don't need to take a vote to deny or grant? I am asking a legal process. That is the original motion. Grant one, deny three.

11:32 AM Thank you very much. sdd -- I would have been supportive, thank you. Mr. President, to be clear for the record, supervisor kniss's was to make all 6 including the final one which concerned -- Right. 1-5 and 6 was the 3rd motion. Intent was 6th. I should thank ory. the amount of -- we didn't add up all the staff time. Incredible amount of staff time. Thanks to everyone for all their work. Supervisor, in memoriams. Supervisor cortese.

11:33 AM Thank you, president shirakawa. Very prominent member and a mother that worked on this last item, marilyn vitavich. John, her son is chair of the planning commission, under two different stints in the past and currently serves as my appointee for the county. She passed away June 20th 2012. Awarded a scholarship. She attended san jose state university for one year. She and husband steve married august 2nd, 1952. Unfortunately steve passed away a couple of years ago. Marilyn was a member of the valiant club. She was a true homemaker who loved to cook, garden, knit, sew, and do puzzles. She was very involved on the west side of the valley. She and husband resided in the town of los altos. Built their family homes together during 80s and 90s. Often left in wintertime where she took up golf in the latter years. In addition to john, she is the loving mother of michael vidovich and katherine jane. We will miss her. I had the opportunity to share in conversation many times in the past as a guest in their family home. In addition, we lost um, a great member of the community overall, also very active with county commissions, also with the italian-american community and with our system of education here in the valley, phillip barone. He passed away with complications to alzheimer's disease. Phil was born in pennsylvania. Moved to san jose at the age of 6. Grew up here in town, washington elementary, woodroe wilson jr. High. Served in navy in 1948. Assigned to 1st marine, 1st battalion and the korean war. After dishonorable discharge, earned ba and ma. He eventually served as a teacher and principal. Final a superintendent of schools where many of us worked with him directly over the years. Later received doctorate from unc. Retired from cambridge. He was very, very involved with many organizations. Particularly in the italian-american committee where he served as president. It was phil who brought back the italian festa after it was gone. A long time tradition. It has grown into a tremendous event coming up again in august at the guadalupe river gardens. Phil challenged everyone to bring it back with no money. That was back in the days as a city councilmember. George remembers this, the hp arena just spilled over funds thanks to the hp naming rights for grants. I was able to stand up to the board meeting and tell phil, we can guarantee you a grand from the city of \$5,000 to reignite that festa. He took it from there and raised a whole bunch more money. That is the phil barone and thank you for hearing me out.

11:38 AM Both will receive condolences from the board. I am going to wish everyone a very not only great but safe summer and to everyone listening hear in the chambers and we are going to come back and have another meeting on august 7th. Have a good summer. We are adjourned.

