

7.0 POLICIES ON LAND USE AND ENVIRONMENT

7.1 TREE PRESERVATION POLICIES

(A) General Plan Requirements

- (1) The County's General Plan calls for the preservation of healthy specimen trees and heritage trees. Heritage trees are listed on the "Heritage Resources Inventory".
- (2) The General Plan also speaks to protecting water resources by controlling the cutting of trees and riparian vegetation. The Plan also establishes guidelines for controlling vegetation along electric line corridors.

(B) California Department of Forestry Regulations

- (1) The State supersedes local jurisdictions in the regulation of commercial cutting of trees on more than three acres of land. This includes the cutting of trees for sale as either lumber or firewood.
- (2) The State exempts from its regulation the cutting of any number of trees on privately owned property when it is cut for the owner's own use.
- (3) Commercial cutting of trees on three acres or less can be regulated by the State at the County's option.

(C) Zoning Ordinance Guidelines

Most tree cutting in Santa Clara County that is not regulated by the State is covered by the zoning ordinance regulations for two zones -- hillsides and ranchlands. These regulations divide proposed tree cutting into three categories of use based upon acreage and the number of cords to be cut. The categories are determined (1) as a matter of right of the property owner, (2) subject to securing a special permit and (3) subject to securing a use permit. The regulations requiring use permits for the hillsides and ranchlands zones are for commercial firewood harvesting. The Board may direct the Planning Commission to adopt standards in that regard.

7.2 POLICIES ON THE NAMING OF STREETS (Adopted 5-1-84; Amended 4-19-05)

(A) Street Name Standards

- (1) A proposed street name shall not duplicate or too closely approximate phonetically the names of any streets in the postal or ZIP code area.

- (2) The spelling, spacing and suffix abbreviations for each street name should be consistent on all maps, street signs, and listings.
- (3) The definitions of non-English street names should be reviewed to assure that offensive or derogatory names are avoided.
- (4) Street names shall not exceed 20 characters in length, including spaces but exclusive of any suffix.
- (5) Where the street is a continuation of an existing street, the existing street name shall be used.
- (6) Cul-de-sac streets will usually be called “Court”. However, “Place” also is acceptable. A cul-de-sac may carry the same name as the street to which it is connected.
- (7) Loop streets will usually be called “Circle”.
- (8) The use of names with historic significance is encouraged.

(B) New Streets Created by Tract or Parcel Map

- (1) The County's Central Permit Office shall refer any tentative map with proposed new street names to County Communications and the United States Post Office for clearance of the street names. The referral map shall include signature blocs for approval, denial and comment.
- (2) The County Surveyor shall verify the clearance of new street names prior to recording the final parcel map.
- (3) The County Surveyor shall forward a copy of the final parcel map to County Communications, the United States Post office, and to the County Building Inspection Office.

(C) Street Name Corrections to Recorded Maps

- (1) The County Surveyor may correct a street name by recording a Certificate of Correction. This process is restricted to corrections such as spelling and does not include the establishment or replacement of a new street name. The process includes:
 - (a) A written request to the County Surveyor outlining the reason for the correction request;
 - (b) A recording fee for the Certificate of Correction.
- (2) The County Surveyor shall forward a copy of the map to County Communications and to the County Building Inspection Office.

(D) Public Streets -- Street Name Changes and Official Street Name Designations on Existing Streets

- (1) Prior to filing a formal "Street Name Request", the applicant shall obtain clearance from County Communications and the United States Post Office, each individually as follows:
 - (a) Applicant shall complete and mail to County Communications and the U.S. Post Office a "Preliminary Street Name Request" form, copies available from the Central Permit Office, which shall include the following:
 - (1) A 500 scale map showing the street for which the name change is proposed and the names and addresses of all property owners within 300 feet of the street;
 - (2) The reason for the requested name change;
 - (3) The applicant's name, address and phone number;
 - (4) An approval/denial bloc on the map.
 - (b) County Communications and the U.S. Post Office shall mail their responses directly to the applicant.
- (2) Upon receipt of a favorable comment by both County Communications and the Post Office, the applicant shall submit an application to the Central Permit Office including the following:
 - (a) The completed and signed "Street Name Request" application;
 - (b) The mailing list and pre-addressed stamped envelopes including all property owners within 300 feet of the street;
 - (c) Copies of the "Preliminary Street Name Request" from the Santa Clara County Communications Department and the U.S. Post Office;
 - (d) A copy of the previously prepared map showing the street for which the name change is proposed including the names and addresses of property owners. The location of the notices to be posted shall be added to said map.
- (3) A public hearing will be scheduled before the County Surveyor within thirty (30) days from the acceptance of the application by the Central Permit Office.
 - (a) Notice of such hearing will be sent to all affected property owners as identified by the applicant.

- (b) The applicant shall post notice of the hearing as follows:
 - (1) A minimum of three (3) conspicuous locations along the street to be affected, as shown on the submitted map, including each end of the street and every thousand (1,000) feet on the street.
 - (2) Notices shall be posted a minimum of ten (10) days prior to the hearing.
 - (3) Notices shall be eighteen (18) inches by twenty-four (24) inches with letters that can be seen from a distance of fifty (50) feet.
 - (4) Notices shall be painted or printed on material that will withstand outdoor elements.
 - (5) A copy of the actual notice and pictures of the posted notices shall be submitted at the time of the hearing.
- (4) The County may initiate the name change procedure on its own motion by requesting a public hearing before the County Surveyor and subject to compliance with all noticing and review requirements.
- (5) After the public hearing is closed, the County Surveyor shall render a decision:
 - (a) If the name change is approved,
 - (1) The applicant shall pay the Public Works Department the cost of preparation and installation of the new street signs.
 - (2) The County Surveyor shall notify
 - Applicant
 - County Communication
 - Post Office
 - Transportation Agency
 - Any other agency or jurisdiction that the County Surveyor determines should be notified.
 - (3) The County Surveyor shall prepare an order changing the street name and file such order with the Board of Supervisors.
 - (b) If the name change is denied, the applicant may file an appeal as outlined in Section (F).

(E) Private Streets and Private Access Ways

- (1) Street name requests will be subject to all of the following:
 - (a) The access road is subject to one or more of the following:
 - (i) Serves three (3) or more residences as the principal means of access, or
 - (ii) The access is of a length, design or location that an official name is being supported by a governmental agency for emergency purposes.
 - (b) The request is being made, in whole or in part, by County Communications or the U.S. Post Office.
 - (c) The process is subject to the same application, referral, and hearing procedure as Section (D) above.

(F) Appeals

- (1) Any person dissatisfied with the decision of the County Surveyor may file an appeal with the Clerk of the Board of Supervisors within fifteen (15) calendar days of the decision.
 - (a) Appeals shall be filed at the Central Permit Office and shall include a non-refundable fee in an amount prescribed by resolution of the Board of Supervisors.
 - (b) The County Surveyor shall submit all maps, records, papers, and files which constitute the record in the action in which the appeal was taken.
 - (c) The Board shall hear the matter de novo.
 - (d) The decision of the Board of Supervisors upon appeal is final.

(G) Renaming of Existing County Expressways

Existing County expressways may not be renamed.

7.3 EMINENT DOMAIN POLICY (Adopted 3-6-90)

The Santa Clara County Board of Supervisors supports a policy of acquiring property for parks, recreation and open space purposes. Generally, the Board will pursue that policy by acquiring real property from willing sellers.

- (A) It is a policy of the Board to utilize eminent domain to acquire land for parks and recreation purposes only when any one or more of the following situations occur:
- (1) Whenever the action would serve the convenience and mutual interests of both a consenting seller and the County.
 - (2) When any property is threatened by imminent conversion to developed uses.
 - (3) When property other than property in active ranching, agricultural production or timberland production zones is planned for sale other than to family members and co-owners.
 - (4) When impasse has been reached after good faith mutual negotiations on price or terms, and the property is necessary to the County's acquisition program, and there is no feasible alternative.
 - (5) To acquire trails and trail easements only in non-rural areas located within city boundaries, including unincorporated areas within those boundaries, and any areas bordering the San Francisco Bay.
- (B) When a property owner, as provided in the provisions of the new Open Space Authority, files a timely appeal to an eminent domain action contemplated by the Authority, the Board of Supervisors sitting as the appeals Board to that action will utilize this policy as a guide together with California law, statutes and local ordinances in determining that the acquisition is not in the best interest of the public.
- (C) Subdivision will normally be evidence of intent to develop and sell. It is recognized that subdivision can be done for purposes other than immediate sale. The property owner can avoid forced eminent domain by certifying that the subdivided property is not for sale other than among family members or co-owners and giving the County a right of first refusal for a period of five (5) years. However, this right of first refusal shall not apply to sales among family members and co-owners.
- (D) If a portion of the property is offered for sale, only that portion, not the entire property, can be acquired by eminent domain. Except as provided in (A)(4) above, a seller can withdraw the property from the market within thirty (30) days after the County's staff has given written notice of its intent to pursue eminent domain. In this case, the property owner will give the County a five (5) year right of first refusal.
- (E) The property owner in any eminent domain proceeding may request all cash, deferred payment or combination thereof.
- (F) For the purposes of this policy, the following definitions shall be used:
- (1) "Developed uses" -- commercial, industrial or multiple residential uses.

- (2) "Family member" -- any immediate family member or any other family member named in a legal will or document that would give them legal interest in the property.
 - (3) "Planned for sale" -- posting of signs, listing with a real estate broker or written confirmation by the owner of an intent to sell.
 - (4) "Open space authority" -- Santa Clara County Open Space Authority Act of 1989, Chapter 1287, Public Resources Code Section 35100-35183.
- (G) This policy may be amended only by the Board of Supervisors following public hearing by the Planning Commission and the Parks and Recreation Commission. California law prevails in the interpretation of the policy. These policies are an element of a comprehensive Acquisition Policy for purchase of park lands and are not intended to be imposed on any other County function. Application of these policies is not intended to give rise to private rights or causes of action in individuals or other persons.
- (H) The right of first refusal procedure shall be based on the following:
- (1) The party desiring to sell any portion of the covered property in response to a bona fide offer shall give written notice to the County, specifying the property to be sold and the price and terms in the offer.
 - (2) Within sixty (60) days after the later of the date of the notice or the removal of any contingencies in the offer, so that the sale would otherwise become final, the County shall have the right to complete the purchase of the property covered by the offer at the price set therein.
 - (3) If the County does not so purchase the property, the owner may complete the sale only to the offering party on terms at least as favorable to the seller as those contained in the offer.
 - (4) Failure of the County to exercise its right to purchase the property offered does not affect its right of first refusal on any portion of the property covered by the right which is not sold pursuant to the offer.
 - (5) Neither the existence of the right of first refusal nor the failure to exercise the right of first refusal shall preclude the County from using Eminent Domain to acquire the covered property, if such action is otherwise consistent with this policy.

7.4 NAMING OF PARKS (Adopted 10-31-95; Amended 12-6-11)

7.4.1 Naming Parklands Policy

- (A) Total Park Naming. The County will normally adopt a name for each park based on topographic, geographic, natural or historic criteria identified with the area. Special recognition naming consideration may be given if the newly acquired park was acquired through a significant donation of land or money to the county park system.
- (B) Trails and Special Features. The County will normally adopt a name for each trail or special feature based on topographic, geographic, natural or historic criteria identified with the area. Naming of a trail or special feature may be considered to recognize families or individuals associated with specific areas over long periods of time, individuals with distinguished involvement relating to parks or park service, or individuals who make a significant donation of land or money to the county park system. Namings honoring individuals or families, other than those of historical association, will generally be in memoriam. Exceptions considered must be supported by compelling circumstances.
- (C) Renaming. There will be no renaming of existing parks. Only under compelling circumstances will the County rename portions of a park, trails or special features.
- (D) Creation of Ad-Hoc Committee. An ad-hoc committee will be formed and will meet on an as-needed basis to review applications for naming and recognition plaque narrative. The committee will consist of two Parks and Recreation commissioners and one Historical Heritage commissioner.

7.4.2 Process for Total Park Naming

In determining new parkland names, the official naming process should begin as soon as possible following acquisition and may include a naming request(s) from the community.

- (A) Staff will forward all requests, along with the Department's recommendations and a full report, to the Parks and Recreation Commission ad hoc committee responsible for naming.
- (B) The ad hoc committee's recommendation will be brought before the full Parks and Recreation Commission.
- (C) If approved, a transmittal and resolution will be prepared by staff for consideration and approval by the Board of Supervisors.
- (D) Requests not approved will be forwarded to Parks staff for an appropriate reply to those who suggested specific names.

7.4.3 Process of Trail and Special Feature Naming

Ideally, the naming of features within a park, specific trails or facilities within a park will occur during the master plan or site plan process.

When naming requests are received outside of the master plan or site plan process then the following guidelines will apply:

- (A) Requests for any such naming will be submitted in writing to the Parks and Recreation Department with supporting documentation. An application form will be forwarded to the requestee to be completed and returned to the Department before further consideration.
- (B) Such requests, with staff recommendations, shall be referred to the ad hoc committee of the Parks and Recreation Commission responsible for naming.
- (C) The ad hoc committee will make recommendations to the full Parks and Recreation Commission. Recommendations will be returned to staff for preparation of an informational transmittal to the Board of Supervisors.

7.4.4 Special Considerations

- (A) Inter-Agency Agreements. The County will retain the name of parkland properties which, through inter-agency agreement, the County operates but does not own, when so requested by the owner agency.

7.5 POLICY ON THE NAMING OR RE-NAMING OF COUNTY-OWNED FACILITIES (Adopted 10-31-95)

The following policy was adopted by the Board of Supervisors on October 31, 1995:

The naming of County owned buildings and other County-owned facilities shall be authorized by the County Board of Supervisors pursuant to a public hearing on the action that is considered and following the public adoption of a resolution affirming the Board's action. Said resolution shall not be adopted with less than a four-fifths affirmative vote of the Board.

The following policy guidelines shall be adhered to by the Board when it considers action to name or re-name a County-owned building:

- (1) Generally, County-owned buildings and facilities shall be named to reflect their location and primary function.
- (2) No building shall be named for a private individual unless that individual contributed a majority of the funding that was used to construct the facility or acquire the land upon which the building is situated.

- (3) In the event multiple donors contribute funds toward the construction or acquisition of a County-owned facility, the Board shall favor a functional title for the facility with plaques honoring those who contributed to the facility.
- (4) A room within a County-owned building may be named to honor an individual for that person's service to the community even though that individual may not have contributed funds toward the construction or acquisition of the building. The naming of a room to honor an individual shall occur by resolution of the Board of Supervisors and follow a minimum four-fifths vote to approve.
- (5) No County-owned facility shall be named for a public official while that official remains in public office.
- (6) Generally, a facility shall not be named after a public official or private individual unless that person is deceased. A decision to name a facility after a public official when that official is not deceased shall require a unanimous vote of approval by the Board.
- (7) When existing facilities or rooms within facilities are named after individuals, they shall not be renamed without a unanimous vote of the Board of Supervisors.

Public Input on Facility-Naming

From time to time, a member of the public may ask one or more members of the Board of Supervisors to consider a nominated name for a recently acquired or newly constructed County building. Public nominations for this purpose shall be directed to the Clerk of the Board of Supervisors with copies to the Supervisor who is asked to sponsor the nomination. The nomination shall be submitted in writing and contain the following information:

- (a) The name, address and telephone number of the person submitting the nomination;
- (b) The location of the County building for which the nomination is submitted.
- (c) The basis under which the nomination qualifies under the criteria listed in the Board's policies (numbers 1 through 7 above);
- (d) A list of a minimum of three organizations in the community that are familiar with the historical significance of the nominated name or the public service record of an individual nominee.
- (e) A minimum of three written endorsements in support of the nomination.

Said nominations cannot be acted upon unless they are placed on the regularly scheduled agenda of the Board of Supervisors, and approval shall be conditioned upon the resolution and voting requirements that are set forth in this policy.

7.6 LEASE PREPARATION AND MONITORING POLICY FOR COUNTY PARKS (Adopted 9-23-97; Amended 12-9-08; Amended 7-30-12; Amended 5-14-13)

Lease operations play an important role in providing a wide diversity of regional recreational opportunities within the Santa Clara County parks system. The Santa Clara County Parks and Recreation Department (Parks) administers leases and licenses of varying complexity and length of term with not-for-profit and for-profit individuals and organizations serving a Park Purpose. This policy will not apply to leases with governmental entities or to leases that must comply with or the Park Abandonment Act or other Government Code provisions applicable to County Parks relating to Park property used for other than Park Purposes. Parks is committed to initiating, all lease operations that 1) contribute to regional recreation opportunities and are consistent with Parks' mission to "provide, protect and preserve regional parklands for the enjoyment, education & inspiration of this and future generations", 2) conform to relevant policies or planning studies, 3) enhance public use, enjoyment and safety, and 4) generate sufficient revenue from the private sector so that public subsidy is not required. Parks' goal is to meet the needs and desires of park visitors, while ensuring that both Parks and tenants receive fair and equitable return on investment.

7.6.1 Administration and Monitoring Procedures

- (A) Standard Lease/License Form - Definitions. All leases and licenses will be prepared by Parks Administration using a standard form approved by County Counsel. The form will provide for insurance, security deposits and bonds appropriate to the County's risk. Any modifications to lease and license language will be reviewed and approved by County Counsel.

Leases for a term certain will be used in those instances that involve major financial obligations on behalf of the tenant, particularly with regard to construction of significant capital improvements such as buildings, major repair to structures, major utility improvements, and the like.

Licenses will be used in situations in which public access and environmental concerns require Parks to reserve its right of non-exclusive use and immediate revocation if necessary, in the interest of public safety and resource protection.

- (B) Review of Concept/Proposal. Proposed activities for lease operations may be generated by Parks, through public forum(s) (i.e. master plan input, Parks and Recreation Commission meeting input), or through unsolicited proposals. Before entering into any new lease, Parks will carefully evaluate the proposed activity or land use using the following criteria:
- (1) Consistency with Parks' mission and regional recreation focus.

- (2) Consistency with the Board approved Commercial Development on Parklands policy, Parkland Range Management policy, Park Residence policy and any other relevant policies.
 - (3) Consistency with relevant Parks master plans and the Countywide Trails Master Plan.
 - (4) Preliminary assessment of potential environmental impacts and regulatory requirements.
 - (5) Evaluation of public benefit and demand.
 - (6) Analysis of alternatives to proposal. Evaluate whether proposed activity is more appropriate to another park or if modifications should be considered to better meet the needs of the public, department and tenant.
 - (7) Preliminary marketing and financial analysis.
 - (8) Preliminary risk analysis and analysis of liability concerns.
 - (9) Evaluation of neighborhood impacts. If appropriate, a public workshop may be held to identify issues, concerns and needs of adjacent neighbors.
 - (10) Proposed lessee's financial ability to perform public service activities for the entire period of lease operations including restoration of property, if appropriate.
- (C) Leasing or Licensing to For-Profit Individuals and Organizations. An important component of the Board's evaluation and approval of a proposed lease is potential revenue as it relates to public benefit and demand. In order to provide affordable services to the public and to ensure that lease rental rates are determined in a fair and credible manner, Parks Administration will either competitively solicit lease proposals or, if a no-bid lease is proposed Parks will perform a fair market value analysis. The fair market value analysis may also include a comparison review of similar facilities and services provided by other public or private entities in the Bay Area, including but not limited to, comparison of revenue sources, costs of facility operation and maintenance, and rent. In certain situations, where adequate market information is not available from the Bay Area market, a statewide comparison review may be provided. At Parks discretion a professional consultant may be used to perform the informal fair market value analysis and estimate of lost revenue when expertise or staff resources are not available in house.

All below fair market real property, franchise and concession contracts involving County real property shall be subject to and comply with the provisions of Board Policy Section 5.9.5.6. Proposed leases with a not-for-profit entity will not require competitive solicitation. Parks will consider a balance between public benefit and demand for services to be provided, and revenue potential given costs of conducting operations and providing and maintaining the facility. Lease controls will be in

place for any no-bid, not-for-profit lease to insure that revenues earned beyond costs of operation and facility maintenance and improvement are paid as rent to the County.

- (D) Lease Term. The term of any no-bid lease agreement, including any extension, will be limited to a total of 30 years.
- (E) Competitive Bid Lease Preparation Process. Parks will use the following process for competitively bid lease preparation:
 - (1) Prepare a request for proposal (RFP) and seek Board approval to advertise.
 - (2) Fulfill notice, advertising and selection requirements in accordance with Government Code Section 25525.
- (F) Existing Tenant. Upon expiration of lease term, existing non-profit tenants, who have demonstrated an ability to provide consistently high quality facilities and services to the public, based in part upon the evaluations performed as part of the onsite monitoring process (see Section J), will be given a first opportunity to continue under a separate renewal or renegotiated lease. Following advertising, existing for-profit tenants will be given the opportunity to compete with other qualified candidates in any subsequent lease negotiations, but will not be given first rights to renewal or renegotiation unless specified otherwise in the lease, and provided the lessee is not in default of any provision of the lease.
- (G) Pending Lease Proposals. Parks Administration will maintain an ongoing file of those activities and/or improvements which are desirable for future implementation, but for which conditions are not yet favorable for pursuit of a lease arrangement.
- (H) Subsidization. The County will not provide any monetary subsidy of Park's lease operations, except under specific authorization by the Board of Supervisors to continue valued services provided to the community. Unless specifically authorized, all lease operations must operate under full cost recovery mode.
- (I) Lease Records. Parks Administration will keep an active written inventory and status report on existing leases and will update the report regularly to reflect any necessary revisions. Parks Administration will examine lease records on a regular basis to monitor such items as:
 - (1) Term of lease and expiration date.
 - (2) Base rental and percentage of gross receipts, amounts and due dates.
 - (3) Insurance requirements.
 - (4) Bonding and security deposit requirements.

- (5) Financial statement or audit findings.
 - (6) Tenant performance history.
 - (7) Lease obligations (i.e. capital improvements, provision of services).
- (J) On-site Lease Monitoring. Parks Administration will conduct regular site visits, at a minimum of once annually to each lease operation to ensure compliance with lease terms and conditions and to ensure that facilities and services are provided to the public in a safe, pleasurable and equitable manner. On-site monitoring by Parks is also required to monitor tenant repairs and improvements. Parks will use a checklist format for conducting on-site monitoring. Monitoring will be conducted by a representative of Parks in conjunction with the tenant's representative. Any items noted in the checklist to be deficient or in need of follow-up action will be documented in writing by Parks and tenant will be given a reasonable length of time to respond and/or remedy. Parks will continue to monitor any deficiencies or follow-up items until satisfactory completion by the tenant or notice of default proceedings as provided by the lease agreement.

7.7 BOND PREEMPTION POLICY (Adopted 6-23-80)

Neither state or County regulations preclude developers from constructing subdivision improvements prior to recordation of final subdivision maps and posting performance bonds. However, developers still run the risk of not receiving final County approval on their projects. In order to address this issue of advance, construction work, on June 2, 1980 the Board of Supervisors approved the following policy guidelines:

1. If the project is a major subdivision, the developer should make his/her request for advance construction directly to the Board of Supervisors. If the project is a minor land division, the request is made to the County Surveyor without a report to the Board.
2. If the request is approved, the plans for advance construction work must be fully completed and signed by the County Surveyor. Concurrently, a modified land development agreement approved by the County Counsel covering the work and ancillary items is to be signed by the developer and the County Surveyor.
3. All subdivision conditions of approval, except those which are obviously inappropriate at the time, shall be met prior to approval of the plans for advance construction work. The conditions of approval typically include (but are not to be limited to) payment of fees, posting of an appropriate bond (not less than 10% of the estimated cost of the advance work), signing a land development agreement, and providing clearance letters from all affected County departments and outside agencies.
4. If improvements to an existing county road are proposed to be included in the advance construction work, the performance bond shall include the full cost of such work. Any exceptions to this requirement are to be approved by the Board of Supervisors.
5. The developer shall provide written acknowledgment that any advance construction work will not be considered with respect to future proceedings or final approval of the subdivision map.

7.8 SURPLUS LAND POLICY - Also known as leasing or selling County-owned lands (Adopted 10-20-98; Amended 3-30-99; Amended 9-28-04; Amended 6-24-08; Amended 5-14-13)

- (A) There is a limited amount of land owned by the County of Santa Clara and a great need for the County to provide services to the community now and in the future. Therefore, the process to evaluate the use of County-owned land, particularly urban land, must consider the public benefit derived from the use decisions made. This Board Policy 7.8 shall not apply to County parklands that are subject to Board Policy 7.6. All below fair market real property, franchise and concession contracts involving County real property shall be subject to and comply with the provisions of Board Policy Section 5.9.5.6.
- (B) The County owns properties that may not be currently needed for County use and a cautious, deliberate and flexible decision-making process is needed to determine whether to retain, sell or lease those properties. Consideration must be given to the County's near and long-term goals and the public benefit of the uses considered.
- (C) County-owned properties under consideration to be leased or sold through a Board action are referred to as "surplus" since that is common terminology and is contained in the Government Code sections regulating the process. However, these properties may become important to the County's needs in the future. Through leasing surplus land, the property would return to the County at the end of the lease term, i.e., no longer be designated "surplus" by the Board.
- (D) When feasible, it is more desirable to lease rather than sell County-owned property. Information on the economic benefit of leasing plus any issues that would restrict the ability to lease for economic benefit are essential elements to the decision-making process.
- (E) Procedures are required that ensure that County-owned land undergoes an appropriate level of analysis before determining if a specific parcel should be designated by the Board for the following dispositions:
 - (1) A direct lease or sale to a nonprofit entity for a public purpose, or
 - (2) A direct lease or sale to a city for a public purpose, or
 - (3) Adoption of a resolution to declare it surplus (followed by offering it for lease or sale to housing, parks, schools and cities and then to private interests), or
 - (4) Retention (not leased or sold).

The procedures and analysis must be sufficient for the Board to give guidance to staff regarding such matters as: the level of competition or exposure to the marketplace that is desirable (direct vs. non-direct transactions), whether the property

should be leased vs. sold vs. retained and how funding or use restrictions stemming from the funding source are to be handled.

In order to provide directives regarding the decision-making process for analysis of County-owned property, on October 20, 1998 the Board of Supervisors approved the following policy guidelines:

- (A) Prior to agendizing to the Board an action that will result in the lease or sale of County-owned property, staff shall present an analysis to the Finance and Government Operations Committee, after presentations to other appropriate Board committees and/or commissions, if any.

The Finance and Government Operations Committee shall review and recommend resolutions/actions to the Board after the committee determines that appropriate analysis has occurred. The analysis should include the following features to a greater or lesser degree, dependent on the particular property.

- (1) An analysis of the County's potential near and long-term needs for the property. The criteria used to complete this evaluation would include:
 - (a) Discussion of any space or land use studies that show County use needs that are currently underway.
 - (b) Discussion of any space or land use studies that show County use needs that are completed.
 - (c) Analysis of how the needs enumerated in those studies might be met by the subject property now or in the future (with projected timelines).
 - (d) Information on whether there are funding source or use restrictions that would inhibit or preclude the use of County land for specific County purposes and the amounts of any full or partial funding reimbursements that may be required.
 - (e) A recommended length of a lease term if the property were leased for an interim period before needed for future County use.
- (2) General Plan considerations, for both the jurisdiction where the property is located and the County's General Plan policies.
- (3) Either an appraisal of the property or an economic opportunity evaluation study. If a study is chosen it shall include, when applicable: lease vs. sale economics, net present value comparisons, marketing options, market trends, proposed timing for disposal, minimum bid recommendations, development pro-formas, and title encumbrances (restrictive easements or bond financing encumbrances) and a discussion of the non-applicability of any of these elements if that is the staff determination.

- (4) Any known or anticipated CEQA issues.
 - (5) Any known or anticipated issues with the local jurisdiction or surrounding community.
 - (6) The potential for the property to be developed for affordable housing or the potential for the development to include an affordable housing component.
 - (7) Any known or anticipated interest in the property from schools, parks, cities or affordable housing groups.
 - (8) Any known interest in or potential use for the property that would serve a public benefit other than those uses mentioned above.
 - (9) Any unique opportunities or special consideration for the re-use of the subject property such as joint development or any known or possible market interest in the property.
- (B) Staff shall analyze the potential for leasing vs. selling property whenever it is economically beneficial for the County's long-term needs (or discuss why this analysis was not included) and whenever it:
- (1) Does not violate the Board's 1987 Policy on Commercial Development on Parklands to establish commercial leases on park property only when consistent with the environmental, esthetic, economic and social uses of the parks and the accompanying guidelines, and
 - (2) Would not be superseded by the State Controller's requirements that certain Road Fund properties no longer used for road purposes must be sold at fair market value or equivalent compensation must be paid to the State Highway User Tax Fund.
- (C) If there is uncertainty of the source of the original funding, then proceeds from the disposition of the property (net of costs related to preparing the parcel for sale including, but not limited to, environmental remediation, surveys, appraisals, maintenance, etc.) shall go to the General Fund.
- (D) County-owned land required by the State for highway or freeway projects which is not subject to conveyance to the State without compensation under the provisions of Section 83 of the Streets and Highways Code shall be conveyed to the State only upon payment by the State of fair market value or equivalent credit in the State Transportation Improvement Program (STIP).

7.9 RUBBERIZED ASPHALT PAVING POLICY (Adopted on interim 9-29-98; Amended 8-31-99; Deleted 10-8-13)

7.10 ENERGY EFFICIENCY STANDARDS FOR NEW BUILDING DESIGNS, FACILITY LEASES, EQUIPMENT, AND EXPLORATION OF SOLAR ENERGY AND OTHER RENEWABLE RESOURCES (Adopted 12-10-02)

It is the policy of the Board of Supervisors of Santa Clara County that energy efficient standards be implemented in order to ensure the continuation of energy conservation efforts as approved by the Board. The County's General Services Agency (GSA) shall consider direct energy use impact as a formal criterion in construction and purchasing decisions relating to new buildings, facility space leases, and equipment that use energy.

When retrofitting, building or acquiring facilities, it will be the goal of GSA to meet or exceed the California Title 24 Building Code energy standards for the reduction of energy consumption. To accomplish this goal, the following approach will be used in construction, facility acquisitions and equipment procurement, unless the facility meets specific exemption criteria developed by GSA:

- (A) Make energy efficiency expertise a criteria in selecting design consultants for building projects;
- (B) Incorporate a design goal for new facilities to meet or exceed Title 24 energy consumption regulations, including an evaluation of solar, renewable and/or other alternative energy sources;
- (C) Conduct independent energy analysis, when designing new buildings, as well as when buying or leasing buildings (when feasible), and perform peer review for new building energy design; and
- (D) To the extent that it is economical and practical, the construction design for each new building will include installation of individual power meters that are compatible and can be incorporated into GSA's Enterprise Energy Management System for appropriate data collection, analysis and feedback.

7.11 VEHICLE PROCUREMENT - LOW EMISSION VEHICLES (Adopted 2-10-04; Amended 3-27-07)

The County will identify and give preference in its vehicle procurement to the acquisition of fuel efficient and the lowest emission vehicles available, practical, and reasonably cost competitive for a given application, or where funding is available to assure that such vehicles are reasonably cost competitive. Public Safety and emergency vehicles are exempt from this policy.

7.12 ROAD MAINTENANCE DISTRICTS (RMD) (Adopted 9-26-06)

- (A) The El Matador Road Maintenance District and the Overlook Road Maintenance District shall each remain in existence provided the registered voters of the District reauthorize a special tax by a two-thirds majority prior to the expenditure of all remaining revenue from special taxes previously authorized by the voters of the District:
- (B) Liability insurance coverage related to services provided to the Road Maintenance Districts shall be obtained by County staff and funded from the Districts' special tax proceeds;
- (C) Establishment of new Road Maintenance Districts in the County shall not be considered unless a petition signed by at least two-thirds of the registered voters in the proposed RMD is submitted at least 18 months in advance of the proposed establishment date requesting that the County establish an RMD and certifying all of the following:
 - (1) An Engineer's Report has been prepared by a registered Civil Engineer and registered Traffic Engineer and submitted with the petition demonstrating that all roads contained within the proposed RMD meet current County standards for their respective functional classification as specified in the Roads & Airports Department standard details manual, including but not limited to adequate structural section, pavement width, pavement condition index (PCI), drainage, signage, striping and pavement markings.
 - (2) The proposed special tax rate is sufficient to fund the level of maintenance desired by the RMD for the duration of the special tax including the pro-rata share of the liability insurance policy required by paragraph (B) above, all County administrative costs and a sufficient level of reserves as demonstrated by a cost analysis submitted with the petition;
 - (3) Sufficient funds are available to pay the Registrar of Voters for the costs of conducting a mailed ballot election regarding the special tax as demonstrated by documentation submitted with the petition;
 - (4) An RMD Steering Committee has been established and the head of said committee has been appointed the sole point of contact with the County and has authority to act for the petitioners on all matters related to establishment and subsequent operation of the RMD;
 - (5) The petitioners have considered alternative methods of accomplishing road maintenance such as a Homeowners' Association and have attached to the petition a detailed analysis of all alternatives considered and the reasons why no other alternative to an RMD is feasible; and

- (6) If established, the RMD will indemnify and hold the County harmless from any claim, action, proceeding or liability arising out of the County's involvement in the RMD.

7.13 PROCUREMENT, MANAGEMENT AND DISPOSAL OF ELECTRONIC PRODUCTS (Adopted 2-28-06)

It is the policy of the Board of Supervisors of Santa Clara County that environmentally preferred standards related to the procurement, management, and disposal of electronic products be implemented in order to help minimize the environmental impact of the manufacture, use, and destruction of these products.

Environmentally preferred standards related to electronic products are defined as follows:

- (A) Designed for Improved Environmental and Human Health
- (B) Promote Energy Efficiency and Improve User Health
- (C) Ensure Safe and Environmentally-Sound End-of-Life Management
- (D) Manufactured Responsibility

Guidelines for the purchase, procurement and acquisition of County electronic products:

- (A) The County will state its preference for environmentally preferable products in its solicitations for equipment. Such electronic products:
 - (1) Are easier to upgrade
 - (2) Offer longer life expectancy
 - (3) Contain less toxic and bio-accumulative pollutants
 - (4) Contain components with established reuse or recycle opportunities
 - (5) Maximize the use of components with established reuse or recycle opportunities
 - (6) Contain more remanufactured or recycled components
 - (7) Reduce the generation of hazardous waste during manufacturing and use
 - (8) Are more energy efficient
- (B) The County will require bidders to propose a program in which they agree to provide take back for electronic products that have reached the end of their useful life.

- (C) The County will support, to the greatest extent feasible, the effort of other governmental agencies and local businesses to stimulate a consumer demand for product stewardship and producer take back.

Guidelines for disposal of County Electronic products:

- (A) The Disposing Agent shall seek whenever possible, to employ a strategy for reuse of equipment which requires no repairs or changes, as a first option for disposing of electronic equipment that is not obsolete. This may include whole machine reuse by groups such as schools or non-profit organizations, or reuse of components such as memory, disk drives, circuit boards and microprocessor chips.
- (B) When County electronic products are no longer functional the Disposing Agent will take appropriate measures to ensure products are handled by a Recycling Agent who has been approved by the California Integrated Waste Management Board as a participant in the Covered Electronic Waste Recovery and Recycling Payment System provided by California's Electronic Waste Recycling Act of 2003, as amended, (Chapter 8.5, of Part 3 of Division 30 of the Public Resources Code, commencing with Section 42460, and Article 10.3, of Chapter 6.5 of Division 20 of the Health and Safety Code, commencing with Section 25214.9, and Title 14 of the California Code of Regulations (CCR), Division 7, Chapter 8.2, commencing with Section 18660.5).
- (C) It is the purpose of this policy to prevent the export of hazardous e-waste to developing countries with inadequate environmental standards to ensure the protection of public health and the environment. The County will select a recycler whenever feasible that processes hazardous e-waste in developed countries. Any recycler selected agrees to provide documentation defining the downstream disposition, including hazardous e-waste handled by intermediaries. Documentation will include management methods and final disposition of hazardous e-waste that ensures the protection of public health and the environment both here and abroad. All hazardous e-waste handled by recycling and/or reuse entities will be restricted in international markets as follows:
 - (1) Electronic products in working, usable order may not be marketed internationally as commodities or whole units for reuse.
- (D) All departments shall work cooperatively to further the purposes of this policy.

Definitions

For purposes of this Board Policy relative to electronic products the following terms shall be defined as:

Bio-Accumulative Pollutants - are chemicals that accumulate in the environment over time. For example, heavy metals such as mercury and lead are bio-accumulative pollutants because minute traces of these elements can collect in human tissue. Similarly, some bio-accumulative pollutants concentrate in fish and can become even more concentrated in

humans who eat contaminated fish. As a result, the pollutants could create potentially harmful reproductive, developmental, hormonal, or other human health effects.

Electronic Product - Electronic products are devices powered by electricity or a battery that has a printed circuit board or video display attached. Examples include: televisions, computers, computer peripherals and components, hard drives, CD/DVD drives, printers, facsimile machines, copiers, telephone equipment, stereo equipment, cellular phones and wireless devices.

End-of-Life Management - Incorporating provisions that provide for environmentally sound reuse, recycling, and/or disposal of electronic products.

Environmentally Preferable - Products which are designed for improved environmental and human health, promote energy efficiency and improve user health, ensure safe and environmentally-sound end-of-life management, and are manufactured responsibly.

Environmentally Responsible - Having the objective of designing, manufacturing and/or recycling a product so that the environmental impacts are minimized or avoided.

E-Waste - An electronic product that has reached the end of its useful life and is being discarded by the user.

Recycle - The practice of taking electronic products which are no longer usable and disassembling the components - such as plastic, glass, and metals - which are then recovered and used to manufacture new products.

Reuse - The practice of taking used electronic products or components of electronic equipment which are in good repair and not obsolete and finding another user (outside of the County).

Reuse Agent - Groups such as schools or non-profit organizations that reuse components such as memory, disk drives, circuit boards and microprocessor chips.

Take Back - Requiring the manufacturer to take back electronic products after their useful life for environmentally sound reuse, recycling, and/or disposal of computers.

7.14 GREEN BUILDING POLICY FOR COUNTY GOVERNMENT BUILDINGS (Adopted 4-25-06; Amended 9-29-09)

7.14.1 Background

“Green building” is the practice of siting, designing, constructing, operating, maintaining and removing buildings in such a way as to increase the efficiency of resource use - energy, water and materials - while reducing building impacts on human health and the environment.

The Leadership in Energy and Environmental Design (LEED) program, as developed by the United States Green Building Council (USGBC) is the most extensive, authoritative and well-recognized standard that distinguishes green buildings from other buildings. A more recent approach, the GreenPoint Rated (GPR) program was developed locally by Build It Green, a collaborative nonprofit that is focused on residential projects including multi-family structures. The County's Green Building Ordinance for private sector buildings in the unincorporated County uses both sets of guidelines.

The County intends for this policy to correlate with the Green Building Ordinance for the Unincorporated County and to hold itself to the same or higher standards than those required of the private sector.

This builds on the Board Policy 4.11 (Planning, Reporting and Financing Capital Projects) which states that one of the criteria to be used in putting a project forward to the Board for approval is environmental sustainability.

The Board recognizes that benefits from green buildings and building spaces can be realized in savings from reduced energy and water consumption, reduced costs related to sewage and solid waste, reduced absenteeism, increased employee retention, better health and well-being of occupants, and an overall decrease in environmental impacts.

7.14.2 Policy

It is the policy of the Board of Supervisors that all county facility projects incorporate green building standards, as defined by the USGBC in their Leadership in Energy and Environmental Design (LEED) program and achieve the LEED ratings described below. County facility projects affected by this policy include new buildings, renovations, and adaptive re-use of an existing facility, whether owned or leased. During negotiations for leased buildings and space, administration will strive for LEED EBOM and/or LEED CI as appropriate. Historical buildings are expected to be as green as possible without impacting the historical fabric of the structure. GreenPoint Rated guidelines, developed locally by Build It Green, may be used for residential buildings of any kind instead of LEED.

Furthermore, recognizing the need to both mitigate and plan for the consequences of climate change, future facility projects will be designed to be as efficient as possible in energy and potable water consumption. The County will continue to reduce water consumption in existing buildings and landscaping to ensure that new buildings do not increase the net potable water demand of County operations and facilities.

7.14.3 Specific Requirements (Amended 11-5-13; Amended 5-13-14)

The LEED program has four levels of green building performance (Certified, Silver, Gold, and Platinum) which apply to different kinds of projects, such as commercial new construction, commercial interiors, core and shell and existing buildings.

The USGBC updates the LEED guidelines and adds new categories of buildings on a regular basis. LEED requirements will evolve and become increasingly stringent. This policy

requires that buildings meet LEED Silver using guidelines that are current at the time the design is approved.

The Board of Supervisors has the authority to grant an exception to this policy on a case-by-case basis.

The following requirements shall be met for new buildings, including parking lot improvements (where applicable as expressly stated in Section S below):

- (A) New buildings over 5,000 square feet will be designed and constructed to meet LEED Silver standards.
- (B) Buildings between 5,000 and 25,000 square feet can meet these requirements by having the building design and the LEED checklist reviewed by a LEED Accredited Professional (AP) or LEED Green Associate who is also a registered engineer or architect and has previously worked on a minimum of one LEED certified building. This LEED AP may be an employee of the County or the architectural firm, but should not be associated with the project that is under review.
- (C) Requirements for buildings over 25,000 square feet shall be met by registering and officially certifying the building with the USGBC. Capital Projects are encouraged to strive for higher than Silver standards when possible.
- (D) Alternative Means of achieving a green building are acceptable according to the same standards as required of private developers in the Green Building Ordinance.
- (E) Capital Project Managers may submit a request for exemption to the Board of Supervisors. A list of energy and water efficiency measures, waste reduction actions and other green building features shall be submitted at the time of the exemption request. It is expected that exempted buildings be designed and constructed to reach as high a green standard as practicable for that building type. Specific building types that are exempt from the Green Building Ordinance are automatically exempt from this policy.
- (F) To the extent that is practicable, each new building shall not increase the overall potable water demand of the County. County water use will be tracked and savings from water conservation projects may be used to offset any increased demand caused by the new building.
- (G) New County owned buildings will be designed to control storm water runoff in accordance with the requirements and procedures set forth in the Santa Clara Valley Urban Runoff Pollution Prevention Program.
- (H) County-owned residential buildings of any kind may use GreenPoint Rated Guidelines instead of LEED. In this case the buildings should meet or exceed the minimum requirements for similar buildings as covered by the Green Building Ordinance.

- (I) Within a reasonable distance of existing or planned recycled water infrastructure (purple pipes), new buildings shall be plumbed and landscaping shall be planned to utilize recycled water.
- (J) The design of new facilities and parking lots shall consider the incorporation of renewable energy systems to the maximum extent practicable, e.g. fuel cells, photovoltaic arrays and solar hot water. Provided the systems are economically feasible, project managers will incorporate renewable energy systems into the project. If the budget for the renewable energy systems is not specifically approved as part of the project, project managers will at a minimum include the installation of wiring and plumbing conduits to allow easy installation of renewable systems at a later time.
- (K) Capital project managers shall program budget and time for building operations and maintenance personnel to participate in the design and development phases to ensure optimal operations and maintenance of the building. Designers will be required to specify materials and systems that simplify and reduce maintenance requirements; require less water, energy, and toxic chemicals and cleaners to maintain; efficiently remove collected trash and recycling; and are cost-effective and reduce life-cycle costs.
- (L) All new staff parking areas should offer preferential parking for carpools, provide sufficient bicycle lockers and have electric recharging stations available, if electrical service is available. The design of the building shall consider options that will reduce greenhouse gas impacts related to commuting and client travel to the facility and encourage alternative commute choices.

The following requirements shall be met for retrofits, remodels and renovations:

- (M) The same standards will be applied to each County building retrofit, remodel and renovation project as are required of private sector projects.
- (N) Energy and water efficiency upgrades and potential for utilizing recycled water shall be considered in any renovation project greater than 5,000 square feet.

The following requirements apply to all building projects, regardless of size:

- (O) Green building expertise will be a criterion in selecting architectural and engineering firms. This may be shown through direct experience designing green buildings that meet LEED standards and familiarity with the certification process.
- (P) The construction design for each new building will include installation of individual power meters that are compatible with and can be incorporated into the Building Operations Enterprise Energy Management System for energy data collection, analysis and building energy management. Additional meters will be included in the facility and on site, as necessary, to track the progress of sustainability initiatives, including reductions in energy and water use and waste generation.

- (Q) Building materials that support the greenhouse gas emissions goals of the County and support good indoor air quality shall be identified and to the greatest extent practicable shall be utilized in building projects. Products that have significant impacts on greenhouse gas emissions or indoor air quality shall be identified and avoided, used minimally or mitigated to the greatest extent possible.
- (R) To the extent possible, buildings should be designed for passive survivability, which allows them to be utilized in the event of a disaster that may make one or more systems or public utility inoperable.
- (S) All County parking lot capital improvement projects valued at, budgeted or costing more than One Million Dollars (\$1,000,000) shall incorporate into the project scope of work and budget the following infrastructure:
- (a) Install infrastructure to support no less than a Level 2 (208/240 V, 40 amp) electric vehicle charging system including but not limited to conduit, prewiring and panel capacity to support and accommodate Plug-In Electric (PEV) vehicles at no less than 5 percent of the total parking spaces within the County parking lot (the “PEV Spaces”), with a 1:2 ratio of charging systems (dual head outlet) per every two PEV Spaces;
 - (b) Purchase and install electric vehicle charging stations for 3 percent of the total parking spaces within the County parking lot, with a 1:2 ratio of PEV charging systems (dual head outlet) per every two PEV Spaces; and,
 - (c) Each PEV charging station installed shall have the ability to accept payment for the use of the electricity by the PEV vehicles, including the ability to accept and process credit card payments in compliance with Payment Card Industry and other security standards applicable to such transactions.
- (T) All County capital improvement projects where (1) the project scope includes the improvement of the existing plumbing including drinking fountains, (2) where the value of the project exceeds \$500,000, (3) where the replacement of the drinking fountain is already required as part of any improvement, or (4) when practical, given the scope of work and impact of replacing an existing fountain, the County shall incorporate into the project scope and budget the following:
- (a) The installation of water bottle filling stations (hydration stations) at a ratio of one per floor within County-owned buildings that are required to install drinking fountains (per the California Building Code), or County-owned buildings that contain drinking fountains. Buildings with multiple wings will have more than one hydration station per floor;
 - (b) The hydration stations shall, where possible, be installed in a manner where both employees and other facility visitors including the public would have access; and,
 - (c) The hydration stations shall dispense chilled water.

7.14.4 Operation and Maintenance

The County shall establish a LEED for Existing Buildings Operations and Maintenance (LEED EBOM) Initiative to integrate a green building approach into ongoing maintenance and to guide the County's efforts in making buildings more energy and water efficient, more environmentally friendly and healthier for visitors and employees.

7.14.5 Commercial Interiors

LEED for Commercial Interiors (LEED CI) is the green benchmark for the tenant improvement market. It is the recognized system for certifying high-performance green interiors that are healthy, productive places to work; are less costly to operate and maintain; and have a reduced environmental footprint. LEED for Commercial Interiors gives the power to make sustainable choices to tenants and designers, who do not always have control over whole building operations.

The County will strive to achieve a LEED Silver for commercial interior installation in leased space, as practicable. Length of lease, size of project and County's potential operational and utility costs will be considered to determine practicability.

7.14.6 Education

The County shall support and/or provide green building training to project managers, maintenance or facility managers and all members of any design team for new buildings and shall encourage ongoing participation in green building professional organizations, conferences, trainings and other opportunities in order to expand expertise in green building, energy and water efficiency and innovative approaches to addressing environmental issues within facilities and operations.

7.15 RECOGNITION OF PARK DONATIONS OR SIGNIFICANT CONTRIBUTION OF PARK SERVICE (Adopted 12-6-11)

7.15.1 Acceptance of Contributions

All donations of personal property must conform to current park facility standards and the design guidelines established for each park. Donations of cash directed to a specific park purpose, must further an identified objective of the Park's Department.

- (A) Recognition of Donations Less than \$10,000. The Director of the Parks and Recreation Department is authorized to accept and recognize personal property or cash donations valued at less than \$10,000 so long as the contribution furthers a County park purpose or identified objective of the County Parks Department. Parks Department staff will recognize the donation following principles and standards in the Parks Department's Donation and Recognition Guidelines manual. The Parks

Department shall report individual cash or personal property donations valued at less than \$10,000 in the semiannual Gift Report to the Parks and Recreation Commission and the Board of Supervisors.

- (B) Recognition of Donations Over \$10,000. All other gifts must be presented to the Board of Supervisors for acceptance and recognition by resolution of the Board of Supervisors.

Donors of gifts valued at \$10,000 or more may be recognized at an appropriate location in the park, following principles and standards in the Park Department's Donation and Recognition Guidelines manual.

- (a) The form of recognition in the Park will be recommended by Department staff and presented to the Parks and Recreation Commission for consideration of a recommendation to the Board of Supervisors.
- (b) The Parks and Recreation Commission recommendation for recognition will be presented to the Board of Supervisors for final approval.
- (C) Recognition of Significant Contributions of Park Service. Individuals who have contributed volunteer service will be recognized through the Parks Department's Volunteer Program annual banquet and awards dinner.

The Parks Department may recommend that the Board of Supervisors recognize significant contributions of volunteer service which may be memorialized by a plaque with a narrative of historic reference. The Department's recommendation must be supported by compelling circumstances.

- (a) The Department will present such recommendations to the Parks and Recreation Commission for consideration of a recommendation to the Board of Supervisors.
- (b) The Parks and Recreation Commission recommendation for recognition will be presented to the Board of Supervisors for final approval.

7.16 MONUMENTS ON COUNTY PROPERTY (Adopted 6-19-12)

Purpose

The purpose of this policy is to identify the circumstances under which the County will, on its own initiative, or in response to an offer or presentation by a third party, allow the erection and maintenance of monuments on County property. This policy further details the basis on which the County will consider the erection of monuments, and the limitations on the acceptance of monuments. Through this policy, the Board of Supervisors establishes criteria for the erection and maintenance of monuments on County property and reserves to itself, following receipt of a recommendation from the County

Executive, the responsibility for implementation of this policy. This policy is not intended to be in conflict with and is not subject to any provisions of the County of Santa Clara Ordinance Code.

Reasons for Adoption of Policy

The adoption of this policy is prompted by recognition of the following:

There is a finite amount of County-owned property.

There are aesthetic issues surrounding the placement of permanent objects in parks and other public areas.

The County wishes to preserve its public open space in a rational and systematic manner; permanent structures, displays, permanent signs, and monuments decrease the available open space and the visual perception of open space.

There are safety issues surrounding the placement of permanent objects in parks and public areas, such as sight obstructions and line of sight availability, and the County wishes to insure the placement of permanent objects on public property does not create safety hazards.

Monuments Eligible for Consideration

The County will consider the erection of monuments on County property which:

- (A) Relate to the history of Santa Clara County or the State of California; or
- (B) Honor individuals or groups that have played an important role in Santa Clara County or the State of California; or
- (C) Are donated by groups with long-standing ties to Santa Clara County or the State of California and which express sentiments consistent with Santa Clara County policies.

No physical feature, including but not limited to sculpture, memorial, structure, or landscape feature, shall be installed for the purpose of bringing attention to a special interest or cause unrelated to the eligibility factors stated above.

Process

Any person or entity wishing to donate a monument to the County must contact the County Executive.

- (1) A proposal shall be submitted in writing, and include a contact name, address and telephone information.

- (2) A proposal shall include a written statement detailing what it is that is proposed to be donated and background information regarding the significance of the intended donation.
- (3) The funding mechanism for creation, installation and maintenance must be detailed in the proposal. If no funding is proposed for any or all of the life-cycle of the monument, the County has the right not to process the proposal further.
- (4) County staff will verify if the intended site is County property. The County reserves the right to identify an alternate location.
- (5) A visual depiction or model, or the monument itself, must be provided to the County for review. The County reserves the right to require changes in design.
- (6) The appropriateness of the item will be evaluated by the County as it relates to the site, compatibility with the surroundings, impact on use of the property, aesthetic merit, safety and maintenance issues, and conformance to the eligibility and acceptance criteria contained in this policy. The County retains the legal right to approve or disapprove of the proposal.
- (7) If the County Executive determines the requirements of this policy have been met, the County Executive will make a recommendation to the Board of Supervisors, who will consider the proposal at a public meeting. Alternatively, the Board of Supervisors may, by referral made at a regular Board meeting, refer any proposal that is not recommended for approval by the County Executive to the Finance and Government Operations Committee for further consideration under this policy.
- (8) Fundraising or costs incurred by the donor in furtherance of the monument project prior to receiving County approval is at the donor's own risk and does not obligate the County to accept the monument or reimburse any individual, including the donor, for any costs incurred.
- (9) Prior to installation, a monument shall be reviewed to ensure it conforms to all representations made to and expectations of the County, and if it fails to do so, installation may not be permitted.

Evaluation Criteria

The following criteria shall be considered in determining whether or not to accept a donation of a monument and the ultimate location of the donated monument:

- (1) Relevance of the monument to the placement location, such as historic or thematic relationship, and consistency with Board policies, if any.

- (2) Consideration of the long-term impact of a permanent monument and its ability to withstand conditions such as the weather, vandalism, vagaries of time, and changing attitudes.
- (3) No subjects that are trademarked or commercially licensed may be installed on County property.
- (4) The monument must be designed and sited to avoid disturbance of natural and cultural resources and values.
- (5) The monument cannot interfere with or prohibit existing or anticipated future uses of the property
- (6) The monument cannot encroach on any pre-existing work or be aesthetically intrusive.
- (7) The monument must not pose a safety hazard to passersby, curious spectators, or the environment. Sharp projecting elements, loose parts, and other hazard elements are prohibited.
- (8) The monument must be of high quality design and craftsmanship to assure permanence; inferior workmanship may be rejected and removal required.
- (9) No monument shall be accepted if it presents an unreasonable maintenance burden. The County retains the option of requiring the donor to enter into a contract to provide for routine maintenance.
- (10) While not absolute, monuments to living persons are discouraged; a minimum of seven years between an event and its commemoration is recommended to allow for sufficient historical perspective.

Additional Provisions

All monuments on County property become the property of the County.

No vested rights shall be conferred or received by any individual, entity, group or community organization as a result of this policy.

7.17 PROCEDURES FOR CONSULTANTS TO PREPARE ENVIRONMENTAL DOCUMENTS FOR PRIVATE PROJECTS IN SANTA CLARA COUNTY (Adopted 12-15-15)

On October 21, 1997, the Board of Supervisors adopted the “Procedures for Consultants to Prepare Environmental Documents for Private Projects in Santa Clara County” (“Procedures”) which specifies the methodology used by the County to hire consultants to prepare California Environmental Quality Act documents for private development

projects in the County. Pursuant to the Procedures, all services provided by the consultants under contract are paid for by private applicants and no County funds are expended. Consultants execute a professional services agreement with the County when selected to be placed on the County's consultant list and the Board of Supervisors may delegate authority to the Director of Planning and Development or designee to execute a "project agreement" for particular projects. The Procedures are incorporated and made part of this policy by this reference. The Board of Supervisors may update the Procedures from time-to-time by amending the Procedures.

7.18 ONE PERCENT FOR PUBLIC ART (Adopted 5-1-18, Amended 10-20-20)

7.18.1 Purpose

The Board of Supervisors of the County of Santa Clara recognizes that artistic and cultural resources are central to the overall quality of life of a community. Public art contributes significantly to the vitality of our community by creating beauty in our public spaces, and by fostering a sense of community identity. Public art can also commemorate significant milestones in a community's life, providing a link to our history.

7.18.2 Public Art Policy

It shall be the policy of the Board to incorporate public art in the design and development of any new County capital construction project, and to include art in public areas in or surrounding project facilities. At minimum, one percent (1%) of the budget for each new capital construction project shall be allocated for works of art that are accessible by the public. Where funding restrictions partially preclude the allocation to art work, the allocation for art shall be made from the portion of the funds unrestricted for this purpose, if any, and shall constitute at least one percent (1%) of the unrestricted portion.

For new County capital construction projects that total less than \$1 million, County art funding required by this Policy may be aggregated for public art at other publicly accessible County facilities. Any public art funds that remain unexpended from an applicable County capital construction project will be aggregated for use on public art at other publicly accessible County facilities.

7.18.3 Exclusions

The following County capital construction projects are excluded from the requirements of this policy:

- (a) Projects wherein a financing source by law, statute, regulation, or grant precludes such uses.
- (b) Capital projects involving no construction such as studies, reports, leases, and easements.

- (c) Capital projects involving construction for the repair, renovation, or improvement of existing County facilities.
- (d) Facilities and structures that are not open to the public (e.g. maintenance buildings in County Parks).

At the discretion of the County Executive or designee, County capital construction projects that are excluded from the requirements of the policy may include funding for artwork that is accessible by the public.

7.18.4 Selection of Artwork

The County Executive or designee is authorized to determine the method and process of selecting artwork for new County capital construction projects under this policy and shall adopt administrative guidelines for the selection and acquisition of public art for County facilities.

7.19 TEMPORARY EXHIBITION OF ARTWORKS AT COUNTY FACILITIES (Adopted 5-1-18)

7.19.1 Purpose

The Board of Supervisors of the County of Santa Clara recognizes that artistic and cultural resources are central to the overall quality of life of a community. Public art contributes significantly to the vitality of our community by creating beauty in our public spaces, and by fostering a sense of community identity.

Public art may serve to educate the public about important community matters as well as human experiences that may be invisible to the larger community.

Public art can also commemorate significant milestones in a community's life, providing a link to our history and the people who built it. The purpose of this policy is to encourage the use of spaces in and around designated County-owned facilities for the temporary exhibition of artworks that may provide local story telling of the history of Santa Clara County and its people, while also encouraging the display of other artwork, and in a manner that preserves the County's control of the messaging and content in County facilities.

7.19.2 Temporary Exhibition Of Artworks At County Facilities

It shall be the policy of the Board to use certain spaces in and around designated County-owned facilities for the temporary exhibition of approved artwork for the benefit and enjoyment of the public and employees. For purposes of this policy, "County-owned facilities" means buildings and properties owned and operated by the County that the public regularly accesses, such as, County parks, plazas, building lobbies, or other County-owned and operated public spaces.

7.19.3 Criteria For Temporary Exhibitions At County Facilities

The County endeavors to showcase original artworks that focus on Santa Clara County's rich and diverse history and culture, and permit other forms of art. The County Executive or designee is authorized to prepare administrative guidelines to set forth the process of selecting and approving artworks for designated County-owned facilities under this policy.