

## Minutes For September 10, 2002

The Solano County Board of Supervisors met in regular session on this day at 8:33 a.m. The meeting was called to order by Chairman Carroll. Present were Supervisors Kromm, Thomson, and Chairman Carroll. Supervisor Kondylis was excused. At 9:42 a.m. Supervisor Silva joined the meeting remotely from The Comfort Inn, 638 Madison Avenue, West Yellowstone, Wyoming. (Government Code Section 54953)

CLOSED SESSION: The Board moved into Closed Session at 8:34 a.m. to discuss Meet and Confer: All Bargaining Units with Yolanda Irigon, Agency Negotiator. The Board moved out of Closed Session at 8:50 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:10 a.m. with the Pledge of Allegiance and a moment of silence.

### PRESENTATIONS

(Item 7A) PROCLAMATION DECLARING SEPTEMBER 20, 2002 TO BE POW/MIA RECOGNITION DAY, APPROVED

On motion of Supervisor Thomson and seconded by Chairman Carroll, the Board acted to approve the Proclamation declaring September 20, 2002 to be POW/MIA Recognition Day in Solano County. So ordered by a vote of 3-0, Supervisors Kondylis and Silva excused.

On behalf of the Board, Supervisor Thomson presented Kelli Eberli-Germeraad appearing on behalf of Jake Germeraad, Chairman of the Vacaville POW/MIA Recognition Day 2002, with the Proclamation.

Ms. Eberli-Germeraad introduced Bill Bryant former POW in Germany during World War II, and other Veterans Group dignitaries, and extended appreciation for the support of the Board.

(Item 7B) OVERVIEW OF THE RESULTS OF THE NORTH BAY STAND DOWN PRESENTED BY CARL YOUNG

Carl Young, North Bay Stand Down Director, discussed the positive results of the North Bay Stand Down 2002, a community based outreach to homeless veterans that was held on July 18, 2002 at the Dixon Fairgrounds. Mr. Young noted plans for the next Stand Down that is planned for October 2003 titled "Operation Harvest".

### ITEMS FROM THE FLOOR

APPEARANCE BY DONALD TIPTON RE VARIOUS ISSUES

Donald Tipton, Vallejo, voiced his concerns regarding health and safety issues pertaining to street lighting surveys that have not been done, with the lack of participants in the housing improvement program administered by Mercy Housing, the spread of Sudden Oak Syndrome to more varieties of trees, and teleconferencing participation by Supervisor Silva. County Counsel Dennis Bunting outlined the legality and aspects of teleconferencing participation by any of the supervisors.

## ADDITION TO THE AGENDA

### PROCLAMATION RECOGNIZING COLONEL DAVID R. LEFFORGE, COMMANDER OF THE 60TH AIR MOBILITY WING, TRAVIS AIR FORCE BASE, ADDED TO THE AGENDA

On motion of Supervisor Kromm and seconded by Supervisor Thomson, the Board acted to add the consideration of this proposed proclamation recognizing Colonel David R. Lefforge during his term of service at Travis Air Force Base. So ordered by a vote of 3-0; Supervisors Kondylis and Silva excused.

## APPROVAL OF AGENDA

On motion of Supervisor Kromm and seconded by Supervisor Thomson, the Board acted to approve the submitted Agenda, incorporated herein by reference, with the following modifications:

(Item 11.1) Proclamation of the Solano County Board Of Supervisors Recognizing Colonel David R. Lefforge, Commander of the 60th Air Mobility Wing, Travis Air Force Base for His Dedication to the U.S. Air Force and to the Citizens of Solano County, added to the Consent Calendar.

(Item 14) Award an Energy Service Agreement for a guaranteed maximum cost of \$14,191,831 for design and construction of the Cogeneration Plant Expansion project to CMS Viron Corporation; authorize the County Administrator to sign any agreements associated with the Project; authorize the General Services Director to sign all contract modifications within the contract budget, removed from the Consent Calendar.

(Item 15) Accept the reports on the examination of the books of the County Treasury as of June 30, 2002 with all funds totaling \$426,410,273, removed from the Consent Calendar

(Item 18) Approval of a resolution in support of the County's 2002 United Way Campaign requested by Susan Cohen, Solano County United Way Coordinator, removed from the Consent Calendar.

So ordered by a vote of 3-0; Supervisors Kondylis and Silva excused.

NOTE: Supervisor Silva joined the meeting via teleconferencing at 9:42 a. m.

## CONSENT CALENDAR

On motion of Supervisor Kromm and seconded by Supervisor Thomson, the Board acted to approve the following Consent Calendar items by a vote of 4-0; Supervisor Kondylis excused.

(Item 11.1) PROCLAMATION OF THE SOLANO COUNTY BOARD OF SUPERVISORS RECOGNIZING COLONEL DAVID R. LEFFORGE, COMMANDER OF THE 60TH AIR MOBILITY WING, TRAVIS AIR FORCE BASE FOR HIS DEDICATION TO THE U.S. AIR FORCE AND TO THE CITIZENS OF SOLANO COUNTY, approved.

(Item 12) MINUTES OF THE BOARD OF SUPERVISORS MEETING OF AUGUST 13, 2002; RURAL NORTH VACAVILLE WATER DISTRICT AUGUST 13, 2002, as outlined in the Agenda Submittal from the Clerk of the Board dated September 10, 2002, incorporated herein by reference, approved.

(Item 13A) SIDE LETTER AGREEMENT WITH SEIU LOCAL 1280 RE WORK SCHEDULES AT FOUTS SPRINGS YOUTH FACILITY, as outlined in the Agenda Submittal from Human Resources dated September 10, 2002, incorporated herein by reference, approved.

(Item 13B) RESOLUTION NO. 2002-173 FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (UNITS 3 AND 4, REPRESENTED BY THE DEPUTY SHERIFF'S ASSOCIATION), adopted. (see Resolution Book)

RESOLUTION NO. 2002-174 FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (SAFETY/PROBATION FORMULA REPRESENTED BY SEIU, LOCAL 1280), adopted. (see Resolution Book)

RESOLUTION NO. 2002-175 FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (SAFETY/PROBATION FORMULA IN THE EXECUTIVE AND SENIOR MANAGEMENT GROUP), adopted. (see Resolution Book)

(Item 16A) RESOLUTION NO. 2002-176 DECLARING SOLANO COUNTY'S INTENTION TO APPLY FOR RURAL HEALTH SERVICES (RHS) PROGRAM FUNDING AND APPROVAL OF AN APPLICATION FOR FUNDING, adopted. (see Resolution Book)

(Item 16B) PROCLAMATION RECOGNIZING SEPTEMBER AS NATIONAL DRUG AND ALCOHOL RECOVERY MONTH IN SOLANO COUNTY, approved.

(Item 17) LOAN APPLICATION TO THE STATE DIVISION OF AERONAUTICS

FOR HANGAR CONSTRUCTION AT THE NUT TREE AIRPORT, as outlined in the Agenda Submittal the Department of Transportation dated September 10, 2002, incorporated herein by reference, approved and Transportation Director authorized to sign said loan application and loan agreement when received on behalf of Solano County.

AIRPORT TO DISTRIBUTE REQUESTS FOR PROPOSALS (RFP) FOR HANGAR CONSTRUCTION AT THE NUT TREE AIRPORT, as outlined in the Agenda Submittal the Department of Transportation dated September 10, 2002, incorporated herein by reference, approved

#### SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS:

Rural North Vacaville Water District

(Item 19A & B) Minutes regarding this matter are contained in the Rural North Vacaville Water District Minutes Book.

Solano County Facilities Corporation Meeting:

(Item 20) Minutes regarding this matter are contained in the Solano County Facilities Corporation Minutes Book.

Solano County Building Corporation

(Item 21) Minutes regarding this matter are contained in the Rural North Vacaville Water District Minutes Book.

#### ORDERS

(Item 14) AGREEMENT WITH CMS VIRON CORPORATION RE DESIGN AND CONSTRUCTION OF THE COGENEARTION PLANT EXPANSION, APPROVED

The Board was provided with an Agenda Submittal from General Services dated September 10, 2002, incorporated herein by reference, regarding an agreement with CMS Viron Corporation for design and construction of the Cogeneration Plant Expansion Project.

Donald Tipton, Vallejo, voiced concern regarding repairs being done to the Hall of Justice since the Courts are no long part of the County, Assistant County Administrator Darby Hayes noted the repairs at the Hall of Justice would be done with the use of Court House Construction Funds, and that the funds would be returned to the State if not used.

Responding to questions posed by Supervisor Kromm regarding the use of local suppliers for the solar panels, Mr. Hayes discussed considerations of contractor availability, preferences by Viron, and noted the company supplying the panels is a local Bay Area company.

Responding to questions posed by Supervisor Kromm regarding capability of the product, Director of General Services Jim Werdell discussed the expertise of CMS Viron on the choice of the product. Mr. Hays noted that Power Light is the only company providing the roofing system that the County is considering

for the major part of the project.

There was a brief discussion regarding the benefits and other applications where the proposed roofing system has been placed.

On motion of Supervisor Kromm and seconded by Chairman Carroll, the Board acted to approve an Energy Service Agreement with CMS Viron Corporation, to authorize the County Administrator to sign said contract and to authorize the General Services Director to sign all contract modifications within the contract budget on behalf of Solano County. So ordered by a vote of 4-0; Supervisor Kondylis excused.

(Item 15) QUARTERLY EXAMINATION OF THE BOOKS OF THE COUNTY TREASURY AS OF JUNE 30, 2002, ACCEPTED

The Board was provided with an Agenda Submittal from the Auditor-Controller dated September 10, 2002, incorporated herein by reference, regarding examination of the books of the County Treasury.

Donald Tipton, Vallejo, commented on the date the Report was done.

On motion of Supervisor Thomson and seconded by Supervisor Kromm, the Board acted to accept the quarterly examination of the Books of the County Treasury as of June 30, 2002. So ordered by a vote of 4-0; Supervisor Kondylis excused.

(Item 18) RESOLUTION NO. 2002-177 AUTHORIZING THE COUNTY'S 2002 UNITED WAY CAMPAIGN, ADOPTED

The Board was provided with an Agenda Submittal from the Agriculture Department dated September 10, 2002, incorporated herein by reference, regarding the County's 2002 United Way Campaign.

Responding to questions posed by Supervisor Kromm regarding the leadership matching program and who the matching party is, Agriculture Commissioner Susan Cohen noted that the Bank of America will match \$1,000 first time donations in the Leadership Matching Campaign.

The resolution was amended to include clear language that the Bank of America would be matching funds for those who contribute \$1,000 or more for the first time.

On motion of Supervisor Kromm and seconded by Supervisor Thomson, the Board acted to adopt Resolution No. 2002-177 Authorizing the County's 2002 United Way Campaign. So ordered by a vote of 4-0; Supervisor Kondylis excused. (see Resolution Book)

(Item 23) AGREEMENT AMENDING THE MEMORANDA OF UNDERSTANDING WITH TEAMSTERS LOCAL 22, UNIT 1; SEIU LOCAL 1280, UNITS 2, 7, 8, 9; SEIU LOCAL 535, UNIT 5; PUBLIC EMPLOYEES UNION LOCAL 1, UNIT 6 & 16; STATIONARY, OPERATING ENGINEERS LOCAL 39, UNIT 10; UNION OF AMERICAN PHYSICIANS AND DENTISTS, UNIT 11; ON 2.7% @ 55, APPROVED

RESOLUTION NO. 2002-178 AUTHORIZING THE ESTABLISHMENT OF A PUBLIC

AGENCY RETIREMENT SYSTEM (PARS) 2.7% @ 55 RETIREMENT PLAN FOR  
NON-SAFETY EMPLOYEES IN CERTAIN JOB GROUPS, ADOPTED

RESOLUTION NO. 2002-179 OF INTENTION TO APPROVE AN AMENDMENT TO  
CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC  
EMPLOYEES' RETIREMENT SYSTEM AND THE BOARD OF SUPERVISORS  
COUNTY OF SOLANO, ADOPTED

ORDINANCE REGARDING AUTHORIZING AN AMENDMENT TO THE  
CALPERS CONTRACT ADOPTED ON FIRST READING; SECOND READING SET  
FOR OCTOBER 1, 2002

Scheduled on the agenda for this day was consideration of a proposed ordinance and associated documents which would increase retirement benefits for employees in the Miscellaneous category to 2.7% at age 55, and to implement unused sick leave credit for safety employees.

On motion of Chairman Carroll and seconded by Supervisor Thomson, the Board directed that the proposed ordinance be read by title only. So ordered by a vote of 4-0; Supervisor Kondylis excused.

Director of Human Resources Yolanda Irigon reviewed the information contained in the Agenda Submittal from her department dated September 10, 2002, incorporated herein by reference, noting the overwhelming acceptance of the proposal by the unions. Approval of this action will extend the union contracts through 2004, and amend the contract to add the 2.7% at 55. Responding to questions posed by Supervisor Kromm regarding the average age of the County work pool, and the increase in the employer contribution rate, Ms. Irigon noted the average employee age is 45 to 46 years old, and the employer rate is projected to be 6.8%.

County Administrator Michael Johnson noted historically the County has paid a 7% contribution, the decrease in the County rates due to the surplus account, the assumption the rate would go back to 7% at some point, and notification from PERS the employer rate will go to 6.85%. The increase is due in part to the overall value of our PERS portfolio and only partially with this benefit increase.

Supervisor Kromm feels the 0% employer contribution would continue longer if the 2.7% at 55 is not implemented, voiced concern with the actuarial that is being used to base the net costs on, feels the County is asking younger employees to pay the retirement benefit for the older employees.

Ruth Forney, President SEIU Local 1280 and 25 year County employee, noted for 25 years she has paid the 2% at 55 benefit for older employees, new benefits have to start someplace, the cooperative effort between the unions and the County to work through this issue, the workers have agreed to pay the cost, this benefit will help retention and recruitment problems, and asked the Board to support this enhancement.

Responding to questions posed by Supervisor Kromm regarding the unions upholding the 20-year payback agreement, Ms. Forney noted as a union representative that after an issue is negotiated the deal is upheld.

Supervisor Silva noted the long negotiations, the need to upgrade benefits to attract and retain staff, and commended the cooperative effort of staff and the unions.

There was a brief discussion regarding the percentages of the share of costs paid for this benefit by other public agencies.

Supervisor Thomson noted with approval of this enhanced benefit it may give some people the incentive to retire, which may eliminate the need for layoffs. Supervisor Kromm voiced concern with the effects to the County budget with a General Fund contribution cost of about \$1.6 million, and the issue of taxpayers paying the high cost of management employees' retirement costs. Art Grubel, SEIU Local 1280, noted the County contribution cost for the improvement in benefits is only 2.9%, the other 3.9%, of the total 6.8%, is for the cost of the current benefits.

Supervisor Thomson noted the County contribution in the past had been at 7%, the proposed future County contribution is projected at 6.85% with this benefit or not, and feels the 2.7% @ 55 is very beneficial.

On motion of Supervisor Silva and seconded by Supervisor Thomson, the Board acted to approve an Agreement Amending the Memoranda of Understanding with Teamsters Local 22, Unit 1; SEIU Local 1280, Units 2, 7, 8, 9; SEIU Local 535, Unit 5; Public Employees Union Local 1, Unit 6 & 16I; Stationary, Operating Engineers Local 39, Unit 10; Union of American Physicians and Dentists, Unit 11; on 2.7% @ 55, and to adopt Resolution No. 2002-178 Authorizing the Establishment of a Public Agency Retirement System (PARS) 2.7% @ 55 Retirement Plan for Non-Safety Employees in Certain Job Groups. So ordered by a vote of 3-1; Supervisor Kromm voted no and Supervisor Kondylis was excused. (see Resolution Book)

On motion of Supervisor Silva and seconded by Supervisor Thomson, the Board acted to adopt Resolution No. 2002-179 of Intention to Approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System and the Board of Supervisors County of Solano and the proposed Ordinance. So ordered by a vote of 4-0; Supervisor Kondylis excused. (see Resolution Book)

(Item 24A)        CONSIDERATION TO APPOINT TWO (2) INDIVIDUALS TO THE CITIZEN'S OVERSIGHT COMMITTEE FOR THE SOLANO COUNTY TRANSPORTATION SALES TAX EXPENDITURE PLAN CONTINUED TO OCTOBER 1, 2002

The Board was provided with an Agenda Submittal from the County Administrative Office dated September 10, 2002, incorporated herein by reference, regarding appointing of two individuals to represent the County on the Citizen's Oversight Committee for the Solano County Transportation Sales Tax Expenditure Plan.

Supervisor Thomson feels there should be representation from the Ag community to help balance this committee, and requested the matter be continued to allow time to find such a representative.

There was a consensus to continue the matter.

NOTE: At this point Supervisor Silva discontinued teleconferencing with this meeting.

(Item 24B) FIXED-RATE FINANCING TO BE USED FOR THE COUNTY GOVERNMENT CENTER/COGENERATION PLANT UPGRADE PROJECTS

Assistant County Administrator Darby Hayes briefly reviewed the information contained in the Agenda Submittal from his office dated September 10, 2002, incorporated herein by reference, regarding financing options for the County Government Center and CoGen projects.

Peter Miller, Public Financial Management, reviewed the information contained in the booklet titled Presentation to Solano County dated September 10, 2002, incorporated herein by reference, regarding the financing options and those risks. Mr. Miller concentrated on the benefits and risks associated with synthetic rate financing.

Supervisor Thomson noted support for a conventional loan, and voiced concern with any use of synthetic rate method of financing.

County Treasurer/Tax Collector/County Clerk Chuck Lomeli feels the benefits do not outweigh the risks associated with synthetic financing, and recommended traditional fixed-rate financing.

Auditor/Controller Bill Eldridge discussed disclosure and reporting requirements with synthetic financing.

Supervisor Kromm noted the savings attributed to the synthetic financing is attractive, but is leery of using this method due to the risks with this type of financing. Supervisor Kromm feels government should follow a prudent and safe course for financing, and that safety should always rule.

County Administrator Michael Johnson noted the purpose of the presentation was to maintain flexibility and to discuss the financing options that would best fit the needs of the County. Further analysis could be done.

Mr. Eldridge has reservations, but feels further analysis should be done to better understand the program since there is the possibility of saving a lot of money.

Chairman Carroll feels analysis should constantly be done to watch the taxpayers' money.

Mr. Johnson noted there is an economy of scale with using synthetic financing. This financing is used only on large financing packages.

On motion of Supervisor Thomson and seconded by Supervisor Kromm, the Board acted to reaffirm that fixed-rate financing be used for the County Government Center/CoGen Upgrade Projects. So ordered by a vote of 3-0; Supervisors Kondylis and Silva excused.

(Item 25) ORDINANCE REGARDING ADOPTION OF THE 2001 CALIFORNIA STATE BUILDING CODES ADOPTED ON FIRST READING; SECOND READING SET FOR OCTOBER 1, 2002

Scheduled on the agenda for this day was consideration of a proposed ordinance, which would adopt the 2001 California State Building Codes.

On motion of Supervisor Kromm and seconded by Chairman Carroll, the Board directed that the proposed ordinance be read by title only. So ordered by a vote of 3-0, Supervisors Kondylis and Silva excused.

Chief Building Inspector Chuck Pratt reviewed the information contained in the Agenda Submittal from his department dated September 10, 2002, incorporated herein by reference, regarding adoption of the California Uniform Building Codes to work towards standard and consistent codes throughout the County.

Responding to questions posed by Supervisor Kromm regarding inconsistent fire code requirements of the different County fire districts, County Counsel Dennis Bunting noted standards that are not consistent with the County codes are to be ratified by the Board of Supervisors, and discussed the issue of the fire districts not coming to the Board for ratification of different requirements. Mr. Bunting outlined some the actions that may take place to clarify this issue. Director of Environmental Management Birgitta Corsello noted some of the different fire district requirements, fire districts participating as part of the final inspections for residents, notification to permit applicants to meet the fire district requirements, challenges by businesses to the fire code requirements, and ways to work towards standardized local codes. Residential permits are not issued until there is concurrence from the fire district, businesses are the real challenges.

Supervisor Kromm feels a unified Countywide approach is necessary.

Vice-Chairman Kromm opened the public hearing.

Donald Tipton, Vallejo, voiced concern regarding the Board of Supervisors sitting as the East Vallejo Fire Protection District (EVFPD) and the code requirements for the EVFPD, Mr. Bunting noted the responsibility for the district has been delegated to the City of Vallejo which incorporates the City of Vallejo code provisions. Through this annual delegation the Board has ratified those codes for that district making them valid and enforceable.

Ms. Corsello discussed the differences between the EVFPD area and the other fire protection districts within the County.

As there was no one further who wished to speak on this matter, Chairman Carroll closed the public hearing.

On motion of Supervisor Thomson and seconded by Supervisor Kromm, the Board acted to adopted the proposed Ordinance. So ordered by a vote of 3-0; Supervisors Kondylis and Silva excused.

(Item 26) RESOLUTION NO. 2002-180 TO APPOINT DIRECTOR TO BOARD OF DIRECTORS FOR DIXON RESOURCE CONSERVATION DISTRICT (MARTIN EMIGH), ADOPTED

On motion of Supervisor Thomson and seconded by Supervisor Kromm, the Board acted to adopt Resolution No. 2002-180 To Appoint Director to Board of Directors for Dixon Resource Conservation District (Martin Emigh). So ordered by a vote of 3-0; Supervisors Kondylis and Silva excused.

ADJOURN - This meeting of the Board of Supervisors adjourned in

remembrance of families that lost their loved ones in the September 11, 2001 bombing of the World Trade Center and in memory of Dominic Garofalo at 11:26 a.m.

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William J. Carroll, Chairman

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Maggie Jimenez  
Clerk to the Board of Supervisors