

Minutes For March 12, 2002

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SOLANO COUNTY BOARD OF SUPERVISORS" MINUTES

March 12, 2002

The Solano County Board of Supervisors met in regular session on this day at 8:34 a.m.

The meeting was called to order by Chairman Carroll. Present were Supervisors Kromm, Silva, Thomson, and Chairman Carroll. Supervisor Kondylis arrived at 8:35 a.m.

CLOSED SESSION: The Board moved into Closed Session at 8:35 a.m. to discuss Litigation:

Robinson v Solano County; Meet and Confer: Unit 6, Health and Social Services Supervisors;

Unit 16, Mid Managers; Local 1280, Probation, with Josie Jenkins, Assistant Director of Human

Resources; Property Negotiations: Wilcox Ranch (abuts northwest and southeast sides of Travis

Air Force Base) - negotiating parties: Birgitta Corsello, Director of Environmental Management,

Nature Conservancy and City of Fairfield - subject of negotiation: price and terms of payment.

The Board moved out of Closed Session at 9:23 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:29 a.m. with the Pledge of Allegiance and a moment of silence.

PRESENTATIONS

(Item 7) RESOLUTION NO. 2002-039 PROCLAIMING MARCH 20, 2002 AS AGRICULTURE DAY IN SOLANO COUNTY, ADOPTED

On motion of Supervisor Thomson and seconded by Supervisor Carroll, the Board acted to adopt Resolution No. 2002-039 proclaiming March 20, 2002 as Agriculture Day in Solano County.

So ordered by a vote of 5-0. (see Resolution Book)

On behalf of the Board, Supervisor Kromm presented Resolution No. 2002-039 to

Agricultural Commissioner Susan Cohen.

Ms. Cohen noted an open house that will be held at the Agriculture Department

on March 20, 2002, and discussed the various activities, demonstrations and displays that will be presented.

ITEMS FROM THE FLOOR

APPEARANCE BY DONALD TIPTON, RE BREACH OF CONFIDENTIALITY

Donald Tipton, Vallejo, voiced concerns regarding the breach of confidentiality in the use of the names of people filing code violation complaints. Mr. Tipton feels a policy is needed on confidentiality.

APPEARANCE BY CATHY ANN HEWITT RE VARIOUS ISSUES

Cathy Ann Hewitt, Benicia, briefly discussed the election process and the number of voters, problems effecting children, the need for anonymity, and encouraged rural community education.

APPROVAL OF AGENDA

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

(Item 13) Receive the FY2002/03 Criminal Justice (Booking) Fee Report and set a date for a noticed/published hearing. Suggested date for noticed/published hearing: May 7, 2002 at 9:00 a.m., removed from the Consent Calendar.

So ordered by a vote of 5-0.

CONSENT CALENDAR

On motion of Supervisor Kondylis and seconded by Supervisor Thomson, the Board acted to approve the following Consent Calendar items by a vote of 5-0.

(Item 14) RESOLUTION NO. 2002-040 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (PROBATION

DEPARTMENT), adopted. (see Resolution Book)

(Item 15) AGREEMENT WITH STATE TO PARTICIPATE IN THE CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAM GRANT PROGRAM, as outlined in the Agenda Submittal from Sheriff's Department dated March 12, 2002, incorporated herein by reference, approved and Chairman authorized to sign said authorization on behalf of Solano County.

APPROPRIATION TRANSFER FROM UNANTICIPATED REVENUE IN THE AMOUNT OF \$257,000, as outlined in the Agenda Submittal from Sheriff's Department dated March 12, 2002, incorporated herein by reference, approved.

RESOLUTION NO. 2002- 041 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (SHERIFF'S DEPARTMENT), adopted. (see Resolution Book)

PURCHASE OF FIXED ASSET RE CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAM GRANT PROGRAM, as outlined in the Agenda Submittal from Sheriff's Department dated March 12, 2002, incorporated herein by reference, approved.

(Item 16A) RESOLUTION NO. 2002-042 OF SUMMARY VACATION OF A DRAINAGE EASEMENT IN THE GREEN VALLEY AREA, adopted. (see Resolution Book)

(Item 16B) AGREEMENT WITH SLENDER ENTERPRISES, INC. RE REIMBURSEMENT FOR ROAD DAMAGES, as outlined in the Agenda Submittal from the Department of Transportation dated March 12, 2002, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

ORDERS

(Item 13) PUBLIC HEARING FOR THE FY2002/03 CRIMINAL JUSTICE (BOOKING) FEE, SET FOR MAY 7, 2002 AT 9:00 A.M.

The Board was provided with an Agenda Submittal from the Auditor-Controller dated March 12, 2002, incorporated herein by reference, regarding setting a public

hearing to consider

the Criminal Justice Booking Fee for fiscal year 2002/2003.

There was a brief discussion regarding the increase in jail populations, the need for

additional facilities, master facility planning, jail stays, programs to reduce jail populations, and

the nexus to drugs to almost all cases in the jail.

Responding to questions posed by Supervisor Silva regarding notification of public safety

agencies in the County, County Administrator Michael Johnson noted the statutory requirement

for due notice to the cities. Sheriff Gary Stanton noted he would notify all police chiefs in the

County.

Cathy Ann Hewitt, Benicia, reminded people that drugs do hurt people, noted the need for

community based policing, the zero tolerance policy in Benicia, and feels that people working

together can make a difference.

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted

to set the public hearing to consider the FY 2002/03 Criminal Justice (Booking) Fee, for May 7,

2002 at 9:00 a.m. So ordered by a vote of 5-0.

(Item 18A) MANAGEMENT AND ORGANIZATIONAL REVIEW BY PUBLIC RESOURCE CONSULTANTS, INC. RE PUBLIC ADMINISTRATOR'S OFFICE, RECEIVED

IMPLEMENTATION PLAN FOR CONSOLIDATION OF THE PUBLIC ADMINISTRATOR'S OFFICE INTO PUBLIC GUARDIAN/ CONSERVATOR'S OFFICE APPROVED

COUNTY WORK HOUR POLICY REAFFIRMED

Britt Ferguson, County Administrator's Office, reviewed the information contained in the

Agenda Submittal from his department dated March 12, 2002, incorporated herein by reference,

regarding an organizational and management review of the Public Administrator's Office and

implementation plan to incorporate the Public Administrator's Office with the Public

Guardian/Conservator's Office.

Marilyn Luke, Public Resource Consultants, Inc. (PRC), reviewed the primary areas of

the report, noting the activities that were in progress when the review began,

areas that need attention, restructure of the organization, employee issues, hours of operations, information for management through the use of improved software, continue current efforts to improve services, and the need to prepare a good solid management and organizational structure for the transition of the Public Administrator into the Public Guardian's Office.

Responding to questions posed by Supervisor Kondylis regarding the database, Ms. Luke discussed the update to the software that is now occurring, which will provide good tools for management decisions and tracking client services.

Responding to questions posed by Supervisor Kondylis regarding the transferring of the funding of the Public Administrator function, Ms. Luke noted difficulties in determining the revenue and expenditures of the Public Administrator, and feels a portion of the Coroner's/Public Administrator's budget should follow. Mr. Ferguson noted work will be done to identify costs for the Public Administrator.

Responding to questions posed by Supervisor Kondylis relative to the Public Administrator being an elected position, John Taylor, County Administrator's Office noted adoption of an ordinance effective January 2003 that removes the responsibility of the Public Administrator from the responsibility of the Sheriff. Mr. Taylor discussed the transition from the Sheriff's Office along with the additional recommendations from his office.

Responding to questions posed by Supervisor Kondylis relative to a oversight group for the Public Administrator function, and the elimination of staff flex time, Public Guardian/Conservator Gail Lamkins noted state and national organizations that can assist with doing audits, and that the County Auditor/Controller's Office is completing an audit of the programs in her department.

Responding to concerns by Supervisor Kondylis to ensure the clients are getting the best possible service, Ms. Lamkins noted benefits now available to better track client activities.

Assistant County Counsel Wendy Getty discussed the impacts of the recommendations on her department. Ms. Getty noted frequent contact with a patient advocacy group and work being done by

Ms. Lamkins that could address any audit issues.

Responding to questions posed by Supervisor Silva regarding the additional recommendations of the County Administrator's Office, County Administrator Michael Johnson

noted that the recommendation is a partnership to assist with the transition.

Supervisor Silva discussed the hours of operation as related to the County policy, the need to

fully fund the function, and commended all involved with the report.

In response to questions by Supervisor Kromm regarding supplemental funding for clients,

and fees, Ms. Lamkins discussed the difficulty in finding beds, and supplemental funding by Contra

Costa County to board and care homes to make up the difference between the SSI and the actual cost.

Supervisor Kromm suggested a survey of the board and care facilities and to consolidate site visits

and inspections with other County departments. Ms. Lamkins discussed fees for services, and the

departmental policy on collecting fees.

Responding to concerns voiced by Supervisor Kromm regarding financial audits by the

Auditor's Office, Auditor/Controller Bill Eldridge noted the latest audit of the Public Administrator

was in 1992, and the current audit that is being conducted. Mr. Eldridge feels the overall report is

good, and will assist to insure a smooth transition.

Art Grubel, Director SEIU Local 1280, feels this action should be to adopt the concepts of the

report, there are still employee issues that need to be worked out such as the new classification of

Deputy Public Administrator, and the union needs to meet and confer regarding the impacts to the

other employees.

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to

approve all departmental recommendations, except the recommendation for work hours of 8:00 a.m.

to 5:00 p.m. So ordered by a vote of 5-0.

There was a brief discussion regarding flextime, work time policy, and the issues created.

Director of Human Resources Yolanda Irigon noted County policy regarding work time and

variances to that schedule that must be approved by the County Administrator and the Board. The

current work schedules in the Public Guardians Office have evolved from when the function was in

Health and Social Services. Ms. Irigon noted she would meet and consult with

the union to discuss

this issue, and requested the Board reaffirm the policy.

Supervisor Thomson and Supervisor Kondylis feels managers should have the ability to provide the flexible work schedule as long as office operations and client services are not hindered.

Mr. Grubel feels a practice exists, that changing that practice of flextime is a meet and confer/consult issue. Hopefully that can be done.

Supervisor Silva discussed County policy that is in place, and noted staff will need to meet and consult with the union to get the process going. This report is a framework.

Mr. Johnson noted the County would meet and discuss the effects of the change with the union. The report does note management difficulties with the many different work schedules, and closed for lunch. It is important to reinforce the policy.

On motion of Supervisor Silva and seconded by Chairman Carroll, the Board acted to

reinforce the policy for work hours of 8:00 a.m. to 5:00 p.m. So ordered by a vote of 4-1, Supervisor Kondylis voted no.

(Item 19) RESOLUTION NO. 2002-043 AMENDING THE SOLANO COUNTY BOARD OF SUPERVISORS'S RULES, ADOPTED

Assistant County Counsel Wendy Getty reviewed the information contained in the

Agenda Submittal from her department dated March 12, 2002, incorporated herein by reference,

regarding amending or repealing the Board of Supervisors' Rules of Procedure, noting this

amendment would address special district appointments that are in more than one supervisorial district.

Supervisor Kondylis feels the recommendations for such appointments need to be

proportional to the number of constituents served within the special district boundaries.

Chairman Carroll discussed proportional appointments made in the past for the Vacaville/Elmira Fire District.

Supervisor Kromm feels the language in the policy is good, but suggested when

redistricting is done, a schedule should be done on the special districts that cross over

Supervisorial district lines along with the population percentages. The matter can then come

before the Board to approve the number of appointments by each supervisor. Supervisor Silva agrees with the recommendation by Supervisor Kromm, and feels the people serving on these special districts should continue to serve until their term is up. Chairman Carroll discussed the differing requirements for appointees to live within the special district boundaries, and with difficulties in getting people to serve. Donald Tipton, Vallejo, discussed the options, feels the rules should not be changed, and feels the term representation needs to be clearly defined for the districts. Jim Campi, Chairman of the Rockville Cemetery District, noted the correct boundaries of the Rockville Cemetery District which are contained in Supervisorial Districts 2 and 3, with the largest portion in Supervisorial District 2. Chairman Carroll noted there have not been problems in the past with appointments, and voiced concern with the additional work for staff on calculating proportional representation.

On motion of Supervisor Kromm and seconded by Supervisor Kondylis, the Board acted to adopt Alternative A, adding the letter "s" to Supervisor, and to request a schedule be brought back to the Board of the multiple Supervisorial Districts effecting the special districts with an allocation by population of each Supervisorial Districts, along with a list of the current district members and their terms of office. So ordered by a vote of 5-0

(Item 20) AGREEMENT WITH EXIGENT COMPUTER GROUP, INC., RE
AUTOMATED IMAGE BASED RECORDING SYSTEM, APPROVED

TWO APPROPRIATION TRANSFERS IN THE AMOUNT OF \$255,480
EACH TO PURCHASE RECORDING SYSTEM, APPROVED

The Board was provided with an Agenda Submittal from the Assessor/Recorder's Office dated March 12, 2002, incorporated herein by reference, regarding the purchase of an automated image based recording system.

Responding to a questions posed by Chairman Carroll regarding a conflict of interest for Supervisor Thomson since he will take office as the Assessor/Recorder in January 2003, Assistant County Counsel Wendy Getty noted there is no conflict of interest since there is no

personal financial interest.

Clif Poole, Vacaville, voiced concern with creating any new computer system in the Assessor/Recorder's Office when the current Assessor/Recorder will be leaving office in January 2003, feels the decision should wait until the new Assessor/Recorder has been in office for a while, and that additional staff could address the work increase for the time being.

Chairman Carroll noted the time requirements when introducing a new computer system.

County Administrator Michael Johnson noted the department has been working for a number of years on this project, has done this through the RFP process, and feels this is the best system for the department.

Responding to questions posed by Supervisor Kromm regarding interfacing with other County computer systems, and the RFP process, Chief Information Officer Ken Phillips noted this system will interface with other County systems, functionality of the system is important and it does meet the departments current needs, and noted his support for this system. Mr. Phillips discussed the RFP process that was in place when he came to the County, noted the MIS Oversight Committee has reviewed and approves this choice, and Mr. Phillips noted the extensive work that has been done by the department. Simona MacAngus, Chief Deputy Assessor/Recorder, reviewed the extensive process the department went through over the past five years, the advantages of this system, an 80% increase in the number and size of documents, and the need for an updated automated system.

On motion of Supervisor Kondylis and seconded by Chairman Carroll, the Board acted to approve the agreement with Exigent Computer Group, Inc., to produce a comprehensive automated image based system for public records management, to authorize the County Administrator to sign the completed agreement, and to approve two appropriation transfers to facilitate the purchase. So ordered by a vote of 5-0.

(Item 23A) ORDINANCE REGARDING BIOSOLIDS ADOPTED ON FIRST READING;

SECOND READING SET FOR MARCH 26, 2002

Scheduled on the agenda for this day was consideration of a proposed ordinance, which would amend Solano County Code, Chapter 25 to revise, add requirements, and clarify language pertaining to land application of biosolids in the unincorporated areas of Solano County.

On motion of Supervisor Thomson and seconded by Supervisor Kromm, the Board directed that the proposed ordinance be read by title only. So ordered by a vote of 5-0.

Dennis Kalson, Program Manager for Environmental Health with the Department of Environmental Management, reviewed the information contained in the Agenda Submittal from his department dated March 12, 2002, incorporated herein by reference. Mr. Kalson reviewed a visual presentation, a hard copy is incorporated herein by reference, outlining the issues and the reason for changes in the ordinance relating to notification and determining on site wind speeds at the time of application. Many of the changes do coincide with State law regulation changes.

Responding to questions posed by Supervisor Thomson relative to the 25 MPH wind speed, and with newspaper notifications in Rio Vista, Mr. Kalson noted the primary mode of notification would be through the newspaper, but the River Herald News is only published on a weekly basis. The primary applicator will provide notification to the newspapers, and has no intent to apply biosolids within two miles of Rio Vista. The 25 MPH wind speed, proposed in the ordinance, is based on State law and backed by sound science. The main point in setting the 25 MPH limit is to control dust.

Chairman Carroll opened the public hearing.

David Marianno, Suisun, noted the County is accepting the "B" sludge that is produced in the Bay Area, and is concerned with what may be contained in those biosolids. Mr. Marianno noted concern with the wind, with animals grazing on land only thirty days after biosolids were spread, requested all biosolids be disked under, and encouraged the Board to continue to closely regulate this activity.

Dr. Mark Grey, Synagro West, Inc. (Synagro), feels the process to update the ordinance was good, discussed input at community forums regarding the odor issue in Rio Vista, the changes in the ordinance reflect the efforts to resolve the odor issue, and supports strong control along with controls through the Regional Water Quality Control Board level and the federal level. Dr. Grey feels that there are many misconceptions about the application of biosolids relative to the amount of regulation placed on it. Synagro will be implementing the new California General Order of regulations, and noted his availability to discuss the program. Class A and B biosolids are exclusively used in Solano County, and are closely monitored. Martin Emigh, Dixon, noted his support for the application of biosolids. Dave Hamilton, Rio Vista, noted reluctance of the addition of wind speed restrictions and feels it is not needed due to the creation of dust with many other farming activities. Mr. Hamilton noted random sampling and independent testing of the material coming into the County with comparable test results by the applicators, spreading of biosolids does help solve waste problems, and supports the use of biosolids. Responding to questions posed by Chairman Carroll relative to the issue of monitoring the wind speeds, and if there is a nitrous oxide component to air quality, Mr. Kalson noted Synagro will maintain wind speed measuring equipment on the biosolids site, County staff will randomly inspect and verify the wind speeds. Director of Environmental Management Birgitta Corsello noted the 25 MPH wind speed for particulate matter is based on regulations under the Air Pollution Control District. This area is under the Bay Area Air Pollution Control District, and noted the use of the restriction is a way to monitor and track pollutants within two miles of the city. Rio Vista may be the only area for potential conflict. Mr. Kalson noted the regulation is for dust control and only applies to the biosolid applications, not other farming activities. Duncan McCormack, Rio Vista, noted his complete satisfaction with the use of biosolids. Mr. McCormick discussed the benefits of the biosolids, feels it is ecologically

sound to apply the biosolids, that wind is not a factor in most of the remote areas where it would be applied, and supports the use of biosolids.

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

Supervisor Silva feels the farmer and the applicator need to use some common sense

when applying the biosolids relating to potential odor problems, and if there are a number of

violations the applicator's permit should be pulled, and does not see the benefit of measuring the

wind speed in remote areas, and noted opposition to permanent wind monitoring stations.

Mr. Kalson noted the wind speed measuring instruments that are to be used are hand held,

the applicator will have full responsibility in determining when winds are to high, and discussed

the County inspection and enforcement program.

Chairman Carroll suggested the word of "may" rather than "shall" for discretion, and the

use of common sense, Mr. Kalson noted his department would to continue to revisit this

ordinance, and noted the word "shall" pertains to the implementation of the wind speed control

when application is within two miles of a city center, and not beyond that.

Responding to questions posed by Supervisor Thomson regarding notification, and would

like to see notification through the newspaper, Ms. Corsello noted the intent to notify the city

manager and/or the mayor was a forewarning in case there were complaints.

Ms. Corsello

suggested adding into the notification requirements that the applicator publish notices in at least

two papers that serve that area. Supervisor Thomson also feels notification in two papers should

be added to the ordinance.

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to

adopted the proposed Ordinance with the addition of the requirement for the applicator publish

notices in at least two papers that serve that area, and to schedule the second reading for March

26, 2002. So ordered by a vote of 5-0.

(Item 23B) PRESENTATION OF THE OPEN SPACE IMPLEMENTATION

STRATEGY PROJECT AND DRAFT REPORT, RECEIVED

Director of Environmental Management Birgitta Corsello gave a brief background of the project, and introduction of the presentation.

David Schnee, lead consultant, reviewed a six part presentation outlining the draft document, introduction and background of the coalition, the benefits of open space, costs and funding of the strategy, management and the follow up steps that are being considered. Mr. Schnee reviewed slides 1 through 24 of the power point presentation, a printed copy is incorporated herein by reference.

Tina Stott, Land Planner for Stott Planning Associates, reviewed the overall land strategy, funding, and management of the lands. Ms. Stott reviewed slides 25 through 55 of the power point presentation.

Haila Fine, Godbe Research & Analysis, reviewed the information contained in a visual presentation, a printed copy is incorporated herein by reference, outlining the research objectives, the methodology, issues of importance, comparisons on support of assessment district a parcel tax or a sales tax, management of a district, and conclusions of the survey.

There was a brief discussion regarding the different types and benefits of governing boards.

Donna Harr, Fairfield, noted that agriculture will be impacted by this proposal, there is a need for input from the agriculture community before the plan goes forward, input is needed from the farmers regarding open space easements. Ms. Harr also noted there will be a devaluing of property with open space easements, the need to preserve agriculture in the County, and feels moving forward is premature.

Natalie Dumont, Greenbelt Alliance, expressed support for the creation of an independent elected countywide open space district with an independently elected board. Ms. Dumont gave a brief background on the Greenbelt Alliance, believes the open space district is the best form of organization for the open space entity, noted the funding benefits of an independent district, discussed the benefits of an elected board, and suggested speedy endorsement

of the plan.

Kenneth Browne, Chairman of Solano Group Sierra Club, noted the reasons why it is critical to form an open space district as soon as possible, how vital open space is, and urged the formation of an independent district with an independently elected governing board.

Bob Berman, Benicia, noted his involvement with open space for many years, the need for a countywide plan and agency for open space. There are needs for community separators, and space for regional recreational activities. This effort is not directed at the preservation of agricultural lands, which needs to be done separately. This effort is looking at willing sellers, and working with property owners, and is a cooperative effort between four agencies. There is an opportunity to create a countywide open space district with an independently elected board.

Responding to questions posed by Chairman Carroll regarding how Mr. Berman would envision an independently elected board, Mr. Berman feels the board would consist of 5 or 7 members, the County would be divided up into wards of equal population. The easiest way would be to utilize the Board of Supervisors District boundaries, and the elections would be determined with the person getting the highest vote. This would give equal representation for all residents. There may be a need for a broad based citizens advisory committee that would be somewhat like a planning commission, the advisory committee would provide advice to the elected board. It is important to have a single dedicated group. Chairman Carroll does not want to see such a board with eminent domain power, Mr. Berman feels it should be noted in the bylaws that this type of board would not have the power of eminent domain.

Pam Muick, Executive Director Solano Land Trust, noted her 25-year career and experience with natural resources, noted pride in working on this plan, and that this is a draft plan open for discussion. The Solano Land Trust unanimously approved a resolution, incorporated herein by reference, to support the Open Space Advisory Committees effort to move forward to create this entity, to encourage the Mayor's Conference and the

Solano Board of Supervisors to speedily endorse creation of an open space district through State legislation, and to support an independently elected board or a transition from an appointed board to an elected board in concurrence with the Mayor's Conference and the Board of Supervisors. Ms. Muick noted agricultural representation on the committee, technical advisory committee representatives, which the Farm Bureau had been invited to have a representative on the committee but they declined. The Solano Land Trust is bringing out a study for comment to look at an agricultural conservation easement plan for the County, which has had full representation by the farmers for this process.

Responding to questions posed by Supervisor Silva regarding who would be doing the presentations to the city councils, Ms. Muick noted typically a power point presentation would be done with a member of the Open Space Coalition, a consultant if funding allows, a project management person, and one other local person. Supervisor Kromm noted several presentations he had been with that were done mostly with volunteers. Supervisor Silva expressed concern relative to funding for the project.

Darla Guenzler, Associate Director of Bay Area Open Space Council, noted involvement of her group with the management team for the project. Ms. Guenzler gave a brief background and work that has been done by the Bay Area Open Space Council, and noted a letter of support for creation of an open space district and local funding. In the Bay Area only Napa and Solano Counties do not have such entities in place and noted advantages of such a district, she supports an independently elected board, would support a transitional board to and independent board, suggests including in the enabling legislation a provision that activities be consistent with local land use plans which can be useful to insure the districts activities are not confused with any real use of exercised land use authority. Ms. Guenzler commended the work that has been done and offered assistance in moving forward with the project.

Delores Johnson, Rockville, voiced concern with the loss of agricultural

lands. The ag community contributes greatly to County economics, and Ms. Johnson feels that current land use provisions in the County are sufficient to protect agriculture. The public has elected the Board of Supervisors to ensure the General Plan is followed and to ensure that all the zoning codes and ordinances are followed. Ms. Johnson suggested expanding the Parks Department instead of creating a new organization, noted opposition to the formation of an open space district and feels the Board of Supervisors should conduct the County business.

Clif Poole noted this issue has been ongoing for a number of years, the advisory committee had no authority, and the executive committee made all the decisions. Mr. Poole noted support for open space, feels the proper solution is to purchase the land from willing sellers, there is a devaluation of property when it is designated open space, discussed problems with long range plans with such a district and the property owners use of land that is in that plan, and feels there are many issues to be resolved and this is not ready to go on the ballot. Mr. Poole noted Proposition A has forced growth into the cities, and noted the potential for irreparable harm to cities in the County. Mr. Poole feels this is an assessment district with a proportionate benefit system, which poses problems.

Jeanne McCormack, Rio Vista, voiced concern with such little involvement of the farm leadership in the County in this project, the great number of impacts on neighboring ag lands with the purchase of land for recreational use and habitat. We do need recreational land and preservation of habitat to maintain the quality of live in the County, but we must ensure that agriculture is not hurt in doing so. Ms. McCormack suggested extreme caution be used when proceeding with this project. There are issues that need to be considered such as an independently elected board and the potential lack of representation for agriculture, a joint powers authority may be better, and encouraged some collaboration between the Open Space Advisory Committee, the Ag Advisory Committee, the Solano Land Trust Ag Easement

Committee and perhaps some Farm Bureau participation for input to not adversely impact agriculture.

Chairman Carroll discussed the advantages of the greenbelt area between Vacaville and Dixon, and the protection of agriculture in that area. As the County grows there will be expansion into ag lands and a plan such as this will extend the process as long as possible.

Supervisor Kromm noted the process started two years ago, intermittent participation from the farm community. There are concerns that surround land use issues in the County, and the difficulties in getting all the interested parties together. This report is specific to the protection of ag lands, but there are interests in community separators, habitat, and recreational areas. The only way for land protection for ag and for recreational purposes is to have a group that will go out and get the funds to accomplish both. It is important to move forward in light of development pressures in the County.

Supervisor Silva feels there is a need to make this work with consensus, and the cities need to agree. There are many considerations and opinions if there should be a separate board or how that board should be constructed. Supervisor Silva noted concern for the ag community, the need to be aware of all the various plans for the County, and suggested Alternative 3. Everyone needs to be in agreement before the County goes to the Legislature for assistance.

Supervisor Thomson noted the suggestion for additional meetings with representatives from the ag community.

Chairman Carroll voiced concern to ensure that Board is fully informed on what is taking place at these forums.

Supervisor Silva discussed actions taken by he and Supervisor Kromm, in separate action from the Board, to get a place holder bill number in case the issue came back to the Board.

Supervisor Kromm noted the need to work with our Legislative Analyst Paul Yoder to get a bill together for November. We would have to get concurrence from all the cities prior to that, and to determining what the timing is to get this through. Supervisor Kromm

expressed concern
with getting everything done to get the bill in.

The Board requested information from Legislative Advocate Paul Yoder regarding draft legislation to create a countywide open space district prior to making any decisions on the open space district. Item 23B is continued after input from Mr. Yoder.

(Item 18 B) LEGISLATION RE CREATION OF A COUNTYWIDE OPEN SPACE DISTRICT DISCUSSED

The Board was provided with an Agenda Submittal from the County Administrator's Office, dated March 12, 2002, incorporated herein by reference, regarding creation of an open space district. Responding to questions posed by Chairman Carroll regarding clarification of a place holder bill, Paul Yoder, Legislative Advocate of Shaw & Yoder, Inc., discussed how Solano County had gotten included in a bill just prior to the bill introduction deadline, a copy of the bill is incorporated herein by reference. Senator Chesboro felt it was a good idea to introduce a bill and only wants to move a bill that has local consensus, and Mr. Yoder noted there would be opportunities to amend the bill. The language in the bill is from legislative counsel, and the language did include language that Solano County would have an independently elected board for an open space district, but as soon as possible Senator Chesboro will amend that portion of the bill so it does not call for an independently elected board. Chairman Carroll noted his agreement with the amendment to allow further input before the governance is determined, and will support a district under those guidelines. Mr. Yoder emphatically noted there is not a single word in this bill that has to stay with this bill. This is a non-fiscal bill, and will have until May 8th to get out of the policy committee, but would like to have all changes in by the end of April. The second deadline, the bill has to be out of the Senate by May 31st. Mr. Yoder noted Senator Chesboro would entertain amendments to the legislation until the middle of April. Belle Orphilla, Field Representative for Senator Chesboro, reaffirmed that the bill the Senator has put forward is a placeholder, and is hopeful there will be

consensus to move the bill forward.

Supervisor Thomson voiced concern with supporting such a bill when there is not consensus. Supervisor Thomson is concerned with the type of governing board due and the types of powers it may have, with recreation areas being in close proximity to viable agricultural operations, and the need to be cognizant of how open space may effect agricultural operations. Meetings need to be setup with the ag community for their input. Responding to questions posed by Supervisor Silva regarding language changes to the legislation, Mr. Yoder noted legislative counsel would craft the final language in the bill.

ITEM 23B CONTINUED

Chairman Carroll and Supervisor Thomson noted the importance of getting input from the cities and the agricultural community before any final decisions are made.

Responding to comments by Supervisor Kromm regarding taking action now to support the plan, and the driving force for the mayors is the transportation fund measure for the November ballot. Supervisor Silva noted a meeting is scheduled with the mayors on March 20th for their input. Supervisor Kromm expressed concern with supporting a fund measure for transportation unless there is significant open space protection in place simultaneously.

There was a brief discussion on ways to move forward with this project, the makeup and options for governance of the board, the issue of eminent domain, and the need for further input.

Supervisor Kondylis suggested including language in the bill to have the public determine the governance of the district and to remove the powers of eminent domain if it is approved.

On motion of Supervisor Silva and seconded by Supervisor Thomson, the Board acted to adopt Alternate 3 to receive the draft document, to have the project management complete the public presentations and discussions to also meet with the agricultural community, to complete gathering of input and to return with recommendations for Board action. So ordered by a vote of

5-0.

SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS:
(Item 22) RURAL NORTH VACAVILLE WATER DISTRICT

Minutes regarding this matter are contained in the Rural North Vacaville Water District Minutes Book.

As said business was completed, the Board of Directors for the Rural North Vacaville Water District adjourned to continue the regular meeting of the Board of Supervisors.

(Item 21) PHASE ONE IMPLEMENTATION FOR THE MASTER SETTLEMENT AGREEMENT (MSA) STRATEGIC PLAN, APPROVED

RESOLUTION NO. 2002-044 AMENDING THE LIST OF NUMBERS AND OF POSITIONS (HEALTH AND SOCIAL SERVICES), ADOPTED

PROGRAM SPENDING PLAN AND APPROPRIATION TRANSFER IN THE AMOUNT OF \$600,000 FROM THE TOBACCO MSA FUND TO THE HEALTH AND SOCIAL SERVICE'S DEPARTMENT BUDGET, APPROVED

The Board was provided with an Agenda Submittal from the Department of Health and Social Services dated March 12, 2002, incorporated herein by reference, regarding the actions required to move forward with projects to be funding with the Master Settlement Agreement funding.

Responding to concerns voiced by Supervisor Kondylis regarding funding to ensure access to birth control for every woman in the County, Assistant Director of Health and Social Services Moira Sullivan noted birth control can be added under the strategy to increase access to primary care services and could be included in the RFP.

Responding to concerns voiced by Supervisor Silva regarding the issue of birth control not being included in the Agenda item, Supervisor Kondylis wanted to ensure that staff is aware this is an issue, and to ensure that we are not precluded from including it in the future.

Ms. Sullivan noted the action today would approve moving forward with the process, and actual contracts would be brought back to the Board for approval.

Chairman Carroll noted the issue of providing birth control will have to come back before the Board.

Marcia Joe Manley, Health and Social Services, noted the strategic plan for health access is to get people into services and to get them covered by insurance. There is funding available for family planning and all other primary care services. It is not likely that MSA funds will have to be used to address birth control.

Responding to questions posed by Supervisor Kromm regarding providing of health care, distribution of services in the County, Ms. Sullivan noted the funding is to enroll people into existing programs such as MediCal, and Healthy Families. This program will allow better outreach to the adult population as well as families that are not getting served. Ms. Sullivan

noted this program is to encourage participation in a program rather than utilizing the emergency room for services, this will be available throughout the County in particular areas that are under served such as Rio Vista where primary care services are limited. Responding to questions posed by Supervisor Silva regarding encouraging and supporting the school districts to hire more public health nurses in the schools, Ms. Sullivan noted nurses for the schools was not a primary strategy at this time. Chairman Carroll noted cut backs, that could include nurses, that are being discussed for the Vacaville School District and the potential for other school districts to follow, Ms. Sullivan noted the issue could be considered in the future.

Ms. Manley noted the MSA funds have been focused on areas where there are no funds available, there are other funds for at least an insurance enroller in the most needy schools in the County.

On motion of Supervisor Kromm and seconded by Supervisor Kondylis, the Board acted to approve Phase One Implementation for the Master Settlement Agreement (MSA) Strategic Plan, to adopt Resolution No. 2002-044 Amending the List of numbers and Classifications of Positions (Health and Social Services), and to approve the program spending plan and appropriation transfer in the amount of \$600,000 from the Tobacco MSA fund to the Health and

Social Service's Department budget. So ordered by a vote of 4-1, Supervisor Silva voted no

(Item 24) RANDOLPH C. THOMAS, M.D. APPOINTED TO THE SOLANO COUNTY CHILDREN AND FAMILIES COMMISSION

On motion of Supervisor Kondylis and seconded by Thomson, the Board acted to appoint Randolph C. Thomas, M.D. to the Solano County Children and Families Commission for a term to expire June 8, 2003. So ordered by a vote of 5-0.

ADJOURN - This meeting of the Board of Supervisors adjourned in memory of the observance of the victims of the 9-11 terrorist attack on the World Trade Center towers at 6:29 p.m.

William J. Carroll, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors