Minutes For December 2, 2003

The Solano County Board of Supervisors met in regular session on this day at 8:30 a.m. Chairman Kromm called the meeting to order. All members were present.

CLOSED SESSION: The Board moved into Closed Session at 8:31 a.m. to discuss Meet and Confer: Deputy Sheriff's Association, Units 3 & 4 with Craig Jory, Chief Negotiator; Meet and Confer: All Bargaining Units with Yolanda Irigon, Agency Negotiator; Potential Litigation: two (2) cases; Personnel: Public Employee Performance Evaluation − County Administrator and County Counsel matters. The Board moved out of Closed Session at 9:16 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:18 a.m. followed by the Pledge of Allegiance and a moment of silence.

PRESENTATIONS

(Item 7A) RESOLUTION NO. 2003-254 RECOGNIZING LENNY P. DAMASSA UPON HIS RETIREMENT FOR HIS MANY YEARS OF SERVICE TO SOLANO COUNTY, AND PLAQUE OF APPRECIATION, APPROVED

On motion of Chairman Kromm and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2003-254. The Board further acted to authorize a Plaque of Appreciation for Lenny P. DaMassa. So ordered by a vote of 5-0. (see Resolution Book)

On behalf of the Board, Chairman Kromm presented Resolution No. 2003-254 and a Plaque of Appreciation to Agricultural Commissioner Susan Cohen appearing on behalf of Mr. DaMassa who is retiring after 32 years of service to Solano County as an employee in the Agriculture Department.

Ms. Cohen commend Mr. DaMassa for the many successful projects that he has been instrumental in, and noted how much he will be missed.

(Item 7B) UPDATE OF THE SOLANO COUNTY ARTS COUNCIL

Maureen Mason-Muyco, President of the Solano County Arts Council, gave a brief update relative to the financial crisis of the council resulting in the suspension of all programs, reorganization of the council, rejuvenating of activities, development of a strategic plan, seeking another organization to administer the MAGIC Program, reinstating a membership drive, requested the Board appoint a representative from each district and to reinstate financial support.

There was a brief discussion regarding membership and the difficulties in trying to find volunteers to participate, program funding, and overall State and County budgetary problems.

(Item 7C) UPDATE OF THE VALLEJO/SOLANO COUNTY FILM OFFICE,

RECEIVED

Jim Reikowsky, Vallejo Convention & Visitors Bureau & Solano County Film Office, reviewed information contained in a memorandum, incorporated herein by reference, outlining a brief history of the office, the twenty film projects that used Solano County locations in 2002/2003 that included feature films, television projects, commercial and print ads. Areas used were in the City of Vallejo, Mare Island, Benicia, Fairfield, Vacaville, Rio Vista, and rural areas such as Montezuma Hills Road and Grizzly Island.

(Item 7D) PRESENTATION OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY GREEN POWER LEADERSHIP AWARDS

Assistant County Administrator Darby Hayes discussed the presentation of the Green Power Leadership award presented to Solano County November 4, 2003, which was one of only seventeen presented in the Country, and provided the Board with a booklet outlining the 2003 Green Power Leadership Awards.
Mr. Hayes recognized the work of John Griffin and Jason Campbell as project managers, Texaco/Chevron the design builder for the Co-Generation project and Power Light Corporation who provided the photovoltaic panels for the Health and Social Services building, and discussed what an honor this award is for the County. Mr. Hayes discussed striving for total green power energy use in County owned buildings.
There was a brief discussion regarding power generation from the cells on the new parking garage.

(Item 8) HIRING FREEZE

Supervisor Kondylis noted a memorandum from County Administrator Michael D. Johnson dated December 2, 2003, incorporated herein by reference, instituting a hiring freeze that will require County Administration approval prior to filling positions.

PUBLIC COMMENT ON CONSENT CALENDAR

(Item 16) Adoption of a resolution approving an agreement of Land Transfer and Fire Station Easement with the City of Fairfield for real property exchange at the Civic Center Library; authorize the Division of Architectural Services to solicit bids and negotiate a contract for parking lot improvements at the Civic Center Library; authorize the County Administrator to sign the contract amendment; authorize the Director of Library Services to sign any amendments to the agreement; approval to appropriate $120,000 from the Library's Contingency fund for parking lot improvement costs.

Donald Tipton, Vallejo, feels the benefits of this property trade will not benefit the entire County, and feels the City of Fairfield should pay for paving the parking lot.

There was a brief discussion regarding the increased need for parking and how this will benefit the Library patrons and staff.

APPROVAL OF AGENDA

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

(Item 3) Closed Session: Meet and Confer: All Bargaining Units with Yolanda Irigon, Agency Negotiator, amended agenda to add to the Calendar.

(Item 15) Adoption of a resolution calling a Special Election on a proposal to authorize a regional relief traffic plan under Streets and Highways Code Section 30921, also known as Regional Measure 2, and consolidating it with the March 2, 2004 Primary Election, second amended agenda to add "Consider directing County Counsel to prepare a resolution in support of Regional Measure 2" to this item.

(Item 16) Adoption of a resolution approving an agreement of Land Transfer and Fire Station Easement with the City of Fairfield for real property exchange at the Civic Center Library; authorize the Division of Architectural Services to solicit bids and negotiate a contract for parking lot improvements at the Civic Center Library; authorize the County Administrator to sign the contract amendment; authorize the Director of Library Services to sign any amendments to the agreement; approval to appropriate $120,000 from the Library's Contingency fund for parking lot improvement costs, amended to note a 4/5's vote is required.

So ordered by a vote of 5-0.

CONSENT CALENDAR

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

(Item 14) EXAMINATION OF THE BOOKS OF THE COUNTY TREASURY AS OF SEPTEMBER 29, 2003, as outlined in the Agenda Submittal from Auditor-Controller dated December 2, 2003, incorporated herein by reference, approved.

(Item 16) RESOLUTION NO. 2003-256 AUTHORIZING EXECUTION OF AN AGREEMENT OF LAND TRANSFER AND CONVEYANCE OF A FIRE STATION EASEMENT BETWEEN THE COUNTY AND THE CITY OF FAIRFIELD, adopted. (see Resolution Book)

DIVISION OF ARCHITECTURAL SERVICES TO SOLICIT BIDS AND NEGOTIATE A CONTRACT FOR PARKING LOT IMPROVEMENTS AT THE CIVIC

CENTER LIBRARY, as outlined in the Agenda Submittal from General Services dated December 2, 2003, incorporated herein by reference, approved and County Administrator authorized to sign said contract and Director of Library Services to sign any amendments to the agreement on behalf of Solano County.

APPROPRIATION TRANSFER IN THE AMOUNT OF $120,000 FROM THE LIBRARY'S CONTINGENCY FUND, as outlined in the Agenda Submittal from General Services dated December 2, 2003, incorporated herein by reference, approved.

(Item 17) RESOLUTION NO. 2003-257 AMENDING THE ALPHABETICAL LISTING OF CLASSES AND SALARIES (LIBRARY), adopted. (see Resolution Book)

RESOLUTION NO. 2003-258 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (LIBRARY), adopted. (see Resolution Book)

ORDERS

(Item 15) RESOLUTION NO. 2003-255 CALLING A SPECIAL ELECTION ON A PROPOSAL TO AUTHORIZE A REGIONAL RELIEF TRAFFIC PLAN PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 30921, ALSO KNOWN AS REGIONAL MEASURE 2, AND CONSOLIDATING IT WITH THE MARCH 2, 2004 PRIMARY ELECTION, ADOPTED

County Counsel Dennis Bunting briefly reviewed information contained in the Agenda Submittal from his department dated December 2, 2003, incorporated herein by reference, calling a special election for a proposal to authorize a regional traffic relief plan, known as Regional Measure 2, and consolidating it with the March 2, 2004 Primary Election.

Supervisor Silva commended the work of City of Suisun Mayor Jim Spering as the Solano County representative on the Metropolitan Transportation Commission (MTC) and Daryl Halls, Solano Transportation Authority, for getting Solano County projects included in the legislation.

Daryl Halls, Solano Transportation Authority, noted how much effort has gone into getting to this point, that this bill will add one dollar to the bridge toll but also provides for an expenditure plan for how that revenue will be spent. Mr. Halls reviewed a visual presentation titled "Regional Measure 2" dated December 2, 2003, incorporated here by reference, that outlined the Solano County Projects including the 1-80-680/SR 12 Interchange, the Vallejo Station, Solano County Express Bus Intermodal Facilities, Capitol Corridor Improvements, Regional Express Bus North for Richmond-San Rafael, Carquinez, Benicia-Martinez, and Antioch Bridge Corridors, and the Operating Programs Funded Annually by Metropolitan Transportation Commission (MTC).

Responding to questions posed by Supervisor Kondylis regarding the percentage of revenue that the County would receive; Mr. Halls noted this is a

thirty-year measure, the operating subsidies are guaranteed, and the County would receive about fourteen (14) percent of the revenue generated. The operating funds would begin right away, but the project building funds would start in a few years.

Supervisor Kondylis feels the I-80/680 project is a Federal project and voiced concern with using these funds from local taxpayers, with the lack of High Occupancy Vehicle (HOV) lanes in the County, and feels the resolution needs to include language to note the road widening projects that will be included in this measure.

Mr. Bunting noted this Regional Measure will require a majority vote approval by the voters for passage, and an analysis will be available as well as arguments for and against the measure with the ballot information.

Responding to questions posed by Supervisor Forney regarding the percentage of people using public transit, Mr. Halls noted the largest number of people commute in their cars, about 20% use ride share/van pools, 1% to 2% us transit, rail 1% and ferry less than 1%, and noted work being done to increase public transit use.

Supervisor Forney expressed concern with safety on public transit and feels this is another way of taxing people.

Supervisor Silva also voiced concern that Federal dollars are not coming to fix the I-80/680 corridor problem, noted the need to be a self help county to get Federal funding, support to put Regional Measure 2 on the ballot, and support for Board resolution supporting the measure.

There was a brief discussion regarding the spending plan in the measure, HOV and car pool lanes, users of the bridges paying for the improvements, dedication of funds outlined in the measure, problems with public transit, and if the measure passes the funds earmarked for the I-80/680 project will be the local match money allowing us to apply for Federal funding to do the project.

On motion of Supervisor Silva and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2003-255 Calling A Special Election on a Proposal to Authorize a Regional Relief Traffic Plan Pursuant to Streets and Highways Code Section 30921, also known as Regional Measure 2, and consolidating it with the March 2, 2004 Primary Election. So ordered by a vote of 5-0. (see Resolution Book)

On motion of Supervisor Silva and seconded by Chairman Kromm, the Board acted to direct County Counsel to prepare a resolution in support of Regional Measure 2, and to also list the projects that are included in the Measure. So ordered by a vote 4-1, Supervisor Kondylis voted no.

(Item 19A) STATUS REPORT ON LEGISLATION OF IMPORTANCE TO SOLANO COUNTY RECEIVED

SOLANO COUNTY 2004 LEGISLATIVE PLATFORM APPROVED

Paul Yoder, Legislative Analyst, Shaw & Yoder, reviewed the information contained in the Agenda Submittal from the County Administrator's Office dated December 2, 2003, incorporated herein by reference, that outlined

information on Proposition 56 the "Budget Accountability Act", recent activity in Sacramento that included discussion regarding the proposed $15 to $20 Billion Deficit Roll Over Bond, with a Spending Cap Initiative, the $15 Billion in interest for the $15 Billion Bond, possible consequences if the bond is not put on the ballot and approved, cuts for 2004/2005, backfilling of the 2003/2004 Vehicle License Fee (VLF), and that without legislative changes the VLF will reinstate in 2004/2005.

Chairman Kromm voiced concern that the bond proposal will only address problems for one year, and the proposed California State Association of Counties (CSAC) initiative for a guaranteed stream of revenue from the State, Mr. Yoder feels counties can no longer keep both the VLF and State subvention, and feels the timing is unfortunate for the proposed initiative by CSAC and discussed the frustrations on both sides regarding funding.

Supervisor Silva outlined some frustrations and feels a long term fix is needed.

Mr. Yoder discussed the 2004 Legislative Platform, and verbally added as a Level Two Priority to ensure the County receives the fair share of Child Care Funds.

Supervisor Kondylis suggested adding to the Level One priority a statement that reads "until or unless another form of funding can be found that would have more of a nexus between the fee and what it is spent for". Supervisor Kondylis noted one knows where the VLF funds are spent, the importance of childcare funding, businesses paying more in property taxes than homeowners, and questioned if the Board still wanted to support increasing the homeowners' exemption.

Kim Thomas, Children's Network, provided a request for items for issues to be added to the 2004 Legislative Platform dated December 2, 2003, incorporated herein by reference, requesting legislation that enhances services to children be moved up to the level two priorities, and to move the legislation up to improve the health of those who live and work in the County to the level two priorities.

Supervisor Silva supports moving up these priorities, but wants to ensure the County does not get penalized by the Federal government, and suggested the Children's Network to coordinate with the staff to ensure items are included when the platform is being developed.

There was a brief discussion regarding Universal Health Care not being feasible at this time due to the fiscal environment in the State, and In-Home Supportive Services funding.

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to adopt the 2004 Legislative Platform and to add the four items presented by the Children's Network. So ordered by a vote of 5-0.

(Item 19B) ORDINANCE REGARDING SOLANO COUNTY PUBLIC ART PROGRAM, EXHIBIT GUIDELINES AND POLICIES ADOPTED ON FIRST READING; SECOND READING SET FOR JANUARY 6, 2004

Scheduled on the agenda for this day was consideration of a proposed ordinance that would establish a public art program including exhibit guidelines

and policies to promote the arts in the County.

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

Assistant County Administrator Darby Hayes reviewed the information contained in the Agenda Submittal from his office dated December 2, 2003, incorporated herein by reference, regarding the County Public Art Program. Mr. Hayes noted recommendations to have the Art Committee weighted for final approval by County Staff for recommendations coming to the Board, and suggested not limiting the art to local artists only but to consider a wider view to allow for unforeseen opportunities for acquisition of art pieces.

Supervisor Vasquez feels it is important to have flexibility and latitude in choosing artists from outside the County.

Ann Cousineau, Library Director and Chair of the Art Committee, discussed meeting with the city managers from in the County to present the idea of the cities having an opportunity to provide a piece of artwork in the foyer area of the Board Chambers, and suggested the Chairman send a letter to the Mayors officially inviting the cities to participate in this art program.

Responding to questions posed by Supervisor Kondylis regarding spending the funding for the art in other places, the purchase of art for display in areas other than public areas, and plants or foliage in the building, Mr. Hayes noted the funds being used for the art in architecture is restricted funding that must be used for capitol improvements, and the art does include the features being built into the building including the inscriptions, the different colored concretes on the Public Plaza, and would like to spend $200,000 from the project fund contingencies for the three commissioned art pieces. As money becomes available suggestions will be taken from departments for pieces of art that could be displayed in their particular offices. Mr. Hayes discussed problems encountered in other buildings regarding having plants in the building, and the possibility of having a service for any plants. Supervisor Kondylis noted opposition to the purchase of art for non-public areas, and for a plant service. A short discussion followed regarding the benefits of plants in commercial buildings.

Chairman Kromm feels the ongoing 1 ½ % of project funding for art in buildings is a modest amount, noted the importance of investing in the quality of the building and design for future generations, and is consistent with the Board policy of investing in the future. Chairman Kromm noted support for purchasing art from Solano County artists, and feels that art should raise questions and reflect current times, and that art should stimulate and be meaningful.

Supervisor Silva feels there is a difference between public art and private art, supports the 1 ½% set aside for public art, supports art work from local artists, noted the responsibility of the art committee and the Board to determine what is acceptable, and feels there should be a representative from the Solano County Arts Council and one from the Solano Community College Arts group on the committee.

Supervisor Kondylis feels the commissioned art should be restricted to Solano

County artists, but other pieces that are purchased could be from anywhere as long as there is a nexus to the County, and voiced opposition to the 1½% capitol project funding allocation.
Maureen Mason-Muyco, President of the Solano County Arts Council, feels this Public Art Program is exciting, and welcomes the opportunity to be involved and to add another perspective to the process.
Mr. Hayes noted funding for the art would be coming from Capitol Projects, Public Facilities Fees, or from the proceeds of the bonds specific to that project, responding Supervisor Kondylis noted that there will be some project bond money used and a portion of those bonds are repaid with General Fund money that could be used for other things.
Supervisor Vasquez feels we need to fund the Arts Program to provide for future generations, and that art is important to everyone.
Ms. Cousineau briefly discussed only using artists that live or work in the County for the commissioned art, the goal to get the best art for the building, and possible leeway to go outside the County boundaries if necessary.
Supervisor Silva feels that all best efforts should be made to use local artists, if there are difficulties the committee should then come back to the Board for further consideration.
On motion of Supervisor Silva and seconded by Supervisor Vasquez, the Board acted to approve funding in the amount of 1½% of construction costs at the time of the initial construction contract award be appropriated for art unless otherwise waived by the Board. So ordered by a vote of 4-1, Supervisor Kondylis voted no.
On motion of Supervisor Silva and seconded by Supervisor Vasquez, the Board acted to adopt the Solano County Public Art Program, Exhibit Guidelines and Policies, to adopt the proposed Ordinance, and to invite City participation in the art program in the pre-function area of the new County Administration Center. So ordered by a vote of 4-1, Supervisor Kondylis voted no. (see Ordinance Book)
On motion of Chairman Kromm and seconded by Supervisor Silva, the Board acted to direct that the commissioned art for the County Administration Center be by artists that live or work in Solano County. So ordered by a vote of 5-0.

APPOINTMENTS TO BOARDS AND COMMISSIONS

(Item 20) PAM KEITH REAPPOINTED TO THE SOLANO COUNTY CIVIL SERVICE COMMISSION

Donald Tipton, Vallejo, noted that this Agenda Submittal did not include information on what the commission does, or information if the person is qualified for the position, and feels that information should be included on all appointments.
On motion of Supervisor Silva and seconded by Supervisor Kondylis, the Board acted to reappoint Pam Keith to the Solano County Civil Service Commission for a term to expire January 1, 2008. So ordered by a vote of 5-0.

CLOSED SESSION - The Board moved into Closed Session at 11:45 p.m. to continue discussion on Personnel matters. The Board moved out of Closed Session at 12:55 p.m.

ADJOURN - This meeting of the Board of Supervisors adjourned at 12:55 p.m.

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Duane Kromm, Chairman

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Maggie Jimenez
Clerk to the Board of Supervisors