

Minutes For Jan 27, 2004

The Solano County Board of Supervisors met in regular session on this day at 8:30 a.m. Chairman Silva called the meeting to order. Present were Supervisors Kondylis, Kromm, Vasquez, and Chairman Silva. Supervisor Forney arrived at 8:31 a.m.

CLOSED SESSION: The Board moved into Closed Session at 8:31 a.m. to discuss Litigation: Boler vs. Solano County; Meet and Confer: SEIU, Local 1280; Jim Ferguson, Chief Negotiator. The Board moved out of Closed Session at 8:58 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:00 a.m. with the Pledge of Allegiance and a moment of silence.

PRESENTATIONS

(Item 7A) PROCLAMATION HONORING JEANNE WIRKA, PUTAH CREEK COORDINATOR, FOR HER SUCCESSFUL EFFORTS TO RESTORE THE RIPARIAN HABITAT OF THE PUTAH CREEK NATURE PARK, APPROVED

On motion of Supervisor Vasquez and seconded by Supervisor Kondylis, the Board acted to approve the above referenced proclamation. So ordered by a vote of 5-0.

On behalf of the Board, Supervisor Vasquez presented the proclamation to Jeanne Wirka, who briefly spoke about the restoration program and the groups and volunteers that have been instrumental in accomplishing this project.

(Item 7B) RESOLUTION NO. 2004-014 RECOGNIZING MARVIN BROOKNER UPON HIS RETIREMENT FOR HIS MANY YEARS OF SERVICE TO SOLANO COUNTY, AND PLAQUE OF APPRECIATION, APPROVED

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to adopt Resolution No. 2004-014. The Board further acted to authorize a Plaque of Appreciation for Marvin Brookner. So ordered by a vote of 5-0. (see Resolution Book)

The Plaque and Resolution No. 2004-014 were forwarded to Mr. Brookner who was unable to attend.

ITEMS FROM THE FLOOR

APPEARANCE BY DONALD TIPTON RE BOARD PROTOCOL

Donald Tipton, Vallejo, expressed concern regarding Board protocol, not conducting the salute to the flag until after Closed Session, with holding Closed Session at the beginning of the meeting causing a delay in the beginning of open session, and with refreshments being provided to the Board.

APPEARANCE BY DOUGLAS MACDONALD, COMMUNITY LABOR ALLIANCE, REQUESTING AN INDEPENDENT INVESTIGATION FOR SECURITY CHECKS OF THE DIEBOLD TOUCHSCREEN VOTING SYSTEM

Douglas MacDonald, Community Labor Alliance, voiced concerns regarding the Diebold Touchscreen Voting System, with comments by Diebold CEO Wally O'Dell, and requested the Board agendized discussion for an independent investigation of the security checks and vulnerabilities of the TSx and Gems Box voting system, as outlined in a letter dated January 26, 2004, incorporated herein by reference.

APPEARANCE BY ROBERT LANDO REPRESENTING THE MUZZY LAND COMPANY RE SFPP PIPELINE EASEMENT

Robert Lando, attorney representing Muzzy Land Company with principles Billy Yarbrough and Frank Andrews, discussed the danger of burying the pipeline at a depth of only 4 feet, the possibility

of fracture and damage, and feels the pipeline should be placed in the road right-of-way and not on private property. (Mr. Lando noted he would not be available for the public hearing at 2:00 p.m.)

PUBLIC COMMENT ON CONSENT CALENDAR

(Item 19) Approve five month extensions for all current Substance Abuse & Crime Prevention Act of 2000 (Prop 36) contracts; approve monetary increases to contractor's maximum compensation not to exceed \$425,000 in aggregate; approve an appropriation increase of \$584,000 to cover projected expenditures (4/5 vote required); authorize the County Administrator to execute any contract amendments

Responding to brief questions posed by Supervisor Kondylis regarding the measure and evaluation of outcomes for these provides, John McCormick Program Manager Probation Department, discussed the work done by the Health and Social Services Assessment Team to gather statistics and to evaluate these programs, and discussed the different services each of the programs offer to the clients.

INTRODUCTION OF CARRIE KEEFE, DEPUTY COUNTY COUNSEL

County Counsel Dennis Bunting introduced Carrie Keefe, Deputy County Counsel, as the newest member of his office and briefly outlined her professional background.

(Item 14) Adoption of a resolution opposing adjustments in auto insurance rates proposed by the State's Insurance Commissioner

Donald Tipton, Vallejo, voiced concern that there is no copy of legislation with the item, the Cities of Benicia and Vallejo and the unincorporated area of the County are not mentioned in the resolution, and feels that there should be an open discussion on this matter.

(Item 15) Second reading for adoption of an ordinance adding Article 1 of Chapter 5 of the Solano County Code establishing the Solano County Public Art Committee and Program

Donald Tipton, Vallejo, voiced concern with the use of funds for art, feels the money should stay in the General fund, and noted the need to ensure adequate funding for the overall maintenance of the new buildings and grounds.

(Item 17) Approve an increase of \$20 to the poll inspectors' stipend effective March 2, 2004

Donald Tipton, Vallejo, feels the pay for poll inspectors and workers and should be higher.

(Item 20B) Authorize the Transportation Director to advertise for bids for the construction of various improvement projects and to award and execute contracts with the lowest responsible bidders

Donald Tipton, Vallejo, voiced concern that there are no projects in the Home Acres area.

Responding to the questions and concerns by Mr. Tipton, Chairman Silva outlined a letter received from Assemblywoman Lois Wolk alerting the County to the concerns of the insurance rate change, that hearings on the matter are only being heard in the high-risk areas, and the intent of the resolution is to encourage hearings in all areas of the proposed changes. Supervisor Kromm noted a number of the cities will be bringing similar resolutions forward, and discussed the importance of conducting hearings all over the State.

Chairman Silva discussed the importance of art in public places, that the funds would come from Capitol Project Funds not from the County General Fund, and discussed the increased pay for people working at the polls.

APPROVAL OF AGENDA

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

(Item 32) Review the Environmental Impact Report, Mutual Agreement and Marsh Development Permit on the Concord to Sacramento Petroleum Product Pipeline Project; conduct a noticed/published hearing to consider adoption of a Resolution of Intent granting a Public Utility Pipeline Franchise to SFPP, L.P.; first reading of an ordinance granting Franchise to SFPP, L.P. for a pipeline to transport refined petroleum products in the unincorporated area of Solano County as provided in Section 28-50(1)(6) of the Solano County Zoning Code (waive reading of the ordinance by majority vote); approve an agreement with SFPP, L.P. regarding additional terms related to the granting of a pipeline franchise to SFPP, L.P., removed from the Agenda.

(Item 30) Reappointment of Cynthia Ogden to the Solano County Civil Service Commission, moved to the Consent Calendar.

So ordered by a vote of 5-0.

CONSENT CALENDAR

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

(Item 14) RESOLUTION NO. 2004-015 OPPOSING THE ADJUSTMENTS IN AUTO INSURANCE RATES PROPOSED BY THE STATE'S INSURANCE COMMISSIONER, adopted. (see Resolution Book)

(Item 15) ORDINANCE NO. 1639 ADDING ARTICLE 1 OF CHAPTER 5 OF THE SOLANO COUNTY CODE, ESTABLISHING THE SOLANO COUNTY PUBLIC ART COMMITTEE AND PROGRAM, adopted. (see Ordinance Book)

(Item 16A) FISH & WILDLIFE PROPAGATION FUND GRANTS AWARDED TO CALIFORNIA DEPARTMENT OF FISH & GAME, LAKE SOLANO PARK, SOLANO COUNTY WILDLIFE COMMITTEE, SUISUN RESOURCE CONSERVATION DISTRICT, AND SUISUN MARSH NATURAL HISTORY ASSOCIATION, as outlined in the Agenda Submittal from General Services/Parks Division dated January 27, 2004, incorporated herein by reference, approved.

APPROPRIATION TRANSFER IN THE AMOUNT OF \$2,500 IN GRANT FUNDS INTO THE PARKS & RECREATION BUDGET FOR EDUCATIONAL PROGRAMS AT LAKE SOLANO PARK, as outlined in the Agenda Submittal from General Services/Parks Division dated January 27, 2004, incorporated herein by reference, approved.

(Item 16B) LEASE AGREEMENT AMENDMENT FOR HEALTH AND SOCIAL SERVICES OFFICE SPACE AT 233 DOBBINS STREET, VACAVILLE, as outlined in the Agenda Submittal from General Services dated January 27, 2004, incorporated herein by reference, approved, and Chairman authorized to sign said amendment on behalf of Solano County.

(Item 16C) SUPPLEMENTAL AGREEMENT NO. 3 TO LEASE NO. DACWOR-1-75-721 WITH THE U.S. ARMY RE LAND USE AT SANDY BEACH PARK, as outlined in the Agenda Submittal from General Services dated January 27, 2004, incorporated herein by reference, approved, and Chairman authorized to sign said amendment on behalf of Solano County.

(Item 16D) LEASE AGREEMENT FOR OFFICE SPACE AT 3737 SONOMA BOULEVARD, VALLEJO FOR HEALTH & SOCIAL SERVICES, as outlined in the Agenda Submittal from General Services dated January 27, 2004, incorporated herein by reference, approved, and Chairman authorized to sign said amendment on behalf of Solano County.

(Item 16E) LEASE AGREEMENT FOR OFFICE SPACE AT 201 GEORGIA STREET, VALLEJO FOR HEALTH & SOCIAL SERVICES, as outlined in the Agenda Submittal from General Services dated January 27, 2004, incorporated herein by reference, approved, and Chairman authorized to sign said amendment on behalf of Solano County.

(Item 17) INCREASE IN POLL INSPECTORS' STIPEND, as outlined in the Agenda Submittal from the Registrar of Voters dated January 27, 2004, incorporated herein by reference, approved.

(Item 18) COUNTY TREASURER'S QUARTERLY REPORT FOR THE PERIOD OF OCTOBER 1, 2003 THROUGH DECEMBER 31, 2003, as outlined in the Agenda Submittal from the Treasurer-Tax Collector-County Clerk dated January 27, 2004, incorporated herein by reference, approved.

(Item 19) FIVE MONTH EXTENSIONS WITH PROPOSITION 36 SERVICE PROVIDERS A.K. BEAN, ARCHWAY RECOVERY, BI-BETT-SOUTHERN COUNCIL, BI-BETT-DIABLO VALLEY RANCH, BI-BETT-OZANAM CENTER, BI-BETT-RECOVERY CONNECTION, BI-BETT-SHAMIA HOUSE, CA HISPANIC COMMISSION, CORNERSTONE RECOVERY SYSTEMS, EAGLE RECOVERY PROGRAMS, GENESIS HOUSE, G.R.A.C.E., HEALTHY PARTNERSHIPS-FAIRFIELD, HEALTHY PARTNERSHIPS-VACAVILLE, HOUSE OF ACTS-RESIDENTIAL, HOUSE OF ACTS-OUT PATIENT, J. COLE RECOVERY, PHARMATOX, PROJECT HOPE PHOENIX PROGRAMS, SISTERS, AND YOUTH AND FAMILY SERVICES, as outlined in the Agenda Submittal from Probation dated January 27, 2004, incorporated herein by reference, approved, and Chairman authorized to sign said extensions and County Administrator authorized to execute any additional contract amendments and budgetary matters related to the original contracts.

APPROPRIATION TRANSFER IN THE AMOUNT OF \$584,000, as outlined in the Agenda Submittal from Probation dated January 27, 2004, incorporated herein by reference, approved.

(Item 20A) RESOLUTION NO. 2004-016 ACCEPTING LAND FOR ROAD PURPOSES FROM FRANK CUNHA AND ROBIN R. RHODES-CUNHA, AUTHORIZING ITS RECORDATION IN ACCORDANCE WITH CHAPTER 26 OF THE SOLANO COUNTY CODE (POPLAR ROAD, VACAVILLE AREA), adopted. (see Resolution Book)

(Item 20B) AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS RE CONSTRUCTION OF VARIOUS IMPROVEMENT PROJECTS, as outlined in the Agenda Submittal from the Department of Transportation dated January 27, 2004, incorporated herein by reference, approved and Transportation Director authorized to award and execute contracts with the lowest responsible bidders.

(Item 20C) NOTICE OF COMPLETION FOR FLANNERY ROAD BRIDGE AND MCCORMACK ROAD BRIDGE COMPLETED BY SONOMA ENGINEERING, INC., as outlined in the Agenda Submittal from the Department of Transportation dated January 27, 2004, incorporated herein by reference, approved.

(Item 21) 5-YEAR AGREEMENT WITH ANNUAL ONE-YEAR EXTENSIONS WITH THE SOLANO COUNTY FAIR ASSOCIATION RE MANAGEMENT AND OPERATION OF THE SOLANO COUNTY FAIRGROUNDS, as outlined in the Agenda Submittal from the Solano County Fair Association dated January 27, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

(Item 30) CYNTHIA OGDEN REAPPOINTED TO THE SOLANO COUNTY CIVIL SERVICE COMMISSION, as outlined in the Agenda Submittal dated January 27, 2004, incorporated herein by reference, for a term to expire January 1, 2008, approved.

ORDERS

(Item 26) PRESENTATION ON THE REUSE OF THE OLD COUNTY LIBRARY BUILDING FOR A MUSEUM FROM THE SOLANO COUNTY HISTORICAL SOCIETY, RECEIVED

SOLANO COURTHOUSE FEASIBILITY STUDY FINAL REPORT, ACCEPTED

STATUS REPORT ON ADAPTIVE REUSE OF VACATED SPACE IN THE DOWNTOWN FAIRFIELD CAMPUS DUE TO THE MOVE INTO THE COUNTY ADMINISTRATION CENTER, RECEIVED

The Board was provided with an Agenda Submittal from General Services dated January 27, 2004, incorporated herein by reference, regarding a presentation on the reuse of the Old County Library, an inventory of Museum and Historic Society programs in the County, a Solano Courthouse Feasibility Study Final Report, and an inventory of the buildings that will be vacated when the new County Administration Center is completed.

Director of General Services Veronica Ferguson and Tony Norris from General Services gave a brief introduction of the Historical Society presentation.

Maggie Halls, Vice President Solano County Historical Society, provided the Board with a number of letters from the Fairfield-Suisun Unified School District, the Solano County Historical Society, and from Fern L. Henry supporting the reuse of the Old County Library as a museum, incorporated herein by reference. Ms. Halls briefly introduced the proposal of the project components that will bridge the gap from the past to the future.

The following speakers reviewed portions of a visual presentation, incorporated herein by reference. Nancy Dingler, Historian for the Daily Republic, outlined a brief history of the building of the Old County Library Building; Richard Brann, Former District 5 Solano County Supervisor, discussed the need to keep history and the need to establish a centrally located museum to store and display historical documents and memorabilia; Diji Christian, Past Librarian, Vallejo Museum, discussed the possibility of a inter museum loan system modeled after the inter-library loan system, and the opportunities available; Fern Henry, Historic Author, noted shared history connects our communities, the essential need to research our history and urged automation of more early County records that will help preserve our historic records; Sabine Goerke-Shrode presented the Solano County Heritage Museum Mission Statement, and presented the possible layout and use of the building; Lisa LaFarga-Stevens, Solano County Historical Society, outlined the fundraising enterprises, how fundraising is being tied to proposed programs at the museum, and the positive collaborative work on fundraising with other museums; Ron Hurlbut, Historical Society, outlined the fundraising results from the New Years Eve Gala, noted the basic framework for their business plan, and the need for basic information for the building to incorporate the costs into the operating cost projections for the museum; Bob All, Vacaville Heritage Council, discussed the benefits of a static permanent exhibit with changing displays from other County museums, and the benefits to the public and school children with an historical resource center; Jerry Bowen on behalf of Lynn Green President Dixon Historical Society, expressed support to all the study and education about the beginnings of our local history; Barbara Van Putten, Solano County Genealogical Society and Retired GATE Teacher, noted the educational importance of the cutting edge opportunities this museum would offer, and preservation of local artifacts; Jesse Branch, President of the Solano College Athletic Boosters, encouraged development of the museum to provide a place for military personnel, for teachers and staff to learn more about the history of the County; Dr. Jim Stevenson, Solano County Historic Records Commission, noted the County memory that resides in the Archives, discussed the artifacts and papers in the County Archives, and the need for preservation of these items; Ray Johnson, Suisun Art Dealer and Member of Historical Society, discussed the effort of the many dedicated people developing the vision, mission, goals, objectives, and activities for the museum, and the contribution of the diversified people of the County; James Antis, Historical Society, discussed the potential power of technology and how it would be incorporated in the museum; Kathy Link, Technology Teacher at Fairfield High, noted support for the project by the Fairfield-Suisun School District, discussed the importance of the education link for grant funding, school programs covering local history used in the gala, and discussed how Captain Waterman influenced this area; Mackenzie Bishop, 4th grade GATE Program student, presented a visual program she had done on the City of Cement (Cement Hill), copy incorporated herein by reference, and discussed how and where she got her information; Eva La Mar, GATE Teacher for FSUSD, discussed development of technology programs to bring local history alive, described a project done on Rush Ranch, and discussed the benefits the museum would offer; Pam Spering, Solano Community College Theater, noted support of the theater community to bring local history alive.

Maggie Halls submitted a California County Museum Survey on what other counties are doing, incorporated herein by reference, followed up the presentation noting the importance of teaching our children about the history of this community, and requested Board support.

Mr. Norris discussed the many considerations that must be made for the buildings that will be vacated, and discussed the survey of the demographics of historical organizations in the County, incorporated in the Agenda Submittal, that will provide additional background information.

Supervisor Vasquez discussed the survey as a way to get a better understanding of what historical resources we do have, what artifacts we have, and to begin a cooperative effort to find any gaps in our historical information, and ways to preserve and save the history of Solano County.

Supervisor Kromm noted that most museums in the County are there because a building became available, these groups have been alert to opportunities and have taken advantage of them, and noted the monumental tasks that lay ahead if the Historical Society does get the building. Supervisor Kromm commended the large number of people from all over the County that have been involved in this presentation that had a well-focused message.

Chairman Silva emphasized the importance of making this a collaborative effort to make this work and to have all the resources needed.

SOLANO COURTHOUSE FEASIBILITY STUDY

Kanon Artiche, County Architect, briefly outlined the information relative to the Solano Courthouse Feasibility Study, highlighting the two options for adaptive reuse. The court option would use this facility for Civil Courthouse with courtrooms and administrative support functions. The County option examined a gallery meeting space with a collection housed in the basement, gallery on the first floor, and meeting center on the second floor. The County option would require a seismic upgrade, the Court option would not require these upgrades since the original use is comparable to how the building is currently being used. The cost difference is tied to the change in use.

There was a short discussion relative to the seismic soundness and engineering of the Old County Courthouse building, the structural stability of the building, and other requirements if the building use is modified.

A short discussion followed regarding if seismic upgrades and retrofitting would be required for transfer of County Court buildings prior to transfer to the State, the State minimum criteria for accepting buildings, and the option of leasing buildings and transferring buildings "in use" to the State rather than turning them over to the State.

Mr. Artiche noted the request for the Board to receive the report, and that it is staff's intent regarding the discussions of court facilities that the issue of retrofitting be included, the State has prepared a Facilities Master Plan for local court buildings that includes this building as a Civil Courthouse.

Responding to questions posed by Supervisor Kromm on the recommended option, Mr. Artiche noted there have been a number of uses discussed at an informal level, use by the Courts has been the most studied, further consideration is needed for a full compliment of County needs prior to considering other interested parties.

Supervisor Kromm discussed visiting the Riverside Courthouse building restoration, responding to these comments Mr. Artiche noted this building is not on the historic registry, but is eligible. With future projects the building could be treated sensitively to maintain the historical aspects, as was done at the Riverside Courthouse.

ADAPTIVE REUSE PLAN

John Griffin, Facilities Operations General Services, noted review of all buildings that will be vacated when the new County Administrative Center is occupied. Several buildings will be vacated, there is interest being expressed as seen today, and by the City of Fairfield in the Hall of Records and Courthouse Annex buildings. Staff has reviewed and inspected the buildings and is considering further County use of them. An outreach program will be done with other local agencies, non-profit organizations, and adjacent property owners for and interest for use.

Presiding Judge Peter Foor, Solano County Superior Court County of Solano, noted the courts are very interested and excited in having the Old County Courthouse being restored to the original purpose and how that would well serve the citizens of the community. Judge Foor discussed other possibilities of working cooperatively for the reuse of this building, and asked the Board to accept the Solano Courthouse Feasibility Study.

Supervisor Kondylis agrees with accepting the Solano Courthouse Feasibility Study, and feels it is appropriate for this building to revert back to a court facility, and stated that it is the preference of the Board for that alternative as long as the County does not have to come up with \$5 million for seismic retrofit.

Chairman Silva expressed concern with maintenance of this building when it is vacated and prior to further occupancy, and feels a preservation plan needs to be in place.

On motion of Supervisor Kondylis and seconded by Supervisor Forney, the Board acted to receive the presentation by the Solano County Historical Society, to receive the inventory of the Museum and Historical Society programs and responsibilities, to accept the Solano Courthouse Feasibility Study Final Report, to direct staff to continue with the Adaptive Reuse Planning efforts, and to express the Boards endorsement of returning the use of the Old County Courthouse to a court facility. So ordered by a vote of 5-0.

(Item 23) BOARD OF SUPERVISOR APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS FOR 2004

The Board was provided with an Agenda Submittal dated January 27, 2004, incorporated herein by reference, outlining the Board of Supervisors appointments to various Boards and Commissions.

Donald Tipton, Vallejo, expressed concern regarding representation to the Vallejo Sanitation and Flood Control District (VSFCD), and would like a person living in the district and the

unincorporated area, such as the Homeacres area, to be appointed as the representative and/or alternate to this committee.

Chairman Silva noted agreement with Supervisor Forney to sit as the delegate along with Supervisor Vasquez on the Fouts Springs Youth Facility Board of Directors; after a short discussion Chairman Silva noted he would continue to sit on the Sheriff's Remote Access Network Board; agreement for Supervisor Kromm to be the delegate and Supervisor Forney to be the alternate to the Partnership Healthplan of California Board, and to delete committees previously noted.

On motion of Supervisor Kromm and seconded by Supervisor Kondylis, the Board acted to approve the 2004 appointments of the Board of Supervisors' to various Boards and Commissions with the changes noted above. So ordered by a vote of 5-0.

(Item 25A) COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT, MANAGEMENT LETTER, SINGLE AUDIT REPORTS AND REPORT ON AGREED UPON PROCEDURES FOR THE FISCAL YEAR ENDED JUNE 30, 2003, RECEIVED

Assistant Auditor-Controller Simona Padilla-Scholtens reviewed the information provided in the Agenda Submittal from her office dated January 27, 2004, incorporated herein by reference, regarding the County audit reports for fiscal year ended June 30, 2003.

Supervisor Kondylis requested comparisons been done relative to the discretionary money that is spent in each reporting category to give the Board a better idea of where the funds are being spent in relation to the priorities of the Board, what is included in the category of Health and Sanitation, and to break down the funding in the category of Health and Sanitation, Ms. Padilla-Scholtens noted that added comparisons could be done in the Management Discussion and Analysis, the category of Health and Sanitation includes environmental activities, restaurant health inspections, as well as the health clinics.

Ms. Padilla-Scholtens noted new reporting standards, GASB Statement No. 34, which the Statements of Activities is presented in a more traditional accounting format and also included is the standard format of the County uses in conjunction with the Budget Process.

Supervisor Kromm noted historical trends on page 136 that does not include the General Fund contribution by function, and suggested adding a page in the statistical section of the General Fund contribution to begin building the historical data. Supervisor Kromm noted the benefit of beginning at the Auditor's Statement, then to the footnotes. The Management discussion and analysis does a good job in explaining what is going on and is very readable.

Ms. Padilla-Scholtens noted from the Auditor's perspective shows the dedication, commitment, and cooperation from the department heads and the County Administrator to work together as a team to produce this report. There were two prior year findings listed in the single Audit Report that are being addressed, and Ms. Padilla-Scholtens discussed the Certificate of Achievement from the Government Finance Officers Association received for the 2002 audit and feels this report should also garner such an award.

Supervisor Kondylis pointed out the General Government spending has quadrupled since 1994, Public Protection as well as most categories have doubled, public assistance and Health and Social Services have not gone up at all. This appears that we have been concentrating on General Government and Capital Outlay.

Supervisor Kondylis discussed underestimation of revenue by \$13.8 million and expenditures accounting for less than estimated by \$15.2 million creating a \$28 million gap, and questioned how much is discretionary, if the \$4.4 million deficit for Health and Social Services was addressed, responding Ms. Padilla-Scholtens noted the debt at June 30, 2003 carried over into the 2003/04 budget and further explained how the process works.

Stephan Betz, Health and Social Services, noted \$1.7 million of the deficit was from revenues that were not received for major health services expended, the remainder was money earned but not received, but will be received in the 2003/04 Budget year.

Supervisor Forney expressed concern with the \$28 million gap and the \$10 million loss of Vehicle License Fee (VLF) money, County Administrator Michael Johnson noted the differences essentially flowed to fund balance to finance the 2003/04 budget, and explained the sources of that money. Supervisor Kondylis expressed concern with such a large fund balance of \$28 million, responding Assistant County Administrator - Budget Quang Ho addressed the revenue increase as listed on page 76, discussed the measures taken earlier in budgeting anticipated cuts in the VLF, and discussed factors accounting for the reduction in expenditures.

Chairman Silva noted direction to budget conservatively, careful spending and the resulting positive financial outlook for Solano County verses many counties that are now financially strapped due to problems and shortcomings from the State Budget.

Supervisor Kromm feels the new format is easier to read and understand, it can be used as a management tool, and commended the Auditor's Office on the work they have done.

On motion of Supervisor Kromm and seconded by Supervisor Forney, the Board acted to accept the Solano County Comprehensive Annual Report, Management Letter, Single Audit Reports and Report on Agreed upon Procedures. So ordered by a vote of 5-0.

(Item 25B) STATUS REPORT OF FIXED ASSET ITEMS AS OF JUNE 30, 2003, RECEIVED

Assistant Auditor-Controller Simona Padilla-Scholtens reviewed the information contained in the Agenda Submittal from her office dated January 27, 2004, incorporated herein by reference, regarding the status of the County fixed assets, and commended the departments for the many improvements over previous years.

On motion of Supervisor Kromm and seconded by Supervisor Kondylis, the Board acted to accept the Fixed Asset Report. So ordered by a vote of 5-0.

(Item 24) FY 2003/04 MIDYEAR FINANCIAL REPORT AND RECOMMENDATIONS, APPROVED

RESOLUTION NO. 2004-017 AMENDING THE ALPHABETICAL LISTING OF CLASSES AND SALARIES (IT FINANCE & ADMIN MANAGER [#10]), ADOPTED

RESOLUTION NO. 2004-018 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (IT FINANCE & ADMIN MANAGER [#11A]), ADOPTED

RESOLUTION NO. 2004-019 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (HUMAN RESOURCES [#11B]), ADOPTED

RESOLUTION NO. 2004-020 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (COUNTY ADMINISTRATOR'S OFFICE [#11C]), ADOPTED

RESOLUTION NO. 2004-021 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (LIBRARY [#11D]), ADOPTED

RESOLUTION NO. 2004-022 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (FOUTS SPRINGS [#12]), ADOPTED

County Administrator Michael Johnson reviewed the information contained in the Agenda Submittal from his department dated January 27, 2004 incorporated herein by reference, outlining a review of the status of the FY 2003/04 budget, commended the departments and staff with a budget that is in the black, noted a projected fund balance of \$7.6 million, significant uncertainty that is still looming with VLF, and outlined recommendations in the report.

A discussion followed regarding funding from the VLF that the County has not received, and the further uncertainties on what the State will do regarding VLF, Educational Revenue Augmentation Fund (ERAF), and realignment funding that is used in Health and Social Services.

Mr. Johnson also noted the significance of Recommendation 12 relating to actions listed to address the severe budget difficulties at Fouts Springs Youth Facility.

Responding to questions posed by Chairman Silva regarding the process, responding John Taylor, County Administrator's Office, outlined negotiations with SEIU and Human Resources to deal with layoffs, and keeping some gender specific positions to enable Fouts to maintain the girls program. There have been changes to the report, recommendations are now to lay off 13 ½ positions from A Group Counselors to ½ cooks position. The positions would be laid off based on seniority in their class, and seeking waiver from the Civil Service Commission on the prohibition of retaining the extra-help as agreed to by SEIU to help maintain the girls program.

Chairman Silva noted discussions with JPA partners that have not been fully utilizing the space at Fouts, responding Mr. Taylor noted Placer County has acknowledged a change in the program and are now sending only 5 of the proposed 15 wards to Fouts Springs. This cut has accounted for over \$320,000 loss in revenue to the program, Placer County is now contemplating if it will continue in the JPA.

Responding to questions posed by Supervisor Kondylis regarding the bed cost at Fouts, Mr. Taylor noted the preferred member rate is \$2,700 per month, for other counties it ranges from \$2,800 to \$3,000 per bed.

Supervisor Kondylis noted the many aspects contributing to this problem and feels more discussion

is needed regarding the implications of the actions that are being recommended regarding Fouts. Responding to questions posed by Supervisor Kromm regarding the educational aspect at Fouts Springs, Mr. Taylor noted the Colusa County Superintendent of Schools provides the educational services, and that the Superintendent is aware of the issues at Fouts. A short discussion followed regarding the severe effects with the potential loss of Taniff funding, placement responsibilities of youth, and scaling back the program.

Supervisor Forney expressed concern with waiting so long to take action, responding Mr. Taylor discussed the California Youth Authority cuts, actions that have been taken over the last two years to reduce costs, and a reduction in program placements being tied to State budget problems.

Supervisor Vasquez noted the cooperation of the unions to help maintain the girls program at Fouts, and discussed how important the girls program is.

There was a brief discussion regarding the addition and deletion of positions as listed in Item 11.

Mr. Johnson noted the County is running in the Black, \$7.6 million is currently projected for fund balance, and complimented the department heads for the hard work they have done.

Responding to questions posed by Supervisor Kondylis regarding when adjustments will begin in relation to the projected State budget shortfalls for 2004/05, and commented on making changes now for a status quo budget and to backfill where necessary, Mr. Johnson noted the County is taking action now and discussed the actions noted in this report and other actions that will be taken now and at third quarter in relation to the proposed State budget.

Assistant County Administrator - Budget Quang Ho discussed returning to the Board with analysis of the Third Quarter in March, the effects of salary increases on the budget, future years of reductions due to the State budget, preparation for budget for 2004/05, and the looming \$15 Billion bond issue that will be going to the voters.

Supervisor Kondylis discussed recommendations of opposition to the \$15 Billion Bond measure since it does nothing to fix the structural dysfunction of State financing.

Art Grubel, Executive Director SEIU Local 1280, discussed Fouts Springs Youth Facility, the creative actions the union is taking to keep this facility functioning, the need for a concentrated attention with all stakeholders present to look at the alternatives to keep this program viable before the problems get worse. Mr. Grubel questioned how Placer County can be a partner without any financial accountability.

Supervisor Vasquez noted discussions at the Fouts Board of Directors about how to deal with the problems there, feels minimums should be set on the participation in the JPA of Fouts.

Supervisor Kondylis suggested convening a summit with all the stakeholders to look at the entire issue, Mr. Johnson noted that staffing level will be sufficient to meet an increases of up to 25% and feels referrals will be reduced next year due to the budget crisis, concerns regarding seniority have been addressed to protect the girls program, and feels a summit would be beneficial.

Mr. Taylor discussed a history of the Joint Powers Agreement (JPA) for Fouts, and the advantages and limitations of the contract.

Mr. Johnson noted he would be meeting with the CAO from Placer County and would discuss the Fouts JPA, and would report back to the Board at the February 3, 2004 meeting.

Responding to questions posed by Supervisor Forney regarding a Management Audit, Mr. Taylor noted the intention to complete a Management Audit.

Supervisor Kromm discussed the drastic effects the Taniff funding cuts will have on Fouts, problems with a \$15 Billion Bond issue, and problems with the State that is affecting the counties.

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve the FY 2003/04 Midyear Financial Report, the actions as outlined in the recommendations of the report, and staffing change Resolutions No. 2004-017 through 2004-022. So ordered by a vote of 5-0.

On motion of Supervisor Vasquez and seconded by Supervisor Kondylis that a summit including all stakeholders would be convened regarding Fouts Springs Youth Facility. So ordered by a vote of 5-0.

(Item 29) RESOLUTION NO. 2004-023 ESTABLISHING AGRICULTURAL PRESERVE NO. 1336 AND APPROVING LAND CONSERVATION CONTRACT NO. 1223 OF EDWARD AND ERLINDA TITUS AND AUTHORIZING ITS EXECUTION BY THE CHAIRPERSON AND DIRECTING THAT IT BE RECORDED, ADOPTED

The Board was provided with an Agenda Submittal from the Department of Environmental Management dated January 27, 2004, incorporated herein by reference, describing the establishment of the Agricultural Preserve Application No.1336, and Land Conservation Contract No. 1233.

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

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2004-023 to establish Agricultural Preserve No. 1336 of Edward and Erlinda Titus and to adopt the mandatory findings, and approve Agricultural Preserve Contract No.1336. So ordered by a vote of 5-0.

(Item 31) RESOLUTION NO. 2004-23A APPROVING MARSH DEVELOPMENT PERMIT APPLICATION NO. MD-03-02 AND MUTUAL AGREEMENT NO. 26 OF KINDER MORGAN, ADOPTED

Matt Walsh, Department of Environmental Management, reviewed the information contained in the Agenda Submittal from his office dated January 27, 2004, incorporated herein by reference, regarding appeals to the Planning Commission's decision approving Marsh Development Permit Application No. MD-03-02 and Mutual Agreement No. 26 of Kinder Morgan that would allow installation and operation of a 20" diameter petroleum pipeline through the Secondary Management Area of the Suisun Marsh and other portions of the County. Mr. Walsh noted the lead agency on this project is the State Lands Commission that certified the EIR, and that Solano County is defined as a responsible agency.

There was a short discussion regarding permitting through BCDC that must still be done, and with existing pipeline going through the primary marsh.

Chairman Silva noted an earlier appearance by Robert Lando, attorney representing the Muzzy Land Company, who voiced concern with the danger of burying the pipeline at a depth of only 4 feet, the possibility of fracture and damage, and feels the pipeline should be placed in the road right-of-way and not on private property. Responding Mr. Walsh noted the Muzzy Land Company is not an appellant, and did not appear at the Planning Commission.

County Counsel Dennis Bunting noted the Muzzy Land Company has no standing for an appeal, but SFPP will have to acquire a right-of-way through this property and the property owner can still say no.

Richard Norris, representing Mr. And Mrs. Mark Hall, noted a tentative agreement with Kinder Morgan and requested the Marsh Permit be issued; but that it be conditioned on delivery of a written agreement between the owner and Kinder Morgan regarding the pipeline configuration and related issues. Mr. Norris wants to reserve the points noticed to the Board pending final agreement.

Dave Cornman, Director of Project Permitting for Kinder Morgan, noted a conceptual agreement with the Halls, will be looking at several alternatives to go across the Hall property, and will work diligently and in good faith to resolve the matter as quickly as possible.

Chairman Silva questioned Mr. Norris regarding withdrawal of the appeal based on this agreement, Mr. Norris requested the Board add the condition that no construction permits are issued until a final agreement has been reached, but wants to reserve their appellant rights if the agreement is not worked out.

Deputy County Counsel Jim Laughlin advised against adding any conditions that gives a private party veto power over the Board action. The matter can be continued, or the appeal could be denied and let the parties work this out. The appellant can still appeal to BCDC.

Discussions followed regarding the permit process through BCDC, alternatives for conditions, and to deny the appeal and let Kinder Morgan negotiate with the property owner.

Mr. Norris outlined the three alternatives being considered by the Halls, and further discussion followed regarding decommissioning the use of the 14-inch pipeline that will never be used again to transport petroleum products when the 20-inch pipeline is constructed, and with inspection and oversight responsibilities during construction of the pipeline.

Chairman Silva opened the public hearing.

Rush Dally, Chairman Elmira Residents Association, wants to ensure the pipeline running through Elmira would no longer be used to transport any toxic materials, transport of other things such as fiber optics is fine, recommended Kinder Morgan be asked to cleanup the right-of-way on the Sacramento Northern Railroad when the pipeline is installed, and discussed monitoring of the pipelines and detecting spills.

John Andres, Operating Engineers Local 3 and Building Trades, noted the many workers in the County, construction will be done under a Project Labor Agreement (PLA), discussed the high quality of pipe that will be used, the benefits this project will have for the County and the workers that live here, safety factor with the pipeline, and hopes the project moves forward.

Ivano Paoli, representing his father William Paoli, noted their property is used some for farming and some for grazing, noted cooperation with Kinder Morgan to locate the pipeline in a field that is grazed, hopes any agreement with the Halls will not affect the agreement they have with Kinder

Morgan, and wants to ensure they can come back to the Board for further discussion if necessary. There was a brief discussion regarding the 3 options presented by Mr. Norris, and that any changes to the Paoli agreement would have to be renegotiated with Mr. Paoli. Chairman Silva consented to a closed-door meeting between Kinder Morgan and Mr. Norris representing the Halls to come to agreement. The remainder of the item was heard later in the meeting.

(Item 33A) RESOLUTION NO. 2004-024 APPROVING MINOR SUBDIVISION APPLICATION NO. MS-03-10 OF JAMES AND COLLEEN TENBRINK AND CHARLENE AND GENE TENBRINK, ADOPTED

The Board was provided with an Agenda Submittal from Environmental Management dated January 27, 2004, incorporated herein by reference, regarding the proposal to subdivide a 181-acre parcel into 4 parcels.

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

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2004-024 Approving Minor Subdivision Application No. MS-03-10 of James and Colleen Tenbrink and Charlene and Gene Tenbrink, to adopt the Mitigated Negative Declaration of Environmental Impact, and to adopt the suggested findings and approve the Tentative Subdivision Map MS-03-10. So ordered by a vote of 5-0.

(Item 33B) RESOLUTION NO. 2004-025 APPROVING MINOR SUBDIVISION MS-02-18 ROSS AND KIM RASMUSSEN, ADOPTED

The Board was provided with an Agenda Submittal from the Department of Environmental Management dated January 27, 2004, incorporated herein by reference, regarding a Minor Subdivision Application No. MS-02-18 of Ross Rasmussen to subdivide a 160-acre parcel into 2 parcels.

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

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to adopt Resolution No. 2004-025 Approving Minor Subdivision MS-02-18 Ross and Kim Rasmussen, to adopt the Mitigated Negative Declaration of Environmental Impact, and to adopt the suggested findings and approve the Tentative Subdivision Map. So ordered by a vote of 5-0.

(Item 33C) FIVE-YEAR NOTIFICATION TO BUSINESSES PROVIDING SOLID WASTE, RECYCLABLES, AND GREEN WASTE COLLECTION, RECYCLING, PROCESSING, AND DISPOSAL SERVICES IN UNINCORPORATED SOLANO COUNTY RE INTENT TO INITIATE A COMPETITIVE BID PROCESS IN 2008, APPROVED

Narcisa Untal, Department of Environmental Management, reviewed the information contained in an Agenda Submittal from her department dated January 27, 2004, incorporated herein by reference, regarding notifying providers of the intent to do a competitive bid process in 2008 for the solid waste collection and recycling services to residents of the unincorporated area of the County. Supervisor Kromm feels this action will result in an improvement in service and price for the residents in the unincorporated area.

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve the notification be given. So ordered by a vote of 5-0.

(Item 31) APPEAL OF MARSH DEVELOPMENT PERMIT APPLICATION NO. MD-03-02 CONTINUED FROM EARLIER IN THE MEETING

Upon closure of the closed door meeting of Mr. Norris and the people from Kinder Morgan the Board continued hearing the matter of the appeal of the Planning Commission's approval of Marsh Development Permit Application No. MD-03-02.

Mr. Norris reported that the parties did not come to an agreement, and outlined the appeal as noted in the letter dated January 27, 2004, incorporated herein by reference, from Mr. Norris emphasizing that the Cordelia Mitigation Segment is feasible and that there are other feasible alternatives.

Deputy County Council Jim Laughlin noted the first to act on this application was the State

Lands Commission, and is the lead agency for California Environmental Quality Act (CEQA) purposes, the County is acting as the responsible agency following up the Lands Commissions' actions. The State Lands Commission has approved a water crossing based on the EIR, one being north of the Hall Property. This project spans many properties and as it does the path must connect from one property to the other, the County has to approve a route that will connect into the location where State Lands has approved the pipeline across Cordelia Slough. That route goes across the Hall property, and the Cordelia Mitigation Segment may not meet up with the route approved by State Lands Commission across the slough.

Supervisor Kondylis noted the Halls can say no, and feels it is more environmentally safe to get the pipeline out of the primary marsh area, responding Mr. Laughlin noted an agreement could still be worked out, and noted the County is limited to what it can approve.

Supervisor Forney expressed concern with a strategy change by Mr. Harris when an agreement was not reached, responding appellant Mark Hall recognizes the benefit of the new pipeline, noted the process began 2 years ago, discussed plans for use of his property as a mitigation bank that would create new wetlands in the secondary marsh. Mr. Hall had informed Kinder Morgan that a pipeline across his property must be deep enough to allow re-grading of the site and Kinder Morgan acquisition people agreed to work with that in mind, later that agreement was not adhered to. Mr. Hall feels that the pipeline could go in the public right-of-way along the railroad tracks along with other utilities; this would keep the pipeline out of the marsh. Mr. Hall noted the Green Valley Fault that runs through his property, voiced concern with the pipeline being in close proximity to the fault if there is an earthquake, and noted proposed alternatives presented to Kinder Morgan to resolve the issue.

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2004-23A Approving Marsh Development Permit Application No. MD-03-02 and Mutual Agreement No. 26 of Kinder Morgan. So ordered by a vote of 4-1; Chairman Silva voted no.**

**NOTE: At the Board of Supervisors Meeting February 3, 2004, Chairman Silva requested to change his vote on this matter to reflect a 5-0 vote by the Board

SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS

(Item 27) IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

Minutes regarding this matter are contained in the In-Home Supportive Services Public Authority Minutes Book.

(Item 28) THE SOLANO COUNTY CHILD WELFARE SYSTEM REDESIGN STAKEHOLDERS REPORT, RECEIVED

Laura Fowler, Child Welfare Services Deputy Director Health and Social Services reviewed the information contained in the Agenda Submittal from her department dated January 27, 2004, incorporated herein by reference, regarding the Solano County Child Welfare System Redesign Stakeholders Report, and the submission of a grant application for a Family-to-Family Program in Child Welfare Services. Ms. Fowler outlined steps taken by the County in formulation of a local redesign plan, possible services that can be provided without additional resources, discussed the Family to Family Program for children that is community based, and the interrelated programs and actions that are going on in the County.

Responding to questions posed by Supervisor Kromm regarding outcomes, Ms. Fowler discussed implementation of AB 636 that is the Child Welfare Services Outcome and Accountability Program that will provide clear outcome data on how Solano County is doing and improving as a child welfare service.

Supervisor Kondylis feels if these children can get immediate attention they have a better chance of having a happy healthy productive life.

On motion of Supervisor Forney and seconded by Vice-Chairwoman Kondylis, the Board acted to accept the report and to approve submission of a grant application to the Annie E. Casey foundation. So ordered by a vote of 4-0; Chairman Silva excused.

ADJOURN - This meeting of the Board of Supervisors adjourned at 4:56 p.m.

JOHN F. SILVA, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors