

Minutes For July 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 Forney, Kromm, Vasquez and Chairman Silva. Supervisor Kondylis arrived at 8:45 a.m.

CLOSED SESSION: The Board moved into Closed Session at 8:31 a.m. to discuss Meet and Confer: All Bargaining Units with Jim Ferguson, Steve Janice and Craig Jory, Chief Negotiators. The Board moved out of Closed Session at 9:13 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:17 a.m.

PRESENTATIONS

7. PLAQUE OF APPRECIATION FOR JERRY BILECKY, CENTRAL SERVICES MANAGER, APPROVED

On motion of Supervisor Forney and seconded by Supervisor Kromm, the Board acted to approve the Plaque of Appreciation for presentation to Jerry Bilecky, Central Services Manager for over 12 years of service. So ordered by a vote of 5-0.

Due to a family emergency Mr. Bilecky was unable to be present.

ITEMS FROM THE FLOOR

APPEARANCES BY SPARKY BRAGER AND BENJAMIN AGUILERA RE PROGRAM CUTS AT THE CONSUMER HELP CENTER

Sparky Brager, Vallejo, noted the help he has received and how important the Consumer Self Help Center in Vallejo is. Mr. Brager voiced concern with program cuts resulting in the closure of the center on Saturdays and the elimination of hot lunches.

Benjamin Aguilera, Vallejo, noted he is homeless, the need for services, and voiced concern with cuts to the mental health program at the Consumer Self Help Center where he receives help.

APPEARANCE BY PHILLIP GREEN RE BLUE RIDGE ROAD

Phillip Green, Fairfield, noted ownership of property on Blue Ridge Road, discussed the history of County Road 390, Blue Ridge Road, since 1887, and the cessation of road maintenance from station 266 through 316. Mr. Green requested gravel road maintenance of existing Solano County Road 390 from public easement 266 through 282 that extends $\frac{3}{4}$ of a mile in length, but would welcome a 1 $\frac{1}{2}$ mile gravel road extending to easement 316 to benefit all property owners on that road. Mr. Green noted receipt of a letter from Environmental Management acknowledging the eligibility to apply for building permits for five (5) parcels, and has issued certificates of compliance on the legally created parcels. Mr. Green requested the Board approve and record a resolution approving gravel road maintenance of Public Road Petition 390 from station 266 to 282, and recoding of the 1887 road petition 390 the viewers report and survey.

LEANNE MARTINSEN APPREARED RE NAPA/SOLANO AREA AGENCY ON AGING

Leanne Martinsen, Director Area Agency on Aging, discussed statistics on the rapidly growing number of seniors, outlined services provided by the agency to help keep seniors in their homes, cash flow problems due to the delay in approval of the State budget, and requested the Board help inform the State that the budget delay is unacceptable.

APPEARANCES BY DONALD TIPTON AND GEORGE GUYNN, JR. RE VARIOUS ISSUES

Donald Tipton, Vallejo, requested answers to questions that were presented during Budget Hearings relative to why figures were changing, and discussed a recent article in the Contra Costa Times regarding the positive response given by Solano County departments to Public Records Act information requests.

George Guinn, Jr., Suisun City, expressed concern regarding the possibility of Solano County getting into extreme debt due to enhanced employee retirement benefits, and feels employee contracts

should be renegotiated.

PUBLIC COMMENT ON CONSENT CALENDAR

25. Approve three-year contract with two one-year options for renewal with The Library Corporation for CARL. Solution, an integrated library system, for one-time cost of \$373,249 and ongoing annual costs not to exceed \$290,000 per year for total cost of \$1,178,996.

Donald Tipton, Vallejo, voiced concern with using the same vendor for such a long time, feels an RFP should be done, and questioned what a blind request for information is, and about escalating costs.

Responding to concerns voiced by Mr. Tipton, Library Director Ann Cousineau noted this system is used by the Library Partners, including Napa City and County, Benicia Public, Dixon Public, St. Helena Public, and the two colleges. Solano County pays approximately 54% of the system costs, the partners pay 46%. The CARL software has been used since 1992; each year money is put into a reserve fund to pay for upgrades. In 1992 the CARL System was the only system available that could handle this consortium. In 2002 it was determined a new mainframe was needed, and a blind RFP was issued to determine what kind of system vendors could provide for a specific amount of money. Four vendors responded, the software of each is very similar, but to purchase a system from another vendor the cost would have been \$600,000 and the cost for the CARL System is \$373,000. The ongoing costs would be similar for any vendor, there would have been additional training costs for a new system, and outlined other costs and elements that affected the decision to stay with the CARL System. The decision was made by all the partners along with staff input, and based on all the information the decision was made to stay with TLC – CARL System.

Supervisor Kromm discussed the long-term business relationship that is developed with a system software vendor, and supports the agreement with this vendor.

APPROVAL OF AGENDA

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

18. Adopt resolution amending Alphabetical Listing of Classes and Salaries to add new classification of Principal Personnel Analyst with approximate top salary of \$78,624 per year; adopt resolution amending Allocation List to add 2.0 FTE Principal Personnel Analysts and delete 2.0 FTE Personnel Analysts, removed from the Consent Calendar.

21A. Adopt resolution amending Alphabetical Listing of Classes and Salaries to add new classification of Identification and Records Service Manager with approximate annual salary of \$55,116-\$66,996; adopt resolution amending Allocation List to delete 1.0 FTE Clerical Operations Manager and add 1.0 FTE Identification and Records Services Manager, removed from the Consent Calendar.

21C. Approve contract between Office of Emergency Services and independent contractor Eugene Dick in the amount of \$56,411 for the period August 1, 2004 to June 30, 2005 to coordinate activities of Solano County Hazardous Materials Response Team, removed from the Consent Calendar.

24B. Authorize Director of Resources Management to negotiate and execute agreement with Vallejo Sanitation and Flood Control District at a maximum cost to County of \$856,560 for drainage improvements in Homeacres area, removed from the Consent Calendar.

29A. First reading of an ordinance amending Chapter 22 of the Solano County Code relating to the Purchasing Agent and consider revision and replacement of the Purchasing Policy Manual with the Purchasing and Contracting Policy Manual, an update to the proposed Article III, Section 22-30 to increase the value of property to be disposed of from \$500 to \$1,500.

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.

13. MINUTES OF THE BOARD OF SUPERVISORS MEETING OF JUNE 22, 2004, BUDGET HEARINGS JUNE 28, 2004, RURAL NORTH VACAVILLE WATER DISTRICT JUNE 22, 2004, as outlined in the Agenda Submittal from the Clerk of the Board dated July 27, 2004, incorporated herein by reference, approved.

14. RESOLUTION NO. 2004-133 IN HONOR OF BILL THURSTON FOR HIS MANY YEARS OF COMMUNITY SERVICE, adopted. (see Resolution Book)

15A. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH SADLON & ASSOCIATES, as outlined in the Agenda Submittal from First 5 Solano Children and Families Commission dated July 27, 2004, incorporated herein by reference, approved and Chairman authorized to sign said amendment on behalf of Solano County.

15B. ACCEPT LOGO IMPLEMENTATION GRANT AND DIVERSITY IMPLEMENTATION GRANT FROM NATIONAL COURT APPOINTED SPECIAL ADVOCATES ASSOCIATION (NCASAA), as outlined in the Agenda Submittal from Office of Family Violence Prevention dated July 27, 2004, incorporated herein by reference, approved and Chairman authorized to sign said amendment on behalf of Solano County.

APPROPRIATION TRANSFER RECOGNIZING GRANT FUNDS IN THE AMOUNT OF \$10,000 AND \$1,500 FROM NATIONAL CASA ASSOCIATION, as outlined in the Agenda Submittal from Office of Family Violence Prevention dated July 27, 2004, incorporated herein by reference, approved.

16. RESOLUTION NO. 2004-134 APPROVING THE TRANSFER OF UNCLAIMED PROCEEDS FROM THE SALE OF APN 0075-132-140, APN 0075-064-150, APN 0074-072-420 AND APN 0074-051-350 INTO THE COUNTY'S GENERAL FUND, adopted. (see Resolution Book)

17A. AMENDMENT TO LEASE AGREEMENT WITH 1745 PARTNERS RE WAREHOUSE SPACE AT 1745 ENTERPRISE DRIVE, FAIRFIELD, as outlined in the Agenda Submittal from General Services dated July 27, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County, and County Administrator authorized to sign any future options, amendments, or extensions.

17B. AGREEMENT WITH RGW CONSTRUCTION INC. RE NUT TREE AIRPORT REALIGNMENT; as outlined in the Agenda Submittal from General Services dated July 27, 2004, incorporated herein by reference, approved and Director of General Services authorized to accept State matching funds and execute grant agreement on behalf of Solano County.

RESOLUTION NO. 2004-135 AUTHORIZING THE ACCEPTANCE OF AN ALLOCATION OF FUNDS AND EXECUTION OF A GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR AN AIP MATCHING GRANT, adopted. (see Resolution Book)

19A. RESOLUTION NO. 2004-138 AUTHORIZING THE APPLICABILITY OF CHAPTER 2 OF PART 10 OF DIVISION 1 OF TITLE 1 OF THE CALIFORNIA EDUCATION CODE RELATING TO SCHOOL FACILITIES IMPROVEMENT DISTRICTS (RIVER DELTA UNIFIED SCHOOL DISTRICT), adopted. (see Resolution Book)

19B. SOLANO COUNTY TREASURER'S REPORT FOR THE PERIOD OF APRIL 1, 2004 THROUGH JUNE 30, 2004, as outlined in the Agenda Submittal from Treasurer-Tax Collector-County Clerk dated July 27, 2004, incorporated herein by reference, approved.

20. AMENDMENT TO CONTRACT WITH SOLANO FAMILY AND CHILDREN'S SERVICES RE CHILDCARE SERVICES, as outlined in the Agenda Submittal from Health and Social Services dated

July 27, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

21B. ORDINANCE NO. 1648 ADDING ARTICLE V TO CHAPTER 19 OF THE SOLANO COUNTY CODE, RELATING TO CAMPING OR SQUATTING WITHIN THE UNINCORPORATED AREA OF SOLANO COUNTY, adopted. (see Ordinance Book)

22. RESOLUTION NO. 2004-141 AUTHORIZING THE DISTRICT ATTORNEY TO SUBMIT A GRANT PROPOSAL TO THE CALIFORNIA DEPARTMENT OF INSURANCE FOR A PROGRAM FOR INVESTIGATION AND PROSECUTION OF WORKERS' COMPENSATION INSURANCE FRAUD, adopted. (see Resolution Book)

23. AGREEMENT WITH ATTORNEY'S DIVERSIFIED SERVICES RE SERVICE OF COURT DOCUMENTS, as outlined in the Agenda Submittal from Department of Child Support Services dated July 27, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

24A. RESOLUTION NO. 2004-142 CERTIFYING THE MAINTAINED MILEAGE OF COUNTY ROADS AS OF DECEMBER 31, 2003, adopted. (see Resolution Book)

24C. FINAL MAP FOR SUBDIVISION S-00-01, PHASE 3 (POOLE), as outlined in the Agenda Submittal from Resources Management dated July 27, 2004, incorporated herein by reference, approved.)

25. THREE-YEAR CONTRACT WITH TWO ONE-YEAR OPTIONS WITH THE LIBRARY CORPORATION FOR CARL. SOLUTION, as outlined in the Agenda Submittal from Library dated July 27, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

26. RESOLUTION NO. 2004-143 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (Agriculture-Limited Term), adopted. (see Resolution Book)

ORDERS

18. RESOLUTION NO. 2004-136 AMENDING THE ALPHABETICAL LISTING OF CLASSES AND SALARIES (HUMAN RESOURCES), ADOPTED

RESOLUTION NO. 2004-137 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (HUMAN RESOURCES), ADOPTED

The Board was provided with an Agenda Submittal from Human Resources dated July 27, 2004, incorporated herein by reference, regarding adding the new classification of Principal Personnel Analysts.

Supervisor Kondylis noted not supporting this action when there is a hiring freeze and many programs are being cut.

Responding to questions posed by Supervisor Kromm regarding reorganization of Human Resources, Director of Human Resources Yolanda Irigon noted she no longer has an assistant, that the department would be divided into two divisions with each division being supervised by one of the Principal Personnel Analysts.

On motion of Supervisor Kromm and seconded by Supervisor Forney, the Board acted to adopt Resolutions No. 2004-136 and Resolution No. 2004-137. So ordered by a vote of 4-1, Supervisor Kondylis voted no. (see Resolution Book)

21A. RESOLUTION NO. 2004-139 AMENDING THE ALPHABETICAL LISTING OF CLASSES AND SALARIES (SHERIFF), ADOPTED

RESOLUTION NO. 2004-140 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (SHERIFF), ADOPTED

The Board was provided with an Agenda Submittal from the Sheriff's Office and Human Resources, incorporated herein by reference, regarding adding the position of Identification and Records

Services Manager and reorganization of the administrative staffing in the Sheriff's Office.

Supervisor Kondylis noted not supporting this action when there is a hiring freeze, many programs are being cut, and the bad economic times.

Sheriff Gary Stanton noted the proposal would delete one Clerical Operations Manager that manages one bureau, the new manager would be supervising three bureaus, and this will provide a more efficient way to run the organization.

Responding to questions posed by Supervisor Kromm regarding budgeting, County Administrator Michael Johnson noted any additional costs for these staffing changes will be absorbed by the department.

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to adopt Resolutions No. 2004-139 and Resolution No. 2004-140 So ordered by a vote of 4-1; Supervisor Kondylis voted no. (see Resolution Book)

21C. AGREEMENT WITH EUGENE DICK RE COORDINATION OF SOLANO COUNTY HAZARDOUS MATERIALS SHERIFF/CORONER RESPONSE TEAM ACTIVITIES, APPROVED

The Board was provided with an Agenda Submittal from Sheriff/Office of Emergency Services dated July 27, 2004, incorporated herein by reference, regarding coordination of the formation, training and exercise activities for the Solano County Hazardous Materials Response Team.

Supervisor Kondylis suggested the Office of Emergency Services coordinate with Resources Management to release an annual report on the hazardous spills in the County, responding to these comments Robert Powell, Office of Emergency Services, noted hazardous spills will be one of the focuses of this position, and further discussed the makeup and responsibilities of the response team.

On motion of Supervisor Kondylis and seconded by Supervisor Forney, the Board acted to approve the agreement with Eugene M. Dick. So ordered by a vote of 5-0.

24B. AGREEMENT WITH VALLEJO SANITATION AND FLOOD CONTROL DISTRICT TO BE NEGOTIATED RE DRAINAGE IMPROVEMENTS IN HOMEACRES AREA, APPROVED

The Board was provided with an Agenda Submittal from Resources Management dated July 27, 2004, incorporated herein by reference, regarding securing an agreement with Vallejo Sanitation and Flood Control District (VSFCD) for drainage improvements in the Homeacres Area.

Supervisor Kondylis voiced concern regarding the old Homeacres Master Plan and the need for a new community based improvement plan, responding Paul Wiese, Resources Management Public Works Division, discussed community meetings relative to possible improvements resulting in the guidelines that were used to prepare the 1998 plan that was adopted by the Board.

There was a brief discussion regarding plans for improvements to infrastructure and the zoning consistency component to the General Plan, the Homeacres Loan Program, and the lack of resources and reluctance to develop a specific plan for Homeacres.

Supervisor Kondylis questioned why VSFCD has not been upgrading and keeping the sewer systems in place since the people in Homeacres pay the same costs as other Vallejo area residents, Chairman Silva discussed the cooperative work with the district over the last few years and work with the residents relative to infrastructure.

Responding to questions posed by Supervisor Kromm regarding why government funds are being used for sewer connections to private residents, if there has been any needs testing to determine if the homeowners are low income, Director of Resources Management Birgitta Corsello noted the legal requirement that if you are within 200 feet of a sewer you are to connect, problems at some residents where the septic system is not working, this is a low income area, and the availability of funding to offset the costs. County Administrator Michael Johnson discussed the specific authority in the Redevelopment law and in the CDBG Community Development Block Grant Law that allows for low income homeowners connection for health and safety reasons and to improve the entire area. Ms. Corsello noted a specific needs assessment has not been done, economic issues for a couple of homeowners when the department was trying to address septic problems on their property, testing can be done to ensure there is a legitimate need, and the public health need when dealing with smaller parcels.

Supervisor Kromm feels the work needs to be done, but wants to ensure there is a real need for the government to pay for the connection. Ms. Corsello noted the department would again review the proposed connections and the needs capabilities and report back to the Board, but suggested allowing the department to go ahead with the connections in light of the public health need and feels the properties will be eligible based on need.

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

authorize the Director of Resource Management to negotiate and execute an agreement with VSFCDC for construction of drainage and sewer improvements in the Homeacres area, and to partially reimburse a portion of the costs to VSFCDC. So ordered by a vote of 5-0.

28. RESOLUTION NO. 2004-144 APPROVING THE TRANSPORTATION EXPENDITURE PLAN ENTITLED "TRAFFIC RELIEF PLAN FOR SOLANO COUNTY", ADOPTED

Resources Management Engineering Manager Paul Wiese briefly introduced the information contained in the Agenda Submittal from his office dated July 27, 2004, incorporated herein by reference, regarding the Solano Transportation Improvement Authority's (STIA) County Transportation Expenditure Plan, noting the City of Benicia did not approve the plan.

There was a brief discussion regarding the process to place the measure on the ballot.

Daryl Halls, Director of Solano Transportation Authority (STA), outlined the highlights of the visual presentation of the Solano Traffic Relief Plan beginning with Self-Help Through Sales Taxes; the Public Input Process and Private Sector Polling; Funding Shortfall; Solano County Traffic Relief Plan; the Plan Projects; Daily Delays in 2030 with no improvements; Benefits of Highway Improvements in 2030; Projects including Commuter Rail, Express Commuter Bus, Expanded Vallejo Baylink Ferry Service, Senior and Disabled Transit Services, Local Return-to-Source Transportation Projects, Local Streets and Roads, and Transportation Safety Projects; Local Return-to-Source funding estimates; Direct Project Benefits by Supervisorial District, Taxpayers Watchdog Committee; Solano County Cities that have adopted the Plan; and Next Steps.

Supervisor Kondylis posed questions regarding local streets if sidewalks were allowable projects, Mr. Halls discussed three different options where funding could be used for sidewalks.

There was a brief discussion regarding how long the funding is for, the formula for division of funding, if there are specific projects outlined for each of the cities, flexibility of a portion of the funds going to the cities, and varying priority projects for each of the cities.

Steve Lessler, Chairman Solano County Taxpayers for Traffic Relief, noted transportation is the number one priority in the County; the most important issue is the I-680/I-80 and Hwy 12 interchange, without these improvements the quality of life and commerce will continue to suffer. The spill over of congestion on local neighborhoods is creating safety problems, the only way to move forward with this major project is with locally generated funding thus becoming a self-help County, these funds will also provided critically needed funding as outlined in the key parts of the measure, Mr. Lessler noted the importance of the independent Oversight Committee, and that the Taxpayers for Traffic Relief strongly supports this expenditure plan, the ordinance, and placing this measure before the voters.

Rio Vista Mayor Marci Coglianesse feels this plan is the result of many years of work, the plan is balanced and will meet local and regional needs, discussed the increasing traffic impacts in the rural areas, how this measure will get the attention Hwy 12 needs, and the benefits this plan will have to fund projects in the City of Rio Vista. Mayor Coglianesse feels this plan is balanced and urged the Board to support the Traffic Relief Plan.

George Guynn, Jr., Suisun City, noted opposition to the measure, feels the voters will reject this measure, the main issue of maintenance is being ignored, all the funds should be going to the roads, and feels the oversight committee will not fully represent the public.

City of Fairfield Vice-Mayor Harry Price requested the Board support this measure to provide the traffic relief that is needed, the transportation problems can not be solved by waiting for help to come from somewhere else, discussed cutbacks at the city level in road maintenance funds and how the return to source funds will help, and feels the voters will support this measure.

Pamela Belchamber, Transit Representative Solano County Transit Consortium [a consortium of all the County transit providers and the Transportation Advisory Committee], noted transit and mobility are one of the areas most significant challenges, the importance of the link through Solano County in the Bay Area travel corridor, this balanced plan provides comprehensive congestion relief solutions and transit services for the elderly, the plan is supported by the consortium, and noted the need to be a self-help County.

Dale Pfeiffer, Director of Public Works City of Vacaville, representing local Public Works Directors discussed the Local Streets and Roads portion of the plan, the pavement management needs over the next 25 years and the funding needs for maintenance, the requirement by the Metropolitan Transportation Commission (MTC) for the cities to have a pavement management plan for the use of the funds, and requested Board support for the plan.

Michael Ceremello, Dixon, feels some of the projects listed are necessary and others are not, drawbacks of the last plan that contained a lot of "pork", the measure passed by narrow margins in the cities, feels this is a waste of taxpayer money, that ¼ of a cent would be sufficient to do the road

projects, there needs to be accountability for the gas and road taxes already being collected, feels the State and Federal governments are blackmailing the County into putting more money out for roads, noted few public members are here in support of the measure, and feels the oversight committee will not be beneficial.

John Nerland, Chairman Elect of the Vacaville Chamber of Commerce and CEO of Solano Bank, voiced concern regarding the traffic issues, discussed the responsibility of local officials to solve traffic congestion problems, the effects of traffic congestion on the quality of life, the effects on emergency vehicles and congestion spill over on local streets, feels support for improved public transit will help support the livable communities concept, discussed benefits of this measure, feels the measure will not significantly impact orderly growth control measures, and urged support of the measure to allow the voters in the County to ultimately decide.

Rod Cameron, Plumbers and Pipe Fitters Union Local 343, noted support to place this measure before the voters, discussed the increase in population in California and the County, and the need to remedy traffic congestion to be able to move people in the area.

Supervisor Kromm noted the I-80/I680/Hwy 12 area needs to be fixed but only accounts for about 1/3 of the money in the plan, feels there are major problems with the rest of the plan, discussed numerous studies that show if you just focus on road capacity it actually makes the problem worse and will result in things being almost as bad in 10 years. We need to deal with the demand side along with the supply side, to improve our communities so we don't have to put the same demands on the transportation system. Supervisor Kromm discussed The Need for Regional Anti-Congestion Policies by Anthony Downs, a writer on national problems, and further outlined what the demand and supply concept means; further noted the need for policy work at the State and Federal level for smart growth, the effects of local growth policies contributing to making traffic and congestion even worse, and feels in the next few years there will be some significant State policies to address growth. Supervisor Kromm quoted Mr. Downs "Only the coordination of transportation improvements with land use planning on the regional and metropolitan level could result in the most rational policies toward congestion." Supervisor Kromm noted the suggestion for the STA to look at things reducing vehicle miles traveled, tying transportation funding to jobs/housing balance improvements in our communities, and further discussed jobs/housing data, feels a plan could be crafted to include the demand side policies, and the jobs/housing to focus on increasing the number of jobs in the County. Supervisor Kromm discussed Proposition 42 Gas Sales Tax, with an escape clause that allowed the governor and the legislature to put all the money in the General Fund rather than using it for transportation, and Regional Measure 2 the Bridge tolls with bridges in the Bay Area where the increased tolls can not be used for transportation on the bridges that were built with Federal Transportation funds, the distrust of the voters have in government, and noted he would not support the measure.

Supervisor Kondylis also discussed meeting with the STA for support if the plan were more flexible in more areas, and voiced concern that the County will be in the same congestion predicament in 10 years and will be paying for another 20 years for the improvements. Supervisor Kondylis feels the Federal and State governments should take care of their responsibilities, feels this measure is blank check spending since none of the local problems are identified, no incentive to do smart growth projects, no incentive to create long-term jobs in communities or eliminating the job/housing imbalance. Supervisor Kondylis objected to an STIA flyer that has already been sent out that was paid for with taxpayer money, with polling results that are not fully available to the public, and further discussed improvements that could be made to improve transportation, quality of life, and the environment in the County.

Supervisor Vasquez believes this Traffic Relief Plan will give us the opportunity to work with cities to bring the jobs to housing ratio into balance, to encourage people to live and work in their community, and has seen the work that has been done by all the elected officials on the STIA and the public works directors to come up with a plan to solve problems.

Supervisor Forney recognized the problems we have with traffic congestion in the County, discussed the many constituents that have spoken with her regarding the needed bus service from Rio Vista to Fairfield, and feels the voters should have the opportunity to decide if they want to help pay to correct the transportation problems.

Chairman Silva noted the cities and the County are each responsible for their General Plan and to drive the job/home balance, the use of the return to source funds will have to be determined by the locally elected officials, discussed the detrimental effects the traffic congestion is having on families, feels the MTC Board was not aware of the bridge toll issue relative to Federally funded built bridges, the STIA literature was an educational piece, discussed public input behind the recommendations, the need to promote business to come to Solano County, the congestion problems that will result when the new Benicia/Martinez Bridge opens in 2005, and feels we need to take responsibility and

resolve the congestion problems.

On motion of Supervisor Vasquez and seconded by Supervisor Forney, the Board acted to adopt Resolution No. 2004-144 Approving the County Transportation Expenditure Plan Entitled "Traffic Relief Plan for Solano County". So ordered by a vote of 3-2; Supervisors Kondylis and Kromm voted no. (see Resolution Book)

SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS:

In-Home Supportive Services Public Authority

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

29A. ORDINANCE REGARDING REPLACING THE PURCHASING POLICY MANUAL WITH THE PURCHASING AND CONTRACTING POLICY MANUAL ADOPTED ON FIRST READING; SECOND READING SET FOR AUGUST 10, 2004

Scheduled on the agenda for this day was consideration of a proposed ordinance, which would replace the Purchasing Policy Manual with the Purchasing and Contracting Policy Manual.

On motion of Supervisor Vasquez 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.

Chairman Silva noted the changes to Article III, Section 22-30 has also been revised to increase the estimated value of surplus property that could be disposed of by the Purchasing Agent from \$500 to \$1,500.

Supervisor Kondylis expressed concern that the County Administrator has too much authority in signing contracts up to \$50,000, and would not be supporting the ordinance. 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 adopted the proposed Ordinance. So ordered by a vote of 4-1; Supervisor Kondylis voted no.

29B. COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM TO TRANSITION TO A NOT-FOR-PROFIT CORPORATION

Assistant County Administrator Darby Hayes reviewed the information contained in the Agenda Submittal from his department dated July 27, 2004, incorporated herein by reference, regarding transferring the Court Appointed Special Advocate Program to a private non-profit corporation. Mr. Hayes noted that in the future if the program is not able to raise sufficient operating funds the Board would be able to supplement that funding through a contribution.

Responding to questions posed by Supervisor Kondylis regarding Net County Cost, funding from the MSA money, and the cost to run the program, Mr. Hayes noted for 2004/2005 the Net County cost is \$21,000, there is about \$50,000 in MSA money, and it is about \$70,000 to run the program.

Responding to questions posed by Supervisor Kondylis on the costs to run the CASA Program, the number of volunteers, Carolyn Thomas-Wold, Office of Family Prevention, noted with the program in-house the program saves on rent and other overhead costs, the estimated costs as a 501-C3 would be approximately \$293,000, and further discussed areas where donations could be obtained to offset costs. There are currently 16 fully functional volunteers serving 17 children, and 5 volunteers in training.

Supervisor Kondylis noted that at a cost of \$70,000 the County is buying down over \$300,000 worth of services to children, not counting the volunteer time. Supervisor Kondylis voiced concern with recruiting Board of Directors for 501-C3's since the economy is so bad, feels that we should move forward with trying to make this a private non-profit, but all the matching dollars will not be able to be done by the private non-profit. Responding Mr. Hayes noted County matching dollars could be spent for other services, if CASA moves to a private non-profit we would ask the Board to help recruit board members for that non-profit. CASA's in other counties that are private non-profit are doing well.

Supervisor Kondylis always assumed CASA would go to a private non-profit status, and feels that if the program is helping and is worth saving, then there should be debate on how best to fund the program. We need to take responsibility and find ways to convert the program to a 501-C3 in a way that will ensure the program will be successful for a long time.

Supervisor Kromm feels it is impossible to create an effective board of directors unless the program

is independent, the program needs to be set out as a 501-C3, voiced concern with the liability the County has relative to the volunteers, and feels the CASA Program should be converted to a 501-C3. There was a brief discussion regarding the functions performed by the CASA volunteers, interaction with County employees, and successes of CASA in the U.S., and the Courts involvement and role with CASA.

Responding to a question posed by Supervisor Vasquez regarding what other options for recommendations should be, Supervisor Kondylis discussed the difficulty in getting people to get involved to sit on the board of directors and to raise money, and with a consistent funding stream for the program. An assessment needs to be done, and the County needs to ensure the program will be successful.

Chairman Silva feels the CASA Program is successful, believes it should change to a 501-C3, but feels we need to make sure the program is up and running in a progressive manner.

Responding to questions posed by Supervisor Forney regarding how long it will take to get a program up and running, County Counsel Dennis Bunting noted the initial part is easy, the staffing and making the program viable will take some time. The proposal is to formalize the non-profit corporation no later than June 30, 2005, the difficulty is staffing the corporation and making it viable. If it looks like it is not going to be successful, staff can report back to the Board on the status, and the Board can then make a decision.

Several Supervisors noted they would like notification early in the process if there is a problem.

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to approve the transition of the CASA Program to a Private, Not-for-Profit corporation, to establish the corporation and select a Board of Directors no later than June 30, 2005, to approve the draft documents to establish the corporation, and to require nurturing CASA through the process. So ordered by a vote of 5-0.

29C. LETTER OF SUPPORT FOR S. 1529 AMENDING THE INDIAN GAMING REGULATORY ACT TO BE DRAFTED

Gail Feldman, County Administrator's Office reviewed the information contained in the Agenda Submittal from her department dated July 27, 2004, incorporated herein by reference, regarding changes in the law amending the Indian Gaming Regulatory Act of 1988. Ms. Feldman noted letters written in the past concerning Indian Gaming legislation. This legislation would significantly amend the act and further discussed the proposed changes.

Chairman Silva noted he endorses sending a letter of support for the legislation.

Supervisor Vasquez suggested letters be sent from the Board and one from the Indian Gaming Consortium in support of the legislation.

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to direct staff to prepare a letter of support to Senator Feinstein and other senators mentioned by staff. So ordered by a vote of 5-0.

29D. VOLUNTARY TERMINATION OF PLACER COUNTY AS A MEMBER IN THE FOUTS SPRINGS JOINT POWERS AUTHORITY, APPROVED

The Board was provided with an Agenda Submittal from the County Administrator's Office dated July 27, 2004, incorporated herein by reference, regarding removing Placer County as a partner in the Fouts Springs Joint Powers Agreement.

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve termination of Placer County's membership in the Fouts Springs Joint Powers Authority. So ordered by a vote of 5-0

30. RESOLUTION NO. 2004-145 AMENDING THE PUBLIC FACILITIES FEE SCHEDULE TO ADD THE DIXON UNIFIED SCHOOL DISTRICT LIBRARY DISTRICT'S LIBRARY FACILITY FEE TO BE CHARGED UNDER THE COUNTY PUBLIC FACILITIES FEES ORDINANCE, ADOPTED

AGREEMENT BETWEEN THE COUNTY OF SOLANO AND THE DIXON UNIFIED SCHOOL DISTRICT LIBRARY DISTRICT FOR COLLECTION OF A LIBRARY FACILITIES FEE, APPROVED

The Board was provided with an Agenda Submittal from County Counsel dated July 27, 2004, incorporated herein by reference, regarding adding and collecting the Dixon Unified School District Library District Impact Fee.

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 Vasquez and seconded by Supervisor Kondylis, the Board acted to adopt Resolution 2004-145 and to approve the agreement between the County of Solano and the Dixon Unified School District Library District for Collection of a Library Facilities Fee. So ordered by a vote of 5-0.

31. REPORT OF DELINQUENCY FOR MANDATORY GARBAGE COLLECTION, RECEIVED

\$50 LIEN PROCESSING FEE FOR THE PROCESSING OF REAL PROPERTY LIENS FOR UNPAID CHARGES, APPROVED

RESOLUTION NO. 2004-146 CONFIRMING DELINQUENT ACCOUNTS FOR GARBAGE COLLECTION, DISPOSAL AND RECYCLING SERVICES IN THE UNINCORPORATED AREA OF VALLEJO AND AUTHORIZATION TO PERFECT REAL PROPERTY LIENS, ADOPTED

The Board was provided with an Agenda Submittal from General Services dated August July 27, 2004, incorporated herein by reference, regarding delinquent garbage accounts, and Property Manager Mark Bryant submitted an updated list of delinquent accounts, incorporated herein by reference.

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 Forney, the Board acted to adopt Resolution No. 2004-146 Confirming Delinquent Accounts for Garbage Collection, Disposal and Recycling Services in the Unincorporated Area of Vallejo and Authorization to Perfect Real Property Liens. So ordered by a vote of 5-0.

32. RESOLUTION NO. 2004-147 MAKING GOVERNMENT CODE SECTION 27388 APPLICABLE IN THE COUNTY OF SOLANO AND FIXING A FEE OF TWO DOLLARS (\$2.00 UNDER THAT SECTION), ADOPTED

DISTRICT ATTORNEY DAVID PAULSON, ASSESSOR-RECORDER SKIP THOMSON, AND COUNTY ADMINISTRATOR MICHAEL D. JOHNSON APPOINTED TO REAL ESTATE FRAUD PROSECUTION TRUST FUND COMMITTEE

The Board was provided with an Agenda Submittal from the District Attorney's Office dated July 27, 2004, incorporated herein by reference, regarding adding a \$2.00 fee for recording of real estate transactions to provide a stable source of funding for investigation and prosecution of crimes involving real estate fraud.

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 Resolution No. 2004-147 Making Government Code Section 27388 Applicable in the County of Solano and fixing a Fee of Two Dollars (\$2.00 Under that Section), and to appoint District Attorney David Paulson, Assessor-Recorder Skip Thomson, and County Administrator Michael D. Johnson to the Real Estate Fraud Prosecution Trust Fund Committee. So ordered by a vote of 5-0. (see Resolution Book)

33. RESOLUTION NO. 2004-148 APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING A LEVY OF ASSESSMENT FOR LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT (GREEN VALLEY OPEN SPACE MAINTENANCE DISTRICT), ADOPTED

The Board was provided with an Agenda Submittal from Resources Management dated July 27, 2004, incorporated herein by reference, regarding the annual levying of assessments for the Green Valley Landscape and Lighting Maintenance Assessment District.

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 Kondylis, the Board acted to adopt Resolution No. 2004-148 Approving Engineer's Report, Confirming the Diagram and Assessment and Ordering a Levy of Assessment for the Landscape and Lighting Maintenance Assessment District (Green Valley Open Space Maintenance District). So ordered by a vote of 5-0. (see Resolution Book)

34. ORDINANCE REGARDING RELATING TO CONFINED ANIMAL FACILITIES CONTINUED TO DECEMBER 7, 2004

Scheduled on the agenda for this day was consideration of a proposed ordinance relating to confined animal facilities.

On motion of Supervisor Kromm and seconded by Supervisor Kondylis, the Board directed that the proposed ordinances be read by title only. So ordered by a vote of 4-0; Supervisor Forney excused. Chairman Silva discussed the lengthy review by the Planning Commission, discussed a promise to the cities to meet with them again, proposed introduction of the ordinances, to take the proposed ordinances to the Mayors at the City-County Coordinating Committee (4 C's) for discussion, to open the public hearing and continue the hearing until December 7, 2004. Chairman Silva noted a number of speaker's cards had been submitted and suggested these cards would be taken to the December 7, 2004 meeting for them to speak.

Supervisor Kromm posed questions if there were any time restrictions if the ordinance is introduced today; County Counsel Dennis Bunting noted that there are no time restrictions or requirements. There was a brief discussion regarding moving forward with the staff presentation, opening the public hearing and allowing time for everyone to review the two very large binders of information. Mike Yankovich, Resources Management, presented a brief history of the issue, participation at the public study sessions, public meetings, the Agricultural Advisory Committee working group resulting in extensive information, and recommendations for consideration from the Planning Commission. Matt Walsh, Senior Planner Resources Management, briefly reviewed the information relative to the changes for Chapter 28 the zoning ordinance that includes changes to the Use Permit process, the very likelihood of applications being required to go through the CEQA process based on each site, classifying the Confined Animal Facilities into three tiers depending on the size of the facility, regulations based on the size of the facility, any site-specific potential impacts that could be covered through mitigation through an Environmental Impact Report (EIR) or the CEQA process. The guidelines are meant to serve as a guide for the development of confined animal facilities in the County. The CEQA action for these standards and ordinance revisions, adoption of the amendments to Chapter 28 and the new Chapter 27, that action is subject to CEQA. Mr. Walsh further explained the CEQA exemptions, and noted if the new standards are adopted they will provide stricter environmental controls and more protection than currently exists.

There was a short discussion on requirements for doing an EIR, based on size and conditions of the proposed facility.

Supervisor Kondylis questioned if people would limit the number of animals to stay in a smaller category, but would come in with applications for several facilities, Mr. Walsh noted CEQA would be a safeguard evaluating the project as a whole.

Jim Campi, Civil and Environmental Engineer with Resources Management, reviewed the information for the changes to Chapter 27, technical aspects of construction and operation of a dairy, including standards that include the following elements Comprehensive Nutrient Management Plan, Storm Water Management, Operational Permits, Closure Assurance, and Waste Water Collection and Management Systems.

Supervisor Kromm posed questions if the same deadlines would apply to existing dairies; Mr. Campi noted the same deadlines would apply for existing dairies.

Responding to questions posed by Supervisor Vasquez regarding State permitting, and enforcement, Mr. Campi noted the State is considered the lead agency, and further noted that if a facility does not need a State permit, they will still need a permit from the County, and outlined the two different components of oversight.

Supervisor Kromm questioned about shutting down the Heritage Dairy if it does not comply with the State or the County, Mr. Campi noted the State is the lead agency, the County local standards require that facilities comply with all the State and Federal requirements, but feels the County would work with Counsel to determine how the County would work with the State and Federal government. If Heritage does not comply with the new General Order, that would be enough for the County to revoke their conditional Use Permit.

Mr. Campi continued the presentation outlining how the proposed standards will mitigate the areas of concern and how they go beyond current requirements.

There was a short discussion regarding financial assurances relative to closure, monitoring the site after closure, gradient and identification of the direction a contaminant is moving, on-site compliance officer, the spill at the Heritage Dairy and safety measures, improvements to existing facilities, and consistency with biosolids regulations.

Mr. Campi continued to outline the increased requirements in the proposed ordinance.

There was discussion regarding transmitting of diseases in animals in crowded conditions, mad cow

disease, counties allowing large facilities by "right", and the application of new standards to everyone State wide.

Supervisor Kromm discussed inconsistencies regarding the separation between the liner and groundwater between Chapters 27 and 28; Mr. Yankovich noted the idea is to have a minimum of 5 feet of separation unless a synthetic liner was going to be used.

Supervisor Kondylis posed questions regarding excess waste that will not be land applied for fertilizer, Mr. Campi noted the way the facilities are designed all the nutrients will be used, and may have a deficit resulting in the need to import more nutrients. If there is excess nitrogen, the facility will have to have on record where the excess will be going. Mr. Campi further outlined new requirements for transport of manure.

Supervisor Kromm posed questions regarding excess buildup of nitrogen and contaminants making their way into the ground water, Mr. Campi noted the County will not be allowing an operator to apply nutrients without testing the concentration of the effluent and the liquid manure, a nutrient management plan for crops will be required limiting the amount of nutrients that can be applied depending on the crop requirements; and further explained the monitoring requirements, forms of nitrates and how they move, ways to treat the water if necessary, enforcement tools, and legal remedies if remediation is required.

Responding to questions posed by Supervisor Vasquez regarding soil testing, Mr. Campi discussed testing the facility property, locating a pond in clay, and due process.

Deputy County Counsel Jim Laughlin noted that under Chapter 28 the County does require a Use Permit for these facilities and the County will still have all the land use enforcement powers if there is a problem with the health and safety aspects of the operation.

Responding to questions posed by Supervisor Kondylis regarding testing on the natural pharmaceuticals that animals produce, Mr. Campi noted the County is looking at constituents or any chemicals that are a risk to public health or the environment.

Supervisor Forney noted that she has not received any calls regarding any smells from the Heritage Dairy, and did not find the facility offensive when she toured it.

Chairman Silva opened the public hearing, and continued the hearing until December 7, 2004. The Board will conduct meetings with the mayors at the 4 C's, and the speaker's cards that were submitted would be the first speakers called on December 7, 2004.

Matt Erhart, Interim Director of Bay Area Air Quality Management District (BAAQMD), discussed SB 700 and the new area for BAAQMD and the permitting of agriculture facilities, outlined the differing requirements for each air quality basin, and hopes for consistency with Federal standards. Responding to questions posed by Supervisor Kromm regarding the County having to follow the State guidelines or the guidelines the Area Resources Board comes up with Mr. Erhart feels there is a lot of flexibility since the exemption has been removed from State law to what level we permit or what level we require control. SB 700 does require that certain findings be met, and BAAQMD does need to make some findings specific to the fact that we need the reductions to attain our air quality standards, and feels there is sufficient latitude to look at going below what Air Resources Board defines as that threshold.

Supervisor Kromm feels it would be beneficial if Yolo and Solano would have the same regulations to maintain continuity in the same air district, Mr. Erhart noted the air standards would be the same for the two counties.

APPOINTMENTS/RESIGNATIONS TO BOARDS AND COMMISSIONS

On motion of Supervisor Vasquez and seconded by Supervisor Kondylis, the Board acted to approve the following appointments and/or resignations to Boards and Commission. So ordered by a vote of 5-0.

36A. REVISED BY-LAWS OF FIRST 5 SOLANO CHILDREN AND FAMILIES COMMISSION, as outlined in the Agenda Submittal from First 5 Solano Children and Families Commission dated July 27, 2004, incorporated herein by reference, approved.

36B. MIMI COHN AND MICHAEL BOOKS APPOINTED TO SOLANO COUNTY ANIMAL CARE ADVISORY BOARD, as outlined in the Agenda Submittal dated July 27, 2004, incorporated herein by reference, for a term to expire July 27, 2008, approved.

36C. HELEN MARTIN REAPPOINTED TO VACAVILLE FIRE PROTECTION DISTRICT, as outlined in the Agenda Submittal dated July 27, 2004, incorporated herein by reference, for a term to expire May 23, 2008, approved.

36D. VELMA EWING REAPPOINTED TO SOLANO COUNTY EQUAL EMPLOYMENT OPPORTUNITY COMMITTEE, as outlined in the Agenda Submittal dated July 27, 2004, incorporated herein by reference, for a term to expire April 7, 2006, approved.

36E. TOM R. LAVRAR REAPPOINTED TO SUISUN-FAIRFIELD CEMETERY DISTRICT, as outlined in the Agenda Submittal dated July 27, 2004, incorporated herein by reference, for a term to expire June30, 2008, approved.

36F. RICHARD MARTINEZ, REBECCA BARNES-LIPMAN, RAY SIMONDS, JOE LOPEZ, MARILYN ROYSE REAPPOINTED TO THE SOLANO COUNTY FAIR BOARD OF DIRECTORS, as outlined in the Agenda Submittal dated July 27, 2004, incorporated herein by reference, for terms to expire August 1, 2008, approved.

36G. WALTER WEIR, JR. REAPPOINTED TO VACAVILLE-ELMIRA CEMETERY DISTRICT, as outlined in the Agenda Submittal dated July 27, 2004, incorporated herein by reference, for a term to expire May 23, 2008, approved.

ADJOURN - This meeting of the Board of Supervisors adjourned in memory of Ed Lum at 3:36 p.m.

JOHN F. SILVA, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors