

## Minutes For June 3, 2003

The Solano County Board of Supervisors met in regular session on this day at 8:31 a.m. The meeting was called to order by Chairman Kromm. All members were present.

CLOSED SESSION: The Board moved into Closed Session at 8:32 a.m. to discuss Meet and Confer: All Bargaining Units, with Yolanda Irigon, Chief Negotiator. The Board moved out of Closed Session at 8:55 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:03 a.m. with the Pledge of Allegiance and a moment of silence.

### SWEARING IN OF RUTH FORNEY AS DISTRICT 5 SUPERVISOR ADDED TO THE AGENDA

On motion of Supervisor Silva and seconded by Supervisor Kondylis, the Board acted to add the swearing in of Ruth Forney as the District 5 Supervisor to the Agenda. So ordered by a vote of 4-0.

### RUTH FORNEY SWORN IN AS DISTRICT 5 SUPERVISOR

On Friday May 30, 2003 Governor Gray Davis issued a press release announcing the appointment of Ruth Forney as the Solano County District 5 Supervisor.

Solano County Superior Court Judges Ramona Garrett and Cynda Unger issued the Oath of Office to Ms. Forney in a brief ceremony followed by a short reception.

Supervisor Forney introduced family and honored guests. Many well wishers including the Supervisors, union officials, and many friends spoke congratulating and welcoming Supervisor Forney.

Supervisor Forney introduced Jackie Crockett who will be her Administrative Assistant.

### ITEMS FROM THE FLOOR

#### APPEARANCE BY DONALD TIPTON, RE BLIGHT IN THE HOMEACRES AREA

Donald Tipton, Vallejo, voiced his concerns regarding blight and ways to get the Homeacres area out of blight.

#### APPEARANCES BY ERIN DOYAL, SHELENE ELLIS, AND LATTSHA ROLLINS RE MAINTAINING FUNDING FOR THE S.M.A.R.T. TEAM

Erin Doyel, Vallejo, discussed steps she has taken to become clean and sober, and how the S.M.A.R.T. Team has greatly helped her. Ms. Doyel requested funding be maintained for the program.

Shelene Ellis, Vallejo, noted support for the S.M.A.R.T. Team, discussed the benefits of the program, the guidance, and encouragement given by the team, and encouraged the Board to maintain funding for this program.  
Lattsha Rollins, Suisun, noted support for the S.M.A.R.T. Team, and encouraged the Board to maintain funding for this program.

#### APPEARANCE BY MICHELLE MURASKO RE ROAD CONDITIONS IN THE MIX CANYON/MILLER CANYON AREA

Michelle Murasko, Vacaville, appeared on behalf of her husband Mike and read a letter dated June 3, 2003, incorporated herein by reference, outlining unsafe road conditions leading into the Mix Canyon/Miller Canyon area, and requesting the roads be brought up to current County Road Standards.

#### APPEARANCE BY JERI PHILLIPS, DEBBIE TEAL, JUDY BRISENO, AND AAREN WERNECKE RE FUNDING FOR MENTAL HEALTH SERVICES AND PROGRAMS

Jeri Phillips, Fairfield, noted support for the TCT Mental Health Court Program, and requested funding be continued for the program.

Debbie Teal, NAMI Solano, noted support for mental health programs, that treatment works, and the need to continue funding for direct patient services.

Judy Briseno, Solano Community House, discussed the program services, advocated for the dual diagnosed clients in this program, and requested funding continue for this program.

Aaron Wernecke, Mental Health Court, discussed the benefits of this program for him, and the need to continue this program.

#### INTRODUCTION OF VERONICA FERGUSON, GENERAL SERVICES DIRECTOR

County Administrator Michael Johnson introduced Veronica Ferguson the new Director of General Services, and outlined a brief history of Ms. Ferguson's employment experience.

#### PUBLIC COMMENT ON CONSENT CALENDAR

(Item 19 B) Approval of Amendment No. 2 to Agreement No. 4092 with Napa County to appoint Thomas L. Charron, M.D. Solano County Health Officer, as interim Napa County Health Officer

Donald Tipton, Vallejo, voiced concern with the Health Officer not being in the County if needed.

Solano County Health Officer Thomas Charron noted he would not be spending any direct time in Napa County on a regular basis, that he would be on-call until July 18, 2003 when he would be retiring from Solano County. At that time Dr. Charron would be working part-time until Napa County is able to recruit a new Health Officer. Dr. Charron further discussed the history of

cooperation and collaboration with Napa County.

(Item 19C) Approval of a contract with Fred Finch Youth Center in the amount of \$886,517 for the period of August 1, 2003 through June 30, 2004 to provide intensive specialty mental health services at a residential treatment facility

Responding to request by Supervisor Vasquez regarding a brief presentation outlining the program and the importance of the program to the County, Steffan Bates, Assistant Director Health and Social Services, gave a brief overview of the program. Debbie Terry-Butler, Interim Administrator Children's Mental Health, discussed the high-risk children in this program, how this program will help these children, and the benefits of the program being in County.

Bruce Anderson, Chief Operating Officer North Bay Regional Center, noted the clients are dual diagnosed individuals, how this program will reduce costs, and the benefits this program will provide locally for the clients and their families.

(Item 20) Adoption of a resolution authorizing the purchase of property from Gary and Deborah Beall, Gary Bertagnolli, Ethel R. Hoskins, and Richard and Lynnda Lopez for replacement of the bridge on Pleasants Valley Road at Pleasants Creek; authorize the County Administrator to execute right-of-way contracts with the property owners

Responding to questions posed by Supervisor Vasquez regarding when the project would be completed, Paul Weise, Department of Transportation, noted the project would go to bid in June and the projected completion is by the end of December.

## APPROVAL OF AGENDA

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

(Item 17) Approval of a resolution adopting the Memorandum of Understanding with Unit#13 – Correctional Officer Employees, represented by the Teamsters Union, Local #856, for the term of September 29, 2002 through October 8, 2005, removed from the Agenda.

So ordered by a vote of 5-0.

## CONSENT CALENDAR

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

(Item 13) MINUTES OF THE BOARD OF SUPERVISORS MEETING OF MAY 13 AND MAY 27, 2003; RURAL NORTH VACAVILLE WATER DISTRICT MAY 13, 2003, as outlined in the Agenda Submittal from the Clerk of the Board dated June 3, 2003, incorporated herein by reference, approved.

(Item 14) GRANT AWARD IN THE AMOUNT OF \$100,000 FROM THE NATIONAL COURT APPOINTED SPECIAL ADVOCATE ASSOCIATION (CASA), as outlined in the Agenda Submittal from the Office of Family Violence Prevention dated June 3, 2003, incorporated herein by reference, accepted.

(Item 15) RESOLUTION NO. 2003-128 APPROVING SOLANO COUNTY PARKS TO APPLY FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 (PROPOSITION 12), adopted. (see Resolution Book)

(Item 16) MODIFICATION OF AGREEMENT WITH KITCHELL CEM OF SACRAMENTO RE MOISTURE ELIMINATION PROJECT AT SOLANO COUNTY LIBRARY/FAIRFIELD CIVIC CENTER, as outlined in the Agenda Submittal from General Services and the Library dated June 3, 2003, incorporated herein by reference, approved and Director of General Services authorized to sign contract modifications and Library Director authorized to sign ancillary agreements and modifications to agreements on behalf of Solano County.

(Item 18A) SOLANO COMMUNITY COLLEGE DISTRICT TO ISSUE 2003 TAX AND REVENUE ANTICIPATION NOTES (TRANS) WITH COMMUNITY COLLEGE LEAGUE OF CALIFORNIA CASH FLOW FINANCING PROGRAM, as outlined in the Agenda Submittal from the Treasurer-Tax Collector-County Clerk dated June 3, 2003, incorporated herein by reference, approved.

(Item 18B) RESOLUTION NO. 2003-130 PROVIDING FOR THE BORROWING OF FUNDS IN THE NAME OF THE FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT FOR FISCAL YEAR 2003-2004 AND THE ISSUANCE AND SALE OF 2003 TAX AND REVENUE ANTICIPATION NOTES (TRANS) THEREFORE, adopted. (see Resolution Book)

(Item 19A) AMENDMENT TO THE NAPA-SOLANO COUNTY JOINT EXERCISE OF POWERS AGREEMENT RE LEASE OF EQUIPMENT FOR THE PUBLIC HEALTH LABORATORY, as outlined in the Agenda Submittal from Health and Social Services dated June 3, 2003, incorporated herein by reference, approved and Chairman authorized to sign said amendment on behalf of Solano County.

PURCHASE OF A LIGHT CYCLER FOR PUBLIC HEALTH LABORATORY, as outlined in the Agenda Submittal from Health and Social Services dated June 3, 2003, incorporated herein by reference, approved.

(Item 19B) AMENDMENT NO. 2 TO JOINT EXERCISE OF POWERS AGREEMENT (NAPA-SOLANO COUNTY PUBLIC HEALTH LABORATORY AND

JOINT COUNTY HEALTH OFFICER SERVICES) RE APPOINTMENT OF THOMAS L. CHARRON, M.D. SOLANO COUNTY HEALTH OFFICER, AS INTERIM NAPA COUNTY HEALTH OFFICER, as outlined in the Agenda Submittal from Health and Social Services dated June 3, 2003, incorporated herein by reference, approved, and Chairman authorized to sign said amendment on behalf of Solano County.

(Item 19C) AGREEMENT WITH FRED FINCH YOUTH CENTER RE PROVIDING INTENSIVE SPECIALTY MENTAL HEALTH SERVICES, as outlined in the Agenda Submittal from Health and Social Services dated June 3, 2003, incorporated herein by reference, approved, and Chairman authorized to sign said agreement on behalf of Solano County.

(Item 20) RESOLUTION NO. 2003-131 AUTHORIZING THE PURCHASE OF PROPERTY FOR REPLACEMENT OF BRIDGE ON PLEASANTS VALLEY ROAD AT PLEASANTS CREEK (GARY AND DEBORAH BEALL, GARY BERTAGNOLLI, ETHEL R. HOSKINS, AND RICHARD AND LYNNDA LOPEZ), adopted. (see Resolution Book)

(Item 21) AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT WITH LINHART PETERSEN POWERS ASSOCIATES (LP2A) RE CO-GENERATION PLANT EXPANSION PROJECT, as outlined in the Agenda Submittal from Environmental Management dated June 3, 2003, incorporated herein by reference, approved and County Administrator authorized to sign said amendment on behalf of Solano County.

APPROPRIATION TRANSFER IN THE AMOUNT OF \$114,500 OF UNANTICIPATED REVENUE, as outlined in the Agenda Submittal from Environmental Management dated June 3, 2003, incorporated herein by reference, approved.

(Item 22) AGREEMENT WITH THE DIXON UNIFIED SCHOOL DISTRICT / LIBRARY DISTRICT FOR LIBRARY AUTOMATION SERVICES, as outlined in the Agenda Submittal from the Library dated June 3, 2003, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

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

Rural North Vacaville Water District

(Item 23) Minutes regarding this matter are contained in the Rural North Vacaville Water District Minutes Book.

#### ORDERS

(Item 26) REQUESTS FOR QUALIFICATIONS (RFQ) RE ENERGY

## IMPROVEMENTS AT HEALTH & SOCIAL SERVICES BUILDING LOCATED AT 2101 COURAGE DRIVE, FAIRFIELD, TO BE ISSUED

The Board was provided with an Agenda Submittal from the Department of General Services dated June 3, 2003, incorporated herein by reference, regarding the County's energy conservation efforts, and the need for energy improvements at 2101 Courage Drive.

Jason Campbell, General Services, reviewed the information contained in a visual presentation dated June 3, 2003, incorporated herein by reference, beginning with the Energy Market, What We have Accomplished, How We did, and What's Next. Mr. Campbell continued with a background and objectives, Findings at the Facility, with the Building and With the Existing Heating and Air Conditioning Systems, Energy Conservation Measures, Benefits, Preliminary Retrofit Cost Summary, and a Benefits Summary.

There was a brief discussion regarding funding of the project, that are mainly be derived from surplus funds from the construction of the Health and Social Services Administration Building.

On motion of Supervisor Vasquez and seconded by Supervisor Silva, the Board acted to receive the report, and to authorize the County Administrator to issue Requests for Qualifications for Energy Conservation improvements at 2101 Courage Drive, Fairfield. So ordered by a vote of 5-0.

### (Item 27) TEMPORARY TRANSFER OF \$1,500,000 TO THE DIXON UNIFIED SCHOOL DISTRICT, APPROVED

Treasurer-Tax Collector-County Clerk Charles Lomeli reviewed the information contained in the Agenda Submittal from his department dated June 3, 2003, incorporated herein by reference, regarding a temporary transfer of funds to the Dixon Unified School District to meet current expenses. Approval is being requested to have the money in place so the school district can access it if needed.

Auditor-Controller Bill Eldridge noted the need for Board approval for the school district to overdraw their account.

Responding to concerns voiced by Chairman Kromm regarding not charging additional interest to the Dixon Unified School District for the added costs and risk to the County, Mr. Lomeli noted the terms for this loan are to charge the rate the pool is paying at the time. Chairman Kromm suggested a policy be developed for future years that an administrative cost be added to ensure County costs are covered for loans of this type.

On motion of Chairman Kromm and seconded by Supervisor Vasquez, the Board acted to authorize the Auditor and Treasurer to make a temporary transfer to the Dixon Unified School District in an amount not to exceed \$1.5 million. So ordered by a vote of 5-0.

### (Item 25) DIRECTOR OF HUMAN RESOURCES TO ISSUE LAYOFF NOTICES TO SPECIFIED EMPLOYMENT CLASSES IN DEPARTMENT OF CHILD SUPPORT SERVICES AND HEALTH AND SOCIAL SERVICES EFFECTIVE JULY 1ST AND NO

LATER AUGUST 16, 2003

JUNE 3, 2003 THROUGH JUNE 30, 2004 DESIGNATED AS A PERIOD OF ECONOMIC HARDSHIP

Director of Human Resources Yolanda Irigon reviewed the information contained in the Agenda Submittal from her department dated June 3, 2003, incorporated herein by reference, regarding beginning the layoff process, and to declare the period now through June 2004 as a period of economic hardship. Ms. Irigon discussed delaying layoffs until August 16, 2003 in the Department of Child Support Services (DCSS) may result in additional layoffs, and will require 18 notices, rather than 16, be sent as a precautionary measure.

Director of Health and Social Services Patrick Duterte discussed how difficult the decisions are regarding layoffs, and sessions with staff regarding cuts.

Department of Child Support Services Director Dennis Covell discussed strides made by his department, and the hardship these cuts will make.

Dawn Labar, SEIU 1280 – DCSS, understands that cuts are inevitable, discussed the penalties to the DCSS for a computer system that is not in place, noted that less staff in DCSS means less money for families, requested additional funds to maintain the program to eliminate the possible domino effect cuts could create. Ms. Labar requested the option of voluntary time off (VTO) be considered for DCSS, consider doing cuts July 1st to help keep the 2 additional positions, and to look at all alternatives to find a solution to this deficit.

Responding to questions posed by Chairman Kromm regarding layoffs July 1st rather than August 16th, Ms. Labar noted 2 additional people could be lost if layoffs are not done until August 16th, and would like to see a creative approach to resolve the deficit.

Responding to a request by Supervisor Kondylis, Mr. Covell outlined the penalties the Counties will pay for a Federally mandated computer system that does not work.

Elizabeth Saitz, DCSS, noted the improvements in collecting funds for the parents and children of the County, funding cuts by the State, requested General Funds to help maintain collections that are done by that department, non-collection could result in application for assistance from the County, suggested alternatives to layoffs, and if necessary to proceed with layoffs July 1st and not wait until August 16th.

Karl Phillipps, Welfare Fraud Investigator, submitted a prepared statement, incorporated herein by reference, regarding the money this division is saving the County and the request to maintain this division to protect County investments.

Justine Fout discussed why she is in Solano County, community involvement, and willingness in cooperation with the union to go to any lengths to keep all of the employees working. Ms. Fout noted the importance of helping the clients and helping coworkers keep their jobs, and asked the Board to consider alternatives to laying people off.

Nadeen Roach, County employee, voiced concern with being able to continue to provide the services and meet the needs of the community, increasing caseloads, the loss of well trained workers, effects from one program to the next, effects to programs benefiting children, requested the Board look at viable alternatives to mitigate layoffs, and the willingness of employees to help each other to maintain jobs.

Jean Marquez, Health and Social Services, feels it is imperative that we look for other alternatives to layoffs, noted increases in caseload, staff working on ways to work smarter with fewer people, ways the Medi-Cal worker staff is saving money for the County, and the importance of serving the community.

Art Grubel, Executive Director SEIU, Local 1280, discussed the VTO program, cycles of economic downturns, by acting flexibly and creatively there are ways to reduce or eliminate the need for layoffs, other suggestions for salary savings, consider using County reserves or Tobacco Tax Funds, and the need to look at ways to mitigate the effect of the potential layoffs that equate to the programs that serve the people of this community. Mr. Grubel also noted if VTO is initiated we should know by early July if that has made a difference in DCSS, and a decision can be made at that time. We do not want any layoffs, but we also do not want any more than is necessary to keep the budget balanced. There is the need to identify jobs right away that people are qualified for and give options so no one will be laid off.

Thomas Cooney, Welfare Fraud Investigator Special Investigations Bureau (SIB), noted the SIB is projected to cut 6 of 15 positions, large savings due to SIB efforts, the Solano County SIB is a State benchmark, feels it is more important than ever to maintain this division due to declining economics, and requested those positions be reconsidered.

John W. Stallsmith, Executive Director Public Employees Union Local One, noted the importance of the staff in Health and Social Services, the financial status of the County, programs that are necessary to the community, the possibility of offering the Golden Handshake and/or providing for transitional medical insurance, percentage wise the supervisors are the hardest hit, and requested all options be considered to mitigate the layoffs.

Anes Lewis-Partridge, SEIU 535, noted the trickle down effect, bumping rights, line staff taking the brunt of problems with the clients, requested information be provided in a timely fashion, and will work with Human Resources to seek alternatives to layoffs.

Pamela Lippincott, Health and Social Services Children's Mental Health, submitted Alternatives to Layoffs for Health and Social Services, incorporated herein by reference, discussed the adverse effects on the clients, community impacts, and requested all alternatives be considered other than layoffs.

Reverend Robert Fuentes, Executive Director of Faith in Action, noted cutbacks that are beginning to effect the non-profit organizations, discussed the need to also consider accessing the Master Settlement Funds.

Responding to questions posed by Chairman Kromm regarding notifications to non-profit organizations, Mr. Duterte noted there has been some verbal notifications to some organizations, and it is projected there will be \$1.8 million in cuts for non-profit organizations.

There was a brief discussion regarding the Bielsonson process that will be conducted in conjunction with the Budget Hearings that begin June 30, 2003. Additional written material was received from Robert C. Meador to maintain the Welfare Fraud Investigations Unit, from Kathleen Amos to look at the alternatives and maintain DCSS staff, and a letter from DCSS Staff to help maintain staff.

Responding to questions posed by Chairman Kromm regarding only two departments for layoff notices, Ms. Irigon noted these are the only two departments that have noticed Human Resources regarding the need to cut staff. Assistant County Administrator-Budget Quang Ho noted these two departments are heavily funded by the State and the resulting State budget cuts having such an effect.

There was a brief discussion regarding negotiations regarding the State Budget and looming funding cuts.

Supervisor Forney understands the implications of the budget cuts, and encourages the collaborative work between the unions and Human Resources continue, and urged all alternatives be explored to mitigate layoffs.

Responding to questions posed by Supervisor Silva regarding backfilling funds from the County and if the State will take that amount away from the program, and computer program penalties, Mr. Covell noted there have been discussions at the State, but no final policy was made regarding backfilling of funds, since there could be repercussions to the State on what can be submitted to the Federal government for reimbursement. The penalties regarding the Federally mandated computer program will continue for the County until a Statewide system is in place, this could mean \$800,000 to \$900,000 per year for the next three to five years from the General Fund.

This is not supposed to be a program cost. Mr. Johnson noted the \$800,000 cost has been absorbed by the General Fund this year and could be required to do the same over the next few years.

Supervisor Silva feels the employees have proposed some very good ideas that should be explored by DCSS, Health and Social Services and Human Resources, and noted we want to work together to keep jobs.

Supervisor Vasquez noted all the speakers have encouraged the Board to take care of everyone, to work together to keep everyone employed, and to continue to provide services to the public. Many options have been presented that should be considered.

There was a brief discussion regarding the difference the added people have made in the Welfare Fraud Investigation collection process.

Chairman Kromm feels the entire compensation system throughout the County needs to be reviewed, the Board would like a goal of zero layoffs which will be very challenging, discussed general Reserves and staff recommendations in the proposed budget.

Responding to questions posed by Chairman Kromm regarding the date for layoffs for DCSS, Ms. Irigon noted the Board will need to authorize that the layoffs begin August 16th for a total of 18 employees. Chairman Kromm noted the request to move the effective date earlier rather than later.

County Administrator Michael Johnson noted the action will qualify the

recommendations for voluntary time off (VTO), and the notice process will go forward to provide flexibility to implement a layoff sometime between July 1st and not later than August 16th.

Director of Child Support Services Dennis Covell noted the added cost is \$92,000 per month to carry the full 16 positions.

Ms. Irigon noted if layoffs are delayed until August 16th an additional 2 positions will have to be cut.

Chairman Kromm noted Department of Child Support Services, Human Resources, and the effected unions need to work diligently to try to figure out this issue. Chairman Kromm voiced concerned that if the Board uses County funds a corresponding decrease in the amount of State dollars will occur, and noted staff and the Unions have expressed that they would rather see the layoffs occur earlier to minimize the number of layoffs.

Mr. Johnson feels the motion will provide the flexibility, after all due diligence by the Unions, Human Resources, and it is hopeful through voluntary time off and other mechanisms that the number of layoffs will be reduced, and with the possibility of a different interpretation from the State that would provide flexibility for backfill. With all things coupled together will either enable no layoffs to occur or that layoffs would occur as early as possible, not before July 1st, to minimize the number to be laid off, but no later than August 16th.

Chairman Kromm noted the seniority list will be out June 6th, Ms. Irigon noted the notices will be issued by June 17th, and VTO letters are ready to go to DCSS and Health and Social Services and results of that will be available prior to June 30th. Ms. Irigon noted she is requesting to go through the process of layoffs and the flexibility to issue 18 notices on June 17th. This would allow language in the notices that subject to certain criteria the layoffs may occur July 1st but no later than August 16th.

Mr. Grubel noted budget hearings begin June 30th, the Board could consider the DCSS budget on July 2nd or 3rd at that time the effects of VTO and other actions will be evident, and if nothing has worked the layoff notices could be sent at that time with an effective date 14 days later. The Board needs an opportunity to make the decision on what will happen to the employees. There is only 14 days notice required for the layoff notices.

Responding to questions posed by Supervisor Kondylis regarding changes to the recommendations, Ms. Irigon noted the August 16th date came from the County but had been discussed with Local 1280, which would offer some benefits and time to help work with the employees on placement in the County or outplacement.

Mr. Johnson voiced concern that for every dollar that is put into DCSS that the State will remove a dollar, this could change, but concurs that notices be given now effective July 1 for 16 employees in DCSS, but hopes that number can be reduced. By June 30 other factors will be known regarding the State allowing backfilling, and recommends going forward with a flexible process today.

Supervisor Silva suggested using the words "between July 1st and no later than August 16th" on the layoff notices, that will leave the options open, Ms. Irigon indicated the notices could be listed as no later than August 16th, and explained the Civil Service Rules and the process.

On motion of Chairman Kromm and seconded by Supervisor Vasquez, the Board acted to encourage the Department of Child Support Services, Human Resources, and the effected unions to work towards resolution of minimizing the number of employee layoffs including triggering layoffs, up to 18 in the Department of Child Support Services and 33.3 incumbents and 107.8 vacant positions in Health and Social Services, earlier rather than later if that minimizes the number to be laid off with an effective date between July 1st and no later than August 16, 2003; and to authorize the Director of Human Resources in consultation with the County Administrator's Office and the affected departments to implement measures to mitigate layoffs including, but not limited to, the Voluntary Time Off program. So ordered by a vote of 5-0. On motion of Supervisor Kondylis and seconded by Supervisor Forney, the Board acted to designate the period of June 3, 2003 through June 30, 2004 as a period of economic hardship. So ordered by a vote of 5-0.

(Item 28) JANIE A. MATTHEWS APPOINTED TO THE SOLANO COUNTY HISTORICAL RECORDS COMMISSION

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to appoint Janie A. Matthews to the Solano County Historical Records Commission to fill an unexpired term that will expire April 2004. So ordered by a vote of 5-0.

(Item 29A) RESOLUTION NO. 2003-131 REVOKING USE PERMIT NO. U-93-19 OF LOUIS LOCKREM, ADOPTED

The Board was provided with an Agenda Submittal from the Department of Environmental Management dated June 3, 2003, incorporated herein by reference, regarding upholding a decision of the Planning Commission to revoke Use Permit No. U-93-19 of Louis Lockrem for the operation of a 75-dog kennel.

Matt Walsh, Planning Services Division of Environmental Management, gave a brief chronology of the permits resulting in the decision of the Planning Commission to revoke the permit, showed photos of the facility, and noted there is a septic permit pending.

Responding to questions posed by Chairman Kromm regarding the number of dogs at the last hearing, a request to postpone the hearing, Mr. Walsh noted previously there had been 148 dogs, but currently there are 128. Mr. Lockrem requested the hearing be postponed citing that his attorney had not be notified, but Mr. Walsh verified the attorney, Mr. Coil, had received notification as verified through certified mail.

There was a short discussion regarding opening and continuing the hearing, but it was noted this issue has gone on for a long period and that the hearing should go forward.

Chairman Kromm opened the public hearing.

John Lum, Vacaville, noted support for the staff recommendations to deny the appeal and revoke the use permit.

Beverly Lum, Vacaville, read a prepared statement citing problems as a result of the kennel, complications with tenants, and requested the appeal be denied.

Jay Menchoca, Lum's attorney, noted Mrs. Lum has owned the property for 50 years, feels there are many health and safety issues and the kennel is creating financial problems for the Lums'. Mr. Menchoca feels the kennels are dangerously close to the residence on the Lum property, noted the long history in numerous areas of non-compliance; voiced concern regarding the number of dogs on the property, contamination of ground water, and excessive noise all resulting in financial hardship for the Lums'.

Louis E. Lockrem, Elmira, explained reasons for the request for a continuance, outlined repercussions of bankruptcy, discussed the breed of dog he is raising, rebutted points made by staff, tenants on the Lum's property, Code Enforcement issues, discussed his credibility, feels he is being threatened, and there is a pending application for a septic system.

Mrs. Louis Lockrem, Elmira, feels they are being mistreated, discussed a rescue group has been recruited by the County to take the dogs, derogatory postings on the internet about them, areas of contention with the Lum's tenants, property lines, and septic system problems on the Lum's property.

Nancy Joeckel, Borzoi Rescue of Northern California, noted availability to answer any questions.

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

Supervisor Kondylis voiced concern with the amount of time the violations have been going on, and the ongoing excessive number of dogs.

Supervisor Vasquez posed questions regarding the term of the permit and conditions of the permit, Mr. Walsh noted the permit was for five years with the option for extensions through the Conditional Use process, the permit was exercised when the construction of the kennel was constructed, and that 100 dogs were initially moved into the kennel.

Supervisor Forney noted being her first day in the position and lack of background knowledge of the appeal, Supervisor Forney excused herself from the vote.

Chairman Kromm voiced concern with the large number of dogs remaining on the property.

Responding to questions posed by Supervisor Vasquez regarding the process for removal of the kennels/dogs, Deputy County Counsel Jim Laughlin noted that if the Board denies the appeal he recommended delaying the operative date of the revocation for 30, 60, or 90 days to give the Lockrem's the opportunity to essentially clean up the property, and to give the Lockrem's the legal authorization to sell dogs from this property.

Responding to questions posed by Chairman Kromm regarding the number of dogs the Lockrems' could keep, Mr. Laughlin noted the Lockrems' could keep up to 5 dogs without a permit.

On motion of Supervisor Silva and seconded by Chairman Kromm, the Board acted to deny the appeal, and to adopt Resolution No. 2003-131 Revoking Use Permit No. U-93-19 of Louis Lockrem, and to extend the

operative date of the revocation for 90 days and to give the Lockrems' the legal authorization to sell dogs from the property until that date. So ordered by a vote of 4-0, Supervisor Forney excused.

(Item 29B) APPEAL RE VARIANCE APPLICATION NO. V-03-01 OF WILLIA FULTON, DENIED

Matt Walsh, Planning Services Division Department of Environmental Management, reviewed the information contained in an Agenda Submittal from his department dated June 3, 2003, through a visual presentation, incorporated herein by reference, regarding consideration of a Variance Application No. V-03-01 to construct a guesthouse on the front half of the property and to a height greater than 15 feet. Mr. Walsh noted Mrs. Fulton has recently submitted an alternative site plan to relocate the majority of the guesthouse on the rear of the parcel, which would meet the zoning for the guesthouse. This alternative does show there are ways to mitigate the placement of the guesthouse meaning that a variance should not be granted.

Responding to questions posed by Supervisor Silva regarding buildings on the property, Mr. Walsh reviewed the site plan to outline the buildings that are planned for the site, and continued his visual presentation.

Supervisor Kondylis voiced concern with the proposal of such a large guesthouse, and the appearance there will be two residents on this parcel.

Responding to questions posed by Supervisor Silva if the Planning Commission reviewed the alternative placement of the guest house, alternatives of the pitch of the roof, and the blending architecturally of the main and guesthouses, Mr. Walsh noted the Planning Commission did not consider the alternative placement. Staff believes a 3 and 12 pitch on the roof will reduce the height, the higher pitch roof on the guesthouse will blend with the architecture of the main house.

Michael Yankovich, Department of Environmental Management, noted the Planning Commission also considered the height requirements, and just relocating the guest house will not makeup for the height requirement of a maximum height of 15 feet.

A discussion followed regarding the need to update the ordinance governing guesthouses.

Responding to questions posed by Supervisor Silva if the Fulton's would have to return to the Planning Commission with a different set of site plans showing changes, and if there would be consideration of the architecture of the main house, Mr. Yankovich noted the Fulton's would have to go back to the Planning Commission with changes to meet the height requirement and to relocate the unit. Mr. Walsh noted that if the guesthouse is scaled down it could have a 6 and 12 pitch since the height would be reduced.

There was a brief discussion how the size of the building effects the roof height, the parameters of a guest house under the current ordinance, and the potential for precedence setting decisions.

Supervisor Vasquez expressed concern that the guesthouse maybe used as a secondary residence on the property.

Chairman Kromm opened the public hearing.

Willia Fulton, appellant, noted the desire to keep the guesthouse architecturally in harmony with the main house, to have a vaulted ceiling in the great room that is repeated from the main house, wants a house that is modern in design, and contributes the highest and best use of the property. Mrs. Fulton provided the Board with an informational packet, incorporated herein by reference, that included drawings, photographs of some the unique architectural features they will include on their home and guest house, other properties in the area that have guest houses showing heights of other buildings that are taller than 15 feet, building placements, and noted four of the cities in the County do not have height restrictions. Mrs. Fulton noted it is their dream to have this home and guesthouse for them and their family.

Scott Jaye, Jaye Construction & Design, reviewed the information contained in a letter dated March 31, 2003, incorporated herein by reference, also noting how the current design of the guest house is in harmony with the main house, discussed negative aspects during the project design, the raised floor construction, and the importance of the scale of the two buildings. There was a brief discussion regarding raised floors versus a slab and the height of the buildings, the pitch of the roof to accommodate a tile roof, and the difference of building heights that is attributed to no restrictions for accessory buildings or buildings built prior to adoption of the current ordinance.

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

Supervisor Kondylis feels that there is not enough evidence to meet the criteria to approve the variance.

Supervisor Vasquez noted the project would be constructed at one time, and questioned if the Fulton's would be willing to set the guest house farther back on the lot and with a 4 and 12 pitch for the roof, Mr. Jaye noted the Fulton's are interested in a compromise that will work, but the importance of maintaining the tile roof, and is comfortable with setting the guest house farther back. Mrs. Fulton noted a subdivision in the area that has 5 and 12 pitch roofs, maintaining the roofline is important, and moving the house back on the lot is ok.

Mr. Yankovich noted the two issues, the height and location of the guesthouse, and there are no special circumstances that are sufficient enough to justify a variance for exceeding the height requirement.

Responding to questions posed by Supervisor Kondylis regarding reducing the size of the house to maintain the pitch of the roof, Mr. Jaye noted the height of the roof is dependent on the width of the building and the size of the house would be greatly reduced to bring the height down to 15 feet or less. The scale of the project is important.

Supervisor Silva noted the concern of flooding and the consideration that will need to be addressed when the ordinance is revisited, and noted the Fulton's could go back to the Planning Commission with alternative proposals.

There was a brief discussion regarding the need to update this Ordinance.

On motion of Supervisor Forney and seconded by Supervisor Kondylis, the Board acted to deny the appeal of Willia Fulton re Variance Application No.

V-03-01. So ordered by a vote of 5-0.

ADJOURN - This meeting of the Board of Supervisors adjourned at 4:00 p.m.

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Duane Kromm, Chairman

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Maggie Jimenez  
Clerk to the Board of Supervisors