

Minutes For March 4, 2003

The Solano County Board of Supervisors met in regular session on this day at 8:32 a.m. The meeting was called to order by Chairman Kromm. Present were Supervisors Kondylis, Vasquez and Chairman Kromm. Supervisor Silva was excused.

CLOSED SESSION: The Board moved into Closed Session at 8:33 a.m. to discuss Meet and Confer: Deputy Sheriff's Association, Units 3 & 4, and Correctional Officers, Unit 13 with Craig Jory, Chief Negotiator; Litigation: In re PG&E, Debtor. The Board moved out of Closed Session at 8:53 a.m.

The Solano County Board of Supervisors reconvened on this day at 8:57 a.m.

(Item 5) REQUEST FOR FUNDING RE PG&E LITIGATION TO BE BROUGHT BACK

County Counsel Dennis Bunting noted the Board has directed that a request to fund our proportionate contribution, \$18,867, for the litigation now proceeding against PG&E be brought back when all Board members will be present.

The Board meeting continued with the Pledge of Allegiance and a moment of silence.

PRESENTATIONS

(Item 7) PROCLAMATION ENDORSING THE FOURTH ANNUAL SOLANO BICYCLE CLASSIC MARCH 27TH THROUGH MARCH 30TH 2003, APPROVED

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve the Proclamation Endorsing the Fourth Annual Solano Bicycle Classic March 27th through March 30th 2003. So ordered by a vote of 3-0; Supervisor Silva excused.

On behalf of the Board, Chairman Kromm presented Maggie Halls, Bicycle Classic Volunteer Coordinator, with the Proclamation.

Ms. Halls gave a brief presentation regarding the fourth annual Solano Bicycle and the organization of the volunteers for the event.

APPROVAL OF AGENDA

County Counsel Dennis Bunting outlined the "Rule of 3", requiring 3 votes for majority and 4 votes on a 4/5's vote even though there are only 4 members on the Board, and with only 3 Board members present it would take an affirmative vote of all three members for an item to be approved.

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

(Item 20) Consider approval of a recommendation for the reorganization of the Assessor/Recorder's organizational structure; adoption of a resolution amending the Alphabetical Listing of Classes and Salaries; adoption of resolutions amending the Allocation List in the Assessor and Recorder divisions to effect the recommended organizational changes, corrections noted to the resolutions

So ordered by a vote of 3-0; Supervisor Silva excused.

CONSENT CALENDAR

On motion of Supervisor Vasquez and seconded by Supervisor Kondylis, the Board acted to approve the following Consent Calendar items by a vote of 3-0; Supervisor Silva excused.

(Item 13) MINUTES OF THE BOARD OF SUPERVISORS MEETING OF JANUARY 30, 2003, FEBRUARY 4, 2003; RURAL NORTH VACAVILLE WATER DISTRICT FEBRUARY 4, 2003, as outlined in the Agenda Submittal from the Clerk of the Board dated March 4, 2003, incorporated herein by reference, approved.

(Item 14) OFFICE OF FAMILY VIOLENCE PREVENTION AUTHORIZED TO SUBMIT A GRANT APPLICATION TO THE NATIONAL COURT APPOINTED SPECIAL ADVOCATE ASSOCIATION (CASA), as outlined in the Agenda Submittal from the County Administrator's Office dated March 4, 2003, incorporated herein by reference, approved.

(Item 15) RESOLUTION NO. 2003-042 AUTHORIZING THE ISSUANCE AND SALE OF DIXON UNIFIED SCHOOL DISTRICT, SOLANO COUNTY, CALIFORNIA GENERAL OBLIGATION BONDS, ELECTION OF 2002, SERIES 2003; PRESCRIBING THE TERMS OF THE BONDS AND THEIR SALE; APPROVING FORMS OF THE INDENTURE, OFFICIAL NOTICE OF SALE, AND NOTICE OF INTENTION TO SELL BONDS; APPOINTING PAYING AGENT; AND AUTHORIZING EXECUTION OF NECESSARY CERTIFICATES, adopted. (see Resolution book)

(Item 16A) RESOLUTION NO. 2003-043 PROCLAIMING THE MONTH OF MARCH, 2003 AS SOCIAL WORKER RECOGNITION MONTH IN SOLANO COUNTY, adopted. (see Resolution Book)

(Item 16B) RESOLUTION NO. 2003-044 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS (HEALTH AND SOCIAL SERVICES), adopted. (see Resolution Book)

(Item 16C) RESOLUTION NO. 2003-045 DESIGNATION SIGNATOR FOR

PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS (PATH) GRANT AWARD BETWEEN STATE OF CALIFORNIA DEPARTMENT OF MENTAL HEALTH, AND SOLANO COUNTY HEALTH AND SOCIAL SERVICES DEPARTMENT MENTAL HEALTH DIVISION, adopted. (see Resolution Book)

(Item 16D) APPROVAL OF AGREEMENTS WITH CHILD HAVEN, CHILDREN'S NETWORK, FAIRFIELD-SUISUN SCHOOL DISTRICT, AND AGREEMENT AMENDMENTS WITH PROGRESSUS THERAPY INC., STAFF CARE, as outlined in the Agenda Submittal from Health and Social Services dated March 4, 2003, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

APPROPRIATION TRANSFERS IN THE AMOUNT OF \$50,000 FROM SALARIES TO CONTRACTED SERVICES, AND IN THE AMOUNT OF \$65,000 FROM SALARIES TO CONTRACTED SERVICES FOR CLIENTS, as outlined in the Agenda Submittal from Health and Social Services dated March 4, 2003, incorporated herein by reference, approved.

APPROVAL OF PAYMENT TO SOLANO COALITION FOR BETTER HEALTH RE SOLANO KIDS INSURANCE PROGRAM (SKIPS), as outlined in the Agenda Submittal from Health and Social Services dated March 4, 2003, incorporated herein by reference, approved.

(Item 16E) CONTRACT AMENDMENT WITH COUNTY MEDICAL SERVICES PROGRAM (CMSP) GOVERNING BOARD, as outlined in the Agenda Submittal from Health and Social Services dated March 4, 2003, incorporated herein by reference, approved.

CONTRACT AMENDMENT WITH PARTNERSHIP HEALTHPLAN OF CALIFORNIA, as outlined in the Agenda Submittal from Health and Social Services dated March 4, 2003, incorporated herein by reference, approved.

(Item 17) SERVICE AGREEMENT WITH MR. WB BARNES RE CHAPLAIN SERVICES TO INMATES, as outlined in the Agenda Submittal from the Sheriff's Office dated March 4, 2003, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

ORDERS

(Item 19) RESOLUTION TO SUPPORT OUR U.S. MILITARY PERSONNEL AND OPPOSING A UNILATERAL ATTACK ON IRAQ BY THE UNITED STATES, FAILED

The Board was provided with an Agenda Submittal dated March 4, 2003, incorporated herein by reference, regarding the request by Chairman Kromm and Supervisor Kondylis for approval of a resolution supporting our U.S. military personnel and opposing a unilateral attack on Iraq.

The following people strongly voiced their opposition to the proposed resolution: Kern Wright of Veterans of Foreign Wars (VFW); Calvin Hagler VFW; Raymond Hagler VFW Post 1123; Dennis E. Allen of Brotherhood of Vietnam Vets of Vacaville; Edna C. Barnes, American Legion, AMVets, United Memorial Veterans Association; Bill Hill; Ray Schock; Paul Bergerot; Heber Holbrook Pearl Harbor Survivor's Association; Ralph Penning; Marti Gaydish; Carl Young Commander Disabled American Veterans in Vacaville; Lewis Derfuss AMVets Post 1776; Dale Baumler; Michael Reagan President Air Force Association Chapter 113; Len Augustine; Robert Krempin; Clif Poole; and Catherine Moy. A note from Frances Patten dated March 3, 2003, incorporated herein by reference, of opposition is included in the public record.

The following people spoke in favor of the proposed resolution: Donald Tipton and Danika Kavalich, Solano Peace & Justice Coalition.

Mike Palmaffy, Administrative Assistant to Supervisor Silva, read a letter from Supervisor Silva, incorporated herein by reference, voicing his opposition to the proposed resolution.

Supervisor Kondylis noted expressions in her district of fear of war, discussed ways used to get people to agree to war, the reduction of Federal funding due to increased military funding, further results of public opinion polls, and feels the issue is the welfare of the citizens of Solano County and the Nation.

Supervisor Vasquez noted the right for a Board member to express their opinion, but this type of resolution sends a mixed message regarding support for the troops. In order to support the troops and Travis you must support the mission.

Supervisor Vasquez introduced a motion not to approve the resolution, but the motion died for lack of a second.

Supervisor Kondylis feels the global community needs to agree to support this action to get disarmament, and discussed other means that were used with the Soviet Union during the Cold War. This resolution is to do what we need to do, but to do it with our allies. Money is spent in the County every day to make changes in the way legislators think, Supervisor Kondylis further discussed the Gulf War, the deaths on September 11th, the high cost of this military action, the needs of children here, the need for support of our allies, and feels that if one life can be saved it is worth it.

Chairman Kromm feels this resolution is a question of conscience, and putting forward the issue if the County should get involved and speak out on the current foreign policy conduct of our current government and the willingness of the current administration to go it alone and not work in the confines of the United Nations. If we go off alone we could create instability worldwide.

Chairman Kromm discussed the lengthy history of rebuilding after a war, and noted his deep respect for the folks and the work that they do at Travis., the resolution does not question the ability of the folks at Travis to do their job well, but questions the mission based on foreign policy. Chairman Kromm discussed his accountability to all the residents of the County.

Supervisor Kondylis feels it is important to give the people a chance to air their concerns about this and to have this debate, and would have been a very powerful message to send to Washington.

A motion was made by Supervisor Kondylis and seconded by Chairman Kromm, to consider a Resolution Supporting our U.S. Military Personnel and Opposing a Unilateral Attack on Iraq by the United States. The motion failed by a vote of 2-1; Supervisor Vasquez voted no and Supervisor Silva was excused.

(Item 20) REORGANIZATION OF THE ASSESSOR/RECORDER'S OFFICE, APPROVED

RESOLUTION NO. 2003-046 AMENDING THE ALPHABETICAL LISTING OF CLASSES AND SALARIES (ASSESSOR/RECORDER), ADOPTED

RESOLUTION NO. 2003-047 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS (ASSESSOR'S DIVISION), ADOPTED

RESOLUTION NO. 2003-048 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS (RECORDER'S DIVISION), ADOPTED

Skip Thomson, Assessor-Recorder, reviewed the information contained in the Agenda Submittal from the County Administrator's Office and Human Resources dated March 4, 2003, incorporated herein by reference, regarding the restructuring of the Assessor Recorder's Office.

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve the reorganization of the Assessor/Recorder's Office, to adopt Resolution No. 2003-046 Amending the Alphabetical Listing of Classes and Salaries (Assessor/Recorder), Resolution No. 2003-047 Amending the List of Numbers and Classifications of Positions (Assessor's Division), and Resolution No. 2003-048 Amending the List of Numbers and Classifications of Positions (Recorder's Division). So ordered by a vote of 3-0; Supervisor Silva excused. (see Resolution Book)

(Item 21) RESOLUTION NO. 2003-049 APPROVING THE SOLANO COUNTY PARKS TO APPLY GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 (PROPOSITION 12), ADOPTED

The Board was provided with an Agenda Submittal from General Services dated March 4, 2003, incorporated herein by reference, regarding application for a grant for funds to improve parks and recreation facilities in the County.

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2003-049 approving the Solano County Parks to apply Grant Funds for the Per Capita Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12). So ordered by a vote of 3-0; Supervisor Silva excused. (see Resolution Book)

(Item 22) STAFF TO PREPARE AND SUBMIT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II APPLICATION DETAILING CURRENT COUNTY PROGRAMS

Matt Tuggle, Department of Environmental Management, reviewed the information contained in the Agenda Submittal from his department dated March 4, 2003, incorporated herein by reference. Mr. Tuggle presented a visual presentation, incorporated herein by reference, titled "National Pollutant Discharge Elimination System (NPDES) Phase II". The presentation began with a history of the NPDES, NPDES Phase I, NPDES Phase II, Responsible Agencies, and the Status of the National Pollutant Discharge Elimination System Phase II.

There was a brief discussion regarding the 2000 Census Tracts being used to determine if an area is urbanized or not. Homeacres and Lemon Street are urbanized areas but fall under the Vallejo Sanitation and Flood Control District.

Responding to questions posed by Supervisor Kondylis if impaired streams are triggers, Mr. Tuggle noted the State targeted the County urbanized areas, not specifically due to streams.

Director of Environmental Management Birgitta Corsello noted there is. For years there have been excessive amounts of sedimentation in the Marsh.

There was discussion regarding particulate matter and contaminates being washed into the marsh and about BCDC only having advisory authority to the Regional Water Quality Control Board (RWQCB), and with refinery stack fallout.

Mr. Tuggle continued the presentation with What Triggers the Requirement for an NPDES Phase II Permit?, Solano County Demographics, Why the Regional Water Quality Control Board's (RWQCB) Believe Solano County should be in Phase II, What is an Urbanized Area?, Calculations for Unincorporated Portions of Solano County Listed as "Urbanized Areas", What an NPDES Phase II Program Requires, Solano County asked why should it be included in Phase II, and Current Alternatives for the County. Mr. Tuggle suggested Alternative 2, and noted the advantages of that alternative.

Director of Environmental Management Birgetta Corsello and Mr. Tuggle discussed actions being taken by other counties, and the difficulties for the County being in two regional quality control board districts.

Responding to questions posed by Supervisor Vasquez for an area that could become classified as urbanized with the 1 acre minimum, and the actual area of space of a building when this is triggered, Mr. Tuggle noted that if more than 1 acre is disturbed a State permit is required and is usually in relation to a subdivision, and discussed the required plans to retard storm water runoff. The primary goal is stop erosion during construction. Mr. Tuggle noted requirements in Use Permits for businesses that do require plans on how runoff will be dealt with.

Donald Tipton, Vallejo, noted the department has been aware of Phase II since 1999, expressed concern with problems at the grading project at 1181 Lewis Avenue, feels there should be a mechanism for contacting the agency of authority when such a project is being done, and requested the matter be delayed until Supervisor Silva is present.

Chairman Kromm voiced concern with the matter coming to the Board in an untimely way, responding Ms. Corsello noted the first notice was given

October 2002 that the County MAY be subject to Phase II, and the department has been requesting clarification and justification from the two regional quality control boards why the county would be subject to it. With the criteria we had, the department did not feel that the County would be subject to the Plan. Ms. Corsello discussed the Lewis Avenue project.

Chairman Kromm noted the plan only covers a few tiny pockets in the entire County.

Ms. Corsello noted this will be an ongoing unfunded program, and is trying to keep this as narrow and as small as possible with no additional requirements.

Responding to questions posed by Supervisor Vasquez regarding two plans, and if road projects would be subject to these requirements, Ms. Corsello noted if the exemption appeal is unsuccessful the County would have to do separate plans and reports for each of the water boards that cover Solano County, and the Department of Transportation could potentially be included.

There was a brief discussion regarding the roadside use of herbicides and weed killers and with other techniques for weed control, and friendly weeds in the drainage ditches.

Mike Hardesty, Reclamation District 2068, noted from his understanding the Phase II program is largely an urban issue, and does not reach out to the unincorporated agricultural areas. Mr. Hardesty discussed the conditional ag waiver, agencies that have permits for application of aquatic pesticides in water bodies, and that these are all separate programs leading to the overall Clean Water Act and the State permitting process. Mr. Hardesty endorsed Alternative 2.

Tacy Curry, Solano Resource Conservation District, noted the district deals with the water issues, and has some jurisdiction in the City of Vacaville and some in Dixon. Ms. Curry noted the district is in the same confusing situation as the County. The district does a lot of education outreach to the landowners on the stewardship of their properties and tries to help with the reduction of sedimentation, and urban runoff. Ms. Curry noted district concern with areas such as English Hills with the off shedding of pesticides and herbicides and the impacts to the streams, and will be trying to expand their boundaries into the Rio Vista, Suisun and Ledgewood area.

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve Alternative 2 that directs staff to prepare and submit an NPDES Phase II application detailing the programs Solano County already has in place. So ordered by a vote of 3-0; Supervisor Silva excused.

ADJOURN - This meeting of the Board of Supervisors adjourned at 11:44 p.m.

Duane Kromm, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors