

Minutes For May 07, 2002

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SOLANO COUNTY BOARD OF SUPERVISORS" MINUTES

May 7, 2002

The Solano County Board of Supervisors met in regular session on this day at 8:30 a.m.

The meeting was called to order by Vice-Chairman Kromm. Present were Supervisors Silva, Thomson, and Vice-Chairman Kromm. Supervisor Kondylis arrived at 8:32 a. m., and Chairman Carroll was excused.

CLOSED SESSION: The Board moved into Closed Session at 8:31 a.m. to discuss Personnel:

Employee Performance Evaluation - County Counsel; Litigation: Forney vs. Solano County;

Litigation: Vallejo Unified School District vs. City of Vallejo Redevelopment et al; Meet and

Confer: All Bargaining Units; with Yolanda Irigon, Director of Human Resources. The Board

moved out of Closed Session at 9:08 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:12 a.m. with the Pledge of Allegiance and a moment of silence.

PRESENTATIONS

(Item 7A) RESOLUTION NO. 2002-083 RECOGNIZING "OPERATION HAND UP"

FOR COORDINATING NORTH BAY STAND DOWN 2002 TO BE HELD JULY 18, 2002, ADOPTED

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

adopt Resolution No. 2002-083 recognizing the members of "Operation Hand Up" for organizing

North Bay Stand Down 2002 to be held July 18, 2002 at the Dixon Fairgrounds.

So ordered by a

vote of 4-0; Chairman Carroll excused. (see Resolution Book)

A short video was televised of the East Bay Stand Down 2000, which reviewed the many

activities and services that were available to help veterans during the 4-day

project.

On behalf of the Board, Supervisor Thomson presented Veterans Service Officer Bill

Reardon, appearing on behalf of Operation Hand Up, with Resolution No. 2002-083.

Carl Young, Stand Down Coordinator, noted the large number of veterans in need, thanked

Supervisors Thomson and Chairman Carroll for contributions to the project, and noted the project is

approximately \$3,000 short of the project goal. Mr. Young discussed some of the services that will

be available for the veterans, contributions from the community, and thanked the Board for their

support.

Responding to questions posed by Supervisor Silva regarding County contributions to this

operation, Director of Health and Social Services Patrick Duterte noted the County is contributing

in-kind support to assist with the event.

Supervisor Silva directed that \$1,000 of his budgetary discretionary promotional funding be

donated to the event.

NOTE: During discussion of Item 24A, the Third Quarter Financial Report, Supervisor

Silva directed that the contribution to the North Bay Stand Down 2002 be increased to \$2,000.

(Item 7B) RESOLUTION NO. 2002-102 DECLARING MAY 11, 2002 AS LETTER CARRIER DAY IN SOLANO COUNTY, APPROVED

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

adopt Resolution No. 2002-102 Declaring May 11, 2002 as Letter Carrier Day in Solano County.

So ordered by a vote of 4-0; Chairman Carroll excused. (see Resolution Book)

On behalf of the Board, Supervisor Kondylis read the proclamation.

(Item 7C) RESOLUTION NO. 2002-084 SUPPORTING THE ESTABLISHMENT OF MAY 2002 AS NATIONAL DRUG COURT MONTH, ADOPTED

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

adopt Resolution No. 2002-084 supporting the establishment of May as National Drug Court

Month. So ordered by a vote of 4-0; Chairman Carroll excused. (see Resolution

Book)

On behalf of the Board, Supervisor Silva presented Court Executive Officer Charles Ramey

and Drug Court Coordinator Del Royer with Resolution No. 2002-084.

Mr. Ramey recognized Mr. Royer for the tremendous collaborative effort in evolving the

drug court model, which is now being used in other factions of the court, and thanked the Board for

their support in the formation and continuation of this project.

Mr. Royer introduced Drug Court participant Lorraine Fine who noted how grateful she is

for this program, and how her life is turning around.

(Item 7D) PROCLAMATION RECOGNIZING THE TENTH DAY OF MAY, TWO-THOUSAND TWO CHILD CARE PROVIDER APPRECIATION DAY, APPROVED

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

approve a proclamation recognizing May 10, 2002 as Child Care Provider Appreciation Day. So

ordered by a vote of 4-0; Chairman Carroll excused.

On behalf of the Board, Supervisor Kondylis presented the proclamation to Valerie Powell

and Yvonne Apilado from the Local Child Care Planning Council.

Ms. Powell noted the importance of our children for our future.

Ms. Apilado discussed the stresses on children, day care is a child's second home, the low

pay of care providers, the dedicated staff, and thanked the Board for the recognition.

(Item 7E) RESOLUTION NO. 2002-085 COMMENDING MOIRA SULLIVAN FOR HER WORK TO IMPROVE ACCESS TO HEALTH CARE FOR SOLANO COUNTY RESIDENTS, ADOPTED

On motion of Supervisor Kondylis and seconded by Vice-Chairman Kromm, the Board

acted to adopt Resolution No. 2002-085 recognizing Moira Sullivan of her work to improve access

to health care for Solano County residents. So ordered by a vote of 4-0; Chairman Carroll excused.

(see Resolution Book)

On behalf of the Board, Vice-Chairman Kromm presented Ms. Sullivan with Resolution No.

2002-085 and a Plaque of Appreciation.

Ms. Sullivan noted the true collaborative effort of many people and

organizations for the
many local health programs.

(Item 7F) RESOLUTION NO. 2002-086 PROCLAIMING MAY 2002 AS
MENTAL
HEALTH MONTH IN SOLANO COUNTY, ADOPTED

On motion of Supervisor Thomson and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2002-086 proclaiming May as Mental Health Month in Solano County. So ordered by a vote of 4-0; Chairman Carroll excused. (see Resolution Book)
On behalf of the Board, Supervisor Thomson presented Lovella Smith, Mental Health Advisory Board, and Reverend Carmen Mason-Browne, Mental Health Advisory Board, with Resolution No. 2002-086.
Ms. Smith noted the many changes and improvements in the County Mental Health programs, and discussed the many activities honoring Mental Health Month.

Reverend Mason-Browne discussed responsibilities of the Mental Health Advisory Board, the large number of people affected by mental illness, the varied membership of the board, and the importance of public awareness. Reverend Mason-Browne noted the need for more participation, struggles of clients and their families, and acknowledged the Board and staff for their continued support.

ITEMS FROM THE FLOOR

APPEARANCE BY CATHY ANN HEWITT RE VARIOUS SUBJECTS

Cathy Ann Hewitt, Benicia, noted near completion of research on how cities and school districts work together on providing a safe preventative milieu where children can be raised, problematic situations in current society, the need for safety net services, support for the North-Bay Stand Down, availability of classes at Solano Community College. Ms. Hewitt provided the Board with a pamphlet "Adventures in Parenting", incorporated herein by reference, that is available free from the National Institute of Child Health and Human Development.

APPEARANCE BY BRUCE BECKMAN RE CLUSTERING HOMES MODEL

Bruce Beckman, Vacaville, voiced concern with division of large ranches into smaller units, and expressed interest in the clustering homes model.

Mr. Beckman was referred to the Department of Environmental Management for further information and assistance.

APPROVAL OF AGENDA

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

(Item 19A) Approval of a resolution supporting the State of California's request for relief from a federal penalty for failure to have a statewide child support automation system in place, removed from the Consent Calendar.

(Item 19B) Approval of a resolution amending the Allocation List to delete 1.0 FTE Senior Family Support Officer position and add 1.0 FTE Supervising Family Support Officer position, removed from the Consent Calendar.

(Item 20B) Approval of a Notice of Completion for the Benicia Road Rehabilitation Project completed by Bay Cities Paving and Grading, Inc. for a final cost of \$835,559, removed from the Consent Calendar.

So ordered by a vote of 4-0; Chairman Carroll excused.

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 4-0; Chairman Carroll excused.

(Item 12) MINUTES OF THE BOARD OF SUPERVISORS MEETING OF APRIL 9, 2002, as outlined in the Agenda Submittal from the Clerk of the Board dated May 7, 2002,

incorporated herein by reference, approved.

(Item 13) QUARTERLY EXAMINATION OF THE BOOKS OF THE SOLANO COUNTY TREASURY AS OF MARCH 18, 2002, as outlined in the Agenda Submittal from the Auditor-Controller's Office dated May 7, 2002, incorporated herein by reference, approved.

(Item 14A) REVISED CONFLICT OF INTEREST CODE FOR THE SOLANO COUNTY OFFICE OF EDUCATION, as outlined in the Agenda Submittal from County Counsel's Office dated May 7, 2002, incorporated herein by reference, approved.

(Item 14B) RESOLUTION NO. 2002-087 DISTRIBUTING UNCLAIMED EXCESS PROCEEDS ON APN 0071-052-470 TO THE COUNTY, adopted. (see Resolution Book)

(Item 15A) RESOLUTION NO. 2002-088 AUTHORIZING AND APPROVING THE BORROWING OF FUNDS FOR FISCAL YEAR 2002-2003; THE ISSUANCE AND SALE OF A 2002-2003 TAX AND REVENUE ANTICIPATION NOTE THEREFORE AND PARTICIPATION IN THE CALIFORNIA COMMUNITIES CASH FLOW FINANCING PROGRAM, ADOPTED, adopted. (see Resolution Book)

(Item 15B) BENICIA UNIFIED SCHOOL DISTRICT, DIXON UNIFIED SCHOOL DISTRICT AND TRAVIS UNIFIED SCHOOL DISTRICT TO ISSUE 2002-2003 TAX AND REVENUE ANTICIPATION NOTES AS PART OF THE CALIFORNIA SCHOOL BOARDS ASSOCIATION FINANCE CORPORATION CASH FLOW BORROWING PROGRAM, as outlined in the Agenda Submittal from Treasurer-Tax Collector-County Clerk dated May 7, 2002, incorporated herein by reference, approved.

(Item 16A) AMENDMENT TO AGREEMENT WITH JOSCELYN C. JONES RE CONDUCTING HEARINGS FOR PATIENTS AT CALIFORNIA SPECIALTY HOSPITAL AND TELECARE SOLANO PSYCHIATRIC HEALTH FACILITY, as outlined in the Agenda Submittal from Health and Social Services dated May 7, 2002, incorporated herein by reference, approved along with the County Administrator's recommendations regarding paying hearing costs for non-residents. Chairman authorized to sign said contract on behalf of Solano County.

(Item 16B) AGREEMENT WITH PHARMATOX, INC. AND AN AGREEMENT

WITH
HEALTHY PARTNERSHIPS, INC. TO PROVIDE SUBSTANCE ABUSE DRUG
MEDI-CAL (DMC) TREATMENT SERVICES; as outlined in the Agenda
Submittal from Health and Social Services dated May 7, 2002, incorporated
herein
by reference, approved and Chairman authorized to sign said contracts on
behalf of
Solano County.

APPROPRIATION TRANSFER IN THE AMOUNT OF \$177,000 FROM
UNANTICIPATED REVENUE FOR CONTRACT EXPENDITURE, as outlined in
the Agenda Submittal from Health and Social Services dated May 7, 2002,
incorporated herein by reference approved.

(Item 17A) RESOLUTION NO. 2002-089 AND PLAQUE OF APPRECIATION
HONORING
CHIEF DEPUTY ED MCKEE FOR TWENTY-EIGHT YEARS OF SERVICE TO
SOLANO COUNTY, approved. (see Resolution Book)

(Item 17B) RESOLUTION NO. 2002-090 AUTHORIZING SHERIFF,
UNDERSHERIFF,
AND SHERIFF'S OFFICE DIRECTOR OF ADMINISTRATIVE SERVICES
SIGNING AUTHORITY FOR CLAIMS SUBMITTED TO THE STATE
CONTROLLER'S OFFICE UNDER SECTION 4750 OF THE CALIFORNIA
PENAL CODE, adopted. (see Resolution Book)

(Item 17C) RESOLUTION NO. 2002-091 APPROVING GRANT APPLICATION
WITH THE
CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS AND
PROVIDE AUTHORIZATION FOR THE SHERIFF TO SIGN APPLICATION,
adopted. (see Resolution Book)

RESOLUTION NO. 2002-092 APPROVING THE PARTICIPATION OF SUISUN
CITY IN THE STATE BOATING SAFETY PROGRAM GRANT WITH THE
COUNTY OF SOLANO, adopted. (see Resolution Book)

(Item 18) RESOLUTION NO. 2002-093 APPROVING GRANT
APPLICATION FOR
CONTINUATION OF VERTICAL DEFENSE OF INDIGENTS PROGRAM,
adopted. (see Resolution Book)

(Item 20A) AGREEMENT WITH CUTLER AND ASSOCIATES FOR
PROFESSIONAL
SERVICES RE PLEASANTS VALLEY ROAD IMPROVEMENT PROJECT, as
outlined in the Agenda Submittal from the Department of Transportation dated
May
7, 2002, incorporated herein by reference, approved and County Administrator
authorized to sign said agreement on behalf of Solano County.

(Item 21A) RESOLUTION NO. 2002-096 AND PLAQUE OF APPRECIATION HONORING CHRISTOPHER MONSKE, PLANNING PROGRAM MANAGER, FOR OVER TWENTY-SEVEN YEARS OF SERVICE TO SOLANO COUNTY, approved (see Resolution Book)

(Item 21B) RESOLUTION NO. 2002-097 AUTHORIZING APPLICATION TO THE CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE TO PERMIT THE CONTINUED ISSUANCE OF QUALIFIED MORTGAGE CREDIT CERTIFICATES THROUGHOUT THE UNINCORPORATED COUNTY AND THE CITIES OF DIXON, FAIRFIELD, SUISUN CITY, AND RIO VISTA, adopted. (see Resolution Book)

SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS:

(Item 22) IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY
Minutes regarding this matter are contained in the In-Home Supportive Services Public Authority Minutes Book.

ORDERS

(Item 19A) RESOLUTION NO. 2002-094 SUPPORTING THE STATE OF CALIFORNIA'S REQUEST FOR RELIEF FROM A FEDERAL PENALTY FOR FAILURE TO HAVE A STATEWIDE CHILD SUPPORT AUTOMATION SYSTEM IN PLACE, ADOPTED

The Board was provided with an Agenda Submittal from DA/Family Support dated May 7, 2002, incorporated herein by reference, regarding support of the State of California's request from a federal penalty for failure to have a statewide child support automation system in place. Cathy Ann Hewitt, Benicia, feels penalties are not useful, feels parents should recognize their responsibility to ensure their children's wellbeing comes first, the need for parents to participate in their children's lives, and feels society is not responsible for everyone's lifelong needs, and streamlining is needed to track parents that do not provide for their children's support.

On motion of Supervisor Silva and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2002-094 Supporting the State of California's request for Relief From a

Federal Penalty for Failure to have a Statewide Child Support Automation System in Place. So ordered by a vote of 4-0; Chairman Carroll excused. (see Resolution Book)

(Item 19B) RESOLUTION NO. 2002-095 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (DISTRICT ATTORNEY/FAMILY SUPPORT), ADOPTED

The Board was provided with an Agenda Submittal from DA/Family Support dated May 7, 2002, incorporated herein by reference, regarding position changes within the department.

Cathy Ann Hewitt, Benicia, voiced concern regarding the ration of workers to supervisors, and cautioned in not adding too much administration rather than people directly working in the field.

Dennis Covell, Family Support Administrator, noted there are sixty-five caseworker positions, with the current ratio of 1 to 16. This addition will allow a ratio of 1 to 13. Supervisors in this division are working supervisors with hands on supervision.

Vice-Chairman Kromm feels the 1 to 16 ratio is too large for effective supervision, and that the 1 to 13 is still large.

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2002-095 Amending the List of Numbers and Classifications of Positions within Solano County. So ordered by a vote of 4-0; Chairman Carroll excused. (see Resolution Book)

(Item 20B) NOTICE OF COMPLETION RE BENICIA ROAD REHABILITATION PROJECT COMPLETED BY BAY CITIES PAVING AND GRADING, INC., APPROVED

The Board was provided with an Agenda Submittal from the Department of Transportation dated May 7, 2002, incorporated herein by reference, regarding completion of the Benicia Road Rehabilitation Project.

Donald Tipton, Vallejo, expressed concern regarding the allocation of funds for this project, voiced concern with how the funds from the Homeacres Settlement Fund are being spent, and noted

past requests for a detailed summary of funding sources which he has not received.

Responding to direction of Vice-Chairman Kromm, Director of Transportation Charlie Jones

noted he would provide the information to Mr. Tipton.

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to approve the Notice of Completion for the Benicia Road Rehabilitation Project. So ordered by a vote of 4-0; Chairman Carroll excused.

(Item 25) SETTING OF SOLANO COUNTY CRIMINAL JUSTICE ADMINISTRATION (BOOKING) FEE FOR FY2002/03, CONTINUED TO MAY 28, 2002

Auditor Controller Bill Eldridge reviewed the information contained in an Agenda Submittal from his office dated May 7, 2002, incorporated herein by reference, regarding the adjustment of the Solano County Criminal Justice Administration (Booking) Fee for FY2002/03.

County Administrator Michael Johnson reviewed a brief history of the Booking Fees and opposition of the cities to this fee. In response to the cities concerns the Tier II Booking Fees were developed at a reduced rate for a site and release of prisoners, the booking fees are based on actual costs, and noted the willingness to modify the booking fees at any point in the year if the costs are reduced.

Responding to questions posed by Vice-Chairman Kromm regarding the time it takes to book a person, Sheriff Gary Stanton noted there are many aspects to booking a prisoner and the time for each booking depends on the circumstances.

Vice-Chairman Kromm opened the public hearing.

Benicia Police Chief Jim Trimble, representing the Solano Chiefs and Sheriff Association, feels this practice puts public safety professionals in the position of debating issues if incarceration is appropriate or not based on fiscal concerns rather than on public safety, and noted the police chiefs do object to any increases. Chief Trimble noted receipt of a report on the increase in mid March, feels additional time is needed to analyze the information, requested information relative to the steps for a legal booking and how that reflects on the report that was

received. The chiefs do not understand, based on the document, what steps were considered. There are questions if court ordered bookings were withdrawn, and requested a delay in the decision to allow time for additional review by the chiefs and County staff.

Responding to questions posed by Supervisor Thomson regarding when this fee must be adopted, County Counsel Dennis Bunting noted the fee must be adopted prior to July 1st, and noted that the adoption could be extended for a week or so to meet other legal requirements.

Responding to questions posed by Supervisor Thomson relative to recovering costs from prisoners, Mr. Bunting noted part or all of the cost can be recovered from the person being booked.

There was a brief discussion regarding further research into fee recovery from the person being sentenced and distribution of the fees back to the remitting agencies.

Vice-Chairman Kromm noted consensus to continue this public hearing to May 28, 2002 to allow additional time for review of the documentation, and directed staff to work with the police chiefs to answer any questions.

Supervisor Thomson noted the issue would be taken to the Justice Committee for discussion with the judges.

(Item 24A) FY 2001/2002 THIRD QUARTER FINANCIAL REPORT,
ACCEPTED

 APPROPRIATION TRANSFERS FOR VARIOUS DEPARTMENTS,
APPROVED

 RESOLUTION NO. 2002-098 AMENDING THE LIST OF NUMBERS
AND
CLASSIFICATIONS OF POSTIONS WITH SOLANO COUNTY (GENERAL
SERVICES), ADOPTED

County Administrator Michael Johnson reviewed the information contained in the Agenda Submittal from his department dated May 7, 2002, incorporated herein by reference, regarding the financial status of the County for the third quarter of this fiscal year. Mr. Johnson reviewed the recommendations, and noted that the Promotions Budget does not have funds

available for additional expenditures at this time.

Supervisor Silva directed that his contribution to the North Bay Stand Down 2002 be increased to \$2,000.

Mr. Johnson noted the projected fund balance is approximately \$10.2 million and will be used as a means of financing the FY 2002/03 budget, fiscal uncertainty of the State budget, projected significant financial hardship for the County next year, and any fund balance over the \$10.2 million be set aside in a reserve to address economic uncertainty.

Responding to questions posed by Supervisor Kondylis regarding recommendations number eight and eleven, recommendation number 14 on increase staff in General Services, Assistant County Administrator – Budget Quang Ho noted these items are to transfer and receive money between budget units. The costs for the added positions listed in recommendation 14 will be charged to the departments receiving their services.

Supervisor Kondylis noted opposition to recommendations eight and eleven.

Donald Tipton, Vallejo, voiced concern regarding staffing levels in the Department of Environmental Management, listed on page A-7; and with the courts not wanting to pay charges relating to Workers Compensation Insurance for Court Security services to the Sheriff's Department.

Responding to questions posed by Mr. Tipton regarding staffing, Director of Environmental Management Birgitta Corsello discussed difficulties in recruiting planners and various departmental professional staff, and use of contract planners to address current planning projects and rescheduling of some long-term planning projects. Ms. Corsello reviewed those projects.

Supervisor Kondylis voiced concern regarding the term "salary savings", and feels different wording is needed to describe the funds not used when positions are not filled. These "salary savings" reflect lost services to the public.

Relative to the questions for payment by the Courts for Court Security Services, Mr. Johnson noted in a recent decision by the Administrative Office of the Courts (AOC) that these charges will be paid by the courts, and noted objection by the previous

Presiding Judge on paying these charges.

Vice-Chairman Kromm voiced concern regarding Environmental Management and feels additional funds are needed for additional staff and support, and with General Services and the need for a dedicated Parks Manager. Supervisor Silva discussed the potential benefits of a Parks Manager.

Responding to questions posed by Vice-Chairman Kromm regarding reduced Mental Health revenues, increased revenues for EPSDT programs, and with return of Rural Health Services funding, Britt Ferguson, County Administrator's Office, discussed over projection of Medi-Cal revenues, and communication issues within the department. Mr. Ferguson noted the varied departments within Health and Social Services and the mix of revenue increases and decreases within the department, and discussed the overall departmental shortfall. The State budget could still affect this budget. To receive Rural Health Services money the County is required to meet certain levels of spending, which the requirement was not met in the prior fiscal year, noted future controls to ensure the level of required spending is maintained, or the possibility of turning the program over to the State.

Responding to concerns voiced by Vice-Chairman Kromm regarding management issues in Health and Social Services, Director of Health and Social Services Patrick Duterte agrees the department needs a lot of work; better communication is needed, and committed to major improvements within the next year.

On motion of Supervisor Kondylis and seconded by Supervisor Thomson, the Board acted to approve the recommendations, except recommendations 8 and 11, for the Third Quarter Financial Update. So ordered by a vote of 4-0; Chairman Carroll excused.

Responding to questions posed by Vice-Chairman Kromm if recommendations 8 and 11 are not approved if they could be part of the budget process, Mr. Johnson noted the items can be brought back as part of an update for the Government Center Project or, if necessary, can be included as part of the budget process.

A motion was made by Supervisor Thomson and seconded by Supervisor Kromm, regarding recommendations 8 and 11, which failed on a vote of 3-1, Supervisor Kondylis voted no, and a 4/5's vote approval was required.

(Item 24C) BOARD OF SUPERVISORS MEETING OF JULY 23, 2002,
CANCELLED

The Board was provided with an Agenda Submittal from County Administrator's Office dated May 7, 2002, incorporated herein by reference, regarding canceling the Board meeting of July 23, 2002.

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to cancel the regular Board of Supervisors Meeting of July 23, 2002. So ordered by a vote of 4-0; Chairman Carroll excused.

(Item 24D) LETTER TO BE SENT TO LEGISLATORS RE CURRENT
BUDGETARY
CONCERNS

Assistant County Administrator Darby Hayes reviewed the information contained in the Agenda Submittal from his Office dated May 7, 2002, incorporated herein by reference, regarding participation in the upcoming joint Legislative Action Days.

Supervisor Kondylis noted the importance in contacting our legislators and expressing the County's concerns, and suggested a letter be drafted to the legislators stating the specific concerns to Solano County. Supervisor Kondylis encouraged the County Administrator's staff, the Sheriff's Department, and the unions to participate in this action.

Vice-Chairman Kromm noted his adamant opposition to the proposed recommendation, as listed in Legislative Bulletin #4, by California State Association of Counties (CSAC) for the State to securitize the Master Settlement Agreement funds to be used for one time adjustment, and does not want that recommendation included in any letter.

Vice-Chairman Kromm noted consensus for the County Administrator's Office to draft a letter to our legislators outlining specific concerns related to Solano County.

(Item 26) RESOLUTION NO. 2002-103 OF INTENTION TO APPROVE AN

AMENDMENT TO CONTRACT BETWEEN THE BOARD OF
ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES" RETIREMENT
SYSTEM AND THE BOARD OF SUPERVISORS COUNTY OF SOLANO
(2% @50, PROBATION OFFICERS), ADOPTED

ORDINANCE REGARDING AN AMENDMENT TO THE PUBLIC
EMPLOYEES RETIREMENT SYSTEM (PERS) CONTRACT TO PROVIDE
2% @50 FOR PROBATION OFFICERS, ADOPTED ON FIRST READING.
SECOND READING SCHEDULED FOR MAY 28, 2002

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

The Board was provided with an Agenda Submittal from the Department of Human Resources dated May 7, 2002, incorporated herein by reference, regarding amending the retirement benefits of the Probation Offices.

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2002-103 of Intention to approve an amendment to contract between the Board of Administration California Public Employees" Retirement System and the Board of Supervisors County of Solano (2% @50, Probation Officers), and adopt on first reading an ordinance regarding an amendment to the Public Employees Retirement System (PERS) contract to provide 2% @50 for Probation Officers. Second reading scheduled for May 28, 2002. So ordered by a vote of 4-0; Chairman Carroll excused. (see Resolution Book)

(Item 30A) KAREN LASSELL AND BECKY NEITHERCUTT APPOINTED TO
THE
LOCAL CHILD CARE PLANNING COUNCIL

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to appoint Karen Lassell and Becky Neithercutt to the Local Child Care Planning Council. So ordered by a vote of 4-0; Chairman Carroll excused.

(Item 30B) MARK MINNIS, DARRELL FERREIRA, AND HARRY STEWART
APPOINTED TO THE BOARD OF TRUSTEES OF RECLAMATION
DISTRICT #2134

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the

Board acted to
appoint Mark Minnis, Darrell Ferreira, and Harry Stewart to the Board of
Trustees of Reclamation
District #2134. So ordered by a vote of 4-0; Chairman Carroll excused.

(Item 30C) TRACEY LEE REAPPOINTED TO THE SOLANO COUNTY
ALCOHOL
AND DRUG ADVISORY BOARD

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the
Board acted to
reappoint Tracey Lee to the Solano County Alcohol and Drug Advisory Board.
So ordered by a
vote of 4-0; Chairman Carroll excused.

(Item 30D) ALBERT MEDVITZ AND RUSSELL LESTER APPOINTED TO THE
AGRICULTURAL ADVISORY COMMITTEE

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the
Board acted to
appoint Albert Medvitz and Russell Lester to the Agricultural Advisory
Committee. So ordered by
a vote of 4-0; Chairman Carroll excused.

(Item 30E) RESIGNATION OF BILL HAYDEN, COLETTE MACKENGEL, AND
CHIEF LAURENCE EADE FROM THE CHILDREN'S NETWORK
COUNCIL, RECEIVED

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the
Board acted to
accept the resignation of Bill Hayden, Colette Mackengel, and Chief Laurence
Eade from the
Children's Network Council. So ordered by a vote of 4-0; Chairman Carroll
excused.

(Item 29) APPEAL OF THE PLANNING COMMISSION'S DENIAL OF MINOR
REVISION TO USE PERMIT U-95-09 INVOLVING MIKE LOWRIE
TRUCKING CONTINUED TO AUGUST 6, 2002 WITH CONDITIONS OF
OPERATION IMPOSED

The Board was provided with an Agenda Submittal from the Department
of
Environmental Management dated May 7, 2002, incorporated herein by
reference, regarding the
decision of the Planning Commission to deny the Minor Revision Use Permit U-
95-09 involving
Mike Lowrie Trucking Company located at 7134 Tremont Road.

Michael Yankovich, Department of Environmental Management, noted a

number of changes that have occurred and are outlined in a memorandum from his department dated May 2, 2002, incorporated herein by reference. The major changes include a request for continuance with conditions and filing a Notice of Non-Renewal and cancellation of his Williamson Act contract, which will take approximately 90 days to process. Mr. Yankovich requested the Board grant a continuance for 90 days so both issues can be addressed at the same time.

Mr. Yankovich reviewed the conditions in the memo and noted there were two conditions the applicant had an issue with. Condition 11 and the proposed operational hours of 7 a.m. to 6 p.m., and with condition 4 and would like to add "unless being worked on in the shop or being washed".

Vice-Chairman Kromm opened the public hearing.

Dan Russo, Attorney for the applicant, noted the need to remove the property from the Williamson Act and the reason for the request for the 90-day extension, and general agreement with the conditions of the extension except for number 4 and 11. Mr. Russo discussed additional businesses in the general area that operate commercial trucks, there are 24,000 yearly trips of trucks on the intersection, and that there may be instances in the summer where there may be an emergency and a truck will need to be worked on.

Greg Coppes, Dixon, noted he had no information relative to a continuance, and feels this request is to allow Mr. Lowrie to operate for 90 days in violation of his use permit.

Responding to questions posed by Vice-Chairman Kromm regarding the operational hours, Mr. Russo noted 7 a.m. to 6 p.m. would be fine the majority of the time, but there may be some exceptions for trucks that have problems and need to be repaired.

Supervisor Silva suggested adding Saturday to the hours of operation wording to recognize there may be emergencies/exceptions where trucks have to be repaired during off hours. Supervisor Silva discussed the traffic issues facing the County and recommendations to run trucks at night to reduce traffic.

Mike Lowrie, appellant, noted more of his customers are requesting the trucks be on the

road at night when there is less traffic, will keep off-hour repairs to a minimum, but there will be those emergencies that have to be addressed.

Responding to questions posed by Supervisor Silva regarding addition of wording to condition 11, possibly justifiable exceptions, Mr. Yankovich noted commercial operation is not allowed on this property but feels condition 11 is reasonable to alleviate the impacts of the commercial operation will have for the 90 days, and suggested adding the wording to permit trucks that are being worked on in the shop could be left there over night.

Mr. Russo suggested a truck log could be kept for review by the Department of Environmental Management.

Greg Coppes, Dixon, voiced concern with the alternatives being recommended, and with the operation of commercial vehicles in direct violation of County ordinance and the Williamson Act.

Patti Coppes, Dixon, voiced concern with the 90 day extension, that Mr. Lowrie will not comply with the conditions of the extension, with the amount of noise made by empty trucks driving by, and questions why these trucks will be allowed to run in clear violation of the law. Ms. Coppes noted research done relative to the use permit for Lowrie Trucking prior to purchase of her property.

Responding to questions posed by Supervisor Thomson regarding moving of the commercial truck operation to a different location, Ms. Coppes noted there are no problems with any of the agricultural trucks.

Responding to comments by Supervisor Kondylis regarding imposing conditions and time limits of the 90 day extension if they are adhered to, Ms. Coppes feels Mr. Lowrie would not adhere to the conditions, feels past complaints have gone unheard, and questioned as to what the penalties would be if the conditions are violated.

Supervisor Thomson noted there have been problems with this use permit, we need to allow time for Mr. Lowrie to rearrange his schedule to comply with the conditions if they are approved, many other trucks in the area also make noise, and will work with everyone to achieve a resolution, and suggested approval of the 90 day extension with condition 11 not being

imposed.

Responding to comments by Supervisor Kondylis regarding property rights, noise is an issue, and requested Mr. Lowrie give his assurance that every effort will be made to keep the noise down and to try and operate between 7 a.m. and 6 p.m., Mr. Lowrie noted he has been working to reduce the noise, discussed some roadway issues, and gave the Board his assurance that he would comply with the conditions of the extension.

Supervisor Kondylis requested staff to keep a log on any violations that are reported.

Supervisor Kromm noted concern relative to operation of this business and direct violation of the Williamson Act property.

Deputy County Counsel Jim Laughlin clarified for the record that the action being taken expresses no judgement on the appeal, that the appeal is being continued, these are just conditions to allow the continuance to take place.

On motion of Supervisor Silva and seconded by Supervisor Thomson, the Board acted to approve the staff recommendations as listed in the memorandum from the Department of Environmental Management dated May 7, 2002 for the 90 day extension, for the added language on condition number 4 "unless trucks are being worked on, in the shop, or being washed", and with the exception of condition number 11. So ordered by a vote of 4-0; Chairman Carroll excused.

On motion of Supervisor Silva and seconded by Vice-Chairman Kromm, the Board acted to approve condition number 11 as written. So ordered by a vote of 3-1; Supervisor Thomson voted no.

(Item 28) FINAL REPORT OF THE ORGANIZATIONAL STUDY OF THE LIBRARY,
APPROVED IN CONCEPT

Library Director Ann Cousineau gave a brief background of the project, and noted this is a piece of the overall new business model for the library.

Consultant, Jeanne Goodrich highlighted the findings and recommendations of the organizational study contained in an Agenda Submittal from the Library dated May 7, 2002,

incorporated herein by reference, regarding the reorganization of the County libraries.

Responding to questions posed by Supervisor Thomson regarding recommendation for additional administrative positions, scope of duties, Ms. Goodrich noted the recommendation to consider changing the title of the Administrative Librarians to reflect more of a Deputy Director since this is a top administrative position, with the scope of duties that would encompass broader responsibilities to address the day to day operations of the libraries.

Responding to concerns voiced by Supervisor Kondylis regarding increased costs, Ms. Cousineau noted the next steps is to work with Maximus to clarify the positions of which there will only be two added deputy director positions, and noted this organizational study is showing a way to reorganize the workforce to spread the staff into the new facilities without hiring many new staff members. One of the goals is to continue the work with Maximus to accurately reflect what the positions really do. A review does need to be done on the positions and what the work is since the jobs are changing.

Supervisor Kondylis would like to see a job classification study prior to approval of this report, and would accept this report.

Ms. Cousineau noted there is more work to be done, this study notes we are doing things differently, technology has changed the way services are delivered, the job descriptions need to be updated.

Vice-Chairman Kromm noted he likes this approach which provides a structural outline with the Library almost doubling the number of facilities and the details will have to be worked out, and feels this is an agreement with the general idea of the structure.

On motion of Supervisor Kondylis and seconded by Vice-Chairman Kromm, the Board acted to accept the final report of the Organizational Study of the Library. So ordered by a vote of 4-0; Chairman Carroll excused.

(Item 24B) RESOLUTION NO. 2002-099 APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT EXERCISE OF POWERS AGREEMENT CREATING THE CALIFORNIA STATEWIDE FINANCING AUTHORITY; AND DIRECTING AND

AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION
THEREWITH, ADOPTED

RESOLUTION NO. 2002-100 APPROVING THE FORM OF AND
AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE
AND SALE AGREEMENT, A TRUST AGREEMENT, AN ESCROW
AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE
SALE OF THE COUNTY'S TOBACCO SETTLEMENT REVENUE; AND
DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN
CONNECTION THEREWITH, ADOPTED

Assistant County Administrator Darby Hayes reviewed the information contained in the Agenda Submittal from his office dated May 7, 2002, incorporated herein by reference, regarding securitization of the Solano County's Master Tobacco Agreement Revenues (MSA). With litigation settled, Mr. Hayes recommended going with the CSAC pool on securitization that will result in a minimum of \$52.5 million that could be placed in the proposed endowment fund, and discussed the benefits and scenarios for use of the funds. The documents are in final draft form and the documents would not be signed until County Counsel ensures the documents are in order. This is an open-ended securitization and the bonds should be paid off in twenty to twenty-two years. Mr. Hayes noted some urgency in participating in securitization since the State is contemplating securitizing the State settlement money.

County Administrator Michael Johnson noted for clarification of recommendation number two that we go forward, if the estimate is significantly below the minimum of \$52 million we reserve the right to not proceed with the transaction and the same with the issuance costs.

Responding to questions posed by Supervisor Thomson regarding the County's credit rating relative to the proposed State actions, Financial Advisor Peter Miller, Public Financial Management, noted there could be credit pressure put onto the counties with the State financial issues.

Responding to questions posed by Vice-Chairman Kromm on whose credit secures these bonds, Mr. Miller noted the bonds for securitization will have nothing to do with the County's

credit at all. This stream of revenue is being sold up front for a specified amount of money, and after it is sold there is no recourse against the County.

Responding to questions posed by Supervisor Thomson regarding differences in financing, Mr. Hayes noted there is about \$2 million difference in the scenarios proposed by CSAC.

Responding to concerns voiced by Supervisor Silva if tobacco sales are lower than projected or elimination of the MSA and the repayment of the bonds, Mr. Hayes noted repayment of the bonds will not be the responsibility of the County with the sale of the revenue stream. Mr. Miller noted the only money that can be used to pay off the bondholders is from the MSA, there is no recourse to the County if the revenue stream is sold. If there is no longer any MSA money available the bonds will remain outstanding and the bondholders will not be repaid, there will be no recourse to the County, the County's name will not be on these bonds since the revenue source was sold.

Vice-Chairman Kromm noted this is one of the most complex financing transactions he has seen, the key piece of the Purchase and Sale Agreement on page 3 where it is noted we are selling the tobacco money without recourse. The buyer will be getting the stream of cash only. The questions are do we want to securitize and at what level of spending, and does this structure make sense.

Supervisor Kondylis noted agreement with securitization, but voiced concern with recommendation six. It has been agreed that the MSA money would be used for health care purposes over and above the normal amount done by the County. This recommendation is to backfill health programs, and Supervisor Kondylis feels reserves should be used.

Supervisor Silva feels the \$10 million should be held aside, for at least 18 months, to be used if programs are in trouble of being cut.

Vice-Chairman Kromm feels securitization makes sense, would like to stay at the \$3.5 million target for annual expenditures, and noted the withdrawal stream could be altered if needed.

Responding to concerns voiced by Vice-Chairman Kromm regarding the endowment being

clearer that the funds are to be used for health and substance abuse programs only, and is there a way to secure the money for these specified purposes, Mr. Hayes stated there is no way to tie the funds up completely, but it could be tied to a super majority of the Board and require a 4/5's vote to take money out of the fund. With the funds not being used for capitol projects only a specified amount can be taken out at any one time, which is also a projection of the funds. Mr. Hayes explained reasoning for recommendation 6.

Auditor-Controller William Eldridge noted agreement of securitization of many auditors in the state, and the importance of doing it now.

Vice-Chairman Kromm agreed with the requirement for the super majority of the Board and require a 4/5's vote to take money out of the fund, and to have the current MSA reserves subject to Board appropriation or redirection based on severe financial fiscal problems. Since these are draft documents, Supervisor Kromm requested he be able to review the final documents prior to execution by the County Administrator to ensure a clear understanding of the documents.

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to approve the departmental recommendations with the exception of item 6, and to adopt Resolution No. 2002-099 Approving the Form of and Authorizing the Execution and Delivery of a Joint Exercise of Powers Agreement Creating the California Statewide Financing Authority; and Directing and Authorizing Certain Other Actions in Connection Therewith, and Resolution No. 2002-100 Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement, a Trust Agreement, an Escrow Agreement and Related Documents with Respect to the Sale of the County's Tobacco Settlement Revenue; and Directing and Authorizing Certain Other Actions in Connection Therewith. So ordered by a vote of 4-0; Chairman Carroll excused.

On motion of Supervisor Silva and seconded by Supervisor Thomson, the Board acted to approve recommendation number 6 to retain the existing MSA reserve fund to provide a means to ensure the County Health programs suffer minimal impacts due the current

State fiscal crisis and to augment the interest revenue stream created by the Solano County Health Endowment Fund. So ordered by a vote of 3-1; Supervisor Kondylis voted no, Chairman Carroll excused.

(Item 27) CONSIDERATION TO FORM A COUNTYWIDE COUNTY SERVICE AREA (CSA) TO BE CONTINUED

County Administrator Michael Johnson gave a brief history of this proposal, and the need to simplify the tax code throughout the State with consolidation of small independent districts such as this.

Director of Transportation Charlie Jones, Jr. reviewed the information contained in an Agenda Submittal from his office dated May 7, 2002, incorporated herein by reference, regarding the consolidation of the existing street lighting and lighting districts into one Countywide Service Area district.

Responding to questions posed by Supervisor Kromm regarding where the \$380,000 funding currently in the districts came from, what would happen to the \$380,000 if a new district is formed, continued collection of taxes from the current districts, Mr. Jones noted the funds came from property taxes and collected from the people within the district boundaries. The current funds would be rolled into the single county service area (CSA) that would be formed, and could then be used for street lights in any of the unincorporated area within the County. When the single district is formed property tax would be collected from all living in the unincorporated areas.

Responding to questions posed by Supervisor Kromm regarding the unincorporated areas that are not listed in the report such as Allendale, Mr. Johnson noted a portion of the 1% property taxes from the lighting district areas has been collected; these areas pay the same amount of tax as everyone else. After one CSA is formed, the remaining funds from the lighting districts will be moved into the CSA, and in the future funding will be derived from all the unincorporated areas.

Supervisor Silva voiced concern with the reallocation of the \$380,000 that has been paid by

the current eight lighting districts a lot of which has been paid by people in lighting districts in his area, and feels the proposal will remove the money from the current districts.

Auditor-controller Bill Eldridge noted property taxes will stay the same, with the formation of one CSA everyone living in the unincorporated area will benefit.

Calvin McMurphy, Southern Solano County Neighborhood Watch, noted light studies that have been done in the Sandy Beach area, Homeacres area, and the Starr Subdivision area. These studies concluded more streetlights are needed in these areas. Increased lighting should have been done 30 years ago, the \$380,000 is not a surplus and should be used in the districts where the money was collected, street lighting location blueprints have been provided to the Department of Transportation, and feels lights should be installed.

Donald Tipton, Homeacres Improvement Association, noted the need to have sufficient lighting installed to meet the health and safety needs assessment done by the Sheriff's Department, questioned what the County actually owns relative to the lights and poles, noted needs surveys done in 2001, and noted work over six or seven years to get additional lights installed or current lights repaired. The Vallejo districts are the only ones actually asking for lights, and feels the Sheriff's Department should be included to ensure the health and safety needs are met in the Homeacres area.

Supervisor Thomson feels the needs in the current districts should be addressed, and any remaining funds could then be consolidated into the new CSA.

Supervisor Kondylis would like to find a way to secure the funds generated in a district to repair any needs there first. This would require a report on what the needs are in each district, and information needs to be provided on who owns the poles, the lights, and the arms. Supervisor Kondylis questioned whether the bulbs can be replaced with non-reflective lights.

Mr. Johnson noted a cooperative purchase agreement with the cities to purchase poles at a greatly reduced price, part of the savings from this agreement are reflected in these remaining funds. The County now has the responsibility for maintenance and installation of the poles.

Vice-Chairman Kromm noted consensus to continue this issue until the

questions can be
answered.

ADJOURN - This meeting of the Board of Supervisors adjourned in memory of
Anthony "Tony"
Taska at 4:01 p.m.

William J. Carroll, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors