

Minutes For February 3, 2004

The Solano County Board of Supervisors met in regular session on this day at 8:30 a.m. Chairman Silva called the meeting to order. Present were Supervisors Forney, Kromm, and Chairman Silva; Supervisor Kondylis arrived at 8:32 a.m. and Supervisor Vasquez arrived at 8:40 a.m.

CLOSED SESSION: The Board moved into Closed Session at 8:31 a.m. to discuss Litigation: King vs. Solano County; Litigation: Lind vs. Solano County; Potential Litigation: two (2) cases. The Board moved out of Closed Session at 8:52 a.m.

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

PRESENTATIONS

(Item 7A) PRESENTATION OF THE SOLANO RESOURCE CONSERVATION DISTRICT REGARDING THE DISTRICT'S ROLE AND ACTIVITIES FROM TACY CURRY, CONTINUED TO FEBRUARY 10, 2004

Due to unforeseen circumstances Tacy Curry, Solano Resource Conservation District, was unable to be present, so the presentation was continued to February 10, 2004.

(Item 7B) PROCLAMATION DESIGNATING FEBRUARY 2-8, 2004 AS A WEEK HONORING PEOPLE RAISING CHILDREN, APPROVED

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to approve the Proclamation designating February 2-8, 2004 as a week honoring people raising children. So ordered by a vote of 5-0.

On behalf of the Board, Supervisor Kondylis presented the Proclamation to Nicole Bandy, Coordinator of the Solano Parenting Partnership.

Ms. Bandy provided a calendar of events for the month of February, incorporated herein by reference, discussed the many organizations that make up the Parenting Partnership Collective that nurtures the involvement of parents in their children's lives.

ITEMS FROM THE FLOOR

INTRODUCTION OF CARLOS SILVA, CHIEF BUILDING INSPECTOR

Director of Environmental Management Birgitta Corsello introduced Carlos Silva, the new County Chief Building Inspector, and outlined a professional history that has included 25 years of experience in city and county government.

APPEARANCE BY DOUGLAS MACDONALD, COMMUNITY LABOR ALLIANCE, SECOND REQUEST FOR AN INDEPENDENT INVESTIGATION FOR SECURITY CHECKS OF THE TSX VOTING SYSTEM

Douglas MacDonald, Community Labor Alliance, for a second time requested an independent investigation be done of the TSx Voting System by scientists and legal support, Mr. MacDonald discussed new revelations of malfeasance and corruptibility of the Diebold and their Acuvote TS Machines in a report presented to the Maryland State Legislature, RABA found computer security flaws in the machines that could allow the stealing of an election, voiced concern with equipment that was used in Alameda County during the last election and the results showed that 100% voter participation in the election that means the machines cast a vote for those that did not show up or the machine discarded the people that did not show up. Mr. MacDonald noted California Counties can choose which certified equipment they will use, the counties are responsible for the management, care of, maintenance of, and security of the machines. There were brief comments regarding the RABA report.

APPROVAL OF AGENDA

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to approve the submitted Agenda, incorporated herein by reference. So ordered by a vote of 5-0.

CONSENT CALENDAR

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, 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 JANUARY 6, 2004 AND JANUARY 13, 2004, as outlined in the Agenda Submittal from the Clerk of the Board dated February 3, 2004, incorporated herein by reference, approved.

(Item 14) PROCLAMATION IN RECOGNITION OF THE CHINESE AMERICAN ASSOCIATION OF SOLANO COUNTY'S (CAASC) 8TH ANNUAL CHINESE NEW YEAR'S CELEBRATION TO WELCOME THE "YEAR OF THE MONKEY", approved.

(Item 15A) RESOLUTION NO. 2004-026 AMENDING THE ALLOCATION LIST (HEALTH AND SOCIAL SERVICES), adopted. (see Resolution Book)

(Item 15B) AGREEMENT WITH THE CITY OF FAIRFIELD AND AMENDMENT TO AGREEMENT WITH THE CITY OF DIXON RE TOBACCO MASTER SETTLEMENT AGREEMENT (MSA) REDUCING RATES STRATEGIC PLAN, as outlined in the Agenda Submittal from Health and Social Services dated February 3, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

(Item 16) APPROPRIATION TRANSFER IN THE AMOUNT OF \$9,531 IN SOLID WASTE FEE REVENUES, as outlined in the Agenda Submittal from Environmental Management dated February 3, 2004, incorporated herein by reference, approved.

ORDERS

(Item 18) RESOLUTION NO. 2004-027 CREATING THE SOLANO COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY (STIA), ADOPTED

The Board was provided with an Agenda Submittal from County Counsel dated February 3, 2004, incorporated herein by reference, regarding the creation of the Solano Transportation Improvement Authority.

Responding to questions posed by Supervisor Kromm regarding the previous authority, Mr. Bunting noted the previous authority was for a limited term and since the measure failed the authority was dissolved by law.

Chairman Silva suggested Supervisor Vasquez be the representative and he as the alternate to the STIA.

Supervisor Kondylis expressed opposition to the measure due to the funding, and voiced concern with the appearance of literature that was sent during the previous measure.

Chairman Silva noted as things progress there may be a determination not to place a measure on the ballot in November, Daryl Halls, Director of Solano Transportation Authority (STA), noted the current recommendation is to just form the authority, and noted a final determination to place the matter on the ballot does not have to be made until July.

Supervisor Kromm noted Regional Measure II that will be on the March ballot, discussed concerns with the previous measure that was on the ballot, and endorsed the expenditure plan for the balanced approach being used in Regional Measure II, and feels broad based community support and participation will be needed to put together an expenditure plan if there is a transportation measure put on the November ballot from the STIA.

On motion of Supervisor Kondylis and seconded by Supervisor Forney, the Board acted to adopt Resolution No. 2004-027 Creating the Solano County Transportation Improvement Authority (STIA), and to appoint Supervisor Vasquez as the representative and Chairman Silva as the alternate to the STIA Board. So ordered by a vote of 5-0.

(Item 19A) PRESENTATION ON THE PROGRESS OF THE COUNTY GOVERNMENT CENTER COMPLEX AND COGEN EXPANSION PROJECTS, RECEIVED

Assistant County Administrator Darby Hayes reviewed the information contained in the Agenda Submittal from his department dated February 3, 2004, incorporated herein by reference, regarding progress of the projects. Mr. Hayes noted the project has been underway for about a year, within the next year we should be occupying the building.

County Architect Kanon Artiche presented a status report of the project progress to date with a focus on the construction progress and on the design portion as reviewed through a visual presentation titled Design/Build Status Report dated February 3, 2004, incorporated herein by reference.

Supervisor Vasquez commended Mr. Artiche, County Librarian Ann Cousineau and the other Art Committee members for the progress in obtaining art for the County Administration Center (CAC) building.

Supervisor Kromm noted the Assistant Superintendent of Construction Monique Hawn was out on Saturday January 31, 2004 shoveling up mud so it would not flow into the street, and expressed how impressed he was that she was doing this to prevent storm water pollution. Supervisor Kromm also expressed concern with semi trucks doing long-term idling on Delaware Street, responding Mr. Hayes discussed future increased enforcement for parking and traffic control by the City of Fairfield on Delaware Street.

Supervisor Kondylis discussed the advancing technology on the solar panels and if the County would be installing the most advanced equipment, Mr. Hayes discussed the use of solar panels on the parking structure, and agreed to work with the supplier about utilizing the improved equipment. Mr. Artiche concluded his presentation commending the collaborative effort throughout the County, and truly shows the power of the County team working in concert with one another to produce this facility in record time.

Supervisor Kromm and Supervisor Vasquez discussed the advantages of working with a Project Labor Agreement, how pleased the participants are with the agreement, and how this has been a good tool to invest in the future of the County.

(Item 19B) CHANGE ORDERS/ADDITIONS TO THE COUNTY GOVERNMENT CENTER AND CO-GEN EXPANSION PROJECTS, APPROVED

APPROPRIATION TRANSFER IN THE AMOUNT \$190,000 FROM PUBLIC FACILITIES FEES CONTINGENCY (COURTS CATEGORY) TO UNANTICIPATED REVENUE IN THE COGEN EXPANSION BUDGET, APPROVED

CONTINGENCY FOR NEGOTIATION PURPOSES OF UP TO 15% ON ANY SINGLE ITEM FOR CO-GEN EXPANSION PROJECT, APPROVED

Assistant County Administrator Darby Hayes reviewed the information contained in the Agenda Submittal from his department dated February 3, 2004, incorporated herein by reference, regarding a budget update for the County Government Center and Co-Gen Expansion projects.

Responding to comments from Chairman Silva regarding PG&E Underground Utility Funding that may be available from the City of Fairfield, Mr. Hayes noted discussions with the City of Fairfield regarding this funding.

Responding to questions posed by Supervisor Kromm regarding a pressroom that would allow space for reports and TV crews, Mr. Hayes noted that a pressroom is planned on the second floor adjacent to the Registrar of Voters Office.

County Administrator Michael Johnson discussed the attributes of a clock tower that is proposed for the public plaza, and discussed the placement of a pylon for posting of public notices near the entrance located near the South East corner of the building where the clock would be perched on top of that pylon.

Chairman Silva suggested after moving into the new building changes be made to the production of the Agenda to reduce the amount of paper being used.

While reviewing the information relative to the Co-Gen Plan Expansion Mr. Hayes noted changes to the recommendation requesting the Board to approve moving forward with the items and allowing staff up to a 15% contingency on any single item to be able to negotiating purposes.

Supervisor Kromm voiced concern with the complexities of funding sources and requested a comprehensive follow up of the funding sources, Chairman Silva suggested the follow-up report be included in the Third Quarter Report.

On motion of Supervisor Vasquez and seconded by Supervisor Kromm, the Board acted to

approve the recommended changes and financing for each change, to approve an appropriation transfer request in the amount of \$190,000 as a transfer from Public Facilities Fees Contingency and to recognize \$190,000 in Unanticipated Revenue in the Co-Gen Expansion Project Budget, and to approve up to a 15% contingency on any single item for the Co-Gen project. So ordered by a vote of 5-0.

(Item 19C) RESOLUTION NO. 2004-028 DECLARING INTENTION TO CONSIDER GRANTING A PUBLIC UTILITY PIPELINE FRANCHISE TO SFPP, L.P., ADOPTED

ORDINANCE REGARDING GRANTING A FRANCHISE TO SFPP, L.P. FOR A PIPELINE IN THE UNINCORPORATED COUNTY ADOPTED ON FIRST READING; SECOND READING SET FEBRUARY 24, 2004

AGREEMENT WITH SFPP, L.P. REGARDING ADDITIONAL TERMS RELATED TO THE GRANTING OF A PIPELINE FRANCHISE TO SFPP, L.P., APPROVED

Scheduled on the agenda for this day was consideration of a proposed ordinance regarding granting a franchise and agreement of additional terms related to a 20-inch petroleum pipeline that will replace the existing 36-year-old, 14 inch pipeline in the unincorporated County.

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board directed that the proposed ordinance be read by title only. So ordered by a vote of 5-0.

Charlene Ping, County Administrative Office, reviewed the information contained in the Agenda Submittal dated February 3, 2004, incorporated herein by reference. The agreement deals with 4.4 miles of pipeline in the unincorporated area on County property. On page 15 language was corrected to ensure consistency between the agreement and in the ordinance on page 26.

Assistant County Administrator Darby Hayes noted language is now included in the agreement if there is some type of disaster on the pipeline and the company became insolvent, additional funding for hazmat purposes has also been negotiated that will benefit the County and the cities in the County based on the number of miles each jurisdiction is responsible for.

Chairman Silva opened the public hearing, as there was no one wanting to speak the public hearing was closed.

Responding to questions posed by Supervisor Kromm regarding the annual revenue from the franchise fee, Mr. Hayes noted those funds would be received as General Purpose Revenue.

Responding to questions posed by Supervisor Kondylis relative to safety and the use of remote control valves, Dave Cornman, Director of Project Permitting Kinder Morgan, the pipeline will have a number of motor operated valves that can be operated from the control centers in Concord and in Orange. The valves can be shut as soon as a leak is detected to minimize any spill.

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to adopt Resolution No. 2004-028 Declaring its Intention to Consider Granting a Public Utility Pipeline Franchise to SFPP, L.P., to adopt an ordinance regarding Granting a Franchise to SFPP, L.P. for a pipeline in the unincorporated County on first reading; second reading set February 24, 2004, and to approve an agreement with SFPP, L.P. regarding additional terms related to the granting of a pipeline franchise. So ordered by a vote of 5-0.

(Item 19D) REPORT ON THE STATUS OF PLACER COUNTY'S INVOLVEMENT IN THE FOUTS SPRINGS JOINT POWERS AUTHORITY (JPA), RECEIVED

County Administrator Mike Johnson noted meeting with Placer County Executive Officer Jan Christofferson. Ms. Christofferson noted a change in philosophy in handling juvenile cases with the hire of a new Chief Probation Officer, which currently is to utilize solutions within Placer County, and discussed budget concerns for Placer County. There was discussion with Ms. Christofferson relative to the budget that was approved by the JPA that included 15 youth being sent from Placer County and in turn the low participation by Placer County, but Ms. Christofferson noted there is no contractual obligation to maintain that number and in all likelihood Placer would not have that level of participation in the future. Mr. Johnson noted that John Taylor, County Administrative Office, would be working with Placer County staff to basically unwind the participation of Placer in the JPA, and would work out an equitable remedy. Plans need to be considered for further reductions in placements from Placer. The camp in Shasta County may be closing and may have some youth reassigned to Fouts.

Chairman Silva noted that Placer County was to buy into the JPA at a cost of \$250,000, which Placer bought in at a reduced rate. On any buyout Placer needs to go back to the beginning and

reimburse Solano at the regular rate, responding Mr. Taylor noted the differential would be considered and deducted from any funds that are sent back.

Responding to questions posed by Supervisor Kromm regarding the funding commitment, problems with no financial commitment by the JPA members, and the JPA Board composition, Mr. Taylor noted there is no minimum commitment for member counties, outlined the benefits for member counties, noted in the future there will have to be a commitment on the number of beds Solano and Colusa will need. Mr. Taylor noted the history of equal votes on the JPA, and discussed the weighted percentages based on usage relative to the assets if the facility closes.

Brian Cooley, Director Fouts Springs Youth Facility, noted all of the JPA members in the past would not agree to maintain a financially committed level of participation.

Mr. Taylor discussed actions taken by Solano County as the administering authority over the last 5 years, when finances were healthy.

Supervisor Vasquez noted Los Angeles County may be closing 20 units, and possibly some of the wards could be placed at Fouts, if we can hold on long enough.

There was a brief discussion regarding facilities in other counties, marketing of this facility, posturing in counties regarding closure of camps, and the need for alternative facilities for rehabilitation.

Responding to questions posed by Supervisor Forney regarding rates, Mr. Cooley noted the rates for Fouts are a bit higher due to staffing costs than Shasta County, but the program in Solano is also better.

Supervisor Vasquez discussed participation by San Bernardino that can be attributed to Mr. Cooley.

Mr. Taylor discussed other marketing options he will be pursuing, such as working with the Solano Judges to garner support from judges in other jurisdictions, and other plans for marketing that require additional funding that is not available.

Chairman Silva suggested Supervisor Forney and Supervisor Vasquez work with staff to facilitate a summit that would include all stakeholders.

APPOINTMENTS/RESIGNATIONS TO BOARDS AND COMMISSIONS:

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

(Item 20A) JOHN PETERS REAPPOINTED TO THE AIRPORT LAND USE/AVIATION ADVISORY COMMITTEE, as outlined in the Agenda Submittal dated February 3, 2004, incorporated herein by reference, for a term to expire January 1, 2008.

(Item 20B) MARIAN CURTIN REAPPOINTED TO THE SOLANO COUNTY CIVIL SERVICE COMMISSION, as outlined in the Agenda Submittal dated February 3, 2004, incorporated herein by reference, for a term to expire January 1, 2008.

(Item 20C) CORRECTION TO MS. PAM KEITH'S CIVIL SERVICE COMMISSION TERM OF APPOINTMENT, as outlined in the Agenda Submittal from Human Resources dated February 3, 2004, incorporated herein by reference, approved.

(Item 20D) BY-LAWS OF FIRST 5 SOLANO CHILDREN AND FAMILIES COMMISSION, APPROVED

The Board was provided with an Agenda Submittal from the County Administrator's Office dated February 3, 2004, incorporated herein by reference, outlining the amended bylaws. On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve the bylaws with the clear definition that a majority vote of the full Commission be required to take action. So ordered by a vote of 5-0.

ADJOURN - This meeting of the Board of Supervisors adjourned at 11:23 a.m. in Memory of Army Spec. Adam Kinser from Rio Vista who was killed in the line of duty in Iraq.

John F. Silva, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors