

Minutes For February 24, 2004

The Solano County Board of Supervisors met in regular session on this day at 8:36 a.m. Chairman Silva called the meeting to order. Present were Supervisors Forney, Kromm, and Chairman Silva. Supervisor Vasquez arrived at 8:39 a.m. and Supervisor Kondylis was excused.

CLOSED SESSION: The Board moved into Closed Session at 8:38 a.m. to discuss Property Negotiations: Property 640 Broadway, Fairfield (APN 0030-291-100); Negotiating Parties – Michael D. Johnson and Greg & Lois Tonnesen; Under Negotiation - price and terms: Potential Litigation one (1) case. The Board moved out of Closed Session at 9:00 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:05 a.m. with the Pledge of Allegiance and a moment of silence.

PRESENTATIONS

(Item 7A) PRESENTATION OF READ ALL ABOUT IT! THE NEW GALLERY EXHIBIT AT THE VACAVILLE MUSEUM

Shawn Lum, Director of the Vacaville Museum, enthusiastically discussed the opening of the new gallery exhibit on exploring local newspapers called "Read All About It!" from February 20 to August 8, 2004, and described many of the artifacts that will be on view. Ms. Lum provided the Board with an invitation card and a brochure/newspaper providing background information for the upcoming exhibit, incorporated herein by reference.

(Item 7B) RESOLUTION NO. 2004-032 PROCLAIMING MARCH 1-7, 2004 AS NATIONAL WEIGHTS AND MEASURES WEEK, ADOPTED

On motion of Supervisor Forney and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2004-032. So ordered by a vote of 4-0, Supervisor Kondylis excused. (see Resolution Book)

On behalf of the Board, Supervisor Forney presented to Assistant Agricultural Commissioner/Sealer of Weights Dave Singh.

Mr. Singh noted National Weights and Measures Week is recognized to acknowledge the importance of the work of the industry and regulators who provide weighing and measuring services. Mr. Singh noted the local theme for this year is "Unsung Heroes of an Honest Count", this is the 205th anniversary of the signing of the first weights and measures law in the United States, and noted some of the obscure measuring devices that are inspected such as odometers on ambulances and fire trucks.

(Item 14) PROCLAMATION HONORING PHILLIP MICHAEL ELDER, A MEMBER OF BOY SCOUT TROOP 486, FAIRFIELD, ON HIS ACHIEVING THE EAGLE SCOUT AWARD, APPROVED

On motion of Supervisor Vasquez and seconded by Supervisor Kromm, the Board acted to approve the Proclamation Honoring Phillip Michael Elder.

On behalf of the Board, Supervisor Vasquez presented the Proclamation to Mr. Elder.

Mr. Elder outlined a brief history leading to the acquisition and installation of the play set at Heather House.

Supervisor Kromm noted he had attended the ribbon cutting and commended Mr. Elder for such a fine job.

ITEMS FROM THE FLOOR

INTRODUCTION OF DEPUTY COUNTY COUNSEL MARIE NAKAMURA

County Counsel Dennis Bunting introduced Deputy County Counsel Marie Nakamura as the newest staff member in his office, and presented a brief professional history.

INTRODUCTION OF MANAGEMENT ANALYST GAIL FELDMAN

County Administrator Michael Johnson introduced Gail Feldman as the newest addition to his staff. Mr. Johnson also outlined the professional history and extensive governmental experience.

APPROVAL OF AGENDA

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

(Item 14) Approval of a proclamation honoring Phillip Michael Elder, a member of Boy Scout Troop 486, Fairfield, on his achieving the Eagle Scout award, moved from the Consent Calendar and to presentations.

(Item 20) Approve a site lease agreement with Metro PCS to construct and operate a wireless communication site at the Nut Tree Airport for a 5-year initial term with four 5-year renewal terms and initial payment to the county of \$500 per month; authorize the Transportation Director to sign the agreement, removed from the Agenda.

So ordered by a vote of 4-0, Supervisor Kondylis excused.

CONSENT CALENDAR

(Item 13) MINUTES OF THE BOARD OF SUPERVISORS MEETING OF JANUARY 27, 2004; IN-HOME SUPPORTIVE SERVICES JANUARY 27, 2004, as outlined in the Agenda Submittal from the Clerk of the Board dated February 24, 2003, incorporated herein by reference, approved.

(Item 15) PAUL WIESE APPOINTED AS THE INTERIM DIRECTOR OF TRANSPORTATION AND INTERIM GENERAL MANAGER OF THE RURAL NORTH VACAVILLE WATER DISTRICT, as outlined in the Agenda Submittal from County Administrator's Office dated February 24, 2004, incorporated herein by reference, approved.

(Item 16) BIENNIAL AUDIT FOR THE MONTEZUMA FIRE PROTECTION DISTRICT, as outlined in the Agenda Submittal from County Counsel dated February 24, 2004, incorporated herein by reference, approved.

(Item 17) AMENDMENT TO RENTAL AGREEMENT FOR 823 JEFFERSON STREET, FAIRFIELD, RE OFFICE SPACE FOR THE OFFICE OF INFORMATION TECHNOLOGY (ISD), as outlined in the Agenda Submittal from General Services dated February 24, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

(Item 18) COUNTY TREASURER TO DEPOSIT PARTNERSHIP HEALTH PLAN OF CALIFORNIA FUNDS IN THE COUNTY TREASURY, as outlined in the Agenda Submittal from Treasurer/Tax Collector/County Clerk dated February 24, 2004, incorporated herein by reference, approved.

(Item 19) RESOLUTION NO. 2004-033 APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, adopted. (see Resolution Book)

ORDERS

(Item 22) DISCUSSION AND CONSIDERATION OF ESTABLISHING A SISTER CITY RELATIONSHIP WITH THE CITY OF JI'AN, PEOPLE'S REPUBLIC OF CHINA

County Administrator Michael Johnson discussed the interest of the City of Ji'an and the Chinese Consulate to further pursue a sister city relationship, and a possible visit to Ji'an City to investigate what the city and region have to offer demographically or from a marketing standpoint by people from the private sector that have expressed interest. Regina Yen from Vacaville is very interested in spearheading such a relationship.

Donald Tipton, Vallejo, noted opposition with pursuing such a venture, and feels that the time,

effort and resources should be dedicated to the citizens of the County.

Supervisor Kromm discussed a previous meeting with the Chinese Consulate in San Francisco in 2003 and the interest by them to have a relationship with a West Coast city, how the County is part of the world community, the benefits such a relationship could bring, the extensive Sister City Program in Vallejo, the need for local community participation, and encouraged the project move forward with the formation of a committee. Supervisor Kromm nominated Mrs. Yen to head the committee.

Chairman Silva discussed sanctioned and non-sanctioned Sister City Programs feels with the two previous contacts it would be beneficial to put a small group together to visit the area to get an understanding at what may be compatible with Solano County. This would give the County the opportunity to reach out to local businesses, and noted the strong Chinese connection in this area. This would be a good outreach; it would bring the communities together, and feels it is worth exploring to add to this diverse area. Chairman Silva supports formation of a committee, and visiting Ji'an City in the near future.

Supervisor Vasquez discussed how diverse Solano County is, and the opportunity to adopt a sister community, and supports beginning the process.

Chairman Silva noted he would work with the County Administrator's Office to move this project forward.

(Item 23A) ORDINANCE NO. 1640 GRANTING A FRANCHISE TO SFPP, L.P. TO CONSTRUCT, MAINTAIN AND OPERATE A PIPELINE FOR THE TRANSPORTATION OF REFINED PETROLEUM PRODUCTS FOR ANY AND ALL PURPOSES IN, ALONG, ACROSS UPON AND UNDER THE STREETS, WAYS, ALLEYS, AND PLACES WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF SOLANO AS PROVIDED UNDER SECTION 28-50(A) (6) OF THE SOLANO COUNTY CODE, ADOPTED

Scheduled on the agenda for this day was consideration of a proposed ordinance that would grant a franchise to SFPP, L.P. to construct, maintain, and operate a pipeline for transport of refined petroleum products.

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

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to adopt Ordinance No. 1640. So ordered by a vote of 4-0, Supervisor Kondylis excused. (see Ordinance Book)

(Item 23B) RESOLUTION NO. 2004-034 AUTHORIZING ISSUANCE AND SALE OF ONE OR MORE SERIES OF COUNTY OF SOLANO TAXABLE PENSION OBLIGATION BONDS TO REFUND THE COUNTY'S PENSION OBLIGATION, AUTHORIZING THE FORMS OF AN INDENTURE, A SWAP AGREEMENT AND A BOND INSURANCE AGREEMENT, AND AUTHORIZING A VALIDATION ACTION AND OTHER MATTERS RELATING THERETO, ADOPTED

Assistant County Administrator Darby Hayes reviewed the information contained in the Agenda Submittal from his department dated February 24, 2004, incorporated herein by reference, regarding the unfunded obligation owed to Public Employees Retirement System (PERS) and the conceptual approval of a Pension Obligation Bond. Mr. Hayes noted changes in the Indenture documents increasing the not to exceed amount to \$160 million from \$100 million.

Chairman Silva posed questions regarding the implications if the County does nothing, what happens when the investment portfolio for PERS improves and would the money be used to pay down the bonds, responding Mr. Hayes discussed if a POB was done to fund the entire unfunded actuarial liability and the financial picture improved, those funds should go to reducing rates on an annual basis. PERS would use the extra money to help pay the unfunded liability. The County should be able to realize savings by either paying off the bonds or using the funds to reduce the ongoing rates in the future. The benefits to the POB is to reduce rates from the 8 ¼% charged by PERS to a much lower rate by borrowing the money.

Responding to questions posed by Supervisor Kromm if POB's are widely used in California, and the validation suite, Shawn Turney, Hawkins, Delafield & Wood, noted that there have been about 50 POB's done over the last 10 years with some of the 37 Act Counties participating. The validation action is needed to be able to go to the Bond Market. Mr. Turney outlined the need to ensure the constitutional debt limits are abided by.

Supervisor Kromm discussed how complex this issue is, feels that a full presentation or workshop to the Board is needed to explain the intricacies on how we manage risk, how we manage the proceeds and investment returns, and what to do in a changing market when PERS goes back to a healthier

situation, and endorses moving forward. Responding Mr. Hayes noted that a presentation would be feasible after the information is attained from PERS.

Rob Larkin, Lehman Brothers, noted this is a sequential process, and this will start the process going. If you do nothing without a validation in hand you do not have the option of refinancing. If you complete the validation and the market is not there or you change your mind for a policy reason, the validation will still remain into the future, as a perpetual option.

Supervisor Silva noted concern and wants to ensure the proceeds are used to eliminate the debt when PERS is in a better investment condition.

Responding to a question posed by supervisor Forney regarding the actuarial expiring, Mr. Hayes noted that the actuarial would expire, but the validation would not. Once the courts have said that it is in fact replacing one debt with a refinancing of that same debt, you do not have to go through that validation action again.

On motion of Supervisor Kromm and seconded by Supervisor Forney, the Board acted to adopt Resolution No. 2004-034, to approve additional documents related to the financing, and to approve the consultant team, and to increase the not to exceed amount to \$160 million. So ordered by a vote of 4-0; Supervisor Kondylis excused.

(Item 23C) RESOLUTION NO. 2004-035 SUPPORTING THE NEGOTIATION AND EXECUTION OF PROJECT LABOR AGREEMENTS (PLA) ON CERTAIN CAPITAL IMPROVEMENT PROJECTS, ADOPTED

Assistant County Administrator Darby Hayes reviewed the information contained in the Agenda Submittal from his department dated February 24, 2004, incorporated herein by reference, regarding support for PLAs for capitol improvement projects in excess of \$1 million. Mr. Hayes discussed review of each project in the price range of \$1 million to \$10 million, and to require a PLA on projects over \$10 million involving the use of design/build project delivery.

Chairman Silva discussed participation by non-union companies and the agreements to pay benefits to the union for the employees.

Responding Mr. Hayes noted this type of agreement would be done on a project by project basis, and discussed the arrangements for non-union workers working on the County Administration Center (CAC) project.

Chairman Silva noted what a seamless operation this has been for the CAC building, and other benefits of the PLA.

Mr. Hayes noted with the fast track projects with the CAC and the new Health and Social Services building that has gone smoothly to ensure the occupants are moved in on time.

Responding to questions posed by Supervisor Kromm regarding participation by other counties with PLA's, Director of General Services Veronica Ferguson noted she had contacted other county General Service Directors regarding the use of a PLA noted the results as listed in the Agenda Submittal highlighting the fear that a PLA could increase costs by not allowing competitive pricing across the board, and feels it comes down to the relationship with labor unions and how well the County works with them. There is an exceptional relationship with labor in Solano County, and there have been no labor issues here on the projects using PLA's. If you have the right relationship, communicate clearly, and have a clear PLA you will be able to save time and money.

County Architect Kanon Artiche noted the application of PLA's to buildings is relative new. Part of this is an educational process for counties; it is another layer of negotiations that could have time implications.

Supervisor Kromm noted how positive the people involved with the project are, and feels the County has saved money with the PLA.

Mr. Hayes noted that negotiations with the Napa-Solano Building Trades Council for the CAC agreement was focused on the major issues, and that many of the details fall under the union contracts and were not include in the PLA.

Chairman Silva commended Mr. Hayes for all the work and support to get this PLA in place.

Supervisor Vasquez noted the importance of hiring local people, which has worked well with this PLA.

Supervisor Forney feels that the good working relationships with labor and keeping the local people of our community employed is making this a success.

Mr. Hayes noted it is incumbent on staff to ensure that even if there is a PLA that we are able to get the widest range of contractors and everyone has the ability to bid and work under the PLA conditions.

There was a short discussion regarding using the design/build approach as a criteria for a PLA, meeting legal criteria, and doing an analysis on each project in cooperation with the Napa-Solano Building Trades Council to see if the project would meet the criteria for a PLA.

Supervisor Kromm suggesting in point 2 in the resolution to remove the reference of \$10 million, concluding that any new construction project over \$1 million County staff would review the project to see if a PLA should be used.

Lou Franchimon, Napa-Solano Building Trades, thanked the Board for support for Project Labor Agreements, and feels the Board will be happy with how well PLA's work, and noted how unique this project has been.

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2004-034, to approve additional documents related to the financing, to approve the consultant team, and to include the language changes that on projects of \$1 million or more the analysis will be done to see if it meets the criteria for a PLA. So ordered by a vote of 4-0; Supervisor Kondylis excused.

(Item 24) UPDATED SOLANO COUNTY 5-YEAR CAPITAL FACILITIES IMPROVEMENT PLAN FOR FISCAL YEARS 2003/2004 - 2007/2008, APPROVED

County Architect Kanon Artiche reviewed the information contained in the Agenda Submittal from his department dated February 24, 2004, incorporated herein by reference, regarding the annual update of the 5-Year Capital Facilities Improvement Plan.

Supervisor Kromm suggested included in future reports the projects that have been accomplished over the year, and questioned when the new Animal Care facility would be available, and regarding funding for deferred maintenance, Mr. Artiche noted the Certificate of Occupancy was issued on Friday February 20, 2004 for the Animal Care Spay and Neuter Clinic, and that the program should be up and running by March 15th. Dedicated funding for maintenance has been a real challenge, and Mr. Artiche discussed prioritizing that deferred maintenance and working with the County Administrator's Office to effectively address the deferred maintenance backlog.

Responding to a request by Supervisor Vasquez, Mr. Artiche reviewed the radio system infrastructure to address critical linkages are in place to ensure public health and safety protection in case of an emergency. Mr. Hayes outlined the problems of public agencies to communicate with each other and the plans to get all agencies in the County on the same radio frequencies.

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

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to approve the updated County 5-Year Capital Facilities Improvement Plan for FY 2003/2004 through 2007/2008. So ordered by a vote of 4-0; Supervisor Kondylis excused.

(Item 25) AGREEMENTS FOR SUBSTANCE ABUSE TREATMENT SERVICES WITH ARCHWAY RECOVERY SERVICES, BI-BETT, INC. (DETOX), CORNERSTONE, DIXON FAMILY SERVICES, GENESIS HOUSE, HEALTHY PARTNERSHIPS, INC., HOUSE OF ACTS, PHARMATOX, RIO VISTA CARE, BI-BETT, INC. (RECOVERY COMM), BI-BETT, INC. (SHAMIA), DIXON FAMILY SERVICES, HEALTHY PARTNERSHIPS, INC., HOUSE OF ACTS, PHOENIX PROGRAMS, RIO VISTA CARE, YOUTH & FAMILY SERVICES, APPROVED

Substance Abuse Administrator Dale Royer reviewed the information contained in the Agenda Submittal from his department dated February 24, 2004, incorporated herein by reference, regarding updating substance abuse treatment services for the period March 1, 2004 through June 30, 2005, and noted that after the assumptions have been tested the department would be back for agreement changes.

Responding to questions posed by Supervisor Kromm regarding the funding amounts for two fiscal years, State funding, comparison of services for in-patient to residential, and proficiency of service by the providers, Mr. Royer noted the agreements are for 16 months covering two fiscal years. The Proposed State budget allocations are basically projected on a status quo basis, and Mr. Royer noted these agreements are now fee for service agreements, the initial outcomes are based on the National Institute of Drug Abuse (NIDA) Principles of Drug Treatment Standard and further outlined that criteria. Mr. Royer discussed the formation of the Quality Committee that will address quality assurance and improvement and will give the opportunity for comparisons and set standards for providers.

On motion of Supervisor Vasquez and seconded by Supervisor Forney, the Board acted to approve the above noted agreements. So ordered by a vote of 4-0; Supervisor Kondylis excused.

(Item 26) UPDATE ON THE PROGRESS FOR TESTING FOR SEXUALLY TRANSMITTED DISEASES AND TUBERCULOSIS AT JUVENILE HALL, RECEIVED

The Board was provided with an Agenda Submittal from the Probation Department dated February 24, 2004, incorporated herein by reference, regarding testing for sexually transmitted diseases and tuberculosis at Juvenile Hall.

Elinor Irvin, Supervising Nurse at Juvenile Hall, provided the Board with a packet of information relative to treatment services at the hall, voiced concern for the safety of the children in Juvenile Hall, with the release of the medical staff from the hall, and feels their positions were deleted due to costs that were not under their control. Ms. Irvin discussed difficulties in obtaining specimens, and staffing shortages over the years.

Chief Probation Officer Gemmi Grossi noted meeting with Interim Public Health Director Mark Maus, Juvenile Hall staff, and staff from the Public Health Department to address the testing issue.

Dr. Maus noted his recommendation relative to communicable disease control at Juvenile Hall is based on the Community and National Standard. The recommendation is that all girls between 16 and 26 be tested for chlamydia as part of the screening. The controversy is to do chlamydia testing at intake for all girls. Dr. Maus recommended going with the CMFG Contract as it exists, but work together to develop a plan to screen for chlamydia at intake and to return to the Board near the end of the year with a final recommendation.

Ms. Grossi noted direction has been give for Juvenile Hall Administration to meet and confer with the union regarding the Group Counselors taking the sample at intake. CFMG has voiced concerns with attaining the California Medical Association (CMA) accreditation as required in the contract, which does not sanction non-medical professionals taking samples, and another option may have to be considered. After the meet and confer process has been completed and there is some history with staff at intake we will meet again as a group to evaluate the situation and to come back to the Board with a final recommendation.

Responding to questions posed by Supervisor Kromm regarding 100% testing for chlamydia, the status of current chlamydia testing, rate of infection in the Hall, Dr. Maus noted it is the goal to have 100% testing and will strive to attain that goal, and we also need to recognize that the girls have the right to refuse the test. Currently about 51% of all the girls are being tested. The overall County rate is just below 3% for chlamydia, in the Hall it is running at 9% for the girls. Boys are running less than 3%, and there are no national recommendations for testing for them. In the Title 15 standards of care in Correctional Facilities it does recognize that non-medical personnel can participate in parts of healthcare. The question is can we increase the testing without increasing medical staff.

Responding to questions posed by Supervisor Kromm regarding increasing current chlamydia testing, Ms. Grossi feels one way to increase the testing is to have the Group Counselors run the test at intake, the test is done with a urine sample. The Board of Corrections does not require 100% testing, it does require medical testing be done within 96 hours of admission, but there is also mention of Public Health Officer's standards. We are within standards, but Dr. Maus would like a higher standard than the Board of Corrections requires.

The report was received.

(Item 27) ROAD IMPROVEMENT PLAN FOR FY2003-04 THROUGH FY2007-08 RECEIVED

Donald Tipton, Vallejo, voiced concern that the Homeacres area is not receiving a fair share of the Road Fund money. Funds from the Homeacres Settlement Program are being used for road projects. Mr. Tipton requested the matter be continued until the matter can be resolved.

Interim Director of Transportation Paul Wiese reviewed the information contained in the Agenda Submittal from his department dated February 24, 2004, incorporated herein by reference, regarding the 5-year Road Improvement Plan, highlighting the projects scheduled for this year that do include projects in the Homeacres and Starr Subdivision areas in Vallejo.

Responding to questions posed by Supervisor Kromm regarding allocation of funding for projects, Mr. Wiese noted most projects require a local match, the County has not put in the local match in the Homeacres Settlement Program because there is sufficient funding available through the program, and that many of the roads in that area are not in bad enough condition to require an overlay. The proposed repairs will put those roads in better condition than most other County roads.

There was a brief discussion of the Winters Bridge, the Homeacres Improvement Program and replacement of storm drains by Vallejo Sanitation and Flood Control District.

The report was received.

(Item 28) RESOLUTION NO. 2004-036 APPROVING MINOR SUBDIVISION MS-03-03 ALBERT LEDERER

Alex Morin, Planner, Department of Environmental Management, reviewed the information contained in the Agenda Submittal from his department dated February 24, 2004 through a visual presentation, incorporated herein by reference, regarding approval of Minor Subdivision Application No. MS-03-03 of Albert Lederer to subdivide a 119.15 acre parcel into two parcels of 59.575 acres in size in an A-40 Exclusive Agricultural Zoning District.

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

On motion of Supervisor Vasquez and seconded by Supervisor Kromm, the Board acted to adopt Resolution No. 2004-036, to adopt the Mitigated Negative Declaration of Environmental Impact, and to adopt the suggested findings and approve Tentative Subdivision Map MS-03-03. So ordered by a vote of

ADJOURN - This meeting of the Board of Supervisors adjourned at 2:04 p.m. in memory of Solano County Transportation Director Charlie A. Jones, Jr. and USAF Master Sgt. Jude C. Mariano who was killed in Iraq.

JOHN F. SILVA, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors