

Minutes For May 11, 2004

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

CLOSED SESSION: The Board moved into Closed Session at 8:33 a.m. to discuss one (1) case; Potential Litigation: one (1) case; Public Employment: Public Defender/Conflict Public Defender; Meet and Confer: Deputy Sheriff's Association, Units 3 and 4 with Yolanda Irigon, Chief Negotiator. The Board moved out of Closed Session at 9:05 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:07 a.m.

5. COUNTY TO JOIN CLASS ACTION SUIT ENTITLED SMITH, ALLEN, MINDENHALL, EMMONS AND SHELBY, ET AL VS. THOMPSON CORPORATION

County Counsel Dennis Bunting noted that by a vote of 4-0, the Board has authorized the County to join a Class Action lawsuit entitled Smith, Allen, Mindenhall, Emmons and Shelby, et al vs. Thompson Corporation. This deals with damages arising out of the transportation handling fees for the delivery of CDroms.

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

PRESENTATIONS

7A. PROCLAMATION DESIGNATING MAY 29, 2004 AS WORLD WAR II VETERANS RECOGNITION DAY, APPROVED

On motion of Supervisor Vasquez and seconded by Supervisor Forney, the Board acted to adopt the Proclamation recognizing World War II Veterans. So ordered by a vote of 4-0; Supervisor Kondylis excused.

On behalf of the Board, Supervisor Vasquez presented the proclamation to Kathleen Heeren, Chairman of the Vacaville Veterans Memorial Association.

Ms. Heeren discussed festivities and services that will take place on Memorial Day in the City of Vacaville.

7B. PROCLAMATION HONORING ELLEN RENEE BLAUFARB UPON HER RETIREMENT FROM THE BENICIA UNIFIED SCHOOL DISTRICT, APPROVED

On motion of Chairman Silva and seconded by Supervisor Kromm, the Board acted to adopt to approve the proclamation honoring Ms. Blaufarb. So ordered by a vote of 4-0; Supervisor Kondylis excused.

On behalf of the Board, Chairman Silva presented the Proclamation to Ms. Blaufarb.

Ms. Blaufarb spoke regarding her career, and thanked the Board for recognizing the work she has done.

7C. PROCLAMATION HONORING CHELSEA LEILA MASSOUD FOR HER ESSAY "MY DREAM FOR AMERICA"

On motion of Supervisor Kromm and seconded by Chairman Silva, the Board acted to approve the proclamation commending Ms. Massoud for an excellent academic record and applauding her patriotic winning essay. So ordered by a vote of 4-0; Supervisor Kondylis excused.

On behalf of the Board, Supervisor Kromm presented the proclamation to Ms. Massoud, after receiving the Proclamation Ms. Massoud read her essay.

ITEMS FROM THE FLOOR

APPEARANCE BY BILL WHITNEY RE TRI-CITY LAND TRUST

Bill Whitney, Tri-City Land Trust, briefly discussed the Land Trust, the charge to acquire land in the Tri-City area for open space, acquisition of land with grant funding, and the need for funding to provide accessibility for the public. The Land Trust is requesting guidance from the Board, noted the need for a funding mechanism and the possible creation of a regional countywide park district. Mr. Whitney requested the matter be agendaized for discussion and direction by the Board.

The Board directed a report brought back answering a number of questions surrounding this request.

PUBLIC COMMENT ON CONSENT CALENDAR

16A. Sheriff/Coroner:

Approval of release from accountability for unaccounted fixed asset (portable radio acquired in 1986, current book value of \$0)

Donald Tipton, Vallejo, voiced concern that the Sheriff's Office may have transferred the radio to communications without adequate documentation, and questioned if the department has checked with communications for the radio.

APPROVAL OF AGENDA

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

17. Adoption of a resolution approving Solano Land Trust proposal to California Department of Conservation's California Farmland Conservancy Program for McNamara Putah Creek Ranch agricultural conservation easement, removed from the Consent Calendar.

21. Consider request from Vallejo City Unified School District's Governing Board for a short-term loan to pay expenditures occurring prior to the date of a State emergency apportionment made available to the District, removed from the Agenda.

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

CONSENT CALENDAR

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to approve the following Consent Calendar items by a vote of 4-0; Supervisor Kondylis excused.

13. MINUTES OF THE BOARD OF SUPERVISORS MEETING OF APRIL 13, 2004, as outlined in the Agenda Submittal from the Clerk of the Board dated May 11, 2004, incorporated herein by reference, approved.

14. PROCLAMATION HONORING BRYAN EDWARD SEWARD, A MEMBER OF BOY SCOUT TROOP 180 IN VACAVILLE, CALIFORNIA ON HIS ACHIEVING THE EAGLE SCOUT AWARD, approved.

15. LEASE AGREEMENT WITH METRO PCS RE WIRELESS COMMUNICATIONS PURPOSES AT THE NUT TREE AIRPORT, as outlined in the Agenda Submittal from General Services dated May 11, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

16A. RELEASE FROM ACCOUNTABILITY FOR UNACCOUNTED FIXED ASSET, as outlined in the Agenda Submittal from Sheriff/Coroner dated May 11, 2004, incorporated herein by reference, approved.

16B. RESOLUTION NO. 2004-099 APPROVING PARTICIPATION IN BOATING SAFETY AND ENFORCEMENT FINANCIAL AID PROGRAM FOR FY04/05, adopted. (see Resolution Book)

BOATING SAFETY AND ENFORCEMENT FINANCIAL AID PROGRAM AGREEMENT WITH THE STATE OF

CALIFORNIA, as outlined in the Agenda Submittal from the Sheriff's Office dated May 11, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County, and Sheriff, Under-Sheriff, or Director of Administrative Services to sign reimbursement forms.

RESOLUTION NO. 2004-100 APPROVING THE PARTICIPATION OF SUISUN CITY IN THE STATE BOATING AND SAFETY PROGRAM FOR FY 2004-05, adopted. (see Resolution Book)

ORDERS

17. RESOLUTION NO. 2004-101 APPROVING THE EASEMENT PROPOSAL TO DEPARTMENT OF CONSERVATION'S CALIFORNIA FARMLAND CONSERVANCY PROGRAM FOR MCNAMARA PUTAH CREEK RANCH AGRICULTURAL CONSERVATION EASEMENT, ADOPTED

The Board was provided with an Agenda Submittal from Environmental Management dated May 11, 2004, incorporated herein by reference, regarding approving an agricultural easement proposal for the McNamara Putah Creek Ranch.

Responding to a request by Supervisor Vasquez regarding the program at McNamara Ranch, Craig McNamara noted the ranching operation consists of 325 acres, discussed the Center for Land Based Learning Center that reaches over 3,000 students from throughout the State. Mr. McNamara discussed the curriculum that enables the students to become leaders and stewards of the land and environment. The program currently has 10 sites in the State and receives much of the funding from grants.

Supervisor Vasquez thanked Mr. McNamara for his efforts to get the children involved with the land, with finding ways to keep his property whole, and for the clean up of Putah Creek and the establishment of the riparian habitat.

On motion of Supervisor Vasquez and seconded by Supervisor Kromm, the Board acted to adopt Resolution No. 2004-101. So ordered by a vote of 4-0; Supervisor Kondylis excused. (see Resolution Book)

19. SUPERVISOR KROMM AND SUPERVISOR SILVA, AND SUPERVISOR VASQUEZ AS AN ALTERNATE, APPOINTED TO MULTI-COUNTY CONSORTIUM RE TRIBAL GAMING MATTERS

Donald Tipton, Vallejo, expressed concern with the counties ganging up on the Indians, and with the potential costs.

Gail Feldman, County Administrator's Office, reviewed the information contained in the Agenda Submittal from her office dated May 11, 2004, incorporated herein by reference. Ms. Feldman noted a staff meeting with Sonoma, Napa, and Yolo Counties to discuss the proposed consortium. At the meeting there was discussion regarding forming a JPA or to work through a Memorandum of Understanding (MOU), and the recommendation is to work through a MOU. An MOU would enable the counties to share the costs of the legislative advocate, to address the local and regional impact regarding tribal gaming matters, with particular concern with placing land in trust. Ms. Feldman noted the recommendation for the formation of a Board of Supervisors working group, and to appoint two members to represent Solano County. One County will take the administrative lead on the process ultimately being the contractor for the services. Ms. Feldman noted a letter from Amador County and other counties that are interested in participating in this group.

Supervisor Kromm compared this process to the Travis AFB Community Consortium, and discussed reasons for the formation of the group. Supervisor Kromm voiced concern that if additional counties join in the MOU it may dilute the message, and feels the group should begin with the four counties, Napa, Sonoma, Solano and Yolo. This will allow policies and principles to be set then consideration can be made to see if other counties want to join in with that basic approach. Supervisor Kromm volunteered to serve on the committee.

Chairman Silva also suggested beginning with the four counties, then the group could then decide if other counties could join.

Supervisor Vasquez nominated Chairman Silva as the second representative.

Chairman Silva feels there should be two representatives from each county, and suggested Supervisor Vasquez serve as the alternate.

There was a short discussion regarding staying with the four counties.

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to appoint Supervisor Kromm and Chairman Silva as representatives, and Supervisor Vasquez as the

alternate on this committee that would include Solano, Sonoma, Napa, and Yolo Counties. The committee would then initiate an MOU for the purpose of retaining legislative and advocacy services for tribal gaming matters. So ordered by a vote of 4-0; Supervisor Kondylis excused.

20A. BOARD EXPRESSED SUPPORT OF SB 1481 (CHESBRO – TIDELANDS: CITY OF VALLEJO; AB 2641 (COX) – PRISONERS; LOCAL COST REIMBURSEMENTS; AB 2476 (WOLK) – SACRAMENTO – SAN JOAQUIN DELTA

BOARD EXPRESSED A POSITION OF WATCH FOR SB 1155 (MACHADO) – SACRAMENTO-SAN JOAQUIN DELTA; SB 1607 (MACHADO) – LOCAL AGENCY FORMATION

Paul Yoder, Legislative Analyst, Gerber Shaw & Yoder, reviewed the information contained in the Agenda Submittal from the County Administrator's Office dated May 11, 2004, incorporated herein by reference, regarding a status report on legislation of importance to Solano County. Mr. Yoder discussed the Governor's May revise to the budget and the deal to take \$350 million for each of the next two fiscal years from the counties. This deal would mean the County will lose \$4 million for each of the next two years and will significantly limit the County's exposure, but voiced concern that individual program cuts could occur.

Responding to questions posed by Supervisor Vasquez regarding special districts that have redevelopment pass through, Mr. Yoder noted it is his understanding that pass throughs will not be affected by this proposal.

Supervisor Kromm posed questions regarding the Vehicle License Fee (VLF) cuts being less than what the County had projected, Assistant County Administrator/Budget Officer Quang Ho noted looking at the VLF separately since it will be a dollar for dollar trade with the property tax. Ms. Ho briefly discussed the \$350 million deal and how that will mean about \$3.7 million for Solano County, which has been covered in the proposed County budget. The county will continue to be prudent and conservative in projections as things develop.

There was a short discussion regarding the potential for program cuts greatly effecting Health and Social Service programs.

County Counsel Dennis Bunting noted the proposal to eliminate governmental fee. Currently there are no fees to governmental entities when they file papers with the court. Mr. Yoder feels this is a done deal and is a small part of a deal negotiated for the courts, and further noted the changes that could occur in the legislature before a budget is finally approved.

Responding to questions posed by Supervisor Vasquez on what will happen for the 2005/2006 budget, Mr. Yoder noted revenues are up, discussed the \$3 billion remaining from the Deficit Reduction Bond that the Governor planned to use for 2005/2006 and the very good possibility that these funds will have to be spent for FY 2004/2005, the potential for a \$5 to \$8 billion problem for 2005/2006, and actions the legislature may take to reduce that deficit.

Supervisor Forney posed questions regarding a waiver for the elimination of the residual benefit under In-Home Supportive Services (IHSS) Program, Mr. Yoder feels the Governor will drop the IHSS Residual Program and replace it with a Federal waiver.

Brook Byerley, District Attorney Investigator, spoke regarding the 3% at 50 benefit, requirements for the DA Investigator Position, and the need for the increased retirement benefit to attract applicants for the position.

District Attorney David Paulson voiced concern that the Governor may not sign this type of legislation for the 3% at 50 benefit, noted the Board signed a contract with the Deputy Sheriff's Association which the DA Investigators are members, the problem with how the DA Investigators are categorized in the Safety personnel category, how this issue was resolved for Butte and Shasta Counties, and how legislation could easily remedy the problem. Mr. Paulson requested the Board also support AB 2641 (Cox), and AB 2474 (Wolk), and to ask that Mr. Yoder work to put legislation through to remedy the problem of honoring the 3% at 50 for the DA Investigators.

Ken Dillon, District Attorney Investigator, spoke regarding the 3% at 50 issue, discussed his 28 years in law enforcement, requested the Board support the legislation to get the 3% at 50 for the DA Investigators, and feels without that added benefit other officers will not want to become DA Investigators.

Chairman Silva posed questions regarding the benefits the DA Investigators now have, responding Mr. Paulson discussed the difficulty in combining several categories of people in the Safety category for bargaining purposes, and noted that Shasta and Butte Counties had this problem, but solved it with special legislation.

Mr. Yoder feels that enhanced retirement benefits are going to be met with resistance in Sacramento at this time due to the current budget problems.

Supervisor Kromm feels the 3% at 50 is too expensive, discussed the escalating costs of retirement benefits, the decrease of physical requirements for a DA Investigator versus a police officer, and noted he can not support the 3% at 50 for DA Investigators.

Chairman Silva discussed the previous discussion of the Board to not pursue legislation, and current State and local budget problems.

There was a short discussion regarding bringing back SB 1477 and AB 2474, with the effects AB 2476 would have along the Delta, of the Delta Protection Commission, and defunding of Special Commissions.

Mr. Yoder noted he would make Senator Chesbro's office aware of the Board decision on the 3% at 50 issue.

On motion of Supervisor Kromm and Supervisor Vasquez, the Board acted to support SB 1481 (Chesbro), AB 2641 (Cox), and AB 2476 (Wolk) NOTE Chairman Silva did not support AB 2476; expressed a position of watch for SB 1155 (Machado) and SB 1607 (Machado); and to direct Mr. Yoder to bring back SB 1477 (Sher) and AB 2474 (Wolk). So ordered by a vote of 4-0; Supervisor Kondylis excused.

20C. BOARD OF SUPERVISORS MEETINGS OF JULY 6 AND JULY 13, 2004 CANCELLED

The Board was provided with an Agenda Submittal from the County Administrator's Office dated May 11, 2004, incorporated herein by reference, regarding canceling two Board of Supervisor's meetings in July.

Chairman Silva noted consensus to cancel the Board of Supervisor Meetings of July 6 and July 13, 2004.

20B. PRESENTATION OF THE DRAFT 2004 SOLANO COMPREHENSIVE TRANSPORTATION PLAN, RECEIVED

The Board was provided with an Agenda Submittal from the Solano Transportation Authority dated May 11, 2004, incorporated herein by reference, regarding study recommendations being included in the update to the Countywide Comprehensive Transportation Plan.

Daryl Halls, Executive Director of Solano Transportation Authority, presented a visual presentation, incorporated herein by reference, beginning with Why are We Here; Projects Currently Under Construction, and the Draft I-80/I-680/I-780 Corridor Study.

Elizabeth Richards, Director of the Solano/Napa Commuter Information Program, further discussed the Draft I-80/I-680/I-780 Corridor Study, Existing Express Bus Routes, the Recommended 2025 Transportation Hubs, Current and Future Challenges, and the Draft Senior and Disabled Transit Study.

Mr. Halls continued with the Current and Future Challenges, Local Streets and Roads, and CTP Challenges 2004-2030 Transportation Funding Shortfall.

Supervisor Kromm posed questions regarding the relocation of the truck scales, responding Mr. Halls discussed dialogue that is taking place with State agencies that will make the decision on the scales, discussed the issues at the current location, possible technological remedies for the scales, goals to obtain State commitment on funding and or moving or downsizing the facility. Mr. Halls feels good progress is being made, and further discussed the benefits of the truck scales, and some issues the State is facing for this facility.

There was a short discussion regarding tying jobs to housing and land use patterns; issues that go beyond the scope that STA deals with.

CLOSED SESSION: The Board moved into Closed Session at 11:15 a.m. to discuss one (1) case; Potential Litigation: one (1) case. The Board moved out of Closed Session at 11:43 a.m.

ADJOURN - This meeting of the Board of Supervisors adjourned at 11:43 a.m.

John F. Silva, Chair

Maggie Jimenez
Clerk to the Board of Supervisors