

Minutes For November 25, 2003

The Solano County Board of Supervisors met in regular session on this day at 8:31 a.m. Chairman Kromm called the meeting to order. Present were Supervisors Silva, Vasquez and Chairman Kromm. Supervisor Forney arrived at 8:33 a.m. and Supervisor Kondylis arrived at 8:45 a.m.

CLOSED SESSION: The Board moved into Closed Session at 8:32 a.m. to discuss Meet and Confer: Deputy Sheriff's Association, Units 3 & 4 with Craig Jory, Chief Negotiator; Meet and Confer: All Bargaining Units with Yolanda Irigon, Agency Negotiator; Potential Litigation: two (2) cases; Personnel: Public Employee Performance Evaluation – County Administrator and County Counsel. The Board moved out of Closed Session at 9:18 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:22 a.m. and continued the meeting with the Pledge of Allegiance and a moment of silence.

PRESENTATIONS

(Item 7A) RESOLUTION NO. 2003-244 IN RECOGNITION OF NOVEMBER 25, 2003 AS THE INTERNATIONAL DAY FOR THE ERADICATION OF VIOLENCE AGAINST WOMEN, ADOPTED

On motion of Chairman Kromm and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2003-244. So ordered by a vote of 5-0. (see Resolution Book)

On behalf of the Board, Supervisor Silva presented Sheriff Gary Stanton, Tony Valdez of Youth and Family Services, and Carolyn Thomas-Wold of the Office of Family Violence Prevention with Resolution No. 2003-244.

Sheriff Stanton noted support of his entire department to make a stand against violence.

Tony Valdez, Jail Based Services Program Manager at Claybank jail, noted the goals of the White Ribbon Campaign, discussed the jail based treatment program, and thanked the Board for their continuing support.

The officers that were present introduced themselves, and were followed by a brief discussion regarding the involvement of so many to get the program going.

(Item 7B) RESOLUTION NO. 2003-245 PROCLAIMING NOVEMBER 27, 2003 AS FARM-CITY WEEK RECOGNITION DAY, ADOPTED

On motion of Supervisor Vasquez and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2003-245. So ordered by a vote of 4-0, Supervisor Forney excused. (see Resolution Book)

On behalf of the Board, Supervisor Vasquez presented the resolution to Susan Cohen, Agricultural Commissioner.

Supervisor Vasquez noted the reduction in the number of farmers in this country, the increases in production, the importance of knowing where your food is coming from, how critical farming is and the increasing difficulties the farmer has to face.

Ms. Cohen discussed the effects of agriculture economic spin-offs and the \$1.3 Trillion contributed to the Gross National Product (GNP), the increasing exports from the County, California as the number 1 ag state in the Country, and other relevant facts of agriculture in the County.

(Item 7C) RESOLUTION NO. 2003-246 RECOGNIZING ROBERT L. "ROBIN" KEENEY UPON HIS RETIREMENT FOR HIS MANY YEARS OF SERVICE TO SOLANO COUNTY, AND PLAQUE OF APPRECIATION, APPROVED

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2003-246. The Board further acted to authorize a Plaque of Appreciation for Robert L. "Robin" Keeney. So ordered by a vote of 5-0. (see Resolution Book)

On behalf of the Board, Supervisor Kondylis presented Mr. Keeney with Resolution No. 2003-246 and a Plaque of Appreciation honoring him upon his retirement after 32 years of service to Solano County as an employee in the District Attorney's office.

ITEMS FROM THE FLOOR

INTRODUCTION OF IRA ROSENTHAL AS CHIEF INFORMATION OFFICER

County Administrator Michael Johnson introduced Ira Rosenthal as the County's Chief Information Officer (CIO), and briefly outlined his personal and professional background.

APPROVAL OF AGENDA

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

(Item 18C) Approval of contracts targeting pregnant African American women and teens for the period of November 1, 2003 through October 31, 2006: \$546,467 to Shasta Diablo Planned Parenthood; \$125,275 to Partnership HealthPlan of California; \$74,165 to Youth and Family Services; approval of a resolution amending the Allocation List to add Limited Term positions to expire on October 31, 2006: 1.0 FTE Project Manager, 2.4 FTE Health Assistant, 1.8 FTE Social Worker III, 1.0 FTE Public Health Nurse, removed from the Consent Calendar.

(Item 19B) Approval of renewal contracts with Ligouri Associates, Inc. in the amount of \$161,449 for security services for the period of September 1,

2003 through June 30, 2006; \$289,319 with Valley Toxicology for drug test analysis services for September 1, 2003 through June 30, 2005; \$102,711 with Families First for in-home intervention services for September 1, 2003 through June 30, 2004; authorize the County Administrator to execute any contract amendments; approve the payment of claims totaling \$15,818 from Valley Toxicology which exceeded its contract maximums, to remove the agreement with Families First from consideration.

(Item 24C) Conduct a noticed/ published hearing to consider Agricultural Preserve Application No. 1336 of Edward and Erlinda Titus for property located 2 miles east of the City of Vacaville; adopt the recommended findings and attached resolution; establish an Agricultural Preserve and approve Agricultural Preserve Application No. 1336, removed from the Agenda.

So ordered by a vote of 5-0.

CONSENT CALENDAR

On motion of Supervisor Forney and seconded by Supervisor Silva, 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 OCTOBER 28, 2003; RURAL NORTH VACAVILLE WATER DISTRICT OCTOBER 28, 2003, as outlined in the Agenda Submittal from the Clerk of the Board dated November 25, 2003, incorporated herein by reference, approved.

(Item 14) ORDINANCE NO.1638 AMENDING CHAPTER 7.3 OF THE COUNTY CODE TO CHANGE THE NAME OF THE CHILDREN & FAMILIES COMMISSION TO FIRST FIVE SOLANO CHILDREN & FAMILIES COMMISSION, adopted. (see Ordinance Book)

(Item 15) AUDIT REPORT OF THE SOLANO COUNTY CHILDREN & FAMILIES COMMISSION FOR FY ENDED JUNE 30, 2003, as outlined in the Agenda Submittal from the Auditor-Controller dated November 25, 2003, incorporated herein by reference, accepted.

(Item 16) INCREASE TO THE WORKERS' COMPENSATION TRUST ACCOUNT, as outlined in the Agenda Submittal from Human Resources dated November 25, 2003, incorporated herein by reference, approved.

(Item 17) CERTIFICATION AND RESULTS OF THE NOVEMBER 4, 2003 CONSOLIDATED DISTRICTS ELECTION, as outlined in the Agenda Submittal from Registrar of Voters dated November 25, 2003, incorporated herein by reference, approved.

(Item 18A) RESOLUTION NO. 2003-247 RECOGNIZING DECEMBER 1, 2003 AS "WORLD AIDS DAY", adopted. (see Resolution Book)

(Item 18B) DECLARATION OF INTENT TO APPLY FOR EMERGENCY MEDICAL SERVICES APPROPRIATION (EMSA) FUNDING, as outlined in the Agenda Submittal from Health and Social Services dated November 25, 2003, incorporated herein by reference, approved.

STANDARD EMSA AGREEMENT FOR FY2003-04, as outlined in the Agenda Submittal from Health and Social Services dated November 25, 2003, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

APPROPRIATION TRANSFER IN THE AMOUNT OF \$17,470 TO APPROPRIATE AN INCREASE IN REVENUE TO REFLECT THE STATE APPROVED ALLOCATION OF \$306,504, as outlined in the Agenda Submittal from Health and Social Services dated November 25, 2003, incorporated herein by reference, approved.

(Item 19A) PAYMENT OF CLAIMS FROM PROPOSITION 36 SERVICE PROVIDERS BI-BETT – DIABLO VALLEY RANCH, BI-BETT – RECOVERY CONNECTION, BI-BETT – SHAMIA HOUSE, CORNERSTONE RECOVERY SYSTEM, HOUSE OF ACTS, YOUTH & FAMILY SERVICES, as outlined in the Agenda Submittal from Probation dated November 25, 2003, incorporated herein by reference, approved.

(Item 19B) AGREEMENTS WITH LIGOURI ASSOCIATES, INC. RE SECURITY SERVICES, VALLEY TOXICOLOGY RE DRUG TEST ANALYSIS SERVICES, as outlined in the Agenda Submittal from Probation dated November 25, 2003, incorporated herein by reference, approved and Chairman authorized to sign the agreements and County Administrator authorized to execute any contract amendments.

PAYMENT OF CLAIMS FROM VALLEY TOXICOLOGY, as outlined in the Agenda Submittal from Probation dated November 25, 2003, incorporated herein by reference, approved.

(Item 20A) RESOLUTION NO. 2003-249 ADOPTING SOLANO COUNTY'S DISADVANTAGED BUSINESS ENTERPRISE GOAL FOR FEDERAL AVIATION ADMINISTRATION ASSISTED PROJECTS FOR FEDERAL FISCAL YEAR 2003-04, adopted. (see Resolution Book)

(Item 20B) PARCEL MAP AND OFFER OF DEDICATION FOR ROAD PURPOSES FOR THE (MS-01-13) ON ENGLISH HILLS ROAD, as outlined in the Agenda Submittal from the Transportation Department dated November 25, 2003, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

RESOLUTION NO. 2003-250 ACCEPTING THE AGREEMENT RE IMPROVEMENTS FOR MINOR SUBDIVISION MS-01-13 (ACORN PROPERTIES SUBDIVISION), adopted. (see Resolution Book)

(Item 21) RESOLUTION NO. 2003-251 AUTHORIZING SUSAN COHEN, AGRICULTURAL COMMISSIONER/SEALER OF WEIGHTS & MEASURES TO EXECUTE CERTAIN AGREEMENTS FOR FISCAL YEAR 2003/2004, adopted. (see Resolution Book)

ORDERS

(Item 18C) AGREEMENTS WITH SHASTA DIABLO PLANNED PARENTHOOD; PARTNERSHIP HEALTHPLAN OF CALIFORNIA, AND YOUTH AND FAMILY SERVICES RE TARGETING PREGNANT AFRICAN AMERICAN WOMEN AND TEENS, APPROVED

RESOLUTION NO. 2003-248 AMENDING THE ALLOCATION (LIMITED TERM HEALTH AND SOCIAL SERVICES), ADOPTED

The Board was provided with an Agenda Submittal from Health and Social Services dated November 25, 2003, incorporated herein by reference, regarding programs targeting pregnant African American women and teens. Supervisor Kondylis noted the allocation of \$1.2 million over three years by First Five Solano, the collaborative efforts between the County and First Five Solano, but voiced concern with the lack of formal commitment to participate in the Safe From the Start Program.

Responding to questions posed by Supervisor Kondylis regarding adding the requirement to the agreement, Deputy County Counsel Bernadette Curry noted the requirement could be added to the agreement without coming back to the Board.

Following a brief discussion regarding ensuring grantees participate in the Safe From the Start Program it was determined that the message is clear to contractors to participate in the Safe From the Start Program.

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve agreements with Shasta Diablo Planned Parenthood; Partnership HealthPlan of California, and Youth and Family Services, to indicate the grantees need to participate in the Safe From the Start Program, and to adopt Resolution No. 2003-248 Amending the Allocation (Limited Term Health and Social Services). So ordered by a vote of 5-0.

(Item 24A) RESOLUTION NO. 2003-252 ESTABLISHING AGRICULTURAL PRESERVE APPLICATION NO. 1332 AND APPROVING LAND CONSERVATION CONTRACT NO. 1229 OF CLIFFORD AND PATRICIA DETAR, ADOPTED

Alex Morin, Department of Environmental Management, briefly reviewed the information contained in the Agenda Submittal from his Department dated November 25, 2003, incorporated herein by reference, describing the establishment of the Agricultural Preserve Application No.1332.

Chairman Kromm 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 Vasquez and seconded by Supervisor Silva, the

Board acted to adopt Resolution No. 2003-252 establishing Agricultural Preserve No.1332 and to adopt the mandatory findings, and approve Agricultural Preserve Contract No.1229. So ordered by a vote of 5-0.

(Item 24B) RESOLUTION NO. 2003-253 ESTABLISHING AGRICULTURAL PRESERVE APPLICATION NO. 1333 AND APPROVING LAND CONSERVATION CONTRACT NO. 1230 OF JEANNE MCCORMACK, ADOPTED

Matt Walsh, Senior Planner Department of Environmental Management, briefly reviewed the information contained in the Agenda Submittal from his Department dated November 25, 2003, incorporated herein by reference, describing the establishment of the Agricultural Preserve Application No.1333.

Chairman Kromm 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 Forney and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2003-253 to establish Agricultural Preserve No. 1333 and to adopt the mandatory findings, and approve Agricultural Preserve Contract No. 1230. So ordered by a vote of 5-0.

(Item 24C) AGRICULTURAL PRESERVE APPLICATION NO. 1336 OF EDWARD AND ERLINDA TITUS, WITHDRAWN

County Counsel Dennis Bunting noted that the property owners had withdrawn Agricultural Preserve Application No. 1336.

(Item 23) STATUS REPORT OF THE REGISTRAR OF VOTERS' CONVERSION TO DIEBOLD'S ACCUVOTE-TS TOUCH SCREEN VOTING SYSTEM, RECEIVED

The Board was provided with an Agenda Submittal from the Registrar of Voter's Office dated November 25, 2003, incorporated herein by reference, regarding the conversion to an automated voting system.

Laura Winslow, Registrar of Voters, provided new information noting that on November 10th the Secretary of State acted to conditionally certify the Diebold Touch Screen equipment that we purchased. Diebold met the conditions of the certification, agreed to pay for an internal audit, to cooperate with the audit, and to appear December 16, 2003 at the next Secretary of State's meeting. On November 20, 2003 the Secretary of State certified the equipment, and on November 21, 2003 Secretary of State Kevin Shelly announced the requirement for a voter verifiable paper trail for touch screen voter equipment beginning July 1, 2006. Ms. Winslow expressed concern with the paper trail requirement due to the rigorous Federal and State testing that showed no tampering of the votes that could alter an election, and feels the paper trail is not necessary. The additional requirements will mean added costs for the printers, which has not been funded. Ms. Winslow reviewed the verification procedures used by her office after each election, testing that has been done on the units, and staff training.

Supervisor Kondylis noted public concern with electronic voting systems and voiced concern regarding how the units are initially programmed, what the safeguards are to ensure the programming cannot be tampered with, what the

checks and balances are, and what the potential is for fraud to occur.

Responding to these concerns Ms. Winslow outlined the procedures that are followed for logic and accuracy testing that is performed numerous times through Election Day, the accuracy testing done after the election, how the equipment is locked and secured after the program is loaded and tested, equipment storage security, the system of checks and balances, and the internal tracking for each voting unit.

Responding to questions posed by Supervisor Kondylis regarding transfer of information, Ms. Winslow noted the equipment cartridges will be brought to a collection center, the IT staff at the collection center will transmit the information through secure modem lines to her office.

Supervisor Vasquez feels there is a need for a paper trail and for the voter to be able to see their ballot, to get people in to vote we need to ensure there are no problems.

Responding to questions posed by Supervisor Forney regarding the certification that was done, if the equipment would have to be certified again if printers are added, and the results of the audit, Ms. Winslow noted the conditional certification was done November 10, 2003 and the equipment was officially certified on November 20, 2003. The voting equipment would not have to be certified again, the printer and an attachment would have to be certified and approved for use, and at this time there are no systems certified with a voter verifiable paper trail. There is a printer on our units that will produce a voter receipt to tally the votes for each candidate on each machine. On December 16, 2003 the Secretary of State will review the results of the audit. Ms.

Winslow noted the hardware equipment is certified, but software is frequently modified and there is not a process in place for the State to certify the software, and expects a process and procedure will be put in place for certification in the future by the Secretary of State.

Responding to questions posed by Supervisor Silva if we have the most up to date equipment, and the weight of the equipment, Ms. Winslow noted we do have the most up to date equipment that Diebold has, and the equipment weighs 26 pounds.

Responding to questions posed by Supervisor Silva regarding the use of uncertified software, and the independent audit, Deborah Sieller, Diebold Election Systems, discussed the large amount of turnover in the Secretary of State's Office in relation to the certification process, that Diebold and other companies never listed firmware or software in the request for certification. Companies routinely modify software prior to an election, the Secretary of State has never requested certification of software. Ms. Sieller outlined the logic and testing that is done in conjunction with the vendor, and results that are sent to the State by the counties. The software Diebold has used has been certified through the Federal Independent Test Authority, and the State does not have a certification process for the software for any of the election equipment companies. Ms. Sieller outlined confusion with software that had been placed on the web, and with changing requirements by the State, and that the audit that will identify what software is being used in the State. The Diebold equipment was fully certified on November 20, 2003 for use in Solano

and other counties.

Supervisor Silva noted many concerns with the Diebold equipment and with comments by the president of Diebold in the national press on guaranteeing election outcomes.

Supervisor Forney noted support for the Secretary of State in working to put a certification process together for the hardware and software of the electronic voting equipment.

Supervisor Kondylis feels election contributions from companies such as Diebold is a conflict of interest, and questioned how long the equipment should last, who would do equipment maintenance, and who would be doing the independent testing, Ms. Sieller noted the live span should be a minimum of 15 years, the program upgrades are part of the annual maintenance agreement, and noted the Solano County equipment has undergone more extensive testing than any other equipment in the marketplace. The County staff will receive training from Diebold to perform the normal maintenance and trouble shooting work, but if there are extensive problems the unit will be sent back to Diebold. Ms. Sieller outlined the process the Independent Test Authority will follow, the testing is paid for by the vendors. Supervisor Kondylis expressed extreme concern with the vendor paying for the testing.

Supervisor Kondylis expressed concern with shipping any equipment out for repair, Ms. Winslow discussed the internal equipment tracking history that is maintained and the testing that the department would perform when repaired equipment is returned.

Chairman Kromm discussed the lengthy process of evaluating and choosing Diebold, noted the need for adequate staffing for quality control and to review how the touch screen system works.

Ms. Winslow briefly discussed staffing, County employees available to man the polls on March 2, 2004, consulting with counties that have already begun using electronic voting equipment, and major issues that arise at every election. Chief Information Officer Ira Rosenthal made general comments regarding accuracy when moving from mechanical to electronic systems, problems with the scanning voting system to tally votes, the importance of a good test plan, the need for the County to certify the machines we have and maintain control over those machines after they are internally certified. The points of failure are typically on the people side and the business process, not with the hardware or software.

There was a brief discussion regarding the coordination between the Information Services Department and the Registrar of Voters, on the procedures that will be followed, the internal oversight of the voting machines, the current cooperative weekly meetings with MIS, ACS, the Registrars Office and Diebold, and adding additional checks and balances.

Supervisor Silva noted the excellent job the Registrar's Office has done in the past, voiced concern that we need to provide the best tools to the Registrars Office to make sure they can do a good job, and feels electronic equipment can be manipulated.

Responding to concerns voiced by Supervisor Silva that demonstration models have not been out for the public to view and operate, Ms. Sieller noted the

equipment is in Solano County, the voter outreach is scheduled to begin after the recall and November elections as agreed to by the Registrar's Office to avoid confusion and added staff responsibilities.

Supervisor Vasquez noted his continued concern with electronic voting equipment and the lack of a paper trail, and noted the need to be able to assure the public that the system will work well.

Supervisor Forney requested follow-up information on the December 16, 2003 audit meeting with the Secretary of State, and voiced concern with this process. County Counsel Dennis Bunting noted information is available on the Secretary of State's Web page, there are no Federal standards for electronic voting equipment, and ensure that the voting machines remain secured.

Chairman Kromm discussed how easy it would be to defraud the voting system, the need to reform the laws to check identification of people voting, hopes this process will encourage young people to vote.

(Item 25) 2004 SOLANO COUNTY FAIR ASSOCIATION BUDGET, APPROVED

Solano County Fair General Manager Kim Myrman reviewed the information contained in the Agenda Submittal from the Solano County Fair Board dated November 25, 2003, incorporated herein by reference, outlining the 2004 Fair budget. Ms. Myrman outlined budget impacts with the electronic sign, other fair revenues, capital improvements, and plans for 2004.

Responding to questions posed by Chairman Kromm regarding the operating budget, and loss of revenue if the golf course is removed, Ms. Myrman outlined the two part operating budget, reserve accounts, and discussed opening negotiations with the City of Vallejo relative to the golf course.

There was a brief conversation regarding buildup of the reserves and the projected use of about 1/3 of the Fair's total reserves, investment in the Master Plan, and with how long reserves would last.

Chairman Kromm noted the need to see the three, five and ten year performas to ensure that things are moving in the right direction; Ms. Myrman noted current negotiations with the Mills Corporation for a Memorandum of Intent (MOI). When the MOI is complete the fair will be able to develop the economic performas that should be available in the spring.

Ms. Myrman noted the need to work smart and be thoughtful with this revitalization, and will work diligently to make sure this will happen but there is no guarantee for success.

Responding to concerns voiced by Supervisor Forney regarding the entertainment during the fair, Ms. Myrman discussed the strategy to enhance the fair, with public perception, increasing the programming and improving the quality of the fair.

Supervisor Kondylis suggested contacting other municipalities that have worked with the Mills Corporation.

Supervisor Silva commended the Fair Board and staff, discussed anticipated downturns, noted support for the project, and the need for a financial plan.

On motion of Supervisor Silva and seconded by Supervisor Kondylis, the Board acted to approve the 2004 Fair Board budget. So ordered by a vote of 5-0.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

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

(Item 26A) DAVID KNITTER APPOINTED TO THE AREA AGENCY ON AGING, as outlined in the Agenda Submittal dated November 25, 2003, incorporated herein by reference, to fill an unexpired term due to expire June 30, 2005, approved.

(Item 26B) HENRY OLHAVA, JAMES KIDDER AND DOUG WHITELEY REAPPOINTED TO RECLAMATION DISTRICT 2129 BOARD OF TRUSTEES, as outlined in the Agenda Submittal from County Counsel dated November 25, 2003, incorporated herein by reference, for a term to expire November 30, 2007, approved.

ORDERS – CONTINUED

(Item 27) STATUS REPORT RE USE PERMIT APPLICANTS FOR DAIRIES AND ANIMAL FEED YARDS, RECEIVED

Senior Planner Matt Walsh, Department of Environmental Management, reviewed the information contained in the Agenda Submittal from his department dated November 25, 2003, incorporated herein by reference, through a visual presentation that outlined the study sessions, application requirements, proposed standards, and buffer zones from sphere of influence.

Responding to questions posed by Supervisor Silva regarding regulating the number of animals per acre, Mr. Walsh noted there are no restrictions in the Agricultural Zoning district, typically the number of animals is related to the number of acres the farmer will be applying the liquid and solid waste to.

Mr. Walsh continued his presentation outlining the existing large dairies in the County, proposed operation, and what a "complete application" is.

Terry Schmidtbauer, Department of Environmental Management, continued the presentation outlining the regulations of confined animal feed operations (CAF) that included Federal regulations, California Code of Regulations, and the proposed Solano County CAF Ordinance.

Civil Engineer Jim Campi, Environmental Health Services Division of the Department of Environmental Management, noted the department is in the process of writing new CAF standards and how the new standards will mitigate those concerns, and continued the visual presentation outlining the major areas of concern are the operational monitoring, air quality/odor, water quality,

vectors, and enforcement.

Mr. Schmidtbauer noted the Federal EPA requirements begin at 700 cattle or horses for confined feeding animal operations, and noted consideration of presenting the same standard level.

Mike Yankovich, Environmental Management, discussed consideration of a nutrient management plan that deals with the different variables regarding the number of head of cattle, how much land there is to apply the waste, as well as soil requirements that are all considered when determining the maximum number animals that can be on the property. The department is planning to come back in February with the zoning ordinance and the sewage disposal standards. The zoning ordinance will apply to 20 animals or more, and any operation coming to the County.

Responding to a question posed by Supervisor Kondylis regarding the number of cows to classify an operation as "large", Mr. Yankovich noted the department considers large as anything over 700 head. Mr. Schmidtbauer noted, with the confined animals, the farmer needs to prove he has enough land and the proper crop to receive all the manure and the wastewater, and that the Regional Quality Control Board could impose regulations on units consisting of 200 to 699 head of cows.

Mr. Campi updated the recent estimated 1.3 million gallon sewage spill at the Heritage Dairy beginning with a brief overview of the waste water collection and treatment system, the drainage system in the area, described the failure type, testing and ultimate flushing of the drain system, and what happened to the affluent. The department has requested the dairy make upgrades to the system to prevent any future spills from getting into the area drainage system.

Discussions followed regarding the waste water collection system, requiring additional safety measures be installed, Regional Quality Control Board being the lead agency for enforcement of the discharge, violation of the Use Permit, why the dairies are leaving the San Joaquin Valley, quantities of water used in various areas of the dairy, and requirements in the new standards.

Larry Green, Executive Director Yolo-Solano Air Quality Management District (YSAQMD), reviewed a visual presentation, incorporated herein by reference, previous prohibition against permitting ag sources, outlining the CEQA process, new authority under SB 700 going into effect in 2005, and outlined the specific authority in several areas. Mr. Green noted a large number of dairies going into the San Joaquin Valley in the next year, requirements for Federal permits, changing requirements for new source review, and changing standards for existing facilities.

Riesha Slade, Councilwoman City of Vacaville, voiced concern with the dairies being placed to close to urban areas, and feels a five mile buffer is needed between the dairies and the cities.

Steven Day, Sierra Club, submitted a letter dated November 25, 2003, incorporated herein by reference, expressing concern with the impacts that concentrated animal feeding operations would have on human health, social, traffic and other infrastructures, economic factors and the quality of air, groundwater, and surface water on the area. The letter also posed many

questions relative to zoning standards for animal feedlots and dairies.

A brief discussion followed regarding California Environmental Quality Act (CEQA) and exemptions, the increase in the size of setbacks for dairies in the proposed zoning amendment, cumulative impacts, restrictions on the definition of a large confined animal facility, updating of the overall zoning ordinance for the County, and updating the agricultural portion of the zoning Ordinance.

Ronald Schock, Vacaville, noted the need to consider meteorological conditions, electronic monitoring, automated controls and alarms, to look at this as a manufacturing facility, vector controls, feels the public wants the best controls and technology, that with the proper controls air quality can be controlled, to take the opportunity to rewrite the rules as more information is available, and feels these facilities can be an asset if they are properly managed.

Jean Jackman, Davis, voiced concern with the many problems dairies have, buffers, with the enforcement capabilities of the Air Quality Board, water quality, air pollution, quality of life for the animals, and feels there should be a moratorium.

Laurie Evans, Vacaville, feels the dairies will impact most citizens in the County, voiced concern with factory farming, economic impacts on the area, tax liabilities, effects on property values, and requested the Board consider all aspects before allowing more mega dairies.

Supervisor Silva noted the submission of information from the University of California Solano County Cooperative Extension for consideration for Large Dairy Operations, incorporated herein by reference, that will address many of the questions be presented.

Marcy Gregg, Vacaville Citizens Against Mega Dairies, feels these dairies do not belong near populated areas, voiced concerns regarding quality of life, with the odor, economic impacts, property values, health issues, vectors, water contamination, the lack of backup systems at Heritage Dairy, and requested consideration of a moratorium and stricter standards.

There was a brief discussion regarding billing by the County and the Regional Air Quality Board for costs and fines related to the spill.

Mike Reagan, Vacaville, voiced concern with the pending applications being grand-fathered in and not having to meet the proposed increased standards, with buffers, that stricter regulations are needed, not addressing other confined animals, no response to the request by the cities to initiate a moratorium, and submitted a number of petitions requesting a moratorium on Use Permits for mega-dairies/confined feed lots, incorporated herein by reference.

There was a brief discussion regarding the proposed zoning ordinance changes that will require a use permit for 20 animals or more, the sewage element pertaining only to cows and horses, and additional conditions that can be added to a Use Permit.

Ruth Ankenbruck, Dixon, lives within 2 miles of the Heritage Dairy, voiced concern with the increased odor and flies since the Heritage Dairy started operations, with the cumulative effect if the Johnson Dairy is approved, and the

decline in their property values.

Steve MacDonald, Vacaville, noted the decisions regarding the dairies will effect our community for many generations to come, voiced concern with the one mile buffer zone, with air pollution during times of heavy fog and during the heat of summer, with confined cows, loss of property values, and why the dairies are coming to Solano County.

Paul Martin, Director of Environmental Services for Western United Dairymen, discussed the large membership of dairy producers accounting for about 65% of the milk in the State, noted Federal law defines 700 cows as a concentrated animal feeding operation and the trigger for Federal permitting, smaller dairies are regulated by the State, all dairies must meet water quality regulations, dairies are moving to areas that allow large buffers to address urban encroachment, research studies done relative to ground water impact, the need for a comprehensive nutrient management plan, the technology recommendation to account for all the nutrients that are on the facility and applying those nutrients in a sound agronomic manner.

Responding to questions posed by Supervisor Kondylis regarding the antibiotics and hormones given to the cows, Mr. Martin discussed the extensive testing done on the milk throughout processing, noted it is not legal to feed antibiotics at a sub-therapeutic level to dairy cows, there is zero tolerance for antibiotics, hormones are an allowed use by the FDA and there has never been a recorded incidence of bovine hormones getting into any water supply.

Michael Ceremello, Dixon, commended the Board for not instituting a moratorium, discussed touring the Heritage Dairy, feels the feedlot may impact the odor problem in the community, voiced concern with strict restrictions that are proposed, discussed the cumulative effect of the proposed racetrack in Dixon, feels the Board needs all the information prior to making any decisions, and endorses ag uses on ag land.

Ron Rowland, Deputy City Manager City of Vacaville, discussed a letter presented to the Planning Commission regarding the proposed standards not being adequate, that a moratorium is needed, and the need for additional standards. Mr. Rowland voiced concern with a one (1) mile buffer feels it is inadequate in relation to air quality and odor impact, requested caution be used in citing the dairies, and urges a greater than one (1) mile buffer.

There was a brief discussion regarding the buffer zone surrounding the Vacaville Wastewater Treatment Plant in relation to Elmira, the approximately 8 mile distance to Dixon and Vacaville from the Heritage Dairy, and the Borges-Machado facility being about 2.5 miles from Vacaville and 2.9 miles to Dixon, and the project approval process.

Chairman Kromm feels discussion between the cities, County and landuse planning officials is needed, Supervisor Silva suggested taking the issue to the City Managers Meeting, to the Agricultural Advisory Committee, the Mayors Conference, or calling a City County Coordinating Council (4-C's) meeting. Supervisor Forney noted meeting with some of the Mayors and believes the process needs to be followed before decisions are made.

Responding to questions posed by Supervisor Kondylis regarding the buffer for biosolids, Mr. Schmidtbauer noted the County Code calls for a 2-mile buffer for

spreading from any city limit.

Marci Coglianese, Mayor City of Rio Vista, discussed the process followed relative to biosolids, noted the changes in agriculture in relation to urbanization of the County, voiced concern with competing trends, noted support for agriculture and Proposition A, discussed the ag-urban interface, the need for better coordination of the interface between citizens, county and local government, and endorsed further meetings at venues suggested by Supervisor Silva. Mayor Coglianese urged further meetings for discussions, and feels that there may be a need for an advisory committee on this issue.

Supervisor Vasquez noted the increased number of conflicts between urban and rural, and the process that is taking place.

Chairman Kromm recommended convening a 4 C's meeting in January to discuss the communication of the ag/urban interface with dairies being the lead item.

There was a brief discussion regarding the formation of a taskforce, with caution in regulating agriculture, the effects of NAFTA, and the history of dairy farms in the County.

J.P. Cativiela, Dairy Cares that promotes environmental stewardship, noted the question and answer sessions at the Planning Commission Meetings, endorses the proposed ordinance, the commitment to address the concerns in the County, the commitment to learn from this incident, and that this type of spill at the Heritage Dairy is rare and hopes there is no permanent damage from that spill. Mr. Cativiela discussed the proposed ordinance noting it is one of the toughest in the State, feels this is a slow deliberate process on the development of this ordinance, and noted that individual families own 99% of the dairies in California.

Tom Melton, Dixon, noted that 1,360,000 gallons of waste were spilled onto his property from the Heritage Dairy, was never informed that a dairy was being placed in the area, feels the public was not given the proper information, feels the two facilities that are in the permit process should have to meet the proposed regulations in the ordinance, and is concerned with the potential long-term effects of the spill.

Responding to questions posed by Chairman Kromm regarding well water testing, Mr. Melton noted groundwater in the area is at about 6 feet, his pump sits at 150 feet where the gravel bar is, and feels there should not be a problem with his well, but is mainly concerned with the possible long-term effects.

Supervisor Forney feels the new regulations should apply to the Use Permit applications that are in process.

Lauren Ornelas, Citizens Against Mega Dairies, discussed Merced County requesting applicants withdraw their applications until they had an ordinance in place and encourages Solano County do the same, voiced concern with the lack of regulations for dairies in California, suggested considering cement pads along with clay liners for the ordinance, voiced concern for the neighbors of the dairies and the people that will be negatively impacted.

Supervisor Vasquez noted how long the process will take to ensure all aspects are considered, thought the proposed ordinance would cover to the two

pending operation applicants, responding Mr. Walsh noted the ultimate decision on application of the new regulations would be determined by the Planning Commission and the Board.

There was a brief discussion regarding Environmental Impact Reports (EIR), regaining public confidence, and looming State budget cuts.

Responding to questions posed by Supervisor Forney regarding a moratorium, County Counsel Dennis Bunting noted a moratorium would stay the proceedings, applications would continue to go forward, and noted the Planning Commission will determine if the new regulations will apply to the applications that are in progress.

Chairman Kromm suggested having an independent agency like a reclamation district to take a look at how tail water is handled for the existing and proposed dairies, responding Mr. Campi noted the reclamation district has offered assistance.

Supervisor Kondylis suggested looking at the definition relating to the classification of facilities based on the number of cows, who has the strictest regulations in the country, what amount of revenues will these operations ultimately generate in the County, notification to the public, covering the ponds, cement liners, problems with hormones, antibiotics, and cleaning agent residue in the affluent, and noted and additional meetings should be held at night to allow more public participation.

Supervisor Silva discussed urbanization of the County and the effects on agriculture, the need to find a joint solution for ag and urban to live together, buffers, the importance of process, taking precautions to reduce potential problems, numbers of animals at facilities, productivity of a dairy to support the business, the effects to cities if a one mile buffer is established, and the need to work in cooperation with the cities to resolve the issues.

Supervisor Forney noted we need to listen to the public and to stop the rhetoric, and suggested not taking any additional applications, County Counsel Bunting noted you can stop people from submitting applications, the process will continue, but with a moratorium there is notice that there may be additional regulations.

Chairman Kromm reiterated a meeting of the 4-C's should take place in January to begin discussion on the buffer zone.

Supervisor Vasquez posed questions regarding review of the Conditional Use Permit for the Heritage Dairy, and imposing additional requirements; Mr. Walsh noted typically Use Permits do not have expiration dates, and that additional requirements will not modify the Use Permit.

Director of Environmental Management Birgitta Corsello noted the Heritage Dairy had specific conditions to abide by, two of the conditions in the Use Permit have been violated and the dairy has been cited. The dairy must submit corrective actions to prevent any future occurrences and to correct the cause. Ms. Corsello outlined further review periods, and requirements if any changes are made.

There was a brief discussion regarding air quality and additional standards that may be placed on the dairy, meeting with the applicants regarding the direction the Board is taking, and taking the Board's comments back to the

Planning Commission.

Responding to questions posed by Chairman Kromm regarding providing information to the Planning Commission regarding other county ordinances on dairies, and discussion at the Planning Commission regarding the size of buffers, Mr. Walsh noted ordinances from Merced and the Kings County General Plan Element concerning dairies were provided to the Planning Commission. The Planning Commissions has had some discussion for different sized buffers, but has not made any determinations.

Chairman Kromm suggested copies of San Joaquin, Tulare, and Merced County Ordinances, and the Kings County element be provided, surveying counties regarding buffers, would like to see recommendations from the Planning Commission regarding buffers along with the rational, and discussed the need for agreement with the Cities, County and ag operators on what the buffers should be. Chairman Kromm feels that family run business help create a strong local economy. The dairies need to be well cited, well managed, and well regulated.

There was a brief discussion regarding direction for the Planning Commission, to provide copies of the tape for the commission to address the concerns of the Board in the ordinance, and to work cooperatively with the cities to move the County in the direction we all want to go.

ADJOURN - This meeting of the Board of Supervisors adjourned at 6:15 p.m.

Duane Kromm, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors