

Minutes For October 8, 2002

The Solano County Board of Supervisors met in regular session on this day at 8:33 a.m. The meeting was called to order by Chairman Carroll. Present were Supervisors Kromm, Silva, Thomson, and Chairman Carroll. Supervisor Kondylis arrived at 8:40 a.m.

CLOSED SESSION: The Board moved into Closed Session at 8:34 a.m. to discuss Potential Litigation: one (1) case. The Board moved out of Closed Session at 9:07 a.m.

The Board of Supervisors reconvened on this day at 9:14 a.m. with the Pledge of Allegiance and a moment of silence.

APPROVAL OF AGENDA

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

(Item 15) Approval of an appropriation transfer in the amount of \$261,040 from General Fund Contingencies to cover the past due amount with the California Youth Authority, removed from the Agenda.

So ordered by a vote of 5-0.

CONSENT CALENDAR

On motion of Supervisor Kromm and seconded by Supervisor Thomson, the Board acted to approve the following Consent Calendar items by a vote of 5-0.

(Item 12) MINUTES OF THE BOARD OF SUPERVISORS MEETING OF SEPTEMBER 10, 2002; RURAL NORTH VACAVILLE WATER DISTRICT SEPTEMBER 10, 2002; SOLANO COUNTY BUILDING CORPORATION SEPTEMBER 10, 2002; SOLANO COUNTY FACILITIES CORPORATION SEPTEMBER 10, 2002, as outlined in the Agenda Submittal from the Clerk of the Board dated October 8, 2002, incorporated herein by reference, approved.

(Item 13) INTERNAL CONTROL REVIEW FOLLOW-UP REPORT OF THE SOLANO COUNTY REDEMPTION PROCESS, as outlined in the Agenda Submittal from Auditor-Controller dated October 8, 2002, incorporated herein by reference, approved.

(Item 14) AMENDMENT TO AGREEMENT WITH HOUSE OF ACTS BAY AREA SERVICES NETWORK (BASN) RE OUTREACH SERVICES, as outlined in the Agenda Submittal from Health and Social Services dated October 8, 2002, incorporated herein by reference, approved and Chairman authorized to sign

said contract on behalf of Solano County.

(Item 16) RESOLUTION NO. 2002-207 AUTHORIZING SUSAN COHEN, AGRICULTURAL COMMISSIONER, TO EXECUTE AGREEMENT NUMBER 02-0342 (OLIVE FRUIT FLY DETECTION TRAPPING) JULY 2002 THROUGH JUNE 2003, adopted. (see Resolution Book)

APPROPRIATION TRANSFER FROM UNANTICIPATED REVENUE IN THE AMOUNT OF \$12,500, as outlined in the Agenda Submittal the Agriculture Department dated October 8, 2002, incorporated herein by reference, approved.

SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS:

Rural North Vacaville Water District

(Item 17A & B) Minutes regarding this matter are contained in the Rural North Vacaville Water District Minutes Book.

ORDERS

(Item 19A) BOARD ENDORSED THE DONATION OF CONSTRUCTION OF NAPA-SOLANO GIRL SCOUTS' REPLACEMENT FACILITY

The Board was provided with an Agenda Submittal from the County Administrative Office dated October 8, 2002, incorporated herein by reference, regarding procurement of facilities to relocate the Girl Scouts in the City of Fairfield.

Supervisor Silva noted the numerous letters and emails regarding the Girl Scout House, reviewed a brief history of actions, discussed the commitment by staff for \$68,000 for in-kind services, the commitment for \$10,000 by the Board, discussed errors by staff, private donations to replace facilities for the Boy Scouts and one for the Girl Scouts, the need to go to the private sector for assistance, and noted Governor Davis reallocated funds that were to go to this project. Supervisor Silva discussed the Executive Committee working on the relocation, the need to totally rebuild the replacement facility, and voiced concern for requests for added funding from other agencies. Supervisor Silva discussed the proposal to the bidding design/builders regarding a replacement building, along with discussions for volunteer labor, and donated materials. Supervisor Silva feels constructing a new structure would be better than moving the old building.

Mr. Hayes noted two discussions with the design/build firms and agreement by the three firms committing to, as a public service, to either move the current building or to construct a new scout facility on the Dunnell site, which would be in conjunction with working with the County and the City of Fairfield.

Linda Boessenecker, Executive Director Girl Scout Council of Napa and Solano, responded to the recommendation as in the Agenda Submittal outlining

complications in getting replacement of the Girl Scout House including greater costs, now \$300,000 more than originally projected. Ms. Boessenecker requested the Board consider allocating \$100,000 toward the project and support the project by providing design services and coordinating the efforts of the trade labor.

In response to the proposal by Supervisor Silva, Ms. Boessenecker requested further clarification. Mr. Hayes noted all three firms, if selected, would do the complete project from start to finish. This would include the design, construction management, and would provide the materials to construct a new Girl Scout House or to move the old Girl Scout House.

Responding to questions posed by Ms. Boessenecker regarding the remaining responsibility of the Girl Scouts, Mr. Hayes noted the Scouts would get the shell of a building and the Scouts would have to furnish it. Until a design/builder is selected it is difficult to outline what the firm will propose, since it would be a donation to the community from the design/builder.

County Administrator Michael Johnson reiterated that the successful bidder for the Downtown Project would either pick up the old building and move it or demolish the current house on the Dunnell property and use the existing foundation to construct a new facility, which is the preferred alternative. The construction would not include any off-site improvements, park enhancements, water, sewer, drainage, or landscaping.

Supervisor Kromm feels the Girl Scouts have not been included in all the negotiations, and should be since they are the ones most directly impacted, voiced concern with the increase in projected costs, with letters sent to the State regarding the grant process, with ensuring what has been proposed actually happens. There are questions on what the three bidders will commit to.

Ms. Boessenecker posed questions regarding timing, Mr. Hayes reviewed the timeline, and that the matter would be back to the Board on November 12, 2002.

Supervisor Silva expressed concern with the lack of a business plan by the Girl Scouts, and along with Supervisor Kromm voiced frustration with how the process has proceeded and the resulting complications.

Supervisor Silva made a motion for a Minute Order or a resolution to have the Chair sign a letter to the bidders of the project outlining the anticipated scope for the building of a Girl Scouts relocation facility.

Lou Franchimon, Napa-Solano Building Trades, assured the building trades would do whatever they can to help the Girl Scouts with construction of a new facility. Mr. Franchimon requested students in a pre-apprentice type program be allowed to assist with hands on experience, and offered support and volunteers for the project.

Responding to questions posed by Supervisor Kromm if there would be any effects on the Project Labor Agreement (PLA) for the Government Center Project, Mr. Franchimon noted there would be no effect since the project would be done outside the PLA with volunteer help.

Donald Tipton, Vallejo, noted agreement with recommendations made by Supervisor Silva to get a new building for the Girl Scouts, and feels there will

be a cost factor to the public.

Supervisor Thomson would like to have seen the bids come in first before adding the construction of the house to ensure the construction would be a charitable donation to our community. Supervisor Thomson acknowledged some errors were made, and noted additional commitments for design and building construction oversight above the original commitment of the Board of \$10,000. There were three partners in this project, and questioned what the City of Fairfield has committed to do to help.

Mr. Johnson suggested a Minute Order stating the intent of the Board. There are three bidder finalists for the original project, each bidder has been asked for enhancements, and suggested using the verbiage "suggested enhancement" to allow bidding on the core project and submit any enhancements they choose.

Responding to questions posed by Supervisor Kromm regarding what would be included in the enhancement, Mr. Johnson noted it would include the design, materials, and construction of a building on the foundation that currently exists on the Dunnell property.

Responding to questions posed by Chairman Carroll regarding what is to be included in the "shell" of the building, Mr. Johnson noted it would be a building with a roof, windows, water, electrical, walls, etc. It does NOT address any of the other improvements or enhancements such as a parking lot, sewer connection fees or other things that are separate from the actual construction of a facility.

Mr. Hayes noted all three design/builders offered to do the building as a community service.

Mr. Johnson suggested the Board adopt a Minute Order as a suggested solution to a problem to have this be one of the desirable enhancements. Mr. Johnson noted a copy of the footprint of the existing building, incorporated herein by reference, with the footprint being 1,636 square feet.

Responding to questions posed by Supervisor Thomson regarding the size of the current building of about 1,000 square feet and the size of the new building, Ms. Boessenecker noted discussions about replacement of the building on the foundation that is on the property, and appreciates the proposal and will work diligently to get the project completed.

Supervisor Kondylis noted a need to outline what is included with this building to explain what is included in the "shell".

Mr. Hayes noted the intent of staff and the design/builders is to build a complete house. The only things that would not be included would be items such as parking area, driveway, and sewer connections. Staff had offered to build a house using volunteer labor, donated materials, to provide design and construction management services. It would be a complete house.

On motion of Supervisor Silva and seconded by Supervisor Kromm, the Board acted to apprise all interested parties of the Board's endorsement of the construction of a replacement facility for the Girl Scout House, that is being displaced due to the Solano County Government Center Construction Project, on the Dunnell site in the City of Fairfield, as a matter of public service and donation to the community. So ordered by a vote of 5-0.

(Item 19B) BOARD OF SUPERVISORS MEETINGS FOR NOVEMBER 26, 2002 AND DECEMBER 24, 2002 CANCELLED

The Board was provided with an Agenda Submittal from County Administrative Office dated October 8, 2002, incorporated herein by reference, regarding modifying the Board meeting schedule to hold meetings November 5 and 12, and December 3 and 10.

On motion of Supervisor Kondylis and seconded by Supervisor Thomson, the Board acted to cancel the meetings of November 26, 2002 and December 24, 2002. So ordered by a vote of 4-0; Supervisor Silva excused.

(Item 20) BOARD OF SUPERVISORS' RULES SUSPENDED TO RECONSIDER THE MODIFIED PLEASANTS VALLEY ROAD IMPROVEMENT PLAN

NO ROAD IMPROVEMENTS BE DONE ON PLEASANTS VALLEY ROAD, STAFF TO LOOK AT STRIPPING, SIGNAGE, LAW ENFORCEMENT EFFORTS, ROAD MAINTENANCE, AND CULVERT REPAIR

County Counsel Dennis Bunting reviewed the information contained in the Agenda Submittal from his department dated October 8, 2002, incorporated herein by reference, regarding the procedures to suspend the Board rules and motion to reconsider the vote to approve the modified Pleasants Valley Road Improvement Plan.

On motion of Supervisor Thomson and seconded by Supervisor Kondylis, the Board acted to suspend the Board rules on reconsideration. So ordered by a vote of 5-0.

On motion of Supervisor Thomson and seconded by Supervisor Kondylis, the Board acted to approve reconsidering the original vote approving the modified Pleasants Valley Road Improvement Plan. So ordered by a vote of 5-0.

Mr. Bunting noted that now there is a motion to consider the modified Pleasants Valley Road Improvement Plan outlined in a memorandum dated July 8, 2002, along with tree replacement on a 5 to 1 ration with 15 gallon trees, and there are to be no condemnations, and the speed limit issue to go before the Board.

Supervisor Thomson noted concern if traffic safety is the issue since there has not been a large number of accidents on the road. This may not fit the description of a dangerous road, and feels widening the road may entice drivers to go faster. Supervisor Thomson noted he would not support any improvement to the road since the issue of safety has not been demonstrated and the residents do not want the improvements. This rural road should not be made into a highway.

Mr. Bunting voiced concern with exposure with the people that are walking and riding bikes, since there is a County Road Standard.

Responding to questions posed by Supervisor Thomson regarding widening roads in Green Valley, and with warning signs, Mr. Bunting feels when the County is undergoing one of these projects to bring a road up to standard

we need to bring that road up to standard. Sign immunity may not apply if there is a road standard the County can meet.

Responding to questions posed by Supervisor Thomson regarding cautioning walkers and bikers on the road hazards, Paul Weise, Department of Transportation, discussed road standards, the modification of the original improvement plan to 2 foot shoulders, and the installation of "Share the Road" signs along Pleasants Valley Road. Mr. Weise also noted road safety, features of the area and pointed out a culvert over Laguna Creek that is greatly deteriorated.

Responding to concerns voiced by Chairman Carroll regarding accidents on Pleasants Valley Road, Mr. Weise compared roads with improved shoulders that have shown a significant increase in safety.

Supervisor Silva read a letter from the California Highway Patrol (CHP) dated September 30, 2002, incorporated herein by reference, regarding the posted 45 mph not being enforceable. Supervisor Silva expressed concern with not being able to enforce the speed limit, discussed public road accessibility by everyone, the need to eliminate traffic hazards, and feels traffic will increase in the area in coming years.

Responding to questions posed by Supervisor Kromm regarding a decrease in speeds since the lower speed limit signs were posted, Mr. Weise noted a new survey had been done with basically no change in the speed traffic is moving. Carolyn Douglas, Pleasants Valley Neighborhood Association (PVNA), urged the Board to reconsider the decision to expand Pleasants Valley Road. Ms. Douglas feels the rural road will be changed into a highway style road, the neighborhood will be degraded, and 12-foot lanes are dangerous for the neighborhood. Ms. Douglas noted a study verifying wider lanes do increase speeds, and reviewed the results of her research on rural roads versus highways with the conclusion that the roadway does not need to be widened and the cars need to be slowed down.

Judy Neal, PVNA, feels drivers are observing the new speed limit, Pleasants Valley Road is a rural road, and discussed the distinct quality of the road, the need to leave the road as it is,

measures taken to increase safety, and comparisons with other County rural roads. Ms. Neal requested Pleasants Valley Road be treated as other County rural road, and requested the improvement funds be used in another area where the funds are wanted and needed, and to only do basic maintenance improvements.

Marline Mortensen, PVNA, feels motorists have reduced their speed; signage has made a difference, and requested the road not be widened.

Barbara Comfort, Vacaville, requested the Board vacate any plans to widen Pleasants Valley Road or destroy any of the remaining historic bridges. Ms. Comfort discussed the varied users of this unique picturesque road, the positive results of the lowering of the speed limit, requested RV's and boat trailers be prohibited on this road, feels widening the road is the first step in installing a bike path to the area creating an adverse effect on agriculture in

the area, requested the last 3 remaining historic bridges be preserved, noted none of the residents requested the road be improved/widened, and requested the road be left as is.

Margi Stern, PVNA, noted the benefits of the slower speed limit, and requested Pleasants Valley Road be left as is. Ms. Stern noted the residents are passionate with personal interest to protect and keep the area healthy, and requested the quality of the road and historic bridges be preserved, and noted the homeowners will work further to improve safety on the road.

Tracey Trucano, PVNA, feels widening the road will spoil the area, noted people use that road for the rural atmosphere, widening the road may make it more dangerous for bike riders, people have slowed down with the lower speed limit, and requested the widening project not be done.

George Gaudet, Vacaville, feels there will always be accidents, widening the road will increase the speed, and requested the road not be widened.

Bob Bishop, Vacaville, noted the residents do not want the road widened, discussed changing legislation regarding speed limit enforcement, and feels traffic needs to be slowed down.

Donald Tipton, Vallejo, noted the loss of rural roads in the County, alternative speed control measures, wider roads do equate to faster speeds, voiced concern with development in the area following road improvements, and feels road maintenance needs to be done and suggested the installation of pull outs. Responding to questions posed by Supervisor Thomson regarding statistics on Suisun Valley Road, and with the formula used to determine speed limits, Mr. Weise noted road comparisons could be made, and that 55-mph is the maximum speed limit on this type of road.

Supervisor Thomson discussed the beauty and uniqueness of Pleasants Valley Road, the need to listen to the residents, and feels the valley will be negatively impacted if road improvements are done. Supervisor Thomson suggested side and center stripping, doing enforcement, adding signage, and asked the previous action be reconsidered.

Supervisor Silva withdrew his second from the original motion.

Chairman Carroll feels Pleasants Valley Road still needs to be on the maintenance schedule for regular maintenance as every other road in the County.

Responding to concerns voiced by Supervisor Kromm regarding fatalities on Pleasants Valley Road, and which is the most dangerous road in the County, Mr. Weise noted on this stretch of road there has been one fatality in the last five years, and in the past Gibson Canyon Road had the most accidents.

Supervisor Kromm voiced concern that there really has not been a change in the speed motorists are driving on this road, many people have contacted him regarding the safety on this road, and feels many people will be put at risk with not improving the road.

Chairman Carroll feels many people walking and riding on Pleasants Valley Road are not from Vacaville.

Supervisor Kondylis noted that in over 1 million vehicle miles traveled accidents are low on this beautiful road, the culvert needs to be repaired, a scenic road plan for the County is needed, and the old bridges need to be

maintained or replaced with one as inviting and attractive as the old one.

On motion of Supervisor Thomson and seconded by Supervisor Kondylis, the Board acted to direct that no road improvements be done on Pleasants Valley Road, to look at stripping, signage, law enforcement efforts, and to keep the road on the road maintenance schedule. So ordered by a vote of 4-1: Supervisor Kromm voted no.

On motion of Supervisor Kondylis and seconded by Supervisor Thomson, the Board acted to direct that the deficient box culvert be repaired or replaced, but not to harm the bridge in any way. So ordered by a vote of 5-0.

(Item 23) TIMELINE AND PLAN TO ADDRESS SPREADING OF BIOSOLIDS TO BE BROUGHT BACK DECEMBER 5, 2002

Scheduled on the agenda for this day was consideration of a proposed ordinance that would approve an interim emergency ordinance to put a forty-five day moratorium on the spreading of Class B biosolids in the County.

Terry Schmidtbauer, Environmental Health Supervisor, reviewed the information contained in the Agenda Submittal from his department dated October 8, 2002, incorporated herein by reference.

County Counsel Dennis Bunting discussed options available noting the Board does not have to approve the ordinance since biosolids can not be applied from October 15th to April 15th, then staff could be directed to conduct public hearings into this matter, also additional scientific input is needed for an informed decision by the Board. Mr. Bunting outlined steps that would need to be taken if the Board adopted the forty-five day interim moratorium ordinance, other options such as phasing out the spreading of biosolids, amending the current ordinance, to repeal the existing ordinance, relinquishing oversight to the State, and the importance of additional input from public hearings.

Responding to questions posed by Supervisor Kromm regarding adopting the moratorium and then extending that moratorium, Mr. Bunting noted the moratorium could be extended up to nine months, and further outlined State statute requirements.

Chairman Carroll opened the public hearing.

Julie Kelly, Rio Vista, noted experience with environmental medicine as a registered nurse, the population as a whole needs to be considered when looking at environmental exposure, the prevailing wind in Rio Vista, caution needs to be taken, and that impacts on the environment also need to be considered in the decision.

Rod Dupont, Rio Vista, agrees that additional investigation is needed from a number of different sources, discussed a Cornell University study on "Sludge Syndrome", feels research done by an effected company could be tainted, and hopes the Board weighs on the side of caution and protects the public safety.

Irene Hempstead, Committee Against Biosolids, noted an extensive amount of research information she has on biosolids, feels the airborne particles are harmful, feels Class B biosolids present many dangers, voiced concern with the import of biosolids from 15 different sources into the County, that the EPA can not ensure the safety of biosolids, and expressed grave concern regarding their

property values and personal health.

Leila Mazo, Rio Vista, noted the number of people that are concerned and angry about the spreading of biosolids, concern with viruses that can be in the biosolids, and that the cities should process the biosolids to Class A status. Fred Cogler, Rio Vista, noted the action taken by the Board on August 27, 2002 invoking a moratorium until sludge benefactors could demonstrate evidence to prove public safety, requested future meetings on this subject be held in Rio Vista, noted that Rio Vista is resolute to stop the spreading of biosolids, feels that Rio Vista has no voice in spreading biosolids, and noted a USA Today article of deaths due to toxic exposure from sludge applied fields. Mr. Cogler feels studies cited on August 27th were faulty.

Michael Mortensen, Rio Vista, a letter read by Mr. Cogler dated October 4, 2002, incorporated herein by reference. Mr. Mortensen voiced concern with research that has been done and the uncertainty of the conclusions, and the health of the people of the area.

Responding to questions posed by Supervisor Kromm regarding the weight of the information submitted by the public, Mr. Bunting noted that the information submitted by the public would be given the same weight as information submitted by scientists. Creditable evidence submitted by the public will go into the record.

Marci Coglianese, Mayor of Rio Vista, noted the position of the Rio Vista City Council. Mayor Coglianese feels no additional scientific evidence has been submitted for either side of this issue, noted the potential lawsuit by Synagro, more time is needed to answer more questions, and waiting until April will not provide a lot more information. Mayor Coglianese urged the Board to review the Biosolids Applied to Land: Advancing Standards and Practices by the National Research Council, incorporated herein by reference, feels this is the best scientific evidence available at this time. After review of the evidence the experts can no longer say that this practice is as safe as previously thought, and that there is a serious data gap in the evidence. This issue needs to be looked at very carefully; many of the foundations of the practice of using biosolids come into question, and suggested suspending the spreading of Class B biosolids until there is more information. Ms. Coglianese reviewed additional information available in the report, and voiced concern with waiting until April to adopt the proposed ordinance. The people need to take away something from this meeting to ensure something is going to be done.

Responding to questions posed by Supervisor Kromm regarding the record that was created for past cleanup of the IT dump site, Mayor Coglianese noted there were 14 to 16 public hearings conducted by the Solano County Planning Commission in Benicia, and that there were approximately 20 transcripts creating a huge record, the difference here is that there are many gaps in the information on biosolids. Ms. Coglianese discussed the IT case going to the Supreme Court and the painstaking efforts by the County to do the right thing and review all the information.

Supervisor Silva discussed the IT closure, the vast amount of records, meetings held by the Benicia City Council, and requested staff to catalog all data on biosolids that is brought forward as evidence. A record must be

established, and public hearings are needed in Rio Vista and in Fairfield to get all the data to make an informed decision. The number one issue of the Supervisors is the public health and safety.

Chairman Carroll noted there could be many public hearings on this issue to hear both sides.

Pat Stokes, Citizens Against Biosolids, protested the spreading of biosolids, noted health problems, death of a calf that she feels is due to organisms in the biosolids, thought the dumping would be stopped for at least one year, and feels the Board is responsible to protect the citizens. Kern County has banned the spreading of Type A and B biosolids, and feels the spreading in Solano County should stop.

There was a brief discussion regarding Kern County banning the spreading of biosolids and how that is working through the courts and other legal issues. Lynne Galletta, Rio Vista, requested the Board consider the health and safety of the residents of Rio Vista.

Lorraine McGee, M.D., noted her research regarding biosolids, websites where people can report symptoms and illnesses they feel that are attributed to biosolids that result in many leads from these antidotal reports, the lack of epidemiological studies on the issue, information from the EPA regarding the unknown effects of biosolids and the lack of basic research resulting in the EPA not adhering to the commitment to comprehensively assess the extent of the risks. Dr. McGee noted the EPA is to have a work plan by the end of 2003, and discussed the stringent regulations in Europe, and that most countries in Europe have banned land application of biosolids. Dr. McGee agreed to participate in any public forums regarding biosolids, and provided information to the Board regarding the EPA report, incorporated herein by reference.

Chloe Boettcher, Rio Vista, encouraged the Board to hold public hearings in the Rio Vista area, feels biosolids are toxic time bombs, and noted how angry the people in Rio Vista are.

Kurt Rasmussen, EM Technologies, Inc. Vacaville, discussed a scientific solution to turning sludge into Class A biosolids through microbials for the environment, which can be done through his company.

George Durbala, Vacaville, noted health problems over the last year, counties that do not allow the application of Class B biosolids, and questioned if proof can be produced in the near future that there is no harm in spreading biosolids. Mr. Durbala voiced concern about biosolids from the Bay Area being dumped in Solano County, discussed the responsibility of the Board for the health of the citizens and the protection of the drinking water, and requested there be no spreading of biosolids until there is conclusive proof it is safe to do so.

Robert Cattery, Rio Vista, noted the responsibility of the Board to protect the citizens and the environment, and the need to do the right thing.

Dave Marianno, Suisun, noted the growing opposition to biosolids, urged that a moratorium be put in place until April 2004, and noted the onset of respiratory problems.

Al Medvitz, Rio Vista, discussed his credentials as a scientist, raised a number of questions relative to how the application standards were developed, and assumptions that are used when science is lacking. Mr. Medvitz offered to do a

presentation on the analysis of the risk assessments, offered to request scientific assistance from U.C. Davis to help us reach a decision based on the best knowledge available. The report "The Role of Municipalities in Regulating the Land Application of Sewage Sludges and Septage" appearing in the Natural Resources Journal, 2001 by Ellen Z. Harrison and Malaika M. Eaton, incorporated herein by reference, was briefly discussed.

Casandra Dana, Suisun, noted the spreading of biosolids behind her home, her son becoming ill after moving to their present home, presented photos, incorporated herein by reference, showing large numbers of flies restricting the use of their property, and voiced concern that the spreading of biosolids was not disclosed when she purchased her home. Ms. Dana feels there should be spreading restrictions anytime the winds are over 25 mph, and that sludge should not be imported.

Ronda Howard, Rio Vista, voiced concern with the large number of flies during spreading time, with health concerns of the very young and elderly, that the Board get all the information necessary to make an informed decision, and noted the importance of the health and safety of the citizens of Rio Vista. As there was no one further who wished to speak on this matter, the public hearing was closed.

Supervisor Kondylis noted the main concerns have been centered around ecoli and pathogens, discussed the use of chemicals thought to be ok then after further research found to be harmful, the cumulative repercussions of chemicals spread through the sewer system concentrating in sewer sludge and the effects through the food chain, the need to be overly cautious on the effects of chemicals in the biosolids, and endorsed banning the spreading of biosolids.

Vice-Chairman Kromm read a recommendation from the report presented by Mayor Coglianese that stated that the EPA should be doing a study, along with all stake holders, to examine the issue of adverse health effects due to the lack of conclusive evidence that biosolids are safe, and the County should not promote the spreading of biosolids which may be dangerous. Spreading of biosolids is a good agricultural practice for farmers with treated sludge, Supervisor Kromm further discussed the need to recycle, encouraged reasonable controlled studies that do not put people at risk, and noted a number of issues that should be incorporated into a study. We need to prove the spreading of biosolids is safe for the community.

Supervisor Thomson reviewed the motion that was made on August 27, 2002 relative to a one year moratorium, noted that time is needed to compile the scientific facts to determine if biosolids are safe or not, and endorsed the 45 day emergency ban along with the option for extensions to allow time for complete information to be brought forward.

Vice-Chairman Kromm voiced concern with the legal documented record, and if enough time is being given to compile the information that is needed. Time is needed to allow for staff work, hearings and workshops. A ban could be initiated around April 1, 2003.

Responding to concerns voiced by Supervisor Thomson regarding delaying enacting the ban, Mr. Bunting noted waiting until April 2003, by law, will not

affect any extensions of the ban. Spreading of biosolids can not be done from October 15th to April 1st; this will give the County the opportunity to review the information, to hold workshops and public hearings. Mr. Bunting discussed the Kern County case that took four years before spreading was banned. Supervisor Silva noted staff needs to begin immediately gathering and cataloging data, the need to take advantage of the expertise that has been offered, and begin to work on scheduling public hearings to allow the citizens to present their views and any documentation.

Responding to questions posed by Supervisor Kondylis regarding the length of time for the moratorium, Mr. Bunting noted the time frames are outlined in the Government Code which includes the option of extending the time for up to 10 months or 1 year, and then another extension of 12 months. A moratorium allows time to come up with a solution.

Supervisor Kondylis feels by declaring a moratorium today it will give clear information to Synagro that they will need to look for alternative sites to place the biosolids.

Vice-Chairman Kromm feels staff should take the next six months and work with all players to craft workshops, the Board needs to consider the contractual obligations, and that the burden of proof is on the producers, Synagro and the farmers, to show the product is safe.

Director of Environmental Management Birgitta Corsello discussed formation of a plan and timeline to address the issue that would be brought back to the Board in the near future.

On motion of Supervisor Kondylis and seconded by Supervisor Thomson, the Board acted to direct staff to set up a timeline and a plan on how community meetings will be conducted, what information is needed, and how the County is going to deal with biosolids.

The plan is to be brought back to the Board on December 5, 2002. So ordered by a vote of 4-0; Chairman Carroll excused.

(Item 21) CAPITAL IMPROVEMENT PLAN FOR STREET LIGHTING,
APPROVED

Paul Weise, Department of Transportation, gave a brief review of the information contained in the Agenda Submittal from his department dated October 8, 2002, incorporated herein by reference, regarding additional street lights for the County lighting districts.

Supervisor Silva noted support for the project by the Homeacres Improvement Association, as outlined in a letter from Charles Bailhache, incorporated herein by reference.

Supervisor Kondylis discussed the use of lights that shine light down only; Mr. Weise discussed the advantages and disadvantages of the lights that could be used.

Supervisor Silva feels the light fixture that spreads the light out as far as possible should be used for safety reasons in rural settings.

Donald Tipton, Homeacres Improvement Association, noted endorsement of the plan, and the association will assist in any way possible, and feels all

districts have benefited from the survey. Mr. Tipton voiced cost concerns if the light fixtures are changed.

On motion of Supervisor Silva and seconded by Supervisor Thomson, the Board acted to approve the Capital Improvement Plan for Street Lighting. So ordered by a vote of 4-0; Chairman Carroll excused.

(Item 22) REPORT ON THE POTENTIAL IMPACT OF SB1468 (KNIGHT AND ALPERT) FOR GENERAL PLAN: MILITARY INSTALLATIONS, RECEIVED

Director of Environmental Management Birgitta Corsello reviewed the information contained in the Agenda Submittal from her department dated October 8, 2002, incorporated herein by reference, regarding implications of the impacts of SB 1468. Ms. Corsello reviewed the requirements for installation plans, actions and support the County has been doing over the last few years, and the requirements the County and the cities will have to meet.

Responding to questions posed by Vice-Chairman Kromm regarding the rules coming from the Office of Planning in a timely manner for this legislation, Ms. Corsello noted the rules could be late, but noted the County and the cities have been proactive since 1990 through the Airport Landuse Commission.

(Item 24) BARBARA COMFORT, ALAN FREESE, RUSSELL LESTER, AND SUSAN LIPPSTREU REAPPOINTED TO THE AGRICULTURAL ADVISORY COMMITTEE

On motion of Supervisor Kondylis and seconded by Supervisor Thomson, the Board acted to reappoint Barbara Comfort, Alan Freese, Russell Lester, and Susan Lippstreu to the Agricultural Advisory Committee for terms to expire September 26, 2005. So ordered by a vote of 4-0; Chairman Carroll excused.

ADJOURN - This meeting of the Board of Supervisors adjourned in memory of Toby Garcia at 5:00 p.m.

William J. Carroll, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors