

## Minutes For 3/26/2004 Special Joint Meeting

SPECIAL JOINT MEETING  
NAPA, SOLANO, & SONOMA COUNTIES

The Solano County Board of Supervisors met in adjourned session on this day in a Special Joint Meeting with the Napa County Board of Supervisors and the Sonoma County Board of Supervisors at 3:36 p.m. at the Napa County Library, Napa. The meeting was called to order by Napa County Chairman Mark Luce; roll was called for Napa and Sonoma Counties, and for Solano County, Supervisors Kromm, Vasquez and Chairman Silva were present. Supervisor Kondylis arrived at 3:40 p.m. and Supervisor Forney was excused. Napa County resident, Muriel Fagiani led the pledge of allegiance.

### PUBLIC COMMENT

APPEARANCE BY DOUGLAS ERNST RE THE LACK OF PUBLIC TRANSPORTATION BETWEEN ST. HELENA, CALISTOGA AND SANTA ROSA

Doug Ernst, representing the Calistogiana and the St. Helena Star Newspapers, voiced concern regarding the need for public transportation between St. Helena, Calistoga and Santa Rosa.

### ADMINISTRATIVE ITEMS

(Item 4B) PRESENTATION BY SONOMA TRANSIT AUTHORITY, NAPA COUNTY TRANSIT PLANNING AUTHORITY AND SOLANO TRANSPORTATION AUTHORITY REGARDING TRANSPORTATION ISSUES

Mike Zdon, Executive Director of the Napa County Transportation Planning Agency (NCTPA) presented a visual presentation, incorporated herein by reference, beginning the presentation by outlining Common Issues of the three counties, Interconnected Transportation Corridors, the State Budget Crisis, Coordinated Federal Earmark Request, Non-Self Help Counties, and Regional Coordination.

Suzanne Wilford, Sonoma County Transportation Authority, reviewed the Sonoma County Key Projects on Highway 101, Highway 116, and the SMART Passenger Rail Service.

Mr. Zdon reviewed the Napa County Transit Planning Authority Key Projects including Jameson Canyon (SR/12 from I-80 to SR/29), the Airport Interchange (SR/12/29), Soscol Flyover (SR/12/29/221), Carneros Interchange (SR12/29/121), and Passenger/Freight Rail.

Daryl Halls, Solano Transportation Authority, reviewed the Key Projects of I-80/I-680/SR 12 Interchange, the I-80/I-680/I-780 Corridor Improvement Projects, State Route 12 Improvements (Jameson and Route 12 East), Senior and Disabled Transit Services, Commuter Rail Service (Sacramento to Oakland and Solano to Napa), Enhanced Express Bus Service, and a Summary of funding needs.

Responding to questions posed by Napa County Supervisor Wagenknecht regarding evaluating placing a transportation tax measure on the ballot, and what the other counties are doing, Mr. Halls noted Solano County is in the exploratory phase, outlined the steps being taken for public input, and that a decision would be made in June if a measure would be placed on the ballot.

Supervisor Silva noted review of the entire ballot, if there are many local issues the transportation measure may not be placed on the ballot.

Sonoma County Supervisor Tom Smith noted Sonoma County is also considering placing a measure on the ballot, outlined complications, how the County is determined to go forward with the SMART Program, Hwy 101 priorities, three-time failure to pass a transportation measure, and the need to resolve rail issues.

Responding to questions posed by Supervisor Kondylis regarding bus service along Hwy 12, mass transit opportunities, Mr. Zdon discussed plans to connect the three counties, the potential for mass transit, and the need for shuttle service between St. Helena, Calistoga and Santa Rosa.

Responding to questions posed by Supervisor Kondylis regarding trains before buses, Mr. Halls noted part of the funding from the increased bridge tolls through Regional Measure 2 (RM2) is for a High Occupancy Vehicle (HOV) lane, and a coordinated effort with Napa County regarding State Hwy 12.

Supervisor Kromm discussed RM2, support by other bay area counties not Solano, and the struggle for Sonoma County over the last eight years to find a balance for rail and bus.

Sonoma County Supervisor Smith noted current agreement of the cities within Sonoma County, and discussed the failure of funding measures that went to the electorate.

Sonoma County Supervisor Mike Kerns discussed self-help counties leveraging the majority of State and Federal funding, the need to convince the electorate to support a local tax measure, and the need to continue to work on this matter.

Mr. Schnider, Sierra Club, commented on project 4 of the Napa County Transportation Plan, the Carneros Interchange, stakeholders requesting the removal of this interchange from the project list, or to downgrade the project to remedy safety issues only.

(Item 4A) STAFF TO EXPLORE FORMATION OF A JPA OF NAPA, SOLANO, SONOMA AND POSSIBLY YOLO AND MARIN COUNTIES TO ADDRESS INDIAN GAMING

Yolo County Supervisor Mike McGowan, representing California State Association of Counties (CSAC), provided CSAC Policy Document Regarding Compact Negotiations for Indian Gaming Adopted February 6, 2003, incorporated herein by reference. Supervisor McGowan discussed the issues facing local government, attempts to request the Governor to include requirements for negotiations, the importance of communication, CSAC Policies, no legal authority over the tribes, responsibilities of the Supervisors to protect the land/people from impacts, the possibility of agreements by the State with the tribes that could raise a lot of money for the State, and potential future sites for large-scale activities.

Sonoma County Deputy County Counsel Bruce Goldstein commented on the experiences Sonoma County has had over the last several years, including attempts by the tribes to get closer to Bay Area population centers, and off reservation shopping. Sonoma County now has one casino open and another in the environmental review process, opposition to an outside tribe to obtain lands near Sears Point. Mr. Goldstein discussed impacts to County staff resources, as well as the normal impacts that the tribes are immune to, and little jurisdiction by local governments. Mr. Goldstein continued to discuss the Compact with tribes by the State, tribes seeking Federal recognition and the need to address legislation. The acquisition of property into trust and requirements, encouragement for the tribes to work with local governments, and the opportunities before land goes into trust. Mr. Goldstein noted there would be a second wave of development to diversify as another way to take land into trust. We need to look for opportunities to work with the tribes.

Supervisor Vasquez posed questions on limiting the use of property taken into trust, Mr. Goldstein noted when the land goes into trust that there is very little local government can do.

Sonoma County Supervisor Valerie Brown discussed tribes and purchases of land in Southern California, buy up of land that is not in trust, tribes allowed to have two casinos, how California is unique, and that 52 tribes are now seeking recognition. Changes in Washington D.C. recognizing the Indian Gaming activities in California, trailers on bills that benefit certain tribes, and there is no limit on where the tribes can look for land. The need for counties to lend support to each other in dealing with tribes, and Supervisor Brown discussed special interests.

Sonoma Supervisor Paul Kelley noted how much he has learned in four years regarding tribes, how a tribe devastated a hill and put up a tent to start gaming and now the proposal to build a casino, hotel and parking structure, and voiced concern with public safety relative to fire safety. Supervisor Kelley feels the impacts of the casinos can be understated, and further discussed many of the impacts the casinos are having, compact violations that are not being remedied, the need to fully understand the impacts, the importance of work by CSAC on assisting local governments, and work with the State to get better language in the compacts.

Sonoma County Chairman Mike Reilly noted the public does not believe the Board of Supervisors has no authority and discussed the political ramifications.

Supervisor Kromm feels that Supervisor McGowan and Supervisor Brown are great resources, discussed a book "Hitting the Jackpot", the Federal government not paying attention, and provided a letter from David Turch and Associates dated March 24, 2004, incorporated herein by reference, that outlines S1528, Indian Gaming Regulatory Act Amendments of 2003 that is to set forth rules to regulate the percentage of revenue that state and local governments can take from Indian gaming operations. Supervisor Kromm discussed meeting with George T. Skibine, acting deputy assistant secretary of the Interior for policy and economic development, and the recommendation that the committee clarify the ability of tribes to locate gaming operations from their homelands, which currently there is no limitation, and suggested the possibility of a stronger lobbying force on this issue.

Supervisor Brown discussed additional information regarding the meeting that addressed the

S1529 bill and issues addressed at the Federal level. The need for everyone to know what is going on with the tribes.

Supervisor Smith discussed the Department of Interior process, the Federal government not requiring mitigation; feels one size does not fit all, work with Senator Feinstein, and conflicts with the County General Plan.

Supervisor Kromm feels the tribes are "shopping" near the I-80 corridor, and noted that Napa and Solano Counties have voter back growth initiatives that have no control over tribes on land use.

Supervisor Brown discussed the proposed Hwy 37 site and the support of Solano County, and suggested the formation of a Joint Powers Authority (JPA).

Chairman Silva noted contacts when he had been in Washington D.C., the use of local realtors by the tribes, the importance to get the information out when the initial contracts from the tribes happens.

Supervisor Kondylis endorsed the formation of a JPA that would also include Yolo and Marin Counties.

Supervisor McGowan discussed problems with tribes shopping for land, noted support for a JPA, the volunteer expertise available at CSAC, and the best hope is to work together in a collaborative effort. Supervisor McGowan further noted Yolo and Sonoma Counties took the lead; the costs are high and the need for further discussion on collaboration.

On motion of Supervisor Wagenknecht and seconded by Supervisor Rippey, the Napa County Board of Supervisor directed their staff to investigate the issue of formation of a JPA. So ordered by unanimous vote.

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to direct staff to cooperate in the formation of a JPA that would include Yolo County. So ordered by unanimous vote.

On motion of Supervisor Brown and seconded by Supervisor Kelley, the Sonoma County Board of Supervisors acted to direct their staff to investigate the issue of formation of a JPA. So ordered by unanimous vote.

Chairman Luce recommended Marin County be included in the JPA.

Muriel Fagiani, Napa, questioned what the largest Casino is and if Lake Berryessa will be turned into the next Lake Tahoe, responding Chairman Luce noted that Foxwood in Connecticut is the largest casino in the country, and is not aware of any movement to have gaming at Lake Berryessa.

#### (Item 4C) PRESENTATION OF COUNTY BUDGET BRIEFS

Solano County Administrator Michael Johnson discussed the budget situation on Solano County, the operating budget, healthy revenue increases through property tax, 95% of the development is within the cities, reserves, and the work being done on the development of the 2004/2005 budget.

Napa County Assistant County Executive Officer Nancy Watt discussed the current budget amounting to \$235 million, funds that were set aside over last few years, balancing the budget on fund balance, beginning the budget process for 2004/2005, departments to maintain a status quo with absorbing additional costs, and deferring some capital programs.

Sonoma County Administrator Mike Chrystal has a budget of \$500 million, discussed the actions taken to produce savings, shortfalls, reduction in services, and the additional measures that will have to be taken to produce a balanced budget for 2004/2005.

Sonoma County Supervisor Tim Smith discussed how CSAC is active in ways to assist local government and to work closely with the Governor to help counties.

Supervisor Kromm expressed concern regarding shifting ERAF and the potential for program cuts, and discussed that Solano County is drawing down reserves to be used for health care to keep the service providers together.

#### (Item 5) BOARDS OF SUPERVISORS CHAIRS' ANNOUNCEMENTS

Napa County Chairman Mark Luce presented a letter dated March 16, 2004, incorporated herein by reference, addressing the Draft Environmental Impact Statement for the future use and operations of Lake Berryessa.

Sonoma County Chairman Mike Reilly noted experiencing reductions due to the State budget and the systemic inadequacies built into the current Mental Health allocations, and the need to turn around funding for Mental Health programs. Chairman Reilly feels this meeting is creating a good opportunity for cooperation between the counties.

Supervisor Silva thanked Napa County for hosting this event; this meeting has shown the strength of the three counties coming together, and thanked Supervisor McGowan for coming.

ADJOURN - This meeting of the Board of Supervisors adjourned at 5:30 p.m.

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John F. Silva, Chair

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Maggie Jimenez  
Clerk to the Board of Supervisors