

Minutes For May 24, 2005

SOLANO COUNTY BOARD OF SUPERVISORS

May 24, 2005

MINUTES

The Solano County Board of Supervisors met on the 24th day of May, 2005 in regular session in the Chambers of the Board of Supervisors of the County of Solano in the Solano County Court House, 675 Texas Street, Fairfield, California at 8:30 A.M. pursuant to County Code Section 2-1.103. Present were Supervisors Kromm, Reagan, Silva and Vice-Chair Vasquez. Chairwoman Kondylis arrived at 8:35 A.M. Also present were Quang Ho, Assistant County Administrator and Dennis Bunting, County Counsel.

Agenda Item No. 3 Closed Session

The Board of Supervisors recessed this meeting at 8:31 A.M. to convene in Closed Session on the following matters:

- A) Existing Litigation: Vacaville Seventh Day Adventist Church v. Solano County
- B) Labor Negotiations: California Federation of American Physicians and Dentists, Public Employees Union, Local 1, Unit 16, Teamsters, Local 228, Attorneys; In-Home Health Support Services (IHSS), Chief Negotiators: Craig Jory, Yolanda Irigon, Jim Ferguson, Wayne Page, and Steve Janice
- C) Property Negotiations: Property: 740 Coach Lane, Vallejo, California 94589, Agency Negotiator: Mark Bryant, County Property Manager, Negotiating Parties: County of Solano, Genever Fox, DVM and John Huebner, DVM, Under Negotiation: Price and Terms
- D) Property Negotiations: Property: 300 County Airport Road, Corporate Hangar #B-6 Vacaville; Negotiating parties: Veronica Ferguson, General Services Director; Andy Swanson, Airport Manager; and Peng Leong, Under Negotiation: Price and Terms

Agenda Item No. 4 Open Session

The Board of Supervisors reconvened in Open Session at 9:25 A.M. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 5 Report of Action in Closed Session

County Counsel Dennis Bunting noted that there were no reports from Closed Session.

Agenda Item No. 6 Salute to the Flag and Moment of Silence

Lou Berglin led all in the Pledge of Allegiance to the Flag and a Moment of Silence.

Agenda Item No. 7 Presentations

The Board of Supervisors made the following presentations:

- A. Presented Proclamation of the Solano County Board of Supervisors proclaiming June 5, 2005

to June 11, 2005 as Affordable Housing Week.

- B. Presented Proclamation of the Solano County Board of Supervisors recognizing May, 2005 as California Museum Month.
- C. Adopted and presented Resolution No. 2005-127 honoring Charles Ramey upon his retirement after 21 years of service to the Superior Court of California, County of Solano. (see Resolution Book)

MOTION: Reagan. SECOND: Kromm.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 8 Items From the Public

The Chairwoman invited individuals of the public to make statements on matters relating to the business of the Solano County Board of Supervisors. The following individuals made public comments:

- A) Donald Tipton, unincorporated Vallejo, noted that the project for the replacement of water lines in the Homeacres Area will be beginning in the near future and called for a more equitable share of the cost by the City of Vallejo.
- B) Cathy Houck, Grand Jury Foreperson, presented the Board of Supervisors with the following Grand Jury Reports: 1) Solano County Cities Procurement Procedures; 2) ADA Compliance at Golden West Middle School; and 3) ADA Compliance at Benicia Middle School.
- C) Supervisor Kromm noted that he, along with several individuals from the County staff, attended a Strategic Planning Session with the Office of Education. Supervisor Kromm noted that he felt it was beneficial for people from other entities to participate in each others' Planning Sessions.
- D) Supervisor Kromm expressed his interest in revisiting the Board's policy on the use of the Board of Supervisors Chambers by other governing boards.
- E) Supervisor Vasquez requested that this meeting of the Board of Supervisors be adjourned in memory of Aranka Marie Marchio, Donnell Elbert Stadler, and Frank Peter "Frankie" Vasquez.

Agenda Item No. 9 Approval of Agenda

Approved the Solano County Board of Supervisors' agenda as submitted with the following amendments:

- A) Item No. 15B – Resolution approving the Memorandum of Understanding (MOU) for Unit #11, represented by Union of American Physicians and Dentists and amendment to the Alphabetical Listing of Classes and Salaries was removed from the Consent Calendar.
- B) Item No. 15C – Resolution approving the Memorandum of Understanding (MOU) for Unit #16, represented by Public Employees Union, Local One was removed from the Consent Calendar.
- C) Item No. 18A – Amendment to the Raley's, Inc. pharmacy products contract from an annual amount of \$128,000 to \$178,000 for the period ending June 30, 2005 was removed from the Consent Calendar.
- D) Item No. 18B – Funding recommendation from the Solano Children's Alliance for the allocation of Children's Trust Fund mini-grants in the amount of \$109,592 was removed from the Consent Calendar.
- F) Item No. 26 – Amendment to agreement with Symetra Life Insurance Company for provision

and administration of Health, Vision, and Dental Coverage for In-Home Supportive Services Individual Providers was removed from the Consent Calendar

MOTION: Kromm. SECOND: Silva.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 10

Public Comment on Consent Calendar

The Chairwoman invited individuals of the public to make public comment on Consent Calendar Items. There was no public comment.

Consent Calendar

Acted on the following Consent Calendar items:

14A. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-129 recognizing Monday, May 30, 2005 as Memorial Day, a day to honor Americans who died in service for our Country. (see Resolution Book)

14B. Approved Proclamation honoring Deputy Chief of Police Dennis Gard upon his retirement from the City of Benicia, California, Police Department.

14C. Approved Proclamation declaring Community Celebration Day, May 28, 2005 at Mills Elementary School, Benicia, California.

15A. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-128 amending the Sheriff's Department Position Allocation List to reflect the deletion of one (1) FTE Account Clerk III and the addition of one (1) FTE Account Clerk II. (see Resolution Book)

16. Authorized Solano Community College District to issue 2005 Tax and Revenue Anticipation Notes as part of the Community College League, California Cash Flow Financing Program and authorized the Treasurer to so notify the District and Bond Counsel.

17. Approved and authorized Chairwoman Kondylis to sign the Notice of Completion for the renovation of the Fairfield-Suisun Community Library located at 1150 Kentucky Street, Fairfield, CA. Authorized the Clerk of the Board to record the executed document.

19. Approved and authorized Chairwoman Kondylis to sign a one-year extension of the existing contract with Long Beach Genetics (LBG) not to exceed \$90,000 for the period of July 1, 2005 to June 30, 2006, to provide for genetic testing for the purpose of establishing paternity.

20. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-135 amending the Position Allocation List to add one (1) Deputy Public Defender I-IV position for a limited term of one year, beginning May 31, 2005 through May 26, 2006, with a maximum annual salary of \$90,649. (see Resolution Book)

21. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-136 implementing a reduction to Fouts Springs Youth Facility's authorized personnel allocation including the deletion of 7.0 positions in accordance with the actions taken by the Fouts Springs Board of Directors on March 18, 2005. (see Resolution Book)

22A. Adopted and authorized Chairwoman Kondylis to sign Ordinance No. 1662 adding Chapter 27 to the Solano County Code, relating to large confined animal facilities. Adopted and authorized Chairwoman Kondylis to sign Ordinance No. 1663 amending Chapter 28 (Zoning Ordinance) of the Solano County Code, relating to confined animal facilities.

David Avila, Western Dairy Design and B & M Farms, noted that they purchased land in 1999 near a proposed veteran's cemetery and the adopted ordinances would now prevent them from building a large dairy at this location as it was within the 2 mile buffer. It was noted that they did submit a

permit with the Department of Resource Management on May 23, 2005. Staff noted that the ordinances will go into effect in 30 days. If the ordinances had been in effect, the application would not have been accepted as it did not meet the siting requirements.

22B. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-137 approving an amending Parcel Map for Minor Subdivision MS-03-04 (Thomas and Betty Pecotte), filed in Book 46 of Parcel Maps at Page 38 in the Solano County Recorders Office, changing the parcel boundary lines between Parcels 2 and 4. (see Resolution Book)

23. Approved and authorized the County Administrator to sign an agreement with Performance Pest Management for Glassy-Winged Sharpshooter (GWSS) Eradication in the amount of \$170,000 for the term of May 25, 2005 to May 24, 2006.

24. Approved Regional Incentive Subgrant in the amount of \$70,000 and Healthcare Training Initiative Subgrant in the amount of \$800,000 from the State of California – Employment Development Department to the Workforce Investment Board (WIB) of Solano County on behalf of the North Bay Employment Connection. Authorized the County Administrator to approve contracts with Marin County, Sonoma County and Napa County and further authorized the President/Executive Director to sign the contracts approved by the County Administrator.

MOTION: Kromm. SECOND: Vasquez.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 18A

Raley's Inc. Pharmacy Products

The Board was provided with an Agenda Submittal from the Department of Health and Social Services requesting that the Board approve an amendment to the Raley's, Inc. pharmacy products contract from an annual amount of \$128,000 to \$178,000 for the period ending June 30, 2005.

In response to a question posed by Chairwoman Kondylis, staff noted that they would be coordinating their program with the Solano Coalition for Better Health and that they would include the Sheriff's Department and other correctional facilities.

At the conclusion of discussion, the Board approved a \$50,000 amendment to the Raley's, Inc. pharmacy products contract from an annual amount of \$128,000 to \$178,000 for the period ending June 30, 2005.

MOTION: Kondylis. SECOND: Kromm.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 18B

Solano Children's Alliance

Children's Trust Fund Monies

The Board received an Agenda Submittal from the Department of Health and Social Services dated May 24, 2005, incorporated herein by reference, requesting the Board approve funding recommendations from the Children's Alliance for the allocation of Children's Trust Fund (CTF) mini-grants in the amount of \$109,592.

In response to a question posed by Chairwoman Kondylis, staff noted that the Children's Trust Fund Monies were the least restrictive and; therefore, the last to be used.

At the conclusion of discussion, the Board acted to approve the following funding recommendations from the Children's Alliance for the allocation of Children's Trust Fund mini-grants in the amount of \$109,592:

- A) Child Assault Prevention Project of Southern Solano County (\$25,000)
- B) Youth and Family Services (\$25,000)
- C) Children's Nurturing Project (\$24,592)
- D) Continentals of Omega Boys and Girls Club (\$15,000)
- E) Foster a Dream (\$10,000)
- F) Family Focus, Inc. of Solano County (\$10,000)

MOTION: Kondylis. SECOND: Reagan.
 AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 15B
 Memorandum of Understanding for
 Unit #11, Union of American Physicians and Dentists

The Board received an Agenda Submittal from Human Resources dated May 24, 2005, incorporated herein by reference, requesting the Board adopt a resolution approving the Memorandum of Understanding (MOU) for Unit #11, represented by the Union of American Physicians and Dentists, and contained cost of living adjustments (COLAs), equity adjustments and language changes/clarifications to assist in administering the MOU. It also included a salary adjustment for the Physician Manager and the Mental Health Medical Director, who supervise the classifications in Unit #11.

In response to a question posed by Supervisor Kromm, Director of Human Resources Yolanda Irigon noted that additional Employer Paid Member Contributions to CalPERS was not included in the newly negotiated MOU for this unit.

Supervisor Reagan noted his opposition to the inclusion of accelerated pay.

At the conclusion of discussion, the Board took the following action:

- A) Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-130 approving the Memorandum of Understanding with the Union of American Physicians and Dentists (UAPD) representing Unit #11 for the term December 23, 2004 through May 31, 2008 and to amend the Alphabetical Listing of Classes and Salaries to reflect the negotiated salary adjustments. (see Resolution Book)
- B) Authorized the Director of Human Resources to amend the Alphabetical Listing of Classes and Salaries to reflect a 10% salary differential for the Physician Manager and the Mental Health Medical Director as a result of the new salary adjustments for Unit #11.

MOTION: Silva. SECOND: Vasquez.
 AYES: Kromm, Silva, Vasquez, Kondylis.
 NOES: Reagan.

Agenda Item No. 15C
 Memorandum of
 Understanding For Unit #16

The Board received an Agenda Submittal from Human Resources dated May 24, 2005, incorporated herein by reference, requesting the Board to adopt a resolution approving the Memorandum of Understanding (MOU) for Unit #16 represented by Public Employees Union, Local One, adopt the resolution authorizing paying and reporting the value of Employer Paid Member Contributions to CalPERS, authorize the Director of Human Resources to amend the Alphabetical Listing of Classes and Salaries for Unit #16, Mid-Managers and the Unrepresented Health and Social Services Executive and Senior Management classifications that are affected by salary adjustments for Unit #16 Mid-Managers.

Supervisor Kromm and Supervisor Reagan expressed their opposition to increases in the Employer Paid Member Contributions to CalPERS.

Karen Anthony, Public Employees Union Local 1, noted that they negotiated for many months and felt that they have reached a cooperative agreement.

Robbie Wilson, Public Employees Union Local 1 - President of the Mid-Managers Unit #16, expressed their appreciation to the Human Resources Director and the County's negotiating team. Ms. Wilson noted that their members have worked diligently and with commitment for many years to serve the citizens of the County.

At the conclusion of discussion, the Board took the following action:

- A) Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-131 approving the Memorandum of Understanding with PEU, Local One, representing Unit #16 for 2004-2008 and to

amend the Alphabetical Listing of Classes and Salaries to reflect any salary adjustments. (see Resolution Book)

B) Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-132 for paying and reporting the value of Employer Paid Member (EPMC) Contributions. This benefit shall consist of paying 4.5% of the normal contributions as EPMC, and reporting the percent (value) of compensation earnable (excluding Government Code Section 20636(c) (4)) as annual compensation for miscellaneous employees in Unit #16. Effective date shall be June 5, 2005. (see Resolution Book)

C) Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-133 for paying and reporting the value of Employer Paid Member (EPMC) Contributions. This benefit shall consist of paying 5.25% of the normal contributions as EPMC, and reporting the percent (value) of compensation earnable (excluding Government Code Section 20636(c) (4)) as annual compensation for miscellaneous employees in Unit #16. Effective date shall be January 1, 2006. (see Resolution Book)

D) Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-134 for paying and reporting the value of Employer Paid Member (EPMC) Contributions. This benefit shall consist of paying 6.00% of the normal contributions as EPMC, and reporting the percent (value) of compensation earnable (excluding Government Code Section 20636(c) (4)) as annual compensation for miscellaneous employees in Unit #16. Effective date shall be January 14, 2007. (see Resolution Book)

E) Authorized the Director of Human Resources to amend the Alphabetical Listing of Classes and Salaries for the Unit #16, Mid-Managers and the Unrepresented Health and Social Services Executive and Senior Management Classifications that are affected by salary adjustments for Unit #16 Mid-Managers.

MOTION: Silva. SECOND: Vasquez.

AYES: Silva, Vasquez, Kondylis.

NOES: Kromm, Reagan.

The Board recessed this meeting at 10:45 a.m. and reconvened at 11:00 a.m. All members were present. Chairwoman Kondylis presided.

Item No. 28A
Solano Partnership Against
Violence Annual Report

The Board received an Agenda Submittal from the County Administrator's Office dated May 24, 2005, incorporated herein by reference, providing the Board with information and an update on the activities of the Solano Partnership Against Violence which is a group of concerned professionals working toward improving service delivery by public and private agencies in Solano County to those affected by domestic violence.

Agenda Item No. 28B
Legislative Advocate

The County Administrator's Office provided a report to the Board from the County's Legislative Advocate Paul Yoder dated May 24, 2005, incorporated herein by reference, concerning 1) the May Revise, including the latest on Medi-Cal reform, Proposition 42, and the Public Library Fund; 2) progress on the County's 2005 legislative priorities; 3) status of the Governor's proposals for a November, 2005 statewide special election, including the latest on pension reform, Live Within Our Means Act, Reapportionment Initiative, Paycheck Protection, Prescription Drug Initiative, and Tenure Initiative for Teachers; 4) 3% at 50 for DA investigators; 5) efforts to simplify the transition of facilities from the counties to the courts; and 6) proposed legislation for Board's consideration. Mr. Yoder also provided a matrix of other bills of possible interest to Solano County.

The Board approved and authorized Chairwoman Kondylis to sign a letter to the County's State

representatives requesting that if the Governor calls for a Special Election to be held in November, 2005, that the County be reimbursed the costs associated with that election.

MOTION: Kromm. SECOND: Reagan.
 AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

The Board approved and authorized Chairwoman Kondylis to sign a letter to the Governor endorsing the reintroduction of the provisions found in SB 1657 regarding regulations on childcare fraud prevention, funds recovery and standards for referral of serious violations.

MOTION: Reagan. SECOND: Silva.
 AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

The Board concluded their discussion and tabled action on their positions on legislation.

The Board recessed this meeting at 12:00 noon and reconvened at 2:00 p.m. Present were Supervisors Kromm, Reagan, Silva, and Vice-Chair Vasquez. Chairwoman Kondylis was excused to attend a dental appointment. Vice-Chair Vasquez presided.

Agenda Item No. 29 Public Guardian Office

The Board received an Agenda Submittal from the Auditor-Controller dated May 24, 2005, incorporated herein by reference, providing a follow-up report on unresolved conditions in the Public Guardian's Office as noted in the Auditor-Controller's Internal Control Review. It was noted in the report that one of the four recommendations had been completed, the remaining three recommendations are scheduled for implementation in June, 2005, and the Board would receive a follow-up report on July 26, 2005.

The Board accepted the report and directed the Public Guardian's Office within the Health & Social Services Department to continue to take correction action on the unresolved conditions.

Agenda Item No. 30 Master Settlement Agreement Strategic Plan Implementation

The Board received an Agenda Submittal from the Health and Social Services Department dated May 24, 2005, incorporated herein by reference, requested the Board to accept an evaluation of the Master Settlement Agreement Strategic Plan Implementation for the period July 2002 through December 2005; approve recommendations from the Master Settlement Agreement Advisory Board regarding Master Settlement Agreement (MSA) Strategic Plan Activities for Fiscal Years 2005/06 through 2007/08; and approve an Expenditure Plan for Fiscal Years 2005/06 through 2007/08 for continued implementation of the MSA Strategic Plan and other health related County purposes.

Staff outlined the process utilized in the evaluation process and the strategies to provide health care services to the residents of Solano County.

The Board received a presentation from members of the MSA Advisory Board which included an overview of the 3 year spending plan and an update on the goals and progress of the Advisory Board. The Advisory Board noted that they were taking steps to increase the amount of participation in the Fairfield-Suisun Unified School District.

In response to a question posed by Supervisor Kromm, staff noted that the Fairfield-Suisun Unified School District's rates were lower due to the fact that their process was to receive affirmative response from the parents to enroll in the Solano Kids Insurance Program (SKIP). Other school districts requested that parents only respond if they did not want to have their children enrolled in the program.

Members of the MSA Advisory Board requested that the Board build linkages and alliances with members of the Fairfield-Suisun Joint Unified School District to encourage them to actively participate in collecting the required data through the required survey in order to increase the participation numbers of the SKIP program and to pursue passive participation.

The Board acted to send a letter to the Fairfield-Suisun Unified School District encouraging

them to amend their policy on the participation of the SKIP program and encouraging them to actively participate in collecting the required data.

MOTION: Reagan. SECOND: Vasquez.
 AYES: Kromm, Reagan, Silva, Vasquez.
 EXCUSED: Kondylis.

Robert Lawton, County Administrator's Office Analyst, reviewed the four financial options for funding the Tobacco Master Settlement Agreement Spending Plan.

Chuck Lomeli, Solano County Treasurer-Tax Collector-County Clerk, outlined options regarding: 1) funding MSA Strategic Plan Request, Community Clinics and South Campus; 2) funding MSA Strategic Plan at existing Expenditure Plan levels, fund Community Clinics and South campus; 3) leave the MSA Expenditure Plan in place as written; 4) reducing MSA Expenditure Plan from current levels to reach Fund reserve target; and 5) South County Government Center Financing Strategy – Standard 3 year bonds.

Supervisor Kromm noted that he felt that it was important for the program team and the fiscal team to meet on a regular basis to keep up to date on programs and funding streams.

Supervisor Reagan requested the MSA Advisory Board provide feedback on ways to invest in delivery systems in north and south county and the strategic planning for long term mechanisms for outreach in the future.

Marci Coglianesi, Chair of the Rio Vista City Team, thanked the Board for investing in the health of the community. Ms. Coglianesi noted that the Board and the cities have worked together to identify the problems in order to work toward programs that will provide solutions.

Patrick Hughes, Solano Coalition for Better Health, thanked the Board for investing in the health of the communities and thanked the Board for their participation and leadership in providing for the health needs of its citizens.

At the conclusion of discussion, the Board took the following actions:

A) Accepted an evaluation report from the Department of Health and Social Services on the MSA Strategic Plan Implementation for the period July 2002 through December 2005.

MOTION: Silva. SECOND: Kromm.
 AYES: Kromm, Reagan, Silva, Vasquez.
 EXCUSED: Kondylis.

B) Approved the following Master Settlement Agreement Spending Plan activities for fiscal years 2005/06 through 2007/08 as outlined in the Revised Financial Scenario Summary Table – Option 1:

Strategic Plan Funding	\$3,500,000
Community Clinic Funding	395,000
South County Funding	250,000
Annual Total	\$4,145,000
Ending Balance FY 2021/22	\$26,115,585

MOTION: Silva. SECOND: Kromm.
 AYES: Kromm, Reagan, Silva, Vasquez.
 EXCUSED: Kondylis.

C) Approved a three-year spending plan for Fiscal Years 2005/06 through 2007/08 for continued implementation of the MSA Strategic Plan and other health related County purposes

MOTION: Silva. SECOND: Reagan.
 AYES: Kromm, Reagan, Silva, Vasquez.
 EXCUSED: Kondylis.

The Board recessed this meeting at 3:55 p.m. and reconvened at 4:10 p.m. Present were Supervisors Kromm, Reagan, Silva, and Vice-Chair Vasquez. Chairwoman Kondylis was excused.

Agenda Item No. 31A

Appeal of Planning Commission Decision re
Norcal Waste System Hay Road Landfill

The Board received an Agenda Submittal from Resource Management dated May 24, 2005, incorporated herein by reference, requesting the Board to conduct a public hearing to consider an appeal by Jon Dannenberg of Planning Commission approval of revisions to existing Use Permit No. U-91-28 for Norcal Waste Systems Hay Road Landfill; adopt a Resolution certifying the Final Subsequent Environmental Impact Report; and a Resolution denying the appeal of Jon Dannenberg and upholding the April 21, 2005 Planning Commission approval of revisions to existing Use Permit U-91-28.

Staff provided a project background of the landfill; current entitlements; existing operations on-site including waste disposal and compost; review of the proposed project to include landfill support facility, modifications to composting operations, recyclable loading area, and revised landfill final cover. Staff noted the increase in the landfill height; reviewed the general plan and zoning; the environmental determination; and action taken by the Planning Commission. Staff noted that the primary issues of concern were landfill height v. aesthetics; Travis AFB compatibility, litter, odor, and air quality. Staff noted that the applicant requested a Statement of Overriding Consideration based on specific social and economic considerations in order to allow them to not have to mitigate the impact to a level of less than significance. It was noted that the County would have to make findings to approve the Statement of Overriding Consideration that the mitigation measures and project alternatives are infeasible and that specific benefits of the project outweigh unavoidable adverse impact. The Applicant provided justifications to their request that the ASP Technology & Mitigation Credits were financially infeasible and that the reduction of compost throughput was contrary to State-wide diversion & recycling goals under AB 939. The applicant further provided additional justification which included that the project would promote sustainable agriculture, conserve scarce landfill space, stabilize disposal rates, reduce collection vehicle miles traveled, and sustain 80-100 new jobs with local spending. Staff noted that at the conclusion of the Planning Commission hearing, the Planning Commission did certify the EIR on the basis that the EIR was completed in compliance with CEQA and is legally adequate, that the Commission had reviewed and considered information in the Final SEIR, that the Final SEIR did reflect the Commission's independent judgment and analysis. However, the Planning Commission declined to make Findings supporting Statement of Overriding Considerations for air quality impacts. Instead the Planning Commission imposed new Conditions as follows:

- A) Condition No. 71 – based on Mitigation Measure Air-1a, that permittee mitigate or reduce ROG emissions to level not exceeding Yolo Solano Air Quality Management District (YSAQMD) ROG threshold and YSAQMD states current emissions attributable to compost throughput of 300 TPD will be "grandfathered" in. No net increase in ROG emissions will be permitted by the YSAQMD.
- B) Condition No. 70 – requiring designation of a Compliance Officer responsible for prevention of off-site migration of any airborne contaminants. The Compliance Officer would be designated by the Landfill operator.
- C) Condition No. 73 - Mitigation Measure Air-2 requiring expansion of existing odor source and management techniques, incl. expanded Compliance Response Protocol. Condition would also permit LEA to require odor abatement system for consistent odors, including either a vapor phase counteractant system or a topical application of odor neutralizer. Condition also permits LEA to require that acceptance of odorous sources be discontinued or that existing on-site odorous sources be landfilled.
- D) Condition No. 8 – permits rehearing by Planning Commission after 2 years and every 2 years thereafter, or even more frequently; rehearing may be triggered by odor or litter complaints or violations/corrective actions by other regulating agencies, or violations of conditions of approval that are brought to the staff's attention.
- E) Condition No. 5 – required that site design and operations meet specifications and requirements of all permitting agencies, including the YSAQMD.

At the conclusion of the Planning Commission's review of the Conditions, the Planning Commission determined that the landfill was consistent with applicable plans and policies including the General Plan and Zoning Ordinance, adequate utilities, roads, drainage and other facilities, and findings related to health, safety, general welfare no detriment to people or property. The Planning Commission decision was appealed on the basis of six issues including; 1) groundwater contamination, 2) closure plan, 3) support facility was not consistent with zoning, 4) FAA notification requirement not met, 5) odor complaints, and 6) scope of cleanup along roadways.

Staff reviewed the existing conditions that addressed the issues noted above.

Vice-Chair Vasquez opened the hearing to the public.

Jon Dannenberg, Hawkins Road, Dixon, provided a written response to staff comments, incorporated herein by reference, regarding groundwater contamination, closure plan, support facility for trucks, FAA notification requirements, odor complaints, and cleanup of trash along roadways.

Otto Dannenberg, Dannenberg Ranches, Inc., noted that the Compliance Officer would be an employee of the landfill and that as an employee, the officer would become accustomed to the odor.

Mr. Dannenberg commented on past practices of the landfill which he felt were inadequate.

Rush Dally, Elmira, noted that he did not feel that the history of the landfill was adequately addressed. Mr. Dally stated that the number of meetings that were held on this matter were extensive and felt that the residents were being put in a position of protecting themselves instead of the landfill being required to comply with their needs.

Dennis Kilkenny, Winters, noted that he was the neighboring landowner and that he felt that the EIR was inaccurate in terms of litter and debris control; birds and disease; odor, and impacts to rare and endangered species. Mr. Kilkenny requested that mitigation measures be monitored and enforced.

Hazel Larson, Dixon, noted that she lived four miles from the landfill and felt that the landfill was creating a health issue. Ms. Larson noted that during the past 6 months, the odor from the landfill had increased and asked the Board to address whatever changed during this time. Ms. Larson noted that the odor from the landfill penetrated their clothing and skin, and that they suffer from breathing issues, nausea, and burning eyes. Ms. Larson noted that this project shouldn't take precedence over their health. Ms. Larson noted that there weren't many residents in the rural area and that they had a smaller voice.

Sandra Warnken, Dixon, noted that she had researched composting procedures and that reactive organic gases (ROGs) are often toxic and that composting doesn't kill all bacteria. Ms. Warnken also noted that many of the gases that are toxic were also odorless. Ms. Warnken noted that there should not be any smell unless there is too much green material. Ms. Warnken stated that there was much documentation which stated that real medical issues were associated with odors and submitted her findings to the Board, incorporated herein by reference.

Eric Warnken, Dixon, noted that when composting was done correctly, that there was no smell.

However, 38 families in the area of this landfill have complained about the odor issue and felt that the odor came from food scraps being transported onto this site from San Francisco. Mr. Warnken expressed his concern with the height of the mound and the potential incompatibility with Travis AFB. Mr. Warnken expressed his concern with noise, glare, air pollution, water pollution and the bacteria from the food scrapes being transported to this site.

Marcie Coglianese, Rio Vista, noted that the landfill did produce a pervasive odor problem and that the odor issue was not being addressed by the landfill. Ms. Coglianese noted that there are large issues associated with composting in terms of odor. Ms. Coglianese further noted that she was against other cities outside Solano County sending waste when they aren't using best practices.

Representatives of the Hay Road Landfill, requested that the Board uphold the Solano County Planning Commission's decision and that they were willing to comply with the County's Conditions of Approval which included the enforcement of the odor issue.

Greg Prior, General Manager of NorCal Landfill and a resident of Dixon, noted that they were willing to work with the County and the neighbors of the landfill. Mr. Prior noted that they have been working with researchers from the University of California, Davis for several years to find ways to compost with less odor and that they expected to use some of these new technologies at the landfill. As there was no one further who wished to speak on this matter, the public hearing was closed.

Supervisor Kromm noted that he had experienced the odor from the landfill and that mitigation to mask the odor may be hiding harmful elements instead of identifying and correcting. Supervisor Kromm expressed his concern that the compliance officer would be an employee of the landfill and questioned the ability to audit oneself. Supervisor Kromm noted that he felt it would be more appropriate to have a Compliance Officer on staff with the County's Resource Management Department.

Terry Schmidtbauer, Environmental Health Manager, noted that the County does have staff in the Department of Resource Management to respond to complaints that is paid through funds collected from the Landfill through the Local Enforcement Agency (LEA) to provide monthly inspections and respond to complaints. However, staff noted that the County would also prefer to have a compliance officer on site to respond to nuisance complaints and monitor the operation on a daily basis.

Birgitta Corsello, Director of Resource Management, noted that they were in the process of formalizing a telephone and online complaint process with the intent to track the complaints and to improve the response time.

Supervisor Reagan noted that the odors were a problem at the current level of operation and that

there needed to be some consequence of not living up to the expectation of the County. Supervisor Reagan requested that in exchange for the expansion, that there be an added Condition to reduce odors through the use of new technology.

Supervisor Silva noted that the food waste was causing the odor problem and recommended that the food waste be pretreated before being brought into Solano County.

In response to a question posed by Supervisor Silva, Donald Hamblin, Hay Road Landfill attorney and compliance officer, noted that the liability for non-compliance would fall onto the compliance officer and that the compliance officer was also accountable to the shareholders, the banks, insurance providers, and auditors in order to obtain funding for the expansion.

Representatives of the Hay Road Landfill noted that they were committed and open to requests and requirements to improve their operation. Representatives noted that the landfill site was subject to inspection up to closure of the facility and that they were in agreement with the Conditions being recommended for implementation.

Supervisor Kromm suggested that a Citizens Advisory Group be formed consisting of the residents, landfill representatives, and staff to review the use of new technologies for composting and the control of odor and return to the Board in one year with recommendations.

At the conclusion of discussion, the Board adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-138 Certifying the Final Subsequent Environmental Impact Report for the Norcal Waste Systems, Inc., Hay Road Landfill Project. (see Resolution Book)

MOTION: Reagan. SECOND: Silva.

AYES: Kromm, Reagan, Silva, Vasquez.

EXCUSED: Kondylis.

Tentatively denied the appeal filed by Jon Dannenberg and affirmed the Planning Commission's Approval of an Application for Revision No. 3 to Use Permit No. U-91-29 for the Norcal Waste Systems Hay Road Landfill, Inc. subject to the conditions that: 1) the applicant should not be allowed to accept increased compost feedstocks unless it can be demonstrated, after a one-year trial period, that odors, litter, and birds generated by compost operations can be reduced below current levels; and 2) that a citizens advisory committee that was established in the past to monitor biosolids issues has been successful and should be used as a model for developing methodologies to quantify compost-related odors and techniques to minimize such odors. The Board directed staff to return to the Board on June 7, 2005 with the amended Resolution for final action.

MOTION: Reagan. SECOND: Kromm

AYES: Kromm, Reagan, Silva, Vasquez.

EXCUSED: Kondylis.

Agenda Item No. 31C
Workshop on Solano County
Transportation Planning and Funding

The Board of Supervisors continued this matter to June 7, 2005.

Agenda Item No. 31D
Local Transportation Needs

The Board of Supervisors continued this matter to June 7, 2005.

Agenda Item No. 31E
"Fair and Safe Traffic Solutions"

The Board of Supervisors continued this matter to June 7, 2005.

Agenda Item No. 31B
Biosolids

The Board received an Agenda Submittal from the Department of Resource Management, dated May 24, 2005, incorporated herein by reference, requesting the Board to consider a draft ordinance amending Solano County Code, Chapter 25 to restrict the land application of biosolids onto farmland within the secondary management area of the Suisun Marsh. The proposed amendments to Chapter 25 would provide additional protection for the environment, while not restricting the activities of farmers that have current valid registrations or interfering with existing contracts between farmers, generators, and industry.

The Board acted to read the proposed ordinance by title only and waived further reading.

MOTION: Kromm. SECOND: Reagan.
 AYES: Kromm, Reagan, Silva, Vasquez.
 EXCUSED: Kondylis.

Vice-Chair Vasquez opened the hearing to the public.

Lorraine McGee, Committee Against Biosolids, expressed her opposition with biosolids being spread in the secondary management area of the Suisun Marsh.

Kristin Bruce, Biologist with the Suisun Resource Conservation District, expressed her feeling that it would be beneficial not to allow application of biosolids within the secondary management area of the Suisun Marsh with the exception of the two registered sites until such time that the Stakeholders Group could make further study. Ms. Bruce noted that if there was going to be the spreading of biosolids in the secondary area, that her preference would be to only allow Class A materials.

Natalie Sierra, San Francisco Public Utilities Commission, noted that they continue to be engaged in this process with the County, that there were doing increased measuring and monitoring during this application season, and expressed appreciation for the work done by the Department of Resource Management.

Maura Bonnarens, East Bay Municipal Utility District, noted that they supported the proposed ordinance due to the fact that the lands in the secondary management area sloped away from the primary marsh.

Supervisor Silva noted that during previous Board discussions, safeguards were put into place to assure that lands applicable for the spreading of biosolids in the secondary management area sloped away from the marsh and that the Board would be reviewing the existing ordinance at the end of 2005 or the beginning of 2006.

Supervisor Kromm noted that in the event of a severe rain season, he felt that there could be potential problems with runoff from the secondary management area.

It was moved to adopt staff recommendation to prohibit new site registrations in the secondary management areas of the Suisun Marsh and allow for the continued use of biosolids in currently registered sites only. Motion failed by the following vote:

MOTION: Kromm. SECOND: Reagan.
 AYES: Kromm, Reagan.
 NOES: Silva, Vasquez.
 EXCUSED: Kondylis.

Agenda Item No. 32
 Adjournment

The Board of Supervisors adjourned this meeting at 7:30 P.M. in memory of the following:

- A. Aranka Marie Marchio
- B. Donnell Elbert Stadler
- C. Frank Peter "Frankie" Vasquez

The Board adjourned to a Special meeting of the Board of Supervisors on May 31, 2005 at 7:00 p.m. Next regular Board of Supervisors meeting will be June 7, 2005 at 8:30 A.M.

BARBARA R. KONDYLIS, Chairwoman
Solano County Board of Supervisors

MICHAEL D. JOHNSON, Clerk of the
Solano County Board of Supervisors

By
Patty Crittenden, Chief Deputy Clerk