

## Minutes For November 5, 2002

The Solano County Board of Supervisors met in regular session on this day at 8:35 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 8:36 a.m. to discuss Meet and Confer: Deputy Sheriff's Association, Units 3 & 4, and Correctional Officers, Unit 13 with Craig Jory, Chief Negotiator; Potential Litigation: one (1) case; Personnel: Public Employee Performance Evaluation – County Administrator. The Board moved out of Closed Session at 9:19 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:26 a.m.

### (Item 5) COUNTY COUNSEL TO REFER A CONTRACT MATTER TO THE DISTRICT ATTORNEY

Assistant County Counsel Wendy Getty announced that by unanimous vote, the Board directed County Counsel to refer a contract matter to the District Attorney.

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

### ADDITION TO THE AGENDA

On motion of Supervisor Thomson and seconded by Supervisor Kromm, the Board acted to add a Resolution declaring the week of November 10 – 16, 2002 as a week of tribute and thanks to America's Veterans to the Agenda. So ordered by a vote of 5-0.

### PRESENTATIONS

#### (Item 7A) RESOLUTION NO. 2002-213 RECOGNIZING NOVEMBER 11, 2002 AS VETERANS DAY, A TIME TO HONOR THE VALOR, SACRIFICE AND COMMITMENT OF OUR NATION'S VETERANS, ADOPTED

On motion of Chairman Carroll and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2002-213 Recognizing November 11, 2002 as Veterans Day, a Time to Honor the Valor, Sacrifice and Commitment of our Nation's Veterans. So ordered by a vote of 5-0. (see Resolution Book)

On behalf of the Board, Chairman Carroll presented the Resolution to Bill Reardon, Director of Veterans Services, and Stanley Armstrong representing the Suisun City Chapter of the American Legion who accepted the Resolution

on behalf of all the Veterans and Veterans service groups in Solano County.

(Item 7B) RESOLUTION NO. 2002-223 DECLARING THE WEEK OF NOVEMBER 10 – NOVEMBER 16, 2002 AS A WEEK OF TRIBUTE AND THANKS TO AMERICA’S VETERANS, ADOPTED

On motion of Supervisor Thomson and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2002-223 Declaring the Week of November 10 – 16, 2002 as a Week of Tribute and Thanks to America’s Veterans. So ordered by a vote of 5-0. (see Resolution Book)

On behalf of the Board, Chairman Carroll presented the Resolution to Kathleen Heeren, Commander American Legion Post 165, and Donna Suiter, acting President of the America Legion Post 165 Auxiliary. Commander Heeren accepted the resolution on behalf of all Solano County Veterans, and outlined the Veterans Day commemorative program.

## ITEMS FROM THE FLOOR

### APPEARANCE BY DONALD TIPTON, REGARDING VARIOUS ISSUES

Donald Tipton, Vallejo, voiced his concerns regarding grading that has been done at the construction site of the Highway Church of God in Christ in the Homeacres area and the potential flooding problems with block drainage lines, and with the lack of dust control on the site. Mr. Tipton provided the Board with a facsimile that was sent to the Department of Environmental Management from Vallejo Sanitation and Flood Control (VSFCD) regarding this site. Mr. Tipton also voiced concerns regarding a Public Notice to Residents in the vicinity of 1100 block of Warren Avenue in Vallejo, incorporated herein by reference, regarding hazardous waste levels of metals on the property, and the lack of notification to the Homeacres Improvement Association and VSFCD for pollution control.

### 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 7B) Resolution declaring the week of November 10 – 16, 2002 as a week of tribute and thanks to America’s Veterans, added to the Agenda.

(Item 15B) Adoption of a resolution amending the Alphabetical Listing of Classes and Salaries to add the new classification of Chief Deputy Public Administrator/Public Guardian/Public Conservator, Deputy Public Administrator/Public Guardian/Public Conservator and Public Administrator/Public Guardian; adoption of a resolution amending the Allocation List in the Public Guardian’s Office and the Sheriff’s Office to reflect the classification changes, removed

from the Consent Calendar.

(Item 20A) Approval of an agreement with D. H. Blattner & Sons, Inc. for the maintenance and repair of specific county roads during the construction of the High Winds wind power project in the Montezuma Hills area, removed from the Consent Calendar.

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 13) PROCLAMATION DECLARING NOVEMBER 2002 AS LUNG CANCER AWARENESS MONTH, approved.

(Item 14) RESOLUTION NO. 2002-214 AUTHORIZING CONVEYANCE OF INTEREST IN OLD TOWN HALL IN VACAVILLE, adopted. (see Resolution Book)

(Item 15A) RESOLUTION NO. 2002-215 AMENDING THE ALPHABETICAL LISTING OF CLASSES AND SALARIES (ASSISTANT SUPERINTENDENT, JUVENILE HALL), adopted. (see Resolution Book)

(Item 16A) GRANT AGREEMENT FROM THE PUBLIC HEALTH INSTITUTE/ CALIFORNIA CENTER FOR RESEARCH ON WOMEN AND FAMILIES RE CALWORKS/CHILD WELFARE PARTNERSHIP, as outlined in the Agenda Submittal from Health and Social Services dated November 5, 2002, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

APPROPRIATION TRANSFER IN THE AMOUNT OF \$31,000 FROM UNANTICIPATED REVENUE, as outlined in the Agenda Submittal from Health and Social Services dated November 5, 2002, incorporated herein by reference, approved.

(Item 16B) SUBMISSION OF GRANT APPLICATION TO THE STATE DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS RE DEVELOPMENT OF STRENGTHENING CONNECTIONS INITIATIVE, A SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES PREVENTION PROGRAM, as outlined in the Agenda Submittal from Health and Social Services dated November 5, 2002, incorporated herein by reference, approved.

(Item 16C) GRANT FUNDING IN THE AMOUNT OF \$45,050 FROM THE STATE EMERGENCY MEDICAL SERVICES AUTHORITY RE UPDATE OF SOLANO COUNTY TRAUMA CARE, as outlined in the Agenda Submittal from Health and Social Services dated November 5, 2002, incorporated herein by reference, accepted.

APPROPRIATION TRANSFER IN THE AMOUNT OF \$20,000 FROM UNANTICIPATED REVENUE, as outlined in the Agenda Submittal from Health and Social Services dated November 5, 2002, incorporated herein by reference, approved.

(Item 17) ADDENDUM TO CONTRACT WITH PRINTING NETWORKING MAILING INFORMATION TECHNOLOGY RE BULK MAILING SERVICES, as outlined in the Agenda Submittal from Child Support Services dated November 5, 2002, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

(Item 18) RESOLUTION NO. 2002-218 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (PROBATION DEPARTMENT), adopted. (see Resolution Book)

(Item 19A) RESOLUTION NO. 2002-219 APPROVING THE EXECUTION OF AGREEMENT 02-204-720 WITH THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS AND PROVIDE AUTHORIZATION FOR THE SHERIFF TO SIGN CONTRACT AND ALLOW APPROPRIATION OF UNANTICIPATED REVENUE AND FIXED ASSET PURCHASE IN THE AMOUNT OF \$23,400, adopted. (see Resolution Book)

(Item 19B) RESOLUTION NO. 2002-220 APPROVING PARTICIPATION IN A STATE DOMESTIC PREPAREDNESS EQUIPMENT GRANT, adopted. (see Resolution Book)

APPROPRIATION TRANSFER FROM UNANTICIPATED REVENUE IN THE AMOUNT OF \$136,611, as outlined in the Agenda Submittal from the Sheriff's Office/ Emergency Services dated November 5, 2002, incorporated herein by reference, approved.

(Item 20B) RESOLUTION NO. 2002-221 ADOPTING SOLANO COUNTY'S DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR FEDERALLY ASSISTED TRANSPORTATION PROJECTS FOR FEDERAL FISCAL YEAR 2002-03, adopted. (see Resolution Book)

(Item 21) RESOLUTION NO. 2002-222 AUTHORIZING SUSAN COHEN, AGRICULTURAL COMMISSIONER TO EXECUTE AGREEMENT NUMBER 02-0248 FOR JULY 2002 THROUGH JUNE 2003, adopted. (see Resolution Book)

## ORDERS

(Item 20A) AGREEMENT WITH D. H. BLATTNER & SONS, INC. FOR ROAD MAINTENANCE AND REPAIR RE HIGH WINDS WIND POWER PROJECT, APPROVED

The Board was provided with an Agenda Submittal from the Department of

Transportation dated November 5, 2002, incorporated herein by reference, regarding a contract for the maintenance and repair of County roads that will be impacted by the construction of the High Winds wind power project in Montezuma Hills area.

Supervisor Kondylis expressed her opposition to the wind power project because of the number of birds killed.

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to approve the agreement with D. H. Blattner and Sons, Inc. So ordered by a vote of 5-0.

(Item 15B) RESOLUTION NO. 2002-216 AMENDING THE ALPHABETICAL LISTING OF CLASSES AND SALARIES (SHERIFF AND PUBLIC GUARDIAN/ CONSERVATOR'S OFFICE), ADOPTED

RESOLUTION NO. 2002-217 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS WITHIN SOLANO COUNTY (PUBLIC GUARDIAN), ADOPTED

The Board was provided with an Agenda Submittal from Human Resources dated November 5, 2002, incorporated herein by reference, regarding the transition of the Public Administrators Office into the Public Guardian/ Conservator's Office.

Art Grubel, Executive Director SEIU, Local 1280, AFL-CIO, voiced concern that this action will incorporate the duties of the Conservatorship Investigator into a new classification of Chief Deputy. The Chief Deputy position will be filled through an open recruitment with the possibility of leaving the incumbent investigator without a job, which amounts to a layoff and it would be a meet and confer issue. This result was not clearly addressed in the report.

Director of Human Resources Yolanda Irigon noted that prior to any action taken her department would meet with the union to meet and confer on the impacts of the decision.

County Administrator Michael Johnson noted the creation of the Chief Deputy position is to meet the needs of the office as a whole with the expansion to the Public Administrator function, and discussed the rationale in the position changes.

Mr. Grubel noted the concern is with the investigator if he does not get the upgraded job.

Responding to comments by Supervisor Kondylis regarding the new position doing the investigator positions work, and placement of the displaced worker, Ms. Irigon noted the Chief Deputy position would be doing the investigations. During discussions with the union options will be discussed for the incumbent if needed. If there is a layoff the person can request a preferential transfer.

Responding to questions posed by Chairman Carroll regarding retirements, Mr. Johnson discussed salary structure changes, plans of Gail Lamkins retirement, recruitment for the department head position, and the expanded management depth for the department with the new position.

Responding to comments from Supervisor Silva regarding the incumbent

meeting the qualifications for this position, Ms. Irigon noted with approval of the this action the recruitment for the position of Deputy will be opened, and the qualifications of the applicants would be reviewed when the recruitment is underway.

Supervisor Silva expressed concern with the elimination of the investigators' position. Ms. Irigon noted the footnote on the resolution that "Deletion of the Conservatorship Investigator will occur upon appointment of the new Chief Deputy PA/PG/PC." This will allow discussions with SEIU and to continue the recruitment process without jeopardizing the employee.

Chairman Carroll voiced concern with the person in the investigator's position, and feels that the management person will not be able to absorb the investigator responsibilities along with the other management responsibilities. Responding to concerns voiced by Supervisor Silva regarding qualifications, Ms. Irigon noted meet and confer meetings with Local 535, and after these meetings the decision was made to open the recruitment rather than a closed recruitment process.

Supervisor Kromm feels this action is consistent with the department reorganization, and feels the Assistant Department Head position is needed. Anes Lewis-Partridge, SEIU Local 535, representing the Deputy Public Guardians within the department noted there was a meet and confer on the impact of this change. Some of the union membership were concerned with the new classification and requested an open recruitment to ensure an open and fair process.

On motion of Supervisor Kromm and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2002-216 Amending the Alphabetical Listing of Classes and Salaries (Sheriff and Public Guardian/Conservator's Office) and Resolution No. 2002-217 Amending the List of Numbers and Classifications of Positions Within Solano County (Public Guardian). So ordered by a vote of 5-0. (see Resolution Book)

(Item 23B) FINAL REPORT ON 2002-03 STATE BUDGET PROCESS AND 2001-02 LEGISLATIVE SESSION RECEIVED

## SOLANO COUNTY 2003 LEGISLATIVE PLATFORM, ADOPTED

Paul Yoder, Legislative Analyst, Gerber Shaw & Yoder, introduced Assemblywoman Helen Thomson and Candidate for the 8th Assembly District Lois Wolk, reviewed the information contained in the Agenda Submittal from the County Administrator's Office dated November 5, 2002, incorporated herein by reference, emphasizing defeat of the undoing of the Vehicle License Fee (VLF) backfill, the elimination of the Williamson Act Subvention funds, and the child support penalties to the counties. Overall, bills that were objected to by the counties were defeated.

Assemblywoman Thomson thanked the Board for their help and support during her term, cautioned the Board regarding the 2002-2003 budget and the ensuing budget deficit. Resources are tight and will take some real strategizing on how to address the deficit, especially in light of the deep cuts for this year.

Hopefully efforts to turn the economy around through economic development in local communities will work, it appears difficult times will continue.

Mr. Yoder continued to outline the Solano County 2003 Legislative Platform. Responding to questions posed by Supervisor Kromm regarding legislation promoting city centered development, and air quality monitoring based on land use patterns, Mr. Yoder discussed several bills and bond measures for incentives to the cities for development within the cities, and support for incentive programs. Mr. Yoder noted that Oddessy 20/20 is now conducting modeling for air quality monitoring.

Assemblywoman Thomson noted this issue has come to the forefront in terms of growth management, sprawl, and traffic congestion. Currently there is not a clear focused approach for smart growth strategies, some leadership assistance from CSAC would be helpful in development of that type of platform and to bring all the pieces from the counties together. All factors should be considered before the State gives the counties specific number of dwelling units they must build.

Responding to a request by Supervisor Kondylis regarding an energy crisis update and the effects to future funding, with the State buying the transmission lines, recovery of the money stolen by the energy companies, and with integrated Family Courts and conflicting laws for children, Mr. Yoder noted the issuance of \$13 billion in bonds to repay the energy debt, and that there is a proposal to back the bonds with a surcharge on our energy bills. Mr. Yoder feels that the problems that caused the energy crisis are still there, and that many of the innovative ideas were put aside since the media is no longer highlighting the energy crisis. Any funds that are recovered would probably go into the State's General Fund. Mr. Yoder feels additional legislation may be needed regarding dependency issues.

Assemblywoman Thomson noted the need for one dedicated member in the Legislature that cares about children and family issues, but the issues are difficult and complex with many pieces of a dysfunctional puzzle.

Assemblywoman Thomson feels that Candidate Wolk will work on the issue if elected.

Supervisor Silva noted the power crisis was paid for with our tax dollars, PG&E took all the money and put it in new with the mother company, higher energy charges were paid, and now there is going to be a surcharge on our bill to pay for the bonds. There should be some way to ding the power suppliers rather than the consumer having to pay for the energy three separate times. In the legislation for housing requirements there needs to be ways to adjust the numbers when general plans change.

On motion of Chairman Carroll and seconded by Supervisor Kondylis, the Board acted to receive the final report on the 2002-03 State budget process and the 2001-02 legislative session and to adopt the 2003 legislative platform. So ordered by a vote of 5-0.

(Item 23C) SUPERVISOR BARBARA KONDYLIS REAPPOINTED AS MEMBER AND SUPERVISOR JOHN SILVA REAPPOINTED AS ALTERNATE TO THE CSAC 2003 BOARD OF DIRECTORS

On motion of Chairman Carroll and seconded by Supervisor Kromm, the Board acted to reappoint Supervisor Kondylis as the member and to reappoint Supervisor Silva as the Alternate Member to CSAC for the 2003 term. So ordered by a vote of 5-0.

(Item 23A) CLARK DESIGN BUILD OF CALIFORNIA CHOSEN TO DESIGN AND CONSTRUCT THE NEW SOLANO COUNTY GOVERNMENT CENTER

The Board was provided with an Agenda Submittal from the County Administrator's Office dated November 5, 2002, incorporated herein by reference, regarding this project.

Assistant County Administrator Darby noted this is a transition from the preconstruction stage to the construction of the project, discussed contract negotiation process that is to begin, marketing of the bonds, and reviewed the key enhancements proposed by Clark Design/Build of California.

Supervisor Kondylis discussed some of the ecological enhancements, the need to promote the use of natural materials in the building, and the need to use products that do not harm the environment.

Responding to questions posed by Supervisor Thomson regarding electrical car charges, Mr. Hayes noted electrical car charges were not a building enhancement but were included in the base bid for the project. The County needs to aggressively promote this type of alternative energy, and Supervisor Thomson commended Mr. Hayes, who discussed the low interest rate that will be charged for the debt service.

Supervisor Kondylis noted her opposition to the project, and feels that childcare facilities should be incorporated into the project. Mr. Hayes noted the childcare center that will open soon at the new Health and Social Services building. The center can accommodate about 60 children, and the project will be followed to see what the interest is at the facility. If additional childcare is needed downtown a facility close by would be used with space for an outside play area, and for the safety of the children.

Supervisor Kromm feels that a childcare center is needed in the downtown campus within walking distance and on a long-term basis for flexible work schedules for a friendly family work environment.

Supervisor Kondylis feels that if good quality childcare is available employees will take advantage of it, and that the childcare facility should be a priority for the downtown campus.

Supervisor Silva feels that a lactation area be available in the new building, endorsed the new building that will offer a one-stop facility, commended Supervisor Kromm and the project team with putting the project together, and noted the need to provide better working conditions.

Supervisor Kromm commended Kanon Artiche, Architect, for doing a wonderful job, and the leadership he has brought to the project.

County Administrator Michael Johnson noted the groundbreaking December 10, 2002.



(Item 24A) REPORT ON THE HEALTH AND SOCIAL SERVICES  
DEPARTMENT'S (H&SS) FY2001-02 YEAR-END FISCAL STATUS, RECEIVED

APPROPRIATION TRANSFER FROM GENERAL FUND CONTINGENCIES TO  
HEALTH AND SOCIAL SERVICES IN THE AMOUNT OF \$1,345,685, APPROVED

APPROPRIATION TRANSFER IN THE AMOUNT OF \$2,907,554, APPROVED

Director of Health and Social Services Patrick Duterte noted he has been on the job for one year, the goals of the position, and some of the resulting departmental issues that must be addressed along with resolutions to these problems. Mr. Duterte reviewed the information contained in the Agenda Submittal from his department November 5, 2002, incorporated herein by reference, regarding the FY 2001-02 fiscal situation of his department, and noted an analysis report of the administration division and reorganization of the department.

Anes Lewis Partridge, SEIU Local 535, acknowledged the impending State budget impacts, noted work done by SEIU International relating to the State budget, encouraged better communication with Local 535 on dealing with the fiscal situation, and noted willingness to work with the department to "do more with less".

Kim Thomas, Children's Network, discussed local efforts and the difficulties relating to drawing down funding streams that are untapped at the Federal and State level, the need for all involved entities to learn how to quickly and efficiently draw down these funds, and increasing the Early Periodic Screening Diagnosis and Treatment (EPSDT) program. Ms. Thomas offered to convene community based providers, County representatives along with the Children's Network to make EPSDT and similar funding sources a reality through education of the process.

Supervisor Thomson encouraged that a group be put together to utilize this type of funding, since funding cuts are eminent.

John Haugen, Basic Needs Committee, requested any funds available for use for the Winter Shelter Program, to work in conjunction with the cities for rental assistance programs and to find ways to help people, especially families, maintain their current housing.

Responding to questions posed by Supervisor Kromm how the errors were discovered, and how the contractors were authorized to work without contracts, Mr. Duterte noted the problems were found in the department, and outlined anticipated EPSDT funding and factors surrounding the contracts not being amended while services were still being delivered. Britt Ferguson, County Administrator's Office outlined the factors that contributed to the overall situation. There was a brief discussion regarding ensuring delivery of services, and eligibility of clients.

Responding to questions posed by Supervisor Kromm regarding determining the level of and appropriateness of services, Kathy Kramer, Interim Mental Health Director, noted contractors do clinical assessments of clients to determine if services are necessary. Contractors are included in a monthly

County utilization process to ensure compliance with Medical standards. Responding to questions posed by Supervisor Kromm regarding compliance audits by the County internal auditors, Quang Ho, Assistant County Administrator – Budget, discussed concern by the Auditor’s Office through the contract administration process. The Auditor encumbered the additional contract billing amounts since the services were already provided. This allowed the department to accrue, process and pay the added claims.

Responding to questions posed by Supervisor Kromm regarding administering contracts and spot checking for compliance, Mr. Duterte noted concern regarding monitoring, and is included as a key component in the reorganization of the department. Supervisor Kromm noted the need for independent audits.

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to receive a report on the Health and Social Services Department’s (H&SS) FY2001-02 year-end fiscal status, to approve the increased General Fund appropriation for Health and Social Services in the amount of \$1,345,685, and to approve an appropriation transfer in the amount of \$2,907,554. So ordered by a vote of 5-0.

(Item 24B) CONTRACT AMENDMENTS WITH MENTAL HEALTH CONSUMER CONCERNS, ALAMEDA COUNTY NEURO-BEHAVIORAL CARE PROGRAM, DR. MARY ANN BARR, STAFF CARE, ALDEA, CAMINAR SELF HELP SERVICES, CAMINAR RE LAUREL CREEK PROGRAM, CAMINAR RE HOMELESS HOUSING PROGRAM, APPROVED

The Board was provided with an Agenda Submittal from Health and Social Services dated November 5, 2002, incorporated herein by reference, regarding amending various mental health agreements for fiscal year 2001/2002.

Responding to questions posed by Supervisor Kondylis regarding the increase to over \$270,000 for 2 beds with the Alameda County Neuro-Behavioral Care Program, why some of the programs for residential care are so expensive, and the rehabilitation rate, Kathy Kramer, Interim Mental Health Director, noted the total number of beds is seven, the increase was for 2 additional beds. The Alameda County Neuro-Behavioral Care Program is an adult program, and the contract with Santa Clara County listed in Item 24D is for an adolescent program which is more expensive. A small percentage of the clients at the Alameda County Neuro-Behavioral Care Program do get out and live in community based board and care homes, but many will never leave due to neurological deficits, these are the most severely impaired clients.

On motion of Supervisor Kromm and seconded by Supervisor Silva, the Board acted to approve the contract amendments with Mental Health Consumer Concerns, Alameda County Neuro-Behavioral Care Program, Dr. Mary Ann Barr, Staff Care, Aldea, Caminar Self Help Services, Caminar re Laurel Creek Program, Caminar re homeless housing program. So ordered by a vote of 5-0.

(Item 24C) CONTRACT AMENDMENTS WITH CHILD HAVEN, FAMILIESFIRST, ALDEA RE THERAPEUTIC BEHAVIORAL SERVICES, SENECA,

## YOUTH AND FAMILY SERVICES, FAMILIES FIRST-DAY TREATMENT, ALAMEDA COUNTY-STARS, APPROVED

The Board was provided with an Agenda Submittal from Health and Social Services dated November 5, 2002, incorporated herein by reference, regarding amending various mental health agreements for children's' mental health services for fiscal year 2001/2002.

Shelley McEwan, Executive Director Child Haven, discussed the difficulties on sorting out the Early Periodic Screening, Diagnosis and Treatment (EPSDT) contract situation, and a letter of understanding for an augmentation with the County under EPSDT. This is not a matter of contractor abuse, the contractors are the first line to deal with serious problems. The Mental Health Department workers see the huge need of services that are necessary, and are dealing with the needs with the available resources. The contractors provide services, sometimes they do not collect all the funds for services due to the complexity of the situation, and Ms. McEwan emphasized the huge demand that EPSDT can help to meet and the need to make it work.

Steve Schmidbauer, Families First, has served the County since 1982, very difficult times are coming to provide these types of services, noted the work that has been done to work together to meet the difficult future. The contractors try to provide the services the best that they can, there are outcomes, accountability, and welcomes audits.

Billie Middleton, Executive Director Youth & Family Services, noted the work done by the contractors and County staff to resolve this issue. Every dollar was spent appropriately, discussed a school program for dual diagnosis with 140 children on the waiting list that was begun on the verbal ok of the County, along with other programs being initiated and administered by Youth and Family Services. Ms. Middleton acknowledged that overspending on a contract would not be reimbursed, and welcomes auditing. More and more you find that contractors and the County are intertwined, and working together will add to the services that can be provided.

On motion of Supervisor Kondylis and seconded by Supervisor Thomson, the Board acted to approve the contract amendments with Child Haven, FamiliesFirst, Aldea re Therapeutic Behavioral Services, Seneca, Youth and Family Services, Families First-Day Treatment, Alameda County-STARS for mental health services to children for FY2001/02. So ordered by a vote of 5-0.

(Item 24D)           AGREEMENT WITH SANTA CLARA COUNTY RE FACILITY BEDS AT STARLIGHT ADOLESCENT CENTER FOR FY2000/01 AND FY2001/02, APPROVED

Director of Health and Social Services Patrick Duterte reviewed the information contained in the Agenda Submittal from his department dated November 5, 2002, incorporated herein by reference, regarding contracting for two dedicated community treatment facility beds at Starlight Adolescent Center with Santa Clara County.

Responding to questions posed by Supervisor Kondylis regarding the possibility

these children will leave this facility, and turnover rate, Kathy Kramer, Interim Mental Health Director, noted there is more hope for the children than adults in these situations, and discussed the good successes in working with these kids. Responding to questions posed by Supervisor Kondylis regarding the turnover rate, and statistics on the causes of the illnesses, Debbie Terry-Butler, Acting Children's Mental Health Administrator, discussed the Community Treatment Facility program, levels of care, the good outcomes they are seeing from this type of program, and the types of clients placed in this high level of care facility. Ms. Terry-Butler noted that three of the four clients in the program were victims of child abuse.

Supervisor Kondylis noted how expensive this type of program is and how much cheaper prevention programs are.

Supervisor Kromm endorsed the cooperative planning process mentioned by Kim Thomas of the Children's Network, the need to reorganize how services are provided to kids, and to ensure contractors are complying with the terms of their contracts.

On motion of Supervisor Kondylis and seconded by Chairman Carroll, the Board acted to approve an agreement with Santa Clara County for Facility beds at Starlight Adolescent Center for FY2000/01 and FY2001/02, and to authorize the Chairman to sign said agreement on behalf of Solano County. So ordered by a vote of 5-0.

(Item 25A)            ADDENDUM TO TREASURER/TAX COLLECTOR/COUNTY  
CLERK'S INVESTMENT POLICY, APPROVED

Britt Ferguson, County Administrative Office, discussed the correlation of the three issues in Item 25. Mr. Ferguson noted 25A addresses policies of investment of the proceeds from the securitization of the Tobacco Master Settlement (MSA) revenues. Item 25B pertains to the investment of funds, annual spending levels, the development of a detailed expenditure plan for the next few years, recommendations for long term investing, and an update of the strategic plan for the MSA funds.

Mr. Ferguson discussed the expenditure plan, Item 25B incorporated herein by reference, and on spending levels over the next few years, and how much money would be available in the following years. Mr. Ferguson reviewed a "Matrix: Tobacco Master Settlement Savings and Spending Options" recommending Option B, and outlined the priorities relating to the MSA funds previously determined by the Board. The other spending scenarios were reviewed, incorporated herein by reference. The spending recommendations were suggested only through 2004/2005, with the recommendation that the Treasurer invest funds to insure that \$3.5 million be available to spend each year after that. The goals and spending plans would be reassessed and modified after the initial three years.

Responding to questions posed by Supervisor Kromm if Option 3 is consistent with the Strategic Plan, Mr. Ferguson noted it is consistent with the Strategic Plan group recommendations and as modified at direction of the Board.

Treasurer-Tax Collector-County Clerk Charles Lomeli noted the

investment policy must be amended since two things will be done differently with MSA money. These funds, while allocated, will be invested in tax free securities, which the County currently does not do. The securities would also be invested for a longer term, possibly up to 20 years. The goal is to structure the investments to mature when the funds are needed to maximize the earnings. The oversight committee endorses the changes.

Supervisor Kromm noted the Board must be aware that over the term it may appear that there are paper loses, and that the investments must go to full maturity for profits. Responding Mr. Lomeli noted a significant amount of the portfolio will be short leaving flexibility to have money available when interest rates go up, and the need to know how much the Board wants to spend each year. As part of the budget planning the investments will be reviewed. Mr. Lomeli discussed variables, and that investing would be done to match the allocation schedule.

Supervisor Kondylis feels we need to stick with the plan and emphasized again and again to ensure in the future that these funds are spent ONLY as outlined in the strategic plan.

Assistant Director of Health and Social Services Moira Sullivan reviewed information contained in the Agenda Submittal for Item 25C, incorporated herein by reference, discussing an update of implementation of the strategic plan and some related actions. Ms. Sullivan noted implementation of support services for the indigent population and a pilot project under the County Medical Services Program (CMSP). Ms. Sullivan noted success of the pilot program resulting in overspending of the budget, and continued to outline the program with 3,600 eligible in the program that was budgeted for 2,600. Ms. Sullivan reviewed aspects of the program, noted one reason for higher costs is due to no trauma care facilities in the County, and interest by the CMSP Governing Board to continue the pilot for at least one more year. The CMSP Governing Board has agreed to contribute 50% of the additional cost to keep the pilot whole. Ms. Sullivan reviewed the recommendations and funding.

Supervisor Silva voiced concern with overspending, and questioned if spending reductions were considered, and funding of the program, Ms. Sullivan noted the County has no control over program enrollment that is based on eligibility, and gave a full background and history of the CMSPDT program, the requirements and obligations of the County as a program participant. The pilot program is working to provide better access to healthcare at a reduced cost. Supervisor Silva noted concern with spending of the MSA money only for new projects when in-house programs, such as this, need to be funded.

Superior Court Executive Officer Chuck Ramey (re Item 25B) voiced concern regarding the future of the Adult Drug Court, noted MSA funding that was used to support the Adult Drug Court, that no funds are available through Trial Court Funding to continue the Adult Drug Court, and the need for funding to continue this program. With current budget shortfalls the program will start shutting down in December, and feels the Adult Drug Court Program does appropriately fit into the health access component of the Strategic Plan. The referrals to the program have increased significantly mainly due to the people failing the Proposition 36 Program. Mr. Ramey noted the importance of the

Adult Drug Court in the overall Family Drug Court and Juvenile Drug Court Programs.

Patrick Hughes, Solano Coalition for Better Health, commented on the process on MSA, the Strategic Plan and the benefits, and noted support for the minor funding revisions recommended in Item 25C.

Responding to questions posed by Supervisor Kondylis regarding continuing the Adult Drug Court, Director of Health and Social Services Patrick Duterte feels that the full implications of the State Budget need to be analyzed before any spending changes are determined.

Bob Harrison, Vacaville Police Chief and representing several Vacaville organizations, noted support for the Strategic Plan, the need to sustain programs in the communities, and encouraged support for the minimum of three to five years funding.

Marcia Jo, Health and Social Services, noted the importance of reducing rates of health access in the Strategic Plan, feels the Board adopted the broad vision to get people insurance and into a system of care, and then address the other barriers keeping people from health care. In the reducing rates strategic plan it is largely focused on a prevention focus for children, and noted support for the strategic plans and the results that can be reviewed in a couple of years for analysis of MSA funding and future spending.

Supervisor Kondylis noted the importance of elimination of substance abuse, and the need to consider funding for the Adult Drug Court and how the program fits with health access.

Vice-Chairman Kromm suggested considering the matter at review of State funding, and the overall goal for prevention programs.

Supervisor Kondylis feels the Strategic Plan is flexible, adjustments can be made.

Vice-Chairman Kromm noted support for the specific spending plan for the next three years, and then a goal of a dollar amount for the out years without being tied to specific programs.

Supervisor Kondylis noted the end result here is that there will always be money there to earn interest for the money to spend, and not to supplant what we are suppose to be doing but to enhance.

Mr. Ferguson discussed the recommendation of planned spending for three years, and to direct the Treasurer to invest to provide a minimum of \$3.5 million per year in the out years, and in about two years to review the plan and spending levels based on the information available at that time.

Responding to questions posed by Supervisor Kondylis regarding how often the Board would get reports to determine if the policy needs to be changed, Mr. Lomeli noted the Board would be receiving monthly report on the specific tobacco investments, a report as part of the mid-year review, and also in the annual budget process.

On motion of Supervisor Thomson and seconded by Supervisor Silva, the Board acted to approve Addendum (A) to the Treasurer-Tax Collector-County Clerk's Investment Policy regarding the Tobacco Master Settlement Endowment. So ordered by a vote of 4-0; Chairman Carroll excused.

(Item 25B) EXPENDITURE PLAN FOR TOBACCO MASTER SETTLEMENT AGREEMENT (MSA) FUND, APPROVED

APPROPRIATION TRANSFER IN THE AMOUNT OF \$55,713,685 IN TOBACCO MASTER SETTLEMENT BOND PROCEEDS, APPROVED

For discussion see Item 25A.

On motion of Supervisor Silva and seconded by Supervisor Thomson, the Board acted to approve staffs proposed MSA Expenditure Plan that sets goals of having MSA funds available to spend at a rate of \$3.8 million in FY 02/03 and \$4.35 million in FY 03/04 and FY 04/05, to direct the Treasurer to invest the MSA funds based on the Expenditure Plan and to assume that the MSA funds will be spent at a rate of \$3.5 million per year after FY 04/05 and that a new spending plan would be developed at that time, and to approve a budget adjustment as outlined in the report. So ordered by a vote of 4-0; Chairman Carroll excused.

(Item 25C) MASTER SETTLEMENT AGREEMENT (MSA) UPDATE REPORT, RECEIVED

DIRECTOR OF HEALTH AND SOCIAL SERVICES TO NEGOTIATE AN AMENDMENT TO THE COUNTY MEDICAL SERVICES PROGRAM (CMSP) PARTICIPATION AGREEMENT

VARIOUS CONTRACTS AND AMENDMENTS FOR MSA ACTIVITIES, APPROVED

For discussion see Item 25A.

On motion of Supervisor Silva and seconded by Supervisor Kondylis, the Board acted to accept the Master Settlement Agreement Update Report, to authorize the Health and Social Services Director to negotiate an amendment to the CMSP Participation Agreement not to exceed a total contract of \$11.5 million, to approve the use of MSA funds to pay 50% of the negotiated amendment, to authorize the Chairman to sign the resulting amendment, to approve various contracts and amendments for MSA activities with the Chairman signing those agreements. So ordered by a vote of 4-0; Chairman Carroll excused.

(Item 26A) INITIATE PROCEEDINGS TO VACATE OF A PORTION OF MERIDIAN ROAD, APPROVED

PUBLIC HEARING ON THE PROPOSED VACATION SET FOR DECEMBER 10, 2002 AT 2:00 P.M.

The Board was provided with an Agenda Submittal from Environmental Management dated November 5, 2002, incorporated herein by reference, regarding setting a hearing regarding the vacation of a portion of Meridian Road adjoining Travis Air Force Base.

On motion of Supervisor Silva and seconded by Supervisor Kondylis, the

Board acted to initiate proceedings for vacation of a portion of Meridian Road immediately north and south of Travis Air Force Base, and to set a public hearing on the proposed vacation on December 10, 2002 at 2:00 p.m. So ordered by a vote of 4-0.

(Item 26B) STATUS REPORT ON THE HABITAT CONSERVATION PLAN,  
RECEIVED  
HABITAT CONSERVATION PLAN REFERRED TO THE SOLANO COUNTY  
AGRICULTURAL ADVISORY COMMITTEE FOR DISCUSSION AND  
RECOMMENDATIONS

The Board was provided with an Agenda Submittal from Environmental Management dated November 5, 2002, incorporated herein by reference, regarding the Habitat Conservation Plan (HCP) that is being prepared by the Solano County Water Agency.

General Manager David O'Kita, Solano County Water Agency, reviewed a background on the Habitat Conservation Plan (HCP), the origins and scope of the plan. Mr. O'Kita reviewed a visual presentation titled "Solano NCCP/HCP", incorporated herein by reference, covering the Introduction, Topics of Discussion, Origins of Solano NCCP/HCP, HDP Requirement, Species List, Covered Areas, Covered Activities, Activities Not Covered, Steering Committee, Other Groups, Science Advisors, Status, and Local Reaction Agriculture Concerns.

Responding to questions posed by Vice-Chairman Kromm regarding adding or removing endangered species to the plan, Mr. O'Kita noted the plan would have to be amended to add additional species. This permit can be in effect for 50 years, which is the reason to include all the endangered species in the County in the beginning. When a species is in the plan you are committed to cover that species.

Responding to questions posed by Supervisor Silva regarding negotiation of the agreement to do the HCP, boundaries effecting habitats, and the "willing seller", Mr. O'Kita noted you can negotiate removal of a species, but past practice has been to not remove any. Supervisor Silva noted there will be hesitation when you can not remove a species from the plan that is no longer on the Endangered Species List. This plan will result in additional habitats from willing sellers, and Mr. O'Kita discussed other options such as easements or direct purchases to get the necessary land for habitat. These points will be addressed as the Water Agency goes through the process.

Paul Lum, President Solano County Farm Bureau, reviewed the outline of concerns as listed in Attachment 3 of the Agenda Submittal, expressing real concern with expansion of the plan resulting in many issues, with many of the species not being on the Federal list of endangered species, with the science behind the species on the NCCP, and with the mitigation requirements. The Farm Bureau has been advocating performing cost benefit studies, with studies on the availability of willing sellers, and habitat land in the County. There is the question on how much off-site mitigation land is needed. With these questions the Farm Bureau would like to keep the HCP to the original requirements, and



is requesting the County remain a non-applicant. Mr. Lum noted costs associated with the HCP could result in higher permit costs to the public, and requested that Farmers and Ranchers never be required to become an applicant to the HCP.

Responding to questions posed by Vice-Chairman Kromm regarding the County signing on as an applicant after the plan is adopted, and the County incurring costs if it is an applicant, Mr. O'Kita suggested if the County wants to be an applicant to sign on now since signing on after would be difficult. Costs would only occur if the County had to mitigate its own activities such as roadside drainage, relative to land use the costs would be passed on to permit applicants.

Director of Environmental Management Birgitta Corsello outlined some areas where fees could be increased as a result of costs associated with this plan. Responding to questions posed by Vice-Chairman Kromm to ensure farmers never become applicants, Mr. Lum noted the increase in regulations to the farmers, and wants to make sure that the County is aware of the concerns of the farmers. There is a concern that the County may sign on to the HCP as Yolo County did, and noted trends increasing regulations on farmers.

Responding to questions posed by Supervisor Thomson regarding Yolo County being a partner on the HCP, Mr. O'Kita noted in Yolo County the process has been going on for 8 to 10 years, and that Yolo County is a partner with the cities. Solano County may be less inclined to join since there is not the development in the unincorporated area.

Ms. Corsello outlined areas that are not included in the HCP, risks of not being a partner, the pre-negotiated exchange rate included in the plan, and reviewed some of the outstanding questions that will be answered during development of the plan. Ms. Corsello feels there could be added costs for environmental documents that will be required if the County is not a partner in the report, that in the future we will be dealing with air quality emissions, with storm water pollution prevention and tail water issues relating to agricultural activities. Environmental issues will become more complicated in the future.

Donna Harr, Solano County Citizens Alliance, voiced concern with added regulations and how they are applied to the farmers lands, feels control of the land is the issue. The HCP will take local control away from the Board of Supervisors, and Ms. Harr wants to see the least amount of control while remaining under the jurisdiction of the elected officials. We need to consider the implications and how they will affect us as a County and the agricultural community over the next 50 years.

Mike Regan, Government Affairs Director Vacaville Chamber of Commerce, voiced concern with the voluntary expansion of the HCP to added species and areas without consideration of the economic consequences. Mr. Regan believes the Board should be making the decisions regarding the expansion of the HCP. There are many entities concerned if a large portion of agricultural land is removed from production, and requested higher level negotiations for added benefits to the County be conducted.

On motion of Supervisor Thomson and seconded by Supervisor Silva, the Board acted to refer this matter to the Agricultural Advisory Committee for discussion

and recommendations. So ordered by a vote of 3-0; Chairman Carroll and Supervisor Kondylis excused.

(Item 27A) PAT BRADANINI-MYLOTT REAPPOINTED TO THE VACAVILLE FIRE PROTECTION DISTRICT

On motion of Supervisor Thomson and seconded by Supervisor Silva, the Board acted to reappoint Pat Bradanini-Mylott to the Vacaville Fire Protection District for a term to expire July 1, 2006. So ordered by a vote of 3-0; Chairman Carroll and Supervisor Kondylis excused.

(Item 27B) MEMBERSHIP CATEGORIES OF CHILDREN'S NETWORK COUNCIL AMENDED TO ADD THE CATEGORY OF DEPARTMENT OF CHILD SUPPORT SERVICES

DENNIS COVELL APPOINTED REPRESENTATIVE TO THE CHILDREN'S NETWORK COUNCIL

On motion of Supervisor Thomson and seconded by Supervisor Silva, the Board acted to Amend the membership categories of the Children's Network Council adding the category of Department of Child Support Services, and to appoint Dennis Covell, with Theresa Rhoads as proxy, as representative for this category. So ordered by a vote of 3-0; Chairman Carroll and Supervisor Kondylis excused.

(Item 27C) APPOINTMENT OF DR. DENNIS MCKUEN AS A NEW BUSINESS REPRESENTATIVE ON THE WORKFORCE INVESTMENT BOARD, RATIFIED

On motion of Supervisor Thomson and seconded by Supervisor Silva, the Board acted to ratify the appointment of Dr. Dennis McKuen as a new Business representative on the Workforce Investment Board. So ordered by a vote of 3-0; Chairman Carroll and Supervisor Kondylis excused.

ADJOURN - This meeting of the Board of Supervisors adjourned in memory of Bert Hassing and Claybon Lee, Sr. at 5:00 p.m.

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William J. Carroll, Chairman

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Maggie Jimenez  
Clerk to the Board of Supervisors