

## Minutes For Oct 5, 2004

THIS MEETING WAS HELD IN THE BOARD OF SUPERVISORS CHAMBERS  
580 TEXAS STREET, FAIRFIELD

SOLANO COUNTY BOARD OF SUPERVISORS      October 5, 2004  
HOUSING AUTHORITY, SPECIAL DISTRICTS,  
SOLANO FACILITIES CORPORATION,  
SOLANO BUILDING CORPORATION AND  
IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

### MINUTES

The Solano County Board of Supervisors met in regular session on this day at 8:35 a.m. Chairman Silva called the meeting to order. Present were Supervisors Forney, Vasquez, and Chairman Silva; Supervisor Kondylis arrived at 8:37 a.m. and Supervisor Kromm was excused.

**CLOSED SESSION:** The Board moved into Closed Session at 8:36 a.m. to discuss Closed Session: Meet and Confer: All Bargaining Units with Chief Negotiators Jim Ferguson and Craig Jory; Property Negotiations: (1) 600, 675, Texas Street, Fairfield; negotiating parties – Darby Hayes and Britt Ferguson, Solano County; Sean Quinn and Curt Johnson, City of Fairfield; under negotiation – price and terms; (2) 640-646 Broadway, Fairfield (APN: 0030-291-090 and 0030-291-100); negotiating parties – Mark Bryant and Veronica Ferguson, Solano County; Greg Tonnesen for Lois A. Tonnesen, seller's negotiator; under negotiation – price and terms; (3) 1919 E. MonteVista Avenue, Vacaville (APN: 0129-210-100); negotiating parties – Mark Bryant and Veronica Ferguson, Solano County; Brooks Pedder, seller's negotiator; under negotiation – price and terms; (4) 444 Alabama Street, Vallejo (APN: 0056-071-110); negotiating parties – Mark Bryant and Veronica Ferguson, Solano County; Lennar Mare Island, seller's negotiator; under negotiation – price and terms; (5) 720 Coach Lane, Vallejo (APN: 0052-320-390); negotiating parties – Mark Bryant and Veronica Ferguson, Solano County; Genever Fox et. al., seller's negotiator; under negotiation – price and terms; (6) Brown Street and E. Monte Vista Avenue, Vacaville (APN's: 0129-320-260, 0129-320-270, 0129-320-280, 0129-320-290); negotiating parties – Mark Bryant and Veronica Ferguson, Solano County; City of Vacaville with Joseph Murdaca/Stephen Power; under negotiation – price and terms; (7) 275 Beck Avenue, Fairfield (APN 0028-782-050); negotiating parties – Mark Bryant and Veronica Ferguson; Karen Smith, La Petite Academy; under negotiation – price and terms: Litigation – one (1) case. The Board moved out of Closed Session at 9:23 a.m. The Board moved back into closed session at the end of this meeting.

The Solano County Board of Supervisors reconvened on this day at 9:26 a.m. with the Pledge of Allegiance and a moment of silence.

### PRESENTATIONS

7A)      RESOLUTION NO. 2004-183 PROCLAIMING OCTOBER 3-9, 2004 AS NATIONAL 4-H WEEK IN SOLANO COUNTY, ADOPTED

On motion of Supervisor Vasquez and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2004-183 Recognizing the Week of October 3rd to October 9th, 2004 as National 4-H Week in Solano County. So ordered by a vote of 4-0 Supervisor Kromm excused. (see Resolution Book)

On behalf of the Board, Supervisor Vasquez presented the resolution to Carol Paterson, 4-H Youth Development Advisor, Valerie Williams, 4-H Program Representative, and Andrew Bohannon, Solano County 2004/2005 All Star Ambassador.

Mr. Bohannon presented a brief visual presentation on what 4-H Program is, how 4-H has benefited him through the leadership, citizenship and life-skills he has learned and the opportunities he has had while belonging to 4-H.

7B)      RESOLUTION NO. 2004-184 RECOGNIZING JULIE STRATTON UPON HER RETIREMENT FOR HER MANY YEARS OF SERVICE TO SOLANO COUNTY, AND PLAQUE OF APPRECIATION, APPROVED

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2004-184. The Board further acted to authorize a Plaque of Appreciation for Julie Stratton. So ordered by a vote of 4-0; Supervisor Kromm was excused. (see Resolution Book)  
On behalf of the Board, Supervisor Kondylis presented Ms. Stratton with Resolution No. 2004-184 and a Plaque of Appreciation honoring her upon her retirement after 34 years of service to Solano County as a Senior Library Assistant in the Vallejo Libraries.

Library Director Ann Cousineau noted what a great loss this will be for the library, but noted Ms. Stratton will be coming back as a volunteer.

Ms. Stratton thanked her colleagues, the Board of Supervisors and hopes she has touched the lives of some of the library patrons.

#### ITEMS FROM THE FLOOR

##### APPEARANCE BY DONALD TIPTON AND GEORGE GUYNN, JR. RE VARIOUS ISSUES

Donald Tipton, Vallejo, voiced his concerns regarding the hiring of a past Diebold employee to supervise the Registrar of Voters Office and how that could erode public confidence, and with remaining questions regarding easements and setbacks after meeting with the Director of Resources Management.

George Guynn, Jr., Suisun City, thanked Supervisor Vasquez for acknowledging the right of every citizen to speak out even with an unpopular point of view, endorses arming the public, thanked Sheriff Stanton for offering to pay for the road name change to honor John Sandlin, and voiced concern with hiring a past Diebold employee.

##### APPEARANCE BY MARY MAGILL RE HIRING OF AN X-DIEBOLD EMPLOYEE

Mary Magill, Gray Panthers, voiced concern with the Diebold voting system, hiring of an X-Diebold employee that presented information in a less than honest manner during hearings with the Secretary of State Kevin Shelley, and feels it appears the County is unable to get untangled from Diebold.

##### APPEARANCE BY CATHY ANN HEWITT RE VARIOUS ISSUES

Cathy Ann Hewitt, Benicia, feels honesty and integrity are an important asset in an employee, elections need to be open and honest, discussed library access for children and adults, voiced concern regarding illiteracy, noted the benefits of the 4-H Program, the First 5 Commission will be holding meetings around the County, and noted how beneficial it is for people to leave places nicer and cleaner than they found it.

#### APPROVAL OF AGENDA

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve the submitted Agenda, incorporated herein by reference. So ordered by a vote of 4-0; Supervisor Kromm excused.

#### CONSENT CALENDAR

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve the following Consent Calendar items by a vote of 4-0; Supervisor Kromm excused.

13A) RESOLUTION NO. 2004-185 RECOGNIZING "OPERATION HAND UP" FOR COORDINATING NORTH BAY STAND DOWN 2004 TO BE HELD OCTOBER 12-14, 2004, adopted. (see Resolution Book)

13B) MINUTES OF THE BOARD OF SUPERVISORS MEETING OF SEPTEMBER 14, 2004; RURAL NORTH VACAVILLE WATER DISTRICT SEPTEMBER 14, 2004, as outlined in the Agenda Submittal from the Clerk of the Board dated October 5, 2004, incorporated herein by reference, approved.

14. SPECIAL ELECTION FOR THE CITY OF VACAVILLE ON MARCH 8, 2005 RELATED TO LOWER LAGOON VALLEY SPECIFIC PLAN PROJECT PROPOSAL, as outlined in the Agenda Submittal from Department of Information Technology/Elections Division dated October 5, 2004, incorporated herein by reference, approved.

15. RESOLUTION NO. 2004-186 AUTHORIZING SUSAN COHEN AGRICULTURAL COMMISSIONER/SEALER OF WEIGHTS AND MEASURES TO EXECUTE CERTAIN AGREEMENTS FOR FY2004/2005, adopted. (see Resolution Book.

SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS:

Rural North Vacaville Water District

16. Minutes regarding this matter are contained in the Rural North Vacaville Water District Minutes Book.

ORDERS

18A) ALBERT LAVEZZO APPOINTED AS THE SOLANO COUNTY REPRESENTATIVE TO THE INDEPENDENT TAXPAYERS WATCHDOG COMMITTEE FOR THE TRAFFIC RELIEF PLAN FOR MEASURE A

The Board was provided with an Agenda Submittal dated October 5, 2004, incorporated herein by reference, regarding considering an appointment to the Traffic Relief Plan for Measure A Taxpayers Watchdog Committee.

George Guynn, Jr., Suisun City, feels this committee will not represent the citizens, that there will not be enough money collected to complete these projects, and hopes the voters do not approve any tax increases.

Chairman Silva noted sending a memo to the Board recommending Mr. Albert Lavezzo to serve on the STIA's Independent Taxpayer's Watchdog Committee for Measure A. Mr. Lavezzo lives in the unincorporated area of the County, and outlined his qualifications to fill this position. Supervisor Kondylis feels it is premature to make any appointments to this committee; there is no point in appointing someone if the measure is not approved.

Responding to questions posed by Supervisor Forney on how Mr. Lavezzo was chosen, Chairman Silva discussed Mr. Lavezzo's expertise as an attorney, financial experience, and his willingness to serve.

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to appoint Albert Lavezzo as the County representative to the Independent Taxpayers Watchdog Committee for the Traffic Relief Plan for Measure A. So ordered by a vote of 3-1; Supervisor Kondylis voted no and Supervisor Kromm excused.

18B) TEMPORARY STAFF TO MAN VALLEJO SATELLITE ELECTIONS OFFICE

Donald Tipton, Vallejo, noted there are no polling places in Homeacres, feels that one day everyone will be polling in Fairfield, noted many people do not have access to computers and the internet, requested the Board cancel their meeting on November 2nd to allow County staff to man the polls, and feels closing the Vallejo Satellite Elections Office would further split the County.

Ira Rosenthal, Department of Information Technology/Registrar of Voter, reviewed the information contained in the Agenda Submittal from his department dated October 5, 2004, incorporated herein by reference, regarding not opening the Vallejo Satellite Elections Office. Mr. Rosenthal noted the large number of transactions being processed at the Fairfield office, the high turnover of staff, but suggested the Vallejo Satellite office could be manned by a person from a temporary agency for a few weeks prior to the election, and discussed other activities building up to the November election.

Supervisor Kondylis feels that the cost of \$4,000 to staff the Vallejo office is a small price to pay to allow people the opportunity to register and to vote at will, we need to offer a convenient way to allow people to vote, feels the County should hire a temporary worker to man the Vallejo Satellite office and feels there should be a satellite office in Vacaville.

Responding to comments by Supervisor Kondylis relative to funding, Mr. Rosenthal noted the budget is not the issue, and noted with the Board's blessing the department will hire a temporary person to staff the Vallejo office.

Chairman Silva noted the Vallejo Satellite office has been there for about 30 years, discussed a

brief history of reasons for that office, assistance from Board aids in assisting handicap voters, long range planning and notification needs to be done if this office is closed in the future, discussed some people still not computer literate, and the need to get back to basic customer service.

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to direct the Registrar of Voters hire a temporary person to staff the Vallejo Satellite Office for the November Presidential Election. So ordered by a vote of 4-0; Supervisor Kromm excused.

19A) STATUS REPORT ON LEGISLATION OF IMPORTANCE TO SOLANO COUNTY RECEIVED

Paul Yoder, Legislative Analyst, Gerber Shaw & Yoder, reviewed the information contained in the Agenda Submittal from County Administrator's Office dated October 5, 2004, incorporated herein by reference, regarding an overview of the 2004 legislative session and propositions on the November, 2004 Statewide ballot. Mr. Yoder provided information to the Board titled "Chaptered Solano Folder January 1, 2004 through October 4, 2004", incorporated herein by reference. Mr. Yoder noted the new Legislature begin work in January, thanked the Legislative delegation, discussed getting Proposition 1A on the ballot, highlighted SB 1612 and SB 1161, bills recently signed AB 2010, SB 1481, and discussed the continuing difficult fiscal situation in the State. Mr. Yoder noted information on the ballot initiatives has been provided and highlighted Prop 1A.

Public Defender Jeff Thoma (regarding Proposition 69) outlined his extensive background and experience relating to DNA evidence, discussed the Federal Convicted Offender DNA Index System that is used by all states. This bill, Prop 69, has no privacy protection; and would keep DNA evidence from arrestees that were not convicted in the database. Mr. Thoma discussed escalating costs if this proposition passes, would result in a parallel database to the Federal database, problems with the collection of the costs associated with testing from the accused, and this database would contain more innocent people than convicted people. Again, there is no provision to remove information on people that have been exonerated. The State needs to collect and test all convicted felons, which there is a backlog of 200,000. This issue should be left to the legislature, and requested the Board oppose or take no stand on this legislation. PROPOSITION 66 – Mr. Thoma noted the Solano County District Attorney Dave Paulson has been very astute in the manner he has handled third-strike cases, many counties do not. This proposition will add offenses to the list for a first strike such as sex offenses and seven other violent felonies that are not currently being treated as first strike offenses. Mr. Thoma feels this is the right legislation at the right time, and requested the Board not take a position or to support Proposition 66.

Responding to comments by Supervisor Kondylis noting the opposite view from the District Attorney, and the consequences of Proposition 69 and retaining the DNA information for everyone even if they are innocent, and supports taking no position. Mr. Thoma outlined his extensive work with law enforcement on DNA and the exoneration bill, discussed how retaining all DNA information on anyone that is arrested constitutes racial profiling.

Responding to questions posed by Supervisor Forney regarding AB 1470 In-Home Supportive Services – Direct deposit of wage payments, and noted opposition to Proposition 69, Mr. Yoder noted there has been substantive amendments to the bill, and now should be noted as a position of watch.

There was a brief discussion regarding AB 2010 (Hancock) that will be enacted in January and will allow the County to increase the fees for marriage, birth, and death certificates, the funding will be used for coordination of domestic violence prevention; and the need to look at long term State fiscal reform.

19B) SUPERVISOR KONDYLIS APPOINTED AS THE MEMBER AND SUPERVISOR SILVA APPOINTED AS THE ALTERNATE TO THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) BOARD OF DIRECTORS FOR 2005

The Board was provided with an Agenda Submittal from the County Administrator's Office dated October 5, 2004, incorporated herein by reference, regarding appointing a member an alternate to the CSAC Board of Directors.

On motion of Supervisor Forney and seconded by Chairman Silva, the Board acted to appoint Supervisor Kondylis as the member and Supervisor Silva as the alternate to the CSAC Board of Directors for 2005. So ordered by a vote of 4-0; Supervisor Kromm excused.

20. SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND SPENDING PLAN FOR FISCAL YEAR 2004-2005, APPROVED

The Board was provided with an Agenda Submittal from the Sheriff's office dated October 5, 2004,

incorporated herein by reference, regarding the spending plan for Supplemental Law Enforcement Services Fund.

Chairman Silva opened the public hearing. As there was no one who wished to speak on this matter, the public hearing was closed.

On motion of Supervisor Forney and seconded by Supervisor Kondylis, the Board acted to approve the Supplemental Law Enforcement Services Fund Spending Plan. So ordered by a vote of 4-0; Supervisor Kromm excused.

21. RESOLUTION NO. 2004-187 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS (PUBLIC DEFENDER), ADOPTED.

RESOLUTION NO. 2004-188 AMENDING THE ALPHABETICAL LISTING OF CLASSES AND SALARIES (PUBLIC DEFENDER), ADOPTED

The Board was provided with an Agenda Submittal from the Public Defender's Office dated October 5, 2004, incorporated herein by reference, regarding amending positions within his department.

Donald Tipton, Vallejo, voiced concern regarding the employee that filled the Chief Public Defender Investigator position without the additional compensation, the increased cost to add this position that was not addressed during the budget process, and with the lack of the meet and confer process with the union.

Art Grubel, Executive Director SEIU Local 1280, noted he has spoken with Steve Janice from Human Resources and Public Defender Jeff Thoma, discussed the current 20% differential between what the Public Defender Investigators earn and what the District Attorney Investigators earn. The Board should know and understand that there will be a greater expectation for the investigators that they narrow the gap between the two investigator groups, the Chief Public Defender Investigator will be paid on the level with the District Attorney's Investigators and will make 40% more than the employees they supervise. Mr. Grubel feels he will be put in a position with his members as to why the gap between the two investigator groups cannot be narrowed, and please understand the consequences of this action.

Mr. Thoma noted speaking with Mr. Grubel regarding this position, discussed the three management positions in his offices in Fairfield and Vallejo, the parity issue with the DA's Office Chief Investigator makes sense with the 27,000 cases that go through the Public Defenders Office each year, and noted how vital a Chief Investigator is.

Chairman Silva noted the employee that had done the job in the past was not forced out, and that employee supports this action, discussed reasons for the pay difference between the DA and Public Defender Investigator groups, and expectations for the Public Defenders Office under Mr. Thoma.

Responding to questions posed by Supervisor Forney regarding how long the retired person did this job without the added compensation, discussed concerns with how this will be a working supervisory position, and if this should be a supervisory position, Mr. Thoma noted the previous employee worked in the position for over ten years, and discussed how supportive this person is of creating this position. Mr. Thoma discussed what a unique individual the person is that has filled that job for so many years, the need to create this position to get the same qualities which mirrors the Chief Investigators position in the DA's Office, discussed the importance of the position, and the continuing efforts to increase efficiencies in the department.

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to adopt Resolutions No. 2004-187 and 2004-188. So ordered by a vote of 4-0; Supervisor Kromm excused. (see Resolution Book)

#### APPOINTMENTS/RESIGNATIONS TO BOARDS AND COMMISSIONS

On motion of Chairman Silva and seconded by Supervisor Kondylis, the Board acted to approve the following appointments to Boards and Commissions. So ordered by a vote of 4-0; Supervisor Kromm excused.

22A) RICK SHAFER, LOU TOBIN, MARTHA LEONG, GARY ZADNICK (CHAIR), LOU FRANCHIMON, FLOYD SANDERSON, VICE CHAIR, AND JOHN PETERS APPOINTED TO NUT TREE AIRPORT ADVISORY COMMITTEE, as outlined in the Agenda Submittal dated October 5, 2004, incorporated herein by reference, approved.

22B) JANICE ROGALA APPOINTED TO MONTEZUMA FIRE PROTECTION DISTRICT BOARD OF COMMISSIONERS, as outlined in the Agenda Submittal dated October 5, 2004, incorporated herein by reference, for a term to expire March 1, 2006.

CLOSED SESSION: The Board moved back into closed session at 11:30 a.m. to continue the matters presented earlier in the meeting. The Board moved out of closed session at 12:16 p.m.

ADJOURN - This meeting of the Board of Supervisors adjourned at 12:16 p.m.

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John F. Silva, Chair

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Maggie Jimenez  
Clerk to the Board of Supervisors