



Solano County

675 Texas Street
Fairfield, California 94533
www.solanocounty.com

Minutes - Final Board of Supervisors

*Linda J. Seifert (Dist. 2), Chair
(707) 784-3031*
*Skip Thomson (Dist. 5), Vice-Chair
(707) 784-6130*
*Erin Hannigan (Dist. 1)
(707) 784-6662*
*James P. Spering (Dist. 3)
(707) 784-6136*
*John M. Vasquez (Dist. 4)
(707) 784-6129*

Tuesday, July 30, 2013

9:00 AM

Board of Supervisors Chambers

CALL TO ORDER

The Solano County Board of Supervisors met on the 30th day of July, 2013 in regular session in the Board of Supervisors' Chambers at the Solano County Government Center, 675 Texas Street, Fairfield, California at 9:00 a.m. Present were Supervisors Hannigan, Spering, Thomson, Vasquez and Chair Seifert. Chair Seifert presided. Also present were County Administrator Birgitta E. Corsello and County Counsel Dennis Bunting.

ROLL CALL

Present 5 - Linda J. Seifert, James P. Spering, John M. Vasquez, Erin Hannigan and Skip Thomson

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

This meeting of the Solano County Board of Supervisors continued with the Salute to the Flag and a Moment of Silence.

PRESENTATIONS

- 1 [13-0565](#) Adopt and present a resolution and plaque of appreciation honoring Patrick O. Duterte, Director of Health and Social Services for over thirty-five years of public service, including twelve years with Solano County; Receive presentations and resolutions from state and federal representatives serving Solano County, recognizing Patrick O. Duterte for his exceptional leadership and commitment to the citizens of Solano County (Chair Seifert)

Attachments: [A - Resolution](#)

On motion of Supervisor Thomson, seconded by Supervisor Hannigan, the Board adopted and presented Resolution No. 2013-135 and plaque of appreciation honoring Patrick Duterte, Director of Health and Social Services for over thirty-five years of public service, including twelve years with Solano

County. So ordered by 5-0 vote. (see Resolution Book)

Other presentations were received by State Senators Wolk and Evans; State Assembly Members Frazier, Yamada, and Bonilla; Congressman Garamendi; California State Association of Counties; and First 5 California.

Enactment No: Resolution 13-135

- 2 [13-0566](#) Adopt and present a resolution recognizing Lindsay Mullin as the local, district and regional winner in the Vacaville American Legion Oratorical Contest (Supervisor Vasquez)

Attachments: [A - Resolution](#)

On motion of Supervisor Vasquez, seconded by Supervisor Spering, the Board adopted and presented Resolution No. 2013-136 recognizing Lindsay Mullin as the local, district and regional winner in the Vacaville American Legion Oratorical Contest. So ordered by 5-0 vote. (see Resolution Book)

Enactment No: Resolution 13-136

- 3 [13-0582](#) Adopt and present a resolution declaring August 2013 as Solano County Breastfeeding Awareness Month, observing August 1 - August 7 as World Breastfeeding Week, and honoring First 5 Solano's partnership with Solano County Health and Social Services to bring the "Breastfeeding-Friendly Express" to the 2013 Solano County Fair (Supervisor Hannigan)

Attachments: [A - Resolution](#)

On motion of Supervisor Hannigan, seconded by Supervisor Spering, the Board adopted and presented Resolution No. 2013-137 declaring August 2013 as Solano County Breastfeeding Awareness Month, observing August 1 - August 7 as World Breastfeeding Week, and honoring First 5 Solano's partnership with Solano County Health and Social Services to bring the "Breastfeeding-Friendly Express" to the 2013 Solano County Fair. So ordered by 5-0 vote. (see Resolution Book)

Jeanette Panchula, Co-Chair of the Breastfeeding Coalition, expressed support for the distribution of updated educational materials to be made available to mothers wishing to breastfeed and encouraging participation in the Breastfeeding Coalition.

Enactment No: Resolution 13-137

ITEMS FROM THE PUBLIC

Chair Seifert invited members of the public to address the Board on matters not listed on the agenda but within the subject matter jurisdiction of the Board. The following comment was received:

A. Brian Lee, SEIU 1021, expressed concern regarding the speed of the negotiation process and the possibility of a strike in the future if there was not a negotiated contract in place.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

There were no additions to or deletions from the Solano County Board of Supervisors' agenda for July 30, 2013.

APPROVAL OF THE AGENDA

On motion of Supervisor Vasquez, seconded by Supervisor Spering, the Board approved the agenda of the Solano County Board of Supervisors for July 30, 2013 as submitted. So ordered by 5-0 vote.

Approved

PUBLIC COMMENT ON CONSENT CALENDAR

Chair Seifert invited members of the public to address the Board on items listed on the Consent Calendar. The following comments were received:

A. Donald Tipton, unincorporated Vallejo, noted that the July 2, 2013 minutes reflected public comment regarding a request for the removal of skunks in unincorporated Vallejo and did not feel that this matter had been resolved to date.

County Administrator Birgitta E. Corsello noted that the County was addressing this matter through a coordinated effort between County staff of the community.

B. Brian Lee, SEIU 1021, noted that he welcomed Ann Edwards to the position of Director of Health and Social Services and would look forward to working with her in the future.

APPROVAL OF THE CONSENT CALENDAR

On motion of Supervisor Spering, seconded by Supervisor Thomson, the Board approved the following Consent Calendar items by 5-0 vote:

- 4** [13-0569](#) Receive and file the Meeting Attendance Reports from the members of the Board of Supervisors as required for compliance with Government Code Section 53232.3(d)

Attachments: [A - 2013 Board Appointments](#)

Received and Filed

- 5** [13-0570](#) Approve the minutes of the Solano County Board of Supervisors' meetings of June 24, 2013 (Budget Hearing); June 25, 2013; July 1, 2013, and July 2, 2013

Attachments: [A - Minutes - June 24, 2013](#)
 [B - Minutes - June 25, 2013](#)
 [C - Minutes - July 1, 2013](#)
 [D - Minutes - July 2, 2013](#)

Approved

- 6 [13-0574](#) Adopt a resolution honoring Davis Alexander Evans of Boy Scout Troop 180 in Vacaville, California on his achieving the Eagle Scout Award
- Attachments:* [A - Resolution](#)
- Adopted**
- Enactment No: Resolution 13-138**
- 7 [13-0584](#) Approve the appointment of Ann Edwards to the position of Director of Health and Social Services effective August 5, 2013
- Approved**
- 8 [13-0557](#) Accept the Solano County Treasurer's Quarterly Report for the period of April 1, 2013 through June 30, 2013
- Attachments:* [A - Letter to the Board](#)
 [B - Statement of Compliance](#)
 [C - Maturity Report](#)
- Accepted**
- 9 [13-0546](#) Approve the Department of General Services selection of Debbie Barngraff for the "Employee of the Month" Parking Program for August 2013
- Approved**
- 10 [13-0576](#) Approve a construction contract with Mountain F. Enterprises for \$58,444 for the Western Grove Obstruction Removal Project near the Nut Tree Airport to remove more than 750 eucalyptus and cypress trees; and Authorize the Director of General Services to award and execute the contract, including any modifications to the contract that fall within the established project budget
- Attachments:* [A - Aerial Site Plan](#)
 [B - Summary of Bids](#)
 [C - Agreement](#)
- Approved**
- 11 [13-0577](#) Approve a contract with the Solano County Water Agency for \$60,000 for tree replacement mitigation as part of the Western Grove Obstruction Removal Project near the Nut Tree Airport; and Authorize the Director of General Services to execute the contract
- Attachments:* [A - Putah Creek Mitigation Site](#)
 [B - Agreement](#)
- Approved**

- 12 [13-0568](#) Approve a contract with Beth Coffman for up to \$200,700 funded through a First 5 California Grant for the period August 1, 2013 - June 30, 2015 to provide Early Learning System Specialist services for the Solano Child Signature Program (CSP); and Authorize the County Administrator to sign the contract and any future amendments within budgeted appropriations not to exceed \$50,000
- Attachments:* [A - Contract](#)
- Approved**
- 13 [13-0585](#) Approve 14 contracts for a total amount of \$2,876,872 on the Department of Health and Social Services 3rd Master List of Contracts funded with a combination of State, Federal and County General Funds for a variety of client services effective July 1, 2013; Authorize the County Administrator to sign all agreements, amendments and future amendments including changes to terms and conditions, scope of services and modifications to contract limits within budgeted appropriations not to exceed \$50,000; Authorize the Director of Health and Social Services or designee to execute any amendments which are technical or administrative in nature and have no fiscal impact
- Attachments:* [A - List of Contracts](#)
 [B - Contract Links](#)
- Approved**
- 14 [13-0583](#) Adopt a resolution to amend the List of Numbers and Classifications of Positions to add 1.0 FTE Deputy Director of Health & Social Services Social Programs - Child Welfare Services, and 1.0 FTE Deputy Director of Health & Social Services Social Programs - Older and Disabled Adults Services; and through attrition delete 1.0 FTE Deputy Director of Health and Social Services - Child and Adult Resources and Services, and 1.0 FTE Social Services Administrator Older and Disabled Adults
- Attachments:* [A - Resolution](#)
- Adopted**
- Enactment No: Resolution 13-139**
- 15 [13-0573](#) Adopt a resolution to approve an agreement with the County Medical Services Program (CMSP) Governing Board for Certified Public Expenditures to allow Solano County to claim reimbursement from Solano's Low-income Health Program (LIHP), known as Path2Health, for enrolled jail inmates who receive eligible inpatient hospital services effective July 1, 2013 through December 31, 2013; and Authorize the Sheriff to execute the agreement and any amendments which are technical or administrative in nature and have no fiscal impact

Attachments: [A - Resolution](#)
 [B - Agreement](#)

Adopted

Enactment No: Resolution 13-140

- 16 [13-0552](#) Adopt a resolution authorizing the Solano County District Attorney's prior submission of a grant proposal to the California Department of Insurance for the investigation and prosecution of workers' compensation insurance fraud in the amount of \$173,388; and Authorize the District Attorney to accept the award in the amount of \$169,710 for the period ending June 30, 2014

Attachments: [A - Resolution](#)
 [B - Grant Application](#)
 [C - Award Letter](#)

Adopted

Enactment No: Resolution 13-141

- 17 [13-0581](#) Approve a Third Amendment to the Office of Family Violence Prevention funding agreement with LIFT3 Support Group in an amount not to exceed \$48,000 for the period of July 1, 2013 through June 30, 2014, pursuant to the Domestic Violence Shelter-Based Programs Act; and Authorize the County Administrator to execute the Third Amendment and any subsequent extensions or amendments that are within budgeted appropriations

Attachments: [A - Third Amendment](#)
 [B - Second Amendment](#)
 [C - First Amendment](#)
 [D - Original Contract](#)

Approved

- 18 [13-0551](#) Approve a contract with AECOM in the amount of \$208,659 for the preparation of the Woodcreek 66 Environmental Impact Report; and Authorize the County Administrator to execute the contract

Attachments: [A - Contract](#)
 [B - Woodcreek Sponsorship Agreement](#)

Approved

- 19 [13-0587](#) Authorize the Director of Resource Management to advertise for bids for the Guardrail Repair Project 2013, Vaca Valley Road Curve Improvement Project, and advertise Environmental, Structural, and Materials Testing consultant proposals for the Winters Road Bridge Replacement Project; and Award and execute contracts with the lowest responsible bidders and most qualified proposers

Approved

- 20 [13-0556](#) Approve the reappointment of Brian T. Chikowski to the Solano County Assessment Appeals Board, as a regular member, for a three year term to expire September 5, 2016

Approved

- 21 [13-0571](#) Approve the appointment of Michael E. Donnellan to the Napa-Solano Area Agency on Aging, representing District 5, for a term to expire June 30, 2015

Approved

- 22 [13-0572](#) Approve the reappointment of Becky Burch to the Rio-Vista Montezuma Cemetery District, representing District 5, for a term to expire January 2, 2017

Approved

- 23 [13-0548](#) Approve the appointment of Reed McLaughlin as a director of the Rural North Vacaville Water District

Attachments: [A - Certificate of Facts](#)

County Counsel Dennis Bunting noted that the Board was charged with making the appointment of Reed McLaughlin as a director of the Rural North Vacaville Water District as there were two vacancies up for election and only one Notice of Candidacy was filed with no opposition. Mr. Bunting noted that, by law, that individual becomes appointed but that the appointment was from the Board of Supervisors. Mr. Bunting noted that in regards to the second vacant position, on December 6, 2013 the position becomes vacant and that the Rural North Vacaville Water District will have the opportunity to make an appointment or call for a Special Election within 60 days. If they fail to act, the Board of Supervisors will then have the opportunity to make an appointment or to call for a Special Election within 60 days. At the conclusion of 90 days if no action is taken, the Rural North Vacaville Water District will be required to call for a Special Election.

Approved**CLOSED SESSION**

The Solano County Board of Supervisors recessed to Closed Session at 10:20 a.m. to discuss the following matters:

- 24 [13-0575](#) Conference with Labor Negotiators:
Solano County representatives: Marc Fox, Charmie Junn, Darrell Murray, and Fran Buchanan
Employee organizations: SEIU Local 1021 for Unit 2 (Nurses), Unit 5 (Health and Welfare Employees), Unit 7 (Regulatory, Technical & General Services Employees), Unit 8 (General Services Supervisors), Unit 9 (Clerical Employees) and Units 82, 87, 89, and 90 (Extra Help

Employees); Teamsters, Local 150 for Unit 1 (Attorneys); Solano County Deputy Sheriff's Association for Unit 3 (Law Enforcement Employees) and Unit 4 (Law Enforcement Supervisors); Public Employees Union, Local 1 for Unit 6 (Health and Welfare Supervisors) and Unit 16 (Mid-Management Employees); Stationary Engineers, Local 39 for Unit 10 (Skilled Craft & Service Maintenance Employees); Union of American Physicians & Dentists for Unit 11 (Psychiatrists, Physicians & Dentists); Solano Probation Peace Officer Association for Unit 12 (Probation Employees) and Unit 15 (Probation Supervisors); Solano County Sheriff's Custody Association for Unit 13 (Correctional Officers); Teamsters, Local 856 for Unit 14 (Correctional Supervisors); Law Enforcement Management Association for Unit 17 (Law Enforcement Management) and Unit 18 (Sheriff's Office Management); Professional and Technical Engineers, Local 21 for Unit 19 (Executive and Senior Managers); and Unrepresented employees of Unit 30 (Confidential), Unit 61 (Executive Management), Unit 62 (Senior Management) and Unit 00 (Unclassified Employees)

Conference with Labor Negotiators:

In-Home Supportive Services Public Authority representatives: Bruce Heid and Marc Fox

Employee organization: SEIU Local 6434, In Home Support Services Unit

Attachments: [A - Memorandum](#)

REPORT OF ACTION IN CLOSED SESSION

It was noted that there was no report from Closed Session.

REGULAR CALENDAR

The Board of Supervisors reconvened at 2:00 p.m. All members were present and Chair Seifert presided.

25

[13-0379](#)

Public hearing on ZT-13-02 to consider adopting an Ordinance amending Chapter 28 (Zoning Regulations) to Define and Prohibit the Establishment of Medical Marijuana Dispensaries within the Unincorporated Territory of the County of Solano

Attachments: [A - Ordinance](#)
 [B - Planning Commission Staff Report](#)
 [Correspondence from Stan & Sheri Lester](#)

On motion of Supervisor Thomson, seconded by Supervisor Vasquez, the Board approved reading the proposed ordinance by title only and waived further reading by a majority vote. So ordered by 5-0 vote.

Chair Seifert opened the public hearing.

Bill Emlen, Director of the Department of Resource Management, provided historical information regarding medical marijuana dispensaries within the unincorporated territory of Solano County noting that in 2011, the Board adopted an Urgency Ordinance establishing a moratorium on medical marijuana storefront dispensaries in the unincorporated area of the County and subsequently adopted two extensions to the Urgency Ordinance, the latest to expire in August, 2013. Mr. Emlen noted that the Board was being requested to adopt a permanent ordinance as there was now enough clarity in State case law to address issues and to move forward.

Jim Leland, Department of Resource Management, noted that the Planning Commission conducted a public hearing on this matter on June 20, 2013 and after consideration, the Commission failed to reach agreement on a recommendation for the Board of Supervisors. Mr. Leland noted that a motion to recommend the ordinance failed to pass by a 2-2 vote, with one absence and noted that the Commission was divided between wanting to discourage dispensaries and not wanting to impair the ability of patients and caregivers to obtain medical marijuana in legitimate cases.

Jim Laughlin, County Counsel's Office, noted that the proposed ordinance before the Board at this time was a land use regulation and that state and federal law regulated marijuana as a medical product. Mr. Laughlin noted that under federal law, marijuana had no medical value and was prohibited. However, under State law (Prop 215) marijuana had medical value and allowed primary caregivers to possess marijuana and qualified patients to possess and use marijuana without the fear of criminal prosecution. Mr. Laughlin noted that the proposed ordinance did not address those issues. In addition, Mr. Laughlin noted that existing state and federal law also regulated transactions involving marijuana and described who could provide marijuana to another person. Mr. Laughlin noted that under federal law any transactions were illegal and under State law a person defined as a qualified caregiver could provide marijuana to a qualified patient for medical purposes.

Mr. Laughlin noted that the California Supreme Court recently held that the Compassionate Use Act and the Medical Marijuana Program Act did not preempt a local government from enacting and enforcing a zoning ordinance declaring a medical marijuana dispensary to be a prohibited land use anywhere within that local government's territorial limits.

Mr. Laughlin noted that the proposed ordinance provided a definition of a medical marijuana dispensary and would impose a countywide ban on such a dispensary in the unincorporated area of Solano County. Mr. Laughlin noted that the proposed ordinance did not regulate activities that occur within a home as long as the activity taking place in the home did not become a medical marijuana dispensary and did not prohibit transactions between a primary caregiver and a patient and long as the transaction took place in the patient's home.

Chair Seifert invited members of the public to address the Board on this matter and comments were received from: 1) Donald Tipton, unincorporated Vallejo, who expressed support for medical marijuana dispensaries that were controlled, taxed and monitored; 2) William Hampton, Suisun City, who expressed his support for medical marijuana dispensaries in Solano County; 3) G. Michael Kimmel, Fairfield, who expressed support for medical marijuana dispensaries that were restrictive, legalized, regulated and audited; and 4) Roger Wood, unincorporated Vacaville, who expressed support for medical marijuana dispensaries being located within the cities as a majority of the patients lived within the city limits.

As there was no one else present who wished to speak on this matter, the public

hearing was closed.

Supervisor Hannigan noted that she supported medical marijuana dispensaries in the unincorporated area of the County that was zoned neighborhood commercial not agricultural land, that were regulated, taxed, had security services, membership requirements, operating hours, and designated locations away from sensitive receptors such as parks, schools, playgrounds, and residential neighborhoods.

Supervisor Spering and Supervisor Vasquez expressed support for the staff's recommendation as 96% of the population in Solano County lived in the cities and felt that medical marijuana dispensaries should be located within the cities.

Supervisor Thomson and Chair Seifert noted that the voters approved Prop 215 and felt that medical marijuana should be available to the residents of Solano County who had a medical prescription to purchase and that the location be a highly regulated medical environment to eliminate having to drive out of the County to obtain. Chair Seifert noted that she would support language in an ordinance that ensured that the public was protected.

In response to concerns expressed by Chair Seifert, the following language in the proposed ordinance was modified:

Section 1-D. to read "The California Courts have held that Proposition 215 does not conflict with the federal Controlled Substances Act. . ."

Section 1-M. Eliminated the following language "The purpose of this ordinance is to implement the Compassionate Use Act and Medical Marijuana Program Act by prohibiting the establishment and operation of storefront medical marijuana dispensaries within the unincorporated area of Solano County."

Renumbered Section 1-N to Section 1-M.

County Administrator Birgitta E. Corsello noted that the Board had the challenge to determine the correct land use for the unincorporated area with a population of 20,000 versus the right to regulate medical marijuana dispensaries. Ms. Corsello noted that the issues surrounding medical marijuana dispensaries were problematic for counties as counties provided a full range of services and there would be conflict in those services. In addition, Ms. Corsello noted that there was a provision in the law that allowed individuals to grow a certain number of marijuana plants for their personal use or in a smaller setting which created a means to accommodate what was necessary for those in need or seeking medical marijuana.

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

It was moved by Supervisor Spering, seconded by Supervisor Vasquez, to adopt an Ordinance amending Chapter 28 (Zoning Regulations) to define and prohibit the establishment of medical marijuana dispensaries within the unincorporated territory of the County of Solano. No vote was taken.

A substitute motion was made by Supervisor Hannigan, seconded by Supervisor Thomson, to adopt and authorize Chair Seifert to sign Ordinance No. 2013-1736 amending Chapter 28 (Zoning Regulations) to Define and Prohibit the Establishment of Medical Marijuana Dispensaries within the Unincorporated Territory of the County of Solano as modified with a one year sunset date of July 29, 2014 and directed staff to come back to the Board with a regulatory framework which included suitable locations or districts, the quantity of dispensaries at those locations, location to sensitive receptors,

proposed fee schedule to offset County costs, operational policy and performance standards such as operating hours, membership requirements, security requirements to establish a safe, professional environment, conduct public outreach, and return to the Board with preliminary findings after the initial assessment.

So ordered by 5-0 vote.

Enactment No: Ordinance 13-1736

BOARD MEMBER COMMENTS AND REPORTS ON MEETINGS

Chair Seifert invited members of the Board to make comments and reports on meetings. The following comments were received:

A. Supervisor Spering requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of Ernest McClelland who was a well respected educator in the Fairfield-Suisun Unified School District and an active member of the community.

B. Chair Seifert noted events of interest which included: 1) The Solano County Fair opening July 31, 2013; 2) Approval of the One Bay Area Plan by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC); 3) Retirement Event to honor Director of Health and Social Services Director Patrick Duterte to take place on August 2, 2013; 4) Appointment of a Water Committee by the Solano County Water Association; and 5) Travis Air Force Base Leadership Meeting and the need for a strong partnership with Travis Air Force Base.

C. Supervisor Vasquez requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of Mary Ellen DiMichele who was a long time resident of the City of Vacaville and an active member of the community.

D. Supervisor Vasquez requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of James Elliott Lawrenz who was a United States Air Force veteran and served as Chairman of the Board of the NorthBay Healthcare Foundation and previously served as Trustee and President of the Vacaville Museum Board of Trustees.

E. Supervisor Vasquez requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of Nathan Frederick Wold who served in the U.S. Marines and later worked for the Solano County Sheriff's Office.

F. Supervisor Vasquez requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of Michael Dennis Cobb who was a United States Army veteran serving in Vietnam.

G. Supervisor Vasquez requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of Emily Ann Perkins who was a long time member of the Vacaville community.

H. Supervisor Vasquez requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of Norman A. Metcalf who was a World War II veteran and long time resident of the City of Vacaville.

I. Supervisor Thomson requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of Jeremy Hatzell who was a member of the

Vacaville community.

ADJOURN:

This meeting of the Solano County Board of Supervisors adjourned at 3:25 p.m. in memory of Ernest McClelland, Mary Ellen DiMichele, Michael Cobb, Emily Ann Perkins, James Elliott Lawrenz, Nathan Frederick Wold, Norman A. Metcalf, and Jeremy Hatzell. Next meeting of the Solano County Board of Supervisors will be August 6, 2013 at 9:00 a.m., Board Chambers, 675 Texas Street, Fairfield, California.

LINDA J. SEIFERT, Chair
Solano County Board of Supervisors

BIRGITTA E. CORSELLO, Clerk of the
Solano County Board of Supervisors

By _____
Patricia J. Crittenden, Chief Deputy Clerk