

Minutes For April 6, 2004

The Solano County Board of Supervisors met in regular session on this day at 8:31 a.m. Chairman Silva called the meeting to order. Present were Supervisors Forney via teleconference from her home, Kromm, and Chairman Silva. Supervisor Vasquez arrived at 8:37 a.m. and Supervisor Kondylis arrived at 8:40 a.m.

CLOSED SESSION: The Board moved into Closed Session at 8:32 a.m. to discuss Potential Litigation: three (3) cases; Public Employment: Auditor-Controller; Property Negotiations: Courage Drive, Fairfield (APN 28-782-090); Negotiating Parties Michael D. Johnson and Stephen Power; Under Negotiation price and terms; Property Negotiations: Property owned by Vacaville Redevelopment Agency, Chief Negotiator Veronica Ferguson. The Board moved out of Closed Session at 9:25 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:30 a.m.

(Item 5) COUNTY COUNSEL TO INITIATE LITIGATION

Deputy County Counsel Wendy Getty noted that by unanimous vote the Board has directed County Counsel to initiate litigation for one (1) suit.

SIMONA PADILLA-SCHOLTENS APPOINTED AS COUNTY AUDITOR EFFECTIVE OCTOBER 23, 2004

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to appoint Simona Padilla-Scholtens as County Auditor effective October 23, 2004, to fill the unexpired term of Auditor Bill Eldridge who is retiring. So ordered by a vote of 5-0.

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

PRESENTATIONS

(Item 7A) RESOLUTION NO. 2004-050 RECOGNIZING THE WEEK OF APRIL 4-11, 2004 AS JUNIOR RESERVE OFFICERS TRAINING CORPS (ROTC) WEEK IN SOLANO COUNTY, ADOPTED

On motion of Supervisor Kromm and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2004-050. So ordered by a vote of 5-0. (see Resolution Book)

On behalf of the Board, Supervisor Kromm presented resolutions to Colonel Allen Rodda for Fairfield High School; Lt. Colonel Butch Stall for Armijo High School; and Lt. Colonel Billy Lakes for Vanden High School proclaiming the week of April 4 through April 11, 2004 as Junior Reserve Officer Training Corps (JROTC) Week in Solano County.

(Item 7B) RESOLUTION NO. 2004-051 RECOGNIZING APRIL 2004 AS CHILD ABUSE PREVENTION AWARENESS MONTH AND THE CHILD ABUSE PREVENTION COUNCIL BLUE RIBBON CAMPAIGN

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2004-051. So ordered by a vote of 5-0. (see Resolution Book)

On behalf of the Board, Supervisor Kondylis presented the resolution to Susan Dolan, Child Abuse Prevention Council proclaiming April 2004 as Child Abuse Prevention Awareness Month.

Supervisor Kromm expressed appreciation for the extraordinary work being done by the Child Protective Service workers.

ITEMS FROM THE FLOOR

APPEARANCE BY HENRY HANKE REGARDING MAINTENANCE FOR THE SUISUN VETERANS BUILDING

Henry Hanke, Manager Veterans Memorial Building Suisun, read a letter formally requesting that the interior and exterior of the Suisun Veterans Memorial Building be painted, and noted several other maintenance issues that it is important to address, and requested the Board consider this matter.

PUBLIC COMMENT ON CONSENT CALENDAR

(Item 13) Approval of Minutes: Board of Supervisors March 23, 2004; In-Home Supportive Services Public Authority March 23, 2004

Donald Tipton, Vallejo, expressed concern that comments from Lou Burgelin, Grand Jury, did not express the emphasis that the Board of Supervisors had not submitted any nominees for the 2003 Grand Jury was not fully expressed in the minutes.

(Item 20) Housing Authority

ADOPTION OF A RESOLUTION AUTHORIZING SUBMITTAL OF THE HOUSING AND URBAN DEVELOPMENT (HUD) BUDGET FOR THE SECTION 8 HOUSING PROGRAM FOR FY2004/05 IN AN AMOUNT TOTALING \$2,321,785

Responding to questions posed by Supervisor Vasquez on the number of homes being funded with this money, Ann Putney, City of Vacaville – Administrator for the Solano County Housing Authority, noted the HUD budget allows for 250 housing vouchers. The Vacaville program covers all of the unincorporated area and Dixon and Rio Vista.

APPROVAL OF AGENDA

On motion of Supervisor Vasquez and seconded by Supervisor Kondylis, the Board acted to approve the submitted Agenda, incorporated herein by reference. So ordered by a vote of 5-0.

CONSENT CALENDAR

On motion of Supervisor Vasquez and seconded by Supervisor Kromm, the Board acted to approve the following Consent Calendar items by a vote of 5-0.

(Item 13) MINUTES OF THE BOARD OF SUPERVISORS MEETING OF BOARD OF SUPERVISORS MARCH 23, 2004; IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY MARCH 23, 2004, as outlined in the Agenda Submittal from the Clerk of the Board dated April 6, 2003, incorporated herein by reference, approved as amended.

(Item 14A) RESOLUTION NO. 2004-052 APPROVING THE RECORDS RETENTION SCHEDULE FOR THE DEPARTMENT OF HUMAN RESOURCES, adopted. (see Resolution Book)

(Item 14B) SIDE LETTER AGREEMENT WITH TEAMSTERS LOCAL #856 REPRESENTING UNIT #13, CORRECTIONAL OFFICERS, as outlined in the Agenda Submittal from Human Resources dated April 6, 2004, incorporated herein by reference, approved.

(Item 15) SOLANO COUNTY TO SERVE AS GRANT RECIPIENT FOR THE NORTH BAY EMPLOYMENT CONNECTION COLLABORATIVE (NBECC), as outlined in the Agenda Submittal from Workforce Investment Board of Solano County dated April 6, 2004, incorporated herein by reference, approved.

AMENDMENT TO THE AGREEMENT WITH THE WORKFORCE INVESTMENT BOARD TO ADMINISTER THE NBECC PROGRAM, as outlined in the Agenda Submittal from Workforce Investment Board of Solano County dated April 6, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

(Item 16) PAYMENT OF THREE-YEAR OLD INVOICE FROM FOOD BANK OF CONTRA COSTA AND SOLANO RE FAMILY WINTER SHELTER PROGRAM, as outlined in the Agenda Submittal from Health and Social Services dated April 6, 2004, incorporated herein by reference, approved.

(Item 17) RESOLUTION NO. 2004-053 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS (CHILD SUPPORT SERVICES), adopted. (see Resolution Book)

(Item 18) RESOLUTION NO. 2004-054 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS (PROBATION), adopted. (see Resolution Book)

(Item 19A) RESOLUTION NO. 2004-055 ACCEPTING LAND FOR ROAD PURPOSES FROM ROSS AND KIM RASMUSSEN, AUTHORIZING ITS RECORDATION IN ACCORDANCE WITH CHAPTER 26 OF THE SOLANO COUNTY CODE, adopted. (see Resolution Book)

(Item 19B) NOTICE OF COMPLETION FOR RUNGE-TREMONT-OLD DAVIS ROAD IMPROVEMENT PROJECT COMPLETED BY VINTAGE PAVING COMPANY, INC., as outlined in the Agenda Submittal from Transportation dated April 6, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS:

Housing Authority

(Item 20) RESOLUTION AUTHORIZING SUBMITTAL OF THE HOUSING AND URBAN DEVELOPMENT (HUD) BUDGET FOR THE SECTION 8 HOUSING PROGRAM VOUCHERS FOR FY 2003-2004, adopted.

(Minutes regarding this matter of the Solano County Housing Authority are available at the Department of Environmental Management.)

ORDERS

(Item 22A) BOARD EXPRESSED SUPPORT FOR AB 204 (NATION) – MOTOR VEHICLES: ENVIRONMENTAL IMPACTS WITH AMENDMENTS: MITIGATION WITH CONCERNS; SB 914 (BOWEN) – HEALTH SERVICES: DOMESTIC VIOLENCE PREVENTION GRANT PROGRAM; SB 1676 (ROMERO) – DOMESTIC VIOLENCE: PEACE OFFICERS; AB 1876 (CHAN) – PUBLIC BEACH SANITATION; SB 1572 (ALPERT) – LIVE SCIENCE COMPANIES: CREDITS: NOLS; AB 1885 (CORBETT) – EMPLOYMENT: BIOTECHNOLOGY EMPLOYMENT AND DEVELOPMENT; AB 2230 (CORBETT) – LIFE SCIENCE COMPANIES: CREDITS: NOLS; AB 1982 (WOLK) – WATERFOWL HABITAT; SB 451 (DUCHENY) – TAXATION OF POSSESSORY INTERESTS; SB 1713 (MACHADO) – INCOME AND CORPORATION TAXES: MILITARY FAMILIES

BOARD EXPRESSED A WATCH POLICY FOR AB 2293 (WOLK) – EMERGENCY MEDICAL SERVICES AND AB 2946 (GOLDBERT) – INMATES: COUNTY FACILITIES: CLERGY ACCESS

Paul Yoder, Legislative Analyst, Gerber Shaw & Yoder, reviewed the information contained in the Agenda Submittal from the County Administrator's Office dated April 6, 2004, incorporated herein by reference, regarding a status report on legislation of importance to the County. The discussion began regarding the legislation to provide a 3% retirement benefit level to District Attorney Investigators.

Steve Janice, Human Resources, discussed the negotiations for Correctional Officers and the DA Investigators, being informed by PERS that the DA Investigators not being covered under the 3% at age 50 and that special legislation is needed.

Responding to questions posed by Chairman Silva relative to the DA Investigators not being included with the Correctional Officers, Mr. Janice noted that the entire Safety Group would have to go to 3% at 50 to be able to include the DA Investigators, and that the legislation would be done on a county by county basis.

There was a brief discussion on several counties carving out certain safety members to accommodate the 3% at 50.

Supervisor Kromm noted past opposition to the 3% at 50 due to the dramatically rising costs and posed questions regarding actuarial, and the employer rate, Mr. Janice noted having the information for the Deputy Sheriff classification only, the employer rate is 16.813% for FY 04/05 without the 3% at 50 amendment; with the amendment it goes to 18.875%.

Responding to questions posed by Chairman Silva regarding the number of investigators in the DA's office, are there investigators in other departments, and would Probation Officers also be making this request, Mr. Janice noted there are 10 investigators in the DA's office, there have been no requests for the amendment by the Public Defender Investigators, and Probation Officers could request the amendment as well, but feels that would not happen in the near future.

Chairman Silva noted opposition at this time in Sacramento for this type of legislation due to financial conditions of the State and counties.

Supervisor Forney feels the Board thought it was acceptable, and feels we should let the State say if it can be done or not.

Responding to questions posed by Supervisor Vasquez regarding the DA Investigators contributing to the cost of the 3% at 50, Director of Human Resources noted they are not contributing since it has not been implemented yet. Currently there are three groups being represented by the Deputy Sheriff's classification, the Welfare Fraud Investigators that come under the 2.7% at 55, and the DA Investigators. The Public Defender Investigators are not considered safety they are considered miscellaneous, under PERS.

Mr. Yoder noted AB 2010, sponsored by Solano County, is moving along nicely. This legislation would allow raising certain fees to help fund domestic violence prevention programs. The presentation continued with an update on the State budget including deficit reduction bond and the excess proceeds that the governor plans to use in FY 05/06, the so called "Poison Pill" under realignment and the legislation enacted in the 1970's that could mean realignment funds are all null and void, and the current result of DMV stopping the sending of the Vehicle License Fee (VLF) funds to the counties.

Britt Ferguson County Administrator's Office noted the County receives approximately \$11 million in VLF realignment money.

There was a discussion regarding the fixes, the deals being made, the insanity and the need to fix the real basic problems with the State budget; a potential ballot initiative regarding land fiscalization, how to make things work better for the counties, the Governor working on one major issue at a time, the need to look at an holistic approach to rectify the State's problems, and the number of items that will be on the November ballot.

Mr. Yoder requested changes to his recommendations to not consider SB 1481 (Chesbro) more information is needed, AB 2809 (Canciamella) may be gutted and changed to a bill on a different subject, and SB 1732 (Hollingsworth) may not be going anywhere.

Responding to questions posed by Supervisor Kromm regarding SB 1155 and AB 2476 if they had to do with the Delta, why SB 1607 is in consideration, and AB 204, Mr. Yoder clarified that the two bills do deal with the Delta, as well as SB 1607 is another attempt to preserve the Delta, explained the nine Bay Area Counties would be able to raise the Vehicle License Fee (VLF) by \$6 if the County opts in to the conversancy.

Chairman Silva expressed concern that the State is taking control of all of the VLF money.

A discussion followed regarding AB 204 and the pros and cons of the bill to add \$6 to the VLF to clean up the environment.

County Administrator Michael Johnson noted AB 2293 Emergency Medical Services in the present form could pose problems to the Solano County JPA, and asked that a request be made for an exemption or special consideration from the bill for the County. Mr. Yoder responding noted he would get clarification from Assemblywoman Wolk.

There was a short discussion regarding the introduction of the bills relative to the Delta that are directed at development in the Delta area, and the need for additional information on SB 1607 to find out what the strategy is behind this bill. Responding, Mr. Yoder noted he would contact the author of SB 1155, SB 1607 and AB 2476 for additional information.

Supervisor Vasquez noted he would support AB 204 with amendments, and Chairman Silva noted his opposition.

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to express support for AB 204 (Nation) – Motor vehicles: environmental impacts: mitigation with concerns; SB 914 (Bowen) – Health Services: domestic violence prevention grant program; SB 1676 (Romero) – Domestic violence: peace officers; AB 1876 (Chan) – Public beach sanitation; SB 1572 (Alpert) – Live science companies: credits: NOLs; AB 1885 (Corbett) – Employment: biotechnology employment and development; AB 2230 (Corbett) – Life Science companies: credits: NOLs; AB 1982 (Wolk) – Waterfowl habitat; SB 451 (Ducheny) – Taxation of possessory interests; SB 1713 (Machado) – income and corporation taxes: military families; and to endorse a watch policy for AB 2293 (Wolk) – Emergency Medical Services and AB 2946 (Goldbert) – Inmates: county facilities: clegy access. So ordered by a vote of 5-0.

No direction was given to staff to pursue legislation regarding 3% at 50 for the DA Investigators at this time.

(Item 22C) ORDINANCE REGARDING CREATION OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, TO TRANSFER THE NUT TREE AIRPORT TO THE DEPARTMENT OF GENERAL SERVICES, AND TO CREATE THE DEPARTMENT OF RESOURCES MANAGEMENT ADOPTED ON FIRST READING; SECOND READING SET FOR APRIL 27, 2004

RESOLUTION NO. 2004-056 AMENDING THE ALPHABETICAL LISTING OF CLASSES AND SALARIES (RESOURCES MANAGEMENT, CHIEF INFORMATION OFFICER, REGISTRAR OF VOTERS), ADOPTED

RESOLUTION NO. 2004-057 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS ((RESOURCES MANAGEMENT, CHIEF INFORMATION OFFICER, REGISTRAR OF VOTERS), ADOPTED

Scheduled on the agenda for this day was consideration of a proposed ordinance that would create the Department of Information Technology, transfer management of the Nut Tree Airport from the Department of Transportation to General Services and create the Department of Resources Management.

Donald Tipton, Vallejo, requested the action be delayed for one month to ensure all parties have the opportunity to make sure all impacts are addressed, feels other departments should be reorganized, voiced questions on the qualifications for the person that would be the Director of Resources Management, are there more small departments being involved, who will head the Transportation Department, feels Environmental Health should be under the County Health Officer, and feels Code Enforcement should be in the District Attorney's Office.

Donald Lowrie, Fairfield, voiced concern with the consolidation of the Registrar of Voters. Mr. Lowry noted one way an organization indicates the importance it places on a task is how it is placed in that organization, and feels placing the Registrar of Voters as a division minimizes the importance of the office. If nothing else, the Registrar of Voters should be placed under an elected official.

County Administrator Mike Johnson gave a brief overview of the reorganization as outlined in the Agenda Submittal from his department dated April 6, 2004, incorporated herein by reference. Mr. Johnson outlined the timing and the rational and principles behind this reorganization; and outlined the list of recommendations.

Responding to questions posed by Supervisor Forney regarding why the Office of Family Violence Prevention was not being removed from the County Administrator's Office, Mr. Johnson noted the Office of Family Violence was placed under the CAO at the direction of the Board, but noted some legal issues that arose relative to one of the functions in that particular office. Mr. Johnson discussed the timing opportunities to make these changes.

Supervisor Kromm concurs with the creation of the Department of Information (IT) Technology; voiced considerations relative to the Registrar of Voters and placing that function in the IT Department. Supervisor Kromm feels that the airport is more appropriate in an enterprise type operation such as General Services. In the Department of Resources Management (RM) the name change of the Department of Transportation to Public Works makes sense, Supervisor Kromm voiced concern with the number of changes going on at one time, with the potential for a shortage of management in the Transportation/Public Works division, the need for strong management for each division in the RM Department and suggested waiting for one year to fill the Transportation Department Head position, and Supervisor Kromm outlined his thoughts behind waiting.

Supervisor Kondylis discussed the responsibilities of the County Administrator, feels department size is really not the issue when things are administratively correct, voiced concern with added layers between the Board and line staff, and has felt Transportation and Environmental Management should be co-located and possibly co-managed.

Responding to questions posed by Supervisor Kondylis regarding the RM Director and how that department would work, Mr. Johnson noted this position is really the position of a public administrator/manager, spoke of the licenses required and who would have those credentials, and the concept of how the departments would work.

Supervisor Forney posed questions regarding the salaries for the division managers in RM, Mr. Johnson noted the current salaries for those department heads would remain for the division managers; this will roll current managers and salaries into a new department.

Supervisor Kondylis asked for assurances that costs would not be increased, in light of the looming State budget crisis, and expressed concern consolidating the Registrar of Voters under another department and would prefer the Registrar have direct access to the Board until the electronic voting issue is resolved.

Chairman Silva feels the Information Technology is a good move, feels the Board will have plenty of contact with the Registrar of Voters, supports moving the airport to General Services, this is an opportune time to reorganize, discussed the hierarchy of responsibility from the department head through the County Administrator to the Board, and the need to consolidate some functions within the departments, and endorses the changes being proposed.

Supervisor Vasquez discussed the ongoing need to review how departments are run and increase efficiencies, and noted support for the reorganization as proposed.

Supervisor Forney noted the need to look at innovative ways to get more for our money, discussed the merging of programs, feels RM will help the public, the IT Department creation is long overdue, moving the Airport under General Services as recommended in the Consultants report, and supports the action.

Supervisor Kondylis expressed concern regarding the costs relating to the Resources Management Director, and posed questions regarding funding in the Department of Transportation, functions of the Public Works Division, where the salary for the RM Director would come from, Mr. Johnson noted the majority of the funds are from the Road Fund. The new Public Works Division would continue the same work they are presently doing, the salary for the RM Director will be the current Transportation Directors salary and downstream it would be divided based on workload.

Chairman Silva noted staff will address the questions the Board has posed, and will provide that before the second reading of the ordinance.

On motion of Supervisor Vasquez and seconded by Supervisor Kondylis, the Board directed that the proposed ordinance be read by title only. So ordered by a vote of 5-0.

Supervisor Kondylis requested the Registrar of Voters issue be voted on separately.

Supervisor Kromm requested the merger of Transportation to Resources Management be voted on separately.

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to adopt the proposed Ordinance Item 2 transferring the Airport to the Department of General Services. So ordered by a vote of 5-0.

On motion of Supervisor Kromm and seconded by Supervisor Kondylis, the Board acted to adopt the proposed Ordinance Item 1a to establish the Department of Information Technology. So ordered by a vote of 5-0.

On motion of Supervisor Kromm and seconded by Chairman Silva, the Board acted to adopt the proposed Ordinance Item 1b to transfer the function of the Office of the Registrar of Voters to the Department of Information Technology and designate the Chief Information Officer as "Ex-Officio" Registrar of Voters; Item 1c to adopt Resolution No 2004-056 Amending the Alphabetical Listing of Classes and Salaries; Item 1d and Item 1e to adopt Resolution No. 2004-057 Amending the List of Numbers and Classifications of Positions. So ordered by a vote of 4-1, Supervisor Kondylis voted no. (see Resolution Book)

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to adopt Item 2a establishing the salary range for the position Airport Manager (Resolution No. 2004-056). So ordered by a vote of 5-0.

On motion of Supervisor Vasquez and seconded by Chairman Silva, the Board acted to adopt the proposed Ordinance Item 3a to establish the Office of the Director of Resources Management and designate the Director of Resources Management as "EX-Officio" Director of Transportation and Zoning Administrator; Item 3b to transfer the Department of Transportation function to the Department of Resources Management as the Division of Public Works; Item 3c to transfer the Department of Environmental Management to the Resources Management Department as the Division of Environmental Management; Item 3d to adopt the Resolution Amending the Alphabetical Listing of Classes and Salaries to add the classification of Director of Resources Management at a monthly salary of \$10,020 (Resolution No. 2004-056); and Item 3e to approve the Resolution Amending the Position Allocation List to add the position of Director of Resources Management (Resolution No. 2004-057). So ordered by a vote of 3-2; Supervisor Kromm and Kondylis voted no. (see Resolution Book)

(Item 22B) KANA TANAKA AND THE TEAM OF SAYAKO DAIRIKI AND JONATHON HAMMOND
SELECTED FOR TWO PUBLIC ART PIECES FOR THE NEW COUNTY ADMINISTRATION CENTER

Ann Cousineau, Chair Public Art Committee, reviewed the information contained in the Agenda Submittal from her department dated April 6, 2004, incorporated herein by reference, regarding recommendations for two of the three commissioned art pieces for the County Administration Center.

Kana Tanaka presented a brief presentation of the proposed suspended sculpture, showed a mock up of the piece and explained the inspiration of the piece.

Responding to questions posed by Supervisor Kromm regarding lighting, County Architect Kanon Artiche noted he would be working with the master architect to work out the logistics for the suspension of the piece and lighting.

Supervisor Vasquez discussed the wonderful experience working on the Art Committee, and feels art should be included in future buildings that the County may be leasing and or purchasing.

Sayako Dairiki presented a personal history, discussed the County influence, the representation

of the past, present and future of the County, and described the segments making up the mural.

Jonathon Hammond noted the mock up is a representation on the techniques that will be used, and the quality of the individual landscapes and abilities of Ms. Dairiki.

Donald Tipton, Vallejo, voiced concern with spending the money for art in light of the current budget problems.

Chairman Silva discussed the importance of art in public places, investing in the future, and trying to inspire younger people.

There was a brief discussion regarding participation by the cities with a piece of art representing their city, and with the remaining choice for the sculpture for the courtyard.

Assistant County Administrator Darby Hayes discussed dedicated funding for the art pieces, the great job the Art Committee has done, and if there is funding left purchasing some of the other pieces that were presented.

On motion of Supervisor Vasquez and seconded by Supervisor Forney, the Board acted to select Kana Tanaka and the team of Sayako Dairiki and Jonathon Hammond for two of the three commissioned art pieces for the County Administration Center, authorize the County Administrator to negotiate and sign contracts with the selected artists. So ordered by a vote of 5-0.

SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS: Housing Authority

(Item 23) (Minutes regarding this matter of the Solano County Housing Authority are available at the Department of Environmental Management.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to reappoint Dorothy Little to the Rockville Cemetery District. So ordered by a vote of 5-0.

(Item 24) DOROTHY LITTLE REAPPOINTED TO THE ROCKVILLE CEMETERY DISTRICT, as outlined in the Agenda Submittal dated April 6, 2004, incorporated herein by reference, for a term to expire March 1, 2008.

(Item 25) ORDINANCE NO. 1641 AMENDING CHAPTER 28, SECTION 28-15 OF THE SOLANO COUNTY CODE TO REZONE 10 ACRES OF PROPERTY LOCATED EAST OF GIBSON CANYON ROAD AND WEST OF LIBERTY LANE, APPROXIMATELY FIVE MILES NORTHWEST OF THE CITY OF VACAVILLE, FROM EXCLUSIVE AGRICULTURE (A-20) AND RURAL RESIDENT (RR-5) TO RURAL RESIDENTIAL (RR 2.5)

On motion of Supervisor Vasquez and seconded by Supervisor Kondylis, the Board directed that the proposed ordinance be read by title only. So ordered by a vote of 5-0.

Matt Walsh, Department of Environmental Management, reviewed the information contained in the Agenda Submittal from his department dated April 6, 2004, incorporated herein by reference, outlining the rezoning of 10 acres, that is split zoned, to RR 2.5.

Responding to questions posed by Supervisor Kondylis regarding how this rezoning fits in the General Plan, Mr. Walsh discussed the General Plan designations as shown in Exhibit D, and discussed the same hilly topography on both sections of land and being better suited for residential property and will keep the low lying areas in agricultural.

Responding to questions posed by Supervisor Forney regarding the additional 6 acres, and amending the General Plan, Mr. Walsh noted the rezoning of four acres that is currently zoned RR 5, and that rezoning the two parcels does not require any amendments to the General Plan.

Supervisor Kondylis posed questions regarding changing the General Plan Map, Mike Yankovich, Environmental Management, noted the County could initiate changing the General Plan Map to better clarify the area.

Responding to questions posed by Supervisor Vasquez regarding the vote of the Planning Commission, and if property owners in the area are applying to LAFCO to come into the City of Vacaville, Mr. Walsh noted the vote was 4-0 to approve the project, and believes this area is undergoing annexation to the City of Vacaville for residential lots.

Chairman Silva questioned why this could be rezoned to RR 2.5 and we could not do it in other places, Mr. Walsh noted Mr. Pecotte has water connections with the Rural North Vacaville Water

District for all the proposed lots, and the road access allows these lots to be rezoned to the 2.5 acres. To split a 5-acre parcel you must have either a public water connection or be connected to a sewer system.

There was a short discussion regarding grading of building sites, not building on significant ridge lines, and storm water management.

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 Kondylis and seconded by Supervisor Vasquez, the Board acted to adopt Ordinance No. 1641 Amending Chapter 28, Section 28-15 of the County Code to Rezone 10 Acres of Property Located East of Gibson Canyon road and West of Liberty Lane, Approximately Five Miles Northwest of the City of Vacaville, from Exclusive Agriculture (A-20) and Rural Residential (RR-5) to Rural Residential (RR-2.5). So ordered by a vote of 5-0. (see Ordinance Book)

(Item 26) ADMINISTRATIVE APPEAL OF AMS.NET REGARDING RFP NO. 58-1219-04 AND THE AWARD TO QUEST MEDIA RE VOICE OVER IP SERVICES FOR SOLANO COUNTY, DENIED

The Board was provided with an Agenda Submittal from General Services and Information Services dated April 6, 2004, incorporated herein by reference, regarding the appeal of AMS.Net opposing the award of bid for Voice Over IP to Quest Media and Supplies.

Chairman Silva called the appeal hearing to order at 2:47 p.m. and read a list of rules that would be followed during the hearing.

Robert Tossi, Chief Executive Officer AMS.Net. acknowledged he did understand the rules as outlined by Chairman Silva, and that he is not represented by legal counsel.

Mr. Tossi presented his opening statement by discussing a brief 15-year business history serving the public sector, and noted his company is a Cisco-Silver partner. Mr. Tossi feels the evidence shows that Quest did not meet the minimum bid requirements, did not follow the bid requirements in the RFP, the bid did not meet the technical approach guidelines, and will show that the AMS bid compared to Quest would result in a lower cost, that AMS followed all procedures outlined in the RFP, and delivered a technical approach that far exceeded what Quest offered.

Chairman Silva opened the public hearing.

Deputy County Counsel Bernadette Curry noted the original RFP was issued in December 2003, due to questions raised by the vendors addendums were issued to the RFP with final submittal January 29, 2004. The County received five proposals, the evaluation of the proposals was done with the lowest common denominator then adding points based on the extra value that each proposal offered. Ms. Curry discussed the RFP Evaluation Matrix, and the determination of Quest Media providing the best value for the Voice Over IP.

Mr. Tossi posed questions regarding general statements made at the bid opening.

Supervisor Vasquez posed questions regarding what the Board is to be hearing, Assistant County Counsel Wendy Getty outlined the procedure in the Purchasing Policy that allows protest of the award of a bid. In this type of hearing the unsuccessful vendor has the opportunity to show that we did not follow our procedures correctly or in exercising choosing the other vendor we acted in a manner that was arbitrary and capricious. AMS.Net has the burden of proof.

Mr. Tossi referenced Exhibit A, incorporated herein by reference, section 3.14 referring to rejecting enhancements and additional value components of a bid and submission of alternative proposals, and posed questions regarding the cost of the Quest Based bid, if the Quest bid met the minimum requirements, did the AMS bid meet all the requirements, and the project plan.

Ira Rosenthal, Chief Information Officer, noted the Quest bid was for approximately \$688,000, the Quest bid did not meet all the minimum requirements, and that some of the minimum requirements were lacking in the AMS bid. Mr. Rosenthal discussed the areas in the AMS bid that were not included in the minimum bid.

Dave Zieker, AMS.Net, noted that resumes would be provided if AMS received the award of the bid, and references and certifications that were included.

Mr. Tossi questioned if any of the bids met the minimum requirements, if Quest submitted more than one bid, further posed questions regarding the Quest Bid regarding labor, materials, and how the bids were taken apart for comparisons. Mr. Tossi provided the Board with "AMS.NET Price Quote" – designated Exhibit D, and Exhibit B Quest Quotation, and Exhibit C the Quest "Optional" Equipment List; feels the exhibits show the actual AMS bid was lower than the \$688,000.

At the request of Ms. Getty, Mr. Tossi reviewed the Exhibit package submitted to the Board, incorporated herein by reference. During this explanation Mr. Tossi noted the AMS bid included a turnkey solution to the project and not just a parts list to compare prices, and discussed why he felt the evaluation was not fair.

Mr. Rosenthal noted that none of the 5 bidders met all the minimum requirements; Quest submitted a base bid and optional quotes, noted where installation was included, and reviewed the process and sections analyzed on the bids for comparisons.

Mr. Tossi, explaining Exhibit D and how the AMS compares, and questioned if the unit costs included labor costs.

Mr. Rosenthal again noted the high value components that were compared on a per unit price to determine the best discounted price on the equipment, indirectly the labor costs were evaluated and explained how the labor costs were determined on each of the bids, but concentrated on the key components on the equipment list.

Supervisor Kromm questioned if the RFP was issued on a design build approach, Mr. Rosenthal, noted the intention was to look for the best overall solution; the County received three different technology visions that he outlined. It was determined that the Cisco equipment solution would be the best, then the extensive evaluation of the proposals with the Cisco solution was done, and Mr. Rosenthal noted other aspects that were taken into consideration to illicit the best based pricing for the County.

Mr. Tossi explained the extensive experience that AMS has with these products and felt their bid was complete, and further posed questions if facets were or were not included in the bid submission by Quest, and Mr. Rosenthal responded to this questioning.

A short discussion followed regarding cabling, questions that could have been proposed to the vendors relative to their proposals during the time the bids were being reviewed, and Cisco promotional pricing.

Mr. Tossi provided Exhibit H titled Technical Approach Evaluation for County of Solano, incorporated herein by reference, prepared by AMS. This document was based on the findings in Exhibit G of how the bid was actually awarded.

Ms. Curry objected to Exhibit H that was prepared by AMS and had not been seen by County staff for response.

Mr. Tossi noted that in Exhibit G that AMS scored higher than Quest in all categories except technical approach. Exhibit H is a list of the aspects that makeup the technical category comparing Quest and AMS, and Mr. Tossi acknowledged this is a subjective document that has not been reviewed by the County, and feels that the AMS rating should be higher than Quest in this area. A short discussion followed with further explanation of this exhibit.

Ms. Getty presented questions as to the exact nature of the protest.

Mr. Tossi noted he is appealing two things. No. 1 Summarizing the presentation AMS feels that Quest submitted a partial bid that did not meet the minimum requirement elements of the bid, Quest did not provide labor costs for their optional bid items although they were required, and Quest would have an unfair advantage to negotiate the labor costs after bid award. Mr. Tossi feels the Quest bid will generate many change orders, that the Quest bid should have been rejected, that a new scope would be issued when a new needs assessment was done; noted that the County must issue RFP's and must follow terms in that request, and AMS felt this was not the case. No. 2 Mr. Tossi feels that he has demonstrated that the technical approach evaluation should be re-scored based on the evaluation in Exhibit H, the promotional offer from AMS would lower the price for the County that was not considered, and requests that the Quest bid be rejected, and feels the award should go to AMS since it did provide a more complete solution providing the County with the best value approach.

Supervisor Forney questioned if Mr. Tossi feels he should get the award since he came in at the lowest bid, Mr. Tossi noted to meet all the requirements the AMS bid was not the lowest, but feels they did submit a complete bid as requested, and felt through negotiations of the bid package for the necessary items AMS would meet the budget. Mr. Tossi feels that Quest submitted a partial bid without labor costs.

Responding to questions posed by Supervisor Kondylis if AMS would have been the low bidder if Quest had included all the labor costs, Mr. Tossi feels that AMS would have been the low bidder.

Ms. Curry submitted a complete RFP for the Voice-Over Internet Protocol Telephone System marked as Exhibit 1, RFP Amendment 2 marked as Exhibit 2, and the Agenda Submittal as Exhibit 3, incorporated herein by reference.

Supervisor Vasquez asked who the people were making up the Evaluation Team, and the number of years of experience on this team, Mr. Rosenthal noted there were five members of the evaluation team including Mike Sproull, Senior Telephone Technician, Lee Curtis, Manager ACS, Chris Fong, ACS Network Engineer, Jerry Ellis, ACS Data Networking Manager, and himself, the team represents about 100 years of IT experience.

Responding to questions posed by Supervisor Kromm regarding prior experience with any of the vendors that responded, or if any of the team had worked with any of these vendors, Mr.

Rosenthal noted some work is done with Quest on the data network side, and was not considered in the evaluation of qualifications, and some work was done with NetVersant, another bidder. Mr. Rosenthal noted he was not aware of any of the team members ever working for any of the vendors.

There was a brief discussion regarding Amendment No. 1, relating to changing the scheduling dates of the RFP process.

Ms. Curry posed questions to Fred Conner, General Services – Purchasing Division, relative to RFP, the RFP process and his role in that process, responding Mr. Conner outlined the process and his role.

Supervisor Kondylis requested a copy of the spreadsheet from the evaluation team on the scoring, responding Ms. Curry noted the evaluations by the team are kept confidential.

Ms. Curry continued questioning Mr. Conner regarding the chain of events after the notification was sent to the vendors, requests by AMS of the bid submitted by Quest, County policy of disclosure of proposal content, proprietary information, and disclosure of confidential information.

Responding to questions posed by Supervisor Vasquez regarding the process and the uniqueness of the RFP, Ms. Curry noted exceptions in the Public Records Act that allows vendors to request certain information be kept confidential, and outlined the process by the vendor that must be followed to keep that information confidential.

Supervisor Kondylis requested a copy of the spreadsheet, for her viewing only. Ms. Curry provided a copy of the evaluation spreadsheet that included AMS and Quest only, with confidential information blacked out, and offered this document into evidence. (NOTE: later this information was removed from the exhibits.)

Ms. Curry posed a series of questions to Mr. Rosenthal regarding his role in the RFP, review of the process, criteria and evaluation of the proposals, technical variances in the proposals and waving of those variances, how the matrix was broken down for scoring, rejecting of any proposals for not meeting all the technical specifications of which no one was rejected, criteria of price comparisons, installation/labor costs, review of the base bid and optional lists, resumes not included in the AMS bid, the award being based on best value, how the labor costs were broken out in the Quest bid, part comparisons, and if all bids were complete enough for evaluation. Mr. Rosenthal responded to all the questions.

Supervisor Kromm commented on Amendment 2 to the RFP, question 27 and how the County changed to the best value alternative.

Supervisor Kondylis posed questions regarding training by AMS versus Quest, Mr. Rosenthal noted Quest submitted an outline of the classes and how many hours of training would be delivered for the various levels of County staff, and further outlined the information provided by each vendor relative to training.

Mr. Tossi made statements regarding waiving of variances when the RFP required that full compliance with the RFP is required.

Ms. Getty disagreed with Mr. Tossi's statement, and further reviewed a portion of the County Purchasing Policy allowing the County to establish conditions for bids, and noted the County can waive minor variances.

Mr. Tossi posed questions relative to the number of raters on the evaluation team that were County employees, and Mr. Rosenthal noted two of the raters were County employees. Mr. Tossi discussed a section requiring the County to have at least three (3) members of the evaluation team be County employees.

Ms. Curry noted the Communications Manager left in the middle of the RFP process and that the County does contract out a large portion of our IT services with ACS.

Mr. Tossi voiced concern that the ACS employees could have business with Quest Systems outside of Solano, and posed questions regarding specific experience with Cisco Voice Over IP. Mr. Rosenthal does not know if ACS has other business ties with Quest, and noted that ACS is a gold partner with Cisco and could have bid on this contract, that members of the team have not had experience with the Cisco Voice Over IP, but that one member is a certified Cisco engineer as well as years of networking and telephony, and project certifications. We are talking about the execution of the project, and Mr. Rosenthal feels the team is well qualified to evaluate the proposals.

Mr. Tossi noted the concern is with the Technical Approach piece, and questioned since no one had experience that the raters would have had some questions regarding that technology and the solution, the importance of training in a project like this, and what piece in the AMS approach was missing, Mr. Rosenthal noted the raters of the Technical Evaluation are educationally savvy of the technology and the networking involved, and as part of the initial bid AMS did not include an integrated fact solution.

Ms. Getty noted the issue is if the award was arbitrarily capriciously awarded to the wrong vendor and if the County failed to follow our policies and procedures.

In closing Mr. Tossi noted he feels that Quest did not follow procedures stated in the RFP, components were missing required in the technical approach, the evaluation team did not include three (3) County members, feels AMS demonstrated that there are some discrepancies in the process of how the bid was evaluated and feels that Quest not including labor costs is a big void, feels the AMS Technical Approach should be re-scored due to some of the evidence, and requested the Quest bid be rejected or to raise the Technical Approach score be increased which would place AMS at a higher value and would provide a better value to the County.

Ms. Curry noted the protest by AMS was based on the allegation that Quest did not submit a complete bid, it has been shown that all of the five (5) bids were unique in the approach offered, the evaluation team used a demonstrated approach to rate each bid, feels that AMS has not met the burden of proof, and requested the Board uphold the decision to award the bid to Quest and deny the AMS appeal.

Responding to questions posed by Supervisor Kondylis regarding the bid being awarded to Quest and if there are any additional unanticipated costs that were not included in the RFP, Mr. Rosenthal noted the County is in the negotiation process with Quest in phases, and there will be releases against the prime contract. After the first phase is completed we will have the estimates for the rest of the project, and is confident that the final cost will come in well below the project budget of \$976,000.

Responding to questions posed by Supervisor Forney regarding the items AMS outlined, how long the company has been in business, Mr. Tossi noted he thought the County would cut out the things that were not important from the bid to bring the price down, AMS has been in business 15 years.

Responding to questions posed by Supervisor Vasquez if all the bids were complete as far as technical approach, Mr. Rosenthal noted the bids were complete in their presentation of what they would do for the County. The companies understood the issue, presented very different things, understanding the issue and demonstrating they could deliver an architecture that would work, and understanding the number of calls the County handles was a very big part of what we were asking the vendors to respond to.

Chairman Silva closed the public hearing.

Ms. Getty noted Exhibits 4 and 5 are not admitted into the record.

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to uphold the decision of General Services Department's response to AMS.Net protest letter dated March 6, 2004. So ordered by a vote of 5-0.

ADJOURN - This meeting of the Board of Supervisors adjourned in memory of Army Spec Casey Sheehan at 5:20 p.m.

John F. Silva, Chair

Maggie Jimenez
Clerk to the Board of Supervisors