



Solano County

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Minutes - Draft Board of Supervisors

*Mitch Mashburn (Dist. 5), Chair
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*John M. Vasquez (Dist. 4)
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Tuesday, November 12, 2024

1:00 PM

Board of Supervisors Chambers

CALL TO ORDER

The Solano County Board of Supervisors met on the 12th day of November, 2024 in regular session in the Board of Supervisors' Chambers at the Solano County Government Center, 675 Texas Street, Fairfield, California at 1:00 P.M.

ROLL CALL

Present were Supervisors Hannigan, Brown, Williams, Vasquez, and Chair Mashburn. Chair Mashburn presided. Also present were County Administrator Bill Emlen and County Counsel Bernadette Curry.

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 [24-819](#) Adopt and present a resolution recognizing November 2024 as Native American Heritage Month (Supervisor Hannigan)

Attachments: [A - Native American Month Resolution](#)

On motion of Supervisor Hannigan, seconded by Supervisor Williams, the Board adopted Resolution No. 2024-183, recognizing November 2024 as Native American Heritage Month. So ordered by a 5-0 vote. (see Resolution Book)

Enactment No: Resolution No. 2024-183

- 2 [24-794](#) Adopt and present a resolution recognizing November 2024 as In-Home Supportive Services Home Care Workers Month in Solano County (Supervisor Williams)

Attachments: [A - IHSS Home Care Workers Month Resolution](#)

On motion of Supervisor Williams, seconded by Supervisor Hannigan, the Board adopted Resolution No. 2024-184, recognizing November 2024 as In-Home Supportive Services Home Care Workers Month in Solano County. So ordered by a 5-0 vote. (see Resolution Book)

Enactment No: Resolution No. 2024-184

- 3 [24-795](#) Adopt and present a resolution recognizing November 2024 as National Adoption Month to demonstrate appreciation for the adoptive families and social workers who provide permanency to children in need throughout Solano County (Chair Mashburn)

Attachments: [A - National Adoption Month Resolution](#)

On motion of Supervisor Mashburn, seconded by Supervisor Hannigan, the Board adopted Resolution No. 2024-185, recognizing November 2024 as National Adoption Month to demonstrate appreciation for the adoptive families and social workers who provide permanency to children in need throughout Solano County. So ordered by a 5-0 vote. (see Resolution Book)

Enactment No: Resolution No. 2024-185

- 4 [24-801](#) Adopt and present a resolution recognizing November 11-15, 2024 as Law Enforcement Records and Support Personnel Appreciation Week in Solano County (Chair Mashburn)

Attachments: [A - Law Enforcement Records and Support Personnel Appreciation Week Re](#)

On motion of Chair Mashburn, seconded by Supervisor Vasquez, the Board adopted Resolution No. 2024-186, recognizing November 11-15, 2024 as Law Enforcement Records and Support Personnel Appreciation Week in Solano County. So ordered by a 5-0 vote. (see Resolution Book)

Enactment No: Resolution No. 2024-186

ITEMS FROM THE PUBLIC

Chair Mashburn 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 comments were received:

A) Carl Vinson invited the Board to the 10th Annual Good Character Youth Awards.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

There were no additions to or deletions from the Solano County Board of Supervisors' agenda for November 12, 2024.

APPROVAL OF THE AGENDA

On motion of Supervisor Vasquez, seconded by Supervisor Hannigan, the Board approved the agenda of the Solano County Board of Supervisors for November 12, 2024 as submitted. So ordered by a 5-0 vote.

PUBLIC COMMENT ON CONSENT CALENDAR

Chair Mashburn invited members of the public to address the Board on items listed on the Consent Calendar. There was no public comment.

APPROVAL OF THE CONSENT CALENDAR

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

CONSENT CALENDAR

- 5 [24-830](#) Approve the minutes of the Solano County Board of Supervisors' regular meeting of November 5, 2024

Attachments: [A - November 5, 2024 Draft Minutes](#)

Approved

- 6 [24-831](#) Receive and file the Meeting Attendance Reports for the month of October 2024 from the members of the Board of Supervisors

Attachments: [A - Monthly Attendance Reports - October 2024](#)
 [B - BOS Appointment List](#)

Received and Filed

- 7 [24-806](#) Deny the Claim for Refund of Taxes of California Northern Railroad in the amount of \$8,036.24 for tax year 2019/20, plus interest, in unitary taxes

Attachments: [A - Claim for Refund of Property Taxes - CA Northern Railroad](#)
 [B - Unitary Tax Rate](#)

Denied

- 8 [24-808](#) Adopt a resolution amending the List of Numbers and Classifications of Positions to add 1.0 FTE Communication Technician II in the Communications Division of the Department of Information Technology

Attachments: [A - Classifications of Positions Resolution](#)

Adopted

Enactment No: Resolution No. 2024-187

- 9 [24-816](#) Approve 3 Health and Social Services, Behavioral Health Division contract amendments to provide additional acute psychiatric inpatient services for the current period through June 30, 2025: a first contract amendment with Heritage Oaks Hospital for \$79,440 for a total contract amount of \$396,296, a first contract amendment with John Muir Behavioral Health for \$134,000 for a total contract amount of \$282,500, and a second contract amendment with San Jose Behavioral Health for \$139,664 for a total contract amount of \$646,879; and Delegate authority to the County Administrator to execute the three amendments and any subsequent amendments, with County Counsel concurrence, up to an aggregate of \$74,999

Attachments: [A - Heritage Oaks Hospital Amendment 1](#)
 [B - John Muir Behavioral Health Amendment 1](#)
 [C - San Jose Behavioral Health Amendment 2](#)
 [D - Link to Original Contracts and Amendment](#)

Approved

- 10 [24-805](#) Adopt a resolution authorizing the District Attorney, or her designee, to submit a grant application and related documents to the California Governor’s Office of Emergency Services (CalOES) for the Unserved/Underserved Victim Advocacy and Outreach (UV) Program in the amount of \$196,906 for the term January 1, 2025, through December 31, 2025; and Adopt a resolution amending the List and Numbers and Classifications of Positions to extend 1.0 FTE Limited-Term Victim Witness Assistant through December 31, 2025

Attachments: [A - UV24 Progam Supplemental](#)
 [B - Funding Chart](#)
 [C - Grant Resolution](#)
 [D - Grant Application](#)
 [E - Position Resolution](#)

Adopted

Enactment No: Resolution No. 2024-188 & 2024-189

- 11 [24-833](#) Adopt a resolution and plaque of appreciation honoring Lieutenant-Sheriff Jonathan Mazer upon his retirement from the Sheriff’s Office with over 28 years of dedicated public service to Solano County

Attachments: [A - Retirement Resolution](#)

Adopted

Enactment No: Resolution No. 2024-190

- 12 [24-730](#) Approve a contract with Aramark Correctional Services, LLC with a not to exceed amount of \$7,250,000 to provide food services for justice-involved persons at Solano County's adult detention facilities for the period November 13, 2024, through June 30, 2027; Delegate authority to the County Administrator to execute the contract and any subsequent amendments, pending County Counsel concurrence, up to an annual aggregate of \$74,999; and Authorize the Sheriff, Undersheriff, and Director of Administrative Services to execute contract amendments which are technical or administrative in nature

Attachments: [A - Draft Aramark Contract](#)

Approved

- 13 [24-815](#) Approve the appointment of Susan Slater to the In-Home Supportive Services Public Authority Advisory Committee representing District 1 to fill an unexpired term through February 9, 2025

Approved

REGULAR CALENDAR

Rescheduled Consent Items

There were no rescheduled Consent Calendar items.

- 14 [24-814](#) Receive a report from Lisette Estrella-Henderson, Solano County Superintendent of Schools, Solano County Office of Education regarding the "State of the Schools related to the Williams Case Settlement audit" for the 2024-2025 school year, specifically schools identified for visitation

Attachments: [A - Williams Settlement Report Letter, 2024-2025](#)
 [B - State of the Schools, Williams Settlement Report](#)

Solano County Superintendent of Schools Lisette Estrella-Henderson introduced the item and provided an overview of the Williams Case Settlement Audit for the 2024/25 school year.

Dr. Tracey Rogers provided an overview of the results for the individual school visits.

In response to a question from Supervisor Hannigan regarding if the Williams Case Settlement Audit tracks truancies and absences, Ms. Estrella-Henderson stated truancies and absences are not a part of the Williams Case Settlement Audit.

In response to a question from Supervisor Brown regarding internet access on campuses and it's ability to function properly when numerous devices are being used, Ms. Estrella-Henderson stated the question of working internet is not asked on the Facility Inspection Tool.

In response to a question from Supervisor Williams regarding three schools with non-applicable information in the 2024-25 Visitation Results Summary Unanswered Complaints in Relation to the Uniform Complaint Procedure, Dr. Rogers stated charter schools are not required to have a uniform complaint process and therefore not monitored.

In response to a question from Chair Mashburn regarding access to funding for school infrastructure maintenance and if the Williams Case Settlement Audit opens eligibility for schools to access funding and alleviate those maintenance concerns, Ms. Estrella-Henderson stated it's the school district's responsibility to address issues that are out of compliance especially emergency repairs.

Chair Mashburn invited members of the public to address the Board on this matter. There was no public comment.

Received

15

[24-818](#)

Receive a presentation by the Department of Resource Management on the NextEra Battery Energy Storage System AB 205 "Opt-In" application which allows certain developers to apply for a permit directly through the California Energy Commission (CEC); Provide direction as to whether the Board wants to request a Host Community Agreement in the County's response to the CEC in lieu of the required Community Benefits Agreement Plan; and Provide feedback on NextEra Energy Resources' proposed Community Benefits Plan Outline and staff recommended community benefit projects

Attachments: [A - Proposed Host Community Benefits](#)

Director of Resource Management James Bezek introduced the item and stated a correction needed to be made on page 2 of Attachment A, clarifying the paragraph detailing the NextEra Proposal is information related to the case study and not the NextEra Proposal.

Planning Manager Allan Calder provided some background on the Solano County Moratorium approved by the Board on February 27, 2024, the State "Opt-In" Process and the NextEra Energy Resources proposed Corby project. Mr. Calder stated in addition to the Corby Battery Energy Storage System (BESS) proposal, an additional proposal has been received for the PG&E campus in the unincorporated. Mr. Calder further stated because the proposal uses more than 300-megawatt hours, the applicant was able to apply via the AB 205 Opt-In Process.

Mr. Calder provided an update on NextEra's AB 205 Application Status stating the application was submitted on November 4, 2024 and a completeness determination by the Energy Commission (CEC) would need to be made by December 4, 2024. Mr. Calder stated the County received the application and would need to respond within the next 20 days.

In response to a question from Supervisor Williams regarding whether the County emphasized to the CEC the significance of prime agricultural land, Mr.

Calder stated it was emphasized. Mr. Calder further stated the current agricultural mitigation ordinance looks to mitigate the loss of both prime and non-prime agricultural lands; however, the current application was submitted before the ordinance takes effect.

In response to an additional question from Supervisor Williams regarding the Good Neighbor Policy, Deputy County Counsel Holly Tokar stated the CEC held one pre-application meeting with the County, City of Vacaville and various state agencies. NextEra also held a meeting with County staff to touch on briefly on community benefits. Ms. Tokar stated the Good Neighbor Policy can now take effect since the application was submitted; however, the applicant would still need to go through the CEQA process and host two community meetings.

Mr. Calder defined the Community Benefits Agreement (CBA) and the Host Community Agreement (HCA) stating the CBA is between the developer and community-based organization and/or non-profit specifying the offered benefits in exchange for the community's support of the project and is a required component of the AB 205 process, while the HCA is an agreement between the developer and host jurisdiction to offset and address adverse effects on the host jurisdiction.

Mr. Calder provided a brief overview the Medway Grid project in Massachusetts, a comparable project to the Corby project, stating the project's worth is about \$43,464,019 over the life of the project.

In response to a question from Supervisor Brown regarding how the project's profits would affect the County, Associate Planner Eric Hagstrom stated in regards to the Medway Project, though there were several stipulations for the use of funds, a large chunk of the money was in a payment in lieu of taxes.

Mr. Bezek stated the values were meant to show a relationship between the 250-megawatt Medway Project and the 300-megawatt Corby Project and what could be potentially negotiated.

Chair Mashburn stated it would be the Board's job to determine the price and utilization of the land.

Mr. Bezek stated the state has identified there is a need in order to provide the continuity of services, but placement is critical, so staff is seeking assistance and direction with that process.

In response to a question from Supervisor Hannigan regarding the lifespan of such projects and the potential dollar amount that could be generated from these types of projects, Mr. Calder stated there is a 20-30 year lifespan and the project could roughly generate \$52 million.

A discussion period was held regarding the potential profitability of the project

In response to a question from Supervisor Vasquez regarding what happens to the facility after the 20-30 year lifespan, Mr. Calder stated a huge part of the

agricultural mitigation ordinance is the decommissioning aspect and how to return the land back to its original production.

In response to an additional from Supervisor Vasquez regarding the potential impacts to surrounding areas should something occur on the site, Mr. Calder stated unfortunately permitting happens through the state and is not governed by local regulations.

In response to a question from Supervisor Williams regarding a flagging system that can alert staff when prime agricultural land is being purchased and if staff has identified alternate locations in the unincorporated that could be offered instead of prime agricultural land. Mr. Calder stated there is no current flagging mechanism in place to prevent the purchase of prime agricultural land nor trade for the highest quality agricultural land.

County Administrator Bill Emlen commented on AB 205 stating legislation such as this really undercuts the County and local objectives.

Mr. Bezek stated the goal throughout the ordinance process is to identify the best practices in regard to land use and to provide a better-informed platform for such projects.

Supervisor Williams recommended that staff reach out to state lobbyists and state legislators to discuss the protection of Solano County and prime agricultural land.

Mr. Bezek stated the main issue with the current legislation is that applicants, not the community, determine what constitutes a "community benefit." This process bypasses local input, which is a major concern for the community. Mr. Bezek further stated staff plans to formally comment on the inadequacies of this process and advocate for a host community agreement to ensure local needs are met, noting while the State's process has a 30-day review requirement, it often takes much longer, as seen with previous projects that took over a year to process. Mr. Bezek further stated this delay provides an opportunity for the local community to have a voice noting staff aims to push for important issues such as radio interoperability, improved fire defenses, and the protection of agricultural land to be addressed in the comments submitted to the state.

County Counsel Bernadette Curry stated the recently adopted agricultural mitigation ordinance takes effect December 6th; however, it does not apply to the current application being reviewed. Ms. Curry further stated that should the State deem the application incomplete, a new 30-day review process will begin, at which time the ordinance will be in effect.

Supervisor Williams emphasized the need to raise awareness and alert the California State Association of Counties (CSAC) about the issues at hand and stated she and Supervisor Hannigan will be in attendance the next week and requested any materials that could help them communicate with CSAC. Supervisor Williams also urged Rural County Representatives of California (RCRC) to get involved and encouraged other counties to push for new

legislation that addresses the gaps and restores local control over these issues.

Supervisor Brown read the following into the record: Thermal runaway in batteries is a dangerous chain reaction that occurs when a battery's temperature increases rapidly, causing a chemical reaction that produces more heat. This process can lead to a battery catching fire, exploding, or emitting toxic gases. This event will occur will therefore occur more often for big batteries and for products that are made in big quantities. An example. It is estimated that one Tesla battery out of every 10,000 will undergo an internal short circuit, linked to an error in the manufacturing process. When a battery experiences thermal runaway, it can emit fumes containing toxic gases like hydrogen fluoride, carbon monoxide, carbon dioxide and various volatile organic compounds, which can be harmful to inhale and may include potential carcinogens like formaldehyde, depending on the battery chemistry. Exposure to these fumes can cause respiratory issues and other health complications, depending upon concentration and duration of exposure. Other toxic gases can and can include various hydrocarbons like methane, ethanol, and acids like phosphoryl. Fluoride and other harmful chemicals making the fumes highly dangerous to inhale.

Supervisor Brown raised concerns about liability insurance and questioned who takes responsibility. Supervisor Brown further raised concerns about the potential impacts of an earthquake, specifically in relation to a project that spans over I-80.

Chair Mashburn stated the surrounding areas include over 1100 homes for senior citizens, a subdivision of over 1500 homes and even an elementary school.

Mr. Bezek stated their comments will include finding the safest and most reliable technology to reduce risks such as thermal runaways and reducing the potential hazards that impact the public.

A discussion took place regarding the locations where the batteries are being manufactured and the types of testing conducted to ensure their safety.

In response to a question from Supervisor Hannigan regarding the current number of BESS projects, Mr. Hagstrom stated there is no numerical number, but more so a gigawatts worth of energy that gets stored at one time.

In response to a question from Supervisor Hannigan regarding the financial aspects and negotiation starting points, Mr. Calder explained the current benchmark is the Medway project, with a rate of \$173,000 per megawatt and for the 300-megawatt Corby project, noting this totals \$52 million. Supervisor Hannigan then noted that with inflation, the number could be close to \$2 million and asked if that would be the negotiating amount.

Mr. Bezek stated negotiations have not yet begun as NextEra must first agree to discuss a host agreement. Mr. Bezek stressed the importance of

leveraging State legislators and CSAC to pressure the CEC, to ensure the process is fair, equitable, and beneficial to the local communities that will face the impacts.

A discussion period was held about investing in an independent electricity system to reduce rates for county residents.

In addition to the staff's recommended priorities, Mr. Emlen proposed the creation of a fund as part of the agricultural mitigation to support agriculture.

Chair Mashburn recommended directing funds toward the consolidation and development of a County rural fire district and requested staff contact State lobbyists to determine what is needed to amend the bill in order to protect Solano County. Additionally, Chair Mashburn asked whether it is permissible and legal to contact the nonprofits to inform them that anyone who supports this initiative will effectively be removing \$52 million from the residents of Solano County.

Supervisor Vasquez commented in support of Chair Mashburn's recommendations and emphasized focusing on the impacts the project will have on surrounding areas and on agriculture.

Supervisor Williams recommended appraisals be conducted to show the potential decrease in property values for homes located near existing facilities.

In response to a question from Supervisor Brown about the noise ordinance and the impact of heavy equipment transportation on roads, Mr. Bezek stated that these issues are addressed as part of the Environmental Impact Report (EIR) process.

In response to a question from Chair Mashburn on whether there have been any legal challenges against AB 205, Mr. Hagstrom stated the City of San Juan Capistrano is currently suing the State over a denied application. Chair Mashburn requested staff investigate any potential vulnerabilities to litigation concerning the bill.

Mr. Bezek stated that staff will proceed with requesting a Host Community Agreement (HCA) and will keep the Board updated throughout the process.

Chair Mashburn invited members of the public to address the Board on this matter and the following comments were received:

A) Joel Barrilleaux commented on other federally funded, green projects and suggested the Board have a conversation with Assemblymember Lori Wilson who voted for AB 205.

B) Gaul Culley voiced concerns regarding the project's impact on future real estate.

Received

ITEMS FROM THE PUBLIC con't

There were no additional items from the public.

CLOSED SESSION

- 16 [24-835](#) PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Government Code § 54957) a. Title: Director of Health and Social Services

RECONVENE

This meeting of the Solano County Board of Supervisors reconvened at 4:41 P.M. All members were present and Chair Mashburn presided.

REPORT OF ACTION IN CLOSED SESSION (IF APPLICABLE)

Chair Mashburn announced the appointment of Emery Cowan as the new Health & Social Services Director, by a 4-1 vote.

BOARD MEMBER COMMENTS AND REPORTS ON MEETINGS

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

- A) *Supervisor Brown adjourned in memory of Kathryn Angle.*

ADJOURN:

This meeting of the Solano County Board of Supervisors adjourned at 4:45 P.M. Next meeting of the Solano County Board of Supervisors will be December 3, 2024 at 9:00 A.M., Board Chambers, 675 Texas Street, Fairfield, California.

MITCH H. MASHBURN, Chair
Solano County Board of Supervisors

BILL EMLLEN, Clerk
Solano County Board of Supervisors

By _____
Veronica Lake, Deputy Clerk