



Solano County

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Minutes - Draft Board of Supervisors

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Tuesday, October 2, 2018

8:30 AM

Board of Supervisors Chambers

CALL TO ORDER

The Solano County Board of Supervisors met on the 2nd day of October 2018 in regular session in the Board of Supervisors' Chambers at the Solano County Government Center, 675 Texas Street, Fairfield, California at 8:30 A.M. Present were Supervisors Brown, Spering, Thomson and Chair Vasquez. Supervisor Hannigan was excused. Chair Vasquez presided. Also present were County Administrator Birgitta E. Corsello and County Counsel Dennis Bunting.

ROLL CALL

John M. Vasquez, Monica Brown, James P. Spering, Skip Thomson. Erin Hannigan was excused.

CLOSED SESSION

The Solano County Board of Supervisors recessed to Closed Session at 8:31 A.M. to discuss the following matters:

- 1 [18-686](#) Conference with Real Property Negotiators: Property: APN 0030-295-130, 460 Union Avenue, Fairfield; Agency negotiators: Birgitta E. Corsello, County Administrator, Nancy Huston, Assistant County Administrator, Megan Greve, General Services Director and Keith Hanson, Real Estate Services Manager; Negotiating party: Hal Alpert; Under negotiation: Price and terms

Conference with Legal Counsel - Existing Litigation: County of Solano v. CMT Federal Credit Union, now known as Solano First Credit Union, Ticor Title, now known as Fidelity National Title Insurance Company, and DOEs 1 through 60

Attachments: [A - Memorandum](#)

RECONVENE

This meeting of the Solano County Board of Supervisors reconvened at 9:00 A.M. All members were present and Chair Vasquez presided.

REPORT OF ACTION IN CLOSED SESSION (IF APPLICABLE)

County Counsel Dennis Bunting advised that there were no reports from Closed Session.

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

- 2 [18-688](#) Adopt and present a resolution recognizing October 2018 as Domestic Violence Awareness Month in Solano County (Chair Vasquez)

Attachments: [A - Resolution](#)
 [Adopted Resolution](#)
 [Minute Order](#)

On motion of Supervisor Sperring, seconded by Supervisor Thomson, the Board adopted and presented Resolution No. 2018-180 recognizing October 2018 as Domestic Violence Awareness Month in Solano County. So ordered by 4-0 vote.

Enactment No: Resolution 2018-180

- 3 [18-643](#) Adopt and present a resolution recognizing October 21- 27, 2018 as Childhood Lead Poisoning Prevention Week (Supervisor ~~Hannigan~~ Brown)

Attachments: [A - Resolution](#)
 [Adopted Resolution](#)
 [Minute Order](#)

On motion of Supervisor Brown, seconded by Supervisor Sperring, the Board adopted and presented Resolution No. 2018-181 recognizing October 21- 27, 2018 as Childhood Lead Poisoning Prevention Week. So ordered by 4-0 vote.

Enactment No: Resolution 2018-181

ITEMS FROM THE PUBLIC

Chair Vasquez 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) George Guynn, Jr., Suisun City, commented on balancing housing between communities, finding a different location for the Tiny Home Project and resolving the homeless population through nonprofit agencies.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

There were no additions to or deletions from the Solano County Board of Supervisors' agenda for October 2, 2018.

APPROVAL OF THE AGENDA

On motion of Supervisor Thomson, seconded by Supervisor Brown, the Board approved the agenda of the Solano County Board of Supervisors for October 2, 2018 as submitted. So ordered by 4-0 vote.

PUBLIC COMMENT ON CONSENT CALENDAR

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

A) George Guynn, Jr., Suisun City, commented on Item 8 regarding recovery of costs from patients for the contract cost.

Mental Health Services Manager Andy Williamson provided information on the program, noting that the program fell under state requirements for MediCal and that there was a pass through process of funding.

Director of Health and Social Services Gerald Huber noted that this was a compliance related issue within the context of the County's state contracts and MediCal.

APPROVAL OF THE CONSENT CALENDAR

On motion of Supervisor Thomson, seconded by Supervisor Brown, the Board approved the following Consent Calendar items by 4-0 vote.

CONSENT CALENDAR

- 4 [18-670](#) Adopt a resolution accepting claims for excess proceeds from tax-defaulted property sales and authorizing distribution of excess proceeds from the sales

Attachments: [A - Resolution](#)
 [B - Excess Proceeds Table](#)
 [Adopted Resolution](#)
 [Minute Order](#)

Adopted

Enactment No: Resolution 2018-182

- 5 [18-668](#) Adopt a resolution to amend the Alphabetical Listing of Classes and Salaries to add the classification of Sheriff Criminal Justice Program Services Manager with a monthly salary of \$8,262.94 - \$10,043.65 and delete the classification of Inmate and Program Services Manager; and Adopt a resolution to amend the List of Numbers and Classifications of Positions to reclassify the Inmate Program Services Manager to Sheriff Criminal Justice Program Services Manager

Attachments: [A - Resolution - Alphabetical Listing of Classes and Salaries](#)
 [B - Resolution - List of Numbers and Classifications of Positions](#)
 [C - Class Specification](#)
 [Adopted Resolution - Alphabetical Listing of Classes and Salaries](#)
 [Adopted Resolution - List of Numbers and Classifications of Positions](#)
 [Minute Order](#)

Adopted

Enactment No: Resolution 2018-183 and Resolution 2018-184

- 6 [18-684](#) Adopt a resolution authorizing application to the California Department of Transportation for a State Airport Loan in the amount of \$453,000 to renovate aeronautical office building spaces at the Nut Tree Airport; and Delegate signing authority to the County Administrator to execute the application, agreement, loan modifications for project funding and any other necessary documents associated with the State Airport Loan

Attachments: [A - Resolution](#)
 [B - Project Estimate](#)
 [C - Aerial Photo of Project Site](#)
 [Adopted Resolution](#)
 [Minute Order](#)

Adopted

Enactment No: Resolution 2018-185

7 [18-531](#)

Approve the seventh amendment with Netsmart Technologies, Inc. for \$391,562 for a total contract amount of \$4,925,450 through June 30, 2022 to include additional software licenses for Avatar Electronic Health Record, Order Connect, and Plexus Cloud Hosting licenses, and the implementation of electronic Prescribing Controlled Substances tokens and licenses and the Key Performance Index dashboard; and Authorize the County Administrator to execute the amendment and any future amendments that remain within budgeted appropriations

Attachments: [A - Netsmart Amendment](#)
[B - Links to Original Contracts and Amendments](#)
[Executed Amendment - NetSmart](#)
[Minute Order](#)

Approved

8 [18-693](#)

Approve 2 contracts, one with Medmark Treatment Centers - Fairfield, Inc. for \$1,416,432 and the other with Successful Alternatives for Addiction and Counseling Services, Inc. for \$1,226,366, to provide narcotic treatment services beginning on October 1, 2018 through June 30, 2019; Authorize the County Administrator to execute contract amendments that are within budgeted appropriations; Authorize the Director of Health and Social Services to execute any amendments which are technical or administrative in nature and have no fiscal impact; and Approve an Appropriation Transfer Request in the amount of \$1,930,297 (4/5 vote required)

Attachments: [A - Medmark Contract](#)
[B - Successful Alternatives Contract](#)
[Executed Contract - Successful Alternatives](#)
[Executed Contract - Medmark](#)
[Minute Order](#)

Approved

9 [18-704](#)

Approve a 3 year Memorandum of Understanding between the Community Action Partnership of Solano, Joint Powers Authority and the Cities of Benicia, Dixon, Fairfield, Rio Vista, Suisun City, Vacaville, and Vallejo for further implementation of the Housing First Solano Continuum of Care Coordinated Entry System for \$214,228, effective upon execution by all cities through June 30, 2021

Attachments: [A - Memorandum of Understanding](#)
[Executed MOU](#)
[Minute Order](#)

Approved

- 10 [18-660](#) Authorize the County Administrator to execute, pending county counsel concurrence, an agreement and any amendments with Health Management Associates on behalf of the California Department of Health Care Services to receive \$25,000 under the Expanding Medication Assisted Treatment in County Criminal Justice Settings: A Learning Collaborative Grant for the period August 1, 2018 through March 31, 2019; and Approve an Appropriation Transfer Request to recognize \$25,000 in unanticipated grant revenue and related appropriations to participate in learning collaboratives and receive training and guidance (4/5 vote required)

Attachments: [Minute Order](#)

Approved

- 11 [18-685](#) Approve a 3 year agreement with Sun Ridge Systems, Inc. for replacement software for the Computer Aided Dispatch and Records Management System applications to include related applications and required interfaces, installation, training, and three-year support for a cost of \$596,808; Delegate authority to the Chief Information Officer to execute the agreement and any amendments that remain within budgeted appropriations not to exceed \$75,000; and Authorize the Sheriff or his designee, with concurrence of the Chief Information Officer, to execute amendments which are technical in nature

Attachments: [A - Agreement](#)
 [Executed Agreement](#)
 [Minute Order](#)

Approved

MISCELLANEOUS ITEMS

- 12 [18-681](#) Approve the appointment of Mina Diaz to the First 5 Solano Children and Families Commission, representing District 2, to fill an unexpired term ending on June 27, 2021

Attachments: [Minute Order](#)

Approved

REGULAR CALENDAR

Solano County Housing Authority:

- 13 [18-622](#) Receive an update and accept public comments on the Solano County Housing Authority's activities during FY2017/18

Attachments: [Minute Order](#)

Minutes regarding this matter are contained in the Solano County Housing Authority Minutes Book.

Accepted

- 14 [18-694](#) Consider adopting an urgency ordinance enacting Chapter 8 of the Solano County Code establishing minimum health and safety standards for emergency homeless facilities and shelters (4/5 vote required)

Attachments: [A - Ordinance](#)
 [Adopted Ordinance](#)
 [Minute Order](#)

On motion of Supervisor Brown, seconded by Supervisor Thomson, the Board approved reading the proposed urgency ordinance enacting Chapter 8 of the Solano County Code, establishing minimum health and safety standards for emergency homeless facilities and shelters by title only and waived further reading by a majority vote. So ordered by 4-0 vote.

Director of Resource Management Bill Emlen introduced the item.

Assistant Director of Resource Management Terry Schmidtbauer provided an overview of the urgency ordinance.

In response to a question from Supervisor Thomson, Mr. Schmidtbauer noted that an emergency preparedness plan and pet plan would be worked on with the operators of the facilities.

Supervisor Thomson commented on the importance of having a pet plan. He then commented on the length of stay for the client.

In response to a question from Supervisor Spering, Mr. Schmidtbauer noted that the ordinance was not specific to one location and allowed for flexibility for tents or buildings. He advised that a facility using tents would have to comply with the same set of standards as buildings.

Supervisor Thomson noted that the ordinance required a 50 sq. foot minimum per person.

Chair Vasquez noted that the ordinance would allow for emergency shelters using tents if there was a need to use them.

Mr. Schmidtbauer noted that the ordinance addressed emergency homeless shelters in a shelter crisis declared location.

On motion of Supervisor Brown, seconded by Supervisor Thomson, the Board adopted Ordinance 2018-1796, an urgency ordinance enacting Chapter 8 of the Solano County Code, establishing minimum health and safety standards for emergency homeless facilities and shelters. So ordered by 4-0 vote.

Enactment No: Ordinance 2018-1796

15

[18-690](#)

Receive a presentation on the current project delivery of capital project improvements, project delivery status, and project funding, including the Road Repair and Accountability Act of 2017

Attachments: [Minute Order](#)

Director of Resource Management Bill Emlen introduced the item and provided an update on project delivery of Public Works capital projects.

In response to a question from Supervisor Thomson, Mr. Emlen provided information on the widening of Pleasants Valley Road.

Supervisor Thomson suggested more public outreach to educate bicyclists about using the shoulder of the road to increase safety.

Chair Vasquez noted that the bicyclist community was providing feedback that more sweeping was needed on the shoulders of the road.

Supervisor Brown advised that the Hale Ranch Road and Cordelia Road intersection had a divet that needed to be smoothed out and a eucalyptus tree along 680 that hadn't been cleaned up.

In response to questions from Supervisor Brown, Solano Transportation Authority (STA) Executive Director Darryl Halls provided information on the Street Highway Operation Protection Program (SHOPP) and improvements in progress that were being delivered by Caltrans and STA, noting that they were in jeopardy if SB 1 went away. He then provided information on the project at I-80 and McGary Road.

County Administrator Birgitta Corsello provided information on past instances when road funding was lost and the impacts they caused on projects and department staffing.

Mr. Emlen noted that more efficient equipment had helped with some of those staffing impacts but advised that it was not enough to fill the gap.

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

A) George Guynn, Jr., Suisun City, commented on SB 1 funding and in support of Proposition 6.

Supervisor Brown thanked the department for the lines painted on Pitman Road.

Supervisor Spering commented on recent polling data showing that over 50% of polled residents were in opposition to Proposition 6. He then commented on the importance of SB 1 to provide funding for streets and roads and noted that there was a constitutional amendment passed in June that prevented diversion of the funding. He noted that conditions of streets affected property values and that SB 1 funding was imperative to providing public safety to the community and maintaining roads and infrastructure.

Mr. Halls introduced STA Marketing & Legislative Program Manager Vince Ma and noted that a Proposition 6 fact sheet was being prepared by STA and would be provided to the Board members. He then commented on additional funding and projects that could be affected by a loss of SB 1.

Chair Vasquez commented on the importance of agricultural roads and road improvements.

Received

RECESS

This meeting of the Solano County Board of Supervisors recessed at 10:43 A.M. and reconvened at 2:00 P.M. All members were present and Chair Vasquez presided.

2:00 P.M.

16

[18-679](#)

Conduct a noticed public hearing to consider updates to development policies and regulations for the Suisun Marsh, which include: Adopting a resolution approving a Negative Declaration; Adopting a resolution amending General Plan (G-18-02) with policies pertaining to the Suisun Marsh; Adopting an ordinance amending Chapter 28 (Zoning Regulations); Introducing an ordinance amending Chapter 31 (Grading, Drainage, Land Leveling, and Erosion Control); and Adopting a resolution amending the Solano County Component of the Suisun Marsh Local Protection Program and transmitting the Local Protection Program to the Bay Conservation and Development Commission for certification

Attachments: [A - Resolution Adopting Negative Declaration](#)
[B - Resolution Amending General Plan](#)
[C - Ordinance Amending Chapter 28](#)
[D - Ordinance Amending Chapter 31](#)
[E - Resolution Adopting 2018 LPP Amendment](#)
[F - LPP Amendment Negative Declaration](#)
[G - 2018 Local Protection Program](#)
[H - Notice of Public Hearing](#)
[Adopted Resolution Adopting Negative Declaration](#)
[Adopted Resolution Amending the General Plan](#)
[Adopted Ordinance](#)
[Adopted Resolution 2018 LLP Amendment](#)
[Minute Order](#)

Chair Vasquez opened the public hearing.

Supervisor Thomson announced that he was still under an ex parte prohibition communication order as a result of his role membership on the Delta Stewardship Council and left the chamber.

Director of Resource Management Bill Emlen introduced the item.

Planning Program Manager Mike Yankovich provided an overview of the 2018 Suisun Marsh Local Protection Program (LPP) Amendment.

In response to a question from Chair Vasquez, Mr. Yankovich provided information on wind turbine height restrictions.

In response to a question from Supervisor Spering, Mr. Yankovich noted that the Potrero Hills Landfill had already gone through an approval process for expansion and that the amendment did not prevent the expansion.

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

A) Steve Chappel, Executive Director of the Suisun Resource Conservation District, commented on the need for a setback for wind development from the secondary marsh and in support of the Suisun Marsh LPP.

In response to a question from Chair Vasquez, Mr. Chappel noted that the permitting authority in the secondary Marsh was the County.

Chair Vasquez closed the public hearing.

On motion of Supervisor Brown, seconded by Supervisor Spering, the Board adopted Resolution 2018-186 approving a Negative Declaration of environmental impact for the project; Adopted Resolution 2018-187 amending the Solano County General Plan (G-18-02); Approved reading the proposed ordinances amending Chapter 28 of the Solano County Code, amending Sections 28.22 and 28.52, relating to land uses in the Suisun Marsh Agricultural

(A-SM) and Marsh Preservation (MP) zoning districts and amending Chapter 31 of the Solano County Code, amending sections 31-12, 31-20, 31-30, and 31-40 relating to grading drainage, land leveling, and erosion control in the Suisun Marsh and Watershed by title only and waived further reading by a majority vote; Adopted Resolution 2018-188 amending the Solano County Component of the Suisun Marsh Local Protection Program and transmitting the Local Protection Program to the Bay Conservation and Development Commission for certification; Adopted Ordinance 2018-1797 amending Chapter 28 of the Solano County Code, amending Sections 28.22 and 28.52, relating to land uses in the Suisun Marsh Agricultural (A-SM) and Marsh Preservation (MP) zoning districts; and Introduced an ordinance amending Chapter 31 of the Solano County Code, amending sections 31-12, 31-20, 31-30, and 31-40 relating to grading drainage, land leveling, and erosion control in the Suisun Marsh and Watershed. So ordered by 3-0 vote.

Enactment No: Ordinance 2018-1797 and Resolution 2018-186 through Resolution 2018-188

17 [18-673](#)

Conduct a noticed public hearing to consider Zone Text Amendment, (ZT-18-03) and the Planning Commission's affirmative recommendation; Adopt an ordinance amending Chapter 28 of the Solano County Code to define the short-term rental of a dwelling as a "vacation house rental" and to authorize such land use, subject to an administrative or minor use permit, within the Agricultural, Rural Residential and Watershed Zoning Districts

Attachments:

[A - Ordinance](#)

[B - Vacation House Rental Requirements Comparison Table](#)

[C - Watershed Map](#)

[D - Planning Commission Resolution](#)

[E - July 19, 2018 Planning Commission Minutes](#)

[F - June 21, 2018 Planning Commission Minutes](#)

[G - May 17, 2018 Planning Commission Minutes](#)

[H - Notice of Public Hearing](#)

[Adopted Ordinance](#)

[Minute Order](#)

Director of Resource Management Bill Emlen introduced the item.

Planning Program Manager Mike Yankovich provided an overview of the proposed ordinance.

Mr. Emlen noted that correspondence from Carolyn and Tom West and Mary Browning had been sent to the Board and that it was also received by the department. He advise that additional correspondence on the ordinance had been provided to the Board.

Chair Vasquez commented in support of the flexibility for property owners and asked how the County could let the renters know that it is a right to farm county.

Deputy County Counsel Jim Laughlin advised that the County let property owners know that it was a right to farm county and that the property owners would communicate this to their tenants.

In response to a question from Chair Vasquez, Mr. Laughlin and Mr. Emlen advised that the department would ensure that there was language added about notifying tenants about the county being a right to farm county.

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

A) Eleanor MacMakin, Vacaville, commented on documentation that property owners had to provide, was input sought from organizations that protect local land and wildlife, was park district consulted

B) Dan Schwartz, Vacaville, commented in support of the ordinance and noted that his tenants were given documentation that the county was a right to farm county.

C) Reta Jones, Fairfield, commented on the need for a monitoring system for rentals and on concerns about a property with an empty barn being rented out.

D) Frank Vezer, Fairfield, commented on his experience with the Building Department regarding the property with the empty barn and noted that it had never been rented, on concerns with individuals making illegitimate complaints and on concerns with making requirements overburdening for property owners.

E) Charles Wood, Mattice Law Office, commented in support of the ordinance, on economic benefits that could result from the rentals, asked that County not require minor use permits and commented on the need to streamline the business license process.

F) Mary Browning, Fairfield, commented in opposition to the ordinance and various concerns with the proposed regulations, noting that there were no penalties provided.

G) Laura Livadas, Fairfield, commented against minor use permits for hosted rentals and provided a handout of testimonials from individuals that had stayed at her chateau rental.

H) Marvin Schechtman, Fairfield, commented on the need to look at where the rentals would be located within residential neighborhoods.

Chair Vasquez closed the public hearing.

Supervisor Brown commented on concerns with housing availability, noting that unhosted house rentals took needed long term rentals off the market. She asked what policies and resources were in place to enforce the rules of the rentals and respond to situations not responded to by property owners of unhosted rentals. She then commented on the need for language to be added to unhosted rental regulations regarding a required 45 minute response by property owners when something happened.

Chair Vasquez commented on the 64 identified rentals and asked about those that are unidentified. He asked what action would be taken against those that don't follow the rules.

Mr. Laughlin advised that the ordinance clearly stated the county's position and noted the importance of taking a stand on what that position is. He noted that there were provisions in Chapter 28 on how enforcement is addressed. He noted that there was a process in place to resolve the issue and to first to try to bring the property into compliance, followed by abatement if that didn't work.

Mr. Emlen advised that the County could revoke the minor use permit if there was non-compliance.

In response to questions from Supervisor Brown, Mr. Bunting noted that the ordinance would allow for the County to pursue injunctions through the abatement process in court. He then commented on using a 45 minute response requirement for property owners and advised that it would be a threshold.

In response to a question from Supervisor Spering, Mr. Emlen provided information on the minor use permit process and requirements.

In response to questions from Supervisor Spering, Mr. Yankovich noted that the 45 minute response was not required on hosted properties because it was assumed that the property owner would be on site to respond. He then provided an explanation of Section 8 regarding rentals in use prior to the ordinance effective date.

Mr. Laughlin advised that the section was included to make clear that these types of uses are not legal uses until the ordinance went into effect.

Chair Vasquez noted that there was no grandfathering in effect.

In response to questions from Supervisor Spering, Mr. Laughlin advised that the dwellings must comply with setback and height requirements and that the dwelling would be grandfathered in if standards changed. Mr. Yankovich noted that the required fire inspection was a one-time inspection.

Supervisor Spering commented in support of using a minor use permit to ensure compliance and recommended that the property manager be available 24 hours a day and 7 days a week for both hosted and unhosted rentals.

Supervisor Thomson asked whether there was an expiration date on the minor use permit or administrative permit.

Mr. Emlen advised that a compliance review was required at five year intervals for all minor use permits and noted that there was no expiration on administrative permits.

In response to a question from Supervisor Thomson, Mr. Yankovich advised that the County's TOT (Transient Occupancy Tax) rate was 5%.

Mr. Emlen advised that a change to the TOT rate would require a vote of the public to change the TOT rate.

Supervisor Thomson commented on the need to remember that there was quality of life for surrounding residents in this issue and noted concerns that this was a potential commercial operation impacting residential neighborhoods.

In response to a question from Chair Vasquez, Mr. Laughlin provided information on ADA compliance, noting that these types of uses would not likely change occupancy requirements.

Vasquez commented on the need for the rentals to be safe and meet codes, noting that it could take a lot of updating on some older homes.

Mr. Laughlin advised that rentals would have to follow state building codes and new construction would need to meet current codes.

Chair Vasquez requested that staff bring back on update on this matter in one year and asked about the length of time for permits and business licenses to be approved.

Mr. Emlen advised that once a permit was approved, the time would be relatively quick to get a business license.

Supervisor Spering commented on wineries and vintners that were investing millions of dollars and advised that the challenge would be to not let areas get overdeveloped. He supported the idea of evaluating this matter in one year to see if it was impacting quality of life for people and that it needed to be monitored closely.

Supervisor Thomson asked what the benchmarks of the review would look like.

Supervisor Spering advised that the review could include a thorough review of the number of complaints from residents, impacts on the areas and feedback from investors. He noted that people were already running these rentals and that this process would give the County a tool to help with enforcement.

Mr. Emlen noted that staff could look at the status of the current 64 rentals identified and where they were at in permitting as part of the review.

Supervisor Thomson commented on the need for assurance that enforcement would be conducted for those not following the rules.

Mr. Emlen advised that the department would stay on top of this.

Supervisor Thomson commented that how complaints were dealt with and how enforcement was handled would be very important. He then advised that there was a need to revisit the TOT rate.

Mr. Bunting provided information on work being done to strengthen code enforcement language and noted that the County has been successful in getting injunctions. He then noted that the TOT had been 5% for a long time and that changing the TOT would require the matter to be placed on the ballot for a countywide general election.

Mr. Laughlin noted that the ordinance develops a tight link with the TOT registration and that violation of the tax ordinance was a misdemeanor.

Supervisor Spering commented that it was important for the Board to know if staff didn't have resources for enforcement so that it could allocate resources to it. He then commented on the long lag time for follow up on complaints and in support of a one year review and revisiting an increase in the TOT.

On motion of Supervisor Spering, seconded by Supervisor Thomson, the Board approved reading the proposed ordinance amending Chapter 28 of the Solano County Code to define the short-term rental of a dwelling as a "Vacation House Rental" and to authorize such land use, subject to either an Administrative Permit or a Minor Use Permit, within the A-20 Exclusive Agricultural, Suisun Valley Agricultural, Rural Residential, and Watershed zoning districts by title only and waived further reading by a majority vote. So ordered by 4-0 vote.

Supervisor Brown commented on concerns about taking care of surrounding neighbors.

In response to a question from Chair Vasquez, Mr. Laughlin noted that TOT was collected by the host and turned over to the County. He then advised that staff would need to look into whether a license was required by Board of Equalization.

Supervisor Thomson noted reservations about the ordinance and commented in support of a one year review.

In response to comments from Supervisor Brown, Mr. Emlen advised that the department would be comprehensive about evaluating and tracking this program and keeping track of enforcement issues.

On motion of Supervisor Spering, seconded by Supervisor Thomson, the Board adopted Ordinance 2018-1798 amending Chapter 28 of the Solano County Code to define the short-term rental of a dwelling as a "Vacation House Rental" and to authorize such land use, subject to either an Administrative Permit or a Minor Use Permit, within the A-20 Exclusive Agricultural, Suisun Valley Agricultural, Rural Residential, and Watershed zoning districts, as amended; Directed that a one year review be brought back to the Board on the status of the program; and Directed staff to explore and bring back a report regarding whether the TOT (Transient Occupancy Tax) rate was sufficient. So ordered by 4-0 vote.

In response to a request from Supervisor Spering, Mr. Bunting addressed an allegation made regarding a conflict of interest for the supervisor and note that the issue affected a significant segment of the population, therefore it was an exception to the conflict of interest rules.

Adopted

Enactment No: Ordinance 2018-1798

18

[18-645](#)

Conduct a noticed public hearing to consider the adoption of an ordinance establishing a permanent prohibition of the establishment of commercial cannabis activities, including commercial cultivation of medicinal and recreational cannabis, and commercial cannabis delivery, distribution, transportation, processing, manufacturing, retail operations, microbusinesses, collectives, cooperatives, and testing facilities of medicinal and recreational cannabis in the unincorporated areas of Solano County

Attachments: [A - Ordinance](#)
[B - Planning Commission Resolution No. 4659](#)
[C - Update on State and Local Cannabis Regs](#)
[D - Notice of Public Hearing](#)
[Adopted Ordinance](#)
[Minute Order](#)

Director of Resource Management Bill Emlen introduced the item.

Senior Planner Karen Avery provided an overview of past actions and activities concerning commercial cannabis regulations.

In response to a question from Chair Vasquez, Ms. Avery noted that the regulations applied to any venue.

Chair Vasquez opened the public hearing. There were no public speakers.

On motion of Supervisor Brown, seconded by Supervisor Spering the Board approved reading the proposed ordinance establishing a permanent prohibition of the establishment of commercial cannabis activities, including commercial cultivation of medicinal and recreational cannabis, and commercial cannabis delivery, distribution, transportation, processing, manufacturing, retail operations, microbusinesses, collectives, cooperatives, and testing facilities of medicinal and recreational cannabis in the unincorporated areas of Solano County by title only and waived further reading by a majority vote. So ordered by 4-0 vote.

Chair Vasquez closed the public hearing.

Supervisor Brown commented in support of commercial cannabis and temporary cannabis events and against permanently prohibiting cannabis.

In response to a question from Supervisor Thomson, Deputy County Counsel Davina Smith noted that County law would apply to the County Events Center and advised that temporary cannabis events license would allow for the consumption of cannabis at the site and that it did allow for smoking if it was a facility that allowed smoking. She advised that it would be similar to a use permit process.

Supervisor Thomson commented in support of prohibition on cannabis in incorporated areas and then commented on activities on county properties.

Ms. Smith noted that the ordinance provides an exception for temporary cannabis events in the prohibition and that individuals interested in conducting an event would have to go through a permit process.

County Counsel Dennis Bunting noted that the current ordinance allowed for temporary cannabis events and recommended taking a vote on the ordinance and then a vote on the temporary cannabis events.

In response to a question from Supervisor Brown, Mr. Bunting advised that a yes vote on adoption of the ordinance would prohibit commercial production and sales in unincorporated areas except that it would allow temporary cannabis events because it must expressly eliminate that exception under the law.

On motion of Supervisor Spering, seconded by Supervisor Thomson, the Board adopted Ordinance 2018-1799 establishing a permanent prohibition of the establishment of commercial cannabis activities, including commercial cultivation of medicinal and recreational cannabis, and commercial cannabis delivery, distribution, transportation, processing, manufacturing, retail operations, microbusinesses, collectives, cooperatives, and testing facilities of medicinal and recreational cannabis in the unincorporated areas of Solano County. Supervisor Brown voted no. So ordered by 3-1 vote.

In response to a question from Supervisor Spering, Mr. Emlen noted that a temporary cannabis event permit would have to come back to the Board for approval.

County Administrator Birgitta Corsello advised that the Board could also direct staff to write new rules for the permit.

Supervisor Thomson commented on the need to look at this more specifically down the road.

In response to comments from Supervisor Spering and Supervisor Brown, Mr. Emlen advised that there would be some conflicts with what is allowed at facilities and what regulations were and that the County would need to address this. He advised that a request for a temporary cannabis event would come before the Board on a case by case basis. He noted that staff needed direction to look at this further and bring back recommendations to the Board.

Supervisor Spering commented in support of taking no action and having staff bring the issue back to the Board.

Mr. Bunting noted that the direction to the department would be that if it received a request then it would bring it back to the Board.

On motion of Supervisor Spering, seconded by Supervisor Thomson, the Board directed that staff bring an agenda item to the Board regarding regulations for Temporary Cannabis Events and that staff bring any requests they received for these events back to the Board for approval. Chair Vasquez voted no. So ordered by 3-1 vote.

Adopted

Enactment No: Ordinance 2018-1799

BOARD MEMBER COMMENTS AND REPORTS ON MEETINGS

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

A. Supervisor Thomson requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of Angela Weinzinger, an active member of the Travis community.

Supervisor Brown requested that all of the Board sign the adjournment certificate.

B. Supervisor Brown requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of Dorothy "Dottie" Johnson, an active member of the Vacaville community.

C. Supervisor Brown requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of Vicki Ovens, an active member of the Vallejo community.

ADJOURN:

This meeting of the Solano County Board of Supervisors adjourned at 4:07 P.M. in memory of Angela Weinzinger, Dorothy "Dottie" Johnson and Vicki Ovens. Next meeting of the Solano County Board of Supervisors will be October 25, 2018 at 8:30 A.M., Board Chambers, 675 Texas Street, Fairfield, California.

JOHN M. VASQUEZ, Chair
Solano County Board of Supervisors

BIRGITTA E. CORSELLO, Clerk
Solano County Board of Supervisors

By _____
Jeanette Neiger, Chief Deputy Clerk