

EXHIBIT 1



575 Administration Drive, Suite 116B
Santa Rosa, CA 95403
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Director
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www.sonomacounty.ca.gov
Recruitments • Classification • Employee
Relations • EEO • Training • Volunteers &
Interns



May 17, 2007

VIA FACSIMILE AND US MAIL

Bill Focha, President
Sonoma County Deputy Sheriffs' Association
P.O. Box 957
Windsor, CA 95492

**Re: Sonoma County Deputy Sheriffs' Association and Deputy Sheriffs' Law
Enforcement Management Grievance**

Dear Mr. Focha:

This letter constitutes the County's Step III response to your grievance dated April 10, 2007 which you filed directly at Step III. The Grievance was filed directly with the County's Employee Relations Manager bypassing Steps I and II of the Grievance Procedure. Pursuant to the County's communications with you and DSA's Chief Negotiator John Noble, the due date for this response is Thursday, May 17.

In your letter, you indicate that you are filing the Grievance on behalf of both current members and former members of the Deputy Sheriffs Association (DSA) and the Deputy Sheriffs' Law Enforcement Management (DSLEM). You assert that the County's Board of Supervisors' Resolution No. 07-0269 violates Articles 18.16.b and c (Retiree Health Benefits) and Articles 35.1 (Full Understanding, Modification and Acknowledgment) and 35.4 (Written Modification Required) of the DSA Memorandum of Understanding (MOU). The grievance does not assert a violation of a specific article of the DSLEM MOU.¹

The Grievance asserts that the Board of Supervisors' resolution, passed on April 10, 2007, "prospectively changed the medical insurance benefits of bargaining unit members who retire." The DSA asserts that this resolution violates the current County's contractual obligation, through the MOU, to provide "retiree medical benefits at the same level as *active employees/bargaining unit members*." (Emphasis added.) For the reasons detailed below, the grievance is denied and the County will not process this grievance under the Grievance Procedure of the DSA Memorandum of Understanding (MOU), or through the County Grievance Procedure as specified in the DSLEM MOU.

¹ The relevant DSLEM MOU Articles are 5.21b. and c. (health care) and Article 32.4 (full understanding, modification and waiver). DSLEM is covered by the County Grievance Procedure established by the Board of Supervisors' Resolution 74211B on May 10, 1983, as it may be amended in the future.

The Grievance is denied because:

- Retirees do not have access to the grievance procedure under the MOU;
- DSA cannot bring a grievance on behalf of the retirees;
- The County has a well established practice of linking retiree health benefits to active unrepresented Administrative, Managerial and Confidential employees and not to active employees in the retirees' former bargaining unit; and
- The County is not obligated to negotiate with DSA over terms and conditions of employment for employees and retirees that DSA does not represent.

With respect to the DSLEM claim, the County Grievance Procedure specifically excludes from the definition of a grievance a "complaint, the resolution of which would require a change in or an amendment to law, ordinance, or the resolutions, rules or regulations of the Board." The DSA/DSLEM Grievance requests the Board's action of April 10, 2007 be rescinded, and therefore the Grievance is denied.

RELEVANT MOU PROVISIONS

The DSA Grievance alleges that the County's action violated the following DSA MOU articles:

18.16 Future Employee/Future Retiree Health Care

b. With respect to this retiree, he or she must have been employed with the County for a period of at least 10 years (consecutive or nonconsecutive) which may include employment with the County prior to July 1, 1990, and must have been a contributing member (or a contribution was made on the employee's behalf) of the County's Retirement System for the same length of time. Upon meeting these two conditions, the County shall contribute for the retiree only the same amount towards a health plan premium as it contributes to an active single employee in the same manner and on the same basis as is done at the time for other retirees who were hired or rehired before July 1, 1990. The retiree may enroll eligible dependents in the group health plan covering the retiree, but the retiree is responsible for the total dependent(s) premium(s).

c. When such an employee has been employed by the County for a period of at least 20 years (consecutive or nonconsecutive) which may include employment with the County prior to July 1, 1990, and has been a contributing member (or a contribution was made on the employee's

behalf) of the County's Retirement System for the same length of time the County shall also contribute for one dependent the same amount towards a health plan premium as it contributes to an active employee with one dependent and in the same manner and on the same basis as is done at the time for other retirees who were hired or rehired before July 1, 1990. The retiree with 20 or more years of County service may enroll eligible dependents in the group plan covering the retiree, but the retiree is responsible for the total premium cost of more than one dependent. In no event shall employees hired or rehired after July 1, 1990 be entitled to receive greater contributions from the County for a health plan upon retirement than the County pays for employees hired or rehired before July 1, 1990 upon their retirement.

Article 31 Grievance Procedure

31.2 Definitions

- a. A grievance is a claim by an employee, a group of employees, or the Association on behalf of an employee(s), concerning the interpretation, application or an alleged violation of an expressed provision of this Memorandum. All other complaints are specifically excluded from this procedure including but not limited to, complaints which arise from the following: all disciplinary actions; all matters concerning employment examinations; all other matters subject to the jurisdiction of the Civil Service Commission; performance review appraisals or denial of a merit increase, except as provided in Article 7.19; provisions of the Fair Labor Standards Act; and any provision of this Memorandum specifically identified as not grievable.
- b. Day shall mean regular County business days, Monday through Friday, 8 a.m. to 5 p.m.
- c. A "grievant" shall mean an employee, a group of employees or the Association who in good faith has an actual grievance with County over a grievable matter as defined in 31.2 above.

The Association may file a grievance without naming an individual employee in the grievance provided the grievance alleges a violation of a right or benefit granted the Association under Article 5 of this Memorandum.

Article 35 Full Understanding, Modification, and Acknowledgment

35.1 Full Understanding

This Memorandum of Understanding sets forth the full and entire understanding of the parties regarding the matters set forth herein. All other prior or existing understanding or agreements by the parties, whether formal or informal, regarding any such matters are hereby superseded or terminated in their entirety.

35.4 Written Modifications Required

No agreement, alteration, understanding, variation, waiver, or modification of any of the terms or provisions contained herein shall in any manner be binding upon the Association and the County, unless made and executed in writing by the parties, and if required, approved and implemented by the Board of Supervisors.

The DSLEM MOU's language on Retiree Health Care benefits mirrors the language found in DSA MOU Articles 18.16.b and c. The DSLEM MOU's grievance procedure, however, incorporates the County Grievance Procedure as the method by which DSLEM grievances are processed and resolved.

County Grievance Procedure Section 1:

Specifically excluded from the definition of grievance and from the grievance procedure are: (1) complaints, the resolution of which would require a change in or an amendment to law, ordinance, or the resolutions, rules or regulations of this Board [of Supervisors].

BRIEF FACTUAL BACKGROUND

Countywide Liability for Retiree Medical Benefits

Accounting rules recently issued by the Government Accounting Standards Board (GASB) require public agencies to account for their unfunded liability for Other Post Employment Benefits (OPEBs) such as health care. As required under the GASB rules, the County undertook an actuarial study to determine the total amount of its unfunded liability. The report estimated the County's liability for medical benefits at \$381 million. Over the last six years, the County's annual "pay as you go" cost for retiree medical has increased from \$6.7 million (2.85% of payroll) per year to over \$20 million (or 7.6% of payroll) per year. This is a nearly 300% increase.

Historic Tie Between Retiree Medical Benefits and Unrepresented Managers

The DSA is the exclusive representative for the classifications of Sheriffs Sergeant, Deputy Sheriff Trainee, Deputy Sheriff I and Deputy Sheriff II. Employees in the DSA bargaining unit are not impacted by the Resolution. The current MOU between the County and the DSA is effective until August 14, 2007. In the current MOU Article 18.16.b and c, the County provides health care for retirees. It states in relevant part:

- 18.16.b Upon meeting these two conditions, the County shall contribute for the retiree only the same amount towards a health plan premium as it contributes to an active single employee in the same manner and on the same basis as is done at the time for other retirees who were hired or rehired before July 1, 1990.
- 18.16.c The County shall also contribute for one dependent the same amount towards a health plan premium as it contributes to an active employee with one dependent and in the same manner and on the same basis as is done at the time for other retirees who were hired or rehired before July 1, 1990.

The parties are currently negotiating over a successor agreement. The DSLEM is the exclusive representative of Sheriffs Lieutenant, Sheriffs Captain and Assistant Sheriff. The current MOU between the County and the DSLEM is effective until August 14, 2007. The parties are also negotiating over a successor agreement.

Since 1985, the County's retirees have paid the same premiums and have received the same benefit *as do active County Administrative Management employees*. In and around 1989, "an arrangement was made between the County and its retirees that, essentially, assured retirees that they were tied to Administrative Management employees for purposes of health care benefits. . . ." See Letter from Maureen Latimer, President of the Sonoma County Association of Retired Employees (SCARE) to Mike Chrystal, Sonoma County Administrator dated January 31, 2001 attached as Attachment 1. See also Letter from Maureen Latimer, President of SCARE to Tim Smith, Sonoma County Board of Supervisors dated December 5, 2001 attached as Attachment 2.

Action Grieved

On April 10, 2007, the County's Board of Supervisors passed a resolution that begins to address the County's unfunded liability for medical insurance for retirees and unrepresented employees. Resolution No. 07-0269 amends the current Salary Resolution to modify the medical plan design and County contributions towards the premium of all County health plans for Unrepresented Administrative Management Employees, Retirees and other unrepresented groups in the County, including the Board of Supervisors and Department Heads. This Resolution is effective July 1, 2007 for retirees and July 11, 2007 for current unrepresented Administrative Management employees.

RESPONSE TO THE GRIEVANCE

The DSA Cannot Bring a Grievance on Behalf of Retirees Because Retirees Do Not Have Standing to Grieve Alleged Violations of the MOU

It is a well established principle of labor law that retirees do not have collective bargaining rights. Retirees, because they are no longer "employees," are not subject to the protection of Meyers-Milias-Brown Act (MMBA). *County of San Joaquin* (2003) PERB Decision No. 1570-M) citing *Allied Chemical and Alkali Workers v. Pittsburgh Plate Glass Co.* (1971) 404 U.S. 157.² The protections afforded to an employee under the various federal and state labor laws terminate upon the employee's separation from employment. Under the DSA MOU, a retiree is not an employee. An employee is defined as any person legally employed by the County and a member of the bargaining unit represented by the Association. See Article 3.2. A grievant is defined as "an employee, a group of employees or the Association." See Article 31.2. As a retiree is no longer employed by the County, a retiree does not have standing to grieve an alleged violation of the MOU. Moreover, a grievance is defined as:

A grievance is a claim made by an employee or a group of employees, or the Association on *behalf of an employee(s)* concerning the interpretation, application or an alleged violation of an expressed provision of this Memorandum.

(Emphasis added.) A grievance can only be claimed by an employee or claimed on behalf of an employee. The Association is precluded from bringing a grievance on the behalf of retirees.

The Grievance Fails to Allege a Violation of the MOU

County's Action Did Not Violate Article 18.16

The Grievance alleges that the Board's Resolution violates MOU Articles 18.16.b and c because the County is obligated to contribute the same amount towards a health plan premium as it contributes to active employees *in the same bargaining unit*. The DSA's reading of the County's MOU ignores 1) the County's well-established practice of the last 22 years of linking retirees with unrepresented employees and 2) other provisions of the MOU.

The contract says the County shall contribute for the retiree only the same amount towards a health plan premium as it contributes to an active employee. The term "active employee" is only used in the Retiree Health Care Articles of the MOU and is not used in any other place in the MOU. The term is ambiguous and it is therefore appropriate to

² Case law interpreting the National Labor Relations Act is persuasive in interpreting the MMBA. *Fire Fighters Union v. City of Vallejo* 12 Cal.3d 608 (1974). Similarly, the Public Employment Relations Board will look to its interpretation of similar language in other collective bargaining statutes it administers when making its determinations.

look to the other parts of the MOU and practice to help resolve the ambiguity. Here, the MOU only states "active employee" but not specify that the active employee must be one in the retiree's former bargaining unit. In fact, the parties' longstanding history is that the "active employee" is not. As noted above, retiree medical benefits within the County are not tied to the active employees of the bargaining unit from which he or she retires. Since 1985 the County has tied the health benefits of retirees to the County's Administrative Management employees. The linkage of retirees to Administrative, Management and Confidential, or unrepresented employees, was requested by SCARE and resulted in an agreement between SCARE and the County. This linkage was understood by the County and SCARE and memorialized beginning with the 1990 round of bargaining and MOUs. See Letter from Richard Gearhart, Director of Employee and Labor Relations to Jan Thom, President of SCARE dated October 6, 1989 attached as Attachment 3. See also Memorandum from Richard Gearhart, Director of Employee and Labor Relations to the Sonoma County Board of Supervisors dated October 4, 1989 attached as Attachment 4. The documents cited here and above support the County's position that retiree health benefits are not tied to the benefits of active employees in the retiree's former bargaining unit. Rather, it is the County's long-standing, stated, and well-established practice to link retiree health care benefits and obligations with those received by active unrepresented Administrative, Management and Confidential employees.

It is a well-established tenant of contract law that provisions of the MOU cannot be read in isolation, but must be read in conjunction with all other relevant portions so as to not render any part extraneous. *National City Police Officers Association v. City of National City* (2001) 87 Cal.App.4th 1274. Here the contract defines "employee" in Article 3.2 to mean an employee in the bargaining unit. However, Article 3.2 must be read in conjunction with Article 3.1. Article 3.1 specifically states that none of definitions in Article 3.2 (where employee is defined) "are intended to apply in the administration of the County Employees' Retirement Law of 1937. . . ." The County's health care benefits are provided under the authority found in the County Employees' Retirement Law of 1937. Therefore, "employee" as defined in Article 3.2 is not the same definition of "employee" in Articles 18.16.b and c because these benefits are provided through the County Employees' Retirement Law of 1937.

DSA's interpretation of MOU Articles 18.16.b and c -- that the County is obligated to provide retirees "medical benefits at the *same level as active employees/bargaining unit members*" is too narrow because it renders the express provision of Article 3.1 superfluous. (Emphasis added.) However, reading the provisions together supports the County's position that retiree health care benefits are linked to active employees, but not linked specifically to active employees in the retirees' former bargaining unit. The County's action did not violate any provision of the MOU based on the County's well-established practice of linking retiree health care benefits to active unrepresented Administrative, Managerial and Confidential employees and the County's reading of the whole MOU.

The County Did not Violate Articles 35.1 and 35.4 of the MOU

The Grievance alleges the County violated Articles 35.1 and 35.4 of the DSA MOU when it passed a Resolution changing health care benefits for retirees and unrepresented employees. As demonstrated above, the Board's Resolution does not modify or terminate any provision of the DSA MOU. The Resolution simply modifies health plan designs and premium payments which the County may lawfully do for its unrepresented employees and retirees. The County's actions are in line with its twenty year long agreement with SCARE to treat retirees in the same manner as active, unrepresented Administrative, Managerial and Confidential employees are treated for health care. While the grievance cites to an alleged violation of Articles 35.1 and 35.4, it does not appear that the County has violated this provision. Instead, the County's actions to modify retiree health care benefits are consistent with the language of the contract and the well-established practice of the County.

The County is Not Obligated to Meet and Confer with DSA over the Health Care Benefits Currently Received by Retirees

Additionally, both retirees and unrepresented employees are outside of the DSA's bargaining unit and as such the County is not obligated to meet and confer with DSA over any changes to their benefits. The County is not required to meet and confer with DSA over matters that concern employees not represented by DSA.

Unrepresented employees are exactly that – not represented by any recognized employee organization. The bargaining obligation of public agencies as set forth in the MMBA applies only to “employee organizations,” defined as “any organization which includes employees of a public agency and which has as one of its primary purposes representing those employees in their relations with that public entity.” Cal. Gov. Code §§ 3501, 3505. While DSA is undoubtedly a recognized employee organization, it is not the organization that represents unrepresented employees. Unrepresented, Administrative, Managerial and Confidential employees are employed with the County either by individual employment contracts or by some other mechanism and the employment relationship is governed by Salary Resolution. Any provision of the Salary Resolution may be superseded in whole or in part by resolution adopted by the Board of Supervisor. *See* Section I of the Salary Resolution; *see also DiGiancinto v. Ameriko-Omserv. Corp.* (1997) 59 Cal.App.4th 629 (an at-will employee who continues to work after notice of modifications of terms of employment has accepted those modifications).

Lastly, the County does not have any conceivable bargaining obligation to retirees. Retirees and their organizations are not entitled to collective bargaining rights under the MMBA, and lack any standing to file unfair practice charges with the Public Employment Relations Board, and as demonstrated above, grievances with the County. *San Leandro Unified School District* (1984) 9 PERC ¶ 16017. Moreover, the County is also not required to meet and confer with DSA over matters that fall outside the mandatory scope of bargaining and health care benefits for its retired members is outside

Response to Sonoma County Deputy Sheriffs' Association Grievance
May 17, 2007
Page 9 of 9

the scope. *El Centro Elementary School District* (2006) PERB Decision No. 1863 (stating health care benefits for retirees are a permissive subject of bargaining); *Allied Chemical, supra*, 404 U.S. at 157.

The DSLEM's Complaint is Excluded from the Grievance Procedure

In addition to all of the above, Appendix B, Departmental Grievance Procedures, of the DSLEM MOU excludes from the grievance procedure "complaints, the resolution of which would require a change in or an amendment to law, ordinance, or the resolutions, rules or regulations of the Board of Supervisors." See Section 1 of the Departmental Grievance Procedure. Here, DSLEM's complaint alleges that the County's Board of Supervisor's Resolution No 07-0269 violates the MOU. In the complaint, DSA "demands that the resolution passed by the County Board of Supervisors . . . be rescinded. . . ." Because the Grievance specifically complains of an act of the Board of Supervisors and the resolution of this complaint requires that the Board rescind the Resolution or amend the Resolution in a way satisfactory to DSA, this Grievance is excluded from the definition of grievance and from the grievance procedure.

CONCLUSION

The County remains interested in continuing discussions with the DSA over health care issues for current bargaining unit members, as well as continuing negotiations over a successor agreement. It is our goal to continue this collaborative process and to continue to discuss these issues with *you*. However, based on the all of the above, the grievance is denied. If you disagree with this resolution, the matter may be appealed within fifteen (15) County business days of receipt of this response. Under section 6(f) of the DSLEM's Grievance Process, the DSLEM has five (5) business days to appeal to the Grievance Appeals Committee.

Sincerely,



Kenneth R. Couch
Employee Relations Manager

Attachments

cc: Charles Sakai
Genevieve Ng
Ann Goodrich

EXHIBIT 2

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS

COMMUNITY DEVELOPMENT COMMISSION

August 19, 2008

The Board of Commissioners of the Community Development Commission met this date in adjourned session at 8:32 a.m., with the following members present:
Commissioners Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Steven M. Woodside, County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

08-0699

1. HCD BEGIN \$330,000 Grant Application and Loans to First-time Homebuyers
Concurrent resolution of the Board of Supervisors and the Sonoma County Community Development Commission authorizing the Executive Director of the Community Development Commission to sign and submit a grant application to the California Department of Housing and Community Development BEGIN Program for up to \$330,000, to accept the funds and execute grant agreements with HCD if the grant is approved, to make subordinate mortgage loans to first-time homebuyers at Las Palmas Subdivision using BEGIN grant funds, and to take any other actions necessary to carry out the purposes expressed in the resolution

UNANIMOUS

REGULAR CALENDAR

COMMUNITY DEVELOPMENT COMMISSION (Cont.)

9:00 a.m.

08-0712

18. Changes in Certain Health and Welfare Benefits Provided to Employees Covered by Salary Resolution No. 95-0926

Concurrent Resolution amending Article 15 and adding Article 16 to Salary Resolution No. 95-0926 changing provision of certain health and welfare benefits for the Board of Supervisors, elected and appointed department heads, administrative management, confidential, unrepresented job classifications and the Sonoma County Deputy Public Defender Attorneys' Association, and for retirees historically tied to administrative management

08-0713

Concurrent Resolution amending Resolution No.07-0269 adjusting medical contributions previously frozen, to be consistent with medical contribution changes proposed for all retirees effective June 1, 2009

08-0714

Concurrent Resolution establishing an Ad-Hoc Cost-of-Living Adjustment (COLA) Policy providing future increases to County's contribution for retiree medical, contingent upon future changes in the County's financial status

UNANIMOUS

- 4:38 Board adjourned in memory of Harry Wetzell and Anne Hudgins. The meeting was adjourned to Wednesday, August 20, 2008, at 9:00 a.m.

Respectfully submitted,

Mary Thayer
Secretary

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

SONOMA COUNTY WATER AGENCY

August 19, 2008

The Board of Directors of the Sonoma County Water Agency met this date in adjourned session at 8:32 a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Steven M. Woodside, County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

2. As-Needed Cathodic Protection Systems Evaluation (2 Years)
Authorize Chair to execute the Agreement between the Sonoma County Water Agency and JDH Corrosion Consultants, Inc. for As-Needed Cathodic Protection Systems Evaluation for 2 Years for a total of \$50,000

Authorize the Agency's General Manager/Chief Engineer to amend the Agreement provided amendments do not cumulatively increase the total cost to the Agency by more than \$25,000 and do not substantially change the scope of work

UNANIMOUS

REGULAR CALENDAR

SONOMA COUNTY WATER AGENCY (Cont.)

9:00 a.m.

08-0712

18. Changes in Certain Health and Welfare Benefits Provided to Employees Covered by Salary Resolution No. 95-0926

Concurrent Resolution amending Article 15 and adding Article 16 to Salary Resolution No. 95-0926 changing provision of certain health and welfare benefits for the Board of Supervisors, elected and appointed department heads, administrative management, confidential, unrepresented job classifications and the Sonoma County Deputy Public Defender Attorneys' Association, and for retirees historically tied to administrative management

08-0713

Concurrent Resolution amending Resolution No.07-0269 adjusting medical contributions previously frozen, to be consistent with medical contribution changes proposed for all retirees effective June 1, 2009

08-0714

Concurrent Resolution establishing an Ad-Hoc Cost-of-Living Adjustment (COLA) Policy providing future increases to County's contribution for retiree medical, contingent upon future changes in the County's financial status

UNANIMOUS

- 4:38 Board adjourned in memory of Harry Wetzel and Anne Hudgins. The meeting was adjourned to Wednesday, August 20, 2008, at 9:00 a.m.

Respectfully submitted,

Mary Thayer
Secretary

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

August 19, 2008

The Board of Directors of the In-Home Supportive Services (IHSS) Public Authority met this date in adjourned session at 8:32 a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Steven M. Woodside, County Counsel

CONSENT CALENDAR

V. HEALTH AND HUMAN SERVICES

- 08-0700
3. CDSS Rate Request
Resolution of the IHSS Public Authority Board of Directors approving the California Department of Social Services (CDSS) Rate Request

UNANIMOUS

- 4:38 Board adjourned in memory of Harry Wetzel and Anne Hudgins. The meeting was adjourned to Wednesday, August 20, 2008, at 9:00 a.m.

Respectfully submitted,

Mary Thayer
Secretary

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT

August 19, 2008

The Board of Directors of the Northern Sonoma County Air Pollution Control District met this date in adjourned session at 8:32 a.m., with the following members present: Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Steven M. Woodside, County Counsel

REGULAR CALENDAR

III. DEVELOPMENT SERVICES

9:00 a.m.

- 08-0712
18. Changes in Certain Health and Welfare Benefits Provided to Employees Covered by Salary Resolution No. 95-0926
Concurrent Resolution amending Article 15 and adding Article 16 to Salary Resolution No. 95-0926 changing provision of certain health and welfare benefits for the Board of Supervisors, elected and appointed department heads, administrative management, confidential, unrepresented job classifications and the Sonoma County Deputy Public Defender Attorneys' Association, and for retirees historically tied to administrative management

- 08-0713
Concurrent Resolution amending Resolution No.07-0269 adjusting medical contributions previously frozen, to be consistent with medical contribution changes proposed for all retirees effective June 1, 2009

- 08-0714
Concurrent Resolution establishing an Ad-Hoc Cost-of-Living Adjustment (COLA) Policy providing future increases to County's contribution for retiree medical, contingent upon future changes in the County's financial status

UNANIMOUS

SPECIAL DISTRICTS (Cont.)

August 19, 2008

REGULAR CALENDAR (Cont.)

NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT (Cont.)

4:38 Board adjourned in memory of Harry Wetzel and Anne Hudgins. The meeting was adjourned to Wednesday, August 20, 2008, at 9:00 a.m.

Respectfully submitted,

Mary Thayer
Secretary

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

August 19, 2008

The Board of Directors of the Sonoma County Agricultural Preservation and Open Space District met this date in adjourned session at 8:32 a.m., with the following members present: Directors Brown, Smith, Kelley, Reilly, Kerns

President Kerns presiding.

Present: Robert Deis, County Administrator
Steven M. Woodside, County Counsel

REGULAR CALENDAR

III. DEVELOPMENT SERVICES

9:00 a.m.

- 08-0715
18. Changes in Certain Health and Welfare Benefits Provided to Employees Covered by Salary Resolution No. 95-0926
Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, amending Article 15 and adding Article 16 to Salary Resolution No. 95-0926 changing provisions of certain health and welfare benefits for appointed department heads, administrative management, confidential and other unrepresented job classifications and for retirees historically tied to administrative management
- 08-0716
Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District adjusting medical contributions previously frozen, to be consistent with medical contribution changes proposed for all retirees effective June 1, 2009
- 08-0717
Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District establishing an Ad-Hoc Cost-of-Living Adjustment (COLA) Policy providing future increases to County's contribution for retiree medical, contingent upon future changes in the County's financial status

UNANIMOUS

SPECIAL DISTRICTS (Cont.)

August 19, 2008

REGULAR CALENDAR (Cont.)

SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT
(Cont.)

4:38 Board adjourned in memory of Harry Wetzel and Anne Hudgins. The meeting was adjourned to Wednesday, August 20, 2008, at 9:00 a.m.

Respectfully submitted,

Mary Thayer
Secretary

MINUTES OF THE MEETING OF THE BOARD OF SUPERVISORS

COUNTY OF SONOMA

August 19, 2008

The Board of Supervisors of the County of Sonoma met this date in adjourned session at 8:32 a.m., with the following members present:
Supervisors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Steven M. Woodside, County Counsel

Call to order and pledge of allegiance

Board member announcements and reports on meetings and other activities

Supervisor Kelley requested adjournment of meeting in memory of Harry Wetzel (grape grower in Alexander Valley)

Supervisor Reilly requested adjournment in memory of Anne Hudgins

CONSENT CALENDAR

II. FISCAL SERVICES/CONSUMER PROTECTION SERVICES

AGRICULTURAL COMMISSIONER

- 08-0701
4. Pesticide Use Reporting Agreement
Resolution authorizing the Chair to sign an agreement with the State of California, Department of Pesticide Regulation, for electronic transfer of pesticide use information, in the amount of \$28,780 for FY 2008-09

AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR

5. Agreed-Upon Procedures Report
Review and approve the Sonoma County Advertising Fund Agreed-Upon Procedures Report for the fiscal year ended June 30, 2007

III. DEVELOPMENT SERVICES

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

6. Agricultural Agreement and Covenant; David and Paula Umino, ZPE08-0134
Authorize the Chair to execute an Agricultural Agreement and Covenant to allow one full-time agricultural employee dwelling unit on property located at 1900 Blucher Valley Road, Sebastopol; APN 076-150-004; Supervisorial District 5

REGIONAL PARKS/SONOMA COUNTY WATER AGENCY

- 08-0702
7. Boating and Waterways Grant
Resolution accepting a Department of Boating and Waterways Boating Trails Access Facility Grant for access to the Russian River at Riverfront and Sunset Beach Regional Parks, and authorizing the Director of Regional Parks to execute the agreement

TRANSPORTATION AND PUBLIC WORKS

- 08-0703
8. Airport Real Property Acquisition
Resolution declaring intention to purchase certain real property located at 1770 Sanders Road, Windsor; setting a public hearing date and time for September 23, 2008 at 2:05 p.m; giving direction to staff; and directing the posting and publication of Notice of Intent
- 08-0704
9. Graton Road Slide Repair Project
Resolution accepting Grant of Drainage, Slope, and Maintenance Easement, and land; authorizing execution of Right of Way Contract - Public Highway; authorizing payment of \$5,900, including \$-0- severance, for the herein described conveyances; authorizing proration and transfer of taxes on said land; and authorizing refund, if applicable, pursuant to §5096 of the Revenue and Taxation Code; lands of Joseph W. Dutton, Tracy L. Dutton, Steven G. Dutton, Theresa A. Dutton, Abel S. Sanchez, and Maria G. Sanchez; APN 104-060-006; Project No. M05017

I. GENERAL ADMINISTRATIVE SERVICES

INFORMATION SYSTEMS

- 08-0705
- 10. Records Retention Schedules
Resolution approving records retention schedules and authorizing the destruction of records for General Services-Administration; General Services-Energy and Sustainability; Human Services-Adult and Aging-Veterans Service Office; Human Services-Adult and Aging-Area Agency on Aging; Human Services-Adult and Aging-Fiscal Services (4/5ths vote required)

- 08-0706
- 11. Records Retention Schedules
Resolution approving records retention schedules and authorizing the destruction of records for Sheriff-Administration-Central Information Bureau and Sheriff-Law Enforcement-Special Services-Dispatch (4/5ths vote required)

- 08-0707
- 12. Information Systems Year-End Budgetary Adjustment
Resolution authorizing budgetary adjustments to the FY 2007-08 final budget for Desktop Modernization Program Replacement Fund A in the amount of \$2,300 and Replacement Fund B in the amount of \$112,247 (4/5ths vote required)

- 08-0708
- 13. Information Systems Year-End Interdepartmental Transfers
Resolution authorizing budgetary adjustments to the FY 2007-08 Final Budget for the Information Systems Department baseline in various County departments, in the amount of \$428,901, reflecting increased expenses in some departments offset by decreased expenses in other departments (4/5ths vote required)

V. HEALTH AND HUMAN SERVICES

CHILD SUPPORT SERVICES

Comments: Julie Paik, Director, Child Support Services

- 08-0698
- 14. Proclamation
Resolution proclaiming August 2008 as Child Support Awareness Month

HUMAN SERVICES/IN-HOME SUPPORTIVE SERVICES (IHSS)

08-0709

15. In-Home Supportive Services (IHSS) Advisory Committee Reappointment
Resolution reappointing Stan Gow to the IHSS Advisory Committee

I. GENERAL ADMINISTRATIVE SERVICES

COUNTY ADMINISTRATOR

08-0710

16. Proposed County Code Amendments - County Administrator (CAO)
Resolution introducing, reading title of and waiving further reading of an Ordinance making certain changes to the County Administrator's authority as delegated by the Board of Supervisors.

08-0699

1. HCD BEGIN \$330,000 Grant Application and Loans to First-time Homebuyers
Concurrent resolution of the Board of Supervisors and the Sonoma County Community Development Commission to sign and submit a grant application to the California Department of Housing and Community Development BEGIN Program for up to \$330,000, to accept the funds and execute grant agreements with HCD if the grant is approved, to make subordinate mortgage loans to first-time homebuyers at Las Palmas Subdivision using BEGIN grant funds, and to take any other actions necessary to carry out the purposes expressed in the resolution

UNANIMOUS

III. DEVELOPMENT SERVICES

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

9:00 a.m.

17. Syar Phase VI, PLP05-0108

Consider a request for Aggregate Resources Management (ARM) Plan and Surface Mining and Reclamation Ordinance (SMARO) amendments, and a Use Permit to extend the mining period for the Syar Phase VI terrace pit previously approved under PLP03-0046 (original cutoff date was April 15, 2006) for an additional five years, and a Use Permit to amend the Mining and Reclamation Plan as necessary, for the property located at 3400 Westside Road, Healdsburg; Fourth Supervisorial District

CONTINUED TO MEETING OF SEPTEMBER 16, 2008 AT 2:30 P.M

08-0711

Resolution continuing the request for Aggregate Resources Management (ARM) Plan and Surface Mining and Reclamation Ordinance (SMARO) amendments, and a Use Permit to extend the mining period for the Syar Phase VI terrace pit previously approved under PLP03-0046 (original cutoff date was April 15, 2006) for an additional five years, and a Use Permit to amend the Mining and Reclamation Plan as necessary, for the property located at 3400 Westside Road, Healdsburg, for Board discussion on September 16, 2008 at 2:30 p.m. (File No. PLP-05-0108)

UNANIMOUS

I. GENERAL ADMINISTRATIVE SERVICES

HUMAN RESOURCES

8:46 Board recessed

9:00 Board reconvened

9:00 Present: Robert Deis, County Administrator
Jim Andersen, Assistant County Administrator
Ann Goodrich, Human Resources Director

08-0712

18. Changes in Certain Health and Welfare Benefits Provided to Employees Covered by Salary Resolution No. 95-0926

Concurrent Resolution amending Article 15 and adding Article 16 to Salary Resolution No. 95-0926 changing provision of certain health and welfare benefits for the Board of Supervisors, elected and appointed department heads, administrative management, confidential, unrepresented job classifications and the Sonoma County Deputy Public Defender Attorneys' Association, and for retirees historically tied to administrative management

HUMAN RESOURCES (Cont.)

- 18. Changes in Certain Health and Welfare Benefits Provided to Employees Covered by Salary Resolution No. 95-0926 (Cont.)

08-0713

Concurrent Resolution amending Resolution No.07-0269 adjusting medical contributions previously frozen, to be consistent with medical contribution changes proposed for all retirees effective June 1, 2009

08-0714

Concurrent Resolution establishing an Ad-Hoc Cost-of-Living Adjustment (COLA) Policy providing future increases to County's contribution for retiree medical, contingent upon future changes in the County's financial status

Public Comments:

- | | |
|-----------------------|-----------------|
| Dick Gearhart | Rich Holmer |
| Greg Jacobs | Bill Robodka |
| Mike Brown | Don Loukinen |
| Sherry Smith | Dave Gonzalez |
| Paul Richard Aguilera | Mike Wallin |
| Peter Tscherneff | Debra Watts |
| Bill Focha | Sharon Ohman |
| Diane Dennis | Will Pier |
| Tom Gordon | Sean DeFosse |
| Jacqueline Scheibel | Robert Bulova |
| Herbert Ginsburg | Brian Galloway |
| Ron Piorek | Duane Bellinger |
| Chip Atkin | Rue Furch |
| Ellen Mark | Olga Pascal |

9:45 Supervisor Kelley left meeting

9:47 Supervisor Kelley returned

10:13 Supervisor Reilly left meeting

10:15 Supervisor Reilly returned

10:40 Steven Woodside left meeting

10:41 Steven Woodside returned

11:47 Public Comments closed

HUMAN RESOURCES (Cont.)

- 18. Changes in Certain Health and Welfare Benefits Provided to Employees Covered by Salary Resolution No. 95-0926 (Cont.)

Supervisor Reilly asked the Board to support him in directing staff to develop a safety net program to assist the most vulnerable retirees on a case-by-case basis, and received agreement. Mr. Deis clarified that “most vulnerable” would be defined as those who would otherwise be unable to afford basic needs such as food, shelter, utilities and the like, with each case being evaluated to consider total retirement compensation.

UNANIMOUS

COUNTY ADMINISTRATOR/HUMAN RESOURCES

08-0718

- 19. Board of Supervisors Benefits
Resolution introducing, reading title of and waiving further reading of an Ordinance adopting amendments to Ordinance No. 5179, changing Board of Supervisors benefits to reflect changes in the Salary Resolution

UNANIMOUS

08-0719

- 20. Appointment to Fill Vacant Position on Golden Gate Bridge, Highway and Transportation District Board of Directors
Resolution appointing a new representative for the County of Sonoma to the Golden Gate Bridge, Highway and Transportation District Board of Directors to fill the vacant position of Member-at-Large, effective August 19, 2008. The Board will choose from the following three candidates:

Catherine Markey, Brian Sobel, or David Voss

Supervisor Kelley made comments re: Maureen Middlebrook, outgoing representative.

Motion by Supervisor Kelley to appoint Brian Sobel, seconded by Supervisor Brown.

Supervisor Smith voiced support for David Voss.

Public Comment:
Brian Sobel

UNANIMOUS

BOARD OF SUPERVISORS

21. Fee Waiver

Request from the Redwood Empire Food Bank for a continued fee waiver for the use of the Petaluma Veteran's Memorial Building for the operation of the Emergency Food Assistance Program serving children, families and senior and individuals in need. Cost for this program using the Petaluma Veteran's Building is \$1,592

UNANIMOUS

22. Fee Waiver

Waive encroachment permit fee in the amount of \$317 for the Geyserville Chamber of Commerce to erect two gateway signs for the community of Geyserville

UNANIMOUS

23. Fee Waiver

Waive special event permit fees for an event held in the public right-of-way for the Kenwood 4th of July parade which took place on July 4, 2008, in the amount of \$250

UNANIMOUS

24. Fee Waiver

Waive fees in the amount of \$1,808 for the Redwood Empire Food Bank to use the Sebastopol Veterans Building for the Food Give Away Program for FY 2008-09

UNANIMOUS

25. Fee Waiver

Request from the Sonoma County Association of Retired Employees (SCARE) for a fee waiver for the use of the Santa Rosa Veterans Memorial Building for their fiscal year 2008/09 meetings. The association meets approximately four times per year and the cost for using the building is \$624

UNANIMOUS

2:00 Board reconvened

Present: Robert Deis, County Administrator
Richard Flores, Chief Deputy, County Counsel
Mike Edwards, Supervising Accountant, Department of Transportation and
Public Works

Report on Closed Session

1. Instruction to Legal Counsel - Initiation of litigation pursuant to subdivision (c) of Section 54956.9 (Govt. Code Section 54956.9(c)). No action taken.
2. Instruction to Legal Counsel-Anticipated litigation or Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (Govt. Code Section 54956.9(b)). No action taken.
3. Instruction to Real Property Negotiator and Counsel-Property: Central Landfill, 500 Mecham Road, Petaluma, CA; Negotiating parties: For Seller: Jim Andersen, Assistant County Administrator; For Buyer: To be determined; Under negotiation: Central Landfill and Transfer Stations (Govt. Code Section 54956.8). No action taken.

The Board will meet in Closed Session to discuss Item No. 4 at the conclusion of today's budget hearings.

2:02 Public Comment opened

John Jenkel
Peter Tscherneff
Elizabeth Neylon
Bruce McArthur
Colleen Fernald
Demita Davis Howard
Earl Gwynne

2:33 Public Comment closed

2:34 Permit and Resource Management Department
Review and possible action on the following:

1. Acts and Determinations of Planning Commission/Board of Zoning Adjustments
2. Acts and Determinations of Project Review and Advisory Committee
3. Administrative Determinations of the Director of Permit and Resource Management

APPROVED

The Board discussed and took a straw vote approving and continuing for further action the budget for the following item:

2:37 Hearing: The Board of Directors of the Northern Sonoma County Air Pollution Control District will consider and receive comments on the 2008-09 Fiscal Year budget for the Northern Sonoma County Air Pollution Control District

Present: Natalie Brunamonte, CAO Analyst
Barbara Lee, Northern Sonoma County Air Pollution Control District Officer

2:37 Public Hearing opened

2:37 Public Hearing closed

UNANIMOUS

2:38 Budget Hearings: The Board of Supervisors/Directors/Commissioners of the County of Sonoma will consider the Proposed Budget for the 2008-09 Fiscal Year

The Board discussed and took a straw vote approving and continuing for further action the budget for the following items:

TRANSPORTATION AND PUBLIC WORKS

Present: Natalie Brunamonte, CAO Analyst
Phillip Demery, Director, Department of Transportation and Public Works

Speaker: Tom O’Kane, Deputy Director, Department of Transportation and Public Works

Public Comment: Carl Wall, Joy Road Neighborhood Association
Bob Nelson, Joy Road Neighborhood Association

The Board gave the following directions to staff:

Schedule time certain for September 16, 2008, roads report and ensure word gets out to interested parties.

Provide Supervisor Brown with an update on Sonoma Mountain Road repair costs anticipated in FY 2008-09.

Update Board members and aides on how constituents can access customer service for cable service under the new state oversight of the cable system franchises.

UNANIMOUS

Budget Hearings (Cont):

REGIONAL PARKS

Present: Natalie Brunamonte, CAO Analyst
Mary Burns, Director, Regional Parks

Public Comment: None

The Board gave the following direction to staff:

Bring back item 36 (Regional Parks West County Trail Resealing, \$25,000) on Wednesday for consideration in wrap up on Advertising hearing.

UNANIMOUS

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

Present: Natalie Brunamonte, CAO Analyst
Andrea Mackenzie, General Manager, Open Space District

Public Comment: Harvey Goldberg

UNANIMOUS

AGRICULTURAL COMMISSIONER

Present: Natalie Brunamonte, CAO Analyst
Lisa Correia, Ag Commissioner/Sealer

Public Comment: RJ Kamprath

UNANIMOUS

U.C. COOPERATIVE EXTENSION

Present: Natalie Brunamonte, CAO Analyst
Linda Garcia, Director, U.C. Cooperative Extension

Public Comment: None

The Board gave the following direction to staff:

Staff to look at proposed timer conversion project on Green Valley Creek to see if it might pose any impact on fish stocking programs and update Supervisor Reilly before conversion proposal comes forward for consideration.

UNANIMOUS

3:33 Board recessed to Closed Session

4:37 Board reconvened

Report on Closed Session

4. Instruction to Labor Negotiator (The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency and the Board of Commissioners of the Community Development Commission) - Agency negotiator: Ann Goodrich; Employee organization: All; Unrepresented employee: All, including retired employees (Govt. Code Section 54957.6(b)). No action taken.

4:38 Board adjourned in memory of Harry Wetzel and Anne Hudgins. The meeting was adjourned to Wednesday, August 20, 2008 at 9:00 a.m.

Respectfully submitted,

Mary Thayer
Secretary

MINUTES OF THE MEETING OF THE BOARD OF SUPERVISORS

COUNTY OF SONOMA

August 20, 2008

The Board of Supervisors of the County of Sonoma met this date in adjourned session at 9:06 a.m., with the following members present:
Supervisors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Steven M. Woodside, County Counsel

Call to order and pledge of allegiance

Budget Hearings: The Board of Supervisors/Directors/Commissioners of the County of Sonoma will consider the Proposed Budget for the 2008-09 Fiscal Year

The Board discussed and took straw votes approving and continuing for further action the budgets for the following, including items on the County Administrator's add back list:

Present:
Randy Osborn, Auditor-Controller/Treasurer-Tax Collector's office, present for all dept. sessions

HUMAN RESOURCES

9:09 Present: Christina Rivera, CAO Analyst
Ann Goodrich, Director of Human Resources

Public Comment: None

UNANIMOUS

GENERAL SERVICES

9:15 Present: Christina Rivera, CAO Analyst
José Obregon, Director of General Services

Public Comment: None

UNANIMOUS

CAPITAL PROJECTS

9:19 Present: Christina Rivera, CAO Analyst
José Obregon, Director of General Services

Public Comment: None

UNANIMOUS

NON-DEPARTMENTAL

9:26 Present: Christina Rivera, CAO Analyst

Public Comment: None

UNANIMOUS

INFORMATION SYSTEMS

9:27 Present: Peter Rumble, CAO Analyst
Mark Walsh, Director, Information Systems

Public Comment: None

UNANIMOUS

LIBRARY

9:43 Present: Sandra Cooper, Library Director
Peter Rumble, CAO Analyst

Public Comment: None

UNANIMOUS

ADVERTISING

9:50 Present: Christina Rivera, CAO Analyst

Public Comment: None

UNANIMOUS

WRAP UP ITEMS

10:00 Mr. Deis made comments regarding:

1. Set aside of \$50K from Tribal Development Funds to assist those with gambling problems. Board gave direction to CAO to develop recommendations and come back with them.
2. Board approved add-back item #30 (Human Services Commission) financed from Contingencies

UNANIMOUS

3. CAO recommends funding from TOT. Board approved add-back item #36 (Regional Parks West County Trail resealing) financed from TOT.

UNANIMOUS

Board adjourned at 10:14 a.m.

Respectfully submitted,

Mary Thayer
Secretary

EXHIBIT 3

COUNTY OF SONOMA AGENDA ITEM SUMMARY REPORT

Clerk of the Board Use Only

Meeting Date

Held Until

____/____/____

____/____/____

Agenda Item No:

Agenda Item No:

Department: Human Resources

() **4/5 Vote Required**

Contact:

Ann Goodrich

Phone:

565-2331

Board Date:

8/19/08

Deadline for Board Action:

August 19, 2008

Agenda Short Title:

Changes in Certain Health and Welfare Benefits Provided to Employees Covered by Salary Resolution No. 95-0926

Requested Board Action:

1. Concurrent Resolution amending Article 15 and adding Article 16 to Salary Resolution No. 95-0926 changing provision of certain health and welfare benefits for the Board of Supervisors, elected and appointed department heads, administrative management, confidential, unrepresented job classifications and the Sonoma County Deputy Public Defender Attorneys' Association, and for retirees historically tied to administrative management.
2. Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, amending Article 15 and adding Article 16 to Salary Resolution No. 95-0926 changing provisions of certain health and welfare benefits for appointed department heads, administrative management, confidential and other unrepresented job classifications and for retirees historically tied to administrative management.
3. Concurrent Resolution amending Resolution No.07-0269 adjusting medical contributions previously frozen, to be consistent with medical contribution changes proposed for all retirees effective June 1, 2009.
4. Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District adjusting medical contributions previously frozen, to be consistent with medical contribution changes proposed for all retirees effective June 1, 2009.
5. Concurrent Resolution establishing an Ad-Hoc Cost-of-Living Adjustment (COLA) Policy providing future increases to County's contribution for retiree medical, contingent upon future changes in the County's financial status.

CURRENT FISCAL YEAR FINANCIAL IMPACT

Expenditures

Estimated Reduction \$ -295,000

Amount Budgeted \$

Other Avail Approp \$
(Explain below)

Additional Requested: \$

Add'l Funds Requiring Board Approval

Contingencies \$
(Fund Name:)

Unanticipated Revenue \$
(Source:)

Other Transfer(s) \$
(Source:)

Add'l Funds Requested: \$

Explanation (if required): Initial changes to go into effect June 2009 (one month).

Prior Board Action(s):

August 15, 2006 – 2004 OPEB Actuarial Report

April 10, 2007 – Medical Ins. for Board of Supervisors, Dept. Heads, Unrepresented Employees and Retirees

August 14, 2007 – Progress Update on JLMBC Project to address the County's OPEB liability

November 6, 2007 – Six-Month Report on the JLMBC Project to address the County's OPEB liability

February 5, 2008 – Final Report to Address the Cost of Retiree Medical and the County's OPEB Liability

June 17, 2008 - Other Post Employment Benefits (OPEB) Actuarial Valuation Report

Alternatives – Results of Non-Approval:

Background:

The recommendations contained in the attached Board report make changes to the health and welfare benefits provided through Salary Resolution No. 95-0926, which applies to all unrepresented employee groups, including the Board of Supervisors, elected and appointed department heads, administrative management, confidential and unrepresented employees. It also makes changes to certain represented bargaining units, who by agreement, have their compensation and benefits tied to the Salary Resolution, such as the Sonoma County Deputy Public Defender Attorneys' Association. Additionally, the proposed resolutions also include changes to medical contributions for retirees whose medical benefit contributions, directly or through a 23 year past practice, are the "same as" unrepresented administrative management employees governed by the Salary Resolution and will be impacted by these changes in this resolution.

The attached Resolutions and Concurrent Resolutions affects employees and retirees in job classifications covered under the Salary Resolution No. 95-0926, who are employed or were retired from the County of Sonoma, the Sonoma County Water Agency, the Community Development Commission, the Northern Sonoma County Air Pollution Control District, and the Sonoma County Agricultural Preservation and Open Space District.

The attached staff report provides background information in support of the recommendations before your Board today.

Attachments:

On file with Clerk:

- Attachment A – Final Report to Address Cost of Retiree Medical and OPEB Liability, dated 2/5/08
- Attachment B – 2008 Other Post Employment Benefits (OPEB) Actuarial Valuation, dated 6/17/08
- Attachment C – County Contribution for Employee/Retiree Medical – 2006 Study
- Attachment D – Memorandum to Retirees Regarding Proposed Changes to Contributions for Retiree Medical, dated 7/21/08

Attachments to this Report:

- Attachment E - Proposed Concurrent Resolution amending Article 15 and adding Article 16 of Salary Resolution No. 95-0926
- Attachment F - Proposed Resolution amending Article 15 and adding Article 16 of Salary Resolution No. 95-0926
- Attachment G - Proposed Concurrent Resolution amending Resolution No. 07-0269
- Attachment H - Proposed Resolution amending Resolution No. 07-0270
- Attachment I - Proposed Concurrent Resolution establishing an Ad Hoc Cost of Living Adjustment Policy
- Attachment J - Proposed Resolution establishing an Ad Hoc Cost of Living Adjustment Policy

On File With Clerk: See above

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

EXHIBIT 4

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

September 16, 2008

The Board of Directors of the Sonoma County Agricultural Preservation and Open Space District met this date in adjourned session at 8:31a.m., with the following members present: Directors Brown, Smith, Kelley, Reilly, Kerns

President Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

08-0773

1. Amendment to District Position Allocation List

Resolution approving amendment of the District Allocation List by adding two new FTEs: one (1.0) Open Space District Program Manager; one (1.0) Assistant Open Space Planner

Note: Board will approve this item conditionally pending approval of subsequent Human Resources item entitled "Miscellaneous Classification and Compensation Changes" which appears on the Board of Supervisors Consent Calendar

2. Carrington Ranch: Contract - Land Management

Approve and authorize the President to execute the sixth amendment with LandPaths to extend the term of the contract to June 30, 2009 in the amount of \$30,290

08-0780

13. Miscellaneous Classification and Compensation Changes

Concurrent resolution adopting the proposed job classification and specification of Open Space District Assistant Planner; and amending Salary Resolution 95-0926, Salary Table, Unrepresented and Confidential, to establish the new job classifications and salaries for Open Space District Assistant Planner, and Department Information Systems Specialist II - Project, effective September 16, 2008

CONSENT CALENDAR (Cont.)

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT (Cont.)

- 08-0784
19. Adoption of FY 2008-09 Appropriation Limits
Concurrent resolution establishing appropriation limits for County and Board of Supervisors-Governed Special Districts, County Service Areas, other Board of Supervisors-governed agencies, Agricultural Preservation and Open Space District, and Sonoma County Water Agency, and giving instruction to the County Administrator and County Counsel, and giving notice of appropriate period of limitation for judicial review
- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

REGULAR CALENDAR

- 08-0790
31. Amendment to Salary Resolution No. 95-0926
Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, adding Article 20.2 to the Salary Resolution No. 95-0926 creating effective May 19, 2009 a cash allowance of \$3.45 per pay status hour for all permanent full and part time employees in unrepresented bargaining units including the appointed department head, unrepresented administrative management, confidential, and other unrepresented employees covered by the Salary Resolution. The cash allowance will not be paid for overtime hours and will be limited to a maximum of eighty hours per bi-weekly pay period

UNANIMOUS

SPECIAL DISTRICTS (Cont.)

September 16, 2008

REGULAR CALENDAR (Cont.)

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT (Cont.)

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS

COMMUNITY DEVELOPMENT COMMISSION

September 16, 2008

The Board of Commissioners of the Community Development Commission met this date in adjourned session at 8:31 a.m., with the following members present:
Commissioners Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

- 08-0774
3. Russian River Redevelopment Project Area Housing Rehabilitation Program Funding
Resolution of the Sonoma County Community Development Commission, in its capacity as the governing body of the Sonoma County Community Redevelopment Agency, approving additional funding of \$250,000 from the affordable housing set-aside funds of the Russian River Redevelopment Project Area for housing rehabilitation projects within the Project Area boundaries
- 08-0780
13. Miscellaneous Classification and Compensation Changes
Concurrent resolution adopting the proposed job classification and specification of Open Space District Assistant Planner; and amending Salary Resolution 95-0926, Salary Table, Unrepresented and Confidential, to establish the new job classifications and salaries for Open Space District Assistant Planner, and Department Information Systems Specialist II - Project, effective September 16, 2008
- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project

SPECIAL DISTRICTS (Cont.)

September 16, 2008

CONSENT CALENDAR (Cont.)

COMMUNITY DEVELOPMENT COMMISSION (Cont.)

08-0788

27. Minutes

Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

REGULAR CALENDAR

08-0790

31. Amendment to Salary Resolution No. 95-0926

Concurrent resolution adding Article 20.2 to the Salary Resolution No. 95-0926 creating effective May 19, 2009 a cash allowance of \$3.45 per pay status hour for all permanent full and part time employees in unrepresented bargaining units including the Board of Supervisors appointed and elected department heads, unrepresented administrative management, confidential, and other unrepresented employees covered by the Salary Resolution and for the Deputy Public Defender Attorneys' Association. The cash allowance will not be paid for overtime hours and will be limited to a maximum of eighty hours per bi-weekly pay period

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

SONOMA COUNTY WATER AGENCY

September 16, 2008

The Board of Directors of the Sonoma County Water Agency met this date in adjourned session at 8:31 a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

- 08-0775
4. Penngrove Sanitation Zone Sanitary Sewer Manhole Rehabilitation Project - Construction Contract Award
Resolution accepting lowest responsible and responsive bid for the Penngrove Sanitation Zone Sanitary Sewer Manhole Rehabilitation Project and letting the contract for construction to Sebastopol Construction Services, Inc. for \$189,128.48
- 08-0780
13. Miscellaneous Classification and Compensation Changes
Concurrent resolution adopting the proposed job classification and specification of Open Space District Assistant Planner; and amending Salary Resolution 95-0926, Salary Table, Unrepresented and Confidential, to establish the new job classifications and salaries for Open Space District Assistant Planner, and Department Information Systems Specialist II - Project, effective September 16, 2008
- 08-0784
19. Adoption of FY 2008-09 Appropriation Limits
Concurrent resolution establishing appropriation limits for County and Board of Supervisors-Governed Special Districts, County Service Areas, other Board of Supervisors-governed agencies, Agricultural Preservation and Open Space District, and Sonoma County Water Agency, and giving instruction to the County Administrator and County Counsel, and giving notice of appropriate period of limitation for judicial review

CONSENT CALENDAR (Cont.)

SONOMA COUNTY WATER AGENCY (Cont.)

08-0786

21. Fiscal Year 2008-09 Final Budget

Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project

08-0788

27. Minutes

Concurrent resolution approving the minutes for the meeting of August 26, 2008

27a. MOU Authorization

Assuming the Board directs staff to proceed with plans for development and implementation of AB 811 Energy Efficiency Program, authorize the General Manager/Chief Engineer to enter into a Memorandum of Understanding with Project DX, subject to County Counsel review, for the development of a website to support an AB 811 outreach program

UNANIMOUS

REGULAR CALENDAR

28. Purchase of 1315 Airport Boulevard Property

Authorize Agency's General Manager/Chief Engineer, or his designated representative, to (1) notify Sellers that the 1315 Airport Boulevard property is acceptable to the Agency; (2) proceed to complete closing pursuant to the terms of the July 3, 2008 Property Purchase Agreement and amendments; and (3) execute documents and take other actions required to complete the purchase

UNANIMOUS

08-0789

Resolution authorizing the Chair and any other officers to (1) execute a Lease Agreement between the Agency and the Municipal Finance Corporation; (2) execute a Site Lease between the Agency and Municipal Finance Corporation; and (3) execute an Assignment of Lease and Site Lease between Municipal Finance Corporation and City National Bank; and authorize other officers to execute and deliver any and all documents necessary for executing the Lease Agreement, the Site Lease, and the Assignment of Lease and Site Lease

UNANIMOUS

REGULAR CALENDAR (Cont.)

SONOMA COUNTY WATER AGENCY (Cont.)

08-0790

31. Amendment to Salary Resolution No. 95-0926

Concurrent resolution adding Article 20.2 to the Salary Resolution No. 95-0926 creating effective May 19, 2009 a cash allowance of \$3.45 per pay status hour for all permanent full and part time employees in unrepresented bargaining units including the Board of Supervisors appointed and elected department heads, unrepresented administrative management, confidential, and other unrepresented employees covered by the Salary Resolution and for the Deputy Public Defender Attorneys' Association. The cash allowance will not be paid for overtime hours and will be limited to a maximum of eighty hours per bi-weekly pay period

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

SONOMA VALLEY COUNTY SANITATION DISTRICT

September 16, 2008

The Board of Directors of the Sonoma Valley County Sanitation District met this date in adjourned session at 8:31 a.m., with the following members present:

Directors Brown, Kerns Absent: Sanders

Chair Kerns presiding.

Present: Robert Deis, County Administrator
 Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

- 08-0776
5. Sonoma Developmental Center Water Efficiency Project - Construction Contract Award
 Resolution accepting lowest responsible and responsive bid for the Sonoma
 Developmental Center Water Efficiency Project and letting the contract for
 construction to Sonomarin, Inc. for \$194,816.69
- 08-0786a
21. Fiscal Year 2008-09 Final Budget
 Resolution of the Board of Directors of the Sonoma Valley County Sanitation
 District adopting the Fiscal Year 2008-09 Final Budget
- 08-0788a
27. Minutes
 Resolution approving the minutes for the meeting of August 26, 2008 for the
 Sonoma Valley County Sanitation District

AYES: Brown, Kerns

ABSENT: Sanders

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT

September 16, 2008

The Board of Directors of the Northern Sonoma County Air Pollution Control District met this date in adjourned session at 8:31 a.m., with the following members present: Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

- 08-0780
13. Miscellaneous Classification and Compensation Changes
Concurrent resolution adopting the proposed job classification and specification of Open Space District Assistant Planner; and amending Salary Resolution 95-0926, Salary Table, Unrepresented and Confidential, to establish the new job classifications and salaries for Open Space District Assistant Planner, and Department Information Systems Specialist II - Project, effective September 16, 2008
- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

REGULAR CALENDAR

NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT (Cont.)

08-0790

31. Amendment to Salary Resolution No. 95-0926
Concurrent resolution adding Article 20.2 to the Salary Resolution No. 95-0926 creating effective May 19, 2009 a cash allowance of \$3.45 per pay status hour for all permanent full and part time employees in unrepresented bargaining units including the Board of Supervisors appointed and elected department heads, unrepresented administrative management, confidential, and other unrepresented employees covered by the Salary Resolution and for the Deputy Public Defender Attorneys' Association. The cash allowance will not be paid for overtime hours and will be limited to a maximum of eighty hours per bi-weekly pay period

UNANIMOUS

- 2:19 The Board of Directors of the Northern Sonoma County Air Pollution Control District will consider approval of the 2008/09 Fiscal Year budget for the Northern Sonoma County Air Pollution Control District

Present: David Hurst, Chief Deputy County Counsel

- 2:19 Public Hearing opened
2:19 Public Hearing closed

08-0794

36. Resolution of the Board of Directors of the Northern Sonoma County Air Pollution Control District authorizing the adoption of the FY 2008-2009 Budget for the Northern Sonoma County Air Pollution Control District

UNANIMOUS

- 3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

SONOMA COUNTY FAIR AND EXPOSITION, INC.

September 16, 2008

The Board of Directors of the Sonoma County Fair and Exposition, Inc. Met this date in adjourned session at 8:31 a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

I. GENERAL ADMINISTRATIVE SERVICES

- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

September 16, 2008

The Board of Directors of the In-Home Supportive Services (IHSS) Public Authority met this date in adjourned session at 8:31 a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

V. HEALTH AND HUMAN SERVICES

- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

REGULAR CALENDAR

- 08-0790
31. Amendment to Salary Resolution No. 95-0926
Concurrent resolution adding Article 20.2 to the Salary Resolution No. 95-0926 creating effective May 19, 2009 a cash allowance of \$3.45 per pay status hour for all permanent full and part time employees in unrepresented bargaining units including the Board of Supervisors appointed and elected department heads, unrepresented administrative management, confidential, and other unrepresented employees covered by the Salary Resolution and for the Deputy Public Defender Attorneys' Association. The cash allowance will not be paid for overtime hours and will be limited to a maximum of eighty hours per bi-weekly pay period

UNANIMOUS

SPECIAL DISTRICTS (Cont.)

September 16, 2008

REGULAR CALENDAR (Cont.)

IN HOME SUPPORTIVE SERVICES (Cont.)

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
INDUSTRIAL DEVELOPMENT AUTHORITY

September 16, 2008

The Board of Directors of the Industrial Development Authority met this date in adjourned session at 8:31 a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project .
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

OCCIDENTAL COUNTY SANITATION DISTRICT

September 16, 2008

The Board of Directors of the Occidental County Sanitation District met this date in adjourned session at 8:31 a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

SONOMA COUNTY PUBLIC FINANCING AUTHORITY

September 16, 2008

The Board of Directors of the Sonoma County Public Financing Authority met this date in adjourned session at 8:31 a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

II. FISCAL SERVICES

- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
COUNTY OF SONOMA PUBLIC FINANCING CORPORATION

September 16, 2008

The Board of Directors of the County of Sonoma Public Financing Corporation met this date in adjourned session at 8:31a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

President Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

II. FISCAL SERVICES

- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

RIO NIDO GEOLOGIC HAZARD ABATEMENT DISTRICT

September 16, 2008

The Board of Directors of the Rio Nido Geologic Hazard Abatement District met this date in adjourned session at 8:31 a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
RUSSIAN RIVER COUNTY SANITATION DISTRICT

September 16, 2008

The Board of Directors of the Russian River County Sanitation District met this date in adjourned session at 8:31 a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
SOUTH PARK COUNTY SANITATION DISTRICT

September 16, 2008

The Board of Directors of the South Park County Sanitation District met this date in adjourned session at 8:31 a.m., with the following members present:
Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

SONOMA COUNTY WATER AND WASTEWATER FINANCING AUTHORITY

September 16, 2008

The Board of Directors of the Sonoma County Water and Wastewater Financing Authority met this date in adjourned session at 8:31 a.m., with the following members present: Directors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

CONSENT CALENDAR

III. DEVELOPMENT SERVICES

- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project
- 08-0788
27. Minutes
Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

MINUTES OF THE MEETING OF THE BOARD OF SUPERVISORS

COUNTY OF SONOMA

September 16, 2008

The Board of Supervisors of the County of Sonoma met this date in adjourned session at 8:31 a.m., with the following members present:
Supervisors Brown, Smith, Kelley, Reilly, Kerns

Chair Kerns presiding.

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

Call to order and pledge of allegiance

Board member announcements and reports on meetings and other activities

Supervisor Reilly requested that Agenda Item #22 be moved from the Consent Calendar to the Regular Calendar

DEVELOPMENT SERVICES

PERMIT AND RESOURCE MANAGEMENT

08-0777

6. UPE04-0040, Henry Alden for Gualala Redwoods, Inc.

Resolution amending the Aggregate Resources Plan and Mining Ordinance revising mining standards for the mining reach of the Gualala River; a Zone Change to add the MR (Mineral Resources) combining district to the in-stream portion of affected parcels; a Use Permit to extend the mining permit term; and revised Reclamation Plan for in-stream operations in the mining reach of the Gualala River for various parcels located at 39900 and 40200 Annapolis Road, Sea Ranch

08-0777a

Resolution issuing a permit and permit extensions pursuant to Section VIII of Ordinance No. 3836R of the County of Sonoma to Bed Rock, Inc. for gravel mining operations at the Gualala River

Ordinance No.5796

Ordinance amending Chapter 26a (Mining Ordinance) of the Sonoma County Code to authorize departures from ARM plan standards to establish revised procedures and standards for instream mining in the mining reach of the Gualala River

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT (Cont.)

6. UPE04-0040, Henry Alden for Gualala Redwoods, Inc. (Cont.)

Ordinance No. 5797

Ordinance amending the Zoning Maps of the County of Sonoma, adopted by reference by Section 26-02-110 of the Sonoma County Code, by reclassifying certain real property to add the MR combining district to the instream portion of APN'S 121-010-003, 121-020-001, 122-040-002, 122-070-002 and -003, 122-150-004, 122-210-002 and -004, 150 acres located at 39900 Annapolis Road, Sea Ranch

08-0778

7. Resolution of Intention to Vacate

Resolution of Intention to Vacate all those certain portions of the public rights-of-way shown as Spring Street, Plaza Drive, Park Avenue, Tunnel Road, and an unnamed alley on "Plat No. 1, Waldruhe Heights" a subdivision map filed in Book 33, Pages 4 and 5, Sonoma County Records, with the public hearing set for October 7, 2008; Supervisorial District 1

WITHDRAWN

8. Williamson Act Contract Authorization: Dan Braccialini, AGP08-0010

Resolution authorizing the Chair to sign a Type I Williamson Act contract as requested by Dan Braccialini for 22.63 acres located at 31501 Highway 101, Cloverdale; APN 115-150-025; Supervisorial District 4

TRANSPORTATION AND PUBLIC WORKS

9. Amendment to Agreement for Engineering and Slope Stabilization Plans for the Guerneville Closed Landfill

Approve and authorize the Chair to sign an Amendment to the Agreement for Professional Services with Miller Pacific Engineering Group to provide engineering and slope stabilization plans for the Guerneville Closed Landfill in the amount of \$25,000

IV. CRIMINAL JUSTICE SYSTEM SERVICES

DISTRICT ATTORNEY

10. Contract - California Human Development Corporation

Authorize the Chair to execute a contract with the California Human Development Corporation in the amount of \$88,127 for Diversion and Treatment-Based Services for FY 2008-09 and delegate authority for the District Attorney to sign any amendments or extensions that do not significantly change the program content and are within the approved budget authority

SHERIFF-CORONER

11. Federal Equitable Sharing Agreement and Certification
Authorize the Chair to execute a Federal Equitable Sharing Agreement and Certification with the U.S. Department of Justice and the U.S. Department of the Treasury

I. GENERAL ADMINISTRATIVE SERVICES

CLERK-RECORDER-ASSESSOR

- 08-0779
12. Clerk-Recorder-Assessor Position Allocation Changes
Resolution approving the position allocation change of two vacant information technology positions to accurately reflect job functions - Elections Systems Supervisor to Department Information Systems Specialist I/II (DISS); and Appraiser Analyst to Department Analyst

HUMAN RESOURCES

- 08-0780
13. Miscellaneous Classification and Compensation Changes
Concurrent resolution adopting the proposed job classification and specification of Open Space District Assistant Planner; and amending Salary Resolution 95-0926, Salary Table, Unrepresented and Confidential, to establish the new job classifications and salaries for Open Space District Assistant Planner, and Department Information Systems Specialist II - Project, effective September 16, 2008

V. HEALTH AND HUMAN SERVICES

HEALTH SERVICES

14. Health Action - Grant Award
Authorize the Director of Health Services to execute Grant Agreement No. 20072151 with The California Endowment for the period July 15, 2008 through July 14, 2010 in the amount of \$200,000 (FY 2008-09 \$104,625 and FY 2009-10 \$95,375)

Authorize the Director of Health Services to execute a contract with Belinda Fernandez d.b.a. Studio B for the period for FY 2008-09 and FY 2009-10, subject to County Counsel review, and any future amendments that do not significantly change the scope of work (\$50,000)

HEALTH SERVICES (Cont.)

14. Health Action - Grant Award (Cont.)

08-0781

Resolution authorizing budgetary adjustments to the FY 2008-09 Final Budget within the Special Revenue Fund - Department of Health Services in the amount of \$104,625 (requires 4/5 vote)

08-0782

15. Beach Sanitation Standard Agreement Amendment

Resolution authorizing the Director of Health Services to execute an amendment to Beach Sanitation Standard Agreement 06-55359 reducing the amount by \$3,162 for FY 2008-09, and any future amendments that do not significantly change the scope of work, within budget authority

HUMAN SERVICES

08-0783

16. Appointments to the Youth Education and Employment Services Council

Resolution appointing Tom Bieri, Social Advocates for Youth; Valerie McKamey, State Department of Rehabilitation; Suzanne Stone, Youth Business Week and Katrina Thurman, West County Community Services to the Youth Education and Employment Services Council

17. 2008-09 Community Services Contracts

Authorize the Director of the Human Services Department, or her designee, to: 1) Execute \$650,000 in 2008-09 Community Services contracts with community-based agencies as listed in this Board Item; and 2) Sign any future amendments that do not significantly change program content or increase an individual contract amount by more than 10%; or 3) fund additional prioritized recommendations listed in this item, as long as the total amount for all contracts does not exceed \$650,000

I. GENERAL ADMINISTRATIVE SERVICES

COUNTY ADMINISTRATOR

18. Personal Services Agreement Amendment - Director of Fire Services/Emergency Program Manager

Authorize the Chair to sign the First Amendment to the Agreement for Personal Services Director of Fire Services/Emergency Program Manager to extend the termination date to November 17, 2008 and to update the salary in the agreement per the Salary Resolution

COUNTY ADMINISTRATOR (Cont.)

- 08-0784
19. Adoption of FY 2008-09 Appropriation Limits
Concurrent resolution establishing appropriation limits for County and Board of Supervisors-Governed Special Districts, County Service Areas, other Board of Supervisors-governed agencies, Agricultural Preservation and Open Space District, and Sonoma County Water Agency, and giving instruction to the County Administrator and County Counsel, and giving notice of appropriate period of limitation for judicial review
- 08-0785
20. Appointment of Retirement Board Trustee
Resolution appointing Paul Kelley for the remaining term of the sixth trustee position of the Retirement Board

COUNTY ADMINISTRATOR/AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR

- 08-0786
21. Fiscal Year 2008-09 Final Budget
Concurrent resolution of the Board of Supervisors and all Public Entities governed by the Board of Supervisors of the County of Sonoma, adopting the Fiscal Year 2008-09 Final Budget for all governmental entities within its jurisdiction, and addressing the Americans with Disabilities Act (ADA) requirements, and use of Water Agency funds for costs associated with the Russian River Project

BOARD OF SUPERVISORS

- 08-0770
23. Proclamation
Resolution proclaiming September 19, 2008 as National Prisoner of War/Missing In Action (POW/MIA) Recognition Day
- 08-0771
24. Proclamation
Resolution proclaiming September 27, 2008 as Russian River Cleanup Day
- 08-0772
25. Commendation
Resolution congratulating John Lusk on achieving the rank of Eagle Scout

CONSENT CALENDAR (Cont.)

September 16, 2008

BOARD OF SUPERVISORS (Cont.)

08-0787

26. Reappointment

Resolution reappointing Bud Metzger to the Advisory Council to Area Agency on Aging, Sonoma County (representing Supervisorial District 3)

MISCELLANEOUS

08-0788

27. Minutes

Concurrent resolution approving the minutes for the meeting of August 26, 2008

UNANIMOUS

III. DEVELOPMENT SERVICES

BOARD OF SUPERVISORS

8:45

Ordinance No. 5798

22. Proposed Amendments to Campaign Contribution Limitations

Ordinance making certain changes to Article XX of Chapter 2 of the Sonoma County Code (Campaign Contribution Limits) to increase campaign contribution limits (Ready for Adoption)

Public Comment:

Chlele Gummer, President, League of Women Voters

Shirley Zane

Alice Chan, Sonoma County Democratic Party

Maddy Hirschfield

Korel Keener

Debora Fudge

Susan Baritell, California Clean Money Campaign

Donna Norton, California Clean Money Campaign

Gina Clucis

AYES: Smith, Kelley, Kerns

NOES: Reilly

ABSTAIN: Brown

TRANSPORTATION AND PUBLIC WORKS

11:09

Present: Robert Deis, County Administrator

Phillip Demery, Director, Transportation and Public Works

29. Strategic Plan Goal 5: Road Funding (ID#47); Project Deliverable A - Analysis of Revenues, Expenses and Shortfall in Funding Required to Maintain County Roads
Accept "The Road Ahead" report prepared by the Department of Transportation and Public Works

Direct staff to return to the Board in Spring, 2009 with options for developing a prioritized portion of the County road network and to receive direction on alternative funding mechanisms for the remainder portions of the road network

Public Comment: Carl Wall

UNANIMOUS

V. HEALTH AND HUMAN SERVICES

HEALTH SERVICES

10:36 Present: John Abrahams, Public Defender
Barbara Graves, DHS Prevention Division Director
Kelly Elder, Health Program Manager

30. Methamphetamine Prevention Plan
Accept a report from the Methamphetamine Task Force on the Sonoma County
Methamphetamine Prevention Plan
Authorize department staff to implement "Next Steps" activities identified in the
Prevention Plan

Public Comment: Michael Hilberg

UNANIMOUS

I. GENERAL ADMINISTRATIVE SERVICES

COUNTY ADMINISTRATOR/HUMAN RESOURCES

12:16 Supervisor Reilly left the meeting
12:19 Supervisor Reilly returned to the meeting

12:16 Present: Ann Goodrich, Director, Human Resources

08-0790

31. Amendment to Salary Resolution No. 95-0926
Concurrent resolution adding Article 20.2 to the Salary Resolution No. 95-0926
creating effective May 19, 2009 a cash allowance of \$3.45 per pay status hour for
all permanent full and part time employees in unrepresented bargaining units
including the Board of Supervisors appointed and elected department heads,
unrepresented administrative management, confidential, and other unrepresented
employees covered by the Salary Resolution and for the Deputy Public Defender
Attorneys' Association. The cash allowance will not be paid for overtime hours
and will be limited to a maximum of eighty hours per bi-weekly pay period

Public Comment:
Dave Speigher
Diane Dennis
Carl Tackson
Margaret Ahern
Ron Piorek

UNANIMOUS

COUNTY ADMINISTRATOR/SONOMA COUNTY WATER AGENCY

9:20 Robert Deis, County Administrator
Cordel Stillman, Sonoma County Water Agency
Cory O'Donnell, County Counsel

32. AB 811 Informational Workshop
Affirm direction to proceed with plans for development and implementation of an
AB 811 energy efficiency program

Public Comment:

Jake McKenzie, Mayor, Rohnert Park
Ann Koch
Rue Furch
Jane Roszga, Santa Rosa Chamber of Commerce
Marty Roberts, Solar Sonoma County
Alan Strachan
Randy Caminado, PG&E
Will Pier
Clayton Nixstrom
Barry Cogbill, Solar Sonoma County
Fred Conklin
Maddy Hirschfield, Senator Patty Berg's office
Ron Scheiber
Ed Sheffield, Noreen Evan's office

BOARD OF SUPERVISORS

33. Fee Waiver
Waive fees of \$898 for permit and day use parking for Coastwalk's 24th Annual
Coastal Cleanup Day to be held September 20, 2008

UNANIMOUS

12:44 Board recessed to Closed Session

2:03 Board reconvened

Present: Robert Deis, County Administrator
Bruce Goldstein, Assistant County Counsel

Report on Closed Session

1. Direction to Legal Counsel-Initiation of litigation pursuant to subdivision (c) of
Section 54956.9 (Govt. Code Section 54956.9(c)).

Report on Closed Session (Cont.)

2. Direction to Legal Counsel-Initiation of litigation pursuant to subdivision (c) of Section 54956.9 (Govt. Code Section 54956.9(c)).
3. Direction to Legal Counsel-Initiation of litigation pursuant to subdivision (c) of Section 54956.9 (Govt. Code Section 54956.9(c)).

08-0792

34. Resolution authorizing the County Counsel to retain expert consultants in connection with environmental legal issues associated with the County's Solid Waste System

UNANIMOUS

4. Direction to Legal Counsel-Existing Litigation - Name of Case: Steven Wyro v. County of Sonoma Workers' Compensation Appeals Board Nos.: SFO 0486297; SFO 0490916; SRO 107752 and SRO 119644 (Govt. Code Section 54956.9(a)).

08-0793

35. Resolution authorizing the Risk Manager to effect a Compromise and Release Settlement Agreement of the workers' compensation claims of Steven Wyro, SFO-0486297 and SFO-0490916

UNANIMOUS

5. Direction to Real Property Negotiator - Property: Central Landfill, 500 Mechem Road, Petaluma, CA; Negotiating parties: For Seller: Jim Andersen, Assistant County Administrator; For Buyer: To be determined; Under negotiation: Central Landfill and Transfer Stations (Govt. Code Section 54956.8).
6. Direction to Labor Negotiator (The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency and the Board of Commissioners of the Community Development Commission) - Agency negotiator: Ann Goodrich Employee organization: All; Unrepresented employee: All, including retired employees (Govt. Code Section 54957.6(b)).

2:05 Public Comment opened
John Jenkel
Bill Pisenti
Peter Tscherneff
Rachel Lamm

2:18 Public Comment closed

- 2:18 Permit and Resource Management Department
Review and possible action on the following:
1. Acts and Determinations of Planning
Commission/Board of Zoning Adjustments
 2. Acts and Determinations of Project Review
and Advisory Committee
 3. Administrative Determinations of the Director of Permit and Resource
Management

APPROVED

- 2:19 The Board of Directors of the Northern Sonoma County Air Pollution Control District
will consider approval of the 2008/09 Fiscal Year budget for the Northern Sonoma
County Air Pollution Control District

Present: David Hurst, Chief Deputy County Counsel

- 2:19 Public Hearing opened
2:19 Public Hearing closed

08-0794

36. Resolution of the Board of Directors of the Northern Sonoma County Air Pollution
Control District authorizing the adoption of the FY 2008-2009 Budget for the Northern
Sonoma County Air Pollution Control District

UNANIMOUS

- 2:20 The Board of Supervisors will consider a resolution authorizing the General Services
Director, or his Deputy, to execute a Second Amendment to Lease with Michael and
Sheila Biaggi, for approximately 3,029 square feet of storage space, located at 3345
Industrial Drive, Unit 13, Santa Rosa

Present: David Hurst, Chief Deputy County Counsel

- 2:20 Public Hearing opened
2:20 Public Hearing closed

08-0795

37. Resolution authorizing the General Services Director, or his Deputy, to execute a Second
Amendment to Lease for approximately 3,029 sq. ft. of warehouse space, located at 3345
Industrial Drive, Unit 13, Santa Rosa, California

UNANIMOUS

2:21 File No.: PLP07-0057
Description: To consider an appeal of a Board of Zoning Adjustments decision to approve the request by Deborah Yount for a Zoning Permit and Use Permit for an 837 square foot second unit to be located more than 100 feet from the primary residence but closer than 60 feet to the nearest property line. Zoned DA (Diverse Agriculture), B6 - 20, VOH (Valley Oak Habitat); APN 047-232-007
Env. Doc.: Categorically Exempt
Location: 150 Davis Lane, Penngrove
Sup. Dist.: Dist. #2

Present: Jim Maertz, Permit and Resource Management Department
Jennifer Barrett, Permit and Resource Management Department
David Hurst, Chief Deputy County Counsel

2:24 Public Hearing opened
John King, appellant
Matthew Donohue, Civil Engineer for appellant
Mikel Bryan, Attorney representing appellant
Rob Huffman, Civil Engineer for applicant
Matthew Donohue
John King

2:48 Public Hearing closed

2:53 Gavel passed to Supervisor Reilly

08-0796
38. Resolution granting a Use Permit and a Zoning Permit for the conversion of an existing residence to a second dwelling unit to Deborah Yount for property located at 150 Davis Lane, Penngrove; APN 047-232-007

UNANIMOUS

2:54 Gavel passed to Supervisor Kerns

2:55 File No.: PLP05-0108
Description: To consider a request for Aggregate Resources Management (ARM) Plan and Surface Mining and Reclamation Ordinance (SMARO) amendments, and a Use Permit to extend the mining period for the Syar Phase 6 terrace pit previously approved under PLP03-0046 (original cutoff date was April 15, 2006) for an additional five years, and a Use Permit to amend the Mining and Reclamation Plan as necessary
Env. Doc.: Subsequent Environmental Impact Report
Location: 3400 Westside Road, Healdsburg
Sup. Dist.: Dist. #4
(Continued from August 19, 2008)

2:55 File No.: PLP05-0108 (Cont.)

Present: Ken Ellison, Permit and Resource Management Department
Paul Mitchell, Consultant, ESA
Jennifer Barrett, Permit and Resource Management Department
Jeff Brax, Deputy County Counsel

Straw vote:

Motion to certify the Environmental Impact Report (EIR) and approve the project with modifications to include: approval of a three year extension, with a provision clearly stating that this is the last extension and no precedent is being set (the Board will not provide for any other extensions beyond this current terrace facility, as the extension is for the express purpose of finishing a project that was started under the 100 acres and 10 year previous time limit); a provision that reclamation must be completed within one year of completion of mining; a restriction on the visibility of stored equipment as to where and how it is stored (lowest possible height, screened or covered); reduced hours of operation (8:00 a.m. to 5:00 p.m., Monday through Friday, and 8:00 -1:00 p.m. on Saturday), and a provision that the required drainage structure on the west side of the project be designed to drain within 24 hours. This item is to come back to the Board for final decision on October 7, 2008 at 8:30 a.m.

AYES: Smith, Kelley, Kerns

NOES: Brown, Reilly

08-0797

39. Resolution continuing the final decision on certifying the EIR and approving the Syar Phase 6 terrace pit project (PLP05-0108) as modified by the Board of Supervisors to October 7, 2008 at 8:30 a.m.

UNANIMOUS

3:20 Board adjourned to September 23, 2008 at 8:30 a.m.

Respectfully submitted,

Starlene Boyer
Deputy County Clerk

EXHIBIT 5

COUNTY OF SONOMA AGENDA ITEM SUMMARY REPORT			Clerk of the Board Use Only	
			Meeting Date <u>9/16/08</u>	Held Until <u>1/1</u>
			Agenda Item No: <u>31</u>	Agenda Item No: _____
Department: CAO and Human Resources			() 4/5 Vote Required	
Contact: Ann Goodrich	Phone: 565-2331	Board Date: 9/16/08	Deadline for Board Action: September 16, 2008	
Agenda Short Title: Amendment to Salary Resolution No. 95-0926				
Requested Board Action:				
1. Adopt concurrent Resolution adding Article 20.2 to the Salary Resolution No. 95-0926 creating effective May 19, 2009 a cash allowance of \$3.45 per pay status hour for all permanent full and part time employees in unrepresented bargaining units including the Board of Supervisors appointed and elected department heads, unrepresented administrative management, confidential, and other unrepresented employees covered by the Salary Resolution and for the Deputy Public Defender Attorneys' Association. The cash allowance will not be paid for overtime hours and will be limited to a maximum of eighty hours per bi-weekly pay period.				
2. Adopt Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, adding Article 20.2 to the Salary Resolution No. 95-0926 creating effective May 19, 2009 a cash allowance of \$3.45 per pay status hour for all permanent full and part time employees in unrepresented bargaining units including the appointed department head, unrepresented administrative management, confidential, and other unrepresented employees covered by the Salary Resolution. The cash allowance will not be paid for overtime hours and will be limited to a maximum of eighty hours per bi-weekly pay period.				
CURRENT FISCAL YEAR FINANCIAL IMPACT				
<u>Expenditures</u>		<u>Add'l Funds Requiring Board Approval</u>		
Estimated Cost	\$ 671,000	Contingencies (Fund Name:)	\$	
Amount Budgeted	\$ 671,000	Unanticipated Revenue (Source:)	\$	
Other Avail Approp (Explain below)	\$ 0	Other Transfer(s) (Source:)	\$	
Additional Requested:	\$ 0	Add'l Funds Requested:	\$	
Explanation (if required): The additional cost of this action in fiscal 08/09 is \$671,000 (including salary related benefit costs). These amounts were previously budgeted.				
Prior Board Action(s): In August 2008 amendments to unrepresented employee medical benefits were made. In July 2008 amendments providing an annual cost of living salary increase were made for these units.				
Alternatives - Results of Non-Approval:				

Background:

This action requests approval of resolutions amending the Salary Resolution No. 95-0926 adding Section 20.2 "Hourly Cash Allowance", which adds an additional type of compensation of an hourly cash allowance of \$3.45 per pay status hour for each permanent full and part time employee in unrepresented bargaining units. The cash allowance will not be paid for overtime hours and will be limited to a maximum of eighty hours per bi-weekly pay period. This would include the Board of Supervisors, elected and appointed department heads, unrepresented administrative management units, confidential employees and other unrepresented employees. It also applies to the Deputy Public Defender Attorneys' Association, whose compensation and benefits are by agreement tied to the Salary Resolution. This compensation change provides a permanent full time employee approximately \$600 a month (permanent part-time amounts are prorated based on hours in pay status). This compensation is in addition to the portion of regular salary which is set by the salary range in effect for each job classification. The effective date of this compensation allowance is May 19, 2009.

The attached Concurrent Resolution covers employees as designated above, of the County of Sonoma, and affiliate agencies including the Sonoma County Water Agency, the Community Development Commission, the Northern Sonoma County Air Pollution Control District, and the Sonoma County In-Home Support Services Public Authority. The attached resolution of the Sonoma County Agricultural Preservation and Open Space District covers the appointed department head, and unrepresented administrative management, confidential and other unrepresented employees of the District.

Discussion:

In the past two years, the County has reviewed two aspects of its total compensation package. One has been what the County pays its employees in total compensation and how that compares to comparable public agencies that recruit and employ the same types of employees as the County. This has resulted in us looking at how we might realign areas of compensation where we are either over or under market to remain competitive. An outcome of this has been the development of a policy of attempting to compensate employees at 100% of the average of the labor market in the total compensation components to the extent possible. To achieve this goal, the County has taken such steps as surveying and making market related salary increases to classifications whose compensation is under the labor market average. We have also proposed that we focus compensation increases to "salary related" areas where we are below market, instead of the regular base salary, in situations where we are at or over the labor market averages in salary.

"Total compensation" is a measure of the total amount paid to (and for) an employee. This includes direct cash payments to the employee such as regular salary from the salary range tables, specialty pays, car allowances, employer paid pension pick ups, and deferred compensation. The recommended hourly cash allowance would be this type of compensation. It also includes indirect compensation made up of payments for employer paid contributions toward retirement pensions, FICA, health and welfare benefits (medical, dental, vision, life, LTD, workers compensation) and paid time off benefits (holidays, sick leave and vacation).

Attachments: Concurrent Resolution and Resolution

On File With Clerk:

CLERK OF THE BOARD USE ONLY

Board Action (if other than "Requested")

Vote:

The second aspect staff has been considering is the nature of how this compensation is delivered to the employee and whether it meets the needs of the diverse workforce of today. In contemporary compensation design there needs to be an understanding that today's workforce has changed from the 1960's model where a family consisted of a married couple with 2.2 children where only one of the adults was the primary wage earner who provided the family with all employment related benefits. Today's workforce now reflects such trends as domestic partner benefits, dual wage earner (and benefit earner) couples, and single parent households to name just a few. For example, 28% of the County workforce is single. The goal in modern compensation management is flexibility in meeting the needs of a diverse population of employees so that all employees share equally in the compensation provided by the employer.

In looking at the County's own compensation package we see that most components do appear to meet the needs of our diverse workforce. For example, the County provides domestic partner benefits in medical, retirement and leave policies. It has established a goal of setting its total compensation based on 100% of the average of the labor market in the various components of that total compensation, to the extent possible. It has established deferred compensation plans for employees to save for retirement, and for some bargaining units, contributes directly into those plans. It has an Internal Revenue Section (IRS) 125 plan that allows employees to pay for medical premiums, medical costs and costs for dependent care on a pre-tax basis. Later this year, staff will be returning to the Board with an expansion of the current IRS 125 plan to provide greater options to employees. The County provides employer paid life insurance and allows the purchase on a group rate for additional insurance based on the individual employee needs. Vacation, sick leave, and holidays are provided equally to all permanent employees. The County retirement benefit (3% @ 50 or 60) is based on years of service, age, and type of retirement and the employee's annual compensation as prescribed by the 1937 Act retirement laws. Staff is also working on pre-tax savings plans for retiree medical for individual employees that will be ready for consideration next year.

However, one area of compensation where the County still seems to be following the 1960's model, and where there are significant differences from one employee to the next in the same job classification, has been the County's contribution for employee medical insurance. The County's contributions vary from a low of \$3,800 a year to a high of \$19,000 a year depending on the choice of plan and coverage type (employee only, plus 1, plus 2 or more). This results in a 400% variation from the lowest to the highest in this delivery of this type of compensation. Additionally, approximately 300 employees waive health insurance and receive no compensation at all. Several other counties and cities in the state already have restructured their medical contributions to contribute set amounts of money for employee medical, notwithstanding the employee plan choices in order to equalize the benefit among employees. For unrepresented employees starting in June 2009, the County will contribute the same amount of money for medical insurance for all employees in those units, a total of \$6,000 a year regardless of plan choice. Employees whose costs for themselves, or their dependents enrolled that exceed that contribution are the responsibility of the individual employee and are paid on a pre-tax basis.

The County's salary system is based on salary ranges and a salary range table. Different job classifications are assigned to a range and the pay difference between related job classifications is based on percentage differences that are intended to reflect the appropriate difference in duties and responsibilities between the classifications. Annual cost of living increases and market rate salary increases are based on a percentage increase in the salary range table. This logical system is typical of most public agencies and ensures that all employees performing the same duties are compensated in the same manner as provided for under the Equal Pay Act. One limitation of this type of system is the difficulty of giving non percentage based or fixed dollar salary increases when the employer feels that type of increase is more beneficial than a percentage increase. The staff recommendation to create a new compensation type, an hourly cash allowance, would provide a vehicle for the County of Sonoma to give fixed dollar compensation increases in the future. This hourly cash allowance is compensation, and is subject to all pension deductions and taxation as the employee salary from their regular earnings rate. In reviewing our total compensation comparable labor market report, staff believes that \$3.45 per pay status hour cash allowance is justified.

In an attempt to restructure the total compensation received by employees covered by the Salary Resolution in order to give more flexibility to individual employees while still preserving the County's goals of maintaining a total compensation package that is 100% of the average of the labor market, staff is recommending that your Board approve the attached amendment to the Salary Resolution adding a hourly cash allowance for all permanent employees of \$3.45 per pay status hour (not including overtime hours worked) each pay period (approximately \$600 a month) effective May 19, 2009.

Cost:

The cost of this change is \$627,000 (including salary related benefit costs) for fiscal year 2008/2009 and \$5,821,000 (including salary related benefit costs) for fiscal year 2009/2010.

Recommendation:

1. Adopt concurrent Resolution adding Article 20.2 to the Salary Resolution No. 95-0926 creating effective May 19, 2009 a cash allowance of \$3.45 per pay status hour for all permanent full and part time employees in unrepresented bargaining units including the Board of Supervisors appointed and elected department heads, unrepresented administrative management, confidential, and other unrepresented employees covered by the Salary Resolution and for the Deputy Public Defender Attorneys' Association. The cash allowance will not be paid for overtime hours and will be limited to a maximum of eighty hours per bi-weekly pay period.
2. Adopt Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, adding Article 20.2 to the Salary Resolution No. 95-0926 creating effective May 19, 2009 a cash allowance of \$3.45 per pay status hour for all permanent full and part time employees in unrepresented bargaining units including the appointed department head, unrepresented administrative management, confidential, and other unrepresented employees covered by the Salary Resolution. The cash allowance will not be paid for overtime hours and will be limited to a maximum of eighty hours per bi-weekly pay period.

EXHIBIT 6

COUNTY OF SONOMA

SALARY RESOLUTION

No. 95-0926

Prepared by:

Sonoma County Human Resources Department

Revised 5/2006

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SALARY RESOLUTION

2002-2008

SECTION 1 - TITLE

This Resolution Number 95-0926 shall be known as the Salary Resolution of the County of Sonoma. The provisions of this Resolution may be superseded in whole or in part by resolutions adopted by the Board of Supervisors of Sonoma County. Each such resolution shall be effective on the first day of the County pay period next succeeding its adoption unless such resolution provides otherwise. Any provision of Resolution No. 89-1623 superseded by resolution of the Board of Supervisors shall be deemed repealed upon the effective date of the superseding resolution.

SECTION 2 - APPLICABILITY

- 2.1 The provisions of this Resolution shall apply to both classified and unclassified services of the County of Sonoma.
- 2.2 Sections 7 through 31 of this Resolution apply only to Unrepresented Administrative Management positions, Department Heads (including elected Department Heads, except where specifically excluded in this document or by law), Unrepresented Confidential positions, and/or positions not represented by any recognized employee organization. "Unrepresented employees" shall mean those employees or positions which are neither Unrepresented Management nor Unrepresented Confidential and which are not represented by a recognized employee organization. When used in Sections 7 through 31 the term "employee" shall mean Unrepresented Administrative Management, Unrepresented Confidential, and Unrepresented employees.
- 2.3 Special Districts
Whenever an employee is reassigned from employment with Sonoma County, the Sonoma County Community Development Commission, the Sonoma County Water Agency, or the Northern Sonoma County Air Pollution Control District to another of those agencies without a break in pay status greater than two (2) working days, service with one entity shall be deemed to be service with the other entity for purposes of accrual, accumulation and use of paid vacation and sick leave and entitlement to salary step, and such employee shall retain the same such benefits to which entitled immediately prior to reassignment. Upon each reassignment, the employee shall be paid for unused overtime credits in the same manner as provided by this Resolution upon separation, and such unused overtime credits shall not be transferred from one entity to another.
- 2.4 Nepotism
No person shall be employed without written approval of the Director of Human Resources in any position in which the employee will directly or indirectly supervise or in which the employee will be directly or indirectly supervised by his or her husband, wife, domestic partner, parent, stepparent, brother, sister, child, stepchild, grandchild, grandparent, mother-in-law, father-in-law, daughter-in-law, son-in-law, or any person with whom the employee has a relationship in loco parentis.

The County will pay the balance of the required premiums of the particular health plan that the full-time employee selects. In addition to the amount specified above, the bi-weekly part-time employee contribution shall be as specified in Section 15.16.

15.5 Health Plan Retirees - Employed Before January 1, 1990

- a) For employees hired before January 1, 1990, and continuously employed without a break in service before retirement (regardless of status in County employment) the County contributes to the cost of a health plan for its retirees and their dependents.
- b) Laid-Off and Restored Employees who were employed by the County prior to January 1, 1990, but who were laid off thereafter shall not be subject to the restrictions of Article 15.6 (Health Plan-Retirees - Employed after January 1, 1990), provided that they are subsequently restored to County employment and rejoin the County retirement system.

15.6 Health Plan Retirees - Employed After January 1, 1990

For any employee who is newly hired or rehired by the County or any other agency covered by this Memorandum after January 1, 1990, this benefit shall only be available upon the employee's retirement under the following circumstances.

- a) Employed at least 10 years:

With respect to the retiree, he or she must have been employed with the County for a period of at least 10 years (consecutive or non-consecutive), which may include employment with the County prior to January 1, 1990, and must have been a contributing member (or a contribution was made on their behalf) of the County's Retirement System for the same length of time. Upon meeting these two conditions, the County shall contribute for the retiree only the same amount towards a health plan premium as it contributes to an active single employee in the same manner and on the same basis as is done at the time for other retirees who were hired or rehired before January 1, 1990. The retiree may enroll eligible dependents in the group health plan covering the retiree, but the retiree is responsible for the total dependent(s) premium(s).
- b) Employed at least 20 years:

When such an employee has been employed (consecutive or non-consecutive) by the County for a period of at least 20 years, which may include employment with the County prior to January 1, 1990, and has been a contributing member (or a contribution was made on their behalf) of the County's Retirement System for the same length of time the County shall also contribute for one dependent the same amount towards a health plan premium as it contributes to an active employee with one dependent in the same manner and on the same basis as is done at the time for other retirees who were hired or rehired before January 1, 1990. The retiree with twenty (20) or more years of County service may enroll eligible dependents in the group plan covering the retiree, but the retiree is responsible for the total premium cost of more than one dependent.
- c) Contribution limit:

In no event shall employees hired or rehired after January 1, 1990 be entitled to receive greater contributions from the County for a health plan upon retirement than the County pays for employees hired or rehired before January 1, 1990 upon their retirement.
- d) Appointed and Elected Department Heads Employed at Least Ten Years:

Effective December 10, 2002 the County shall continue to contribute to the cost of health

plans for the eligible Department Head and his or her spouse, domestic partner and/or eligible dependents following said Department Head's service retirement from the County of Sonoma, provided that said Department Head has at least ten (10) years of Sonoma County service at the time of said retirement.

15.7 Health Plan Retirees - Surviving Spouse or Domestic Partner

Upon the death of an enrolled retiree, the County will continue to pay the health plan premium contribution for the eligible surviving spouse or domestic partner who was receiving the County contribution under Article 15.5 or 15.6.

15.8 Dental Benefits

Effective July 4, 2001, the County will provide dental and orthodontic benefits as detailed within Delta Dental Plan 3126-0124*. The following employee contribution will apply: \$9.00 per pay period.

*Delta Dental assigns groups numbers as they see fit, this number may change at any time. The group number in the Salary Resolution refers to the plan selected by the employee groups.

15.9 Vision Care Benefits

The County will maintain the same level of vision care benefits as were in effect on June 29, 1999.

The County will pay the entire cost of the premium for vision care benefits. Effective pay date July 21, 1999, part-time employees will be covered under current vision care program. Employees must participate and must pay their pro-rated contribution, in accordance with Section 15.16.

15.10 Domestic Partner Health, Vision, and Dental Coverage

The County agrees to offer medical, dental and vision coverage for domestic partners who have provided the County with a signed Domestic Partner Affidavit.

15.11 Participation

Election to participate in the County Health Plan or one of the HMO health plans made available through this Resolution, and the Dental Program will take place during the first full pay period following employment, or it shall be made during an annual open-enrollment period of at least three (3) weeks (21 days). Subsequent to the open-enrollment periods, an employee who did not elect to be covered under the County Health Plan may be enrolled at the commencement of any full pay period, after first providing evidence of insurability to the County.

15.12 Long-Term Disability (LTD)

The County will continue to provide a Long Term Disability program and will include part-time employees (0.4 FTE minimum) and will not require the exhaustion of an employee's sick leave before LTD benefits would be paid to an eligible employee. An employee who chooses to use sick leave after the sixtieth (60th) day of disability will not receive any LTD benefits until the employee stops using sick leave. Sick leave cannot supplement LTD benefits. The LTD plan would continue to offset against any outside income, including any Short-Term Disability plan the employee may have available. The waiting period for benefit eligibility will be sixty (60) calendar days and the maximum benefit level will be seven-thousand dollars (\$7,000) per month. The benefit for part-time employees will be sixty-six and two-thirds percent (66-2/3%) of the average salary over the last twenty-six (26) pay periods or the employee's most recent continuous County

EXHIBIT 7

D. WILLIAMS
CLERK

County of Sonoma
Board of Supervisors
Santa Rosa, California

MEMBERS OF THE BOARD

ARTHUR "ART" RUONAVAARA
CHAIRMAN
IGNAZIO A. "IG" VELLA
VICE CHAIRMAN
MEADE L. NORDYKE
ROBERT E. "BOB" RATH
LEIGH S. SHOEMAKER

June 1,

TO: All Regular Sonoma County Employees

Since 1959 the Board of Supervisors has recognized the need for county employees to be covered by adequate health insurance to help them meet the expenses resulting from accidents and sickness. Last year the Board expanded the coverage to include all county employees who retired after July 1, 1964 so that they may continue to receive the benefits of the plan at county expense. Effective July 1, 1965 the benefits of the plan will again be broadened to increase the hospital room rate, to establish a single \$100 major medical deductible rather than the three variable deductibles which formerly existed, and to liberalize the accident protection. These changes will increase the county contribution from \$8.50 per employee per month to \$9.15. All employees and retired employees choosing to be covered will have the entire premium paid by the County. They will also have the opportunity to take advantage of the benefits of the group plan to protect their dependents at their expense.

The benefits provided by the improved plan are described in this booklet and I suggest that you study it carefully. The plan will again be sponsored by the Foundation for Medical Care of Sonoma County and will be underwritten by Pacific National Life Assurance Company.

The Board of Supervisors is paying the cost of these benefits because it believes it is vital for county employees to be protected from financial disaster. We sincerely hope that no serious illness or injury strikes you, but if it does it should be reassuring for you to know that you will receive financial assistance in time of need.

Board of Supervisors
County of Sonoma

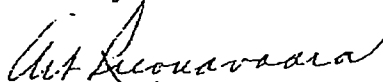

Arthur Ruonavaara
Chairman

EXHIBIT 8

COUNTY OF SONOMA



THE PERSONNEL DEPARTMENT ANNOUNCES AN OPENING FOR:

ENGINEERING AIDE

SALARY RANGE:

Starting	After 6 mo.	Annually thereafter to
\$504 613	\$613 649	\$644-6676-6710 676 710 745

FINAL FILING DATE

March 23, 1973

EXAMINATION DATE

To Be Announced

YOUR DUTIES:

As an ENGINEERING AIDE you will perform under close supervision as a trainee, a wide variety of routine field and office engineering tasks and related work. Your duties will mainly consist of acting as rodman or chainman in a survey party. After one year of experience, you may qualify for promotion to Engineering Technician I (\$660-\$801).

(693-841)

MINIMUM QUALIFICATIONS:

Education: Graduation from high school or an acceptable equivalent certificate, including or supplemented by courses in plane geometry, trigonometry, and surveying. Please list courses taken on application.

Experience: No experience required.

SELECTION PROCEDURE:

A qualifying written test will be held. You must achieve a score of 70%, as determined by the cutoff point, to qualify for the personal interviews. The written test will cover the following areas:

- Engineering aptitude
- Following written directions
- Elementary engineering
- Surveying instruments
- Surveying fundamentals
- Knowledge of algebra, geometry and trigonometry

If you pass the written test, you will be invited for a personal interview where your education, experience, and personal fitness for the job will be evaluated by an oral interview board (weight 100%). You must achieve a score of 70% or more to qualify for employment.

EXHIBIT 9

COUNTY OF SONOMA

PERSONNEL DEPARTMENT
2555 Mendocino Avenue, Santa Rosa

CONGRATULATIONS!
YOU PASSED YOUR EMPLOYMENT EXAMINATION!

You have passed your employment examination. Here is what happens now. PLEASE READ THIS CAREFULLY. It is important to you. This is not a notice of employment.

1. DURATION OF ELIGIBILITY: Your name has been placed on an Employment List for the position indicated on the enclosed card. It will remain on the Employment List for at least three months from the date it was established. We will let you know when the list expires. If you are still interested in being considered for employment when the list expires, you may apply again.
2. EMPLOYMENT PROCEDURE: Whenever a vacancy occurs, the Personnel Department sends to the Department Head of the department having the vacancy the names of those candidates with the three highest scores on the Employment List. Those candidates are asked to contact the Department Head and make arrangements for an interview. If, within five (5) calendar days after the date of notification, you do not respond by either arranging for an interview or ~~waiving consideration~~ for this particular job, your name may be removed from the Employment List. The Department Head may employ any one of the candidates who is in the three highest standings on the Employment List. If you are interviewed but not employed, your name will remain on the Employment List until it expires. This is NOT a notice to contact a Department Head for interview.
3. MEDICAL AND POLICE RECORDS: The medical examination and police record check are the final steps in the pre-employment selection procedure. Because an unfavorable report on either of these could result in your being terminated or not being hired, it is important that these be completed before you leave your present job. Therefore, when you are selected for a permanent position, please contact the Sonoma County Personnel Department so we may make appointments for you as early as possible.
4. WAIVERS: If you do not desire employment when you are asked to make arrangements for an interview, you may waive employment in writing
 - a. for that particular vacancy only, or
 - b. until a specific date, or
 - c. until further notice.

Should you waive employment three times, your name will be removed from the Employment List.

5. IN THE MEANTIME
 - a. Advise us of changes in your address.
 - b. Reply promptly to correspondence from us concerning employment.
 - c. Your cooperation will assure you of full consideration when vacant positions are being filled.

IS ON IDENT. OF PREVIOUS PAGE
Note

OTHER SONOMA COUNTY EMPLOYMENT INFORMATION

1. PROBATIONARY PERIOD: Your first six months on the job is termed a "probationary period." This is, in effect, a "performance test." If your work is satisfactory, you will receive "permanent" status at the conclusion of this term. This does not necessarily guarantee a life-long job, however, since permanent employees may be dismissed for various reasons as provided by law. Layoffs may be made because of lack of work or lack of funds.
2. PART-TIME EMPLOYMENT: Many departments have part-time or temporary employment opportunities. Because these are not permanent positions, the departments are not required to hire through the Civil Service selection procedure. A temporary employee does not receive the fringe benefits provided permanent employees.
3. OTHER SONOMA COUNTY JOBS: The examination which you have passed may cover only one class of positions. If you are interested in other positions having different job titles, you must make separate applications for them. You may obtain from the Personnel Department the latest listing of jobs open for which applications are being accepted.

4. WHAT SONOMA COUNTY EMPLOYMENT OFFERS YOU!

- a. HOLIDAYS - Average twelve days a year with pay.
- b. VACATION - You will earn the following annual vacation:
 - a. 10 working days for the first two years of employment
 - b. 12 working days after two years of employment
 - c. 15 working days after five years of employment
 - d. 20 working days after fifteen years of employment

Your vacation may be taken after you have completed your probationary period. Unused vacation may be accumulated to a total of 30 working days at any one time.

- c. SICK LEAVE WITH PAY - You will earn sick leave at the rate of one day a month and may accumulate this sick leave on an unlimited basis. You will receive payment for 25% of your unused sick leave if you leave County service in good standing.
- d. COMPASSIONATE LEAVE - Up to three days leave with pay, not charged to vacation or sick leave, may be taken in the event of the death of the employee's parent, spouse, brother, sister or child.
- e. PAY - Salary increases are based on merit. If you are employed at the beginning step (Step A) of the salary range, you will be eligible for your first merit increase after you complete your probationary period. If you are employed at a step above the beginning level, you will be eligible for your first merit increase one year after employment. Annually thereafter, in both cases, you are eligible for increase to the next salary step until you reach the top salary step. The salaries are reviewed at least once each year. Pay day is once a month on the first working day of the month.
- f. HOURS OF WORK - A five-day, forty-hour work week is in effect in most departments.
- g. RETIREMENT - You will contribute to a liberal County retirement program which is integrated with Social Security. Your retirement fund contributions may be withdrawn in full with interest if you leave the County service.
- h. CREDIT UNION - Loans are made to County employees under extremely favorable credit conditions. Funds invested in the Credit Union earn annual dividends and carry unique savings insurance coverage. *100% AT THE TIME.*
- i. HEALTH INSURANCE - The ~~County pays your full share~~ of an excellent Medical Group Insurance plan (including major medical coverage) and, upon retirement, continues to pay this cost. You may include your dependents at a very reasonable rate.
- j. FREE PARKING - Ample free parking is provided close to the employee's area of work.

If you have any questions on any of this information or if we can be of assistance in any other way, please feel free to call us at your convenience.

EXHIBIT 10



County of Sonoma
invites applications for the position of

ADMINISTRATIVE TRAINEE

SALARY RANGE:

FINAL FILING DATE: April 14, 1982

Biweekly: \$ 674.40 - \$ 819.20

Monthly: 1,466.00 - 1,781.00

EXAMINATION DATE: To Be Announced

NOTE: This recruitment is being conducted to fill a vacancy in the Emergency Services Division of the General Services Department.

THE POSITION:

This is the entry level class in the administrative series. Under supervision, you will collect data and learn to make analysis of work programs and cost estimates associated with annual budgets; conduct analytical studies of organizational and administrative problems; assist in the development and adoption of improved management practices through research and analysis; assist in the preparation of operating manuals and organization and workflow charts; confer with departmental officials and others in order to secure information; may supervise the work of technical and/or clerical staff; and perform a wide variety of responsible administrative duties as required.

MINIMUM QUALIFICATIONS:

Education and Experience: Academic course work or experience which directly relates to the required knowledge and abilities.

License: Possession of a valid California driver's license.

KNOWLEDGE AND ABILITY:

Knowledge of: principles and practices relating to modern budget; programs and systems management; of the operations and functions of County government; of group dynamics as it relates to public organizations; of research methodology; report writing and basic statistics, and their application; and of written and oral communications, including language mechanics, syntax and English composition.

Ability to: perform research and analysis of various administrative, fiscal and management matters; to understand, interpret and apply rules, regulations and ordinances, and federal, state and local legislation; to communicate effectively orally and in writing; to perform data collection, interpretation and evaluation pertaining to administrative, fiscal and management matters; to use principles of inductive and deductive reasoning to validate conclusions and recommendations; and to supervise the work of technical and/or clerical staff.

SELECTION PROCEDURE:

This process will consist of an application appraisal (unassembled examination), and an oral interview examination (weight 100%). Applications will be thoroughly evaluated for satisfaction of minimum qualifications and to determine relevance of educational course work, training, experience, and knowledge and abilities which relate to this position. The most suitably qualified candidates from the application appraisal will be invited to the oral interview examination, and must receive a final passing score of at least 70% in order to be placed on the employment list.

It is the responsibility of each applicant to submit appropriate and adequate information so the Qualifications Appraisal Board may complete this process with confidence, giving each applicant fullest consideration.

COUNTY OF SONOMA IS COMMITTED TO A POLICY AND ACTIVELY PURSUES A PROGRAM OF EQUAL EMPLOYMENT OPPORTUNITY-AFFIRMATIVE ACTION, AND NON-DISCRIMINATION ON THE BASIS OF HANDICAP OR DISABILITY.

Each potential candidate for employment with Sonoma County is encouraged to read the following information regarding the employment process and employee benefits.

THE EMPLOYMENT PROCESS

As a potential applicant, you will be participating in a step-by-step process which endeavors to obtain the most qualified candidates for County employment. The employment process consists of various examinations to evaluate and test fairly and objectively each applicant's education, experience, skills, knowledges and abilities for the position.

The general employment process steps are:

- * Application Each applicant is responsible for submitting an official Sonoma County employment application form with any supportive data by 5:00 p.m. on the final filing date, or postmarked no later than 5:00 p.m. on the final filing date. Being complete in filling out your application will improve your chances in the employment process.
- * Examination All applications will be carefully and thoroughly evaluated for appropriate education, training, experience, skills, knowledges, abilities and other personal qualifications which directly relate to the duties of this position. Successful candidates in the application appraisal process will be notified of subsequent examinations, such as written, oral, performance or other examinations appropriate to the duties of this position. Admission to an examination does not mean you possess the minimum qualifications.
- * Eligible List Once the examinations have been completed, an Eligible List is established. The list contains the names of all applicants who have received a passing score ranked from highest to lowest score. The list is valid for a minimum of two months, but can be extended to a maximum of two years.
- * Selection Vacancies are filled from among the top three standings of available candidates on the Eligible List. Names of candidates who are not selected are retained on the Eligible List for future consideration.
- * Medical Examination Prior to appointment to the position and starting work, all prospective employees will be required to take and pass a medical examination (at no cost to the candidate), administered by the County, which will make reasonable accommodation for any physical disability or medical condition in compliance with federal regulations. Successful candidates are cautioned not to terminate their present employment until the medical examination has been completed and approved.
- * Probationary Period The last phase of the examination process is a probationary period. For classified employees of the Civil Service System, the probationary period is approximately six months. Sheriff's Deputies serve a 12-month probationary period.
- * Veteran's Preference Veterans who have served more than six months of consecutive active service in the armed forces of the United States of America may have 5 points added to their final passing score on an open examination if separation papers (DD214) are filed on or before the examination date. Such evidence must be submitted for each and every examination.
- * Appeal of Examination You may appeal the results of an examination within a certain time period and on the basis of specific criteria defined by Sonoma County's Civil Service Rules. Contact the Personnel Analyst responsible for the examination, if you need additional information.
- * Travel and Related Expenses Sonoma County cannot reimburse you for any travel or related expenses that you incur in connection with the employment process.

GENERAL EMPLOYEE BENEFITS

- * Salary The salary range for the job is stated on the front of this announcement. Candidates are normally hired at the starting salary in the salary range. A salary increase may be granted after approximately 6 months, and further increases may be granted annually thereafter to the top step of the salary range. Salary increases are based on work performance on the job and are not automatic.
- * Vacation Permanent, full-time County employees accrue vacation at the following rates: 10 days - one to two years; 12 days - two to five years; 15 days - five to ten years; 18 days - ten to fifteen years; 20 days - thereafter.
- * Holidays Average eleven paid holidays per year.
- * Sick Leave Approximately twelve days per year with no limit on accumulation. Employees are paid 25% of accumulated sick leave upon voluntary separation or retirement.
- * Retirement Sonoma County offers an excellent retirement plan. Upon retirement, the County will continue to pay your health insurance premium.
- * Insurance Sonoma County offers a series of insurance plans for your protection and the protection of your family. These plans include:
 - Group Health to include Major Medical. Employee premiums are paid in full by the County. Dependent coverage is optional at a small monthly charge.
 - Dental Plan for most employees and their dependents at no cost.
 - Vision Care for most employees and their dependents at no cost.
 - Income Protection in the event you become ill, injured or disabled on the job.
- * Tuition Reimbursement Sonoma County provides a tuition reimbursement program for approved job-related training and educational coursework.
- * Deferred Compensation An excellent deferred compensation program is available for most employees who wish to place a portion of their annual salary into a fund which is not subject to federal or state income taxes until it is withdrawn at a later date.
- * Additional Benefits Provided for certain job classes within County service.

ADMINISTRATIVE MANAGEMENT BENEFITS

Positions which are designated as Administrative Management receive, in addition to the general employee benefits:

- * Insurance Each Administrative Management employee receives group term life insurance equivalent to one and one-half times his/her annual salary.
- * Comprehensive Medical Examination Each Administrative Management employee receives annually a comprehensive medical examination.
- * Management Vacation In addition to regular vacation accrual, each Administrative Management employee accrues an additional week (40 hours) of management vacation which may be taken as time off or cash payment.
- * Professional Development Each Administrative Management employee may be reimbursed up to \$300.00 per fiscal year for professional development activities such as periodicals and training materials, professional dues and memberships, and purchase of professional literature.

PERSONNEL DEPARTMENT COUNTY OF SONOMA

Personnel Building
2550 Ventura Avenue
SANTA ROSA, CALIFORNIA 95401
Telephone 527-2331

EXHIBIT 11

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IN ARBITRATION PROCEEDINGS
BEFORE CHARLES A. ASKIN

---o0o---
COPY

In the Matter of a Grievance Between the
SONOMA COUNTY DEPUTY SHERIFFS'
ASSOCIATION,
Grievant,
and the
COUNTY OF SONOMA,
Respondent,
Regarding: Retiree Medical Contributions

REPORTER'S TRANSCRIPT OF PROCEEDINGS
Volume I
(Pages 1 to 137)

Taken before MONA M. RUSSO
CSR No. 8771, RDR, CRR
February 4, 2008

 One Kaiser Plaza, Suite 505
Oakland, California 94612
510/451-1580 Fax 510/451-3797
Certified Shorthand Reporters

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I N D E X

WITNESSES:	DIRECT	CROSS	REDIRECT	RE-CROSS
FOR THE GRIEVANT:				
JOHN NOBLE	22	36	42	
WILLIAM FOCHA	44	48		
JOHN DOOLEY	49	54	60, 64	63
GARY ZANOLINI	65	76	82, 83	82
CLARENCE FARIA	84	88	93, 95	95
EUGENE FAHY	96	101		

FOR THE RESPONDENT:				
MIKE CHRYSAL	104	116	124	128

INDEX OF EXHIBITS		
GRIEVANT'S EXHIBIT	IDENTIFICATION	EVIDENCE
6	70	76
7	74	76

(All exhibits marked previously for identification prior to this proceeding were admitted into evidence at this proceeding.)

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MS. WILKINSON: The Association rests.
MR. SAKAI: Okay. We have a witness coming at just about 3:00. Could we take 15 minutes?
ARBITRATOR ASKIN: Sure.
(Recess taken.)
ARBITRATOR ASKIN: On the record.
MS. NG: The County would like to call Mike Chrystal.
ARBITRATOR ASKIN: Okay.
MIKE CHRYSAL,
sworn as a witness,
testified as follows:
ARBITRATOR ASKIN: State your name.
THE WITNESS: Mike Chrystal.
ARBITRATOR ASKIN: Can you spell your last name?
THE WITNESS: C-h-r-y-s-t-a-l.
ARBITRATOR ASKIN: Thanks.
DIRECT EXAMINATION BY MS. NG:
Q. Good afternoon, Mr. Chrystal.
A. Good afternoon.
Q. What is your current occupation?
A. Retired.
Q. Retired? And prior to being retired, were you employed by the County of Sonoma?

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A. Yes, I was.
Q. Can you briefly describe in what capacity you were employed?
A. In various capacities over a 31-year period. I was the deputy County administrator for my first year, general services director for 10 years, assistant County administrator for 16 years, and County administrator for the last four and a half years.
Q. So when did you retire?
A. I retired October 2004.
Q. You said that you're currently retired, but do you have any affiliations or other activities that take up your time?
A. I do. I'm a member of the -- I'm on the board of the Sonoma County Employee Retirement Association. I'm also on the board of Redwood Credit Union.
Q. As a board member of the Sonoma County Employees Retirement Association, what do you do?
A. Well, we are the fiduciaries responsible for the funds that are available to pay benefits to the retirees, so we vest the funds and administer the association activities.
Q. Are you also a member of the Sonoma County Association of Retired Employees?
A. I am.

1 Q. What does being a member of the Sonoma County
2 Association of Retired Employees mean or --
3 A. Well, when you retire from the County, you are
4 offered the option of joining this group for sort of a
5 nominal fee, a monthly amount, and my understanding is
6 that they sort of attempt to kind of represent the
7 interests of their retirees on behalf of all the
8 retirees, although I believe only about a third of the
9 retirees belong to the group.
10 Q. So you pay a monthly fee to this association?
11 A. Right.
12 Q. When you say that the association attempts to
13 represent the interests of the retirees, in what way do
14 they attempt to represent the interests?
15 A. Well, I think they act as kind of a conduit
16 between the County and the retirees and at times between
17 the retirement association and the retirees.
18 It's not -- at least in my understanding, they
19 don't meet and confer. It's not a bargaining unit, but
20 when there are issues that arise at the County level or
21 at the retirement association level which impact on
22 retirees, then the association gets involved and
23 attempts to communicate with their retiree members.
24 Q. Does that also include communications with the
25 County or the retirement board?

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Grievance Between DSA and County of Sonoma 2/4/08
Aiken & Welch Reporters

1 table, although I was obviously involved in employee
2 relations issues.
3 Q. Can you tell me what you recall, if anything,
4 about retiree -- about health benefits -- or health
5 benefits to County employees prior to 1985?
6 A. Well, in the early years, my recollection is
7 that everybody got the same level of benefits, and
8 retirees were treated just like everybody else. There
9 was kind of an informal understanding that somehow the
10 retirees and the administrative management group would
11 be kind of treated the same way, but essentially, like I
12 said, everybody got the same benefits. And my
13 recollection is, the County either paid for 100 percent
14 of the benefits or very close to 100 percent.
15 Q. It's my understanding, then, from what you've
16 just said that if you were in SEIU or Western Council of
17 Engineers or a department head, everyone got the same
18 benefit, essentially?
19 A. Correct.
20 Q. Did this change at some point?
21 A. It did, right, and it seems like it was in the
22 mid-'80s, my recollection. There was a move on the
23 County's part to modify benefits and to look to the
24 employees to pay increased copays and to pay more of
25 the -- to share the cost of the premium with the County.

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1 A. Yes.
2 Q. When you were the director of the general
3 services department or the assistant CAO, can you tell
4 me a few of the things -- the main functions of those
5 positions, your main job functions?
6 A. Well, general services director was -- that
7 was a large department made up of nine or ten divisions,
8 mostly providing services to other County departments,
9 the garage and communications and risk management at the
10 time that I operated it.
11 Assistant County administrator, basically to
12 back up the County administrator, act as staff to the
13 Board of Supervisors, prepare the County budget,
14 coordinate the activities of all the County departments.
15 Q. And did that include negotiations?
16 A. Yes.
17 Q. How much -- were you involved -- can you tell
18 me the extent of your involvement with negotiations on
19 behalf of the County?
20 A. From the time that I started with the County
21 in 1973, I believe from the very beginning I was a
22 member of the County bargaining team, the management
23 bargaining team, throughout my career, until I became
24 County administrator, at which point it was not
25 considered appropriate for me to be at the bargaining

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1 Q. Did the County bargain these changes with the
2 various employee groups at that time?
3 A. Yes, we did.
4 Q. What was the result of the County's efforts to
5 try to implement some of these changes, if you can
6 recall?
7 A. Well, my -- yeah. It's a long time ago. My
8 recollection is that we were able to negotiate the
9 changes with all but -- I think the SEIU, one of the
10 largest unions in the County, wanted something different
11 than other people.
12 Q. So SEIU didn't go along with the other
13 bargaining units?
14 A. That's right. They didn't.
15 Q. During this time, were there any changes to
16 the way that retirees received benefits or the kinds of
17 benefits that -- health benefits retirees would receive?
18 A. I don't recall if there were any changes. I
19 recall that there was a move on the part of the County
20 to sort of acknowledge the linkage that the retirees had
21 with administrative management, and there was -- there's
22 a group called -- the acronym was SCAMC, Sonoma County
23 Administrative Management Council.
24 And I believe that we went -- the County
25 management met with that council and discussed the fact

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1 that retiree benefits were tied to administrative
2 management, and I think we brought in some of the
3 retiree representatives, you know, just to let them know
4 that this was the approach the County was going to take,
5 that their health benefits in particular were going to
6 be tied to administrative management, notwithstanding
7 whatever was going to happen with SEIU, that, you know,
8 was sort of digging in to go a different direction.

9 Q. And did that linkage that you talked about --
10 was that in any way communicated to the employee groups
11 at the time, aside from SCAMC, who --

12 A. My recollection is that it was. I mean, I was
13 at the bargaining table at almost all of the
14 negotiations, and I can recall discussions that took
15 place, indicating that the County intended to continue
16 to link the retirees to administrative management, which
17 had, you know, the richest, the best benefit package,
18 and that seemed to satisfy most of the other bargaining
19 units.

20 Q. Okay. There's a giant white binder in front
21 of you. If you could flip to C-5.

22 Do you recognize this document?

23 A. It appears to be a copy of the County salary
24 ordinance from 1988.

25 Q. And if you could flip to -- I think it's --

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1 Q. I'll give you a little bit of time to review.
2 Can you tell me what you recall about those
3 letters or --

4 A. Sure. These were -- both of these letters
5 were directed to me at the time that I was County
6 administrator. And as I recall, there was a point in
7 the late '90s where the County provided a benefit to
8 administrative management employees having to do with
9 dependents and health coverage related to the death of
10 an employee, but it was a benefit that retirees didn't
11 have for that same group of employees.

12 And so these -- at least this first letter
13 from Maureen Latimer, who was at that time the president
14 of the retired employees group, of SCARE, was to make
15 the request that the County extend the same benefit to
16 the retirees, and at the same time to remind me or
17 remind the County that there was this longstanding tie
18 between retirees and administrative management for
19 health benefits.

20 The second letter is from Bill Hart, who was
21 the former personnel director, I guess they called it at
22 the time and for quite a while, I think, certainly while
23 I was general services director, basically stating the
24 same thing, that during his tenure as personnel
25 director, this tie was created, and wanted to remind me

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1 actually, we'll get back to that one in a second.

2 Could you flip to Tab C-6, please?

3 Do you recognize that document?

4 A. Yes, I do.

5 Q. Can you tell me what it is?

6 A. This is what in negotiations is called a TA, a
7 tentative agreement. And this particular one, it
8 appears to me, from August of 1989, is -- had to do with
9 SEIU, and it looks like it's signed by Michael Allen,
10 who would have been the negotiator for SEIU, and I think
11 it's Ray Myers who was the County employee relations
12 officer at the time.

13 And it dealt with a County proposal to create
14 a threshold for retiree health benefits. Prior to that
15 time, there was no threshold, as I understood it. If
16 you retired, you were entitled to the health benefit for
17 you and your dependents.

18 Q. Was this proposal made only at the SEIU table?

19 A. No, no. It was made to all the bargaining
20 units and to unrepresented management.

21 Q. Could you flip to Tab 9, please?

22 Do you recognize this document?

23 A. Yes, I do.

24 Q. And Tab 10?

25 A. Yes.

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1 or the County that supposedly this tie was there for
2 perpetuity.

3 Q. Do you know if the retirees received that
4 survival -- surviving spouse benefit that the people in
5 SCAMC had at this time?

6 A. Well, it happened after I retired, but my
7 understanding is that it was extended to them.

8 Q. Going back to our discussion we had a little
9 earlier about what the healthcare benefits looked like
10 before 1985, when County employees and retirees were all
11 in one group, to post 1985, where some bargaining units
12 had different benefits, and you said SEIU didn't go
13 along with the other groups, and the discussions that
14 you had with SCAMC and then with SCARE, do you know
15 why -- let me rephrase that.

16 Can the retirement board distinguish between
17 retirees from different groups?

18 A. Well, in terms of any systems that the
19 retirement association has to do that, I don't believe
20 that we're capable of doing that right now, other than
21 general retirees and safety retirees, and we're required
22 to distinguish between those two groups under the 1937
23 Act.

24 Q. So if an individual retired from SEIU and an
25 individual retired from SCLEA that was a nonsafety

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1 personnel, in the retirement system, they would appear
2 to be just a retiree?

3 A. They are just a retiree, yes.

4 Q. If a member of SCLEA, which is the Sonoma
5 County Law Enforcement Association, in case it wasn't
6 explained earlier -- if a member -- if a safety member
7 of SCLEA and a safety member of DSA retired, is there a
8 differentiation between the SCLEA safety member and the
9 DSA member in the retirement system?

10 MS. WILKINSON: I'm going to object on the
11 grounds of lack of foundation. We don't have any
12 foundation from this witness about his knowledge of how
13 the actual systems for tracking purposes with the
14 retirement board are conducted. He indicated he's on
15 the board, but not that he has any specific knowledge of
16 the tracking procedure.

17 ARBITRATOR ASKIN: Do you have an
18 understanding of how the system is implemented?

19 THE WITNESS: I think I do.

20 ARBITRATOR ASKIN: Okay. You can go ahead and
21 explain what your understanding is.

22 THE WITNESS: My understanding is that the
23 records that are maintained by the retirement
24 association distinguish between two classes of
25 employees: One is a general, and the other is a safety.

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1 And I am not aware of any information in terms
2 of, once a person retires, keeping track of what
3 bargaining unit they came from or what -- you know,
4 prior to the time that they retired.

5 BY MS. NG:

6 Q. Going back to your involvement in negotiations
7 with the County, were you a member of the County
8 bargaining team at every table with every employee
9 group?

10 A. Obviously, I can't say that I was at every
11 negotiation, but I was on the bargaining team for the
12 great majority of the 30 -- 25 or 30 years that I was
13 here.

14 Q. Do you recall if you were ever a member of the
15 County bargaining team at a Deputy Sheriffs'
16 Association --

17 A. Yes, I was, three or four times. We're
18 talking about multiyear contracts with the Sheriffs'
19 Association.

20 Q. And did this also apply when the deputy
21 sheriffs were part of the Sheriffs' Association?

22 A. Yes, mh-hm.

23 Q. When I asked you earlier if you had ever
24 communicated the linkage that the County had made in
25 1985 between SCAMC and the retiree group and I asked had

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1 you ever communicated this linkage to any of the
2 employee groups, do you recall if this communication was
3 made to members of the Deputy Sheriffs' Association, or
4 the Sheriffs' Association, as it was at that time?

5 A. My recollection is that it was, I mean,
6 whether it was me or somebody else on the bargaining
7 team or the chief spokesperson, but it seems like it
8 came up at a lot of bargaining tables in terms of
9 retiree benefits, and the County's position was that
10 we're going to provide the same benefits as
11 administrative management.

12 And I think it was well-known that
13 administrative management benefits was the best package,
14 or, you know, they got at least what everybody else got,
15 and it tended to sort of end the discussion.

16 Q. Do you recall, when those general discussions
17 came up, if anyone objected to those statements made by
18 the County?

19 A. I don't know.

20 Q. Do you recall if anyone made -- suggested any
21 changes to that arrangement?

22 A. No, I don't recall that anybody did.

23 Q. Nothing further at this time.

24 CROSS-EXAMINATION BY MS. WILKINSON:

25 Q. I have a couple of follow-up questions, sir.

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1 My name is Alison Berry Wilkinson, and I'm
2 representing the Sonoma County Deputy Sheriffs'
3 Association here today in connection with this
4 grievance.

5 As I understood your testimony -- and please
6 correct me if I am wrong -- you recollect that the issue
7 of this tie came up during negotiations, but you were
8 involved in negotiations with a lot of different units
9 at the same time, correct?

10 A. Correct.

11 Q. Do you have a specific recollection of it
12 coming up with the association that was representing the
13 deputy sheriffs?

14 A. No. I mean, if you're talking about date and
15 time, no, I don't.

16 Q. Do you have any notes that indicate that that
17 was communicated at the bargaining table with the
18 association that represented the deputy sheriffs?

19 A. I do not.

20 Q. Now, I also understood that -- from your
21 description, that when the issue of this link was
22 raised, that it quickly became a nonissue because the
23 benefits were the same and sometimes better; is that
24 correct?

25 A. Correct.

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1 Q. So this link, even if it was informal at best
2 when raised with the Association, would never suggest
3 that a lower medical benefit for a retiree from that
4 unit would be put in place, correct?
5 A. Correct.
6 Q. So there was never any indication that
7 somebody who retired, say, from the association that
8 represented deputy sheriffs, because of this link that
9 was being used by the County, would mean that that
10 retiree would get less than what an active would
11 receive, right?
12 A. Correct.
13 Q. Now, I also understood your testimony to be
14 that while you attended a great number of bargaining
15 sessions, in particular with the unit that represented
16 the deputy sheriffs, you weren't at every session,
17 correct?
18 A. Correct.
19 Q. And I take it that that would be for each of
20 the separate contracts. There were contracts for
21 different years. There were multiple sessions of
22 negotiations for each of the contracts.
23 So you weren't necessarily at every single
24 meeting, correct?
25 A. Correct.

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1 Q. Or the various groups which they retired from,
2 right?
3 A. Well, to me, it raises the question -- it
4 raised the question of, you know, where do you deal with
5 the retirees? You know, where do you put them if you're
6 going to have different groups with different benefits?
7 You certainly raise that question.
8 Q. Now, you certainly raised that question with
9 SEIU, correct?
10 A. Mh-hm.
11 Q. Is that a yes?
12 A. I'm sorry. I --
13 Q. You raised the issue of the -- for the court
14 reporter's purposes, she can't take an "mh-hm" or an
15 "hm-mh," so since the "mh-hm" sounded like an
16 affirmative, I was just checking to see if --
17 A. I apologize. You said I raised the issue, so
18 I'm not sure which issue we're talking about.
19 Q. The issue of how you separate or how you
20 actually provide the medical benefit to retirees, you
21 raised that with SEIU, right?
22 A. Well, the issue that was raised with SEIU was
23 the threshold for retiree health benefits. That was the
24 focus of the discussion.
25 Q. Right. And at the time that this discussion

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1 Q. I noticed that there were the notes from the
2 SEIU meeting in 1989 under what has been marked as C-6;
3 is that correct?
4 A. Correct.
5 Q. Do you know whose handwriting this is?
6 A. I believe that it was Ray Myers. I could be
7 wrong, but I see the RJM. It's obviously, to me,
8 Michael Allen at the top. They both signed this TA.
9 Q. Right.
10 A. But typically, the County spokesperson would
11 be the one to write it out, so I think that's who it is.
12 I think it's Ray Myers, who would have been the employee
13 relations person.
14 Q. I take it this handwriting is not yours, then?
15 A. Absolutely not, no.
16 Q. Looking down at the bottom of this tentative
17 agreement here, as I understood your testimony -- and
18 please, again, correct me if I'm wrong -- in '85, the
19 SEIU split off and had a different level of medical
20 benefit than the other units, correct?
21 A. Correct, mh-hm.
22 Q. So now suddenly it's less -- it's not as easy
23 to administer the retiree medical benefit because you
24 have to distinguish between the various people, correct?
25 A. Mh-hm.

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1 was focused, they already had a different retiree
2 medical benefit for SEIU people than for the rest of the
3 bargaining units, right?
4 A. Not to my knowledge, no.
5 Q. This is 1989?
6 A. Right. I'm not -- unless I'm missing
7 something, I'm not following you.
8 Q. I understood your testimony to say that in
9 1985, SEIU went to a different medical benefit for its
10 actives than the rest of the bargaining units.
11 A. I think it was a different copay for the
12 health plan.
13 Q. Okay. So when they retired from SEIU, when
14 they went to this different health plan with copay
15 benefits, they were getting now the administrative
16 employee benefit?
17 A. I can't answer that. I don't know. I don't
18 know.
19 Q. All right. Now, I wanted to ask you a little
20 bit as a follow-up with respect to the retirement
21 association's tracking of medical benefits.
22 You indicated that the system in place with
23 the retiree -- I'm getting all my acronyms messed up.
24 A. SCERA?
25 Q. Thank you. There's SCARE, and there's SCERA,

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1 right? And SCERA is the retirement association that
2 administers the benefits, correct?
3 A. Mh-hm.
4 Q. And SCARE is the organization that represents
5 the employees who are retired under the system, correct?
6 A. Correct.
7 Q. I will get it down one of these days. They
8 all scare me. Let's just put it that way. All right.
9 So SCERA, which administers the benefit, does
10 make a distinction between safety and nonsafety, right?
11 A. Correct. That's required by law under the
12 1937 Act.
13 Q. Understood.
14 Now, the Deputy Sheriffs' Association only
15 represents people who are safety members, correct?
16 A. I believe so.
17 Q. So the tracking system used by the retirement
18 association SCERA already segregates out people who fall
19 within the Deputy Sheriffs' Association bargaining unit,
20 correct?
21 A. I can't answer that. And the problem I have
22 with that is, my understanding of the system, which is
23 antiquated and in the process of being updated, is that
24 all the safety employees are pooled together in one
25 group, so it would be SCERA and any other safety

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1 Q. Okay. That was my next question to you.
2 You characterized the system as antiquated,
3 and so my question was going to be, is it that it can't
4 ever be done, or is it just that the process currently
5 in place doesn't do it?
6 A. It's the latter, and there's a new system
7 that's going to be on-line in the next three to six
8 months that will permit the Association to keep track of
9 all kinds of things, but right now they're very limited.
10 Q. So if they wanted to in the future, they could
11 upgrade the system to allow for tracking by bargaining
12 unit, right?
13 A. Correct, yeah.
14 Q. Thank you. I have nothing further.
15 REDIRECT EXAMINATION BY MS. NG:
16 Q. I just have a few questions, noticing I'm not
17 limiting myself to one. Getting back to negotiations,
18 we talked about C-6, which is the SEIU proposal.
19 And if I recall your testimony correctly, was
20 this same kind of proposal presented at other bargaining
21 tables with other employee organizations?
22 A. Yes.
23 Q. Did this include DSA or the Sheriffs'
24 Association that represented DSA at the time?
25 A. My recollection is that this proposal was made

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1 employees that retire from the County.
2 Q. So as I understand it, then, you -- let me
3 back up a second. I think we're talking about the same
4 thing but maybe from different angles.
5 Everyone who is a member of the Deputy
6 Sheriffs' Association bargaining unit is a safety
7 member, correct?
8 A. I don't know. I'm not sure, but I believe a
9 great portion. I don't know if that's true, if they're
10 all safety.
11 Q. Assume for a moment that they were.
12 A. Okay.
13 Q. All right. And the -- they already now track
14 those individuals into a separate system, correct?
15 A. Okay, yes, yes.
16 Q. So other than distinguishing between a safety
17 member who might be in the DSA and a safety member who
18 might be in the LEA, there is already a step in place to
19 distinguish safety, correct?
20 A. Yes, correct.
21 Q. All right. Now, I also understood you to say
22 that the system currently in place doesn't have the
23 ability to track between bargaining units, right?
24 A. I believe what I said is, they don't do it.
25 Whether the system could do it is another question.

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1 countywide to all bargaining units and to unrepresented
2 employees.
3 Q. And do you -- you recalled making statements
4 at bargaining tables about the linkage between SCAMC and
5 the retirees; is that correct?
6 A. Correct.
7 Q. Do you recall if you made any of these
8 statements at a DSA bargaining table?
9 A. I can't say for sure that I did and when. My
10 recollection is that it came up at the bargaining tables
11 a lot, but can I say I said it a certain time? No.
12 Q. And just to get to the differentiation in the
13 retirement system between safety and nonsafety, my
14 understanding from the discussion that you had with
15 Ms. Wilkinson is that retirees are separated into safety
16 and nonsafety classifications, so to speak?
17 A. Correct.
18 Q. Do you know if there are other -- within the
19 safety group, if any distinction is made from which
20 bargaining unit you retired from, if it's DSA or SCLCA
21 or --
22 A. I think I previously testified I don't believe
23 any distinction is made once the individual retires. At
24 least that's not -- that's my understanding.
25 Q. Do you know if there are any safety members in

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1 the unrepresented management group?
2 A. I don't know for sure, but I think there are.
3 Q. Can you tell me, if you know, whether or not
4 the linkage between the SCAMC group and the retirees was
5 well-known or common knowledge?
6 A. Well, it was certainly common knowledge around
7 the County during the time that I was here, I mean,
8 certainly among the management employees and in terms of
9 the various meetings that we had, the Joint Labor
10 Management Benefit Committee, where we had, you know, a
11 lot of representatives from bargaining units and retired
12 employees and managers and people from risk management.
13 That issue came up a number of times in terms
14 of those benefits for the retirees are going to be the
15 same benefits as the management employees.
16 Q. Can you tell me a little more about that Joint
17 Labor Management Benefits Committee that you just
18 mentioned?
19 A. What would you like to know?
20 Q. Do you recall when it was started and what the
21 purpose of --
22 A. No, I don't, but certainly, meetings were held
23 over a long period of time. I mean, I think the intent
24 was to try to resolve, in some sort of collaborative
25 manner, issues related to health benefits across sort of
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1 participate with that group.
2 There were several people that over a long,
3 long period of time participated. Maureen Latimer is
4 one that comes to mind, Carl Jackson, longtime retirees.
5 Q. I think I'm done.
6 RE-CROSS-EXAMINATION BY MS. WILKINSON:
7 Q. I have a couple of follow-up questions,
8 Mr. Chrystal. You were asked about whether there were
9 any safety members in the unrepresented classification.
10 The sheriff is in that classification,
11 correct?
12 A. Yes, mh-hm, yeah. And as it was being asked,
13 I recalled the person that's in charge of fire services,
14 the same thing, so there obviously are some.
15 Q. There are some.
16 And then with respect to those in the
17 sheriff's office, there's a Law Enforcement Management
18 group, correct?
19 A. Yes.
20 Q. And every member of the -- every safety member
21 of the sheriff's office below the sheriff either belongs
22 to the Law Enforcement Management group or the Deputy
23 Sheriffs' Association, correct?
24 A. Correct.
25 Q. So other than the sheriff, all others are
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1 all the bargaining units and unrepresented employees,
2 you know, anything you could sort of resolve without
3 having to go to the bargaining table or to get a lot of
4 the discussion out of the way so that the -- you know,
5 all the reps and employees sort of knew the issues that
6 risk management was facing, that the County was facing
7 in terms of health benefits.
8 Q. And when you say "a long period of time," do
9 you have a -- is there a time period that you have in
10 mind specifically?
11 A. I can't remember when they weren't there, but,
12 I mean, certainly, it seems to me, the last 10 years,
13 10, 15 years that I was with the County.
14 Q. Were all bargaining units represented at these
15 Joint Labor Management Benefits Committee meetings?
16 A. Yes.
17 Q. And were retirees represented at these
18 meetings?
19 A. They participated, yes.
20 Q. Do you recall who represented the retirees at
21 these meetings?
22 A. Well, there were various individuals. It
23 would be usually the person who was the president of the
24 SCARE group and people that were on their board, or
25 sometimes they would appoint various individuals to
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1 represented by a bargaining unit, correct?
2 A. Correct.
3 Q. Now, with respect to the Deputy Sheriffs'
4 Association, turning to what is Joint Exhibit 3 in your
5 binder, there is a J, and then there is a 3. It's the
6 first 3 that is in your binder.
7 That would be the Memorandum of Understanding
8 between the County of Sonoma and the Sonoma County
9 Deputy Sheriffs' Association for 2003 to 2007.
10 Do you have that in front of you?
11 A. Yes, I do.
12 Q. All right. Turning to page 2 of that
13 agreement, which actually is not physically the second
14 page because the table of contents has little Roman
15 numerals on the bottom, in Article 2 of that MOU, it
16 specifies those classifications within the Deputy
17 Sheriffs' Association unit, correct?
18 A. Correct.
19 Q. And those include sheriff's sergeant, deputy
20 sheriff trainee, deputy sheriff I, and deputy sheriff
21 II, correct?
22 A. Correct.
23 Q. And all of those are safety classifications,
24 correct?
25 A. Yes.
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1 Q. And those are the only classifications
2 represented by the Deputy Sheriffs' Association,
3 correct?
4 A. Correct.
5 Q. Okay. Now, turning to what has been marked as
6 Joint Exhibit 4, next in your book, that would be the
7 MOU for the period of August 14, 2007, to August 11,
8 2008. Do you have that there?
9 A. Yes.
10 Q. And turning to page 2 of that exhibit, that
11 is, Joint Exhibit 4, it is the same list of
12 classifications that were represented by the Deputy
13 Sheriffs' Association in the current agreement, correct?
14 A. Correct.
15 Q. And those are all safety classifications,
16 correct?
17 A. Correct.
18 Q. Now, going back to C-6, which was the
19 handwritten proposal that was presented to SEIU, you
20 were asked by Ms. Ng about whether it was prepared to --
21 or presented similarly to all other bargaining units,
22 and you said yes.
23 And with that, then, I take it that on a
24 countywide basis, there were negotiations with various
25 different units about a significant change to the

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1 Q. Now, I also understood you to say that the
2 retirees in what is Exhibit -- County Exhibit 9, which
3 is that letter from SCARE to you about the greater
4 retiree medical -- or greater medical benefit being
5 provided to the SCAMC folks, the administrative
6 management folks, and their desire to have that; is that
7 correct?
8 A. That is correct.
9 Q. There is no obligation, is there, that the
10 County negotiate with this retiree organization, right?
11 A. Correct.
12 Q. So anything that the County agrees with as it
13 relates to SCARE, the retired employees association, is
14 a matter of courtesy from the County, correct?
15 A. Well, I think that's correct. I think, you
16 know, the question here was whether the County had
17 agreed to something previously and reneged on it, or at
18 least that was being, I think, alleged by the SCARE
19 people.
20 Q. But technically, the County does not need to
21 meet, discuss, confer, bargain with the retired
22 employees represented by SCARE, right?
23 A. That's my understanding.
24 Q. It does, however, have an obligation to do
25 that with respect to its actives, right?

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Grievance Between DSA and County of Sonoma 2/4/08
Aiken & Welch Reporters

1 retiree medical benefit, right?
2 A. To me, the significant change was the
3 threshold for receiving those benefits, yes, correct.
4 Q. And that threshold changing to this 10-year,
5 20-year --
6 A. Correct.
7 Q. -- I was going to say precursor, but it's
8 actually a requirement.
9 A. Right, correct.
10 Q. Prerequisite. That's the word that I was
11 looking for -- was a significant change, right?
12 A. Yes, it was.
13 Q. And the County bargained with each different
14 unit about that, correct?
15 A. Yes, we did.
16 Q. And it became a part of discussions over the
17 total benefit package that would be provided to each
18 different unit, correct?
19 A. Correct.
20 Q. Now, each different bargaining unit did not
21 end up with identical total packages, right?
22 A. Correct.
23 Q. So it was part of the regular give-and-take
24 negotiations process, right?
25 A. Correct.

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Aiken & Welch Reporters

1 A. Correct.
2 Q. Now, with respect to that, then, I suppose it
3 goes without saying that the retirees have no power or
4 authority to negotiate on behalf of the actives, right?
5 A. Correct.
6 Q. And the actives have no power or authority to
7 negotiate on behalf of the retirees, right?
8 A. No, they do not.
9 Q. Okay. So the only thing that the Association,
10 for example, the Deputy Sheriffs' Association can do is
11 to negotiate for those benefits that its active members
12 will receive upon retirement, right?
13 A. Okay. Yes.
14 Q. Thank you. I have nothing further.
15 MS. NG: I have nothing further.
16 ARBITRATOR ASKIN: I want to be clear about
17 one part of your testimony. You were asked on direct
18 examination some questions relating to what has been
19 described as the linkage of the benefits to the
20 management representative group.
21 THE WITNESS: Right.
22 ARBITRATOR ASKIN: And on cross-examination,
23 you were asked words to the effect if you had a specific
24 recollection of any such discussion of linkage at the
25 bargaining table with the Deputy Sheriffs' Association

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1 or its predecessor organization.

2 And your answer initially was that you had no
3 specific recollection of any dates, which was not
4 exactly what the question called for. In other words,
5 you're trying to be careful, and I appreciate that.

6 And then you were asked again on redirect
7 examination the same kind of question, and you gave a
8 similar answer in terms of not having a specific
9 recollection, and it wasn't clear to me from your
10 answer, and this is where I'm seeking the clarification.

11 As I understand your testimony, it is your
12 general recollection that this subject came up -- and
13 these are my words -- a lot of different times over a
14 lot of different negotiations with different bargaining
15 representatives.

16 Do I understand that correctly?

17 THE WITNESS: Yes. That's correct.

18 ARBITRATOR ASKIN: Okay. So to the extent
19 that both sides have asked you to focus and now I'm
20 asking you to focus, as best you can, on the
21 negotiations with the Deputy Sheriffs' Association or
22 its predecessor, without regard to specific dates or
23 without recalling an absolutely specific conversation,
24 as you sit here today, do you have a recollection that
25 this subject came up in the negotiations with the Deputy

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1 tomorrow at 11:00 o'clock.

2 MR. SAKAI: Thank you.

3 MS. WILKINSON: Thank you.

4 (Whereupon, the proceedings were adjourned at
5 3:51 p.m.)

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1 Sheriffs' Association, this linkage, on one or more
2 occasions over these years that you've been describing?

3 THE WITNESS: Yes. That's my recollection.

4 ARBITRATOR ASKIN: So you've got a general
5 recollection of that coming up, but you don't have a
6 specific recollection of the specific statements made or
7 of any dates?

8 THE WITNESS: That's correct.

9 ARBITRATOR ASKIN: Okay.

10 Do my questions open up anything further?

11 MR. SAKAI: Nothing further.

12 MS. WILKINSON: Nothing further.

13 ARBITRATOR ASKIN: Thank you.

14 MR. SAKAI: We have three more witnesses, the
15 first of which will probably take --

16 ARBITRATOR ASKIN: Let's go off the record.

17 (Discussion off the record.)

18 ARBITRATOR ASKIN: We have discussed
19 scheduling issues, and in view of the hour of the day
20 and the length of the next witness and traffic issues
21 that various people have some concern about, it has been
22 agreed by everyone that we will recess the hearing
23 today, and we are going to resume tomorrow at 11:00
24 o'clock a.m. due to a prior commitment that has to be
25 addressed earlier, so we will resume the hearing

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Grievance Between DSA and County of Sonoma 2/4/08
Aiken & Welch Reporters

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF MARIN)
4)

5 I, MONA M. RUSSO, a Certified Shorthand
6 Reporter of the State of California, hereby certify that
7 the foregoing proceedings were taken in shorthand by me,
8 at the time and place therein stated, and that the said
9 proceedings were thereafter reduced to typewriting, by
10 computer, under my direction and supervision;

11 I further certify that I am not of counsel or
12 attorney for either or any of the parties to the said
13 proceedings, nor in any way interested in the event of
14 this cause, and that I am not related to any of the
15 parties thereto;

16 IN WITNESS WHEREOF, I have hereunder
17 subscribed my hand this 4th day of March, 2008.

18
19
20 *Mona M. Russo*
21 MONA M. RUSSO, CSR No. 8771
22
23
24
25

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Grievance Between DSA and County of Sonoma 2/4/08
Aiken & Welch Reporters

March 1, 2007

Dear Sir, Madam,

It is with much regret that I feel it is necessary to contact the Northwest Legal Department in this anonymous way. I apologize in advance for not signing this letter; however I do not wish to have my name exposed in any way to ALPA or NWA at this juncture, for fear of reprisals.

I am currently a Captain at NWA with greater than 25 years of service and have greater than nine years until age 60 (current normal retirement). I simply want to say that I fully support the Company position, and the concerns regarding ALPA's plan to fully target the NWA pilot DC plan after bankruptcy. I along with legal counsel, absolutely feel there are strong legal issues specifically where ALPA has intent to have approximately 1200 of the more senior/older pilots not receive ANY contribution under such a "targeted DC plan". It is my understanding that NWA management also has reservations about discriminating against a segment of the pilot group. Thus I am requesting that NWA not agree to cut 1200+ pilots out of our pension contribution.

AGAIN I SUPPORT, AND SHARE THE COMPANY POSITION ON THIS ISSUE AS DO HUNDREDS OF MY CO-WORKERS.

With that being said, I can also assure you that I have had consultations with ERISA attorneys at Felhaber, Larson, Fenlon & Vogt and Dorsey & Whitney LLP, of which share our concerns about eliminating one segment of an employee group from a pension plan. This would seem to be blatant discrimination on the part of ALPA and NWA.

Thank you for your time and consideration,

Captain Loyal Pilot NWA

EXHIBIT 12

SCA E *Bill*

SONOMA COUNTY ASSOCIATION OF RETIRED EMPLOYEES

P.O. Box 6298

613 Fourth No. 206

Santa Rosa, CA 95406

(707) 545-7349

January 31, 2001

RECEIVED

FEB 02 2001

HUMAN RESOURCES
COUNTY OF SONOMA

Mike Chrystal
Sonoma County Administrator
575 Administrative Drive, Room 104 A
Santa Rosa, CA 95403

RE: Health Plan Premiums for Survivors of Retirees

Dear Mike:

The Sonoma County Association of Retired Employees (SCARE) requests that Sonoma County provide to all retirees and current survivors of retirees the same survivor health insurance premium benefit as the County provides now for survivors of retirees who retired after July 1, 1999.

As you know, County retirees pay the same premium payment for health care coverage as do active County Administrative Management employees. This arrangement dates back to 1985 when retirees gave up no cost lifetime health benefits in return for a reduced premium payment for spouses and eligible dependents. At that time, the agreement was made between the County and its retirees that, in perpetuity, assured retirees that they were tied to Administrative Management employees for purposes of health care benefits, providing retirees with the same benefits under the County Health Plan and the same premium rates as Administrative Management employees. From the time of this 1985 agreement, retirees have received the same benefits under the County Health Plan and paid the same health care premium rates as Administrative Management employees.

Effective July 1, 1999, the County provided a significant health care premium benefit to Administrative Management employees upon their retirement which allowed that on the death of the retiree, the surviving spouse would be allowed to continue paying the same monthly health care premium as the retiree had paid. This benefit constitutes a major change in health care premium costs for survivors of Administrative Management retirees. It is my understanding that this benefit has now been extended to all employee organizations and covers all retirees that retire from the County after July 1, 1999. SCARE was not notified at the time the benefit was given to Administrative Management employees--an apparent oversight on the part of the County.

Currently, the survivors of retirees who retired prior to July 1, 1999, pay the entire monthly health care premium--a major financial burden for them. We now see a "two tiered" retiree health care premium system that was not part of the 1985 agreement with the County. Our membership is

cc:
JoAnne Sidwell
Ray Myers

Bob Deis

We will need to
seek County Counsel
input re the 1985
agreement - assumption
there was one


Mike Chrystal

pressing us to resolve this matter. SCARE requests that the County include all retirees and current survivors in its survivor benefit that became effective July 1, 1999.

~~While SCARE does not intend at any time to make this request to the County Retirement Board, we do request that Sonoma County provide this benefit.~~ The County provides health care benefits for its retirees, pays the County's share of those benefits and is a party to the 1985 agreement to tie County retirees in with current Administrative Management employees for the purpose of health care benefits.

At your convenience, SCARE representatives would be happy to meet with you to discuss this request or answer questions you may have.

Sincerely,



Maureen Latimer, President
Sonoma County Association of Retired Employees

c. Tim Smith, Mike Cale, Mike Kerns, Paul Kelley, Mike Reilly, Bob Nissen

scare/mike.let

EXHIBIT 13

February 16, 2007
508 Buena Vista Dr
Santa Rosa, CA 95404

Ann Goodrich
Director of Human Resources
Human Resources Dept.
Administration Drive
Santa Rosa, CA. 95403

Dear Ms. Goodrich:

I am writing to expand on a couple of points I made during our discussion of Wednesday, February 7, 2007, regarding Retiree Health.

While we appreciate you and your staff taking the time to explain the proposed County Health Plan changes to us, we are very concerned that Sect.15.4, Medical Insurance Eligibility and Contributions for Retirees, Subsection (d) is incorrect and contravenes a long established County policy of more than twenty (20) years. Likewise, Sect. 15.5 (e) contains the same erroneous change in long standing County policy when it says that retiree medical insurance may be discontinued or modified solely at the County's discretion. These changes erroneously assert that the County may require retirees to pay more for their medical insurance than active management employees do.

As the Director of Human Resources/Personnel for 14 years, I verbally communicated on several occasions the County's policy of tying Retiree Health Insurance subsidy and health benefits to County Middle Management. That policy was also communicated to SCARE for their information on several occasions. Under CAO Tom Schopflin and the Board of Supervisors, we agreed to the tie so there would be a clear and consistent policy for treating retiree health. The intent was to have consistency and certainty and not have to revisit the issue periodically. The intent was also to have an automatic approach that suited the County and Retirees and did not create concern and consternation among retirees. In particular, the County sought a tie as previously retirees received the subsidy and benefits of their former bargaining unit. That system caused problems for administration of benefits for Risk Management.

It is my understanding that my successor, Ray Myers, continued to communicate that same policy with the approval of the County Administrator to bargaining units, SCAMC and SCARE. As the attached letter from former Personnel Director Bill Hart indicates, the tie with middle management goes back many years.

Carl Jackson, formerly Deputy General Manager of the County Water Agency, was the President of the Retired Employees, (SCARE), during several of the later years of my tenure as HR Director. We had several conversations in our official roles on the issue of the Retirees tie to County Middle Management (SCAMC) for health insurance benefits and County subsidy. As noted earlier, such a tie served the needs of the County and of Retirees. While both Mr. Jackson and I believe there were written communications

confirming this tie, we have not been able to find a copy of such a document. SCARE files are very limited, and we do not have access to the County files. Nonetheless, it is the position of SCARE, Mr. Jackson and me that such a formal policy tying County Retirees' (retiring both before and after 1990) health benefits and County subsidy to Middle Management/SCAMC, since at least the 1980's. Further, it was well known and communicated to both retirees and management employees and bargaining units on many occasions and was relied upon by both retirees and employees. Such a policy was not placed in MOU's on the advice of Counsel, as the MOU's do not cover retired employees.


Gail Braun, former Risk Manager, confirms the above understandings. Additionally, she believes that the tie of Retiree and Middle Management health insurance may have also been included in some open enrollment documents sent to retirees.

As we also noted, the retiree health coverage and tie to management was also used to respond to requests from SEIU, SCAMC and Retirees when the issue of adding an automatic cost of living escalator to our 1937 Act Retirement System was raised. The answer that I routinely gave was that our Retiree Health Insurance tied to Management was in effect in lieu of the automatic COLA that almost all other County retirement systems, both 1937 Act and PERS, enjoy. This quid pro quo was recognized by employee organizations and retirees, and their request for automatic COLA was regularly dropped.

Under the circumstances, SCARE hereby requests that Sects. 15.4 (d) and 15.5 (e) be dropped from the Proposed Salary Resolution language as it violates long standing County policy and oral agreements between the County and various employee groups and retirees. We also request that these Salary Resolution changes be held for 90 days to allow us to fully explore options. That would still allow the Board to take action 30 days before July 1, 2007.

We appreciate your recent offer to have a dialog on developing options for possible ways to reduce the significant unfunded liability for retiree health that the County faces. Public statements by Board of Supervisor members and the CAO strongly suggested a dialog would occur. We stand ready to actively participate in the generation and analysis of possible options to reduce current and future retiree health costs. We wonder if your studies have taken into consideration the fact that retirees over age 65 on Medicare cost the County much less than regular employee health insurance?

Please let me know if you have questions or wish to discuss these issues further.


Richard Gearhart,
President, SCARE

cc SCARE Board
County Administrator
County Counsel
SCAMC

EXHIBIT 14

County
Ray Myers - Fwd: health plan

file

From: Ray Myers or Kay Ashbrook <myersbrook@yahoo.com>
To: Joanne Sidwell <jsidwell@sonoma-county.org>, Marcia Chadbourne <mchadbou@sonoma-county.org>
Date: 3/8/2004 8:15 PM
Subject: Fwd: health plan

Hi Joanne and Marcia:

This is Ray Myers writing from home tonight. I'm not sure why, but the retirees group are researching their linkage to the Management Group. See Maureen's email below.

I don't have any records that I copied or kept from when the retirees were linked to the mgt group, but it was in the 1985 era. Would you two look over your files and see if you can find a reference document. I know the MOU negotiations files for that time had all kinds of relevant records, memoranda, bargaining notes and consultant reports. I think this is going to get important. I know the retirees are concerned about how we'll react to the new federal prescription under Medicare, especially whether or not the County will try and drop drug coverage to Medicare eligible retirees under the CHP and any other purchased plans. For reasons stated way below, I don't think we can legally do that to the current group of retirees and employees vested under the retirement plan.

But first, to help you find any documents from 1985 changes Maureen is looking for, here are my recollections. Prior to 1985, the County health plan (CHP) and our purchased plans, then including Kaiser and HPR, were all uniform with regards to benefits for employees. The CHP then, as well as the purchased plans, made no distinction among groups of employees like they do now. That all started in the 1985 era at the instigation of the County. We wanted to reduce the upward cost of the CHP premiums, which were largely paid for by the County. In 1981, the County paid 100% of the premiums, but we only had the CHP. In the summer of 1981, we were "mandated" under the old HMO guidelines by Kaiser and HPR. I forget how much each employee paid for premiums, but it wasn't much and I think the CHP was treated differently than the purchased plans. Not sure. Anyway, I do know that in 1985 we proposed to all unions improvements in the CHP (increased benefits and added very modest preventative services) in return for which we wanted the unions to agree to co pays and deductibles and to pay more of the share for their premiums. Kaiser also was changing it's plan to require higher co pays. I think HPR was doing the same.

And the retirees receiving medical insurance were treated the same as active employees with regard to benefits and premium contributions. That had been the long standing guarantee: you retire from the County on any basis except for deferred retirement and you can continue to participate in the same health plans as the active employees and on the same cost basis as active employees. The former guarantee meant retirees could participate in open enrollments and add and remove dependents. The latter meant the retiree enrollee would pay the same premium contribution for the particular plan selected by him as an active employee would pay for the same plan. Because there was no distinction between health plans among the employee groups, the retirees were never considered to be enrolled in a particular plan under the MOU they retired from.

Then, as a result of our negotiations in 1985, we ended up getting all but SEIU to move to co pays and deductibles. The improvements (preventive care) was given to them; Risk Mgt said they didn't want to have two versions of CHP, but they could live with two versions of employee deductibles and co pays. So we ended up with all unions but SEIU having \$100/\$200 deductibles and some amount of co pays (I forget) and a lower stop loss amount. In return, we lowered the employee's share of the premium costs to zero the first year, and it rose in succeeding year or years of those multi year MOUs. SEIU had higher stop loss figures (single/two party/family; I forget now what the amounts were for each category). And their premium contributions did not drop.

At the conclusion of those negotiations, in 1985, I remember your predecessor, Marcia, realizing the impact of this on administration of the CHP regarding retirees. She didn't want to have to keep track of which version the retirees went into when retired. And would a retiree have the ability to move during open enrollment to a less costly version. Looking back on it now I'm not sure why we were so concerned with retiree choices, but we were. We also could tell that probably 90% of the retirees were from SEIU job classes, so they were not going to get a premium reduction.

Again, I can't clearly remember why we were concerned about that, except to say during those early 1980's, the retirees had more of a political impact on the Board than retirees do today. Back then, retirees who had been burned with high inflation were mobbing the Board each year to demand a COLA. And each year the Board gave them an ad hoc (meaning it was paid for directly by the General Fund, not retirement earnings, excess or not) COLA of from 2% to 5%. I recall the CAO did a report on this in the later 1980s and it was striking: the Board gave retirement COLAs from the general fund to retirees in every year except one for over a 12 year period. This finally ended when legislation was passed and our Board adopted it to allow the Retirement Board to use excess earnings and other measures to provide catchup COLAs to older retirees to bring them to 75% of the purchasing power they had when first retired. But I digress.....

So most retirees would be in the SEIU version of the CHP unless we did something. We decided to say that all retirees and future retirees would be placed in the mgt benefit package henceforth with the changes enacted in 1985. That immediately cut the retirees premiums to zero, which they loved. They had to for the first time pay co pays and deductibles, but they understood the value of a higher stop loss for major medical cause they used the CHP more than active employees. The retirees were very supportive of the grouping in with mgt group for benefit identification. We also probably put the retirees in the mgt group cause I bet we were struggling to get SEIU to agree to a new MOU and we had to make a decision on the retirees before the union got around to agreeing. In 1981 we had a 30 day strike with SEIU. In 1983, we had a one or two week strike, largely at Community Hospital. In 1985 we had rolling strikes around the County. So getting SEIU to agree before July was never a possibility.

Later, the County made one more major change in our system of employee-retiree health care entitlement. In the bargaining around 1988 and 1989, we moved to limit access to retiree health coverage to only employees hired after 1990 who worked continuously with the County for 10 years and then went out on a normal or disability retirement. The same employee could cover a spouse and dependents if the employee worked another 10 consecutive years at the County and retired.

So, back to the retirees' fears about how the County will react to the new prescription drug benefit under Medicare. I believe that the County has consistently adhered to the guarantee to its

employees and retirees that I and others began articulating in 1981: you take a normal or disability retirement from the County and be enrolled in health insurance, you will get to continue to participate in the same array of health insurances available to active employees and on the same cost sharing basis as active employees do for so long as you maintain continuous premium payments. Miss a payment and you're dropped from coverage with no ability to get back in. The only distinction we have between employees and retirees is the change implemented in 1990 and 1991: requiring 10 years work at the County before you can participate in health insurance upon retirement and 20 total years work at the County before your dependents can participate with the employee. For employees hired before 1990 and 1991, depending on bargaining units, those 10 year and 20 year requirements were not applicable.

The key for me in analyzing the prescription drug benefit coming under Medicare is the commitment the County made to retirees to participate in the same health plans, and on the same basis, as active employees. I believe it would violate that commitment, that guarantee, if we provided one health plan with prescription drugs for retirees eligible for Medicare and another for retirees not yet eligible for Medicare. Same for active employees under 65 and over 65 who may be working for us. If we want to take advantage dropping the prescription drug benefit for those employees/retirees eligible for Medicare, I believe we would have to negotiate that change and implement it for future employees or retirees after a certain date.

Sorry for the lengthy memory dump. I just wanted to finally get that down in writing to you two and also ask for your help to find critical documents from those early years when we made some major changes in our health benefit coverage and eligibility criteria.

Richard Latimer <rmlatimer@juno.com> wrote:

To: myersbrook@yahoo.com
 Date: Mon, 8 Mar 2004 15:42:44 -0800
 Subject: health plan
 From: Richard Latimer

Hi Ray: Lanie from the Board of Supervisors office called me and told me that she checked the September 1984 Salary Ordinance that covered health benefits and did not find any reference to retirees being grouped with administrative management folks. Carl Jackson said that Bill Hart came in 1985 to the Administrative Management Council and talked about grouping retirees with them. As his letter states, Bill Hart also said it was done in 1985. Do you think that you might have some record of the 1985 transaction? Lanie seems to have ruled out the year being 1984. Thanks for any help your department can give us on this issue. Maureen
 Maureen Latimer
 RMLatimer@Juno.com

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EXHIBIT 15

For Unrepresented Groups Covered By the Salary Resolution

County's Initial Proposal on Retiree Medical Insurance

1. **General Eligibility for Retiree Medical**

- Eliminate dual coverage of employees/retirees for medical, dental and vision
- Establish a program that allows retirees the ability to waive their retiree medical plan
 - ✓ Upon loss of other coverage (voluntary or involuntary)
 - ✓ Must provide evidence of loss of other coverage and re-enroll within 30 days of such loss

2. For employee hired before January 1, 2009, for period June 1, 2008 – May 31, 2009, maintain current retiree medical plan options and County contribution of 85% of lowest cost plan Y-rated

- Retiree Medical Plans: Effective June 1, 2008, County Health Value Plus Plan, County Health Value Plan, Kaiser \$10 co-pay plan, PacifiCare \$10 co-pay plan
- County Contribution:
 - ✓ The County will continue to contribute toward the cost of a County offered medical plan for any eligible retiree and their eligible dependent(s), the same amount as it contributes for active unrepresented administrative management employees.
 - ✓ Effective July 1, 2008, 85% of the lowest cost plan Y-rated

3. For employees hired before January 1, 2009, for period June 1, 2009 and thereafter, establish revised eligibility criteria for retiree medical, County contribution to be a flat dollar amount

- Eligibility Criteria: Equivalent of 10 years of consecutive regular full-time paid Sonoma County service (purchased service time does not count toward meeting eligibility requirement);
 - ✓ No requirement of 20 years of service for the County's contribution to be used toward cost of dependent coverage.
- County Contribution:
 - ✓ The County will continue to contribute toward the cost of a County offered medical plan for any eligible retiree and their eligible dependent(s), the same amount as it contributes for active unrepresented administrative management employees.
 - ✓ Flat dollar amount same as unrepresented management.

4. For all employees hired on or after January 1, 2009, beginning January 1, 2009, establish a new tier in the form of a defined contribution plan for retiree medical. Benefits under #3 above eliminated.

- Defined Contribution Plan: Establish a Health Reimbursement Arrangement (HRA) account
- Eligibility Criteria: Employee must have two full years of consecutive Sonoma County regular service (excluding overtime) in pay status
 - ✓ .5 FTE employees or greater are eligible
- County Contribution:
 - ✓ Once the initial eligibility requirement is met, regular full-time employees receive a lump sum contribution of \$1,200 deposited into an HRA account established in their name
 - a. Part time employee's lump sum contribution is pro-rated (e.g., .5 FTE would receive \$600 upon meeting initial eligibility criteria).
 - ✓ After the initial contribution, the County contributes a \$.29 per pay status hour, not including overtime
- Withdrawal: Money may be withdrawn from HRA at age 50 or upon retirement from the Sonoma County Retirement System, whichever is earlier.
- Surviving spouse and/or dependents receive funds in HRA account upon the retiree's death, based on IRS rules. If there are no survivors, then balance in retiree's account is evenly distributed amongst existing members in the HRA plan.
- HRAs are subject to regulation under section 105(b) of the Internal Revenue Code
- If the County develops an option for employees hired before January 1, 2009 to elect voluntary participation in the new tier defined contribution retiree medical plan, the County will discuss with unrepresented groups this option.

5. Surviving Dependent Coverage for Retirees Hired Before January 1, 2009

- An eligible surviving dependent will be allowed to continue their coverage under the same circumstances and with the same County contribution as if the retiree had survived. To be eligible, a surviving dependent must:

- ✓ Have been eligible to receive a contribution toward a County offered retiree medical plan
- ✓ Either be enrolled or have waived their coverage, at the time of the retiree's death

6. Surviving Dependent Coverage for Retirees Hired On or After January 1, 2009

- An eligible surviving dependent may continue participation in the County offered medical plan, but remains responsible for all costs (including premiums).
- To be eligible, a surviving dependent must either be enrolled or have a waiver on file with the County, at the time of the retiree's death.
- This benefit will be subject to regulation under section 105(b) of the Internal Revenue Code and subject to revenue rulings for these types of plans as promulgated.

For Unrepresented Employees Covered By The Salary Resolution

County's Initial Proposal on Active Employee Health Insurance

1. General Eligibility for Active Employee Health Insurance

- Eliminate dual coverage of employees for medical, dental and vision, dependent life insurance plans

2. Effective date of benefits

- The first day of the month in which the employee commences employment, if the date employment commences is between the first through the fifteenth of the month, or
- The first day of the month following the month in which the employee commences employment, if the date employment commences is between the sixteenth through the thirty-first of the month.

3. County Offered PPO & HMO Plans

- Effective July 1, 2008, plan choices:
 - ✓ County Health Value Plus Plan #2
 - ✓ County Health Value Plan #3
 - ✓ Kaiser \$10 co-pay plan
 - ✓ PacificCare \$10 co-pay plan

4. County Contribution to Active Medical

- Effective July 1, 2008 – May 31, 2009, County contribution 85% of the lowest cost plan Y-rated
- Effective June 1, 2009:
 - ✓ County contribution of a flat dollar amount not to exceed \$229.98 per pay period (\$500 per month)

5. Dental Plan

The following employee contribution(s) will be:

- Effective June 1, 2008: Employee Contribution: \$12 per pay period
- Effective June 1, 2009: Employee Contribution: \$13 per pay period

6. Life Insurance

- Eligibility for enrollment for employees in an allocated position of .75 FTE or greater

7. Health Benefits -- Leaves of Absence/Continued Coverage

- Language "clean-up" and clarification
- New language to ensure compliance with updated regulations regarding FMLA, CFRA/Bonding Leave, CPDL
- Increase Auditor-Controller late fee charge from \$10 to \$25

8. Expansion of County's IRS Section 125 Plan

- Expand to all covered expenses and maximum employee contribution amounts allowed under IRS Code Section 125

9. VEBA

- If the County develops an option for employees to elect participation in a voluntary employee funded savings account for retiree health (e.g., VEBA) the County will discuss this option with unrepresented groups.

For Unrepresented Groups Covered By the Salary Resolution

County's Initial Proposal on Retiree Cash Allowance

Effective the full pay period closest to June 1, 2009, the County shall pay a cash allowance to each regular employee \$2.88 per hour for a maximum of \$500.00 per each month that the regular employee is in paid status excluding overtime.

This cash allowance shall not be included in the salary schedule, shall not be impacted by future salary cost of living increases and may be used by the employee for any purpose.