

JOINT RESOLUTION

CITY OF FAIRFIELD CITY OF VACAVILLE COUNTY OF SOLANO
RESOLUTION NO. 94-197 RESOLUTION NO. 94-146 RESOLUTION NO. 94-169

A JOINT RESOLUTION OF THE CITY COUNCILS OF FAIRFIELD AND VACAVILLE AND THE SOLANO COUNTY BOARD OF SUPERVISORS APPROVING THE AGREEMENT BETWEEN THE CITIES OF VACAVILLE AND FAIRFIELD AND SOLANO COUNTY FOR THE FORMATION OF THE VACAVILLE-FAIRFIELD-SOLANO GREENBELT AUTHORITY.

WHEREAS, on May 16, 1989 the City Councils of the cities of Fairfield and Vacaville adopted a joint resolution to initiate a planning process for the creation of an open space greenbelt buffer between the two cities; and

WHEREAS, on May 9, 1991, the Fairfield/Vacaville Greenbelt Study Committee adopted a report outlining principles and recommendations for the creation of the greenbelt; and

WHEREAS, on June 11, 1991 and July 16, 1991, the City Councils accepted the Study Committee report and directed staff to prepare an agreement to implement the recommendations of the report; and

WHEREAS, the City of Fairfield and City of Vacaville prepared several draft agreements outlining a process for the preservation of the open space greenbelt buffer between the two cities which were presented to the Fairfield Open Space Commission, Fairfield Planning Commission and Vacaville Planning Commission during numerous public hearings over the past three years; and

WHEREAS, original draft agreements recommended the formation of a Joint Powers Authority comprised of the City Councils of the Cities of Fairfield and Vacaville; and

WHEREAS, in response to concerns raised during the public hearing process before the City Council, the Solano County Board of Supervisors were invited to participate in the Joint Powers Authority and work with the two Cities to prepare the agreement to form the Authority; and

WHEREAS, a subcommittee comprised of two City Council members from the Cities of Fairfield and Vacaville and two members from the Board of Supervisors conducted several meetings to prepare the proposed Agreement to form the Vacaville-Fairfield-Solano Greenbelt Authority ("Agreement") (Exhibit 1); and

WHEREAS, City staff has presented substantial factual information regarding the proposed Agreement; and

WHEREAS, the City Councils and Board of Supervisors meeting in duly advertised public hearings have heard public testimony on the proposed Agreement; and,

WHEREAS, the proposed Agreement is consistent with the principles and recommendations of the Fairfield/Vacaville Greenbelt Study Committee Report dated May 9, 1991; and

WHEREAS, the proposed Agreement is within the scope of the Program Environmental Impact Report prepared for the Fairfield General Plan and no new environmental documentation is required in accordance with Section 15168(c)(2) of the California Environmental Quality Act; and

WHEREAS, the proposed Agreement is deemed an activity within the scope of the City of Vacaville General Plan Revision (GP-1-90), analyzed by the Proposed General Plan EIR (EIR-2-90), and no new environmental documentation is required in accordance with Section 15168(c)(2) of the California Environmental Quality Act; and

WHEREAS, the proposed Agreement involves only planning studies for possible future actions, which actions neither the Joint Powers Authority nor Solano County is presently approving, adopting or funding, Solano County finds that the proposed Agreement is exempt from the requirement for preparation of an EIR or a Negative Declaration pursuant to Section 15262 of the CEQA Guidelines (14 California Code of Regulations Section 15262); and

WHEREAS, The proposed Agreement is consistent with the City of Fairfield 1992 General Plan, City of Vacaville 1990 General Plan and Solano County 1980 General Plan; and

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCILS OF THE CITIES OF FAIRFIELD AND VACAVILLE AND THE COUNTY OF SOLANO do resolve as follows:

1. To approve the Agreement between the Cities of Vacaville and Fairfield and the County of Solano for the Formation of the Vacaville-Fairfield-Solano Greenbelt Authority as shown in Exhibit I, attached hereto and hereby made a part of this Resolution.
2. To authorize the Mayors of the Cities of Fairfield and Vacaville and Chairperson of the Solano County Board of Supervisors to execute said Agreement.

PASSED AND ADOPTED this 13th day of September
1994, by the following vote of the Fairfield City Council:

AYES: COUNCILMEMBERS: LESSLER/O'REGAN/PETTYGROVE/POLK/HAMMOND

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

Chuck Hammond
Mayor

Attest:

B. May
City Clerk

PASSED AND ADOPTED this 13th day of September
1994, by the following vote of the Vacaville City Council:

AYES: COUNCILMEMBERS: CLANCY, KAHN, TATUM, VICE MAYOR KIMME, MAYOR FLEMING

NOES: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

David A. Fleming
DAVID A. FLEMING, Mayor

Attest:

Kathleen M. Andronico
City Clerk KATHLEEN M. ANDRONICO

PASSED AND ADOPTED this 4th day of October
1994, by the following vote of the Solano County Board of Supervisors:

AYES: BOARDMEMBERS: Caddle, Kondylis, Schlenker, Thomson and Chairman Carroll

NOES: BOARDMEMBERS: None

ABSTAIN: BOARDMEMBERS: None

ABSENT: BOARDMEMBERS: None

William J. Carroll
Chair

Attest:

Linda Tera
Clerk to the Board of Supervisors

**AGREEMENT BETWEEN THE CITIES OF VACAVILLE AND FAIRFIELD AND
SOLANO COUNTY FOR THE FORMATION OF THE VACAVILLE-FAIRFIELD-
SOLANO GREENBELT AUTHORITY**

This Agreement is entered into pursuant to the Joint Exercise of Powers Act (Government Code sections 6500 et seq.) and becomes effective on September 13, 1994, by and between the City of Fairfield ("Fairfield"), City of Vacaville ("Vacaville") and Solano County ("County");

RECITALS

1. In May, 1989, Vacaville and Fairfield initiated a Planning Process for a Greenbelt Study by the adoption of Resolution Nos. 1989B-4 and 89-147 respectively ("Joint Resolution"). The purpose of the Planning Process was to identify and recommend for adoption by Fairfield and Vacaville ("Cities") mechanisms for the preservation, protection and establishment of a permanent open space as a community separator ("Greenbelt") between the Cities.
2. The Joint Resolution also established a Greenbelt Study Committee to oversee the Planning Process. On May 9, 1991, the Fairfield-Vacaville Greenbelt Study Committee produced its Greenbelt Study Committee Report ("Report") for review and acceptance by the two City Councils. The Report recommended that the Cities act to establish a permanent greenbelt between the two communities consistent with the recommendations of the Report. The Report was accepted by the Fairfield City Council on July 16, 1991 and by the Vacaville City Council on June 11, 1991.
3. The Parties recognize that each has an equally strong concern and commitment to (a) the importance of a clearly defined community separator which serves both as a setting for recreational activities and a buffer between agriculture and urban areas; (b) the permanence of a Greenbelt which incorporates open space assets as much as possible; and (c) the incorporation of public lands and easements into the Greenbelt.
4. The Cities recognize the importance of the Solano County Board of Supervisor's participation in the Authority to provide representation to those property owners within unincorporated Solano County which may be affected by the Greenbelt planning process.
5. The Parties believe that the most effective means to achieve their mutual goals for the Greenbelt is to provide a forum for a cooperative working relationship. The Parties wish to establish this forum through this joint powers agreement.

NOW, THEREFORE, THE PARTIES agree as follows:

I. CREATION OF THE VACAVILLE-FAIRFIELD-SOLANO GREENBELT AUTHORITY (VFSGA)

There is hereby created the Vacaville-Fairfield-Solano Greenbelt Authority (VFSGA) to exercise the powers common to each Party in the manner set forth in this Agreement. This agreement shall remain in effect in perpetuity unless dissolved as provided for under Section V.B.2. below.

II. CREATION OF THE GREENBELT

A. The Vacaville-Fairfield Greenbelt depicted in Exhibit A and further described in Exhibit B is hereby established. The cities agree not to extend urban utilities into this area unless such extensions are for purposes not inconsistent with greenbelt preservation.

III. GOALS

A. The goals of the VFSGA are:

1. to provide for the preservation and conservation of viable agricultural and open space land;
2. to provide a permanent separation between the urban areas of Fairfield and Vacaville as shown in Exhibit A consistent with the description provided in Exhibit B;
3. to provide, in the area between the northern portion of Fairfield and southern portion of Vacaville, for a range of land uses that are not incompatible with open space values and which achieve a balance between providing development opportunities (as a resource to support open space acquisition) and preserving high quality open space.
4. to promote the protection and viability of Travis Air Force Base (TAFB) through the Greenbelt planning process.
5. to provide trail linkage of open space areas of the Greenbelt to other open space areas.
6. to provide for the urban limit line buffer described in Exhibit B.

IV. VFSGA ADMINISTRATION

A. Governing Board

There is hereby created a Governing Board ("Board") to govern the VFSGA. The Board shall consist of two members from the City Councils of Fairfield and Vacaville and two members from the Solano County Board of Supervisors. Each local government shall appoint its representatives to the Board.

B. Voting

1. For the purposes of this Agreement, a quorum of the Board shall be when four or more members are present. Said quorum shall at a minimum include at least one member from each jurisdiction.
2. Each member of the VFSGA Board shall have one vote.
3. A majority vote of those present and eligible to vote shall be required for those actions as described under Section V. Powers except as provided in subsection 4 below.
4. Solano County shall be required to abstain from voting on the following actions:
 - a. Acquisition of an interest in real property by either City.
 - b. recommendations to the Local Agency Formation Commission.

C. Responsibilities

1. Preservation of lands in the area depicted in Exhibit A shall be the responsibility of the cities. The division of this responsibility is described in Exhibit C.

D. Meetings

The Board shall hold at least six (6) regularly scheduled meetings each year. All meetings of the Board shall be subject to the provisions of the Ralph M. Brown Act.

V. POWERS

A. The Authority shall have the following powers which shall be exercised through the Board:

1. Modify the boundaries of the Greenbelt as shown in Exhibit A of this Agreement as described in Exhibit B.

2. Develop interim land use policies in the Greenbelt area as shown in Exhibit A.
3. Develop and implement Greenbelt plans. Said plans shall at a minimum include the boundaries and configuration of the Greenbelt and Urban Limit Line Buffers consistent with Exhibits A and B, land use policies and general standards, determination of appropriate uses, and recommended mechanisms for the acquisition and maintenance of greenbelt properties.
4. Determine the process for Greenbelt Plan preparation;
5. Develop and implement an Initial and Annual Budget; and,
6. make and enter into contracts, including contracts for the services of consultants and other such persons or firms as it deems necessary.
7. make recommendations to the Local Agency Formation Commission concerning the Urban Limit Lines and Spheres of Influence of the Cities of Fairfield and Vacaville.
8. make recommendations to member jurisdictions for amendments to General Plans, Comprehensive Annexations Plans, Spheres of Influence and other implementing ordinances as appropriate to implement the Greenbelt Plan, land use regulations governing use of the Greenbelt and this Agreement.
9. Create Urban Limit Line Buffers consistent with Exhibit B.

B. Restrictions

1. The following actions by the Board shall require approval by the governing bodies of each of the Parties:
 - a. Adoption and/or amendment of Greenbelt Plans as part of each Party's General Plan.
 - b. Designation of the entity responsible for administration of the Greenbelt Plans.
 - c. Acceptance of any new Party to this agreement.
 - d. Amending or modifying this agreement.
2. The following action would require approval by a 4/5 vote of the City Council of either City:
 - a. The dissolution of the VFSGA, which shall also constitute a termination of all obligations of the parties under this agreement.

VI. FUNDS AND BUDGET

A. Initial Budget

The three Parties shall share equally in the planning and operating expenses of the VFSGA. Within sixty (60) days of the effective date of this Agreement, the Board shall adopt an Initial Budget for the first fiscal year. For purposes of this agreement, the fiscal year shall begin each year in July and end the following June. Within thirty (30) days of the adoption of the Initial Budgets, all parties shall contribute an equal amount to fund the Initial Budget.

B. Annual Budget

Not later than ninety (90) days before the end of each fiscal year, the Board shall adopt by resolution a budget for the following fiscal year setting forth all anticipated administrative, operational, and capital expenses and sources of funds for the VFSGA. The Board may consider alternative means of raising revenue for the work of the VFSGA. Within thirty (30) days of the adoption of the Annual Budget, the Parties shall each appropriate an equal amount to provide the funding required by the Annual Budget. Contributions of staff time beyond that normally expected by any Party may be made in lieu of (or partially compensating for) direct financial contributions to the Authority.

C. Audit and Accounting Services

1. Pursuant to the requirements of section 6505.5 of the Government Code, the Treasurer of Fairfield is designated to be the depository and to have custody of all VFSGA funds from whatever source, and to perform the following functions:
 - a. Receive and receipt for all money of the VFSGA and place it in the City Treasury of Fairfield for the credit of the VFSGA;
 - b. Be responsible upon official bond for the safekeeping and disbursement of all VFSGA money so held in accordance with Government Code section 6505.1;
 - c. Pay any sums due from VFSGA money or any portion thereof, only upon warrants of the public officer performing the functions of auditor who has been so designated pursuant to this Agreement;
 - d. Verify and report in writing on the first day of January, April, July and October, of each year to the VFSGA and to the Parties the amount of money the Treasurer holds for the VFSGA, the amount of receipts and the amount paid out since the last report to the VFSGA.

2. Auditor

- a. The functions of Auditor shall be performed for the VFSGA by the Auditor of the City of Vacaville.
- b. There shall be strict accountability of all funds, and the Auditor of the City of Vacaville shall report to the Financial Officer all receipts and disbursements. In addition, the Auditor of the City of Vacaville will either make or contract for an audit of the accounts and record of the VFSGA at least annually as prescribed by section 6505 of the Government Code. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under section 26909 of the Government Code and audit shall conform to generally accepted auditing standards.

VII. LEGAL REPRESENTATION

The Board may appoint and retain legal counsel as necessary to fulfill its powers, duties and responsibilities under this Agreement.

IN WITNESS WHEREOF, each Party has executed approval of this Agreement and filed said approval with the Clerk of the County of Solano and said signatures are listed below or attached hereto.

CITY OF FAIRFIELD,
A Municipal Corporation

Date: 11/7/94

BY Chuck Hammond
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney

CITY OF VACAVILLE,
A Municipal Corporation

Date: October 13, 1994

BY David A. Fleming
DAVID A. FLEMING
Mayor

ATTEST:

Kathleen M. Andronico
City Clerk KATHLEEN M. ANDRONICO

APPROVED AS TO FORM:

Charles O. Lamoree
City Attorney CHARLES O. LAMOREE

COUNTY OF SOLANO,

Date: _____

BY _____
Chair

ATTEST:

Clerk to the Board of Supervisors

APPROVED AS TO FORM:

County Counsel

CITY OF VACAVILLE,
A Municipal Corporation

Date: _____

BY _____

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

COUNTY OF SOLANO,

Date: Oct 4, 1994

BY William J. Carroll
Chair

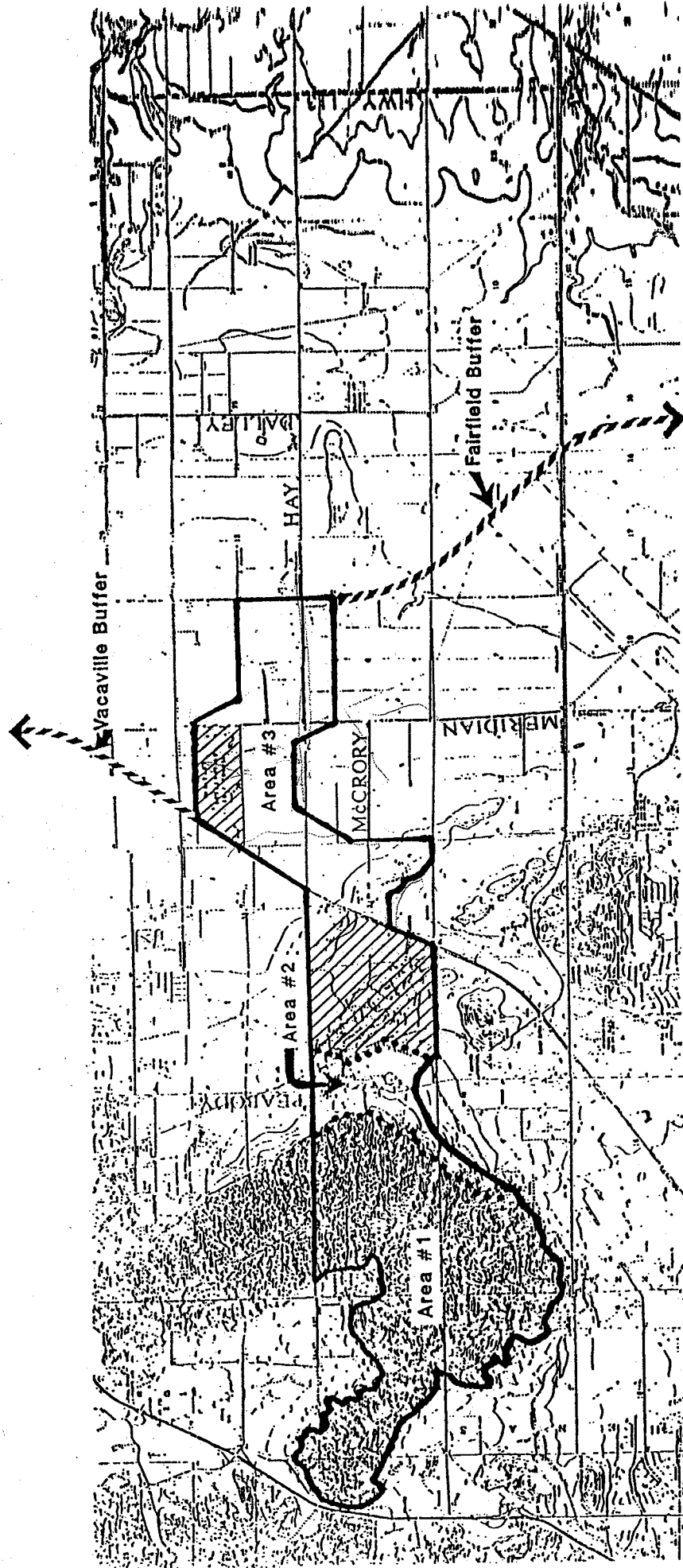
ATTEST:

Linda Tiers
Clerk to the Board of Supervisors

APPROVED AS TO FORM:

County Counsel

EXHIBIT A



Vacaville-Fairfield-Solano Greenbelt Authority Agreement

Greenbelt Boundaries



Greenbelt Boundary



Subarea Boundary



Urban Limit Line Buffer



EXHIBIT B

Location of Greenbelt Boundaries

The boundaries of the Greenbelt would be established as shown on Exhibit A. The Greenbelt Boundaries are consistent with the intent of both Cities' General Plans, the Peabody-Walters Master Plan and the Study Committee report. The City of Fairfield would use these boundaries in developing land use plans for the area identified in the Fairfield General Plan as Phasing Area D. The greenbelt would vary from approximately 2 miles at its widest point to approximately 1/2 mile at their narrowest point. The Greenbelt maintains a 3/4 mile or greater width at all locations where it is bisected by major north-south roadways. The westerly boundary of the Greenbelt is Interstate 80. The easterly boundary is Lewis Road, which is also the City of Fairfield's Sphere of Influence and Phasing Area D boundary. The total amount of acreage within the Greenbelt is approximately 2,352 acres. This figure includes the Noonan Reservoir, portion of the Water Treatment Plant and Cypress Lakes Golf Course properties, but excludes the Cement Hill Range portion of the Greenbelt.

The boundaries have been located to follow property lines to the greatest extent feasible, while maintaining adequate width in all areas. However, in some cases, the location of the Southern Pacific Railroad right-of-way, power lines or other easements have dictated the location of the boundaries. In the area where the greenbelt is shifted north to include the existing golf course, maintaining adequate greenbelt width required some properties to be both inside and outside the greenbelt.

Adjustments to Greenbelt Boundaries

Modifications to the boundaries would consider environmental and economic factors as well as greenbelt integrity. Modifications to the boundaries may occur based upon an evaluation of these factors which may determine that property adjacent to the Greenbelt in Phasing Area D is not suitable for urban development or that the property is more appropriate as Greenbelt. Boundary adjustments may be made by either adding or removing properties or portions of properties and shall result in no net loss of greenbelt lands. The width of the Greenbelt adjacent to existing Peabody/future Walters Road, Vanden Road, Northgate Road, Meridian Road and Lewis Road, shall not be reduced so as to reduce the effective travel distance along these roadways through the greenbelt as indicated on Exhibit A.

Urban Limit Line Buffer

In addition to the Greenbelt separating the two communities, urban limit line buffers shall be created varying in width. The purpose of the buffers is to: 1) protect the viability of Travis Air Force Base, 2) permanently limit the extension of the Cities easterly growth, 3) provide a buffer to agricultural uses to the east, and 4) provide opportunity to link the greenbelt with open space conservation uses to the south and to the east. The buffer shall be 500 feet in width when adjacent to residential uses and 300 feet when adjacent to non-residential uses. The Vacaville buffer shall be located no further east than the eastern boundary of the Southern Pacific Railroad right-of-way from the northern greenbelt boundary to the Mount Diablo Meridian

line and shall extend north along said Meridian to Kilhenney Road. The Fairfield buffer shall be located along the City's Urban Limit Line as defined in the 1992 General Plan, beginning at the northern greenbelt boundary along Lewis Road and shall be linked to the Travis Area Planning Authority (TAPA) open space area south of the Travis AFB runway.

EXHIBIT C

City Responsibilities for Greenbelt Preservation

Greenbelt Subareas

Three distinct subareas have been defined for the Greenbelt and are shown on Exhibit A. These include the Area #1: Cement Hill Area, Area #2: Peabody-Walters Master Plan Area and Area #3: Phasing Area D.

Responsibilities for Preservation

The following is the division of responsibility between the Cities of Fairfield and Vacaville with regard to Greenbelt Preservation according to the three subareas defined above.

Area #1:

The City of Fairfield shall be responsible for that portion of the greenbelt which is on the south and east side of the ridgeline, excepting that portion of the Enos property (AP# 167-050-010) above the 200 ft. elevation contour. The City of Vacaville shall be responsible for that portion of the greenbelt which is on the north and west side of the ridgeline, excepting that portion of the McAvenia property (AP# 167-050-030) and Noonan property (AP# 167-050-040) above the 200 ft. elevation contour.

Area #2:

The City of Fairfield shall be responsible for preservation of approximately 75% of the total acreage of the area and the City of Vacaville shall be responsible for preservation of approximately 25% of the total acreage of the area. This may occur by the City of Vacaville preserving that portion of the Enos property (AP# 167-050-010) below the 200 ft. elevation contour and the City of Fairfield preserving that portion of the McAvenia property (AP#'s 167-050-030, 167-220-030 and 167-220-050) and Noonan property (AP# 167-050-040) below the 200 ft. elevation contour.

Area #3:

The City of Fairfield shall be responsible for preservation of approximately 66% of the total acreage of the area and the City of Vacaville shall be responsible for preservation of approximately 33% of the total acreage of the area. In addition, the Noonan Reservoir, a portion of the Northbay Regional Water Treatment Plant and Cypress Lakes Golf Course properties are within this area, but are not subject to the division of responsibilities.