

TUESDAY, FEBRUARY 5, 2008

**BOARD OF SUPERVISORS
SONOMA COUNTY
REGULAR MEETING**

SPECIAL DISTRICTS	VALERIE BROWN	1ST DISTRICT
SUPERVISOR'S CHAMBERS	MIKE KERNS	2ND DISTRICT
SONOMA COUNTY	TIM SMITH	3RD DISTRICT
ADMINISTRATION BLDG.	PAUL L. KELLEY	4TH DISTRICT
575 ADMINISTRATION DR., ROOM 102A	MIKE REILLY	5TH DISTRICT
SANTA ROSA, CALIFORNIA 95403-2887	BOB DEIS	COUNTY ADMINISTRATOR
PHONE 707-565-2241	STEVEN WOODSIDE	COUNTY COUNSEL
FAX 707- 565-3778		
WEB SITE http://www.sonoma-county.org/board/		

The Board of Supervisors welcomes you to its meetings which are regularly scheduled each Tuesday, and your interest is encouraged and appreciated.

Public Transit Access to the County Administration Center

Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62, 64

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

For transit information call (707) 576-RIDE or 1-800-345-RIDE.

The agenda is divided into two sections:

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the blue section and are usually approved by a single majority vote. Any Board Member may remove an item from the consent calendar.

REGULAR CALENDAR: These items include significant and administrative actions of special interest, appear in the white section and are classified by program area.

The regular calendar also includes "Set Matters," which are noticed hearings, work sessions and public hearings.

ADDENDUM: If there is an addendum to the agenda, it will be posted at the above referenced web site by Friday at 5:00 p.m. the week before the meeting.

DISABLED ACCOMMODATION: If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241, as soon as possible to ensure arrangements for accommodation.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: PLEASE WALK TO THE ROSTRUM AND AFTER RECEIVING RECOGNITION FROM THE CHAIR, GIVE YOUR NAME AND ADDRESS, AND YOUR COMMENTS OR QUESTIONS. IN ORDER THAT ALL INTERESTED PARTIES HAVE AN OPPORTUNITY TO SPEAK, PLEASE BE BRIEF AND LIMIT YOUR COMMENTS TO THE SUBJECT UNDER DISCUSSION. TIME LIMITATIONS SHALL BE AT THE DISCRETION OF THE CHAIR OR BOARD.

Tuesday, February 5, 2008
8:30 A.M.

Call to order and pledge of allegiance

Board member announcements and reports on meetings and other activities

Presentation of Retirement Certificates

SPECIAL DISTRICTS

Consent Calendar

Agricultural Preservation and Open Space District
Community Development Commission
Sonoma County Water Agency
Sonoma Valley County Sanitation District

GENERAL COUNTY GOVERNMENT

Approval of Agenda

Consent items pulled
Items to be held
Off Agenda Items
Commendatory/memorial resolutions

BOARD OF SUPERVISORS

Consent Calendar

SPECIAL DISTRICTS

Regular Calendar

Sonoma County Water Agency

BOARD OF SUPERVISORS

Regular Calendar

General Services Administration
Health and Human Services

Closed Session:

1. The Board of Supervisors will consider the following in closed session
Initiation of litigation pursuant to subdivision (c) of Section 54956.9
(Govt. Code Section 54956.9(c))
2. The Board of Supervisors will consider the following in closed session:
Conference with Legal Counsel-Anticipated litigation or Significant exposure to
litigation pursuant to subdivision (b) of Section 54956.9
(Govt. Code Section 54956.9(b))

Closed Session (Cont.):

3. The Board of Supervisors will consider the following in closed session:
Conference with Legal Counsel-Anticipated litigation or Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: C.R. Fedrick Contracting - claims relating to Collector 6 Pumphouse Project
(Govt. Code Section 54956.9(b))

4. The Board of Supervisors will consider the following in closed session:
Conference with Legal Counsel-Existing Litigation
Name of Case: C.R. Fedrick, Inc. V. Sonoma County Water Agency, SCV-238595
(Govt. Code Section 54956.9(a))

5. The Board of Supervisors will consider the following in closed session:
Conference with Legal Counsel-Existing Litigation
Name of Case: In the Matter of Bill Cogbill Sheriff, et al., against the Transfer of an On-Sale General Public Eating Place Alcohol License to Dry Creek Rancheria of Pomo Indians, River Rock Casino, Department of Alcoholic Beverage Control, No. 47-396835
(Govt. Code Section 54956.9(a))

6. The Board of Supervisors will consider the following in closed session:
Conference with Real Property Negotiator
Property: Pacific Coast Air Museum at the Charles M. Schulz-Sonoma County Airport
APN 590-260-010 (Portion)
Negotiating parties: For the County: John Merget
For Pacific Coast Air Museum: Jim Long
Under negotiation: Ground Lease
(Govt. Code Section 54956.8)

7. The Board of Supervisors will consider the following in closed session:
Conference with Real Property Negotiator
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)

Closed Session (Cont.):

8. The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency and the Board of Commissioners of the Community Development Commission will consider the following in closed session:
Conference with Labor Negotiator
Agency negotiator: Ann Goodrich
Employee organization: All
Unrepresented employee: All, including retired employees
(Govt. Code Section 54957.6(a))

11:30 Report on Closed Session

11:30 Public Comment on Issues Not on the Agenda

Note: Please limit comments to 3 minutes each. The Board will hear public comments on non-agenda issues for up to 30 minutes. At that time, they will hear scheduled agenda items. Any additional public comments will be heard at the conclusion of the agenda items.

11:30 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

NOTE: There will be no afternoon session.

**NOTE: The Board of Supervisors will not meet on February 12th or February 19th.
The next meeting will be held on February 26, 2008 at 8:30 a.m.**

SPECIAL DISTRICTS

CONSENT CALENDAR

FEBRUARY 5, 2008

III. DEVELOPMENT SERVICES

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

1. North Slope Sonoma Mountain Ridge Trail Plan - Amended Agreement for Consultant Services
Authorize the General Manager of the Sonoma County Agricultural Preservation and Open Space District to execute an amended agreement between the District and LandPeople to conduct planning, design and prepare an environmental document pursuant to CEQA as part of the North Slope Sonoma Mountain Ridge Trail Project in an amount not to exceed \$6,000

COMMUNITY DEVELOPMENT COMMISSION

2. Sonoma Valley Redevelopment Plan Amendment
Resolution of the Sonoma County Community Development Commission, in its capacity as governing body of the Sonoma County Community Redevelopment Agency, authorizing submission to the Sonoma County Planning Commission, the Sonoma County Board of Supervisors, and the Sonoma Valley Redevelopment Advisory Committee of the proposed Amended and Restated Redevelopment Plan (the "Amended Plan") for the Springs Redevelopment Project (formerly known as the "Sonoma Valley" Redevelopment Project), and the accompanying Report to Board of Supervisors and Final Environmental Impact Report for the proposed Amended Plan;

Resolution of the Sonoma County Community Development Commission, in its capacity as governing body of the Sonoma County Community Redevelopment Agency, authorizing a joint public hearing with the Sonoma County Board of Supervisors to consider the proposed Amended and Restated Redevelopment Plan for the Springs Redevelopment Project (formerly known as the "Sonoma Valley" Redevelopment Project), and the accompanying Final Environmental Impact Report and final Report to the Board of Supervisors, including an amended five-year implementation plan;

Resolution of the Sonoma County Board of Supervisors authorizing a joint public hearing with the Sonoma County Community Development Commission, in its capacity as governing body of the Sonoma County Community Redevelopment Agency, to consider the proposed Amended and Restated Redevelopment Plan for

CONSENT CALENDAR (Cont.)

COMMUNITY DEVELOPMENT COMMISSION (Cont.)

Sonoma Valley Redevelopment Plan Amendment (Cont.)

the Springs Redevelopment Project (formerly known as the “Sonoma Valley” Redevelopment Project), and the accompanying Final Environmental Impact Report and final Report to the Board of Supervisors, including an amended five-year implementation plan

SONOMA COUNTY WATER AGENCY

3. USGS Russian River Water Quality Study

Authorize the Agency’s General Manager/Chief Engineer to execute the Joint Funding Agreement for Federal Fiscal Year 2008 to continue the water quality study in the vicinity of the Russian River Basin between the Sonoma County Water Agency and US Department of the Interior - US Geological Survey (\$121,800)

Authorize the Agency’s General Manager/Chief Engineer to terminate the Agreement pursuant to Agreement provisions

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

4. Sustainability Website Phase 2

Authorize the Agency’s General Manager/Chief Engineer to execute the Agreement for Sustainability Website Development Services–Phase 2 between the Sonoma County Water Agency and Epiphanet, Inc. (\$40,000) in substantially the form as the draft presented to this Board, following review and approval by County Counsel as to form and by Risk Management as to insurance

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 (taking into account all prior amendments) and do not substantially change the scope of work

Resolution of the Board of Directors of the Agency authorizing adjustments to the 2007/2008 final budget for the Agency’s Recycled Water Fund in the amount of \$40,000

CONSENT CALENDAR (Cont.)

SONOMA COUNTY WATER AGENCY / TRANSPORTATION AND PUBLIC WORKS

5. Santa Rosa Plain Cooperative Groundwater Study - Third Amended Agreement
Authorize Chair to execute, on behalf of the Sonoma County Water Agency and the County of Sonoma, the Third Amended Cooperative Agreement to Provide Funding and Support Information for Santa Rosa Plain Groundwater Study between and among Sonoma County Water Agency, County of Sonoma, City of Santa Rosa, City of Rohnert Park, Town of Sebastopol, City of Cotati, Town of Windsor, and Cal-American Water Company

Authorize the General Manager/Chief Engineer of the Agency to execute a Joint Funding Agreement with the US Geological Survey to perform activities in connection with the Santa Rosa Plain Groundwater Study for Federal Fiscal Year 2008 in an amount not to exceed \$356,000, in substantially the form as the draft on file with the Clerk, following review and approval by County Counsel as to form

SONOMA VALLEY COUNTY SANITATION DISTRICT (3-Member Board)

6. NPDES Permit Consulting Services
Resolution authorizing budgetary adjustments to the FY 2007-08 Final Budget for the Sonoma Valley County Sanitation District Operation Fund

Approve and authorize the Chair to execute an Agreement between the Sonoma Valley County Sanitation District (District) and Larry Walker Associates, Inc. for National Pollutant Discharge Elimination System (NPDES) Permit Consulting Services for the Sonoma Valley Treatment Plant (\$116,055)

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

CONSENT CALENDAR (Cont.)

SONOMA VALLEY COUNTY SANITATION DISTRICT (Cont.)

7. SVCS D Recycled Water Project Financial Analysis

Authorize the Chair to execute the Agreement for Recycled Water Project Financial Analysis between the Sonoma Valley County Sanitation District and Carollo Engineering, P.C. (\$180,720)

Authorize the Agency's General Manager/Chief Engineer, acting on behalf of Sonoma Valley County Sanitation District, to terminate the Agreement pursuant to Agreement provisions

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

BOARD OF SUPERVISORS

CONSENT CALENDAR

FEBRUARY 5, 2008

V. HEALTH AND HUMAN SERVICES

HEALTH SERVICES

8. Various Fiscal and Program Adjustments

Authorize the Department of Health Services to execute a grant agreement with San Diego State University Research Foundation for the Safe Kids Sonoma County Program, and any amendments that do not significantly change program funding amounts (\$3,000)

Approve the FY 2007-08 Children's Medical Services Plan and authorize the Department of Health Services to execute the Child Health and Disability Prevention (CHDP) Program and California Children's Services (CSS) Certification Statements

Authorize the Director of Health Services to execute the State AIDS Drug Assistance Program (ADAP) Standard Agreement for the period of July 1, 2007 through June 30, 2008, subject to County Counsel review, and any future amendments that do not significantly change the scope of work or the cumulative total by more than ten percent, within approved budget authority (\$14,038)

9. Mental Health Services and Support Contracts

Authorize the Director of Health Services to execute FY 2007-08 mental health provider contracts and amendments, subject to County Counsel review, and any future amendments that do not significantly change the scope of work or the cumulative total by more than ten percent, within approved budget authority (\$331,328)

Authorize the Director of Health Services to execute contracts and amendments with vendors providing support services to the Mental Health Division, subject to County Counsel review, and any future amendments that do not significantly change the scope of work or the cumulative total by more than ten percent, within approved budget authority (\$201,980)

Authorize the Director of Health Services to execute contracts with locum tenens agencies, subject to County Counsel review, and any future amendments that do not significantly change the scope of work or the cumulative total by more than ten percent, within approved budget authority (\$701,151)

HUMAN SERVICES

10. Appointment to the Workforce Investment Board
Resolution appointing Steve Donley, City of Rohnert Park, to the Workforce Investment Board

II. FISCAL SERVICES

AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR

11. Quarterly Treasury Financial Report - October 1 through December 31, 2007
Review and approve the quarterly financial report

III. DEVELOPMENT SERVICES

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

12. Ordinance No. 3836R Permit and Permit Extensions
Resolution issuing an Ordinance No. 3836R permit and necessary permit extensions to Sonoma County Water Agency for routine maintenance work in various channels in the County (4/5ths vote required)

REGIONAL PARKS

13. Award of Contracts - Questa Engineering Corporation
Award contract for professional services to Questa Engineering Corporation for the Cloverdale River Park Phase 3 project

Award contract for professional services to Questa Engineering Corporation for various FEMA storm damage projects

TRANSPORTATION AND PUBLIC WORKS

14. Amendment No. 1 - Landfill Operations Manager Agreement
Approve and authorize the Chair to execute Amendment No. 1 to the Extra-Help Agreement with Patricia Pisenti with a revised total not to exceed \$225,000
15. Occidental Road (#7803)
Resolution introducing, reading title of, and waiving further reading of an Ordinance establishing a 50 mile per hour prima facie speed limit on Occidental Road (Fifth Supervisorial District)

TRANSPORTATION AND PUBLIC WORKS (Cont.)

16. Signal Modification of Airport Boulevard at Aviation Boulevard
Resolution accepting construction as being complete and authorizing the Chair of the Board to execute a Notice of Completion for construction of Signal Modification of Airport Boulevard at Aviation Boulevard (Ghilotti Brothers Construction) (C07003)

I. GENERAL ADMINISTRATIVE SERVICES

GENERAL SERVICES

17. Sebastopol Vets Reroof
Resolution authorizing the Chair to execute a Notice of Completion for the Sebastopol Vets Reroof Project
18. REDCOM Expansion Project
Authorize the Chair to approve an amendment to the contract with RossDrulisCusenbery, in the amount of \$39,290, for the design of the REDCOM Expansion
19. Sonoma County Job Order Contracting System
Authorize the Chair to execute a contract with the Gordian Group, Inc., to establish a Job Order Contract Pilot Program for repair, remodeling, or other repetitive work performed on County facilities

HUMAN RESOURCES

20. Agricultural Preservation and Open Space District General Manager - Salary Revision
Resolution amending the Agricultural Preservation and Open Space District's Salary/Compensation Schedule for the position of OSD General Manager effective February 5, 2008
21. Various Classification and Compensation Changes
Concurrent resolution amending Salary Resolution 95-0926, Administrative Management and Department Heads Salary Tables, to revise the salaries for Director of Regional Parks, Park Planning Manager, Employee Relations Manager, Deputy Director - Engineering and Maintenance, Deputy Director - Transportation and Operations, effective February 5, 2008

Concurrent resolution amending the Memorandum of Understanding Appendix A, between the County and SEIU Local 1021 incorporating Appendix AE to establish the classification and salary for Animal Care Assistant, effective February 5, 2008, and authorizing the Side Letter Agreement - Special Assignment Premium (Animal Care and Control Div.), effective January 4, 2008

INFORMATION SYSTEMS

22. Approve Records Retention Schedules
Resolution approving records retention schedules and authorizing the destruction of records (Community Hospital - Administration, Clinical Laboratory, Medical Staff Services and Nursing Administration; Health Services - Mental Health Adult-Client Benefit Services; Human Services - Administration Information Technology - CalWIN) (4/5ths vote required)

BOARD OF SUPERVISORS

23. Commendation
Resolution congratulating Sy Lenz on his appointment as the year 2008 City of Sonoma Alcalde
24. Commendation
Resolution recognizing and commending Irving J. Mills for his many years of community service
25. Commendation
Resolution recognizing and commending the ten-year partnership between the YWCA and the Sonoma County Sheriff's Domestic Violence Sexual Assault Unit
26. Commendation
Resolution congratulating Dennis Jamarck for his 35 years as the K9 Trainer for the Sheriff's Department K9 Program
27. Appointment
Resolution appointing Gail Pardini Plass to Advisory Council to Area Agency on Aging, Sonoma County for a term of two years, representing the Fourth District
28. Appointment
Resolution appointing Priscilla Vivio to the Sonoma County Commission on the Status of Women for a term of two years, representing the First District
29. Appointment
Resolution appointing David M. Yearsley to the AB 939 Local Task Force for a term of three years, representing the Second District
30. Reappointment
Resolution reappointing Marie Sparks to the Commission on Human Rights for a term of two years, representing the Fifth District

BOARD OF SUPERVISORS (Cont.)

31. Reappointment
Resolution reappointing Karen Wheeler to the Civil Service Commission for a term of four years, representing the First District
32. Reappointment
Resolution reappointing Margaret Lynch, Ph.D. to the Library Commission for a term of four years, representing the Fifth District
33. Reappointment
Resolution reappointing Paul R. Hammond to Open Space Authority for a term of two years, as alternate
34. Reappointment
Resolution reappointing Jean Kapolchok to the Open Space Authority for a term of two years, representing the Third District

MISCELLANEOUS

35. Minutes
Concurrent resolution approving the minutes for the meeting of January 8, 2008 for the following:
 - Sonoma County Agricultural Preservation and Open Space District
 - Community Development Commission
 - Northern Sonoma County Air Pollution Control District
 - Sonoma County Water Agency
 - Sonoma County Water and Wastewater Financing Authority
 - Board of Supervisors
 36. Minutes
Concurrent resolution approving the minutes for the meeting of January 15, 2008 for the following:
 - Sonoma County Water Agency
 - South Park County Sanitation District
 - Board of Supervisors
Resolution approving the minutes for the meeting of January 15, 2008 for
Sonoma Valley County Sanitation District
-

SPECIAL DISTRICTS

REGULAR CALENDAR

FEBRUARY 5, 2008

III. DEVELOPMENT SERVICES

SONOMA COUNTY WATER AGENCY

37. Drainage Fee Zone 1A, 2A and Sonoma Creek Watershed
Authorize the Agency's General Manager/Chief Engineer to direct Agency staff to conduct stakeholder workshops within the specific zones to collect comment and further vet the process of the proposed drainage fee system
-

BOARD OF SUPERVISORS

REGULAR CALENDAR

FEBRUARY 5, 2008

V. HEALTH AND HUMAN SERVICES

HEALTH SERVICES

38. February 2008 Realignment Reduction Plan

Authorize the Department of Health Services to implement the program reductions and revenue enhancement strategies set forth in Attachment A, Section V

Direct the Department of Health Services to work with the CAO to further analyze realignment funded programs, as well as the Department's administrative expenses, and bring recommendations to the Board as part of the budget process or sooner

Authorize the Director of Health Services, in coordination with the Sonoma County Human Resources Department, to implement layoff proceedings for employees within the Department of Health Services in accordance with Civil Service Rule: 11 Layoffs

Approve resolution amending the Departmental Allocation List, Department of Health Services, deleting 16.46 FTE positions effective the dates set forth in Section VIII of Attachment A

CAO Recommends: Approval

I. GENERAL ADMINISTRATIVE SERVICES

BOARD OF SUPERVISORS

39. Fee Waiver

Waive fees in the amount of \$1,497 for use of Guerneville Veterans Building for the Russian River Rotary's Annual Crab and Pasta fund raiser to be held on February 16, 2008

CAO Recommends: For policy determination of the Board

COUNTY ADMINISTRATOR

40. Federal Advocacy Issues

Approve federal priorities for the Department of Health Services and authorize Madison Government Affairs (MGA) to pursue opportunities to secure federal health care appropriations and represent the County's interests on key health care legislative and regulatory matters

Approve federal priorities for all other County Departments and authorize Alcalde and Fay to pursue opportunities to secure federal appropriations and to represent the County's interests on these issues

CAO Recommends: Approval

BOARD OF SUPERVISORS

AGENDA ADDENDUM

FEBRUARY 5, 2008

CLOSED SESSION

6. The Board of Supervisors will consider the following in closed session:
Conference with Real Property Negotiator
Property: Pacific Coast Air Museum at the Charles M. Schulz-
Sonoma County Airport
APN 590-260-010 (Portion)
Negotiating parties: For the County: John Merget
For Pacific Coast Air Museum: Jim Long
Under negotiation: Ground Lease
(Govt. Code Section 54956.8)

THIS ITEM IS WITHDRAWN FROM THE FEBRUARY 5, 2008 AGENDA

9. The Board of Supervisors will consider the following in closed session:
Conference with Labor Negotiator
Agency negotiator: Ann Goodrich
Unrepresented employee: Director of Child Support Services
(Govt. Code Section 54957.6(a))
10. The Board of Supervisors will consider the following in closed session:
Conference with Legal Counsel-Existing Litigation
Name of Case: In the Matter of the Sonoma County Fire Chief's
Application for an Inspection Warrant Re Sonoma County
Assessor's Parcel Number 131-040-001 or 3250 Highway
128, Geyserville
(Govt. Code Section 54956.9(a))
11. The Board of Supervisors will consider the following in closed session:
Conference with Legal Counsel-Existing Litigation
Name of Case: California Department of Conservation, et al. v. Acting
Pacific Regional Director, Bureau of Indian Affairs, IBIA
No. 07-23A
(Govt. Code Section 54956.9(a))
12. The Board of Supervisors will consider the following in closed session:
Conference with Legal Counsel-Existing Litigation
Name of Case: Dry Creek Rancheria NPDES Permit pending before the
USEPA Environmental Appeals Board, NPDES Permit No
CA 0005241
(Govt. Code Section 54956.9(a))

BOARD OF SUPERVISORS

CONSENT CALENDAR

I. GENERAL ADMINISTRATIVE SERVICES

BOARD OF SUPERVISORS

36a. Appointment

Resolution appointing Mary Evelyn Arnold to the Sonoma County Library Commission representing the First District for a term of four years effective March 1, 2008 and expiring on February 29, 2012

REGULAR CALENDAR

I. GENERAL ADMINISTRATIVE SERVICES

HUMAN RESOURCES

9:30

41a. Final Report to Address the Cost of Retiree Medical Insurance and the County's OPEB Liability

Approve the recommendations from the County Administrator's Office and the Human Resources Department and direct staff to make an initial proposal to bring to the meet and confer process with all employee organizations that serves to fulfill the intent of fiscal sustainability for a retiree medical program that costs between 5% to 7.5% of payroll, and is in alignment with the staff's recommendations included in this report