



A Tradition of Stewardship
A Commitment to Service

MINUTES OF THE
NAPA COUNTY - BOARD OF SUPERVISORS MEETING
COUNTY OF NAPA

June 29, 2010

Draft Summary of the Proceedings

1. CALL TO ORDER; ROLL CALL

The Board of Supervisors of the County of Napa met in regular session on Tuesday, June 29 2010 at 9:00 a.m. with the following supervisors present: Chair Diane Dillon, Supervisors Mark Luce, Bill Dodd, Keith Caldwell and Brad Wagenknecht. The meeting was called to order by Chair Diane Dillon.

2. PLEDGE OF ALLEGIANCE

Library Director Danis Kreimeier led the assembly in the pledge of allegiance.

3. APPROVAL OF MINUTES

None.

4. PRESENTATIONS AND COMMENDATIONS

None.

5. PUBLIC COMMENT

None.

6. DEPARTMENT HEADS REPORTS AND ANNOUNCEMENTS

County Executive Officer Nancy Watt introduced the new Sonoma/Lake/Napa Unit Chief and Fire Chief for Napa County Tim Streblow.

Napa County Fire Chief Tim Streblow presented report.

7. CONSENT ITEMS

Law & Justice

- A. Chief Probation Officer requests approval of and authorization for the Chair to sign the renewal of Agreement No. 4776 with Aldea Children and Family Services for a maximum of \$44,194 for the term July 1, 2010 through June 30, 2011 to provide therapeutic services to minors under the supervision of the Napa County Probation

Department.

A-4776

- B. Chief Probation Officer requests approval of and authorization for the Chair to sign the renewal of Agreement No. 4802 with Isadora Asch for a maximum of \$35,520 for the term July 1, 2010 through June 30, 2011 for the provision of Peer Court services.

A-4802

- C. Chief Probation Officer requests approval of and authorization for the Chair to sign the renewal of Agreement No. 6600 with the Loyd Wolfe Juvenile Justice Network for a maximum of \$153,176 for the term July 1, 2010 through June 30, 2011 to provide various services to minors and their families under the supervision of the Napa County Probation Department.

A-6600

- D. Chief Probation Officer requests approval of and authorization for the Chair to sign the renewal of Agreement No. 6601 with Drug Abuse Alternatives Center for a maximum of \$35,200 for the term July 1, 2010 through June 30, 2011 to provide substance abuse residential treatment services.

A-6601

- E. District Attorney requests approval of a resolution authorizing the District Attorney to apply for funds and enter into a revenue agreement with the California Department of Insurance for the term July 1, 2010 through June 30, 2011 for the investigation and prosecution of automobile insurance fraud.

R-2010-79

- F. Director of Child Support Services requests approval of and authorization for the Chair to sign an agreement with Laboratory Corporation of America Holdings for a maximum of \$9,000 for the term July 1, 2010 through June 30, 2011 and annually thereafter to provide genetic testing.

A-7196-1

Public Safety

- G. Sheriff, Chief Probation Officer and Director of Corrections request approval of and authorization for the Chair to sign the following agreements with Identix, Inc. for the term July 1, 2010 through June 30, 2011:

1. Agreement for a maximum of \$8,440 for maintenance and repair services for the LiveScan machine located at Juvenile Hall;
2. Agreement for a maximum of \$11,287 for maintenance and repair services for the LiveScan machine located at the Department of Corrections; and
3. Agreement for a maximum of \$7,265 for a maintenance and repair services

for the LiveScan machine located at the Sheriff's Office.

A-7242-1

A-7243-1

A-7244-1

Human Services

- H. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 6 to Agreement No. 3724 with Cope Family Center, Inc., increasing the amount by \$1,556 for a new annual maximum of \$177,367 and revising the contractor's budget to reflect an increase in the Community Based Child Abuse Prevention (CBCAP) allocation for Fiscal Year 2009-2010.

A-3724 (Amend. 6)

- I. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following amendments for the contractors to provide additional mandated counseling services to clients referred by the County's Children's Behavioral Health, Child Welfare Services, and/or SB 163 programs:

1. Amendment No. 1 to Agreement No. 6867 with Rocio Cuddy, LCSW, increasing the amount by \$4,800 for a new annual maximum of \$10,000; and
2. Amendment No. 1 to Agreement No. 7209 with Family Service of the North Bay, Inc., increasing the amount by \$10,000 for a new annual maximum of \$25,000.

A-6867 (Amend. 1)

A-7209 (Amend. 1)

- J. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 7048 with the Area Agency on Aging Serving Napa and Solano, Inc., increasing the amount by \$950 for a new annual maximum of \$19,855 for Fiscal Year 2010-2011, with a provision for automatic annual renewal, for the contractor to deliver an array of social, nutritional and legal services to County residents 60 years of age and older.

A-7048 (Amend. 2)

- K. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 7075 with Michael Shetka, LCSW, increasing the amount by \$5,000 for a new annual maximum of \$45,000 to provide mandated conservatorship investigation services to clients of the Mental Health Program.

A-7075 (Amend. 1)

- L. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 6001 with the California Department of Mental Health for the term July 1, 2009 through June 30, 2010, establishing the County's Napa State Hospital bed purchase and usage for Fiscal Year 2009-2010.

A-6001

- M. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 6523 with Project Ninety, Inc., for a maximum of \$656,686 for the term July 1, 2010 through June 30, 2011 for the operation of the residential substance abuse program.

A-6523

- N. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of revenue Agreement No. 7135 with the Queen of the Valley Medical Center, Inc. (QVMC) for a maximum of \$21,000 for the term July 1, 2010 through June 30, 2011, designating QVMC as a base hospital to provide medical control and direction to advanced life support (ALS) pre-hospital Emergency Medical Services units, and for QVMC to reimburse the County for the staff time required to work with QVMC as a base hospital.

A-7135

- O. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 7354 with Jan C. Bouch for maximum of \$15,000, with a provision for annual renewal, for the term July 1, 2010 through June 30, 2011 to provide organizational and staff development services.

A-7354

- P. Director of Health and Human Services requests approval of and authorization for the Chair to sign Tobacco Master Settlement Agreement (MSA) grant agreements with the following non-profit organizations, each for the term July 1, 2010 through June 30, 2011, for a total of \$420,686:

1. On The Move, Inc., for a maximum of \$51,807 for mentoring services to transitional age youth;
2. Big Brothers/Big Sisters of the North Bay, Inc., for a maximum of \$53,620 to develop mentoring relationships for underserved Latino children;
3. Community Health Clinic Ole, Inc., for a maximum of \$65,634 for preventative health services related to diabetes;
4. Community Health Clinic Ole, Inc., dba Sister Ann Community Dental Clinic, for a maximum of \$52,750 for preventative dental services;
5. Calistoga Family Center, Inc., for a maximum of \$45,000 for screening and service connection/coordination to families in Calistoga;
6. Project Ninety, Inc., for a maximum of \$51,875 for additional inpatient substance abuse treatment beds; and
7. Children's Health Initiative, Inc. for a maximum of \$100,000 for outreach, enrollment, and retention services.

A-6716-4
A-6723-4
A-6887-4
A-7251-1
A-6721-4
A-7124-2
A-7256

- Q. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to an Agreement (formerly AUD 6318) with Carolyn Nguyen, doing business as Change of Greenery, increasing the amount by \$29,975 for a new maximum of \$62,185 to provide subsidized employment opportunities to customers of the Workforce Napa program.

A-7429 (Amend. 1)

- R. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Alta Bates Summit Foundation, Inc., for a maximum of \$100,000 for the term December 24, 2009 through June 30, 2010, to provide inpatient psychiatric hospitalization services.

A-7430

- S. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Richard Cohan, Ph.D., for a maximum of \$10,000 for the term July 1, 2010 through June 30, 2011, with a provision for annual renewal, to provide services in the Outpatient Mental Health Managed Care Program.

A-7431

- T. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Community Action of Napa Valley, Inc., for a maximum of \$6,000 for the term June 22, 2010 through September 30, 2010 for the purchase of food for the Summer Food Service Program.

A-7432

- U. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Napa Valley College for a maximum of \$39,627 for the term June 29, 2010 through March 31, 2011 to provide Energy Training Certificate programs for individuals participating in Workforce Investment Act programs.

A-7433

- V. Director of Health and Human Services requests approval of Budget Transfer No. HHS023 increasing appropriations through use of fund balance in the amount of \$10,000 in the Tobacco Education Special Revenue Fund and increasing revenue in the Alcohol and Drug Services budget to fund eligible contract expenditures. (4/5

vote required)

BT-HHS023

Community Resources & Infrastructure

- W. Agricultural Commissioner/Sealer of Weights & Measures requests approval of and authorization for the Chair to sign renewal of revenue Agreement No. 2683 with the California Department of Food & Agriculture (CDFA) for a maximum of \$6,975 for the term July 1, 2010 through June 30, 2011 for reimbursement of expenditures for activities related to the performance of inspections and sampling of petroleum products and performance of weighmaster audits.

A-2683

- X. Director of Library Services requests approval of the revised Yountville Library's Fiscal Year 2010-2011 scheduled open hours.

- Y. Director of Public Works requests approval of and authorization for the Chair to sign a Space License Agreement with First Presbyterian Church of St. Helena at no cost to the County, for a term beginning on July 1, 2010 and continuing on a month to month basis until terminated by either party to provide a supplemental nutritional program.

A-7434

- Z. Director of Public Works requests approval of and authorization for the Chair to sign a Space License Agreement with Solano Network of Mental Health Consumers/Circle of Friends, Inc., for the term of July 1, 2010 through June 30, 2011 for space in Modular Building "N" located on the Health and Human Service Agency's campus.

A-7435

- AA. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No.13 to Agreement No. 4202 with the Napa County Flood Protection and Watershed Improvement Authority increasing the total amount of Measure "A" funds by \$4,860,000 for FY 2010-2011 scope additions to existing unincorporated projects, and adding two new projects; Lake Berryessa Watershed Improvements and Sulphur Creek Sediment Reduction Projects, for a new maximum of \$13,962,000, and extending the term through June 30, 2011 for all Napa County Measure "A" projects.

A-4202 (Amend. 13)

- BB. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 7207 with Napa County Resource Conservation District extending the term through June 30, 2011 and increasing the amount by \$359,052 for a new maximum of \$545,052, amending the scope of work to include landowner liaison activities for the Napa River Restoration - Rutherford Reach project, match grants for the Sulphur Creek Sediment Reduction project and provide technical support for stream gage installations near Lake Berryessa.

A-7207 (Amend. 2)

General Admin & Finance

- CC. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the Internal Audit Report for the Napa County Department of Corrections - Inmate Cash Revolving Fund for the fiscal years ended June 30, 2007 and June 30, 2008.
- DD. Community and Intergovernmental Affairs Manager requests adoption of a resolution designating the Arts Council of Napa Valley as the County's Arts Council, and authorizing preparation of an application for a grant from the California Arts Council should funds become available for Fiscal Year 2010-2011.

R-2010-80

- EE. Registrar of Voters requests the Board of Supervisors declare the results of those contests under its jurisdiction as set forth in the Certified Statement of Vote (Official Canvass) for the Statewide Direct Primary held on Tuesday, June 8, 2010 pursuant to Elections Code Sections 15300-15400.
- FF. County Executive Officer/Director of Emergency Services requests approval of and authorization for the Chair to sign an agreement with City of American Canyon, City of Napa, City of St. Helena, City of Calistoga, Town of Yountville and the Napa County Office of Education for the term December 18, 2007 through December 17, 2010 setting forth policies and procedures for use by all parties of the Wide Area Rapid Notification (WARN) system, which is utilized for the purpose of sending automatic messages to selected groups of residents in emergency situations.

A-7436

- GG. County Executive Officer requests approval of the following:
1. Accept and file the 2009-10 Grand Jury Final Reports on Water Our Precious, Critical Resource and Napa Special Investigations Bureau 24-Hour Drug Hotline: (707) 224-DRUG; and
 2. Direct the County Executive Officer to prepare a response to the Grand Jury Report as prescribed by law.
- HH. Director of Human Resources requests adoption of a resolution approving an agreement to amend the Memoranda of Understanding with the Public Services Employee and Public Services Employee Supervisory Units, NAPE- SEIU Local 1021 effective July 1, 2010.

R-2010-81

Item removed for separate discussion.

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to approve consent items with Supervisor Mark Luce recusing himself on Item 7.P due to his wife's employment with Clinic Ole'. Motion passed 5 - 0.

8. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

Item 7.HH.

Motion moved by Brad Wagenknecht, seconded by Mark Luce, to approve Item 7.HH. Motion passed 3 - 2, with Brad Wagenknecht, Mark Luce, and Keith Caldwell voting yes / Diane Dillon and Bill Dodd voting no.

9. SET MATTERS OR PUBLIC HEARINGS

A. 9:00 AM PUBLIC HEARING Auditor-Controller requests the following:

1. Approval of the final appropriation and revenue levels, cancelations and provisions for reserves and designations, and adoption of a resolution establishing the total financing requirements for the Fiscal Year 2010-2011 Final Budget for the County of Napa. (CONTINUED FROM JUNE 21, 2010)
2. Adoption of a resolution authorizing the County to apply for and enter into a grant agreement with the State of California for implementation of the California Environmental Reporting System (CERS) and authorizing the Chair of the Board to execute the agreement and any amendments thereto.

**R-2010-82
R-2010-83**

Auditor-Controller Tracy Schulze introduced the item.

**Opened public hearing.
No testimony presented.
Closed public hearing.**

Motion moved by Mark Luce, seconded by Brad Wagenknecht, to approve adoption of resolutions. Motion passed 4 - 1, with Brad Wagenknecht, Mark Luce, Bill Dodd, and Keith Caldwell voting yes / Diane Dillon voting no.

- B. 9:00 AM Recess to the Monticello Public Cemetery District (MPCD) meeting (**See MPCD Minutes**).
- C. 9:00 AM Recess to the Silverado Community Services District (SCSD) meeting (**See SCSD Minutes**).
- D. 9:15 AM Recess to the In-Home Supportive Services (IHSS) Public Authority of Napa County meeting (**See IHSS Minutes**).
- E. 9:15 AM Recess to the Lake Berryessa Resort Improvement District (LBRID) meeting (**See LBRID Minutes**).
- F. 9:20 AM Recess to the Napa Berryessa Resort Improvement District (NBRID) meeting (**See NBRID Minutes**).
- G. 9:30 AM Recess to the Napa County Housing Authority (NCHA) meeting (**See NCHA Minutes**).

- H. 9:45 AM Recess to the Napa County Flood Protection and Watershed Improvement Authority (NCFPWIA) special meeting (**See NCFPWIA Minutes**).
- I. 10:00 AM Director of Conservation, Development & Planning and County Counsel to report on their analysis of a proposal to allow vacation rentals in unincorporated Napa County as an accessory residential use and to seek direction regarding next steps.

Director of Conservation, Development and Planning Hillary Gitelman introduced item.

Testimony presented.

Held discussion.

No action taken. Policy remains the same.

- J. 11:30 AM Recess to Annual Luncheon at the U.C. Cooperative Extension located at 1710 Soscol Avenue, Napa.
- K. 2:00 PM PUBLIC HEARING County Executive Officer requests adoption of a resolution increasing rates by 5.00%, effective July 1, 2010, for the operational cost associated with the collection of solid waste applicable to Garbage Zone Two located generally in the unincorporated area of Lake Berryessa in conformance with the approved Rate Methodology under Agreement No. 7230.

R-2010-84

Opened public hearing.

Local Enforcement Agency Coordinator Greg Pirie and Audit Manager Karen Querin introduced item.

No testimony presented.

Closed public hearing.

Motion moved by Bill Dodd, seconded by Brad Wagenknecht, to approve adoption of resolution. Motion passed 5 - 0.

- L. 2:15 PM PUBLIC HEARING First and final reading and adoption of an ordinance approving a Development Agreement between the County of Napa and Napa Industrial LLC to facilitate development of a 646,734 sq. ft. warehouse on a 38 acre portion of a 218 acre property (APN 057-080-069) commonly referred to as the "Headwaters" property, consistent with the use permit and tentative map approvals granted by the Planning Commission on January 7, 2009. The property site is located to the south of the Napa County Airport, west of the Union Pacific railroad tracks, with an Industrial Park: Airport Compatibility (IP:AC) zoning district. APN 057-090-069, American Canyon.
ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

Approval of the Development Agreement with Napa Industrial LLC will simply contractually vest development rights already in existence resulting from the prior approval of Use Permit #P07-00412UP and Tentative Parcel Map #P08-00131-PM. Those approvals were granted by the Planning Commission on January 7, 2009 following review under the California Environmental Quality Act (CEQA) via an Addendum to the Final EIR for the Beringer Wine Estates Devlin Road Facility (State Clearinghouse No. 00034043) certified on April 9, 2002. On January 7, 2009 the Planning Commission considered the Addendum, approved a Mitigation Monitoring Program, and reaffirmed and readopted both the CEQA Findings of Fact and Rationale and Statement of Overriding Considerations contained in Board of Supervisors Resolution No. 02-72. (STAFF REQUESTS CONTINUANCE TO JULY 13, 2010 AT 11:30 AM)

Deputy Director of Conservation, Development and Planning John McDowell made presentation and requested continuance of the public hearing.

**Opened public hearing.
No testimony presented.**

Motion moved by Brad Wagenknecht, seconded by Mark Luce, to continue public hearing to July 13, 2010 at 11:30 a.m. Motion passed 5 - 0.

- M. 2:30 PM PUBLIC HEARING First reading and intention to adopt an ordinance adding a new Division VI, Emergency Medical Services, Chapter 8.70 (Ambulance) to the Napa County Code.

ENVIRONMENTAL DETERMINATION: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 5 (?Minor Alterations in Land Use Limitations?) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.] (CONTINUED FROM JUNE 8, 2010)

Opened public hearing.

**No testimony presented.
Read title.**

Deputy Director of Health and Human Services and Public Health Officer Dr. Karen Smith and Emergency Medical Services Coordinator Ty Cook made presentation.

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to waive reading the balance of the ordinance. Motion passed 5 - 0.

Motion moved by Brad Wagenknecht, seconded by Mark Luce, to approve motion of intent to adopt the ordinance. Motion passed 5 - 0.

10. ADMINISTRATIVE ITEMS

General Admin & Finance

A. County Counsel requests the following actions concerning County Service Area No. 4:

1. Acceptance of the Fiscal Year 2010-2011 proposed budget with a total appropriation of \$463,900; and
2. Adoption of a resolution providing for the following:
 - a. Accepting the filing of the Engineers Report relating to the assessments for County Service Area No. 4 to provide funding for the farmworker housing centers;
 - b. Setting a public hearing for August 3, 2010 at 9:00 a.m. to hear protests to the proposed assessment;
 - c. Directing the Clerk of the Board to comply with applicable notice requirements with respect to the proposed assessment; and
 - d. Designating Sora O'Doherty of the County Counsel's office as the person to answer questions regarding the assessments and protest proceedings.

R-2010-85

Housing and Community Development Coordinator Nancy Johnson presented item.

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to approve adoption of resolution and requested actions. Motion passed 5 - 0.

B. County Executive Officer requests discussion and possible action to authorize the Chair to sign a letter transmitting a response to each of the following Grand Jury reports:

1. 2009-2010 Final Report on Napa County Department of Health and Human Services *Involuntary Mental Health Evaluations*; and
2. 2009-2010 American Recovery and Reinvestment Act of 2009 *Funds Awarded to Napa County*.

**County Executive Officer Nancy Watt presented item.
Testimony presented.**

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to approve requested actions. Motion passed 5 - 0.

11. LEGISLATIVE ITEMS

Supervisor Mark Luce reported on legislative consultant's report where discussion included realignment and restructuring changes in Adult Probation and Health and Human Services.

12. BOARD OF SUPERVISORS COMMITTEE REPORTS AND ANNOUNCEMENTS

Supervisor Diane Dillon reported on her attendance at the Regional Council of Rural Counties (RCRD) in Alturas.

Supervisor Brad Wagenknecht reported on his attendance at the First 5 Napa County meeting.

Supervisor Mark Luce reported on his attendance at the Association of Bay Area Governments (ABAG) Regional Airport Planning Committee.

13. BOARD OF SUPERVISORS FUTURE AGENDA ITEMS

None.

14. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS

County Executive Officer Nancy Watt announced that tomorrow the County of Napa will release the first three Notices of Funding Availability (NOFA) for affordable housing funding available on the County of Napa website: www.countyofnapa.org.

15. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)

Agency Designated Representative: Suzanne Mason, Human Resources Director
Employee Organization: SEIU Local 1021 - NAPE (Public Services Employee Unit and Supervisory Unit of the County of Napa); Napa County Deputy Sheriffs' Association (Employee Unit and Supervisory Unit of the County of Napa)
Unrepresented Employees: Non-Classified Management, Classified Management and Confidential Employees of the County of Napa (Excluding Elected Officials)

Closed session not held.

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(a))

Names of Cases:

1. Latinos Unidos de Napa vs. County of Napa, et. al. (Napa County Superior Court Case No. 26-50568)
2. St. Helena Unified School District v. Napa County Office of Education; County of Napa; et al. (Solano County Superior Court # FCS033906)

1. Closed session held. No reportable action.

2. Closed session held. No reportable action.

- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(a)) Name of Case: Mishewal Wappo Tribe of Alexander Valley v Ken Salazar (U.S. District Court #5:09-CV-02502-JW)

16. ADJOURNMENT

Adjourned to the Board of Supervisors special meeting Wednesday, June 30, 2010 at 9:15 a.m.

DIANE DILLON, Chair

ATTEST:

GLADYS I. COIL, Clerk of the Board