

Additions are underlined.
Deletions are ~~struck through~~.
Revision markers are noted in left or
right margins as vertical lines.

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY,
STATE OF CALIFORNIA MAKING NON-SUBSTANTIVE, TECHNICAL
CHANGES TO VARIOUS SECTIONS OF THE NAPA COUNTY CODE**

WHEREAS, from time to time, the County Code must be amended to clean up minor technical errors when procedures change or become obsolete, typographical errors are discovered, and citations to statutes are changed by legislature; and

The Board of Supervisors of the County of Napa, State of California, ordains as follows:

SECTION 1. To correct a typographical error, Section 1.08.020 (Supervisory District No. 2) of Chapter 1.08 (Supervisory Districts) is hereby amended to read in full as follows:

1.08.020 Supervisory District No. 2.

Supervisory District No. 2 is established and declared to be all that territory situated in the County of Napa, State of California, the exterior boundaries of which are described as follows:

BEGINNING at the intersection of the center of Napa Creek with the centerline of Jefferson Street, all further references to center or meander of creeks, rivers, lakes or waterways being made to said center or meander as it exists on the date of passage of this ordinance and all further references to centerline of roads, streets or highways being made to the occupational centerline as it exists on the date of passage of this ordinance, unless otherwise stated for purposes of this description; thence southerly along the centerline of Jefferson Street to its intersection with the centerline of Laurel Street; thence westerly along the centerline of Laurel Street to its intersection with Griggs Lane; thence continuing northwesterly and northeasterly along the centerline of Laurel Street to its intersection with the centerlines of First Street/Browns Valley Road/Antibes Place; thence westerly along the centerline of Browns Valley Road to its intersection with the centerline of Woodlawn Drive; thence northerly along the centerline of Woodlawn Drive to its intersection with the centerline of Scenic Drive; thence northwesterly along the centerline of Scenic Drive to its intersection with the centerline of Pinewood Drive; thence northerly along the centerline of Pinewood Drive to its intersection with the centerline of Carmel Drive; thence northwesterly along the centerline of Carmel Drive to its intersection with the centerline of Brittany Circle; thence northeasterly, northwesterly and westerly along the centerline of Brittany Circle to its intersection with the centerline of Westview Drive; thence southerly along the centerline of Westview Drive to its intersection with the centerline of Scenic Drive; thence westerly along the centerline of Scenic Drive to its intersection with Browns Valley Road; thence southerly along the centerline of Browns Valley Road to its intersection with the centerline of Partrick Road; thence northwesterly along the centerline of Partrick Road to its intersection with the prolongation of the northwesterly line of

Parcel B as shown on that certain map entitled, "Record of Survey Map of Portion of Property of W.E. Coombes" filed for record on July 12, 1960 in the office of the County Recorder of Napa County, California, in Book 7 of Surveys at Page 21, all further references to filing or recording being made to said County Recorder of Napa County, California, unless otherwise stated for purposes of this description; thence southwesterly along the northwesterly line of said Parcel B to ~~the~~ its intersection with the center of the West Branch of Napa Creek (also known as Browns Valley Creek); thence southeasterly along the center of said Creek to its intersection with the northwesterly line of that certain subdivision of lands shown on the map entitled, "Final Map of Rollingwood Unit No. 1" filed for record on December 27, 1979 in Book 12 of Maps at Pages 29 and 30; thence southwesterly along the northwesterly line of said subdivision to the westerly corner of Lot 43 as shown on said map, said corner also being the northernmost corner of that certain subdivision of lands shown on the map entitled, "Final Map of Rollingwood Unit No. 2" filed for record on December 27, 1979 in Book 12 of Maps at Pages 31 and 32; thence westerly along the northerly line of said subdivision to the northwesterly corner thereof, said corner also being the northeasterly corner of Parcel B as shown on that certain map entitled, "Record of Survey Map of the Lands of Security Title Insurance Company" filed for record on August 28, 1962 in Book 6 of Surveys at Page 61; thence westerly along the northerly line of said Parcel B to the northwesterly corner thereof; thence southerly along the westerly line of said parcel to the southwesterly corner thereof, said corner also being the northwest corner of Lot 1 as shown on that certain map entitled, "Final Map of Hussey Ranch" filed for record on November 2, 2007 in Book 26 of Maps at Pages 42 through 48; thence southerly along the westerly line of said Lot 1 to the southwest corner thereof, said corner also being the northwesterly corner of the parcel described in that certain grant deed filed for record on July 9, 2003 in Instrument No. 2003-0036139; thence southerly, southeasterly and northerly along the westerly, southerly and easterly lines of said parcel to the intersection of the prolongation of said easterly line with the centerline of Buhman Avenue; thence southeasterly and southwesterly along the centerline of Buhman Avenue to its intersection with the centerline of Henry Road; thence westerly along the centerline of Henry Road to its intersection with the centerline of Dealy Lane; thence southeasterly along the centerline of Dealy Lane to its intersection with the centerline of Old Sonoma Road; thence southwesterly along the centerline of Old Sonoma Road to its intersection with the centerline of State Highway 12/121; thence westerly along the centerline of State Highway 12/121 to its intersection with the Napa/Sonoma County line, all further references to town, city or county lines being made to the lines as they exist on the date of passage of this ordinance, unless otherwise stated for purposes of this description; thence northerly along the Napa/Sonoma County line to its intersection with the north line of Section 7, Township 6 North, Range 5 West, Mount Diablo Base and Meridian, all further references to sectionalized land being made to said Base and Meridian unless otherwise stated for purposes of this description; southeasterly line of Subdivision 'J' to the corner common to Subdivision 'T' and 'J' as shown on the above-referenced "Map of the Hudemann Ranch", said corner also being described as the most northerly corner of the parcel described in that certain grant deed recorded on January 31, 2007 in Instrument No. 2007-0003324; thence southeasterly along the various courses that make up the easterly line of said parcel to the most northerly corner of the parcel described in that certain quitclaim deed recorded on May 12, 2011 in Instrument No. 2011-0010961; thence southeasterly along the easterly line of said parcel to the most westerly corner of the parcel described in that certain grant deed recorded on April 15, 2010 in Instrument No. 2010-0008299; thence southeasterly along the various courses that make up the westerly line of said parcel to its intersection with the center of Redwood Creek; thence southeasterly along the center of said creek to its intersection with the northerly line of the parcel described in that certain grant deed filed for record on November 2, 1978 in Book 1105 of Official Records at Page 456; thence northeasterly

along the prolongation of the northerly line of said parcel to its intersection with the centerline of Dry Creek Road; thence northwesterly along the centerline of Dry Creek Road to its intersection with the westerly prolongation of the northerly line of the subdivision shown on that certain map entitled, "Final Map of Dry Creek Village Unit No. 1" filed for record on February 13, 1990 in Book 17 of Maps at Pages 42 through 44; thence northeasterly along the northerly line of said subdivision to the northwest corner of the subdivision shown on that certain map entitled, " Dry Creek Village Unit No. 2" filed for record on October 26, 1990 in Book 18 of Maps at Pages 3 through 8; thence northeasterly along the northerly line of said subdivision to the northwest corner of the subdivision shown on that certain map entitled, "Final Map of Vineyard Grove Subdivision" filed for record on October 21, 1998 in Book 21 of Maps at Pages 24 and 25; thence northeasterly along the northerly line of said subdivision to the northwest corner of the subdivision shown on that certain map entitled, "Final Map of Sundance Subdivision" filed for record on September 16, 2005 in Book 25 of Maps at Pages 63 through 65; thence northeasterly along the prolongation of the northerly line of said subdivision to its intersection with the northwest corner of the parcel described in that certain grant deed filed for record on May 4, 1978 in Book 1079 of Official Records at Page 635; thence northeasterly along the northerly line of said parcel to the northwest corner of the subdivision shown on that certain map entitled, "Final Map of Guerrera Estates" filed for record on May 23, 1995 in Book 20 of Maps at Pages 13 and 14; thence northeasterly along the northerly line of said subdivision to the northwest corner of the subdivision shown on that certain map entitled, "Record of Survey Map of the Lands of Emil Priebe" filed for record on May 15, 1964 in Book 12 of Surveys at Page 14; thence northeasterly along the northerly line of said subdivision to the northwest corner of the subdivision shown on that certain map entitled, "Final Map of Woodside Gardens" filed for record on September 26, 1991 in Book 18 of Maps at Pages 76 and 77; thence northeasterly along the northerly line of said subdivision to the northeast corner thereof, said corner also being shown as the southeast corner of Parcel 1 per Instrument No. 2006-0040840 as shown on that certain map entitled, "Record of Survey of the Lands of Linda Vista Winegrowers, LLC" filed for record on January 26, 2007 in Book 38 of Surveys at Pages 5 and 6; thence northwesterly along the easterly line of said parcel to the southeast corner of the Remaining Lands of Bruno as shown on that certain map entitled, "Parcel Map of a Portion of the Lands of George Bruno" filed for record on January 16, 1975 in Book 6 of Parcel Maps at Page 82; thence northwesterly along the easterly line of said Remaining Lands to its intersection with the southeasterly line of the parcel described in Instrument No. 2002-038072 and shown on that certain map filed for record on June 23, 2010 in Book 40 of Surveys at Page 51; thence northeasterly and northwesterly along the southeasterly and northeasterly lines of said parcel to its intersection with the southeasterly line of the subdivision shown on that certain map filed for record on July 20, 1998 in Book 21 of Maps at Pages 19 and 20; thence southwesterly and northwesterly along the southeasterly and westerly lines of said subdivision to the intersection of the extended westerly line with the centerline of Orchard Avenue; thence northeasterly along the centerline of Orchard Avenue to its intersection with the center of a slough, said slough being the same as that shown running through Lot 3 and Lot 4 on that certain map entitled, "Map of the Subdivision of a tract in Napa County, Cal, owned by R.B. Woodward and Helen J. Hutchinson" filed for record on December 13, 1893 in Book 1 of Maps at Page 88; thence northwesterly along the center of said slough to its intersection with Locust Street; thence northeasterly along the centerline of Locust Street to its intersection with the centerline of State Highway 29; thence southeasterly along the centerline of State Highway 29 to its intersection with the centerline of Salvador Avenue; thence northeasterly along the centerline of Salvador Avenue to its intersection with the northerly prolongation of the easterly line of the subdivision shown on that certain map entitled, "Final Map of Vineyard Vista Estates" filed for record on August 6, 1993 in Book 19 of Maps at Pages 59 and 60; thence southeasterly along the easterly line

of said subdivision to the southeast corner thereof, said corner being on the northerly line of the parcel described in that certain deed recorded on September 11, 1947 in Book 277 of Official Records at Page 1; thence northeasterly along said northerly line to the northeast corner of the parcel described in that certain deed of trust recorded on May 18, 2006 in Instrument No. 2006-0017565; thence southeasterly along the easterly line of said parcel to its intersection with the northerly line of the subdivision shown on that certain map entitled, "Parcel Map of the Lands of Darling Street Investors" filed for record on July 15, 2004 in Book 24 of Parcel Maps at Pages 43 and 44; thence southeasterly along said easterly line to the northeast corner of the parcel described in that certain grant deed recorded on August 8, 2005 in Instrument No. 2005-0031787; thence southeasterly along the easterly line of said parcel to the northeast corner of the parcel described in that certain deed of trust recorded on March 24, 2005 in Instrument No. 2005-0010980; thence southeasterly along the easterly line of said parcel to the northeast corner of the subdivision shown on that certain map entitled, "Final Map of Heather Estates Unit 3" filed for record on March 30, 1978 in Book 11 of Maps at Pages 92 through 94; thence southeasterly along the easterly line of said subdivision to the northeast corner of the subdivision shown on that certain map entitled, "Final Map of Heather Estates Unit 1" filed for record on September 28, 1977 in Book 11 of Maps at Pages 80 and 81; thence southeasterly along the extension of the easterly line of said subdivision to its intersection with the northerly line of Parcel C as said parcel is shown on that certain map entitled, "Parcel Map of a Portion of the Lands of Charles F. & Suzanne Messina" filed for record on November 6, 1978 in Book 10 of Parcel Maps at Page 19; thence southeasterly along the easterly line of said subdivision to the northeast corner of the subdivision shown on that certain map entitled, "Final Map of Lewis Homes - Napa" filed for record on June 5, 1972 in Book 10 of Maps at Pages 21 and 22; thence southeasterly along the easterly line of said subdivision to the southeast corner thereof, said corner also being on the northerly line of the subdivision shown on that certain map entitled, "Parcel Map of a Portion of the Lands of Napa Valley Unified School District" filed for record on January 29, 1973 in Book 4 of Parcel Maps at Page 94; thence northeasterly along the northerly line of said subdivision to the northeast corner thereof; thence southeasterly along the prolongation of the easterly line of said subdivision to its intersection with the centerline of Trower Avenue; thence southwestwardly along the centerline of Trower Avenue to its intersection with State Highway 29; thence southeasterly along the centerline of State Highway 29 to its intersection with Napa Creek; thence easterly along the center of Napa Creek to the point of beginning.

SECTION 2. To correct a typographical error, Section 2.08.040 (Duties and Responsibilities) of Chapter 2.08 (County Executive Officer) is amended to read in full as follows:

2.08.040 Duties and Responsibilities.

A. The CEO is accountable for the effective administration and management of all governmental affairs of the County which may legally be placed in its charge and control.

B. The primary duties and responsibilities of the CEO shall be to plan, organize, control and direct the overall operation of the county; prepare, present and monitor the county budget; promote county activities and affairs with government and private entities, community organizations, industry and the general public; and serve on various committees and agencies. The CEO shall have the authority to require and receive any and all information from any county department the CEO may deem necessary to fulfill the above-enumerated duties and responsibilities.

C. Further duties and responsibilities of the CEO shall include, but are not limited to, the following:

1. Policy Formation. The CEO shall develop and recommend policy and policy alternatives to the board of supervisors for consideration. It shall be the role of the CEO to advise the board of supervisors in the development of policy matters through the analysis, development and presentation of policy alternatives, including the anticipated consequences of such alternatives and the cost-benefit analysis of such alternatives. Furthermore, the CEO shall attend board meetings and advise on matters of policy and administration.

2. Policy Implementation. The CEO shall implement the policies adopted by the board of supervisors and shall ensure they are properly distributed and explained to all affected personnel.

3. Departmental Duties and Responsibilities. To the extent permitted by law, the CEO shall:

a. Receive projects that the board of supervisors has directed to the CEO for action, and refer those projects to the appropriate department.

b. Monitor, and report to the board regarding, the performance of county departments.

c. Evaluate all proposed departmental programs and recommend those to the board of supervisors the CEO feels should be approved or modified; periodically evaluate existing departmental programs and recommend changes to the board where they are indicated.

d. Evaluate departmental organization on a continuous basis, subject to the limitations of state law or the directives of the board of supervisors; initiate changes in directives of the board of supervisors, initiate changes in interdepartmental organization, structure, duties or responsibilities when warranted, including authorizing the transfer of equipment between departments; assign space to county departments in county facilities, and authorize budgeted out-of-county travel and in-county business expense in accordance with rules and regulations based upon policies established by the board; recommend to the board of supervisors the transfer of positions between departments and the consolidation or combining of county offices, departments, positions, or units.

e. Annually review the performance of the duties of all appointed department heads, except County Counsel and the Agricultural Commissioner, based upon mutually agreed to goals and objectives and recommend increases or decreases in compensation in accordance with demonstrated performance; confer with department heads as necessary to discuss performance in meeting goals and objectives.

f. Appoint, transfer, discipline, suspend or dismiss, as appropriate, any non-elective department head who is not required to be appointed by the board of supervisors or who does not serve a fixed term of office; such department head shall serve at the pleasure of and be appointed by the CEO. In those cases where the board of supervisors is the appointing authority under this subparagraph, the CEO shall:

i. Recommend to the board of supervisors, for its consideration and appointment, qualified candidate(s) to fill any vacancies; and

ii. Recommend to the board of supervisors, for its consideration and determination, any legally permitted course of action relating to such department head, as appropriate.

g. When necessary, or upon a department head's request, assist department heads in solving problems which inhibit efficient operation within a department or creates friction between departments.

h. Provide management training and develop leadership qualities among department heads to build a county management team that can plan for and meet future challenges.

4. Authority to Approve Emergency Transactions. The board of supervisors does hereby delegate to the CEO the power to enter into and execute contracts as authorized by Public Contracts Code Section 20132 during "emergencies." "Emergencies" shall mean situations requiring immediate action by the county where delaying action until the board of supervisors meets would

endanger public peace, health, or safety. The CEO shall also have the authority to approve "emergency" purchases and "emergency" travel requests, and shall immediately report all such approvals to the board of supervisors in writing.

5. Management of the County's Executive Office. The CEO, through its Executive Office, shall coordinate the activities of all county departments, preparing recommendations to the board and executing board directives as they relate to departmental operations. The Executive Office personnel, under direction of the CEO, shall also provide support, advice and assistance to all county departments. The CEO shall serve as a problem-solver, coordinator, mediator or other role(s) as determined appropriate by the board of supervisors in serving the needs of each county department and county government overall.

6. Staff to the board of supervisors. The CEO and Executive Office personnel shall provide staff support to the board of supervisors.

a. The CEO, under the direction of the board of supervisors, shall represent the board of supervisors and the county generally in public relations, at the local level, regionally, and in County-State matters.

b. As staff to the board, the CEO is authorized to coordinate and facilitate the public meeting agenda process of the board of supervisors. The CEO shall ensure that all board agenda requests are complete and that all relevant information is available for effective decision making. The CEO furthermore has the authority to request and receive justification of an item from a department head as the CEO deems appropriate to effectively and efficiently conduct county business. The CEO is authorized to set the agenda for each regular and special meeting of the board of supervisors.

7. County Budget.

a. As county budget officer, the CEO shall supervise and direct the preparation of the annual county budget. In the performance of this duty the CEO shall review and evaluate all departmental requests and all items in the proposed budget including expenditures, revenues and reserves. The CEO shall submit the proposed budget to the board of supervisors together with a written report and recommendations which shall be based on board of supervisors policy direction, revenue projections, budget targets, and proposed goals, objectives, work programs and projects developed by the various departments;

b. The CEO shall evaluate the budget adopted by the board of supervisors on an ongoing basis to assure that throughout the fiscal year such revenues and expenditures are consistent with the annual budget and necessary and proper.

c. The CEO shall report to the board of supervisors, not less than semi-annually, the status of the budget expenditures and revenues and recommend adjustments as necessary.

d. All requests for changes in the annual budget shall first be submitted to the CEO who shall transmit them to the board of supervisors together with recommendations; provided, however, pursuant to Section 29125 of the Government Code, the CEO is hereby granted the authority to approve transfers and revisions within an appropriation.

8. Legislative Activity. The CEO shall monitor legislative matters as they relate to county and local government, economic development, and other county issues. It is expected that individual board members should have ready access to legislative matters, including current, pending and proposed matters, through and with the assistance of the CEO and Executive Office personnel. Furthermore, the CEO shall perform legislative analysis and coordinate the development of recommendations to the board concerning legislative activities.

9. Employee Bargaining. The CEO shall participate as necessary with the designated board employer-employee representative in the meet-and-confer process with employee representatives.

10. Contractual Matters. To the extent authorized by the board of supervisors, the CEO shall participate in negotiation, implementation and oversight of county contracts.

11. Emergency Services. The CEO serves as the director of emergency services and exercises control of county government in extreme emergencies when there is not sufficient opportunity for the board of supervisors to act, hire necessary extra personnel and purchase necessary supplies and equipment to meet such emergencies.

12. Purchasing Agent. The CEO shall serve as the purchasing agent for the county.

13. Local Enforcement Agency (LEA). The CEO shall serve as the LEA director for the county.

14. Risk Management/Insurance. The CEO shall oversee all county insurance programs and be responsible for risk management and safety operations.

15. Policy Manual. The CEO shall supervise and direct the preparation and maintenance of a county administrative code which sets forth the policies and procedures of the board of supervisors regarding the administrative affairs of the county, including the procedure for review of departmental matters by the CEO prior to the submission of such matters to the board of supervisors. The CEO shall utilize executive orders as appropriate to provide administrative direction to departments.

16. Duties Performed For Ex Officio Governing Bodies. The duties herein provided and the services to be rendered by the CEO shall be performed for the board of supervisors in connection with any entities for which the board of supervisors may be ex officio the governing body.

SECTION 3. To correct a typographical error, Section 2.38.040 (Award of Contracts) of Chapter 2.38 (Informal Bidding Procedures) is hereby amended to read in full as follows:

2.38.040 Award of contracts.

The purchasing agent and the director of public works are each authorized to award informal contracts in an amount not to exceed the amount set forth in Section 22032(b) of the Public Contract Code as amended from time to time. The board may, by adoption of a resolution by a four-fifths vote, award a contract, at the amount set forth in Section 22034(f) of the Public Contract Code as amended from time to time, to the lowest responsible bidder, if it determines the cost estimate of the purchasing agent or the director of public works was reasonable. The purchasing agent and the director of public works are further authorized to award contracts without the necessity of informal bidding pursuant to the amounts and mechanisms set forth under Section 22032(a) of the Public Contract Code as amended from time to time.

SECTION 4. To correct an obsolete or incorrect citation, Section 3.10.100 (Corrections, cancellations and refunds; procedures) of Chapter 3.10 (Assessments And Service Charges-County Service Area No. 3) is hereby amended to read in full as follows:

3.10.100 Corrections, cancellations and refunds; procedures.

In addition to any corrections, cancellations, or refunds ordered upon the granting of an exemption under Section 3.10.090, the director may order any assessment or charge levied under this chapter on any particular parcel of real property to be corrected, canceled, or refunded if such assessment or charge was imposed in error and the nature of the error could not have been

reasonably ascertained by the county or by the property owner prior to the action of the board on the report imposing the assessment or charge. Application for correction, cancellation or refund under this section shall be made in writing by the property owner to the clerk of the board no later than three months after the date of the real property tax bill which shows the assessment, or three months from the date of the imposition of the charge. The decision of the director may be **appealed** to the board in accordance with the procedures of Chapter 2.88, except the provisions of subsections ~~(B), (F), (G), and (H)~~ of Section 2.88.050 shall not be applicable.

SECTION 5. To correct a typographical error, Section 3.12.020 (Definitions) of Chapter 3.12 (Assessments - County Service Area No. 4) is amended to read in full as follows:

3.12.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

"Assessment" means those amounts assessed to properties located within County Service Area No. 4 in accordance with the procedures set forth in this chapter.

"Assessor" means the assessor for the county of Napa.

"Clerk" or "clerk of the board" means the clerk of the board of supervisors of the county of Napa.

"Commissioner" means the county agricultural commissioner-sealer or the commissioner's designee.

"CSA No. 4" means County Service Area No. 4 within the county of Napa.

"Fiscal year" means the Napa County fiscal year commencing on July 1st and ending on June 30th.

"Parcel of real property" means a unit of real property having a separate assessor's parcel number as shown on the local secured tax rolls of the county and consisting of one or more planted vineyard acres.

"Services" means the acquiring, constructing, leasing, or providing maintenance or operations for farmworker housing owned or leased by a public agency as authorized by Government Code Section 25213.2.

SECTION 6. To correct an obsolete or incorrect citation, Section 3.12.060 (Exemptions) of Chapter 3.12 (Assessments -County Service Area No. 4) is hereby amended to read in full as follows:

3.12.060 Exemptions.

A. The owners of parcels of real property who present proof to the commissioner that they are providing housing for their own farmworkers shall be exempt from the assessment.

B. Government Property. The assessments established in accordance with this chapter shall be imposed upon real property owned and operated by a federal, state, or local agency unless the agency can demonstrate by clear and convincing evidence that the publicly owned parcel at issue in fact receives no special benefit. Assessments imposed on governmental parcels hereunder, however, shall not be collected by the tax collector to the extent such collection is prohibited by law.

C. If exemption under subsection (A) or (B) of this section is sought, the exemption may be granted only upon written request filed with the clerk of the board. The commissioner may

then order the assessment levied herein on any particular parcel of real property to be canceled, corrected, or refunded in order to effect the provisions of this section. All requests for exemptions must be received by the clerk of the board no later than three months after the date of the real property tax bill which shows the assessment for which an exemption is requested.

D. The decision of the commissioner under subsections (A) and (B) of this section may be **appealed** to the board in accordance with the procedures of Chapter 2.88, except the provisions of subsections ~~(B-F), (G), and (I)~~ of Section 2.88.050 shall not be applicable.

SECTION 7. To correct an obsolete or incorrect citation, Section 3.12.070 (Corrections, cancellations and refunds; procedures) of Chapter 3.12 (Assessments -County Service Area No. 4) is hereby amended to read in full as follows:

3.12.070 Corrections, cancellations and refunds; procedures.

In addition to any corrections, cancellations, or refunds ordered upon the granting of an exemption under Section 3.12.060, the commissioner may order any assessment levied under this chapter on any particular parcel of real property to be corrected, canceled, or refunded if such assessment was imposed in error and the nature of the error could not have been reasonably ascertained by the county or by the property owner prior to the action of the board on the report imposing the assessment. Application for correction, cancellation or refund under this section shall be made in writing to the clerk of the board within three months after that first date when the property owner reasonably could have known that the assessment was imposed in error. The decision of the commissioner under this section may be appealed to the board in accordance with the procedures of Chapter 2.88, except the provisions of subsections ~~(B-F), (G), and (I)~~ of Section 2.88.050 shall not be applicable.

SECTION 8. To correct a typographical error, Section 3.24.090 (Exemptions-Instruments in lieu of foreclosure) of Chapter 3.24 (Documentary Transfer Tax) is hereby amended to read in full as follows:

3.24.090 Exemptions-Instruments in lieu of foreclosure.

A. The tax imposed pursuant to this chapter shall not apply to any deed, instrument or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustee as a result of, or in lieu of, foreclosure; provided, that the tax shall apply to the extent that the consideration exceeds the unpaid debt, including the accrued interest and cost of foreclosure.

B. Consideration, unpaid debt amount, and identification of grantee as beneficiary or mortgagee shall be noted on the deed, instrument or writing, or stated in an affidavit or declaration under penalty of perjury.

SECTION 9. To remove language made obsolete due to amendments to Revenue and Taxation Code Section 11932, effective January 1, 2015, governing technical requirements for

recordation, Section 3.24.180 (Recordation prerequisites) of Chapter 3.24 (Documentary Transfer Tax) of the Napa County Code is amended to read in full as follows:

3.24.180 Recordation prerequisites.

A. The recorder shall not record any deed, instrument or writing subject to the tax imposed by this chapter unless the tax is paid at the time of recording. A declaration of the amount of tax due that is signed by the party determining the tax or his agent shall appear on the face of the document ~~or on a separate paper as set forth below~~. The recorder may rely on the declaration if the recorder has no reason to believe that the full amount of the tax due has not been paid. The declaration shall include a statement showing whether the consideration or value was computed on the full value of the property or on the full value of the property less liens and encumbrances at the time of sale.

~~If the party submitting the document so requests, the amount of tax due shall be shown on a separate paper which shall be affixed to the document by the recorder after the permanent record is made and before the original is returned, as specified in Section 27321 of the Government Code.~~

B. Every document subject to tax under this chapter which is submitted for recordation shall show on the face of the document, ~~or in a separate document~~, the location of the lands, tenements or other realty described in the document. If the lands, tenements or other realty are located within a city in the county, the name of the city shall be set forth. If the lands, tenements or other realty are located in the unincorporated area of the county, that fact shall be set forth.

SECTION 10. For the purpose of clarification of process, Section 8.28.050 (Discharge - Hours and days designated) of Chapter 8.28 (Fireworks) is amended to read in full as follows:

8.28.050 Discharge - Hours and days designated.

Fireworks shall only be discharged or displayed during the following hours and on the following days:

A. Fireworks shall only be discharged or displayed after dusk, but not later than eleven p.m., except that New Year's Day fireworks may be discharged until not later than one a.m. of the following day.

B. Fireworks shall only be discharged or displayed on, or during the six hours immediately preceding the beginning of, the following days:

1. New Year's Day
2. July 4
3. Any day appointed by the President of the United States for a one-time celebration of a holiday, fast or thanksgiving.
4. Any day on which an event which is of benefit to a significant segment of the community occurs, provided the discharge or display occurs in connection with the event and the public may be present at the event, either with or without an admission charge. ~~When an application is submitted pursuant to this subsection, the fire chief may solicit the direction of the board of supervisors whether the event qualifies.~~

SECTION 11. To correct a typographical error, Section 8.70.083 (Emergency and disaster operations) of Chapter 8.70 (Ambulance) is hereby amended to read in full as follows:

8.70.083 Emergency and disaster operations.

A. In the event of a disaster or mass casualty incident, the ability of the emergency ALS ambulance providers to provide necessary prehospital emergency ambulance care and transportation may be disrupted or be inadequate for the number of casualties. It is expected that permittees assist the county by providing additional ambulances. In the event of a disaster or mass casualty incident, the county will determine the amount of assistance needed. The county will contact each permitted service to determine availability of ambulances and may request the permittee to dispatch available ambulances to the county to aid in the disaster or mass casualty incident. The county shall coordinate all medical mutual aid requests through the county Centralized Emergency Medical Dispatch, the medical mutual aid system, and the county Public Health Officer when applicable.

B. Permittees shall have on file with the county, its Disaster Response Plan which includes a personnel call-back plan.

C. All management and field personnel of the permittee shall follow the county's Multi Casualty Incident (MCI) Plan Policy during an MCI.

D. The county may assist the permittee in seeking reimbursement for its costs from any disaster relief monies. The county shall have no financial responsibility for these costs or charges.

E. When requested by the county (via a minimum ninety day notice), every permittee shall participate in a county organized disaster exercise by sending one fully staffed ambulance. All costs associated with their participation in the disaster exercise shall be the sole responsibility of the permittee.

SECTION 12. To correct a typographical error, Section 13.12.270 (Water wells - Classes of permits) of Chapter 13.12 (Wells) is hereby amended to read in full as follows:

13.12.270 Water wells - Classes of permits.

There shall be five types of water well permits, namely Class IA, Class IB, Class II, well reconstruction and well destruction.

A. Class IA permits shall be obtained for the installation of a water well where such well location conforms with the minimum distances set forth in Section 13.12.340, and where the director deems no conditions exist which may result in a pollution or contamination of the ground water.

B. Class IB permits shall be obtained for the installation of a new or replacement water well when such well is or will be the sole source of water supply and the well location is closer than the minimum distances set forth in Section 13.12.340, or where the director deems conditions exist which may result in contamination or pollution of the ground water unless special construction features are included in the well construction. A Class IB well permit shall not be issued unless there exists on a parcel an existing constraint which prohibits the construction of a Class IA well. At a minimum, special construction features shall include the following:

1. An annular seal having a minimum thickness of three inches.
2. An annular seal having a minimum depth of fifty feet or into the first impervious layer, whichever is greater.
3. The sealing material to be placed in the annular space by means of a tremie pipe, so as to fill the annular space from the bottom.
4. The well log must be made available to the director prior to sealing the annular space.

5. Different and/or additional standards from subsections (1) through (4) above may be imposed by the director if the proposed well is to be located in close proximity to a potential source of contamination. Such standards will be conditioned on the construction permit.

In no case shall a Class IB well permit be issued when the distance to any part of a sewage disposal system is less than fifty feet.

C. Class II permits may be issued for replacement wells serving existing residential structures if it is determined by the director that special circumstances exist whereby the criteria for a Class IB permit cannot be met due to existing constraints on the property. Special construction requirements as determined by the director will be imposed.

D. Reconstruction permits shall be obtained for any well reconstruction work.

E. Destruction permits shall be obtained for any well destruction work.

SECTION 13. To correct the inadvertent deletion of the definition of the chief building official, Section 15.04.040 (Chief building official and building inspectors) of Chapter 15.04

(Administration of building regulations) is hereby amended to read in full as follows:

15.04.040 Chief building official and building inspectors.

A. There is established the office of chief building official, who shall be the head of the building division. The chief building official shall mean the director of the Napa County planning, building and environmental services department or the director's authorized designee.

B. The chief building official shall supervise and have charge of all work and inspections relating to and the enforcement of the codes adopted hereunder, except as herein provided.

C. The director of the Napa County planning, building and environmental services department or the director's designee shall supervise and have charge of all inspections relating to the installation of septic tanks and disposal fields.

D. The chief building official shall have such deputy building inspectors as the board of supervisors shall provide and such deputy building inspectors shall assist the chief building official in the performance of his duties, acting under his instruction and supervision.

E. The chief building official, the deputies of the building division and representatives of the Napa County department of planning, building and environmental services shall have the right of entry, as defined in various codes adopted by the ordinance codified in this chapter and Chapters 15.06, 15.12, 15.14, 15.16, 15.20, 15.24, 15.28, 15.29, 15.30, 15.32, 15.35, and 15.36, in, and upon, all buildings and premises in the county for the purpose of making inspections, reinspections, or otherwise performing their respective duties as may be necessary in the enforcement of this chapter and Chapters 15.06, 15.12, 15.14, 15.16, 15.20, 15.24, 15.28, 15.29, 15.30, 15.32, 15.35, and 15.36.

F. It shall be the duty of the chief building official to have a permanent record kept of all pertinent transactions of his office and to render a report when requested to the board of supervisors of all permits issued and fees collected. All fees collected shall be turned over to the county treasurer for deposit into the general fund of Napa County.

SECTION 14. To correct the footnotes and headings of Table B105.2, Section 15.32.250

(Table B105.2 is added - Minimum fire flow) of Chapter 15.32 (Fire Code) is amended to read in

full as follows:

15.32.250 Table B105.2 is added - Minimum fire flow.

Table B105.2 is added to Appendix B of the fire code to read as follows:

Table B105.2 Minimum Required Fire Flow, Flow Duration, and Storage Volume for Light Fire Hazard Occupancies including but not limited to Residential Occupancies, Churches, Colleges, Dormitories, Hospitals, Institutions, Museums, Office Buildings and Schools not served by a Public Water Supply.

Fire Area Light Fire Hazard Occupan cy¹	Fire Flow Duration	Automatic Fire Sprinkler Protection²			
		Non- sprinklere d		Sprinklered	
		Fir e Flo w	Stor age Volu me	Fire-Flow	Storage Volume
<u>Fire Area Light Fire Hazard Occupancy¹</u>					
<u>Automatic Fire Sprinkler Protection²</u>					
<u>Non-sprinklered</u> <u>Sprinklered</u>					

Type of Construction ³			<u>Fire Flow Duration</u>	<u>Fire Flow</u>	<u>Storage Volume</u>	<u>Fire Flow</u>	<u>Storage Volume</u>
I FR, II FR, II-1hr, III-1hr	II-N, III-N, IV-HT, V-1hr	V-N	minutes	Gpm ⁴	Gallons ^{4,5}	Gpm ^{4,6}	Gallons ^{4,5,6}
16,800	13,300	12,600	60	200	12,000	200	6,000
25,300	19,970	19,000	60	300	18,000	300	9,000
33,700	26,600	25,300	60	400	24,000	400	12,000
42,100	33,250	31,600	60	500	30,000	500	15,000
50,500	39,920	37,900	60	600	36,000	500	18,000
58,950	46,550	44,200	60	700	42,000	500	21,000
67,400	53,200	50,500	60	800	48,000	500	24,000
75,800	59,850	56,900	60	900	54,000	500	27,000
84,200	66,500	63,200	60	1,000	60,000	500	30,000
105,300	83,100	78,950	60	1,250	75,000	625	37,500
126,300	99,700	94,750	60	1,500	90,000	750	45,000
147,400	116,350	110,500	60	1,750	105,000	875	52,500
168,400	132,950	126,300	60	2,000	120,000	1,000	60,000
189,500	149,600	142,080	60	2,250	135,000	1,125	67,500
210,500	166,200	157,900	60	2,500	150,000	1,250	75,000
231,600	182,800	173,670	60	2,750	165,000	1,375	82,500
252,600+	199,450	189,500	60	3,000	180,000	1,500	90,000
	216,050	205,250	60	3,250	195,000	1,625	97,500
	232,700	221,050	60	3,500	210,000	1,750	105,000
	249,300	236,850	60	3,750	225,000	1,875	112,500
	265,900	252,600	60	4,000	240,000	2,000	120,000
	282,550	268,450	60	4,250	255,000	2,125	127,500
	299,200	284,200	60	4,500	270,000	2,250	135,000

¹ Fire area in sq. ft. (less than or equal to), for fire hazard occupancy types see Section A-III-A.5.2.1.

² Approved automatic sprinkler protection throughout building in accordance with standards NFPA 13 or NFPA 13-R.

³ Types of construction based upon the Building Code.

⁴ Add 10% to fire flow and storage volume if separation between buildings is less than 20 feet.

⁵ Fire flow storage volume use shall be limited and dedicated to fire protection, see Section 903.3.1.

⁶ Fire flow and storage volume in sprinklered buildings is in addition to the water demand for the sprinkler system and in-lieu of outside hose stream demand allowance.

SECTION 15. To correct the footnotes and headings of Table B105.3, Section 15.32.260 (Table B105.3 is added - Minimum fire flow) of Chapter 15.32 (Fire Code) is amended to read in full as follows:

15.32.260 Table B105.3 is added - Minimum fire flow.

Table B105.3 is added to Appendix B of the fire code to read as follows:

Table B105.3 Minimum Required Fire Flow, Flow Duration, and Storage Volume for Moderate Fire Hazard Occupancies including but not limited to Asylums, Hotels, Prisons, Saw Mills, Gas Stations, Lumber Yards, Warehousing of normal combustibles, Wineries and Welding Shops not served by a Public Water Supply.

Fire Area Light Fire Hazard Occupancy⁷	Fire-Flow Duration	Automatic Fire Sprinkler Protection⁸			
		Non-sprinklered		Sprinklered	
		Fire Flow	Storage Volume	Fire Flow	Storage Volume
<u>Fire Area</u> <u>Light Fire Hazard Occupancy¹</u>					
<u>Automatic Fire Sprinkler</u> <u>Protection²</u>					
<u>Non-sprinklered</u> <u>Sprinklered</u>					

Type of Construction ⁹³			<u>Fire Flow Duration</u>	<u>Fire Flow</u>	<u>Storage Volume</u>	<u>Fire Flow</u>	<u>Storage Volume</u>
I FR, II FR, II-1hr, III-1hr	II-N, III-N, IV-HT, V-1hr	V-N	minutes	Gpm ¹⁰⁴	Gallons ^{4, 5, 11}	Gpm ^{4, 6, 12}	Gallons ^{4, 5, 6}
11,200	8,850	8,400	60	200	12,000	200	6,000
16,850	13,300	12,650	60	300	18,000	300	9,000
22,450	17,750	16,850	60	400	24,000	400	12,000
28,050	22,150	21,050	60	500	30,000	500	15,000
33,700	26,600	25,250	60	600	36,000	500	18,000
39,300	31,040	29,480	60	700	42,000	500	21,000
44,900	35,450	33,700	60	800	48,000	500	24,000
50,500	39,900	37,900	60	900	54,000	500	27,000
56,150	44,300	42,100	60	1,000	60,000	500	30,000
70,150	55,400	52,650	60	1,250	75,000	625	37,500
84,200	66,500	63,150	60	1,500	90,000	750	45,000
98,250	77,550	73,700	60	1,750	105,000	875	52,500
112,300	88,650	84,200	60	2,000	120,000	1,000	60,000
126,300	99,740	94,750	60	2,250	135,000	1,125	67,500
140,350	110,800	105,250	60	2,500	150,000	1,250	75,000
154,400	121,900	115,800	60	2,750	165,000	1,375	82,500
168,400+	132,950	126,300	60	3,000	180,000	1,500	90,000
	144,050	136,850	60	3,250	195,000	1,625	97,500
	155,140	147,350	60	3,500	210,000	1,750	105,000
	166,200	157,900	60	3,750	225,000	1,875	112,500
	177,300	168,400	60	4,000	240,000	2,000	120,000
	188,350	178,950	60	4,250	255,000	2,125	127,500
	199,450	189,480	60	4,500	270,000	2,250	135,000

⁷¹ Fire area in sq. ft. (less than or equal to), for fire hazard occupancy types see Section A-III-A.5.2.1.

⁸² Approved automatic sprinkler protection throughout building in accordance with standards NFPA 13 or NFPA 13-R.

⁹³ Types of construction based upon the Building Code.

¹⁰⁴ Add 10% to fire flow and storage volume if separation between buildings is less than 20 feet.

¹¹⁵ Fire flow storage volume use shall be limited and dedicated to fire protection, see Section 903.3.1.

¹²⁶ Fire flow and storage volume in sprinklered buildings is in addition to the water demand for the sprinkler system and in-lieu of outside hose stream demand allowance.

SECTION 16. To correct the footnotes and headings of Table B105.4, Section 15.32.270

(Table B105.4 is added - Minimum fire flow) of Chapter 15.32 (Fire Code) is amended to read in full as follows:

15.32.270 Table B105.4 is added - Minimum fire flow.

Table B105.4 is added to Appendix B of the fire code to read as follows:

Table B105.4. Minimum Required Fire Flow, Flow Duration, and Storage Volume for High Fire Hazard Occupancies including but not limited to Aircraft Hangers, Chemical Works or Storage, Explosives Manufacturing, High Piled Combustible Storage, Flammable Liquids Storage, Paint Shops, Pesticide Manufacturing, Storage or Shipping, Warehouses of Combustible/Flammables and other occupancies involving processing, mixing, storage and dispensing flammable and or combustible liquids, not served by a Public Water Supply.

Fire Area Light Fire Hazard Occupancy¹³	Fire Flow Duration	Automatic Fire Sprinkler Protection¹⁴			
		Non-sprinklered		Sprinklered	
		Fire Flow	Storage Volume	Fire Flow	Storage Volume
<u>Fire Area</u>					
<u>Light Fire Hazard Occupancy¹</u>					
<u>Automatic Fire Sprinkler Protection²</u>					
<u>Non-sprinklered</u> <u>Sprinklered</u>					

Type of Construction ¹⁵³			<u>Fire Flow Duration</u>	<u>Fire Flow</u>	<u>Storage Volume</u>	<u>Fire Flow</u>	<u>Storage Volume</u>
I FR, II FR, II-1hr, III-1hr	II-N, III-N, IV-HT, V-1hr	V-N	minutes	Gpm ¹⁶⁴	Gallons ^{4, 175}	Gpm ^{4, 186}	Gallons ^{4, 5, 6}
5,600	4,430	4,200	120	200	24,000	200	12,000
8,430	6,650	6,320	120	300	36,000	300	18,000
11,230	8,860	8,430	120	400	48,000	400	24,000
14,030	11,070	10,520	120	500	60,000	500	30,000
16,830	13,300	12,630	120	600	72,000	500	36,000
19,650	15,510	14,740	120	700	84,000	500	42,000
22,470	17,730	16,850	120	800	96,000	500	48,000
25,270	19,950	18,950	120	900	108,000	500	54,000
28,070	22,170	21,050	120	1,000	120,000	500	60,000
35,100	27,700	26,320	120	1,250	150,000	625	75,000
42,100	33,250	31,580	120	1,500	180,000	750	90,000
49,130	38,790	36,850	120	1,750	210,000	875	105,000
56,150	44,330	42,100	120	2,000	240,000	1,000	120,000
63,150	49,860	47,360	120	2,250	270,000	1,125	135,000
70,180	55,400	52,630	120	2,500	300,000	1,250	150,000
77,200	60,950	57,900	120	2,750	330,000	1,375	165,000
84,200+	66,480	63,150	120	3,000	360,000	1,500	180,000
	72,030	68,430	120	3,250	390,000	1,625	195,000
	77,570	73,690	120	3,500	420,000	1,750	210,000
	83,100	78,950	120	3,750	450,000	1,875	225,000
	88,650	84,200	120	4,000	480,000	2,000	240,000

¹³¹ Fire area in sq. ft. (less than or equal to), for fire hazard occupancy types see Section A-III-A.5.2.1.

¹⁴² Approved automatic sprinkler protection throughout building in accordance with standards NFPA 13 or NFPA 13-R.

¹⁵³ Types of construction based upon the Building Code.

¹⁶⁴ Add 10% to fire flow and storage volume if separation between buildings is less than 20 feet.

¹⁷⁵ Fire flow storage volume use shall be limited and dedicated to fire protection, see Section 903.3.1.

¹⁸⁶ Fire flow and storage volume in sprinklered buildings is in addition to the water demand for the sprinkler system and in-lieu of outside hose stream demand allowance.

SECTION 17. If any section, subsection, sentence, clause, phrase or word of this

Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 18. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 19. A summary of this Ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the Board of Supervisors of Napa County, State of California, held on the ___ day of _____, 2015, and passed at a regular meeting of the Board of Supervisors of Napa County, State of California, held on the ___ day of _____, 2015, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

DIANE DILLON, Chair of the Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM	Approved by the Napa County
---------------------	-----------------------------

Office of County Counsel	Board of Supervisors
By: _____ (by e-signature) Deputy County Counsel	Date: _____
By: _____ (by e-signature) County Code Services	Processed by: _____
Date: _____	Deputy Clerk of the Board

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
GLADYS I. COIL, CLERK OF THE BOARD