

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

December 6, 2005

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, DECEMBER 6, 2005 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRPERSON DIANE DILLON, SUPERVISORS BILL DODD, HAROLD MOSKOWITE, BRAD WAGENKNECHT AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIR DILLON AT 9:07 A.M.
2. Pledge of Allegiance.
DEBRA BLODGETT, EXECUTIVE DIRECTOR OF WINE GROWERS OF NAPA COUNTY, LED THE SALUTE TO THE FLAG.
3. Presentations and Commendations.
NONE
4. Public Comment.
NONE
5. Department Heads' Reports and Announcements.
HILLARY GITELMAN, DIRECTOR OF CONSERVATION, DEVELOPMENT AND PLANNING, ADVISED THAT THE BOARD WILL BE RECEIVING A COPY OF THE BASE LINE DATA REPORT.

JOHN TUTEUR, REGISTRAR OF VOTERS, GAVE AN UPDATE ON THE NOVEMBER 8TH ELECTION. ALL VOTES ARE IN, COUNTED AND CERTIFIED. HOWEVER, ALL THE BILLS ON THE COST OF THE ELECTION HAVE NOT YET BEEN RECEIVED. ONCE THESE BILLINGS ARE RECEIVED, REGISTRAR TUTEUR WILL WORK WITH THE COUNTY EXECUTIVE OFFICER AND COUNTY COUNSEL AS TO THE PROCESS FOR SEEKING REINBURSEMENT FROM THE STATE FOR THE COSTS.

MR. TUTEUR REPORTED THAT THERE WAS ALMOST A 60% VOTER TURNOUT FOR THE ELECTION WHICH PLACED NAPA COUNTY AMONG THE TOP TEN COUNTIES IN THE STATE FOR HIGHEST TURNOUT. HE ALSO REPORTED THAT 56.7% OF THOSE WHO VOTED DID SO ELECTRONICALLY.

MR. TUTEUR THEN INFORMED THE BOARD REGARDING SEVERAL ISSUES ON ELECTRONIC VOTING THAT ARE CAUSING CONCERN FOR BOTH THE STATE AND FEDERAL GOVERNMENTS.

Consent Calendar

- 6A. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of revenue Agreement No. 3742 with the California Department of Health Services (CDHS) for a maximum of \$1,000 for the term July 1, 2005 through June 30, 2006 for costs associated with the AIDS Drug Assistance Program (ADAP). **A-3742**

- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4072 with Community Action of Napa Valley, Inc., increasing the amount for a technical correction in the amount of \$10, for a new maximum of 130,443, for Fiscal Year 2005-2006 tobacco control services. **A-4072**
(AMEND. 4)
- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 4317 with Staff Care, Inc., incorporating a revised Scope of Work and increasing the amount by \$120,000 for a new maximum of \$220,000 to provide temporary or permanent psychiatrist placement services for the Mental Health Program. **A-4317**
(AMEND. 2)
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following amendments regarding the Mental Health Outpatient Managed Care Program:
1. Amendment No. 1 to Agreement No. 4541 with Margaret Lee, LCSW, increasing the amount by \$10,000 for a new maximum of \$18,000; **A-4786**
(AMEND. 1)
 2. Amendment No. 1 to Agreement No. 4786 with Robert Zemanek, MFT, increasing the amount by \$10,000 for a new maximum of \$32,500; **A-4786**
(AMEND. 1)
 3. Amendment No. 1 to Agreement No. 6040 with Joel Levitt, MFT, increasing the amount by \$5,000 for a new maximum of \$10,000; **A-6040**
(AMEND. 1)
 4. Amendment No. 1 to Agreement No. 6087 with Sharilyn Marshall, MFT, increasing the Amount by \$20,000 for a new maximum of \$32,500; **A-6087**
(AMEND. 1)
 5. Amendment No. 1 to Agreement No. 6317 with Cheryl Anderson, MFT, increasing the amount by \$15,000 for a new maximum of \$25,000; **A-6317**
(AMEND. 1)
 6. Amendment No. 1 to Agreement No. 6320 with Angie Ito, LCSW, increasing the amount by \$5,000 for a new maximum of \$10,000; **A-6320**
(AMEND. 1)
 7. Amendment No. 1 to Agreement No. 6321 with Frieda Weinstein, MFT, increasing the amount by \$5,000 for a new maximum of \$22,000; and **A-6321**
(AMEND. 1)
 8. Amendment No. 1 to Agreement No. 6327 with Nancy Waldeck, MFT, increasing the Amount by \$10,000 for a new maximum of \$20,000. **A-6327**
(AMEND. 1)
- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 6167 with Aldea, Inc., decreasing the amount by \$11,251 for a new maximum of \$60,000, revising the Scope of Work to omit Drug Medi-Cal

6E. Continued.

standards.

**A-6167
(AMEND. 3)**

6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following sub grant agreements regarding the Health Resources Services Administration (HRSA) National Bioterrorism Hospital Preparedness Program, not to exceed a cumulative maximum of \$404,247, and each for the term April 1, 2005 through August 30, 2006:

1. Agreement with St. Helena Hospital; **A-6556**

2. Agreement with Napa State Hospital; **A-6557**

3. Agreement with Community Health Clinic Ole; **A-6558**

4. Agreement with Queen of the Valley Hospital of Napa California; **A-6559**

5. Agreement with Napa County Ambulance Service, Inc., dba Angwin Community Ambulance; **A-6560**

6. Agreement with Napa Ambulance Services, Inc., dba Piner's. **A-6561**

SUPERVISOR LUCE RECUSED HIMSELF FROM THIS ITEM DUE TO POTENTIAL CONFLICT OF INTEREST. BD-BW-HM-ML-DD

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6G. Director of Health and Human Services requests approval of Version 7 of the Health and Human Services Agency's (HHS) Professional Services Contract General Terms and Conditions for automatic inclusion in HHS's agreements which provide for such automatic inclusion.

6H. Director of Health and Human Services requests approval of Budget Transfer No. 22 appropriating \$193,858 in the Social Services budget with offsetting revenues from the State to fund salaries, office supplies and contract expenditures related to the implementation of the Child Welfare Services Outcome Improvement Project. (4/5 vote required) **BT-22**

6I. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an agreement with the Napa County Resource Conservation District for a maximum of \$16,667 per month for the term December 6, 2005 through June 30, 2006 for services pertaining to the implementation the County's Conservation Regulations, including the technical review and inspection of agricultural erosion control plans, development and presentation of watershed education materials and limited watershed monitoring. **A-6562**

6J. Director of Conservation, Development and Planning and the Napa County Parks and Open Space Advisory Committee request approval of and authorization for the Chair to sign a comment letter to the Bureau of Land Management (BLM) regarding the Draft Resource Management Plan (RMP) and Draft Environmental Impact Statement (DEIS) concerning the management and disposition of BLM lands in Napa County.

6K. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign a comment letter to the San Francisco Bay Regional Water Quality Control Board regarding the scope of environmental documents required under the California

6K. Continued.

Environmental Quality Act to support the Total Maximum Daily Load process and proposed amendments to the Water Quality Control Plan for the San Francisco Bay Basin to address sediment and pathogens in the Napa River.

- 6L. Acting Director of Environmental Management requests adoption of a resolution expressing the intent of the Board of Supervisors to form a Solid Waste Local Task Force as required by Public Resources Code 40950. **R-05-222**
- 6M. Library Director requests approval to accept a California Library Literacy Services (CLLS) grant from the State of California in the amount of \$14,358 for operating supplies and services for the Library's adult literacy program.
- 6N. Director of Public Works requests approval of the following changes to the Equipment Pool budget with increased appropriations to be offset from fund balance and insurance reimbursement (4/5 vote required):
1. Approval of Budget Transfer No. 28 increasing appropriations by \$62,875 to establish fixed assets for the purchase of a prisoner transport cage, and replacement of two patrol vehicles; **BT-28**
 2. Approval of Budget Transfer No. 29 increasing vehicle modification and parts appropriations by \$145,000 to install emergency response equipment in various vehicles. **BT-29**
- 6O. Public Works Director requests the following actions:
1. Adoption of a resolution allocating \$215,000 of State of California Per Capita Grant Program funds under the Proposition 40 Bond Act of 2002 to the Cities of Napa, St. Helena, Calistoga, American Canyon and the Town of Yountville; and **R-05-223**
 2. Approval of and authorization for the Chair to sign transmittal letter to the State of California Department of Parks and Recreation endorsing this allocation of funds.
- 6P. Director of Public Works requests adoption of a resolution summarily vacating an 8 foot strip of right of way no longer needed for roadway or drainage purposes along Rosedale Road and Pickett Road. **R-05-224**
- 6Q. Director of Public Works requests adoption of the Disadvantaged Business Enterprise Program methodology and goal for the Federal Government Fiscal Year 2005-2006 for Federal Aviation Administration funded projects.
- 6R. Director of Public Works requests approval of and authorization for the Chair to sign a Space License Agreement with Community Resources for Independence (CRI) for reimbursement to County of copier and fax machine costs for the term beginning November 4, 2005 and continuing until terminated by either party for sublease of space at 650 Imperial Way, Suite 101, for the public-private One-Stop partnership at the Job Connection facility, managed through the Health and Human Services Agency. **A-6563**

- 6S. Communications Manager requests approval of and authorization for the Chair to sign an agreement with Telekenex for \$0.032 per minute for the term December 1, 2005 through November 30, 2006 for long distance telephone service. **A-6564**
- 6T. County Counsel requests adoption of a resolution authorizing the issuance and sale of Howell Mountain Elementary School District General Obligation Bonds, Election of 2005, Series 2005, in an aggregate principal amount not to exceed \$1,700,000, pursuant to Education Code Sections 15264 and 15140, Section 1 of Article XIII A of the California Constitution, and Section 18 of Article XVI of the California Constitution.
ITEM REMOVED FROM THE AGENDA
- 6U. County Counsel and the Deferred Compensation Board requests the appointment of Tom Commander to the At-Large position on the Napa County Deferred Compensation Board of Control.
- 6V. Acting Human Resources Director requests a six (6) month extension of the Leave Without Pay for a Child Support Specialist II in Child Support Services through March 31, 2006.
- 6W. Acting Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Health and Human Services Agency and its divisions with regards to the following actions, effective December 17, 2005:
1. Mental Health Division:
 - a. Delete one (1) Supervising Account Clerk;
 - b. Delete one (1) Account Clerk II;
 - c. Add one (1) Staff Services Analyst I/II;
 2. HHS Administration Division:
 - a. Delete one (1) Senior Account Clerk; and
 - b. Add one (1) Supervising Account Clerk.
- R-05-225**
- 6X. Acting Human Resources Director requests adoption of a resolution regarding amending the Management Compensation Plan – Non-Classified (Other) adding the LAFCO Executive Director to the list of classes eligible for Automobile Allowance effective December 17, 2005.
R-05-226
- 6Y. County Executive Officer requests approval of and authorization for the Chair to sign an agreement with CPS Human Resource Services (CPS), dba CPS Executive Search for a maximum of \$26,000 for the term December 6, 2005 through April 30, 2006 to provide recruitment services to staff the position of Director of Environmental Management. **A-6565**
- 6Z. County Executive Officer requests the following actions pertaining to the disability employment Projects INCLUSION, CHOICE and COMPASS:
1. Approval of Budget Transfer No. 30 appropriating \$230,189 with offsetting revenue from the State of California, Employment Development Department and U S Department of Labor as follows (4/5 vote required):
 - a. In the Regional Training Employment budget \$190,189; and
 - b. In the Training and Employment Center budget unit \$40,000 to conduct local disability navigator functions; and
- BT-30**

6Z. Continued.

- 2. Approval of and authorization for the Chair to sign an agreement with the County of Marin, Human Services Department, for a maximum of \$241,029 for the term July 1, 2005 through September 29, 2006 to implement Projects INCLUSION, CHOICE and COMPASS for people with disabilities seeking employment.

A-6566

6AA. County Executive Officer requests the appointment of Shureen Marie Rahbar and Kirby Walter to serve on the Napa County Mental Health Board as consumer representatives with the terms of office to commence immediately and expire January 1, 2009.

7. Discussion Of Items Removed From The Consent Calendar.
SEE ITEMS 6F AND 6T

APPROVED CONSENT ITEMS 6A THROUGH 6E, 6G THROUGH 6S, AND 6U THROUGH 6AA. BD-BW-HM-ML-DD

Set Matters Or Public Hearings.

8A. 9:15 a.m. - County Executive Officer and the Director of Health and Human Services request the following actions regarding the Commission on the Status of Women:

- 1. Approval to dissolve the Commission on the Status of Women, effective immediately; and,
- 2. Authorization for the Commission on the Status of Women to donate \$1,453.98 in remaining funds raised for the "Good Enough!" event to a non-profit organization to host the 2006 "Good Enough!" event.

PRESENTATION MADE

THE BOARD APPROVED THE REQUESTS AND DIRECTED THAT A RESOLUTION BE PRESENTED TO THE COMMISSION ON STATUS OF WOMEN IN RECOGNITION OF THEIR CONTRIBUTIONS TO THE COMMUNITY.

BD-BW-ML-HM-DD

8B. 9:30 a.m. Public Hearing - Consideration and possible action regarding an appeal filed by V. Sattui Winery, Inc-Suzanne Vineyards, of a decision by the Zoning Administrator (ZA) on August 10, 2005, to deny the applicant's request for a Certificate to the Extent of Legal Conformity (CLN) P05-0185-CLN recognizing weddings and weddings receptions. The project is located on a 21.66 acre parcel on the east side of St. Helena Highway at its intersection with White Lane within an AP (Agricultural Preserve) / AW (Agricultural Watershed) split zoning district and an area designated Agriculture, Watershed & Open Space (AWOS) by the Napa County General Plan. (Assessor's Parcel No. 030-260-035; 1111 White Lane, St. Helena)

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. State CEQA Guidelines Section 15270 provides: (a) CEQA does not apply to projects which a public agency rejects or disapproves; and (b) This section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initialization of the CEQA process where the agency can determine that the project cannot be approved. A recommendation of denial is not subject to CEQA review. Should the Board uphold the appeal the project would be

8B. Continued.

deemed Categorical Exempt Class 1 (Section 15301 State CEQA Guidelines and Napa County CEQA Guidelines, Appendix B.1) as the weddings would be deemed existing activities or operations.

(CONTINUED FROM NOVEMBER 1, 2005)

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE BOARD DETERMINED THAT WEDDINGS WERE A LEGAL USE PRIOR TO 1990 AND THEREFORE, UPHELD THIS PORTION OF THE APPEAL.

ML-BD-HM-BW-DD

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THE BOARD ESTABLISHED THE FOLLOWING POLICIES:

- 1. MAXIMUM OF 80 WEDDINGS ANNUALLY;**
- 2. EVENING EVENTS ALLOWED FROM 6 P.M. TO 11 P.M.;**
- 3. NO OUTSIDE AMPLIFIED MUSIC ALLOWED;**
- 4. PARKING LIMITED TO CURRENT PERMIT;**
- 5. SECURITY SHOULD EQUAL ONE GUARD PER FIFTY GUESTS;**
- 6. MAXIMUM NUMBER OF GUESTS FROM 125 TO 250; AND,**
- 7. ONLY THE WINERY'S WINE COULD BE SERVED.**

HM-ML-BD-BW-DD

A MOTION TO REFER THE NUISANCE ISSUE TO THE PLANNING COMMISSION FOR FURTHER ANALYSIS FAILED.

BW--DD-HM-ML-BD

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THE BOARD APPROVED A MOTION TO TENTATIVELY UPHOLD THE APPEAL AND OVERTURN THE ZONING ADMINISTRATOR'S DECISION.

ML-BD-BW-HM-DD

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PUBLIC HEARING CONTINUED TO JANUARY 24, 2006 AT 9:00 A.M.

8C. 10:30 a.m. Public Hearing - Director of Conservation, Development and Planning requests adoption of a resolution amending or establishing certain Agricultural Preserves (Types A & H), and approval of and authorization for the Chair to execute the following Williamson Act related amendments and contracts:

1. Thirteen new contracts for 2005 with the following applicants:
 - a. Two with John Fisher, in the general location of Partrick Road;
 - b. Four with Bruce Cowan, in the general location of Partrick Road;
 - c. Charles and Colette Abernethy, in the general location of Wooden Valley Road;
 - d. William and Betty Ballentine, in the general location of Silverado Trail and Dutch Henry Canyon Road;
 - e. Four with Pope Valley Ranching Company, in the general location of Aetna Springs Road;
 - f. Gary Branham, in the general location of Silverado Trail and Bale Lane;

2. Five amendments to existing contracts with the following applicants:

8C. Continued.

- a. Bruce Cowan and John J Fisher, in the general location of Partrick Road;
- b. 199 Rutherford Associates, Ltd., in the general location of Rutherford Hill Road;
- c. John & Barbara Craig Revocable Trust, in the general location of Rutherford Hill Road;
- d. Ted and Ladislav Hall, in the general location of Whitehall Lane;
- e. Round Pond, Inc., in the general location of Rutherford Cross Road.

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ADOPTED RESOLUTION

BW-ML-BD-HM-DD

R-05-227

8D. 10:45 a.m. - Presentation by the Napa Sanitation District of their "Strategic Plan for Recycled Water Use in the Year 2020". (Supervisor Wagenknecht)

ITEM REMOVED FROM AGENDA.

8E. 1:30 p.m. - Recess to the Napa County Flood Control and Water Conservation District meeting. **(SEE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MINUTES)**

9. Administrative Items.

NONE

10. Legislative Items.

NONE

11. Board of Supervisors' Committee Reports And Announcements.

CHAIR DILLON REPORTED ON THE ATTENDANCE OF SEVERAL BOARD MEMBERS AT THE ANNUAL MEETING OF THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) IN SAN JOSE LAST WEEK. SHE ATTENDED SEVERAL COMMITTEE MEETINGS. AT THE AGRICULTURAL AND NATURAL RESOURCE COMMITTEE STATEWIDE FLOOD WATER MANAGEMENT AND LEVEE BREAKS WERE DISCUSSED. THE GOVERNMENT FINANCE AND OPERATIONS COMMITTEE DISCUSSED PENSION AND TELECOMMUNICATIONS REFORM.

SUPERVISOR WAGENKNECHT COMMENTED THAT HOUSING REQUIREMENTS IN RURAL COUNTIES WAS ALSO DISCUSSED AT THE CONFERENCE. HE REPORTED THAT NAPA COUNTY WAS RUNNER-UP ON SEVERAL CALIFORNIA STATE ASSOCIATION OF COUNTIES' (CSAC) MERIT AWARDS.

SUPERVISOR DODD SPOKE ABOUT THE TRANSPORTATION AND HOUSING COMMITTEE STATING THAT MANY OF THE SMALL AGRICULTURAL COUNTIES HAVE MANY OF THE SAME PROBLEMS THAT NAPA COUNTY HAS. WHILE STATE HOUSING ELEMENT LAW HAS RECOGNIZED THE WORTH OF THESE SMALL AGRICULTURAL REGIONS, NO POLICY HAS BEEN PUT IN PLACE TO PROTECT THESE COUNTIES.

SUPERVISOR DODD ALSO REPORTED ON A MEETING YESTERDAY OF THE NAPA COUNTY TRANSPORTATION PLANNING AGENCY (NCTPA).

11. Continued.

SUPERVISOR WAGENKNECHT REPORTED ON THE MEETING HE ATTENDED YESTERDAY WITH SUPERVISOR MOSKOWITE AND MAYOR JILL TECHEL AT THE AMERICAN POLITICAL ACTION COMMITTEE (APAC) IN SAN FRANCISCO.

SUPERVISOR LUCE REPORTED ON A MEETING OF THE LEGISLATIVE SUBCOMMITTEE. THE LEGISLATIVE AGENDA WILL BE BROUGHT TO THE BOARD ON DECEMBER 13, 2005. ONE OF THE KEY ISSUES IS HOUSING.

HE ALSO REPORTED ON THE SPECIAL MEETING OF THE NAPA COUNTY LEAGUE OF GOVERNMENTS (NCLOG) WHERE WATER ISSUES WERE DISCUSSED.

SUPERVISOR WAGENKNECHT REPORTED THAT THERE ARE TWO OPEN HOUSES SCHEDULED BY THE NAPA SANITATION DISTRICT. ONE IS FOR TONIGHT AT THE CARNEROS SCHOOL AND THE OTHER IS THURSDAY NIGHT AT SILVERADO.

12. Board of Supervisors' Future Agenda Items.
SUPERVISOR DILLON REQUESTED A STAFF REPORT ON THE FEASIBILITY OF SEEKING MEMBERSHIP ON THE HOWELL MOUNTAIN WATER COMPANY.
13. County Executive Officer Reports and Announcements.
NANCY WATT, COUNTY EXECUTIVE OFFICER REPORTED ON THE NAPA COUNTY LEAGUE OF GOVERNMENTS' (NCLOG) STAFF ADVISORY SUB-COMMITTEE WHICH SHE ATTENDED. ONE OF THE FUTURE AGENDA ITEMS IS TO DISCUSS THE COUNCIL OF GOVERNMENTS' FORMAT.
14. Closed Session
- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957) Title: Director of Child Support Services
ITEM REMOVED FROM THE AGENDA.
 - B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (Two cases)
CLOSED SESSION HELD – NO REPORTABLE ACTION

Adjournment.

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY,
DECEMBER 13, 2005 AT 9:00 A.M.**

HAROLD MOSKOWITE, Chairman

ATTEST: _____
GLADYS COIL, Clerk of the Board

KEY

Vote: DD = Diane Dillon; BD = Bill Dodd; ML = Mark Luce;

HM = Harold Moskowitz; BW = Brad Wagenknecht

The maker of the motion and second are reflected respectively in the order of the recorded vote.

Notations under Vote: N = No; X = Excused; A = Abstain