

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

February 27, 2007

1. Call To Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 27, 2007 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN HAROLD MOSKOWITE, SUPERVISORS DIANE DILLON, BILL DODD, BRAD WAGENKNECHT, AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN MOSKOWITE AT 9:01 A.M.
2. Pledge of Allegiance.
ASSISTANT DIRECTOR OF PUBLIC WORKS DON RIDENHOUR LED THE SALUTE TO THE FLAG
3. Presentations and Commendations.
NONE
4. Public Comment.
NONE
5. Department Heads' Reports And Announcements.
COUNTY EXECUTIVE OFFICER NANCY WATT INTRODUCED THE NEW CLERK OF THE BOARD GLADYS COIL AND THE NEW PUBIC INFORMATION OFFICER ELIZABETH EMMETT. IN ADDITION, MS. WATT COMMENDED MARY-JEAN MCLAUGHLIN FOR ACTING IN THE CLERK OF THE BOARD POSITION DURING THE INTERIM.

HUMAN RESOURCE DIRECTOR MARK GREGERSON INTRODUCED THE NEW ASSISTANCE HUMAN RESOURCES DIRECTOR MICHAEL WILLIHNGANZ.

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. 4089 with Sonoma County for a maximum of \$66,972 for the term July 1, 2006 through June 30, 2007 for emergency medical services administration.
A-4089
- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements to provide counseling services in the Children's Behavioral Health/Child Welfare Services/SB 163 Wraparound Programs:
 1. Amendment No. 2 to Agreement No. 4649 with Gerane Park, LCSW, increasing the amount by \$4,250 for a new maximum of \$5,000;
**A-4649
(AMEND 2)**

6 B. Continued

2. Amendment No. 3 to Agreement No. 4935 with Steven Boyd, LCSW, increasing the amount by \$9,000 for a new maximum of \$15,000; and
A-4935
(AMEND. 3)
3. Agreement with Sharon Harp, MFT, for a maximum of \$5,000 for the term February 27, 2007 through June 30, 2007.
A-6766
- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4657 with Nadhan, Inc., increasing the amount by \$5,840 for a new maximum of \$91,250, and revising the compensation due to an increase in the daily bed rate for inpatient mental health treatment services.
A-4657
(AMEND. 3)
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4705 with Preferred Healthcare Registry, Inc., increasing the vendor's hourly rate for the provision of occupational and physical therapy services, with no change to the contract maximum.
A-4705
(AMEND. 4)
- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 6523 with Project Ninety, Inc., revising the Scope of Project to incorporate state and federal requirements for the operation of the residential substance abuse program.
A-6523
(AMEND. 3)
- 6F. Director of Health and Human Services and the Human Resources Director request adoption of a resolution amending the Departmental Allocation List for the Public Health Division of the Health and Human Services Agency, deleting one (1) Medical Secretary and adding one (1) Secretary position, effective February 27, 2007
R-07-28
- 6G. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. AUD-6426 with BMI Imaging Systems increasing the amount by \$32,625 for a new maximum of \$54,085 and amending the Scope of Work to include additional document imaging services.
A-6426
(AMEND. 1)
- 6H. Director of Conservation, Development and Planning requests the following:
1. Adoption of resolution approving the terms and conditions of and authorizing the Chair to sign an agreement with the State Coastal Conservancy to accept a \$60,000 grant for feasibility study of recreational facilities in the Milliken watershed; and
A-6767
R-07-34
 2. Approval of and authorization for the Chair to sign an agreement with LandPeople for a maximum of \$58,955 for the term of February 27, 2007 through December 31, 2007 to assist in the preparation of the feasibility study.
A-6768

- 6S. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, a letter reporting on the status of management recommendations made in our letter of July 11, 2001 pertaining to the Napa County Airport and derived from the 2001 R. A. Bridgeford, Inc. audit.
- 6T. Chief Information Officer requests approval of and authorization for the Chair to sign an agreement with Dell Computer Corporation for a maximum of \$15,420 for the term February 27, 2007 through August 30, 2007 for software and training. **A-6769**
- 6U. Clerk of the Board requests the appointment of David Courtney to serve on the Board of Directors of the Circle Oaks County Water District with the term of office to commence immediately and expire December 31, 2008.
- 6V. County Counsel requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4097 with Shute, Mihaly and Weinberger LLP for the term January 16, 2007 through June 30, 2007 for supplementary legal services in connection with the Soscol Gateway Redevelopment Plan. **A-4097**
(AMEND. 4)
- 6W. County Counsel and Human Resources Director request adoption of a resolution related to the proposed reorganization of the County Counsel Department, amending the Departmental Allocation List and Policy Manual, effective February 27, 2007 (no net increase in FTE):
1. Amend the Departmental Allocation List to delete:
 - a. One (1) (M) Chief Deputy County Counsel;
 - b. Seven (7) (M) Attorney IV;
 - c. One (.8) (M) Attorney IV; and
 - d. Three (3)(M) Attorney I/II/III;
 2. Amend the Departmental Allocation List to add:
 - a. Two (2) (M) Chief Deputy County Counsel*;
 - i. One attorney subsequent vacancy will be deleted upon promotion.
 - b. Seven (7) (M) Attorney IV*;
 - c. One (.8) (M) Attorney IV*; and
 - d. Three (3) (M) Attorney I/II/III*;

*Positions within the flexibly staffed Attorney I/II/III series filled prior to February 27, 2007, will remain Management Classified and vacant positions that are filled on or after February 27, 2007, will be designated as "at-will" Management Non-Classified (Other).
 3. Amend the Napa County Policy Manual to:
 - a. Amend reference to the flexibly staffed Attorney I/II/III, the Attorney IV, and the Chief Deputy County Counsel to Attachment 1, Part A, Section 2 of Part I: Section 37-C1, to include the following statement: Positions filled prior to February 27, 2007, will remain Management Classified;
 - b. Add reference to "at-will" flexibly staffed Attorney I/II/III, the "at-will" Attorney IV, and the "at-will" Chief Deputy County Counsel to Attachment 1, Part A, Section 2 of Part I: Section 37-C3, Management Compensation Plan-Management Non-Classified (Other)to include the following statement: Vacant positions that are filled on or after February 27, 2007, will be designated as "at-will" Management Non-Classified (Other).

6W. Continued

c. Amend such other personnel policies as the Human Resources Director determines is appropriate to reflect these amendments. **R-07-31**

6X. Human Resources Director requests adoption of a resolution rescinding and replacing Resolution No. 07-04, adopted January 9, 2007, to cite the correct salaries for the management classes of Community Partnership Analyst I and Community Partnership Analyst II, effective January 13, 2007. **R-07-32**

6Y. Human Resources Director requests a three (3) month extension of Leave Without Pay for an Assessment-Records Assistant I in the Recorder-County Clerk Department through June 1, 2007

6Z. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 2 to Parking Garage Cooperative Agreement No. 6372 with the City of Napa to reflect modifications to location and partnership arrangement. **A-6372 (AMEND. 2)**

6AA. County Executive Officer requests the appointment of Environmental Management Director Steve Lederer to serve as the County of Napa alternate representative on the Bay Area Hazardous Waste Management Facility Allocation Committee, a subcommittee of the Association of Bay Area Governments (ABAG).

6BB. County Executive Officer requests the reappointment of Peter Murphy representing the City of St. Helena to serve on the "Measure A" Financial Oversight Committee (FOC) with the term of office to commence immediately and expire June 30, 2009.

6CC. County Executive Officer requests approval of and authorization for the Chair to sign the following agreements with Renne Sloan Holtzman Sakai, LLP for the term February 7, 2007 through March 1, 2008:
1. Agreement for a maximum of \$40,000 for investigative and neutral fact finding in employment matters; and **A-6770**
2. Business Associate Agreement setting forth the terms and conditions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule. **A-6770-1**

6DD. County Executive Officer requests the following reappointments to the Napa County Winegrape Pest and Disease Control District with the term of office to commence immediately and expire March 26, 2010.

Name	Vineyard Location
Frank Leeds	Rutherford
Andy Bledsoe	Oakville

6EE. Approve minutes of the regular meetings held on the following dates:
1. September 13, 20 and 27, 2005;
2. October 4, 11, 18 and 25, 2005;
3. November 1, 15 and 22, 2005; and
4. December 6 and 13, 2005.

**ITEM REMOVED FOR SEPARATE DISCUSSION WITH DECEMBER 6, 2005
MINUTES TAKEN OFF OF THE AGENDA
APPROVED AS MODIFIED DD-BD-HM-ML-BW**

7. Discussion Of Items Removed From The Consent Calendar.
SEE 6K AND 6EE
APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6J AND 6L THROUGH
ITEMS 6EE.

ML-BW-DD-BD-HM

Set Matters Or Public Hearings

- 8A. 9:30 a.m. - Recess to the Board of Equalization Meeting (See BOE Agenda)
(SEE BOARD OF EQUALIZATION MINUTES).
- 8B. 10:00 a.m. - Consideration and possible action regarding an appeal filed by Earth Defense for the Environment Now (EDEN) of decisions by the Director of Conservation, Development and Planning (Planning Director) to adopt a mitigated negative declaration and to approve Erosion Control Plan No. 02253-ECPA for earthmoving activities related to establishment of a vineyard by Napa Canyon LLC on a site northeast of the intersection of American Canyon Road and Flosden Road (Assessor's Parcel No. 050-040-065). ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration (MND) has been prepared and adopted pursuant to CEQA, the State CEQA Guidelines, and the County's local procedures. According to the MND, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: air quality, biological resources, cultural resources, hazards & hazardous materials, and hydrology & water quality. The adequacy of the mitigated negative declaration is the subject of the appeal. If the Board upholds the appeal, the project may be remanded back to the Department of Conservation, Development and Planning for further environmental review which may include preparation of an Environmental Impact Report (EIR). If the Board denies the appeal, it will need to re-adopt the mitigated negative declaration and associated mitigation monitoring program prior to re-approving the project. The project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5. CONTINUED FROM DECEMBER 19, 2006; APPELLANT REQUESTS WITHDRAWAL OF THE APPEAL)

THE BOARD ACCEPTED THE WITHDRAWAL OF THE APPEAL.

BD-DD-HM-ML-BW

- 8C. 10:15 a.m. - Recess to the Lake Berryessa Resort Improvement District (LBRID) special meeting (See LBRID Agenda).
(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)
- 8D. 10:30 a.m. - Recess to the Napa Berryessa Resort Improvement District (NBRID) special meeting (See NBRID Agenda).
(SEE NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)
- 8E. 11:00 AM Public Hearing - County Counsel requests adoption of a resolution rejecting an offer of education for public use, subject to conditions, of Parcel D of Berryessa Highlands Unit No. 2 APN 019-410-003].

PUBLIC HEARING HELD – TESTIMONY PRESENTED
ADOPTED RESOLUTION

A-6771
R-07-33

BW-BD-HM-ML-DD

Administrative Items

9. A. County Executive Officer requests that the Board make appointments/reappointments to the Board of Directors of the Watershed Information Center and Conservancy of Napa County (WICC) from the following applicants, with the terms of office to commence immediately and expire August 2010.

<u>Name</u>	<u>Representing</u>
Councilmember Gary Kraus	City of Calistoga

<u>Name</u>	<u>Representing</u> – (One Appointment Only)
Katherine (Kate) Dargan*	Public at Large
Chris Sauer	Public at Large

*Incumbent

**THE BOARD APPOINTED GARY KRAUS AND KATHERINE (KATE) DARGAN.
ML BW-DD-HM-BD**

10. Legislative Items.
NONE

11. Board of Supervisors' Committee Reports and Announcements.
SUPERVISOR WAGENKNECHT REPORTED ON HIS ATTENDANCE AT THE FIRST FIVE (FORMERLY CHILDREN AND FAMILIES COMMISSION) MEETING YESTERDAY. THE COMMISSION ANTICIPATES HAVING A COMMUNITY PLAN READY BY MARCH 30, 2007. LAST WEEK HE ATTENDED A CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) MEETING. DISCUSSION CENTERED ON CORRECTIONS FACILITIES AND AN EMINENT DOMAIN PROPOSAL WORKING GROUP WHICH INCLUDES THE JARVIS TAXPAYERS ASSOCIATION.

SUPERVISOR DODD ALONG WITH SUPERVISOR DILLON REPORTED ON THEIR ATTENDANCE AT THE NAPA COUNTY TRANSPORTATION PLANNING AGENCY (NCTPA) MEETING. THE SOSCOL TRANSIT CENTER WAS DISCUSSED. ROUTES WILL BE EVALUATED.

SUPERVISOR DILLON REPORTED ON HER ATTENDANCE AT:

- 1. A SMALL COMMUNITY WASTE WATER MEETING AT THE GOVERNOR'S OFFICE WITH PUBLIC WORKS STAFF PRINCIPAL ENGINEER NATE GALAMBOS.**
- 2. A SATURDAY MORNING MEETING TO DISCUSS AND TOUR NAPA VALLEY VINEYARD FARMING OPERATIONS WITH SUPERVISOR LUCE, AGRICULTURAL COMMISSIONER DAVE WHITMER, STAFF FROM SENATOR FEINSTEIN'S OFFICE AND OTHERS.**
- 3. THE NAPA COUNTY FIREFIGHTERS' DINNER ON SATURDAY NIGHT WITH COUNTY EXECUTIVE OFFICER WATT, AND SUPERVISORS LUCE, MOSKOWITE AND WAGENKNECHT.**

11. Continued.

SUPERVISOR LUCE REPORTED ON HIS ATTENDANCE AT:

- 1. AN ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) ADMINISTRATIVE RETREAT. ISSUES SUCH AS LOWER ENERGY USAGE AND AFFORDABLE HOUSING WERE DISCUSSED.**
- 2. SUPERVISORS LUCE AND WAGENKNECT ATTENDED A MEETING WITH ASSEMBLY SPEAKER NUNEZ AND ASSEMBLYWOMAN EVANS REGARDING HOUSING IN THE UNINCORPORATED AREAS OF NAPA COUNTY.**
- 3. SUPERVISOR LUCE ALSO ATTENDED A PRESENTATION ON THE VINE MEALY BUG BY THE AGRICULTURAL COMMISSIONER DAVE WHITMER AND THE CHALLENGES ADDRESSING THIS ISSUE WERE DISCUSSED.**

12. Board Of Supervisors' Future Agenda Items.

SUPERVISOR DILLON REQUESTED AN ITEM DISCUSSING THE GENERAL PLAN AMENDMENT POLICY AS IT RELATES TO NAPA PIPE BE PUT ON THE BOARD'S AGENDA BEFORE MARCH 31, 2007.

13. County Executive Officer Reports And Announcements.

COUNTY EXECUTIVE OFFICER NANCY WATT PROVIDED AN UPDATE ON THE PRISION REFORM PACKAGE NOW BEING DISCUSSED IN THE STATE LEGISLATURE. STAFF IS NOT INCLINED TO SUPPORT IT UNLESS STATE DOLLARS ARE INCLUDED.

14. Closed Session

14A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

Title: Library Director

CLOSED SESSION NOT HELD -CONTINUED TO FUTURE MEETING

14B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

i. Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: (Three cases)

ii. Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (One case)

CLOSED SESSION HELD – NO REPORTABLE ACTION

14C. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)

Agency Designated Representatives: Mark Gregersen, Human Resources Director

Employee Organizations: SEIU Local 614 - NAPE (Employee Unit & Supervisory Unit of the County of Napa); Napa County Deputy Sheriffs' Association (Employee Unit & Supervisory Unit of the County of Napa)

CLOSED SESSION HELD – NO REPORTABLE ACTION

Adjournment

ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, MARCH 6, 2007 AT 9:00 A.M.

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