

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

August 7, 2007

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION TUESDAY, AUGUST 7, 2007 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN HAROLD MOSKOWITE, SUPERVISORS BILL DODD, DIANE DILLON, BRAD WAGENKNECHT AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN MOSKOWITE AT 9:02 A.M.
2. Pledge of Allegiance.
DIRECTOR OF CONSERVATION, DEVELOPMENT AND PLANNING HILLARY GITELMAN LED THE SALUTE TO THE FLAG.
3. Presentations and Commendations.
NONE
4. Public Comment.
NONE
5. Department Heads Reports and Announcements.
ASSESSOR-RECORDER-COUNTY CLERK JOHN TUTEUR ADDRESSED THE BOARD ON THE RECENT ACTIONS TAKEN BY SECRETARY OF STATE DEBORAH BOWEN RESTRICTING ELECTRONIC TOUCH SCREEN VOTING.

Consent Calendar

- 6A. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements/certifications with the California Department of Veterans Affairs:
 1. Renewal of Agreement/Certification No. 946, Subvention Certificate of Compliance, for Fiscal Year 2007-2008 State subvention funding for the County Veterans Services Office; and, **A-946**
 2. Renewal of Agreement/Certification No. 946-1, Medi-Cal Certificate of Compliance, committing the County to assist veterans in obtaining benefits from non-Medi-Cal funding sources. **A-946-1**
- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of revenue Agreement No. 3110 with the California Department of Health Services for a maximum of \$106,110 for the term April 1, 2007 through March 31, 2010 for services related to the Ryan White Comprehensive AIDS Resources Emergency (CARE) Program. **A-3110**
- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of revenue Agreement No. 6762 with the California Department of Health Services for a maximum of \$33,250 for the term July 1, 2007 through June 30, 2008 to fund implementation of the Bay Area Regional Immunization Registry (BARR) program. **A-6762**

- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6458 with Aldea, Inc., increasing the amount by \$30,000 for a new maximum of \$60,000, revising the Scope of Work to include medication support services, and revising the Compensation section to compensate the contractor for additional medication support services for clients requiring those mental health services pursuant to their Individualized Education Plans (IEP). **A-6458**
(AMEND. 2)
- 6E. Director of Health and Human Services requests approval of the following actions regarding the Touchpoints training activities:
1. Authorization for the Chair to sign a revenue agreement with First 5 Napa County Children and Families Commission for \$12,800 for the term June 25, 2007 through June 30, 2008; and, **A-660-1**
 2. Budget Transfer No. 2 appropriating \$12,800 in the Public Health budget with offsetting revenues from a grant awarded by First 5 Napa County Children and Families Commission. (4/5 vote required) **BT-2**
- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to an agreement (formerly AUD 5941) with Ciraolo Consulting, LLC, increasing the amount by \$25,000 for a new maximum of \$75,000, revising the Scope of Work to include the development of mass dispensing sites for medication and vaccines in the event of an emergency, and extending the term of the agreement through December 31, 2007 for the contractor to provide medical surge capacity planning. **A-6859**
- 6G. Director of Health and Human Services requests authorization to accept a grant in the amount of \$3,000 from the Solano-Napa Employer Advisory Committee (EAC) to the Workforce Investment Board (WIB) for youth serving on the WIB's Youth Council.
- 6H. Director of Health and Human Services requests authorization for out-of-country travel for Pat Delmage, Senior Physical Therapist, to attend the American Academy of Cerebral Palsy and Developmental Medicine's annual conference in Vancouver, British Columbia, from October 9, 2007 through October 13, 2007 at an estimated cost of \$1,004.
- 6I. Agricultural Commissioner/Sealer requests the following actions regarding the Great Wine Capitals program:
1. Adoption of a resolution amending the Napa County Policy Manual Part 1, Section 8B, Rule 29 of the Rules of Conduct to include the appointment process for County representatives to the Great Wine Capitals General Assembly; and, **R-07-99**
 2. Authorize out-of-country travel for Supervisor Dodd and Agricultural Commissioner/Sealer Whitmer to attend the Great Wine Capitals General Assembly in Porto, Portugal on November 11 through 17, 2007 for a maximum cost of \$10,000.
- 6J. Director of Conservation, Development, and Planning requests approval of and authorization for the Chair to sign an agreement with Strategic Economics for a maximum of \$139,910 for the term August 7, 2007 through June 30, 2008, for advice regarding the potential fiscal and economic impacts associated with redevelopment of the 152-acre former Napa Pipe property. **A-6860**

- 6K. Director of Conservation, Development, and Planning requests approval of and authorization for the Chair to sign an agreement with Moore, Iacofano and Goltsman Inc. (MIG) for a maximum of \$46,785 for the term August 7, 2007 through June 30, 2008, for professional assistance with the maintenance, development and support of the Watershed Information Center and Conservancy (WICC) WebCenter, and for meeting facilitation services in association with a joint City/County work session. **A-6861**
- 6L. Director of Public Works requests the following with respect to the “Calistoga Library Restroom ADA Modifications Project,” PW 07-35:
1. Approve Budget Transfer No. 4 appropriating \$36,000 in the Library Capital Improvement Budget with an offsetting reduction in appropriations from the Library Operating Budget (4/5 vote required); **BT-4**
 2. Award the contract to Page Construction of Novato, California, for its low base bid of \$26,834; and,
 3. Authorize the Chair to sign the construction contract. **A-6861**
- 6M. Second reading and adoption of an ordinance of the Board of Supervisors of the County of Napa, State of California, amending Napa County Code Sections 10.12.010, 10.12.030, 10.12.050, 10.12.070 and 10.12.080 and figures 10.12.010, 10.12.010-1 and 10.12.010-2 of the Napa County Code pertaining to County Parking Lots.
ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 1: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 (“Existing Facilities”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B (insert). **O-1293**
- 6N. Second reading and adoption of an ordinance amending Chapter 13.15 (Groundwater Conservation) of the Napa County Code.
ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b) (3)]. **O-1294**
- 6O. Director of Environmental Management requests adoption of a resolution establishing and increasing fees for services relating to groundwater permits.
ENVIRONMENTAL DETERMINATION: The proposed action is exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, section 15273(a)(1) (Rates, Tolls, Fares, and Charges). **R-07-100**
- 6P. Auditor-Controller requests authorization to prepare additional accounting entries to close the financial books for the Fiscal Year ended June 30, 2007.
- 6Q. Human Resources Director requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6552 with Ralph Andersen & Associates increasing the amount by \$4,800 for a new maximum of \$60,075 and amending the scope of work to include

6Q. Continued.

background and reference checks for the Director of Corrections candidate. **A-6552
(AMEND. 2)**

6R. Human Resources Director requests approval of and authorization for the Chair to sign an agreement with Aon Employee Benefits Consulting Group ("Aon") for a maximum of \$49,500 for services and \$5,000 for expenses for the term August 7, 2007 through June 30, 2008, to assist with exploring retiree health program alternatives. **A-6862**

6S. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4634 with Gaffney Display increasing the amount by \$1,000 to a new maximum of \$7,200 for the design, construction, transportation and installation of a State Fair Exhibit. **A-4634
(AMEND. 1)**

6T. County Executive Officer requests Board acceptance of annual housing report as required by County Code Section 15.60.060.

6U. County Executive Officer requests the appointment of Andrea Jean Knowlton to serve on First 5, Napa County (Children and Families Commission) representing category "C" as a member with the term of office to commence immediately and expire January 1, 2009.

6V. County Executive Officer requests adoption of a resolution appointing Julie Hutchens as Director of Corrections to serve at the will of the Board of Supervisors, effective September 3, 2007. **R-07-101**

7. Discussion of Items Removed from the Consent Calendar.
NONE

**APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6V.
BD-DD-BW-ML-HM**

Set Matters or Public Hearings

8A. 9:00 A.M. - Recess to the Lake Berryessa Resort Improvement District meeting. **(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)**

8B. 9:00 A.M. - Recess to the Napa Berryessa Resort Improvement District meeting. **(SEE NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)**

8C. 9:00 A.M. - Recess to the Monticello Public Cemetery District special meeting. **(SEE MONTICELLO PUBLIC CEMETERY DISTRICT MINUTES)**

8D. 9:00 A.M. - Recess to the Silverado Community Services District special meeting. **(SEE SILVERADO COMMUNITY SERVICES DISTRICT MINUTES)**

8E. 9:15 A.M. - Director of Public Works requests the following actions relating to County Service Area No. 3 (CSA No. 3):

1. Open Public Hearing to consider any objections or protests with respect to the assessments for adoption;

2. Close Public Hearing and adopt a resolution authorizing and levying assessments for Fiscal Year 2007-2008;

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ADOPTED RESOLUTION

BD-DD-BW-ML-HM

R-07-102

3. Open Public Hearing to accept testimony on the Fiscal Year 2007-2008 budget, with a total appropriation of \$418,970; and,

4. Close Public Hearing and continue consideration to August 14, 2007 at 9:00 A.M. for final adoption.

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ITEM CONTINUED TO AUGUST 14, 2007.

ML-BW-BD-DD-HM

8F. 9:30 AM- County Counsel requests the following actions relating to County Service Area No. 4 (CSA 4):

1. Open Public Hearing to consider any objections or protests with respect to the proposed assessment for CSA 4;

2. Close Public Hearing and adopt a resolution directing the Clerk of the Board or Clerk's designees to tabulate ballots from qualifying landowners on the proposal to reauthorize the imposition of assessments for an additional 5 years and impose an assessment in the amount of \$9.75 for Fiscal Year 2007/2008 and recess the meeting to complete such tabulation;

PUBLIC HEARING HELD – TESTIMONY PRESENTED

ADOPTED RESOLUTION

BW-BD-DD-ML-HM

R-07-103

3. Reconvene item, receive ballot results and, depending on the outcome of the balloting, adopt a resolution authorizing and levying assessments for Fiscal Year 2007/2008 on qualifying property owners;

ADOPTED RESOLUTION

BW-ML-DD-BD-HM

R-07-111

4. Open Public Hearing to accept testimony on the Fiscal Year 2007-2008 budget, with a total appropriation of \$444,268; and,

5. Close Public Hearing and continue consideration to August 14, 2007 for final adoption.

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ITEM CONTINUED TO AUGUST 14, 2007.

9. Administrative Items
NONE

10. Legislative Items

A. Discussion and possible action related to SB 303 (Ducheny)-Local Government: land use planning. (Unanimous vote of the Board members present required.)

DISCUSSION HELD

**THE BOARD WENT ON RECORD IN OPPOSITION TO SB 303.
BD-BW-DD-ML-HM**

11. Board of Supervisors' Committee Reports and Announcements.
NONE

12. Board of Supervisors' Future Agenda Items.
SUPERVISOR LUCE INQUIRED AS TO THE STATUS OF HIS PREVIOUS REQUEST REGARDING A POSSIBLE DONATION TO THE DISABLED VETERANS' BAY BOAT TRIP. COUNTY EXECUTIVE OFFICER NANCY WATT ADVISED THAT THE ITEM WAS SCHEDULED FOR THE AUGUST 14, 2007 AGENDA.

13. County Executive Officer Reports and Announcements.
COUNTY EXECUTIVE OFFICER NANCY WATT INFORMED THE BOARD THAT THE STATE LEGISLATURE HAD STILL NOT PASSED A STATE BUDGET FOR FISCAL YEAR 2007-2008.

14. Closed Session.

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

CLOSED SESSION HELD – NO REPORTABLE ACTION

ii. Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: (One case)

CLOSED SESSION NOT HELD

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

Agency Designated Representatives: Mark Gregersen, Human Resources Director

Employee Organization: SEIU Local 1021 - NAPE (Employee Unit & Supervisory Unit of the County of Napa); Napa County Deputy Sheriffs' Association (Employee Unit and Supervisory Unit of the County of Napa)

Unrepresented Employees: Non-Classified, Management and Confidential Employees of the County of Napa (Excluding Elected Officials)

CLOSED SESSION HELD – NO REPORTABLE ACTION

C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957)

CLOSED SESSION HELD – NO REPORTABLE ACTION

14. Continued.

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(a)) Name of case: Lantz Properties III, LLC vs. County of Napa, Napa County Board of Supervisors (Napa Superior Court Case No. 26-38501)

CLOSED SESSION HELD – NO REPORTABLE ACTION

15. Adjournment.

ADJOURNED TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY, AUGUST 14, 2007 AT 9:00 A.M.

HAROLD MOSKOWITE, Chairman

ATTEST:

GLADYS I. 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