



Agenda Date: 1/30/2007  
Agenda Placement: 9B

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Laura Anderson for Robert Westmeyer - County Counsel  
County Counsel

**REPORT BY:** Laura Anderson, Attorney IV , 259-8252

**SUBJECT:** Request by Tom Carey on behalf of Jayson Woodbridge that the Board reconsider the terms proposed by Woodbridge for the non-profit charitable donation required by the Release and Settlement Agreement

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### **RECOMMENDATION**

County Counsel requests the Board decide to either:

1. Grant the request for reconsideration submitted by Tom Carey, on behalf of his client, Jayson Woodbridge, in relation to the monetary donation made to the non-charitable organizations required by the Release and Settlement Agreement and if the Board chooses to reconsider the request, decide on the following:
  - a. Woodbridge's request to make a lump sum donation in 2007
  - b. The non-profit charitable organizations that Woodbridge proposes to receive the monetary donation;  
or
2. Deny Tom Carey's request for reconsideration regarding the same.

### **EXECUTIVE SUMMARY**

In March 2006, the County entered into a Release and Settlement Agreement with Jayson Woodbridge and One True Vine, LLC (Woodbridge) regarding winery operations that occurred without benefit of County required permits. One of the terms of the Release and Settlement Agreement and Revised Use Permit Conditions of Approval on the Woodbridge winery require that Woodbridge donate at least \$100,000 in cash or through fundraising efforts which guarantees at least \$100,000 in gross receipts to no more than two non-profit charitable organizations whose purpose is to benefit Napa County residents as approved by the Board of Supervisors. The first donation of at least \$50,000 was required to occur by December 31, 2006, and the balance donated by December 31, 2007.

On December 19, 2006, the Board rejected Woodbridge's request to make a lump sum donation in 2007 and the non-profit organizations proposed by Woodbridge (Napa Valley Wine Auction, COPE and Wolfe Center). On January 12, 2007, Tom Carey, on behalf of Jayson Woodbridge submitted a letter requesting that the Board reconsider its denial of Woodbridge's request for a lump sum donation in 2007 and the non-profit charitable

organizations proposed by Woodbridge. Woodbridge is again proposing the Napa Valley Wine Auction or a combined donation to COPE and the Wolfe Center.

The Board is not obligated to grant the request for reconsideration. It is within the sole discretion of the Board.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: General Rule - It can be seen with certainty that there is no possibility that the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines for Implementation of the California Environmental Quality Act, 14 CCR Section 15061(b)(3)].

### **BACKGROUND AND DISCUSSION**

In March 2006, the County entered into a Release and Settlement Agreement with Jayson Woodbridge and One True Vine, LLC (Woodbridge) regarding winery operations that occurred without benefit of County required permits. One of the terms of the Release and Settlement Agreement and Revised Use Permit Conditions of Approval imposed on the Woodbridge winery require that Woodbridge donate at least \$100,000 in cash or through fundraising efforts which guarantees at least \$100,000 in gross receipts to no more than two non-profit charitable organizations whose purpose is to benefit Napa County residents as approved by the Board of Supervisors. The first donation of at least \$50,000 was required to occur by December 31, 2006, and the balance donated by December 31, 2007.

On December 19, 2006, on behalf of Woodbridge, Tom Carey, submitted a letter requesting that the Board approve a lump sum donation of \$100,000 to be made in 2007 through a single fund raising effort to benefit either the Napa Valley Wine Auction or a combination of COPE and the Wolfe Center. The Board rejected the lump sum donation proposal and directed that that two payments of at least \$50,000 be made (one in 2006 and one in 2007) as required by the Settlement and Release Agreement. The Board further rejected the charitable organizations proposed by Woodbridge and directed that the donations be made to the Community Foundation of the Napa Valley. Neither Woodbridge nor his representative appeared before the Board on December 19, 2006 at the time this matter was being discussed. Tom Carey, counsel for Woodbridge, was advised of the Board's action.

On January 12, 2007, Tom Carey on behalf of Jayson Woodbridge, submitted a letter to the Clerk of the Board requesting that the Board reconsider:

1. Woodbridge's request to make a lump sum donation in 2007; and
2. The non-profit charitable organizations that Woodbridge proposes to receive the monetary donation.

Woodbridge is again proposing the Napa Valley Wine Auction as his first choice for the donation. As a second choice, he is proposing the donation be split between COPE and the Wolfe Center.

The Board is not obligated to grant the request for reconsideration. It is within the sole discretion of the Board. In the event the Board desires to allow Woodbridge to make a lump sum donation in 2007, the Release and

Settlement Agreement and the Revised Use Permit Conditions of Approval imposed on the Woodbridge winery would need to be modified accordingly.

**SUPPORTING DOCUMENTS**

- A . Tom Carey Letter Requesting Reconsideration
- B . Release and Settlement Agreement

CEO Recommendation: Approve

Reviewed By: Maiko Klieman