



Agenda Date: 1/9/2007  
Agenda Placement: 6B

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Jan Donovan for Gary Simpson - Sheriff-Coroner  
Sheriff  
**REPORT BY:** Jan Donovan, Sheriff's Administrative Manager, 259-8674  
**SUBJECT:** Second Reading and Adoption an Ordinance Amending Section 12.08.010 and 12.08.040 of the Napa County Code

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### **RECOMMENDATION**

Second reading and adoption of an ordinance amending sections 12.08.010 and 12.08.040 of the Napa County Code to add Pope Creek and Putah Creek to the Berryessa Lake and Park Area and to permit boating violations in these areas to be charged either as a misdemeanor or an infraction.

**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)].

### **EXECUTIVE SUMMARY**

The ordinance was first read on December 12, 2006. Adoption of this ordinance will allow Sheriff Deputies to charge offenders of Napa County Code Section 12.08.010 and 12.08.040 with an infraction rather than a misdemeanor. Infraction citations will be handled through the court system and will eliminate the cost and time these violations normally require the District Attorney to review and charge. This action will also add Pope Creek and Putah Creek to the Berryessa Lake and Park Area.

### **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 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)].

### **BACKGROUND AND DISCUSSION**

Since the development of Lake Berryessa, Napa County has been required to adopt county code sections that allow enforcement officers to issue citations and make arrests for both boating and non-boating violations within the Berryessa Lake and Park Area. The U.S. Coast Guard and the State of California have specified certain laws that govern the operation of recreational and commercial boating. As such, there are certain codes within the California boating laws that are not specifically covered by U.S. Coast Guard regulation. These violations are left for local agencies to adopt and develop the fine or penalty. Such violations are written in Napa County Code Section 12.08.040.

These violations were originally adopted and placed into Napa County Code as misdemeanor offenses. Under this amendment, Sheriff's Deputies will be given the option of charging violators with either a misdemeanor or an infraction pursuant to Section 17 of the California State Penal Code, and Government Code Section 25132. Infraction citations will be handled through the court system therefore eliminating the need for the District Attorney's Office to review and charge each case. The District Attorney's Office will be able to devote it's resources to other needs.

This action will also amend section 12.08.010 of the Napa County Code to add Pope Creek and Putah Creek to the existing Berryessa Lake and Park Area.

The first reading of this ordinance was held on December 12, 2006. If adopted, this ordinance will take effect on February 7, 2007.

### **SUPPORTING DOCUMENTS**

- A . Ordinance (Tracked Version)
- B . Ordinance (Clean Version)

CEO Recommendation: Approve

Reviewed By: Molly Rattigan