



AGENDA

NAPA COUNTY BOARD OF SUPERVISORS

Tuesday October 03, 2006 9:00 A.M.

Brad Wagenknecht
District 1

Mark Luce
District 2

Diane Dillon
District 3

Bill Dodd
District 4

Harold Moskowitz
District 5

Nancy Watt
County Executive Officer

Pamela Miller, CMC
Clerk of the Board

Robert Westmeyer
County Counsel

GENERAL INFORMATION

The Board of Supervisors meets each Tuesday at 9:00 A.M. at 1195 Third Street, Suite 305, Napa, California 94559. The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the Clerk of the Board of the Napa County Board of Supervisors. Requests for disability related modifications or accommodations, aids or services may be made to the Clerk of the Board's office no less than 72 hours prior to the meeting date by contacting (707) 253-4580 (253-6088TDD).

The agenda is divided into three sections:

CONSENT ITEMS - These matters typically include routine financial or administrative actions, as well as final adoption of ordinances that cannot be both introduced and adopted at the same meeting. Any item on the CONSENT CALENDAR will be discussed separately at the request of any person. CONSENT CALENDAR items are usually approved with a single motion.

SET MATTERS - PUBLIC HEARINGS - These items are noticed hearings, work sessions, and items with a previously set time.

ADMINISTRATIVE ITEMS - These items include significant policy and administrative actions and are classified by program areas. Immediately after approval of the CONSENT CALENDAR, if the time for hearing SET MATTERS has not arrived, ADMINISTRATIVE ITEMS will be considered.

Check with the Clerk of the Board to view any additional documents that may have been filed related to any item on this agenda.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA please proceed to the rostrum and, after receiving recognition from the Chair, give your name, address, and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair or Board.

AGENDA AVAILABLE ONLINE AT www.co.napa.ca.us

1. CALL TO ORDER; ROLL CALL**2. PLEDGE OF ALLEGIANCE****3. PRESENTATIONS AND COMMENDATIONS**

- A. Presentation of a proclamation commemorating 90 years of the 4-H Youth Development Program in Napa County.
- B. Presentation of a proclamation declaring October 8-14, 2006 as "Bi-National Health Week" in Napa County.

4. PUBLIC COMMENT

In this time period, anyone may address the Board of Supervisors regarding any subject over which the Board has jurisdiction but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the Chair. As required by Government Code, no action or discussion will be undertaken on any item raised during this Public Comment period.

5. DEPARTMENT HEADS' REPORTS AND ANNOUNCEMENTS**6. CONSENT ITEMS**Law & Justice

- A. Chief Probation Officer requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6498 with the Napa County Office of Education increasing the amount of reimbursement by \$85,696 for a new maximum of \$167,596 and extending the term through September 30, 2007 to fund a Deputy Probation Officer assigned to the Safe Schools/Healthy Students Program to expand campus safety.

Public Safety

- B. County Fire Chief requests approval of and authorization for the Chair to sign an agreement with Timothy Hoyt for a maximum of \$55,000 for the term October 1, 2006 through March 30, 2007 for fire inspection and plan review services.
- C. County Fire Chief requests approval of and authorization for the Chair to sign an agreement with Citygate Associates for a maximum of \$58,845 for the term October 3, 2006 through April 30, 2007 for Standards of Response Coverage evaluation services.

Human Services

- D. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 4210 with Pacific Union College for the term October 1, 2006 through September 30, 2009 reciting terms and conditions for the placement of interns for field work performed at the Health and Human Services Agency.
- E. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following amendments revising the daily rates of psychiatric hospitals for the provision of acute inpatient mental health services for indigent clients, with no change to the respective contract's maximum amount:
1. Amendment No. 2 to Agreement No. 4142 with St. Helena Hospital Center for Behavioral Health; and
 2. Amendment No. 2 to Agreement No. 4464 with Telecare Corporation.
- F. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4149 with Alternatives for Better Living, Inc., revising the payment structure to enable the contractor to be compensated for group counseling client registration fees in the Children's Behavioral Health and Child Welfare Services Programs, with no change to the contract maximum.
- G. Director of Health and Human Services requests approval of and authorization for the Chair to sign a Business Associate Agreement with Alternatives for Better Living, Inc., defining the County's respective roles and responsibilities regarding the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- H. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Chateau Hotel Napa Valley for a maximum of \$800 for meeting room rental fees for a Wellness and Recovery Conference held on September 29, 2006 under the Agency's Mental Health Services Act (Prop. 63) Community Services and Supports Plan.
- I. Director of Health and Human Services requests approval of and authorization for the Chair to sign the Children's Medical Services Plan and Budget for Fiscal Year 2006-2007 to enable the County to invoice the State for services provided.
- J. Director of Health and Human Services requests approval of and authorization for the Chair to sign the Workforce Investment Area Local Plan Modification for Program Year 2006-2007.

- K.** Director of Health and Human Services requests approval of the following actions regarding the purchase of two 7' x 14' trailers for use in the event of bioterrorism incidents or other public health emergencies:
1. Budget Transfer No. 14 transferring \$12,539 from Special Department Expense to Equipment in the Public Health budget and establishment of fixed assets in the amount of \$12,539; (4/5 vote required) and
 2. A waiver of competitive bid requirements and sole source award for the purchase of the two trailers from Martin Ranch Supply from Rohnert Park, California for a total of \$12,539 pursuant to County Ordinance Code 2.36.090.

Community Resources & Infrastructure

- L.** 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 July 1, 2006 through June 30, 2007 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.
- M.** Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Santa Rosa Fire Equipment Service Inc. for an annual amount of \$18,250 for the term October 3, 2006 through June 30, 2007 for fire alarm system testing and maintenance for the Juvenile Justice Center located at 212 Walnut Street, Napa, CA and the Sheriff's Building located at 1335 Airport Boulevard, Napa, CA.
- N.** Director of Public Works requests acceptance of the work as complete and authorization for the Chair to sign and Clerk of the Board to file a Notice of Completion with the Clerk/Recorder for Contract No. PW 04-14R, "Energy Efficient Lighting Retrofit for the Hall of Justice and Administration Building Project."

General Admin & Finance

- O.** Assessor-Recorder-County Clerk requests approval of and authorization for the Chair to sign Amendment No. 1 to Memorandum of Understanding Agreement No. 6527 with the California Department of Justice extending the term through June 30, 2007 for second year participation and cost-sharing in a statewide Electronic Recording Delivery System (ERDS).
- P.** Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file the following Monitoring Reports:
1. County of Napa, Department of Probation, Mary Arnold Trust Fund Audit Report for the Fiscal Year ended June 30, 2005;

2. County of Sonoma, Human Services Department, Projects Inclusion & COMPASS/CHOICE Monitoring Report for July 1, 2005 to September 29, 2006;
3. County of Marin, Health and Human Services, Projects Inclusion & COMPASS/CHOICE Monitoring Report for July 1, 2005 to September 29, 2006;
4. County of Napa, Health and Human Services, Projects Inclusion & COMPASS/CHOICE Monitoring Report for October 1, 2003 to September 29, 2006; and
5. County of Napa, Health and Human Services Agency, Workforce Investment Board, Training & Employment Center Division, Workforce Investment Act Funds Monitoring Report for July 1, 2005 to June 30, 2006.

Q. County Counsel and the Napa County Deferred Compensation Board of Control recommend adoption of a resolution amending the 401(a) Retirement Savings Plan.

R. Human Resources Director requests adoption of a resolution regarding the following in connection with the UC Cooperative Extension, effective October 7, 2006:

1. Amend the Departmental Allocation List deleting one (1) Agricultural Extension Assistant and one (1) Youth Staff Assistant and adding two (2) Volunteer Program Coordinators; and
2. Amend the Table and Index of Classes to delete Agricultural Extension Assistant and Youth Staff Assistant and add Volunteer Program Coordinator.

S. Human Resources Director requests adoption of a resolution regarding the following in connection with the Assessor-Recorder-County Clerk Department, effective October 3, 2006:

1. Amend the Departmental Allocation List to:
 - a. Delete one (1) Auditor-Appraiser III;
 - b. Add one (1) (S) Supervising Auditor-Appraiser;
 - c. Add one (1) Senior Assessment-Records Assistant;
2. Amend the Table and Index to delete Auditor-Appraiser III and add Supervising Auditor-Appraiser; and
3. Amend appropriate policies to add Supervising Auditor-Appraiser.

T. County Executive Officer requests the following actions pertaining to the disability employment Project INCLUSION:

1. Approval of Budget Transfer No. 10 appropriating \$23,292 in the Regional Training Employment budget with offsetting revenue from the U S Department of Labor; (4/5 vote required) and
2. Approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6566 with the County of Marin increasing the amount by \$7,189 for a maximum of \$235,618 for implementation of disability employment projects in Marin County.

U. County Executive Officer requests the appointment of Jennifer Stewart to serve on the Advisory Board on Alcohol and Drug Programs representing the category of Education with the term of office to commence immediately and expire January 1, 2008.

- V. County Executive Officer recommends that the Board appoint Mary Jean McLaughlin as Acting Clerk of the Board of Supervisors, effective from October 7, 2006 until a permanent Clerk of the Board is appointed.

7. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

8. SET MATTERS OR PUBLIC HEARINGS

A. 9:00 AM

Recess to the Lake Berryessa Resort Improvement District (LBRID) meeting (See LBRID Agenda).

B. 9:00 AM

Recess to the Napa Berryessa Resort Improvement District (NBRID) meeting (See NBRID Agenda).

C. 9:00 AM

Recess to the Silverado Community Services District (SCSD) meeting (See SCSD Agenda).

D. 9:00 AM

Recess to the Monticello Public Cemetery District (MPCD) meeting (See MPCD Agenda).

E. 9:15 AM

Recess to the In-Home Supportive Services (IHSS) Public Authority of Napa County meeting (See IHSS Agenda).

F. 10:00 AM PUBLIC HEARING

Consideration and possible action regarding an appeal filed by Tom Carey of Dickenson, Peatman & Fogarty, on behalf of their client, Mr. William Smith, to a partial denial by the Director of Public Works of a road improvement modification requested by the appellant in connection with the application for Use Permit # 02057-UP for a property located at 1181 Las Posadas Road, Angwin. (Assessor's Parcel No. 025-060-001)

ENVIRONMENTAL DETERMINATION: The appeal of the Director's determination on the road modification is not a "project" as defined in CEQA Section 15378. Section 15378(c) sets forth that the term "project" refers to an activity which is being approved, and does not mean each separate governmental approval. In this case, the Board's determination on the road modification merely establishes how existing regulations are being interpreted, and will not result, either directly or indirectly, in a physical change in the environment. This code interpretation is necessary to establish the scope of the "project" that will then be subject to CEQA evaluation.

(CONTINUED FROM MARCH 14, APRIL 18, JUNE 6, AND AUGUST 8, 2006; STAFF REQUESTS CONTINUANCE TO NOVEMBER 7, 2006 AT 9:45 AM)

G. 11:00 AM PUBLIC HEARING

County Counsel and the Planning Director request adoption of a resolution amending the County's Local Procedures for Implementing the California Environmental Quality Act (CEQA) as authorized by Section 15022 of the State CEQA Guidelines to allow applicants to contract directly with consultants for preparation of environmental documents.

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)].

H. 1:30 PM

Recess to the Napa County Flood Control and Water Conservation District (NCFCWCD) meeting (See NCFCWCD Agenda).

9. ADMINISTRATIVE ITEMSHuman Services

A. Director of Health and Human Services requests the following:

1. Endorsement of the United Way of the Bay Area's application to the California Public Utilities Commission to provide non-emergency telephone information and referral (2-1-1 service) to members of the public seeking local health, human, social and related services; and
2. Authorization for the Chair and appropriate department heads or their designees to sign endorsements or letters of support for the application.

B. Director of Health and Human Services requests approval of the recommended recipients of 2006-2007 Tobacco Master Settlement grant funds.

Community Resources & Infrastructure

C. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign a letter to the Bureau of Reclamation articulating the County's interests concerning the Bureau's planned issuance of a prospectus and development of new concession contracts at Lake Berryessa.

- D. Director of Public Works requests the following actions regarding Priority One 2005/2006 winter storm and flood road repairs:
1. Review of the award of construction contracts to date by the Director of Public Works for Priority One winter storm and flood road projects pursuant to Public Contract Code Sections 20134(a) and 22050;
 2. Make the following findings:
 - a. That the condition of the Priority One roads damaged by the 2005-2006 storms and floods continues to deteriorate from ongoing breakdown, subsidence and slope failures creating an ongoing emergency in that this essential public infrastructure may become unusable if it is not fully repaired prior to the onset of the 2006-2007 rainy season;
 - b. That the one emergency contract awarded to date will be addressing only a portion of the problems;
 - c. That the overall repairs cannot be completed prior to the onset of the rainy season if delayed by the lengthy procedures required to formally adopt plans and specifications and solicit competitive bids for all of the repair work required;
 3. Continue authorization for the Director of Public Works to acquire all necessary materials, supplies, equipment and labor by direct purchase, force account, or emergency contracts awarded without adoption of plans and specifications and solicitation of competitive bids, as he determines appropriate to complete the work (4/5 vote required); and
 4. Direct the Director of Public Works to prepare an agenda item for a regular meeting of the Board no later than 14 days from the date of this meeting to review the need to continue these emergency actions.

General Admin & Finance

- E. County Executive Officer requests consideration and possible appointment of Supervisor Wagenknecht's nomination from one of the following applicants to the Conservation, Development and Planning Commission with the term of office to commence immediately and run coterminous with the term of Supervisor Wagenknecht.

Applicants

Heather Twist Phillips
Jack Joseph Steen
Carrie J. Bisson

- F. County Executive Officer requests the following appointment/reappointment of one member of each group from the following list of applicants to the Napa Child Care Planning Council with the terms of office to commence immediately and expire on June 30, 2009.

Child Care Provider

Marcia Diane Rosecrans

Consumer

Lola Cornish*

Public Agency
Linda Courtney Henderson*
Karen Sanchez

At Large
Dee Cuney*

Community Representative
Herbert Salinger*

*Incumbent

- G. County Executive Officer requests the following appointments to the Napa Valley Workforce Investment Board (NVWIB) with the terms of office to commence immediately and expire as indicated:

Labor Representative (Two Positions) - Terms Expire June 30, 2008

Deborah M. Jachens
Carol Marie Whichard *
Michael White *

Economic Development Representative (One Position) - Term Expires June 30, 2007

Dorothy Lind-Salmon *
Magdalena Valderrama

Community Based Organization Representative (One Position) - Term Expires June 30, 2008

Mark Bontrager *
Edward George (Ned) Laubacher

Private Sector Business Representative (Two Positions) - Terms Expire June 30, 2008

Mark Bontrager
Ed Henderson *
Edward George (Ned) Laubacher *
Michael Lennon *
Eric Sklar *
Ronald Souza

Private Sector Business Representative (Two Positions) - Terms Expire June 30, 2007

Mark Bontrager
Ed Henderson *
Edward George (Ned) Laubacher *
Michael Lennon *
Eric Sklar *
Ronald Souza

* Recommended by the NVWIB Executive Committee.

10. LEGISLATIVE ITEMS

- A. Discussion and possible action concerning the following November 7, 2006 California general election ballot measures, which the Board may or may not take action on:
1. Proposition 1A, Transportation Investment Fund;
 2. Proposition 1B, Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006;
 3. Proposition 1C, Housing and Emergency Shelter Trust Fund Act of 2006;
 4. Proposition 1D, Kindergarten - University Public Facilities Bond Act of 2006;
 5. Proposition 1E, Disaster Preparedness and Flood Prevention Bond Act of 2006;
 6. Proposition 83, Sex Offenders. Sexually Violent Predators. Punishment, Residence Restrictions and Monitoring - Initiative Statute;
 7. Proposition 84, Water Quality, Safety, and Supply; Flood Control; Natural Resource Protection; Park Improvements; Bonds - Initiative Statute;
 8. Proposition 85, Waiting Period and Parental Notification Before Termination of Minor's Pregnancy - Initiative Constitutional Amendment;
 9. Proposition 86, Tax on Cigarettes - Initiative Constitutional Amendment and Statute;
 10. Proposition 87, Alternative Energy - Research, Production, Incentives - Tax on California Oil - Initiative Constitutional Amendment and Statute;
 11. Proposition 88, Education Funding, Real Property Parcel Tax - Initiative Constitutional Amendment and Statute;
 12. Proposition 89, Political Campaigns; Public Financing; Corporate Tax Increase; Contribution and Expenditure Limits - Initiative Statute; and
 13. Proposition 90, Government Acquisition, Regulation of Private Property - Initiative Constitutional Amendment.

(Unanimous vote of the Board members present required)

11. BOARD OF SUPERVISORS' COMMITTEE REPORTS AND ANNOUNCEMENTS**12. BOARD OF SUPERVISORS' FUTURE AGENDA ITEMS****13. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS****14. CLOSED SESSION****A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

15. ADJOURNMENT

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, OCTOBER 10, 2006
AT 9:00 A.M.**