



A Tradition of Stewardship  
A Commitment to Service

# AGENDA

## NAPA COUNTY BOARD OF SUPERVISORS

**Tuesday February 02, 2010 9:00 A.M.**

Brad Wagenknecht  
District 1

Mark Luce  
District 2

Diane Dillon  
District 3

Bill Dodd  
District 4

Keith Caldwell  
District 5

Nancy Watt  
County Executive Officer

Gladys I. Coil, CCB  
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.

All materials relating to an agenda item for an open session of a regular meeting of the Board of Supervisors which are provided to a majority or all of the members of the Board by Board members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, AT THE time of such distribution, in the office of the Clerk of the Board of Supervisors, 1195 Third Street, Suite 310, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

**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 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](http://www.co.napa.ca.us)**

**1. CALL TO ORDER; ROLL CALL****2. PLEDGE OF ALLEGIANCE****3. APPROVAL OF MINUTES**

- A. Clerk of the Board requests approval of minutes of the meeting held on December 15, 2009 (Supervisor Diane Dillon was excused)\*.

\*Excused Supervisor will be recorded as abstained unless Supervisor indicates otherwise.

**4. PRESENTATIONS AND COMMENDATIONS**

- A. Presentation of a proclamation recognizing January 29, 2010 as National Earned Income Tax Credit Day. (Supervisor Luce)
- B. Director of Human Resources to introduce new County of Napa employees.

**5. 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.

**6. DEPARTMENT HEADS REPORTS AND ANNOUNCEMENTS****7. CONSENT ITEMS**Public Safety

- A. Sheriff, District Attorney and Director of Corrections request approval of the 2009-2010 Citizens' Option for Public Safety expenditure plan.

Human Services

- B. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 5 to Agreement No. 4072-1 with Community Action of Napa Valley, Inc., increasing the amount by \$8,766 for a new annual maximum of \$143,522 and incorporating an Addendum to the Compensation section to include the revised budget of the contractor for the provision of Proposition 99 tobacco control services, with no impact to the General Fund.

- C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4422 with Milhous Children's Services, Inc., increasing the amount by \$80,000 for a new annual maximum of \$200,000, incorporating specific terms and conditions regarding compliance requirements, amending Section 1.7 of the Terms and Conditions-Contract Administration to include an additional funding source, and incorporating Addenda to the Scope of Work and Compensation sections to add Therapeutic Behavioral Services to the array of services provided and enable billing to Medi-Cal for those services provided to clients of the Mental Health Program.
- D. Director of Health and Human Services requests approval of the following actions relating to the Green Regional Education and Employment in the North Bay (GREEN) Program:
1. Authorization for the Chair to sign a revenue agreement with the County of Sonoma for a maximum of \$221,577 for the term November 1, 2009 through March 31, 2011; and
  2. Budget Transfer No. HHS011 appropriating \$75,000 in the GREEN Grant budget unit for Fiscal Year 2009-2010 with offsetting revenues from the County of Sonoma to fund the GREEN Program. (4/5 vote required)
- E. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 7026 with the County of Marin for a maximum of \$10,257 for the term July 1, 2009 through June 30, 2011 to enable Napa County's participation in the Local Governmental Agency (LGA) Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM) Consortium.

#### Community Resources & Infrastructure

- F. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign Amendment No. 6 to Agreement No. 1654 with the Skyline Park Citizens Association extending the term until February 19, 2015 for an annual payment of \$100 and making other changes related to concessionaire services at Skyline Wilderness Park.
- G. Director of Library Services requests the Board accept, and instruct the Clerk of the Board to file, the quarterly report of donations under \$2,000 gifted to the Library from October 1, 2009, to December 31, 2009.
- H. Director of Library Services request authorization to accept Library Services and Technology Act funds in the amount of \$12,140 for the Fiscal Year 2009/10 Out-of-School-Time Online Homework Help program from the State of California.
- I. Director of Public Works requests adoption of a resolution of intent to conduct a public hearing on March 2, 2010, regarding the abandonment of excess right-of-way on White Lane, south of Saint Helena.

- J.** Director of Public Works requests adoption of a resolution supporting full federal funding of the U.S. Army Corps of Engineers' capability for Fiscal Year 2011 for the Napa River/Napa Creek Flood Protection Project of \$29 million and continued annual funding at Corps' capability level through Project completion.
- K.** Director of Public Works requests approval of and authorization for the Chair to sign a Lease Agreement with Aldea Children and Family Services at \$2,500 per month for space located at 1801 Oak Street, Napa, commencing on February 2, 2010, for space to be used for an Evening Reporting Center for youth.

General Admin & Finance

- L.** County Counsel requests adoption of a Resolution which will (1) set aside the Board's October 27, 2009, decision to rescind Resolution No. 09-90 adopted on June 30, 2009, which had denied the Lake Luciana appeal and upheld the Planning Commission's decision denying the Lake Luciana use permit/project, (2) cancel the previously scheduled rehearing of the Lake Luciana appeal and (3) recognizing that due to these two actions the decision on the Lake Luciana use permit/project continues to be Resolution No. 09-90.
- M.** County Counsel requests approval of and authorization for the Chair to sign Amendment No. 12 to Agreement No. 3881 with the law firm of Miller, Starr & Regalia amending the following paragraphs of the Agreement:
1. Paragraph 2, Scope of Services, to include legal representation of the County in the matter of Sierra Club v. Board of Supervisors, and
  2. Paragraph 3, Compensation, adding a new subparagraph (e), Adjustments in Rates, enabling County Counsel to authorize normal annual adjustments in the firm's hourly rates for legal services, with no change to the Agreement's maximum.
- N.** Community and Intergovernmental Affairs Manager requests the following:
1. Approval of Budget Transfer No. CEO019 appropriating \$50,000 in the Special Projects Fund budget, funded by the partial cancelation of a designations (4/5 vote required); and
  2. Approval of and authorization for the Chair to sign a Promissory Note with Cinema Napa Valley for a principal sum of \$50,000 with interest rate of 3% per annum to be repaid over three annual installments to establish, promote and carry out the proposed annual Napa Valley Film Festival.
- O.** County Executive Officer requests the following reappointments to the Mental Health Board with all terms of office to expire on January 1, 2013.

<u>Applicant</u>	<u>Representing</u>
William Grandrath	Family Member of Consumer
Harris Nussbaum	Family Member of Consumer
Emilie Kuhlman-Furrer	Interested and Concerned Citizen

- P. County Executive Officer/Director of Emergency Services requests adoption of a resolution terminating the Proclamation of Local Emergency declared by the Board of Supervisors on October 13, 2009 by Resolution No. 09-137 related to the impacts of the H1N1 Influenza A Virus pandemic within Napa County.

**8. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR**

**9. SET MATTERS OR PUBLIC HEARINGS**

**A. 9:10 AM PUBLIC HEARING**

County Executive Officer requests adoption of a resolution setting new rates for garbage collection for 10, 15, 17, and 30 cubic yard containers, effective February 2, 2010, for the operational cost associated with the collection of solid waste applicable to Garbage Zone Two located generally in the unincorporated area of Lake Berryessa in conformance with the approved Rate Methodology under Board Agreement No. 7230, Exhibit B.

**B. 9:15 AM**

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

**C. 9:20 AM**

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

**D. 10:15 AM**

Director of Conservation, Development and Planning to discuss potential changes to the Winery Definition Ordinance, including potential changes to enable cultural and social events at wineries, and to:

1. Introduce industry group representatives and other stakeholders interested in providing public testimony on the subject; and
2. Seek direction regarding next steps.

**E. 1:30 PM**

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

**10. ADMINISTRATIVE ITEMS**General Admin & Finance

**A.** Director of Human Resources requests adoption of a resolution regarding the proposed reorganization of the Human Resources Division of the County Executive Office, effective February 6, 2010, to:

1. Amend the Departmental Allocation List with no net increase in the number of full time equivalent positions (FTE):
  - a. Deleting:
    - i. One (1) (MC) Assistant Director of Human Resources
    - ii. One (1) (MC) Labor Relations Officer
    - iii. One (1) (MC) Benefits Administrator
    - iv. One (1) (C) Human Resources Assistant
    - v. One (1) (C) Office Assistant II
  - b. Adding:
    - i. One (1) (MC) Deputy Director, Employment and Compensation
    - ii. One (1) (MC) Deputy Director, Labor Relations
    - iii. Two (2) (MC) Human Resources Analyst Senior/II/I
    - iv. One (1) (C) Senior Office Assistant
  - c. Deleting subsequent vacancies resulting from the changes identified above.
2. Amend the Table and Index of Classes adding the Deputy Director, Employment and Compensation and the Deputy Director, Labor Relations.
3. Amend the appropriate personnel policies adding reference to the Deputy Director, Employment and Compensation and the Deputy Director, Labor Relations and deleting reference to the Assistant Director of Human Resources and the Labor Relations Officer.

**B.** County Executive Officer requests appointment of one (1) of the following applicants to serve on the Napa Sanitation District Board of Directors as a Public Member with the term commencing immediately and expiring December 31, 2011.

Applicants (Choose One)

Charles W. Shinnamon\*

Harry V. Martin

\*incumbent

**C.** County Executive Officer requests two (2) appointments/reappointment from the following applicants to the Wildlife Conservation Commission (WCC) with the terms of office to commence immediately and expire February 1, 2013:

Applicants (choose one)

Brent Randol\*

Wayne H. Ryan

William T. Ryan

Representing

Sportsperson/Angler

Sportsperson/Angler

Sportsperson/Angler

**Applicant (choose one)**Gene Rose  
Ina Pisani**Representing**Wildlife/Conservation  
Wildlife/Conservation

\*Incumbent

**11. LEGISLATIVE ITEMS****12. BOARD OF SUPERVISORS COMMITTEE REPORTS AND ANNOUNCEMENTS****13. BOARD OF SUPERVISORS FUTURE AGENDA ITEMS****14. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS**

- A. County Executive Officer to present a status report on the Strategic Objectives.

**15. CLOSED SESSION****A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b)(3)(B) of Government Code Section 54956.9: (One potential case)

**B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(a))**Names of Cases:

1. Lake Luciana LLC v. County of Napa, et al. (Napa County Superior Court # 26-49388 & US District Court # CV 09-4131 JSW)
2. Latinos Unidos de Napa vs. County of Napa, et. al. (Napa County Superior Court Case No. 26-50568)

**16. ADJOURNMENT****ADJOURN TO BOARD OF SUPERVISORS SPECIAL MEETING, TUESDAY, FEBRUARY 09, 2010 AT 8:00 A.M.**

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON JANUARY 29, 2010 BY 5:00 PM. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE BOARD OF SUPERVISORS AND AVAILABLE FOR PUBLIC INSPECTION.

Gladys I. Coil (By e-signature)  
GLADYS I. COIL, Clerk of the Board