



Agenda Date: 4/25/2006  
Agenda Placement: 6K

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors  
**FROM:** Michael Stoltz for Robert Peterson - Director  
Public Works  
**REPORT BY:** Frank Lucido, Assistant Engineer, 259-8377  
**SUBJECT:** Approval of and authorization for the Chair to sign a Right of Entry Agreement

---

### **RECOMMENDATION**

Director of Public Works requests approval of and authorization for the Chair to sign a Right-of-Entry agreement with Jerry & Viola Hale, the owner of Assessor's Parcel No. 039-222-005, for the term April 15, 2006 through October 1, 2006, for disposing of soils generated by the storms occurring on the weekend of January 1, 2006.

### **EXECUTIVE SUMMARY**

On January 1, 2006 the County began stockpiling soils generated by clearing landslides associated with the heavy rains that caused flooding. There are various temporary stockpiles sites in the county that require the eventual removal of this material and the permanent disposition elsewhere. This agreement will allow the County to permanently deposit 2,000 cubic yards of the approximately 40,000 cubic yards stockpiled on Silverado Trail near Hardman Ave.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Roads Department
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	No
Future fiscal impact:	None.
Consequences if not approved:	The County will not be in compliance with its National Pollutant Discharge

**Elimination System (NPDES) General Permit.**

Additional Information: This item will be funded by the Roads Department who will later be reimbursed by FEMA through a CAT A Emergency Work Fund #52185520.

**ENVIRONMENTAL IMPACT**

**Categorical Exemption Class 4:** Minor public or private alterations to condition of land, water and/or vegetation, which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

**BACKGROUND AND DISCUSSION**

The storms that occurred during the weekend of January 1, 2006 generated approximately 40,000 cubic yards of dirt from slides. Currently the County's maintenance crews had temporarily stockpiled dirt spoils at various locations, including Silverado Trail near Hardman Avenue and Silverado Trail near Zinfandel Lane.

The proposed agreement with Jerry Hale will authorize the County to deposit approximately 2,000 cubic yards of this dirt on Mr. Hales' property at 1795 Hardman Avenue. Mr. Hale has been contacted by County Staff and is in agreement with the work that will take place and with granting the County a right of entry. He has executed the agreement.

The scope of the earthwork deposition as described in the agreement requires County crews to grade a drainage swale and install short and long term erosion control measures at Mr. Hale's property.

The Director of Public Works therefore requests approval of and authorization for the Chair to sign an Agreement by which Jerry Hale will grant a Right Of Entry and a Right To Permanently Deposit Soils to the County for the dirt generated by the storms of the weekend of January 1, 2006.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey