



# AGENDA

## NAPA COUNTY BOARD OF SUPERVISORS

**Tuesday July 13, 2004 9:00 A.M.**

Brad Wagenknecht  
District 1

Mark Luce  
District 2

Diane Dillon  
District 3

Bill Dodd  
District 4

Mike Rippey  
District 5

Nancy Watt  
County Executive Officer

Pamela Miller  
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.

Documents for all agenda items are on file with the Clerk of the Board.

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

1. **CALL TO ORDER; ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **PRESENTATIONS AND COMMENDATIONS**
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 DIRECTORS' REPORTS AND ANNOUNCEMENTS**
6. **CONSENT ITEMS**

Law & Justice

- A. District Attorney, Chief Probation Officer, and Sheriff request approval of the following actions relating to the Office of Emergency Services Gang Violence Suppression Multi-Component Program:
  1. Authorization for the District Attorney to sign a grant award in the amount of \$331,746 for the term of July 1, 2004 through June 30, 2005; and
  2. Approval of Budget Transfer No. 3 increasing appropriations for Salaries and Employee Benefits by \$65,977 in the Probation budget and for Services and Supplies in the Sheriff budget by \$3,215 with offsetting revenues. (4/5 vote required)

Human Services

- B. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 2131 with the Regents of the University of California for a maximum of \$25,883 for the term July 1, 2004 through June 30, 2005 to provide training to Health and Human Services Agency staff.
- C. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of revenue Agreement No. 3700 with the California Department of Health Services for \$26,037 for the term July 1, 2004 through June 30, 2005 for the Child and Infant Immunization Program.
- D. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of revenue Agreement No. 3742 with the California Department of Health Services (CDHS) for a maximum of \$1,030 for the term July 1, 2004 through June 30, 2005 for costs associated with the AIDS Drug Assistance Program (ADAP).

- E.** Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 5 to Agreement No. 3592 with St. Helena Hospital establishing the County's all inclusive rate for managed care inpatient mental health services for Fiscal Year 2004-2005.
- F.** Director of Health and Human Services requests approval of and authorization for the Chair to sign the following amendments with the City of Napa for the term July 1, 2004 through June 30, 2005 for the Family Self-Sufficiency Program:
1. Amendment No. 9 to revenue Agreement No. 3668 for a maximum of \$73,413 for a Family Self-Sufficiency Coordinator; and
  2. Amendment No. 2 to revenue Agreement No. 4907 for a maximum of \$63,466 for a Family Self-Sufficiency Counselor.
- G.** Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4000 with Community Resources for Children, decreasing the amount by \$177,000 for a new maximum of \$423,000 to administer and make direct payments to child care service providers.
- H.** Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4668 with COPE Family Center revising the scope of work and budget for Fiscal Year 2004-2005.
- I.** Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements with George Monteverdi, M.D., for the term July 1, 2004 through June 30, 2005:
1. Agreement for a maximum of \$39,000 to provide medical consultation services in the California Children's Services and Medical Therapy Unit Programs; and
  2. Business Associate Agreement setting forth the terms and conditions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule.
- J.** Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements with Susan Tam for the term July 1, 2004 through June 30, 2005:
1. Agreement for a maximum of \$44,805 to provide services for the implementation of the Napa County Public Health Preparedness and Response to Bioterrorism Grant Program and the Health Resources Services Administration (HRSA) grant; and
  2. Business Associate Agreement setting forth the terms and conditions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule.

Community Resources & Infrastructure

- K.** Director of Conservation, Development and Planning requests that the Board:
1. Adopt a resolution to change the name of "The Napa River Watershed Conservancy and Watershed Information Center Board" to "The Watershed Information Center and Conservancy (WICC) of Napa County"; and
  2. Appoint Don Gasser to the WICC Board as the Resource Conservation District (RCD) representative.
- L.** Director of Public Works requests approval of and authorization for the Chair to sign a Joint Exercise of Powers Agreement with the City of American Canyon for the term May 20, 2004 through June 30, 2005 for reimbursement by City of American Canyon for 100 percent of costs for the installation of a water line as part of the Devlin Road Extension Project.
- M.** Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Quincy Engineering, Inc. for a maximum of \$35,000 for the term July 13, 2004 through June 30, 2005 for engineering consulting services related to the Highway 12/29/Airport Road Project.

General Admin & Finance

- N.** Auditor-Controller requests the Board accept and instruct the Clerk of the Board to file the revised and reissued Audit Report of the Napa County Local Transportation Fund for Fiscal Year 2002-2003.
- O.** Clerk of the Board requests approval of and authorization for the Registrar of Voters to consolidate and conduct a Circle Oaks County Water District Election as requested by the Circle Oaks County Water District (Resolution No. 04-1) with the Election to be held November 2, 2004.
- P.** Human Resources Director requests adoption of a resolution amending the Departmental Allocation List with regard to the following actions in the Social Services and Training and Employment Divisions of the Health and Human Services Agency, effective July 17, 2004:
1. Delete one (1) Deputy Director Employment Training and add one (1) Project Manager in the Training and Employment Division; and
  2. Delete one (1) Program Evaluation Supervisor and add one (1) Program Manager I in the Social Services Division.
- Q.** Human Resources Director requests adoption of a resolution regarding the following in connection with the Communications Division of the Information Technology Services Division of the County Executive Office, effective July 17, 2004:

1. Amend the Departmental Allocation List to add one (1) (M) Acting Communications Manager Limited Term (LT) through December 31, 2004, and one (1) Communications Technician (LT) through December 31, 2004;
  2. Amend the Table and Index to add Acting Communications Manager; and
  3. Amend appropriate policies to add Acting Communications Manager.
- R.** Information Technology Services Director requests a waiver of competitive bidding requirements and sole source award for the purchase of annual software maintenance from PeopleSoft USA, Inc. of Pleasanton, California, for the total of \$250,325 pursuant to County Ordinance Code 2.36.090.
- S.** Treasurer-Tax Collector requests approval of the application for Discharge of Accountability, filed with the Board of Supervisors, pertaining to certain uncollectable tax bills, totaling \$42,009.81.
- T.** County Executive Officer requests approval of and authorization for the Chair to sign an amendment to Article 3(b) of the California State Association of Counties' (CSAC) Excess Insurance Authority Joint Powers Agreement, allowing member counties to extend coverage to non-profit entities in accordance with parameters as defined by CSAC's Executive Committee.
- U.** County Executive Officer requests authorization for the Chair to sign a Certificate of Recognition honoring Robert Green, Past-Chairman of the Napa Valley Workforce Investment Board (WIB), for his volunteerism and leadership on the WIB. (Supervisor Wagenknecht)
- V.** County Executive Officer requests the Board:
1. Accept and file the 2003-2004 Grand Jury Final Report with the Clerk of the Board;
  2. Direct the County Executive Officer to prepare a response to the Grand Jury Report by September 23, 2004 as prescribed by law; and
  3. Accept and approve transmittal to the Presiding Judge of the Superior Court the response to the Grand Jury Audit Report for Fiscal Year 2002-2003.
- W.** County Executive Office requests authorization to sign letter on behalf of the Board of Supervisors requesting that the Grand Jury, on an expedited basis, investigate and report on the operations of the Napa County Elections Department/Registrar of Voters as authorized by California Penal Code Section 925.
- X.** County Executive Officer requests the Board of Supervisors:
1. Cancel the regularly scheduled meeting of Tuesday, August 31, 2004.
  2. Reschedule the cancelled meeting as a special meeting of the Board of Supervisors, pursuant to Government Code Section 54956, to be held Tuesday, August 24, 2004, commencing at 9:00 A.M., at the County Administration Building, 1195 Third Street, Suite 305, Napa, California.

3. Direct the Clerk of the Board to schedule a two-week hiatus annually for the Board of Supervisors, to be held the week of Labor Day and the week immediately preceding it, when preparing the annual meeting calendar.

Y. Approve minutes of the meeting held June 22, 2004.

Z. Approve minutes of the special meeting held June 21, 2004.

AA. Approve minutes of the meeting held June 15, 2004.

## 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. 9:30 AM PUBLIC HEARING

First reading and intention to adopt an Ordinance amending portions of Chapter 15.60 of the Napa County Code relating to affordable housing which, if adopted, would increase the housing impact fees for non-residential developments as set forth in the updated jobs/housing nexus study.

**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)].

### D. 11:00 AM

Discussion and possible action relating to the proposed increase of the Transient Occupancy Tax (TOT) rate from 10.5% to 12.0%, subject to voter approval.

1. First and final reading and adoption of an Ordinance Increasing the Transient Occupancy Tax from 10.5% to 12% and requiring any funds generated as a result of the imposition of this increase in the Transient Occupancy Tax to be treated as the proceeds of a general tax and

spent for general governmental purposes. (4/5 vote required)

2. Adoption of a resolution ordering that a special election be conducted on November 2, 2004, to enable the voters to approve or reject the above-referenced ordinance increasing the Transient Occupancy Tax rate from 10.5% to 12% and requiring the proceeds of that general tax to be spent for general governmental purposes.

**ENVIRONMENTAL DETERMINATION:** 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)].

**E. 1:30 PM**

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

**F. 2:00 PM**

Recess to the Napa County Flood Protection and Watershed Improvement Authority (NCFPWIA) meeting (See NCFPWIA Agenda).

**G. 2:45 PM PUBLIC HEARING**

Consideration and possible adoption of a resolution establishing, increasing and decreasing fees for services provided by the Conservation, Development and Planning Department - Building and Planning Divisions; Environmental Management Department; and Department of Public Works.

**9. ADMINISTRATIVE ITEMS**

Community Resources & Infrastructure

**A. Director of Public Works to:**

1. Present results of bid proposals for the Cuttings Wharf Boat Launch Facility Project "PW 04-02" opened on July 8, 2004 at 3:30 P.M.; and
2. Provide recommendation for the award of the contract; and
3. Request Board of Supervisors authorization for the Director of Public Works to sign the construction contract consistent with recommendation.

General Admin & Finance

- B. County Executive Officer requests appointment/reappointment of applicants from each of the following categories to the Mental Health Board with terms expiring as indicated:

Family Member of Consumer, Term Expires 01-01-07 (Two Positions)

William Grandrath \*\*

Harris Nussbaum \*\*

Frank Gerald Rhodes

Interested and Concerned Citizen, Term Expires 01-01-07 (Two Positions)

Richard L. Delmonico, PhD \*\*

Del Miller

Betty Lou Mukerji \*\*

Frank Gerald Rhodes

Amber Warnock

Interested and Concerned Citizen, Term Expires 01-01-06 (One Position)

Del Miller \*

Frank Gerald Rhodes

Amber Warnock

Interested and Concerned Citizen, Term Expires 01-01-05 (One Position)

Del Miller

Frank Gerald Rhodes

Amber Warnock

\*\* Incumbent and recommended by the Mental Health Board

\* Recommended by the Mental Health Board

**10. LEGISLATIVE ITEMS**

- A. Approval of and authorization for the Chair to sign a letter commenting on Senate Bill 1940, the Head Start Improvements for School Readiness Act of 2003.
- B. Approval of and authorization for the Chair to sign a letter of support for AB 2430 relating to hot air balloon insurance requirements.

**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 - EXISTING LITIGATION** (Government Code Section 54956.9(a))Names of cases:

1. County of Napa v. Edward William Schlies, et. al. (Case No. 26-25408)
2. County of Napa v. O'Neill/Mullin LLC; HNAPAD Associates, et. al. (Case No. 26-25407)
3. County of Napa v. Timothy P. Newell (WCAB Case Nos.: WCK 0031084, WCK 0031085, WCK 0061018)

**B. CONFERENCE WITH LABOR NEGOTIATOR** (Government Code Section 54957.6)

Agency Designated Representatives: Dennis Morris, Human Resources Director

Employee Organization: SEIU Local 614 - NAPE (Employee Unit & Supervisory Unit of the County of Napa).

Unrepresented Employees: Non-Classified, Management and Confidential Employees of the County of Napa (Excluding Elected Officials)

**C. CONFERENCE WITH LABOR NEGOTIATOR** (Government Code Section 54957.6)

Agency Designated Representatives: Dennis Morris, Human Resources Director

Employee Organization: SEIU Local 614 - Napa County Deputy Sheriffs' Association (Employee Unit & Supervisory Unit of the County of Napa).

Unrepresented Employees: Non-Classified, Management and Confidential Employees of the County of Napa (Excluding Elected Officials)

**D. PUBLIC EMPLOYEE APPOINTMENT/ONGOING RECRUITMENT OF THE FOLLOWING POSITIONS** (Government Code Section 54957):

Director of Conservation, Development and Planning  
Director of Health and Human Services  
Public Health Officer

**15. ADJOURNMENT**

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, JULY 20, 2004  
AT 9:00 A.M.**