

MINUTES OF THE  
MEETING OF THE BOARD OF SUPERVISORS  
COUNTY OF NAPA

February 24, 2004

1. Call to Order; Roll Call.  
**THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION, TUESDAY, FEBRUARY 24, 2004 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRPERSON MARK LUCE, SUPERVISORS BILL DODD, MIKE RIPPEY, BRAD WAGENKNECHT AND DIANE DILLON. THE MEETING WAS CALLED TO ORDER BY CHAIR LUCE AT 9:02 A.M.**
  
2. Pledge of Allegiance.  
**BILL SCOTT LED THE SALUTE TO THE FLAG.**
  
3. Presentations and Commendations.
  - A. Presentation of Retirement Resolution No. 04-10 to Sandy Sargent, Supervising Legal Clerk, Recorder/County Clerk's Office, in recognition of over 33 years of service.  
**PRESENTATION MADE R-04-10**
  
4. Public Comment.  
**GEORGE CALOYANNIDIS SPOKE REGARDING HELICOPTERS LANDING AT WINERIES BY WINE COUNTY HELICOPTERS WITHOUT THE PROPER MODIFICATION TO THE WINERY USE PERMIT. MR. CALOYANNIDIS STATED HE DELIVERED A PETITION CONTAINING 1,350 SIGNATURES TO THE BOARD AND REQUESTED THAT THE OWNER OF THE HELICOPTER COMPANY BE NOTIFIED BY THE COUNTY TO CEASE THE LANDINGS UNTIL THE PROPER MODIFICATIONS HAVE BEEN MADE TO THE WINERY USE PERMITS WHERE THE LANDINGS HAVE OCCURRED.**  
  
**CHAIR LUCE RESPONDED THAT STAFF HAS BEEN WORKING ON THE ISSUE.**
  
5. Department Directors' Reports and Announcements.  
**MARY BUTLER, CHIEF PROBATION OFFICER, REPORTED THAT BILLING PARENTS OF CHILDREN STAYING IN JUVENILE HALL HAS BEGUN. MS. BUTLER PROVIDED THE BOARD WITH THE SAME PACKET THAT IS GIVEN TO PARENTS WITH CHILDREN IN JUVENILE HALL.**  
  
**JOHN TUTEUR, ASSESSOR-RECORDER/COUNTY CLERK/REGISTRAR OF VOTERS, REPORTED THAT FEDERAL FUNDING IN THE AMOUNT OF \$360,721 IS EXPECTED TO ARRIVE TODAY TO ASSIST IN THE PAYMENT OF THE ELECTRONIC VOTING MACHINES.**

5. Continued

**MR. TUTEUR REPORTED HIS OFFICE IS READY FOR THE ELECTION ON  
MARCH 2, 2004.**

Consent Calendar

- 6A. Director of Health and Human Services requests approval of the following actions regarding the California Department of Mental Health for the term July 1, 2003 through June 30, 2004:
- 1) Authorization for the Chair to sign the renewal of Agreement No. 2390 for a maximum of \$209,975 for the Conditional Release Program (CONREP); and  
**A-2390**
  - 2) Budget Transfer No. 36 increasing appropriations by \$31,027 in the Behavioral Health Budget to fund salary and benefits. (4/5 vote required) **BT-36**
- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 4422 with Milhous Children's Services for a maximum of \$40,000 for the term July 1, 2003 through June 30, 2004 to provide residential mental health services.  
**A-4422**
- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4554 with Robert Heying, Ph.D., increasing the amount by \$1,000 for a new maximum of \$2,000 to provide services in the Mental Health Outpatient Managed Care Program.  
**A-4554**  
**(AMEND. 1)**
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4698 with Persis Hamilton, MS, RN, increasing the amount by \$800 for a new maximum of \$1,500 to provide counseling services in the Substance Abuse Treatment Options Program (S.T.O.P.).  
**A-4698**  
**(AMEND. 1)**
- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6084 with Sarah Boggs, MFT, increasing the amount by \$2,000 for a new maximum of \$5,120 to provide counseling services in the Children's Behavioral Health and Child Welfare Services Programs.  
**A-6084**  
**(AMEND. 1)**

- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign the Health Resources and Services Administration (HRSA) grant application in the amount of \$179,926 to the California Department of Health Services (CDHS) for funding via cooperative agreements for hospital and supporting health care systems for the term September 1, 2003 to August 31, 2004.
- 6G. Director of Health and Human Services requests adoption of a resolution authorizing an application to the State of California, Department of Housing and Community Development, Division of Community Affairs, Emergency Housing and Assistance Program Capital Development Fund for the continued development of a new homeless shelter in an amount not to exceed \$1,000,000 in the form of a deferred loan to be forgiven as long as the building remains a homeless shelter for ten years. **R-04-19**
- 6H. 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 03-01, "Re-Roof Hall of Justice and Historic Courthouse Project."
- 6I. Director of Public Works requests adoption of a resolution temporarily closing portions of Silverado Trail, Oak Knoll Avenue, Big Ranch Road and El Centro Avenue from 7:00 A.M. to 12:30 P.M. on Sunday, March 7, 2004 for the running of the Napa Valley Marathon. **A-04-20**
- 6J. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 5083 with Siemens Building Technologies, Inc., increasing the amount by \$42,120 for a new maximum of \$73,320, for replacement of Staefa Heating Ventilation and Air Conditioning (HVAC) control equipment in the Carithers Building. **A-5083  
(AMEND. 1)**
- 6K. Director of Public Works/Road Commissioner and County Executive Officer/Purchasing Agent reports waiver of competitive bidding requirements and authorization to make sole source award for the purchase of a Tarco Hylander roadway sand applicator from Municipal Maintenance Equipment of Sacramento, California, for the total amount of \$15,963 pursuant to County Ordinance Code 2.36.090.
- 6L. Assessor, Auditor-Controller and Treasurer/Tax Collector request approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4933 with the State Department of Finance continuing participation in the State-County Property Tax Administration Grant Program for a grant amount of \$366,020 for 2003-2004. **A-4933  
(AMEND. 1)**

6M. Assessor/Recorder-County Clerk requests the following actions:

- 1) Approval of Budget Transfer No. 44 increasing appropriations in the Recorder-County Clerk's budget by \$146,592 with offsetting revenues from the Recorders Modernization, Vital Statistics and Micrographics trust funds (4/5 vote required);  
**BT-44**
- 2) Approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 4067 with DFM Associates renewing the contract for the maintenance of the Recorder-Clerk's RiiMS system, through June 30, 2009 at a cost of \$108,720 plus monthly maintenance of \$1,500/mo. plus sales tax; and  
**A-4067  
(AMEND. 2)**
- 3) Approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4868 with Dale Six to finalize the updating of vital statistics images and indices for a maximum of \$19,453.  
**A-4868  
(AMEND. 1)**

6N. County Counsel requests adoption of a resolution amending Resolution No. 02-103 regarding the selection criteria for the Napa River Watershed Conservancy and Watershed Information Center Board (Conservancy/WIC Board) and establishing term limits for the Board members.  
**R-04-26**

6O. Human Resources [Director requests adoption of a resolution amending the Table and Index and Departmental Allocation List](#) for the Department of Corrections [with regards to](#) deleting one (1) Senior Office Assistant and [adding one \(1\) Correctional Administrative Assistant position, effective February 28, 2004.](#)  
**R-04-21**

6P. [Human Resources Director requests adoption of a resolution amending the Departmental Allocation List](#) and the Table and Index [with regard](#) to adding one (1) Regional Emergency Medical Services Administrator Limited Term position in the Public Health Division of the Health and Human Services Agency effective February 24, 2004 through September 24, 2004.  
[\(Details on file with the Clerk of the Board\)](#)  
**R-04-22**

6Q. Human Resources Director requests the following actions regarding the transfer of the Family Preservation Unit in the Health and Human Services Agency:

- 1) Adoption of a resolution amending the Departmental Allocation List in the Behavioral Health Division to delete (2) Mental Health Counselors and one (1) Mental Health Counselor – Licensed positions and in the Social Services Division to add one (1) Social Worker IV, one (1) Social Worker IV Limited Term through June 30, 2005, one (1) Child Protective Services Worker I/II, and one (1) Community Aide, effective February 28, 2004 (Details on file with the Clerk of the Board); and  
**R-04-23**

6Q. Continued

- 2) Budget Transfer No. 45 in the amount of \$96,877 increasing revenue and appropriations in Social Services Division with a corresponding decrease in Behavioral Health Division. (4/5 vote required) **BT-45**

**ITEM HELD FOR DISCUSSION**

**APPROVED REQUESTS**

**DD-MR-BD-BW-ML**

- 6R. Human Resources Director requests adoption of a resolution amending the Departmental Allocation List and Table and Index with regard to deleting two (2) Assistant Behavioral Health Care Managers in Social Services and the Administration divisions of the Health and Human Services Agency and adding one (1) Behavioral Health Care Manager – Adult Services to the Social Services division and one (1) Behavioral Health Care Manager – Children Services to the Administration division of the Health and Human Services Agency, effective February 28, 2004. (Details on file with the Clerk of the Board) **R-04-24**
- 6S. Human Resources Director requests authorization for Leave Without Pay for a Child Support Specialist II from January 17, 2004 through May 31, 2004.
- 6T. Human Resources Director requests adoption of a resolution regarding an application for industrial disability retirement with Public Employee's Retirement System (PERS) effective December 30, 2003. **R-04-25**
- 6U. County Executive Officer requests adoption of a resolution establishing a two-year term for members of the Napa Valley Workforce Investment Board (WIB) and approving WIB bylaws. **R-04-27**
- 6V. County Executive Officer requests the appointment of Philip Gerard Duhe to the Measure A Financial Oversight Committee representing the City of American Canyon with the term of office to expire June 30, 2004.
- 6W. County Executive Officer requests ten (10) appointments as listed below to the Community Emergency Response Team Training Advisory Committee (CERT TAC) with the term of office to expire June 30, 2006:

Representing the American Canyon Community

Richard Arvin

Glenn H. Henderson

Charles W. Kellogg, CEI

Representing the Lake Berryessa Community

Stacy Pridmore

6W. Continued

Representing the Napa Community

Michele Arnold  
Melinda Daugherty  
Sherry Vattuone  
Wendy Walsh

Representing the St. Helena Community

Gail N. Showley  
Erica Roetman Sklar

- 6X. County Executive Officer requests authorization for out of state travel for Mark Luce, Chair, to attend the National Association of Counties Legislative Conference in Washington, DC, from February 27, 2004 to March 2, 2004 at an estimated cost of \$1,500.
- 6Y. County Executive Officer requests authorization for out of state travel for Bill Dodd, Supervisor, and Bill Chiat, County Executive Officer, to attend the Health Care Compliance Association's HIPAA/Compliance Institute in Chicago, Illinois, from April 25-28, 2004 at an estimated cost of \$4,000.
- 6Z. County Executive Officer and Compliance Officer requests acceptance of the Compliance Program Quarterly Report for the period from October, 2003 through December, 2003.
- 6AA. County Executive Officer/Purchasing Agent requests the following (4/5 vote required):
- 1) Declare certain items of personal property as surplus no longer required for public use;
  - 2) Authorize the Purchasing Agent to dispose of certain items of personal property by donating them to the following tax-exempt Health and Human Service organizations (Complete list on file with the Clerk of the Board); and  

Progress Foundation  
Rohlffs Memorial Manor  
Napa Valley Support Services  
Wolfe Center
  - 3) Authorize the Purchasing Agent to dispose of other surplus personal property at public auction. (Complete list on file with the Clerk of the Board)
- 6BB. Approve minutes of Board of Supervisors' meetings of February 3, 2004.

7. Discussion of items removed from the Consent Calendar.  
**SEE ITEM 6Q**

**APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6BB, AS NOTATED ABOVE.  
MR-BW-BD-DD-ML**

Set Matters – Public Hearings

- 8A. 9:15 A.M. County Executive Officer to present Fiscal Year 2003/2004 Mid-Year Budget Report and request adoption of the Fiscal Year 2004/2005 Recommended Budget Hearing Schedule.  
**PRESENTATION MADE**

**THE RECOMMENDED BUDGET HEARING SCHEDULE HAD PREVIOUSLY BEEN ADOPTED ON JANUARY 6, 2004.**

- 8B. 10:15 A.M. PUBLIC HEARINGS

- 1) PROPOSED ORDINANCE #04001-ORD updating and making technical changes to Section 18.10.020; Sections 18.40.020, 18.40.060, 18.40.110, 18.40.170, 18.40.240, and 18.40.250; Sections 18.44.080, 18.44.090, 18.44.120, 18.44.170 and adding Section 18.44.210; Chapter 18.80; Section 18.104.010; Section 18.110.030; and Section 18.116.045 of the Napa County Code relating to: a) updating for consistency with the Napa County Airport Land Use Compatibility Plan; b) establishment of a process for modification to site development standards; c) miscellaneous technical corrections; and, d) updating signage regulations. ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 5 (CEQA Guidelines Section 15303), Minor alterations to land use limitations.
- 2) PROPOSED SPECIFIC PLAN AMENDMENT #SPAMD 0101 updating and making technical changes to the 1986 Airport Industrial Area Specific Plan relating to: a) updating for consistency with the Napa County Airport Land Use Compatibility Plan; b) establishment of a process for modification to site development standards; c) miscellaneous technical corrections; and, d) updating signage regulations. The Airport Specific Plan regulations pertain to lands within the County of Napa generally located south of the intersection of State Routes 29 and 221, west of Kelly Road, east of the Napa River, and north of Green Island Road within the IP:AC (Industrial Park: Airport Compatibility Combination District), the GI:AC (General Industrial: Airport Compatibility Combination District), AV:AC (Airport: Airport Compatibility Combination District), and the I:AC (Industrial: Airport Compatibility Combination District). ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 5 (CEQA Guidelines Section 15303), Minor alterations to land use limitations.

(STAFF REQUESTS CONTINUANCE TO MARCH 23, 2004 AT 10:15 A.M.)

**PUBLIC HEARINGS CONTINUED TO MARCH 23, 2004 AT 10:15 A.M.  
MR-DD-BD-BW-ML**

- 8C. 10:15 A.M. Auditor-Controller and Bartig, Basler & Ray, Certified Public Accountants, to present and request acceptance of Audit Reports and Management Letter for Fiscal Year 2002/2003.  
(Reports on file with the Clerk of the Board)

**PRESENTATION MADE**

**APPROVED REQUEST**

**BD-BW-MR-DD-ML**

Administrative Items

- 9A. County Executive Officer requests one (1) appointment from the following list of applicants to the Airport Advisory Commission representing the General Public with the term of office to expire December 31, 2005.

Applicants

James Feczko

James Henry

Al Iliff

L. Starr Piner

Brian Thomas McGee

Bob Ross

Joe M. Turner

David Ybarra

**THE BOARD APPOINTED JAMES HENRY.**

**BD-BW-MR-DD-ML**

Legislative Items

- 10A. The Legislative Subcommittee will present a report. The Board may or may not take action on any or all items presented for discussion.

- 1) Potential support of Propositions 57 (The Economic Recovery Board Act) and 58 (The California Balanced Budget Act).

**THE BOARD WENT ON RECORD IN SUPPORT OF PROPOSITIONS 57 AND 58.**

**BW-BD-MR-DD-ML**

11. Board of Supervisors' Committee Reports and Announcements.  
**NONE**

12. Board of Supervisors' Future Agenda Items.  
**SUPERVISOR DILLON REQUESTED THE HELICOPTER ISSUE BE AGENDIZED TO ANALYZE WHETHER THIS IS AN ENFORCEMENT ISSUE OR A DEFINITION PROBLEM WITHIN THE ORDINANCE.**

**SUPERVISOR DODD REQUESTED A REPORT FROM STAFF ON HOTEL/MOTEL/RESORT USE IN THE SOUTH COUNTY.**

12. Continued

**CHAIR LUCE STATED THE BOARD MAY CONSIDER CONTINUING THE MONTALCINO HEARING FROM MARCH 9, 2004 TO MARCH 16, 2004 AT 2:30 P.M.**

**COUNTY COUNSEL, ROBERT WESTMEYER, STATED THE MONTALCINO HEARING WILL BE AGENDIZED FOR MARCH 9, 2004 AND THE BOARD CAN TAKE ACTION TO CONTINUE THE HEARING AT THAT TIME.**

13. County Executive Officer Reports and Announcements.

**COUNTY EXECUTIVE OFFICER, WILLIAM CHIAT, ANNOUNCED THAT JENNIFER YASUMOTO HAS BEEN APPOINTED TO THE POSITION OF DIRECTOR OF COMPLIANCE.**

**MR. CHIAT REPORTED RECEIVING A LETTER FROM THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) ON THE HOUSING AGREEMENTS BETWEEN THE COUNTY AND THE CITIES OF NAPA AND AMERICAN CANYON. HE STATED ABAG APPLAUDS THE EFFORTS MADE BY THE CITIES AND COUNTY, AND THEY ARE IN SUPPORT OF THE AGREEMENTS IF PLANNING DECISIONS ARE MADE IN A TIMELY MANNER.**

**MR. CHIAT REPORTED THAT THE PRESENTATION OF THE CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT'S BUSINESS PLAN HAS BEEN RESCHEDULED FROM TODAY'S AGENDA TO MARCH 2, 2004.**

14. Closed Session.

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

Title: County Executive Officer

**CLOSED SESSION HELD**

**THE BOARD APPROVED AN INCREASE IN THE COUNTY EXECUTIVE OFFICER'S (CEO) SALARY FROM STEP 3 TO STEP 4, BASED ON PERFORMANCE, AS REQUIRED BY THE CEO'S EMPLOYMENT AGREEMENT.**

**BW-BD-MR-DD-ML**

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Government Code Section 54956.9 (a))

Name of case: Jorge Deharo, Hector Olvera, Latinos Unidos de Napa, an Unincorporated Association v. County of Napa et. al. (Case No. 26-22255)

**CLOSED SESSION HELD – NO REPORTABLE ACTION**

14. Continued

C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(Government Code Section 54957)  
**CLOSED SESSION HELD – NO REPORTABLE ACTION**

Adjournment.

**ADJOURNED TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY,  
MARCH 2, 2004 AT 9:00 A.M.**

\_\_\_\_\_  
MARK LUCE, Chairperson

ATTEST:

\_\_\_\_\_  
PAMELA MILLER, Clerk of the Board

KEY

Vote: ML = Mark Luce; DD = Diane Dillon; BD = Bill Dodd; MR = Mike Rippey; BW = Brad Wagenknecht

The maker of the motion and second are reflected respectively in the order of the recorded vote.

Notations under Vote: N = No; X = Excused; A = Abstain