

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

October 18, 2005

1. Call to Order; Roll Call.  
**THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, OCTOBER 18, 2005, AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRPERSON DIANE DILLON, SUPERVISORS BILL DODD, HAROLD MOSKOWITE, BRAD WAGENKNECHT AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIR DILLON AT 9:01 A.M.**
2. Pledge Of Allegiance.  
**LAURIE PUZO LED THE SALUTE TO THE FLAG.**
3. Presentations and Commendations.
  - 3A. Presentation in recognition of Napa County's Administration of the Williamson Act by the State Department of Conservation and the 40<sup>th</sup> Anniversary of the Williamson Act.  
**PRESENTATION MADE**
  - 3B. Presentation of Proclamation declaring October 2005 as Domestic Violence Awareness month.  
**PRESENTATION MADE**
4. Public Comment.  
**NONE**
5. Department Heads' Reports and Announcements.  
**NONE**

Consent Items

- 6A. Director of Child Support Services and Acting Human Resources Director request the following:
  1. Approval of and authorization for the Chair to sign an agreement with the State of California for a maximum of \$99,177 for the term September 1, 2005 through August 31, 2006 to provide the services of one (1) County Child Support Specialist to the State; and **A-6528**
  2. Adoption of a resolution amending the Departmental Allocation List for Child Support Services with regards to adding one (1) Child Support Specialist I Limited Term (LT) position through October 31, 2006, effective October 18, 2005. **R-05-180**
- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of revenue Agreement No. 3402 with the California Department of Health Services (CDHS) for a maximum of \$2,025,000 for the term October 1, 2005 through September 30, 2008, for operation of the Women, Infants and Children (WIC) Supplemental Nutrition Program. **A-3402**

- 6C. Assessor-Recorder-County Clerk and Chief Information Officer requests approval of Budget Transfer No. 18 increasing appropriations in the Information Technology Services fixed asset account in the amount of \$51,295 with offsetting revenues from the Recorder's Modernization Trust Fund and establishment of fixed assets aggregating \$51,295 for the purchase of a terminal server to provide for an upgrade version of RiiMS for the Recorders indexing and imaging system and for enhanced equipment to capture and store images for security and disaster recovery purposes. (4/5 vote required) **BT-18**
- 6D. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the following County of Napa Monitoring and Audit Reports:
1. Fiscal Monitoring Letter of Napa County Health and Human Services Agency of the Workforce Investment Act Funds awarded by Workforce Investment Board for the Fiscal Year ended June 30, 2005;
  2. Monitoring of County of Sonoma Human Services Department for Workforce Investment Act Funds awarded by Napa County Regional Training and Employment Center for the period of October 1, 2003 to September 30, 2004;
  3. Monitoring of County of Napa Health and Human Services Agency for Workforce Investment Act Funds awarded by Napa County Regional Training and Employment Center for the period of October 1, 2003 to March 31, 2004;
  4. Health and Human Services Agency, Family Preservation Revolving Fund for the Fiscal Year ended June 30, 2004;
  5. Health and Human Services Agency, Training and Employment Center Revolving Fund for the Fiscal Year ended June 30, 2004; and
  6. Department of Corrections, Inmate Cash Revolving Fund for the Fiscal Year ended June 30, 2004.
- 6E. Acting Human Resources Director requests adoption of a resolution regarding the following in connection with Public Works-Engineering, effective October 18, 2005:
1. Amend the Departmental Allocation List to delete one (1) (M) Senior Flood Project Analyst and add one (1) (M) Watershed and Flood Control Operations Manager;
  2. Amend the Table and Index to delete Senior Flood Project Analyst and add Watershed and Flood Control Operations Manager; and
  3. Amend appropriate policies to delete Senior Flood Project Analyst and add Watershed and Flood Control Operations Manager. **R-05-181**
- 6F. Acting Human Resources Director requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4735 with The Halle Group increasing the amount of compensation from \$500 to \$700 per session for on-going training workshops for County employees, effective August 22, 2005. **A-4735  
(AMEND. 3)**

- 6G. Acting Human Resources Director requests the following actions regarding health care insurance plans:
1. Adoption of a resolution revising total rates for CalPERS and County Kaiser health care insurance plans, effective January 1, 2006; and **R-05-182**
  2. Approval of and authorization for the Acting Human Resources Director to sign the Revised County Kaiser health care insurance service agreements.
- 6H. Acting Human Resources Director requests adoption of a resolution correcting the Memoranda of Understanding (MOU) between the County of Napa and Public Service Employee and Public Service Employee-Supervisory Units to include language that was inadvertently omitted from the agreement that was presented to the Board of Supervisors on September 27, 2005. **R-05-183**
- 6I. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6431 with Napa County Recycling and Waste Services, LLC. (NCRWS) amending two provisions of the agreement to modify the schedule for NCRWS to submit audited financial statements and to modify the provision for charging residential customers who request more than four curbside green waste containers for collection of solid waste, recyclables, and green waste in Garbage Zone One. **A-6431 (AMEND. 1)**
- 6J. County Executive Officer requests adoption of a resolution amending County Board, Commission and Committee policy to allow the appointment of non County residents when the appointee is employed by an organization that is required to be represented on a Board, Commission, or Committee. **R-05-184**
- 6K. County Executive Officer requests the following appointment/reappointments to the Work Force Investment Board with the terms of office to commence immediately and expire June 30, 2007:

<u>Applicant</u>	<u>Representing</u>
Bill Blair*	Education
Aurelio Hurtado*	Community Based Organization
Tracy Rideout*	Economic Development
Elizabeth Pratt*	Economic Development
Deborah Fries*	One Stop Partner
Leanne Martinsen*	One Stop Partner
Rhonda Slota*	One Stop Partner
Teresa Zimny*	One Stop Partner
Arvin Chaudhary*	Private Sector Business
Sandra Cooper	Private Sector Business
David Crespin*	Private Sector Business
Kathleen Forni*	Private Sector Business

\* Incumbents

6L. County Executive Officer requests the reappointment of the following members to the Napa County Commission on Aging with terms of office to commence immediately and expire September 30, 2008:

<u>Name</u>	<u>Representing</u>
Betty Rhodes	Supervisory District #4
Marie T. Lucas	Supervisory District #5
Mary Rita Umphries	Org. Concerned with Older Adults

6M. County Executive Officer requests the appointment of Mark S. Hiza to the Napa County Tobacco Advisory Board as a community representative with the term of office to commence immediately and expire January 31, 2006.

9B. Director of Public Works requests adoption of a resolution declaring the 0.16 acre of property located on the southerly boundary line of State Highway 121 (Imola Avenue West) across from South Napa Market Place as surplus and authorizing its conveyance to the Napa County Flood Control and Water Conservation District at no cost. (4/5 vote required)

**(ITEM MOVED FROM ADMINISTRATIVE CALENDAR)**

**R-05-188  
A-6529**

7. Discussion of Items Removed from the Consent Calendar.  
**NONE**

**APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6M, INCLUDING ITEM 9B WHICH WAS ADDED.**

**BD-ML-BW-HM-DD**

Set Matters or Public Hearings

8A. 9:30 a.m. Recess to the Board of Equalization.  
**(SEE BOARD OF EQUALIZATION MEETING MINUTES)**

8B. 10:00 a.m. Public Hearing - First and final reading and adoption of an ordinance amending Sections 18.108.027 (Sensitive Domestic Water Supply Drainages), 18.108.050 (Exemptions), 18.108.060 (Slope Regulations--Prohibited Uses) and 18.108.140 (Security, Violations, And Penalties) of the Conservation Regulations as they Relate to Exemptions, Uses Prohibited Without An Exemption and Security Required For Erosion Control Plans. ENVIRONMENTAL DETERMINATION: Categorical exemption pursuant to Class 5 (CEQA Guidelines Section 15305), Minor alterations to land use limitations.  
**PUBLIC HEARING HELD – NO TESTIMONY PRESENTED**

**TITLE READ**

**THE BOARD AMENDED THE ORDINANCE TO INCLUDE, “OR LEGAL CONTROL.”  
BW-BD-HM-ML-DD**

**THE BOARD WAIVED READING THE BALANCE OF THE ORDINANCE AS AMENDED.**

**BD-BW-HM-ML-DD**

8B. Continued.

**THE BOARD DECLARED INTENT TO ADOPT THE ORDINANCE AS AMENDED.  
BD-BW-HM-ML-DD**

- 8C. 10:15 a.m. Public Hearing - Director of Health and Human Services requests the following actions:
1. Discussion and possible adoption of a resolution establishing a mental health fee schedule for Fiscal Year 2005-2006; and
  2. Approval of mental health billing rates for Fiscal Year 2005-2006.

**PUBLIC HEARING HELD – NO TESTIMONY PRESENTED**

**ADOPTED RESOLUTION AND APPROVED MENTAL HEALTH BILLING RATES.  
BD-BW-HM-ML-DD R-05-185**

- 8D. 10:30 a.m. Public Hearing - Director of Health and Human Services requests approval of the following actions regarding medical marijuana fees:
1. Adoption of a resolution establishing fees for processing applications for medical Marijuana identification cards; and
  2. Appointment of the Public Health Officer as the administering authority for the issuance of medical marijuana identification cards.

**PUBLIC HEARING HELD – TESTIMONY HELD**

**ADOPTED RESOLUTION AND APPROVED APPOINTMENT OF PUBLIC HEALTH OFFICER AS THE ADMINISTERING AUTHORITY.  
BW-ML-BD-HM-DD R-05-186**

- 8E. 11:00 a.m. Public Hearing - County Counsel requests:
1. Consideration and adoption of a resolution increasing the penalties for issuance of administrative citations for violations of local building and safety codes of the Napa County Code; and

**PUBLIC HEARING HELD – NO TESTIMONY PRESENTED**

**ADOPTED RESOLUTION ML-BW-BD-HM-DD R-05-187  
N**

2. First reading and intention to adopt an ordinance to amend the Napa County Code by amending the criminal violation and penalty section of Chapter 1.20 relating to Violations of Local Building and Safety Codes, adding a new section and amending a section of Chapter 6.04 relating to diseased and vicious animals and penalties imposed for Animal Control violations, and amending the criminal sanctions imposed for a violation of Chapter 6.16 (Dangerous Animals).

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**PUBLIC HEARING HELD - TESTIMONY PRESENTED**

8E. Continued.

**PUBLIC HEARING CONTINUED TO NOVEMBER 15, 2005 AT 9:00 A.M.  
BD-HM-BW-ML-DD**

- 8F. 11:15 a.m. Director of Conservation, Development, and Planning requests the following:
1. Accept a report concerning the Napa County Parks and Open Space Advisory Committee (NCPOSAC) recommendation concerning the formation of a park and open space district;

**REPORT PRESENTED**

2. Support the vision of an integrated park and open space system benefiting the residents of the County, as recommended by the NCPOSAC, by approving a strategy for forming a park and open space district pursuant to Section 5500 *et seq* of the California Public Resources Code, to include the following specific actions:
  - a. Endorse the concept of forming an independent park and open space district through a district formation ballot measure on the November 2006 General Election, along with the election of its first Directors; and
  - b. Endorse development of a long-term funding measure for consideration by the voters in June or November of 2008.

**THE BOARD ENDORSED THE CONCEPT AND DEVELOPMENT OF A LONG TERM FUNDING MEASURE WITH THE UNDERSTANDING THAT PRIOR TO PLACING THE ISSUE ON THE BALLOT, THE POLLING AND BUDGET ISSUES NEED TO BE FURTHER ADDRESSED.**

**BD-ML-BW-HM-DD**

- 8G. 1:30 p.m. Recess to the Napa County Flood Control and Water Conservation District meeting .  
**(SEE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MINUTES)**

Administrative Items

- 9A. Director of Conservation, Development and Planning requests approval of and authorization for the

Chair to sign a letter commenting on the California Department of Fish and Game's proposal to restore tidal wetlands and open water habitat on 1,400 acres of salt ponds and associated lands south of the Napa County Airport.

**APPROVED REQUEST**

**BD-BW-HM-ML-DD**

- 9B. Director of Public Works requests adoption of a resolution declaring the 0.16 acre of property located on the southerly boundary line of State Highway 121 (Imola Avenue West) across from South Napa Market Place as surplus and authorizing its conveyance to the Napa County Flood Control and Water Conservation District at no cost. (4/5 vote required)  
**(ITEM MOVED TO CONSENT CALENDAR)**

9C. Second reading and adoption of an ordinance amending various sections in Chapters 17.02 (Definitions), 17.26 (Map Corrections And Amendments), 18.10 (Zoning Administrator), 18.104 (Additional Zoning District Regulations), 18.106 (Viewshed Protection Program), 18.112 (Road Setbacks), 18.116 (Signs), 18.124 (Use Permits), and 18.132 (Legal Nonconformities) of the Napa County Code to improve processing procedures with the Conservation, Development and Planning Department.

ENVIRONMENTAL DETERMINATION: It has been determined that this type of project does not have significant effect on the environment and is exempt from the California Environmental Quality Act. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity will have significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 5 ("Minor Alterations in Land Use Limitations") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

**ADOPTED ORDINANCE                      BD-ML-BW-HM-DD                      O-1268**

10. Legislative Items.  
**NONE**

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

12. Board of Supervisors' Future Agenda Items.  
**NONE**

13. County Executive Officer Reports and Announcements.  
**NONE**

14. Closed Session  
A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: The property known as Skyline Park and certain adjacent areas of open space located within all or portions of the following Assessor's Parcel Numbers: 046-450-041, 046-450-042, 046-380-001, 046-390-001, 045-350-002 and 045-360-001 Agency Negotiator: Robert Peterson and Michael Stoltz, Public Works Department Negotiating Parties: State of California Under Negotiation: Price and terms of payment.

**CLOSED SESSION HELD – NO REPORTABLE ACTION**

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (Two cases)

**CLOSED SESSION HELD – ONLY ONE CASE DISCUSSED, THE SECOND CASE WAS REMOVED FROM THE AGENDA - NO REPORTABLE ACTION**

14. Closed Session, continued.

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957) Titles: Agricultural Commissioner/Sealer of Weights and Measures  
Director of Health and Human Services

**ITEM NOT HEARD – WILL BE CONTINUED TO A FUTURE DATE.**

Adjournment

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY,  
OCTOBER 25, 2005 AT 9:00 A.M.**

\_\_\_\_\_  
HAROLD MOSKOWITE, Chairman

ATTEST:

\_\_\_\_\_  
GLADYS I. COIL, Clerk of the Board

KEY

Vote: DD = Diane Dillon; BD = Bill Dodd; ML = Mark Luce;

HM = Harold Moskowitz; 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