

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

January 31, 2006

1. Call to Order; Roll Call.  
**THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, JANUARY 31, 2006 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN BILL DODD, SUPERVISORS DIANE DILLON, HAROLD MOSKOWITE, BRAD WAGENKNECHT, AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DODD AT 9:04 A.M.**
2. Pledge of Allegiance.  
**DAVID W. MEYERS OF THE FIRM OF DICKENSON PEATMAN AND FOGARTY LED THE SALUTE TO THE FLAG.**

Presentations And Commendations

- 3A. Presentation of Retirement Resolution No. 06-11 to Claude Edwards, Plans and Permits Supervisor, in recognition of 28 years of service.  
**PRESENTATION MADE**
4. Public Comment.  
**HERB FORD OF ANGWIN SPOKE ABOUT PLACEMENT OF EMERGENCY CACHES ALONG HIGHWAY 29. HE FELT THAT THE PLACEMENT OF THESE EMERGENCY SUPPLIES WAS VERY LIMITED.**  
  
**MR. FORD ALSO SPOKE OF THE RETROGRESSION OF LIBRARY SERVICES IN THE UNINCORPORATED AREAS OF NAPA COUNTY. HE ASKED THAT THE LIBRARY REVISIT THE SITUATION AS HE FEELS THAT A SUB-STATION OF THE LIBRARY COULD BE CREATED TO SERVE "UP VALLEY" RESIDENTS.**
5. Department Heads' Reports and Announcements.  
**RANDY SNOWDEN, DIRECTOR OF HEALTH AND HUMAN SERVICES (HHS), AND MITCH WHITMER, HHS PROJECT MANAGER, GAVE AN UPDATE ON THE DISASTER RELIEF EFFORT UNDERWAY DUE TO THE DECEMBER FLOOD.**  
  
**JILL PAHL, ACTING DIRECTOR OF ENVIRONMENTAL MANAGEMENT, GAVE AN UPDATE ON RESTAURANT FOOD GRADING.**

Consent Calendar

- 6A. Director of Health and Human Services and the Napa County Commission on Aging request adoption of a resolution approving comprehensive revisions to the Commission's Bylaws.  
**R-06-18**
- 6B. Director of Conservation, Development and Planning requests approval of the following actions relating to a grant from the Community Foundation of the Napa Valley:
  1. Acceptance of the grant in the amount of \$25,000 for an assessment of the feasibility of using public trusts and public-private partnerships to support outdoor recreation

6B. Continued.

and resource conservation goals in Napa County;

2. Approval of Budget Transfer No. 50 increasing appropriations by \$25,000 in the Conservation, Development and Planning Department/Planning Division budget with offsetting grant revenue (4/5 vote required); and **BT-50**
3. Approval of and authorization for the Chair to sign an agreement with Bay Area Economics for a maximum of \$23,475 for the term January 31, 2006 through June 30, 2006 to prepare the assessment funded by this grant.

**A-6583**

6C. Library Director requests approval of the following actions relating to the grant from the Community Foundation of the Napa Valley:

1. Acceptance of the grant in the amount of \$5,000 for the Library's Literacy Program; and
2. Approval of Budget Transfer No. 48 increasing appropriations for Literacy Services by \$5,000 with offsetting revenues in the Library budget. (4/5 vote required)

**BT-48**

6D. Library Director requests authorization to waive fines for overdue library materials from February 6 - 12, 2006.

6E. Director of Public Works requests approval of and authorization for the Chair to sign a Federal Apportionment Exchange Program and State Match Program Agreement with the State of California Department of Transportation (State Agreement No. X05-5921(033)) for the Fiscal Year 2004-2005 to receive \$337,648 into the County Road Fund.

**A-6584**

6F. Assessor-Recorder-County Clerk requests the following:

1. Adoption of a resolution approving an application for funds under the Help America Vote Act of 2002; and **R-06-19**
2. Approval of and authorization for the Chair to sign an agreement with the California Secretary of State for a maximum of \$891,112 for the term December 19, 2005 through June 30, 2007 for reimbursement of county funds used for the purchase of Help America Vote Act of 2002 compliant voting system.

**A-6585**

6G. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the following Audit Reports:

1. Departmental Audit of Napa City/County Library for the 12 months ended March 31, 2005;
2. Internal Audit of the County Executive Office Insurance Revolving Fund for the Fiscal Year Ended June 30, 2005; and
3. Uniform Transient Occupancy Tax Audit of Rancho Caymus Inn for the Period of January 31, 2004 to March 31, 2005.

- 6H. Human Resources Director requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6553 with Gregory B. Bragg & Associates, Inc. amending the Scope of Work to authorize the firm to engage legal counsel at the direction of Napa County through its Human Resources Director for the purpose of litigating workers' compensation claims.  
**A-6553  
(AMEND. 1)**
- 6I. Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Social Services Division of the Health and Human Services Agency with regards to deleting one (1) Resource Specialist and adding one (1) Eligibility Worker III, effective January 31, 2006.  
**R-06-20**
- 6J. Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Social Services Division of the Health and Human Services Agency with regards to adding one (1) .5 Office Assistant II, one (1) Social Worker I/II, and one (1) Staff Services Analyst I/II, effective January 31, 2006.  
**R-06-21**
- 6K. Human Resources Director and Director of the Health and Human Services Agency request adoption of a resolution regarding the following in connection with the Health and Human Services Agency and its divisions, effective January 28, 2006:
1. Amend the Departmental Allocation List adding one (1) Acting Administrator of Alcohol & Drug Programs in the Substance Abuse Division and one (1) Acting Mental Health Director in the Mental Health Division;
  2. Amend the Table and Index to add Acting Administrator of Alcohol & Drug Programs and Acting Mental Health Director; and
  3. Amend appropriate policies to add Acting Administrator of Alcohol & Drug Programs and Acting Mental Health Director.
- R-06-22**
- 6L. County Executive Officer/Purchasing Agent and Director of Public Works request authorization to declare certain items of personal property as surplus and no longer required for public use, remove them from inventory, and dispose of them at public auction. (4/5 vote required)
6. Discussion of Items Removed from the Consent Calendar.  
**NONE**

**APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6L.  
DD-BW-HM-ML-BD**

Set Matters or Public Hearings

- 8A. 9:00 a.m. Public Hearing - Director of Conservation, Development and Planning requests the following:
1. First reading and intention to adopt an ordinance amending Chapter 5.36 (Temporary Events) and Sections 18.120.010 (Exceptions To Use Limitations) and 18.126.060 (Permit—Issuance Prerequisites) of the Napa County Code relating to application, processing and notice requirements for temporary events in Napa County Categorical;

8A. Continued.

2. Adoption of a resolution to adopt the Temporary Events License Application Packet And Temporary Events Manual; and
3. Adoption of a resolution establishing, increasing, decreasing and waiving certain fees Relating to Temporary Events as authorized by Chapter 5.36 of the Napa County Code. ENVIRONMENTAL DETERMINATION: Categorical exemption pursuant to Class 5 (CEQA Guidelines Section 15305), Minor alterations to land use limitations.

**PUBLIC HEARING OPENED – TESTIMONY PRESENTED**

**THE BOARD CONTINUED THE MATTER TO 1:30 P.M.**

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

**PUBLIC HEARING CONTINUES AT 1:30 P.M. – TESTIMONY PRESENTED**

**PUBLIC HEARING CLOSED**

**TITLE READ**

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

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

**THE BOARD DECLARED ITS INTENT TO ADOPT THE ORDINANCE AS AMENDED.**

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

**RESOLUTIONS REMOVED FROM THE AGENDA**

- 8B. 9:30 a.m. Public Hearing - First reading and intention to adopt an ordinance Amending Sections 18.16.030 and 18.20.030 (To Allow Certain Small Agricultural Processing Facilities in the Agricultural Preserve (AP) and Agricultural Watershed (AW) Zoning Districts Upon Grant of a Use Permit) and Section 18.104.090 (To Allow Storage, Warehousing and Manufacturing of Less Than 200 Gallons of Wine Under a Home Occupation Permit); adding new Sections 18.104.400 (Hot Air Balloon Launching Site - Findings) and 18.116.043 (Signs For Viticulture-Based 501(c) (3) Non-Profit Environmental Associations Representing Appellation Specific Geographical Locations); amending Section 18.120.010 (To Allow Balloon Launching Sites in any Zone Upon Grant of a Use Permit); and amending Sections 18.126.030 and 18.126.060 (Relating To Issuance of Administrative Permits For Signs) of the Napa County Code.

ENVIRONMENTAL DETERMINATION: Categorical exemption pursuant to Class 5 (CEQA Guidelines Section 15305), Minor alterations to land use limitations. (ITEM TO BE REMOVED FROM AGENDA AND RE-NOTICED)

**ITEM REMOVED FROM THE AGENDA**

- 8C. 10:00 a.m. Recess to the Napa County Flood Protection and Watershed Improvement Authority special meeting.

**(SEE NAPA COUNTY FLOOD PROTECTION AND WATERSHED IMPROVEMENT AUTHORITY SPECIAL MEETING MINUTES)**

8D. 10:30 a.m. Consideration and possible action regarding an appeal filed by Farella, Braun and Martel, LLP, on behalf of their client, Bruce Krell, to a decision of the Clerk of the Board of Supervisors on December 13, 2005 to reject as incomplete a lot line adjustment appeal filed by Bruce Krell.

ENVIRONMENTAL DETERMINATION: The appeal of the Clerk's determination of the completeness of the original appeal is not a "project" (14 CCR 15378).

**PUBLIC HEARING HELD – TESTIMONY PRESENTED**

**THE BOARD DENIED THE APPEAL, UPHELD THE DECISION OF THE CLERK OF THE BOARD, AND FOUND THAT THE COUNTY CODE DOES NOT REQUIRE, AND IT IS NOT REASONABLE FOR AN APPELLANT TO EXPECT, THAT THE CLERK OF THE BOARD WILL CURE DEFECTS IN AN APPEAL FILING.**

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

8E. 11:00 a.m. Director of Health and Human Services and the Acting Mental Health Director to present a status report on the Mental Health Services Act (Proposition 63) community planning process and the resulting Napa County Community Services and Support Plan which will be submitted to the California Department of Mental Health.

**REPORT PRESENTED**

8F. 1:30 p.m. Public Hearing Consideration and possible action on an appeal filed by Mr. Dirk Fulton to a partial denial by the Director of Public Works of a road improvement modification requested by the appellant in connection with the application for Use Permit # 04065-UP for a property located at 263 Petrified Forest Road, Calistoga. (Assessor's Parcel No. 020-430-006)

ENVIRONMENTAL DETERMINATION: The appeal of the Director's determination on the road modification is not a "project" as defined in CEQA Section 15378. Section 15378(c) sets forth that the term "project" refers to an activity which is being approved, and does not mean each separate governmental approval. In this case, the Board's determination on the road modification merely establishes how existing regulations are being interpreted, and will not result, either directly or indirectly, in a physical change in the environment. This code interpretation is necessary to establish the scope of the "project" that will then be subject to CEQA evaluation. (CONTINUED FROM NOVEMBER 22, 2005, JANUARY 10 AND 24, 2006)

**PUBLIC HEARING CONTINUED TO APRIL 4, 2006 AT 10:00 A.M.**

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

Administrative Items

9A. Library Director requests adoption of the "Confidentiality of Library Records" policy to affirm the Library's dedication to the principles of confidentiality of library customer records and expectation of privacy when using library materials, and to identify those limited circumstances under which information regarding a customer's use of the Library will be released to third parties.

**PRESENTATION MADE**

**APPROVED REQUEST**

**DD-ML-MH-BW-BD**

9B. County Executive Officer requests the appointment/reappointments of the following list of applicants to serve on the Napa County Farmworker Housing Oversight Committee with the terms of office to commence immediately and expire as indicated.

Citizen at Large Representative (One Position) Term Expires September 30, 2008  
Mary Elke  
Michael E. Rada

**THE BOARD APPOINTED MARY ELKE ML-DD-HM-BW-BD**

City of Calistoga Representative (Two Positions) Term Expires September 30, 2007  
Council Member Jack Gingles\*  
Council Member Janice von Pohle, Alternate\*  
\*Incumbents

**THE BOARD REAPPOINTED COUNCIL MEMBER JACK GINGLES AS THE REGULAR MEMBER, AND COUNCIL MEMBER JANICE VON POHLE AS THE ALTERNATE MEMBER. BW-DD-HM-ML-BD**

9C. County Executive Officer requests the following in relation to a proposed loan from the Affordable Housing Fund:

- 1. Adoption of a resolution authorizing a loan in the amount of \$1.3 million in Affordable Housing Funds to Napa Valley Community Housing (NVCH) to purchase property located at 535 Coombsville Road (Assessor's Parcel Nos. 046-011-017 and 046-011-018) for the purpose of creating up to 30 affordable housing units in the City of Napa; and

**ADOPTED RESOLUTION R-06-23**

- 2. Approval of Budget Transfer No. 49 appropriating \$1.3 million in the Affordable Housing Fund's unappropriated fund balance. (4/5 vote required)

**APPROVED BT-49  
BW-HM-ML-DD-BD**

10. Legislative Items.

**CHAIRMAN DODD REQUESTED THAT THE BOARD'S LEGISLATION BE LISTED EACH WEEK ON THE AGENDA IN CASE THERE IS SOMETHING THAT ANY MEMBER OF THE BOARD WOULD LIKE TO DISCUSS.**

11. Board Of Supervisors' Committee Reports and Announcements.

**SUPERVISOR LUCE REPORTED ON THE ASSOCIATION OF BAY AREA GOVERNMENTS' (ABAG) ECONOMIC SUMMIT.**

**SUPERVISOR DILLON REPORTED ON HER ATTENDANCE SUNDAY AT THE MEETING OF THE HOWELL MOUNTAIN MUTUAL WATER COMPANY.**

**CHAIRMAN DODD REPORTED A RESOLUTION REGARDING THE GOVERNOR'S INFRASTRUCTURE BONDS WHICH WAS PASSED BY THE METROPOLITAN TRANSPORTATION COMMISSION (MTC).**

**CHAIR DODD ALSO REPORTED ON HIS ATTENDANCE AT THE SILVERADO PROPERTY OWNERS ASSOCIATION MEETING HELD LAST FRIDAY AFTERNOON.**

12. Board of Supervisors' Future Agenda Items.  
**NONE**
13. County Executive Officer Reports and Announcements.  
**NONE**
14. Closed Session.  
**NONE**

Adjournment.

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY,  
FEBRUARY 07, 2006 AT 9:00 A.M. IN MEMORY OF MILT FECTOR, A MEMBER OF  
THE NAPA COUNTY FAIR BOARD.**

\_\_\_\_\_  
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