

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

June 13, 2006

1. Call to Order; Roll Call.

THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, JUNE 13, 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 9:03 A.M.

2. Pledge of Allegiance.

RICH JAGER LED THE SALUTE TO THE FLAG.

3. Presentations and Commendations.

NONE

4. Public Comment.

ED SCHULTZ SPOKE ABOUT A PROBLEM HE IS HAVING WITH THE COUNTY IN OBTAINING A PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS. THE PERMIT HAD NOT BEEN FINALIZED. HE REQUESTED HELP FROM THE BOARD IN RESOLVING THE MATTER. HE ALSO SPOKE ABOUT VARIOUS EXISTING PROBLEMS REGARDING STORMWATER MANAGEMENT WHICH HE FELT ARE NOT BEING ADDRESSED BY THE COUNTY.

CANDICE ELIZA EXPRESSED HER CONCERNS ABOUT "EQUAL PROTECTION UNDER THE LAW." SHE REQUESTED GOOD NUTRITION FOR PEOPLE WHO ARE LESS FORTUNATE AND ASSISTANCE TO PERSONS WITH DISABILITIES.

CAROL KUNZE, EXECUTIVE DIRECTOR OF BERRYESSA TRAILS AND CONSERVATION, COMMENTED ON THE DECISION RECENTLY RELEASED BY THE BUREAU OF RECLAMATION ON THE FUTURE OF LAKE BERRYESSA. SHE ENCOURAGED THE COUNTY TO BE AS INVOLVED AS POSSIBLE IN IMPLEMENTING THE DECISION.

5. Department Heads' Reports and Announcements.

NONE

Consent Calendar

- 6A. Chief Probation Officer requests approval of and authorization for the Chair to sign the renewal of Agreement No. 4802 with Isadora Asch for a maximum of \$35,520 for the term July 1, 2006 through June 30, 2007 for Peer Court Services. **A-4802**
- 6B. County Fire Chief requests approval of and authorization for the Chair to sign a revenue agreement with the California Department of Veterans Affairs for a maximum of \$1,525,322 for the term July 1, 2006 through June 30, 2009 for provision of fire protection services by the County of Napa. **A-6089-1**

- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 2100 with Aldea, Inc., decreasing the amount by \$24,960 for a new maximum of \$23,530, eliminating the portion of the agreement concerning the Child Abuse Prevention, Intervention and Treatment (CAPIT) Program, and revising the Scope of Work to include performance measures in the contractor's agreement to provide therapeutic services to clients in the Child Welfare Services Program. **A-2100**
(AMEND. 2)
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6127 with Interpreting and Consulting Services, Inc., decreasing the amount by \$800 for a new maximum of \$10,000, incorporating Agency-wide changes to the General Terms and Conditions, and revising the Scope of Work to include performance measures in the contractor's agreement to provide American Sign Language services to clients of the Child Welfare Services Program. **A-6127**
(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. 6603 with the Loyd Wolfe Juvenile Justice Network, Inc., increasing the amount by \$53,090 for a new maximum of \$101,285, revising the Scope of Work to include language regarding the provision of services for the entire fiscal year and the development of Memoranda of Understanding with school site personnel and the Napa County Office of Education, and incorporating a Logic Model for school-based prevention services. **A-6603**
(AMEND. 1)
- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement (formerly AUD No. 5689) with Christine Marquis, dba Precious Cargo, increasing the amount by \$9,500 for a new maximum of \$23,500 to provide education, demonstration and proper installation regarding child passenger restraint systems. **A-6647**
- 6G. Director of Health and Human Services requests approval of and authorization for the Chair to sign a revenue agreement with the Napa County Office of Education for a maximum of \$40,000 for the term October 1, 2005 through September 30, 2010, setting forth funding requirements for the Catalyst Grant. **A-6648**
- 6H. Director of Health and Human Services requests approval to increase the Public Guardian/Public Conservator's imprest cash fund from \$500 to \$1,000.
- 6I. Acting Director of Environmental Management requests approval of and authorization for the Chair sign a letter authorizing the Upper Valley Waste Management Agency to submit on behalf of Napa County a regional household hazardous waste grant application to the California Integrated Waste Management Board.
- 6J. Director of Public Works/Aviation requests authorization for the Chair to sign a Certificate of Acceptance of an Avigation and Hazard Easement Deed from Angam III, LLC. (Assessor's Parcel No. 057-090-078)

- 6K. Director of Public Works/Aviation requests the following actions concerning County Service Area No. 3:
1. Acceptance of the Fiscal Year 2006-2007 proposed budget for County Service Area No. 3 with a total appropriation of \$284,502;
 2. Adoption of a resolution approving a service plan for County Service Area No. 3 in accordance with Chapter 3.10 of the Napa County Code; **R-06-113**
 3. Adoption of a resolution declaring the Board's intent to levy assessments for County Service Area No. 3 for streetside landscaping, street and highway lighting, street sweeping, and structural fire protection services pursuant to the Engineer's Report and setting a public hearing to consider any protests with respect to the assessments and the Engineer's Report; **R-06-114**
 4. Set a Public Hearing for August 1, 2006 at 9:00 A.M. to hear protests to the proposed assessments;
 5. Direct the Clerk of the Board to comply with the requirements of Article XIII D of the California Constitution with respect to the public notice requirements for the proposed assessments within County Service Area No. 3; and
 6. Designate Wanda Kennedy, Airport Manager, as the person to answer questions regarding the assessments and protest proceedings.
- 6L. Assessor-Recorder-County Clerk requests adoption of a resolution approving an application for funds under the Help America Vote Act of 2002 section 303-Statewide Voter Registration Database and appointing the Assessor-Recorder-County Clerk as ex-officio Registrar of Voters as an agent to sign contract for funds. **R-06-115**
- 6M. Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for Public Works-Engineering with regards to adding one (1) Public Works accounting Assistant Limited Term position through August 12, 2006, effective June 13, 2006. **R-06-116**
- 6N. Human Resources Director requests adoption of Retirement Resolution No. 06-99 for Katherine Lee, Library Assistant II, in recognition of over 10 years of service. **R-06-99**
- 6O. County Executive Officer requests the following actions concerning County Service Area No. 4:
1. Acceptance of the Fiscal Year 2006-2007 proposed budget for County Service Area No. 4 with a total appropriation of \$441,880;
 2. Adoption of a resolution accepting the filing of the Engineers' Report for County Service Area No. 4 and setting a public hearing on the Engineer's Report and the proposed levy of assessments; **R-06-117**
 3. Set a Public Hearing for August 1, 2006 at 9:00 A.M. on the Engineer's Report and protests to the proposed assessments;

6O. Continued

4. Direct the Clerk of the Board to comply with the requirements of Napa County Code Section 3.12.040(B) with respect to notice requirements for the proposed assessment; and

5. Designate Margaret Woodbury, Chief Deputy County Counsel, as the person to answer questions regarding the assessments and protest proceedings.

6P. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 01 (IHSS) with the In-Home Supportive Services Public Authority of Napa County (PA) at a rate based on actual costs, or whichever method is ordinarily used by County to charge County departments, not to exceed the appropriation reflected in the approved PA budget, for the provision of staffing services.

A-6649

(IHSS A-01, AMEND.3)

6Q. County Executive Officer requests adoption of a resolution authorizing submittal of one application to the California State Association of Counties annual Challenge Awards Program.

R-06-118

6. Discussion of Items Removed from the Consent Calendar.

APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6Q.

BW-DD-HM-ML-BD

Set Matters or Public Hearings

8A. 9:00 a.m. Recess to the Lake Berryessa Resort Improvement District meeting.
(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)

8B. 9:00 a.m. Recess to the Napa Berryessa Resort Improvement District meeting.
(SEE NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)

8C. 9:00 a.m. Recess to the Silverado Community Services District meeting.
(SEE SILVERADO COMMUNITY SERVICES DISTRICT MINUTES)

8D. 9:00 a.m. Recess to the Monticello Public Cemetery District meeting.
(SEE MONTICELLO PUBLIC CEMETERY DISTRICT MINUTES)

8E. 9:15 a.m. Recess to the In-Home Supportive Services Public Authority of Napa County special meeting .
(SEE IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY OF NAPA COUNTY MINUTES)

8F. 9:30 a.m. Public Hearing

Director of Conservation, Development, and Planning requests the following actions as recommended by the Napa County Parks and Open Space Advisory Committee:

1. Conduct a public hearing on initiating proceedings for the formation of the Napa County Regional Park and Open Space District;

8F. Continued.

- 2. At the close of the public hearing, find that the formation of the Napa County Regional Park and Open Space District is not a project as defined by 14 California Code of Regulations 15378 (b) (5) (State CEQA Guidelines) and therefore CEQA is not applicable;
- 3. Adoption of Resolution No. 06-110 initiating proceedings for the formation of the Napa County Regional Park and Open Space District; **R-06-110**
- 4. Adoption of Resolution No. 06-111 calling for an election pursuant to Public Resources Code Section 5514; and **R-06-111**
- 5. Direct staff to publish all notices and prepare all materials necessary to implement these two resolutions.
ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (b) (5) (State CEQA Guidelines) and therefore CEQA is not applicable.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

ADOPTED FINDING FOR ITEM #2

BW-ML-HM-DD-BD

ADOPTED RESOLUTIONS AND DIRECTED STAFF TO IMPLEMENT RESOLUTIONS

BW-ML-HM-DD-BD

N N

8G. 10:15 a.m. County Counsel requests consideration and possible adoption of a resolution containing Findings of Fact and Decision on Appeal denying the appeal filed by attorney James Rose on behalf of Lucia Abreu Vineyard, Howell Mountain, LLC to a decision by the Conservation, Development and Planning Commission on December 7, 2005, to approve Marc and Janice Mondavi's Rocky Ridge Winery Use Permit Application No. P05-0056-UP to: (1) construct a new 35,000 gallon per year winery and associated improvements including a new, two story 17,130 sq. ft. winery production facility (crushing, fermentation, barrel aging and storage, bottling, case good storage, administrative offices and laboratory); a cave; outdoor crush and grape delivery pad; five employees; parking; tours and tasting by appointment; retail wine sales by appointment; a marketing plan; an on-site wastewater system; and (2) allow an exception to the County's Conservation Regulations (Section 18.108.027 (B)) to allow retention of less than the minimum of 60% tree canopy and 40% brush/grass cover existing on the parcel as it was configured on June 16, 1993, on a 20.65 acre parcel on the north side of Las Posadas Road, approximately 1/2 mile west of its intersection with Cold Springs Road and located at 383 Las Posadas Road, Angwin, APN 024-300-065. The project is located within an Agricultural Watershed: Airport Compatibility Overlay (AW:AC) zoning district and is designated in the General Plan as Agriculture, Watershed and Open Space (AWOS).

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration prepared. According to the Mitigated Negative Declaration, the proposed project may have, if mitigation measures are not included, potentially significant impacts in the following areas: noise and transportation.

ADOPTED RESOLUTION

BW-HM-ML-DD-BD

R-06-119

N N

- 8H. 10:30 a.m. Public Hearing
Continuation of Fiscal Year 2006/2007 Recommended Final Budget Hearings in accordance with \ the Fiscal Year 2006/2007 Recommended Final Budget Hearing Schedule.
NOT HELD, HEARINGS CLOSED AT SPECIAL MEETING HELD JUNE 12, 2006
- 8I. 1:30 p.m. Recess to the Napa County Flood Control and Water Conservation District special meeting. **(SEE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MINUTES)**
- 8J. 2:00 p.m. Recess to the Napa County Flood Protection and Watershed Improvement Authority Meeting. **(SEE NAPA COUNTY FLOOD PROTECTION AND WATESHED IMPROVEMENT AUTHORITY MINUTES)**
9. Administrative Items.
NONE
10. Legislative Items.
NONE
11. Board of Supervisors' Committee Reports and Announcements.
SUPERVISOR WAGENKNECHT REPORTED THAT HE ATTENDED THE VICIOUS DOG TASK FORCE MEETING WHERE TESTIMONY WAS PRESENTED ABOUT THE PROPOSED NEUTERING OF CERTAIN TYPES OF DOG BREEDS. ALSO DISCUSSED WAS A PROPOSAL FOR PROGRESSIVE PUNISHMENT FOR THOSE OWNERS WHO ALLOW THEIR DOG TO RUN LOOSE NUMEROUS TIMES.
- SUPERVISOR DILLON REPORTED ON HER ATTENDANCE AT A REGIONAL ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) MEETING WHERE CLIMATE CHANGE AND GLOBAL WARMING WAS DISCUSSED.**
- SHE ALSO ATTENDED A SUSTAINABLE WINE GROWING EVENT LAST SATURDAY.**
12. Board of Supervisors' Future Agenda Items.
SUPERVISOR LUCE REQUESTED A DISCUSSION REGARDING FINANCIAL ANALYSIS ON NEW ORDINANCES THAT AFFECT PRIVATE PROPERTY OWNERS.
- SUPERVISOR DILLON REQUESTED A DISCUSSION REGARDING COMPENSATION GIVEN TO VARIOUS COMMITTEES/COMMISSIONS AND THE LACK OF A UNIFORM POLICY.**
- IN CONNECTION WITH SUPERVISOR DILLON'S COMMENT, COUNTY COUNSEL ROBERT WESTMEYER INFORMED THE BOARD THAT HIS OFFICE IS CURRENTLY REVIEWING AB1234. THIS BILL PROVIDES THAT ANYONE WHO RECEIVES COMPENSATION FOR SERVING ON A COMMITTEE/COMMISSION NEEDS TO GO TO ETHICS TRAINING. THIS ISSUE WILL BE ADDRESSED AT A FUTURE BOARD MEETING.**

13. County Executive Officer Reports and Announcements.
NANCY WATT, COUNTY EXECUTIVE OFFICER, COMMENTED THAT HER OFFICE WILL STUDY THE COMPENSATION ISSUE FOR COMMITTEES/COMMISSIONS.
14. Closed Session.
A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957) Title: Chief Probation Officer
CLOSED SESSION HELD – NO REPORTABLE ACTION
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:
(One case)
CLOSED SESSION HELD – NO REPORTABLE ACTION
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(a)) Name of case: Melissa Devos, et. al. vs. County of Napa, et. al. (Napa Superior Court Case No. 26-28362)
CLOSED SESSION HELD – NO REPORTABLE ACTION
15. Adjournment.
ADJOURN TO THE BOARD OF SUPERVISORS' REGULAR MEETING TO WEDNESDAY, JUNE 20, 2006 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