

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

August 22, 2006

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, AUGUST 22, 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 9:06 A.M.
2. Pledge of Allegiance.
CITY OF NAPA FIRE CHIEF TIM BORMAN LED THE SALUTE TO THE FLAG
3. Presentations and Commendations.
NONE
4. Public Comment.
HERB FORD OF ANGWIN ASKED ABOUT THE ENTRANCE OF THE COUNTY ADMINISTRATION BUILDING AND INQUIRED AS TO WHEN IT WILL BE REPAIRED.

NANCY WATT, COUNTY EXECUTIVE OFFICER, REPORTED THAT THE DEPARTMENT OF PUBLIC WORKS IS WORKING ON THE PROJECT. PRELIMINARY DESIGNS, ALONG WITH BUDGETARY CONSIDERATIONS, HAVE BEEN REVIEWED AND THERE WILL BE A REPORT TO THE BOARD SOON.

EXECUTIVE DIRECTOR OF THE NAPA VALLEY CONFERENCE AND VISITOR'S BUREAU GAVE AN UPDATE ON THE PROGRESS OF THE NAPA COUNTY DESTINATION STRATEGY PROJECT.

5. Department Heads' Reports And Announcements.
RANDY SNOWDEN, DIRECTOR OF HEALTH AND HUMAN SERVICES, AND DR. KAREN SMITH, PUBLIC HEALTH OFFICER, PRESENTED AN UPDATE ON PANDEMIC INFLUENZA.

STEVE LEDERER, DIRECTOR OF ENVIRONMENTAL MANAGEMENT, GAVE AN UPDATE ON THE HEALTH AND SAFETY ISSUES AT PRIVATELY OPERATED FARMWORKER CAMPS.

Consent Calendar

- 6A. County Fire Chief requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 4618 with the City of Napa amending the Scope of Work to update the supplemental fire protection services to be provided by each jurisdiction. **A-4618
(AMEND.2)**

- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign renewals of the following agreements regarding the Safe and Drug Free Schools and Communities Grant, each for the term September 1, 2006 through August 31, 2007:
1. Agreement No. 6245 with Mark Duerr, dba Duerr Evaluation Resources, for a maximum of \$18,210; **A-6245**
 2. Agreement No. 6254 with the Boys and Girls Club of Napa Valley, Inc. for a maximum of \$66,547; and **A-6254**
 3. Agreement No. 6255 with Cope Family Center, Inc. for a maximum of \$114,773. **A-6255**
- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 6298 with Susan Tam for a maximum of \$14,000 for the term September 1, 2006 through December 31, 2006, to provide program administration and coordination services related to public health preparedness activities. **A-6298**
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following amendments revising the daily rates of psychiatric hospitals for the provision of managed care (Medi-Cal) inpatient mental health services:
1. Amendment No. 2 to Agreement No. 4135 with St. Helena Hospital Center for Behavioral Health; **A-4135 (AMEND. 2)**
 2. Amendment No. 2 to Agreement No. 4277 with Telecare Corporation; and **A-4277 (AMEND 2)**
 3. Amendment No. 2 to Agreement No. 6132 with John Muir Behavioral Health Center, Inc. **A-6132 (AMEND. 2)**

SUPERVISOR LUCE RECUSED HIMSELF FROM THIS ITEM.

- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4322 with ECHO Management Group increasing the amount by \$12,054 for a new maximum of \$33,621 per fiscal year for software maintenance support. **A-4322 (AMEND. 4)**
- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4724 with Locumtenens.com, Inc., revising the daily rate for psychiatric services provided in the mental health program, with no change to the contract maximum. **A-4724 (AMEND. 4)**
- 6G. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Revenue Agreement No. 4907 with the City of Napa decreasing the amount by \$38,678 for a new maximum of \$38,679 to provide partial funding of a counselor for the Family Self-sufficiency Program. **A-4907 (AMEND. 1)**

- 6H. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements with Jennifer Wilson-Heun, PHN, MSN, FNP, for the term September 1, 2006 through June 30, 2007:
1. Agreement for a maximum of \$35,000 to provide services in the Universal Perinatal Home Visitation Program; and **A-6680**
 2. Business Associate Agreement setting forth the terms and conditions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule. **A-6680-1**
- 6I. Director of Health and Human Services requests approval of the designation of the Napa County Health and Human Services Agency, Child Welfare Services Division, as the local agency which shall perform the following actions regarding the investigation of proposed guardians by the Child Welfare Services Division:
1. Perform investigations where the proposed guardian is a non-relative pursuant to Probate Code Section 1513(a);
 2. Screen the name of guardians for prior referrals of neglect or abuse of minors pursuant to Probate Code Section 1516(a); and
 3. File a report with the Court with respect to a proposed guardian of the same character Required to be made with regard to an applicant for foster family home licensure pursuant to Probate Code Section 1543(a).
- 6J. Director of Health and Human Services requests approval of and authorization for the Chair to sign a Declaration of Intent Not to Apply for Rural Health Services Program Funding from the California Department of Health Services for the Fiscal Year 2006-2007.
- 6K. Director of Public Works requests the following concerning Priority One 2005/2006 winter storm and flood road repairs:
1. Determine that the current condition of the roads identified as Priority One roads by the Director of Public Works to the Board of Supervisors on August 1, 2006 constitutes an emergency as defined by Section 1102 of the Public Contract Code;
 2. Make a finding that the emergency nature of the Priority One road conditions will not permit a delay resulting from formal competitive solicitation for bids and that repair of the Priority One road damage is necessary to respond to the emergency; and
 3. Authorize the Director of Public Works to award emergency construction contracts for Priority One winter storm and flood road projects pursuant to Public Contract Code Sections 20134(a) and 22050. (4/5 vote required)
- 6L. Director of Public Works requests adoption of a resolution temporarily closing a portion of Berryessa-Knoxville Road from 9:00 A.M. to 12:00 P.M. on Saturday, September 30, 2006 for the 3rd annual Tri Girl Tri Triathlon (formerly called "See Jane Tri - Napa Valley" Triathlon). **R-06-158**

- 6M. 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 06-01, "Library HVAC Equipment Replacement Project."
- 6N. Director of Public Works requests approval of plans and specifications for the "Napa County Airport Pollution Control Facility Project," PW 06-15, authorization to advertise for sealed bids and opening of the bids at a time, date and location to be published by the Director of Public Works pursuant to Section 20150.8 of the Public Contract Code.
- 6O. Director of Public Works and County Counsel request adoption of a resolution of intent to conduct a public hearing on September 19, 2006, regarding the abandonment of a portion of Old Snell Valley Road, also known as Walker Road, and relocated Snell Valley Road.
ITEM REMOVED FROM THE AGENDA.
- 6P. Chief Information Officer requests approval of the following in relation to the purchase of automated payroll services in the event of a disaster:
1. Authorization for the Chair to sign an agreement with ADP, Inc. for a maximum of \$20,755 for the term July 1, 2006 through June 30, 2007; and **A-6681**
 2. Waiver of competitive bidding requirements and sole source award for automated Payroll processing from ADP of Alpharetta, Georgia, pursuant to County Ordinance Code 2.36.090.(4/5 vote required) **A-6681-1**
- 6Q. Chief Information Officer requests approval of and authorization for the Chair to sign an agreement with AMS.NET, Inc. for a maximum of \$9,800 for the term August 15, 2006 through December 14, 2006 for Internet Protocol Contact Center (IPCC) configuration services.
A-6570-1
- 6R. County Counsel requests the Board of Supervisors take the following actions regarding the 41.60 acre parcel located at 6015 Steele Canyon Road, Napa, Assessor's Parcel No. 032-150-003 (Moskowite Parcel):
1. Second reading and adoption of the ordinance (File No. P06-0094-RZG) rezoning a 20.20 acre portion of a 41.60 acre parcel from a combination Agricultural Watershed:Affordable Housing (AW:AH) zoning district to a Residential Country:Affordable Housing (RC:AH) combination zoning district, and .40 acres from a Commercial Limited (CL) zoning district to a Residential Country:Affordable Housing (RC:AH) combination zoning district; and
 2. Approve the tentative parcel map (File No. P06-0096-PM) subdividing the 41.60 acre parcel into two new parcels of 10.10 acres each with a remaining parcel of 21.40 acres based on the findings contained in the staff report presented to the Planning Commission on July 19, 2006. The two 10.10 acre parcels will be zoned RC:AH and the 21.40 acre parcel will remain zoned CL.
ENVIRONMENTAL DETERMINATION: Pursuant to Section 15162 of the State CEQA Guidelines, a Subsequent Mitigated Negative Declaration was adopted by the Board on August 15, 2006. **O-1279**
- SUPERVISOR MOSKOWITE RECUSED HIMSELF FROM THIS ITEM.**

- 6S. Human Resources Director requests approval of and authorization for the Chair to sign an agreement with Renne, Sloan, Holtzman, and Sakai LLP for a maximum of \$95,000 for the term August 22, 2006 through December 31, 2007 to provide labor negotiations services for the two unions representing employees - Public Services Employee (PSE) and Deputy Sheriffs Association (DSA). **A-6682**
- 6T. Human Resources Director requests adoption of a resolution regarding the following in connection with the Probation Department, Corrections, and Environmental Management, effective August 22, 2006:
1. Amend the Departmental Allocation List in the Probation Department to delete one (1) (M) Assistant County Probation Officer and add one (1) (M) Assistant County Probation Officer designated as "at-will" Management Non-Classified (Other);
 2. Amend the Departmental Allocation List in Corrections to delete one (1) (M) Assistant Director of Corrections and add one (1) (M) Assistant Director of Corrections designated as "at-will" Management Non-Classified (Other);
 3. Amend the Departmental Allocation List in Environmental Management to delete one (1) (M) Assistant Director of Environmental Management and add one (1) (M) designated as "at-will" Management Non-Classified (Other); and
 4. Amend appropriate policies to delete Assistant County Probation Officer, Assistant Director of Corrections, and Assistant Director of Environmental Management from the list of management classes and add Assistant County Probation Officer, Assistant Director of Corrections, and Assistant Director of Environmental Management to the list of "at-will" Management Non-Classified (Other). **R-06-159**
- 6U. Human Resources Director requests adoption of a resolution regarding the following in connection with Public Works-Engineering, effective August 22, 2006:
1. Amend the Departmental Allocation List to delete one (1) Associate Civil Engineer and add one (1) Water Resources Division Specialist; and
 2. Amend the Table and Index to add Water Resources Division Specialist.
- ITEM REMOVED FROM THE AGENDA.**
- 6V. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4198-1 with the Napa Valley Economic Development Corporation (NVEDC) for maximum of \$35,000 per fiscal year and extending the term through June 30, 2007 for services related to economic and community development. **A-4198-1 (AMEND. 1)**

- 6W. County Executive Officer requests the following:
1. Approval of and authorization for the Chair to sign an Agreement with the Napa County Housing Authority (NCHA) for a maximum of \$110,000 for the term August 22, 2006 through June 30, 2008 to fund the Napa Valley Housing Authority (NVHA) to provide safe and sanitary dwelling conditions for persons of low income in the County; and
A-6684
(REFERENCE A-2540 AND 01 NCHA)
 2. Approval of Budget Transfer No. 5 appropriating an additional \$10,000 in the County Contributions budget to fund NCHA for Fiscal Year 2006-07 and reducing the General Fund Contingency by an equivalent amount.
BT-5
- 6X. County Executive Officer/Director of Emergency Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6404 with Balzac Communications, Inc. increasing the amount by \$59,465 for a new maximum of \$250,000, extending the term through June 30, 2007 and amending the Scope of Work to continue the public education component of the Napa Firewise Program.
A-6404
(AMEND. 2)
- 6Y. County Executive Officer/Director of Emergency Services requests acceptance of the Department of Homeland Security's Fiscal Year 2006 Emergency Management Performance Grant in the amount of \$65,016 for ongoing emergency preparedness.
- 6Z. County Executive Officer/Director of Emergency Services requests adoption of a resolution terminating the Proclamation of Local Emergency declared by the County Executive Officer acting as the Director of Emergency Services on August 2, 2006 and confirmed by the Board of Supervisors on August 8, 2006 by Resolution No. 06-156.
R-06-160
- 6AA. County Executive Officer requests the following appointments to the Napa County Commission on Aging:
- | <u>Applicant Representing</u> | <u>Term</u> | <u>Expiration</u> |
|-------------------------------|--|--------------------|
| Terri Restelli-Deits | Organization Concerned with Older Adults | September 30, 2006 |
| Albert Iliff | Organization Concerned with Older Adults | September 30, 2007 |
| JoAnn Busenbark | Organization Concerned with Older Adults | September 30, 2007 |
| Suzanne Shiff | Supervisorial District 1 (Wagenknecht) | September 30, 2008 |

6BB. County Executive Officer requests the following reappointments to the Napa Valley Workforce Investment Board with the term of office to commence immediately and expire June 30, 2008:

| <u>Applicant</u> | <u>Representing</u> |
|------------------|-------------------------|
| Barbara Nemko | Education |
| Susan Hertel | One Stop Partner |
| Reuben J. Katz | Private Sector Business |
| William Kreysler | Private Sector Business |
| Mary Ann Mancuso | Private Sector Business |
| Maritza Monge | Private Sector Business |
| Michael Scully | Private Sector Business |
| Peter D. Smith | Private Sector Business |
| Brad Wagenknecht | Board of Supervisors |

6CC. Second reading and adoption of an ordinance adding Section 2.36.095 to the Napa County Code to implement a 5% local vendor price preference for the purchase of vehicles by the Napa County Purchasing Agent.

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. **O-1280**

6DD. Human Resources Director requests adoption of a resolution approving tentative letter agreements with SEIU Local 614-NAPE and the Deputy Sheriffs' Association, establishing uniform 2007 health insurance contribution rates for all active employees, and revising total rates for CalPERS health care insurance plans effective January 1, 2007. **R-06-161**

7. Discussion of Items Removed from the Consent Calendar.
SEE ITEMS 6O AND 6U.

APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6N, 6P THROUGH 6T, AND 6V, AS NOTATED ABOVE. DD-BW-HM-ML-BD

Set Matters or Public Hearings

8A. 9:00 a.m.
Recess to the Napa County Housing Authority special meeting.
(SEE NAPA COUNTY HOUSING AUTHORITY MINUTES)

8B. 9:15 a.m.
Recess to the Napa County Flood Protection and Watershed Improvement Authority special meeting.
(SEE NAPA COUNTY FLOOD PROTECTION AND WATERSHED IMPROVEMENT AUTHORITY MINUTES)

8C. 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)

Administrative Items

- 9A. Director of Public Works requests direction to prepare an amendment to the Funding Agreement between the County and the Napa County Flood Protection and Watershed Improvement Authority authorizing \$200,000 in Measure A funding to conduct special flood studies throughout the unincorporated area of the County.

APPROVED REQUEST ML-DD-HM-BW-BD

- 9B. Auditor-Controller requests adoption of the following three resolutions:

1. Resolution authorizing the implementation of the Teeter Plan as follows:

a. Authorizing the continuance, for the purposes of the Teeter Plan, to be governed by Revenue and Taxation Code Section 4703.2 for Fiscal Year 2006-2007;

b. Authorizing the issuance of a promissory note to fund payment of the Fiscal Year 2005-2006 delinquent secured taxes; and

c. Authorizing the Chair and Clerk of the Board to sign the note;

ADOPTED RESOLUTION BW-DD-HM-ML-BD R-06-162

2. Resolution adopting the tax rates for the Fiscal Year 2006-2007 Secured Tax Roll; and

ADOPTED RESOLUTION BW-DD-HM-ML-BD R-06-163

3. Resolution establishing the Fiscal Year 2006-2007 appropriation limit and estimated Revenue subject to the limit for the County of Napa as required by Article XIII-B of the California Constitution.

ADOPTED RESOLUTION BW-DD-HM-ML-BD R-06-164

- 9C. County Executive Officer requests consideration and possible approval of the following actions in relation to the purchase of the South Napa Homeless Shelter facility:

1. Approval and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6476-1 with the Peter A. and Vernice H. Gasser Foundation modifying the purchase price to reflect the final completed cost of construction of \$4,561,501; and

**A-6476-1
(AMEND. 2)**

2. Authorization for publication of notice, in the manner required by Government Code Section 25350, of intent to exercise the option to purchase the South Napa Homeless Shelter facility.

APPROVED REQUESTS BW-ML-HM-DD-BD

Legislative Items

- 10A. Approval of and authorization for the Chair to sign letters opposing Assembly Bill 1368 and Assembly Bill 3026 - Workers' Compensation. (Supervisor Dillon) (Unanimous vote of the Board members present required)

APPROVED AUTHORIZATION ML-HM-BW-DD-BD

11. Board of Supervisors' Committee Reports and Announcements.

SUPERVISOR LUCE REPORTED THAT THE NAPA SANITATION DISTRICT IS STUDYING THE POSSIBLE DISTRIBUTION OF RECLAIMED WATER TO THE NAPA STATE HOSPITAL.

CHAIRMAN DODD SUGGESTED THE POSSIBILITY OF A FOLLOW-UP STUDY SESSION TO MONITOR THE PROGRESS OF THE PROJECT.

SUPERVISOR DILLON REPORTED ON HER ATTENDANCE AT A MEETING OF THE REGIONAL COUNCIL OF RURAL COUNTIES (RCRC) WHERE DISCUSSION FOCUSED ON PENDING LEGISLATION AND BALLOT PROPOSITIONS.

SUPERVISOR WAGENKNECHT GAVE A REPORT ON HIS ATTENDANCE AT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC).

12. Board of Supervisors' Future Agenda Items.

SUPERVISOR DILLON REQUESTED AN UPDATE ON THE IMPLEMENTATION OF THE PENDING WEED ABATEMENT ORDINANCE.

13. County Executive Officer Reports and Announcements.

NANCY WATT, COUNTY EXECUTIVE OFFICER, REPORTED THAT A FINAL DRAFT OF THE WEED ABATEMENT ORDINANCE HAS BEEN REVIEWED AND WILL SOON RETURN TO THE BOARD FOR APPROVAL.

SHE ALSO REPORTED THAT ON AUGUST 31, 2006, THERE WILL BE A COUNTYWIDE EMERGENCY EXERCISE. IT WILL BE THE LARGEST EMERGENCY EXERCISE THAT HAS OCCURRED IN RECENT YEARS.

14. Closed Session

A. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
Agency Designated Representatives: Mark Gregersen, Human Resources Director
Employee Organization: SEIU Local 614 - NAPE (Public Services Employee Unit & Supervisory Unit of the County of Napa) and Deputy Sheriffs' Association (Law Enforcement Unit & Supervisory Unit of the County of Napa)
unrepresented Employees: Non-Classified, Management and Confidential Employees of the County of Napa, excluding Elected Department Heads.

ITEM REMOVED FROM THE AGENDA.

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

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (One case)

CLOSED SESSION HELD – NO REPORTABLE ACTION

14. Continued.

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

Name of case: Lucia Abreu Vineyard, Howell Mountain, LLC vs. County of Napa, et. al. (Napa Superior Court Case No. 26-34605)

CLOSED SESSION HELD – NO REPORTABLE ACTION

Adjournment

ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, SEPTEMBER 12, 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