

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

October 3, 2006

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, OCTOBER 3, 2006 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN BILL DODD, SUPERVISORS DIANE DILLON, BRAD WAGENKNECHT, AND MARK LUCE. SUPERVISOR HAROLD MOSKOWITE WAS PREVIOUSLY EXCUSED. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DODD AT 9:03 A.M.

2. Pledge of Allegiance.
ERNIE LOVELESS, NAPA COUNTY FIRE CHIEF, LED THE SALUTE TO THE FLAG. THE BOARD CONGRATULATED CHIEF LOVELESS AND HIS STAFF FOR THEIR OUTSTANDING WORK COMBATING THE SEPTEMBER FIRES.

Presentations And Commendations

- 3A. Presentation of a proclamation commemorating 90 years of the 4-H Youth Development Program in Napa County.
PRESENTATION MADE

- 3B. Presentation of a proclamation declaring October 8-14, 2006 as "Bi-National Health Week" in Napa County.
PRESENTATION MADE

4. Public Comment.
NONE

5. Department Heads' Reports and Announcements.
JOHN TUTEUR, ASSESSOR-RECORDER-COUNTY CLERK-REGISTRAR OF VOTERS, GAVE AN UPDATE ON THE ELECTION PROCESS. THE FINAL DAY TO REGISTER TO VOTE IS OCTOBER 23, 2006. EARLY VOTING OPENS IN HIS OFFICE OCTOBER 9, 2006 AT 8:00 A.M.

Consent Calendar

- 6A. Chief Probation Officer requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6498 with the Napa County Office of Education increasing the amount of reimbursement by \$85,696 for a new maximum of \$167,596 and extending the term through September 30, 2007 to fund a Deputy Probation Officer assigned to the Safe Schools/Healthy Students Program to expand campus safety.
**A-6498
(AMEND. 1)**

- 6B. County Fire Chief requests approval of and authorization for the Chair to sign an agreement with Timothy Hoyt for a maximum of \$55,000 for the term October 1, 2006 through March 30, 2007 for fire inspection and plan review services.
A-6530-1

- 6C. County Fire Chief requests approval of and authorization for the Chair to sign an agreement with Citygate Associates for a maximum of \$58,845 for the term October 3, 2006 through April 30, 2007 for Standards of Response Coverage evaluation services. **A-6700**
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 4210 with Pacific Union College for the term October 1, 2006 through September 30, 2009 reciting terms and conditions for the placement of interns for field work performed at the Health and Human Services Agency. **A-4210**
- 6E. 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 acute inpatient mental health services for indigent clients, with no change to the respective contract's maximum amount:
1. Amendment No. 2 to Agreement No. 4142 with St. Helena Hospital Center for Behavioral Health; and **A-4142**
(AMEND. 2)
 2. Amendment No. 2 to Agreement No. 4464 with Telecare Corporation. **A-4464**
(AMEND. 2)

SUPERVISOR LUCE RECUSED HIMSELF FROM THIS ITEM DUE TO POTENTIAL CONFLICT OF INTEREST.

- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4149 with Alternatives for Better Living, Inc., revising the payment structure to enable the contractor to be compensated for group counseling client registration fees in the Children's Behavioral Health and Child Welfare Services Programs, with no change to the contract maximum. **A-4149**
(AMEND. 3)
- 6G. Director of Health and Human Services requests approval of and authorization for the Chair to sign a Business Associate Agreement with Alternatives for Better Living, Inc., defining the County's respective roles and responsibilities regarding the Health Insurance Portability and Accountability Act of 1996 (HIPAA). **A-6701**
- 6H. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Chateau Hotel Napa Valley for a maximum of \$800 for meeting room rental fees for a Wellness and Recovery Conference held on September 29, 2006 under the Agency's Mental Health Services Act (Prop. 63) Community Services and Supports Plan. **A-6702**
- 6I. Director of Health and Human Services requests approval of and authorization for the Chair to sign the Children's Medical Services Plan and Budget for Fiscal Year 2006-2007 to enable the County to invoice the State for services provided.
- 6J. Director of Health and Human Services requests approval of and authorization for the Chair to sign the Workforce Investment Area Local Plan Modification for Program Year 2006-2007.
ITEM REMOVED FOR SEPARATE DISCUSSION
APPROVED REQUEST DD-BW-HM-ML-BD

- 6K. Director of Health and Human Services requests approval of the following actions regarding the purchase of two 7' x 14' trailers for use in the event of bioterrorism incidents or other public health emergencies:
1. Budget Transfer No. 14 transferring \$12,539 from Special Department Expense to Equipment in the Public Health budget and establishment of fixed assets in the amount of \$12,539; (4/5 vote required) and **BT-14**
 2. A waiver of competitive bid requirements and sole source award for the purchase of the two trailers from Martin Ranch Supply from Rohnert Park, California for a total of \$12,539 pursuant to County Ordinance Code 2.36.090.
- 6L. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an agreement with the Napa County Resource Conservation District for a maximum of \$16,667 per month for the term July 1, 2006 through June 30, 2007 for services pertaining to the implementation the County's Conservation Regulations, including the technical review and inspection of agricultural erosion control plans, development and presentation of watershed education materials and limited watershed monitoring. **A-6703**
- 6M. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Santa Rosa Fire Equipment Service Inc. for an annual amount of \$18,250 for the term October 3, 2006 through June 30, 2007 for fire alarm system testing and maintenance for the Juvenile Justice Center located at 212 Walnut Street, Napa, CA and the Sheriff's Building located at 1335 Airport Boulevard, Napa, CA. **A-6704**
- 6N. 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 04-14R, "Energy Efficient Lighting Retrofit for the Hall of Justice and Administration Building Project."
- 6O. Assessor-Recorder-County Clerk requests approval of and authorization for the Chair to sign Amendment No. 1 to Memorandum of Understanding Agreement No. 6527 with the California Department of Justice extending the term through June 30, 2007 for second year participation and cost-sharing in a statewide Electronic Recording Delivery System (ERDS). **A-6527**
(AMEND. 1)
- 6P. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file the following Monitoring Reports:
1. County of Napa, Department of Probation, Mary Arnold Trust Fund Audit Report for the Fiscal Year ended June 30, 2005;
 2. County of Sonoma, Human Services Department, Projects Inclusion & COMPASS/CHOICE Monitoring Report for July 1, 2005 to September 29, 2006;
 3. County of Marin, Health and Human Services, Projects Inclusion & COMPASS/CHOICE Monitoring Report for July 1, 2005 to September 29, 2006;
 4. County of Napa, Health and Human Services, Projects Inclusion & COMPASS/CHOICE Monitoring Report for October 1, 2003 to September 29, 2006;

6P. Continued.

5. County of Napa, Health and Human Services Agency, Workforce Investment Board, Training & Employment Center Division, Workforce Investment Act Funds Monitoring Report for July 1, 2005 to June 30, 2006.

6Q. County Counsel and the Napa County Deferred Compensation Board of Control recommend adoption of a resolution amending the 401(a) Retirement Savings Plan. **R-06-173**

6R. Human Resources Director requests adoption of a resolution regarding the following in connection with the UC Cooperative Extension, effective October 7, 2006:

1. Amend the Departmental Allocation List deleting one (1) Agricultural Extension Assistant and one (1) Youth Staff Assistant and adding two (2) Volunteer Program Coordinators; and
2. Amend the Table and Index of Classes to delete Agricultural Extension Assistant and Youth Staff Assistant and add Volunteer Program Coordinator. **R-06-174**

6S. Human Resources Director requests adoption of a resolution regarding the following in connection with the Assessor-Recorder-County Clerk Department, effective October 3, 2006:

1. Amend the Departmental Allocation List to:
 - a. Delete one (1) Auditor-Appraiser III;
 - b. Add one (1) (S) Supervising Auditor-Appraiser;
 - c. Add one (1) Senior Assessment-Records Assistant;
2. Amend the Table and Index to delete Auditor-Appraiser III and add Supervising Auditor-Appraiser; and
3. Amend appropriate policies to add Supervising Auditor-Appraiser.

R-06-175

6T. County Executive Officer requests the following actions pertaining to the disability employment Project INCLUSION:

1. Approval of Budget Transfer No. 10 appropriating \$23,292 in the Regional Training Employment budget with offsetting revenue from the U S Department of Labor; (4/5 vote required) and **BT-10**
2. Approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6566 with the County of Marin increasing the amount by \$7,189 for a maximum

6t. Continued.

of \$235,618 for implementation of disability employment projects in Marin County.

**A-6566
(AMEND. 2)**

6U. County Executive Officer requests the appointment of Jennifer Stewart to serve on the Advisory Board on Alcohol and Drug Programs representing the category of Education with the term of office to commence immediately and expire January 1, 2008.

6V. County Executive Officer recommends that the Board appoint Mary Jean McLaughlin as Acting Clerk of the Board of Supervisors, effective from October 7, 2006 until a permanent Clerk of the Board is appointed.

7. Discussion of Items Removed from the Consent Calendar.

SEE ITEM 6J.

**APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6I AND 6K THROUGH 6V,
AS NOTED ABOVE.**

BW-DD-HM-ML-BD

X

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 meeting. **(SEE IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY OF NAPA COUNTY MINUTES)**

8F. 10:00 a.m. Public Hearing
Consideration and possible action regarding an appeal filed by Tom Carey of Dickenson, Peatman & Fogarty, on behalf of their client, Mr. William Smith, 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 # 02057-UP for a property located at 1181 Las Posadas Road, Angwin. (Assessor's Parcel No. 025-060-001)
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 MARCH 14, APRIL 18, JUNE 6, AND AUGUST 8, 2006; STAFF REQUESTS CONTINUANCE TO NOVEMBER 7, 2006 AT 9:45 AM)
PUBLIC HEARING CONTINUED TO NOVEMBER 21, 2006 AT 10:30 A.M.

ML-BW-HM-DD-BD

X

8G. 11:00 a.m. Public Hearing
County Counsel and the Planning Director request adoption of a resolution amending the County's Local Procedures for Implementing the California Environmental Quality Act (CEQA) as authorized by Section 15022 of the State CEQA Guidelines to allow applicants to contract directly with consultants for preparation of environmental documents.

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b) (3)].

PUBLIC HEARING HELD – TESTIMONY PRESENTED

ADOPTED RESOLUTION, AS AMENDED

R-06-176

DD-ML-HM-BW-BD

X

8H. 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 Health and Human Services requests the following:

1. Endorsement of the United Way of the Bay Area's application to the California Public Utilities Commission to provide non-emergency telephone information and referral (2-1-1 service) to members of the public seeking local health, human, social and related services; and

2. Authorization for the Chair and appropriate department heads or their designees to sign endorsements or letters of support for the application.

ITEM CONTINUED TO OCTOBER 10, 2006 AT 10:30 A.M.

9B. Director of Health and Human Services requests approval of the recommended recipients of 2006-2007 Tobacco Master Settlement grant funds.

APPROVED REQUEST

BW-DD-HM-ML-BD

X

9C. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign a letter to the Bureau of Reclamation articulating the County's interests concerning the Bureau's planned issuance of a prospectus and development of new concession contracts at Lake Berryessa.

APPROVED REQUEST, AS AMENDED

BW-ML-HM-DD-BD

X

9D. Director of Public Works requests the following actions regarding Priority One 2005/2006 winter storm and flood road repairs:

1. Review of the award of construction contracts to date by the Director of Public Works for Priority One winter storm and flood road projects pursuant to Public Contract Code

9D. Continued.

Sections 20134(a) and 22050;

2. Make the following findings:

a. That the condition of the Priority One roads damaged by the 2005-2006 storms and floods continues to deteriorate from ongoing breakdown, subsidence and slope failures creating an ongoing emergency in that this essential public infrastructure may become unusable if it is not fully repaired prior to the onset of the 2006-2007 rainy season;

b. That the one emergency contract awarded to date will be addressing only a portion of the problems;

c. That the overall repairs cannot be completed prior to the onset of the rainy season if delayed by the lengthy procedures required to formally adopt plans and specifications and solicit competitive bids for all of the repair work required;

3. Continue authorization for the Director of Public Works to acquire all necessary materials, supplies, equipment and labor by direct purchase, force account, or emergency contracts awarded without adoption of plans and specifications and solicitation of competitive bids, as he determines appropriate to complete the work (4/5 vote required); and

4. Direct the Director of Public Works to prepare an agenda item for a regular meeting of the Board no later than 14 days from the date of this meeting to review the need to continue these emergency actions.

APPROVED REQUESTS DD-ML-HM-BW-BD
X

9E. County Executive Officer requests consideration and possible appointment of Supervisor Wagenknecht's nomination from one of the following applicants to the Conservation, Development and Planning Commission with the term of office to commence immediately and run coterminous with the term of Supervisor Wagenknecht.

- Applicants
- Heather Twist Phillips
- Jack Joseph Steen
- Carrie J. Bisson

APPOINTED HEATHER TWIST PHILLIPS
BW-DD-HM-ML-BD
X

9F. County Executive Officer requests the following appointment/reappointment of one member of each group from the following list of applicants to the Napa Child Care Planning Council with the terms of office to commence immediately and expire on June 30, 2009.

- Child Care Provider
- Marcia Diane Rosecrans

- Consumer
- Lola Cornish*

9F. Continued.

Public Agency

Linda Courtney Henderson*

Karen Sanchez

At Large

Dee Cuney*

Community Representative

Herbert Salinger*

*Incumbent

APPOINTED MARCIA DIANE ROSECRANS, LOLA CORNISH, LINDA COURTNEY HENDERSON AND HERBERT SALINGER.

THE BOARD DIRECTED STAFF TO RE-ADVERTISE FOR THE "AT LARGE" POSITION IN ORDER TO OBTAIN ADDITIONAL APPLICATIONS.

BW-DD-HM-ML-BD

X

9G. County Executive Officer requests the following appointments to the Napa Valley Workforce Investment Board (NVWIB) with the terms of office to commence immediately and expire as indicated:

Labor Representative (Two Positions) - Terms Expire June 30, 2008

Deborah M. Jachens

Carol Marie Whichard *

Michael White *

APPOINTED CAROL MARIE WHICHARD AND MICHAEL WHITE

ML-BW-HM-DD-BD

X

Economic Development Representative (One Position) - Term Expires June 30, 2007

Dorothy Lind-Salmon *

Magdalena Valderrama

APPOINTED DOROTHY LIND-SALMON

ML-DD-HM-BW-BD

X

Community Based Organization Representative (One Position)-Term Expires June 30, 2008

Mark Bontrager *

Edward George (Ned) Laubacher

APPOINTED MARK BONTRAGER

ML-BW-HM-DD-BD

X

9G. Continued.

Private Sector Business Representative (Two Positions) - Terms Expire June 30, 2008

- Mark Bontrager
- Ed Henderson *
- Edward George (Ned) Laubacher *
- Michael Lennon *
- Eric Sklar *
- Ronald Souza

APPOINTED EDWARD GEORGE (NED) LAUBACHER AND MICHAEL LENNON
ML-BW-HM-DD-BD
X

Private Sector Business Representative (Two Positions) - Terms Expire June 30, 2007

- Mark Bontrager
- Ed Henderson *
- Edward George (Ned) Laubacher *
- Michael Lennon *
- Eric Sklar *
- Ronald Souza

*Recommended by the NVWIB Executive Committee.
APPOINTED ED HENDERSON AND ERIC SKLAR
ML-BW-HM-DD-BD
X

Legislative Items

- 10A. Discussion and possible action concerning the following November 7, 2006 California general election ballot measures, which the Board may or may not take action on:
1. Proposition 1A, Transportation Investment Fund;
 2. Proposition 1B, Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006;
 3. Proposition 1C, Housing and Emergency Shelter Trust Fund Act of 2006;
 4. Proposition 1D, Kindergarten - University Public Facilities Bond Act of 2006;
 5. Proposition 1E, Disaster Preparedness and Flood Prevention Bond Act of 2006;
 6. Proposition 83, Sex Offenders. Sexually Violent Predators. Punishment, Residence Restrictions and Monitoring - Initiative Statute;
 7. Proposition 84, Water Quality, Safety, and Supply; Flood Control; Natural Resource Protection; Park Improvements; Bonds - Initiative Statute;
 8. Proposition 85, Waiting Period and Parental Notification Before Termination of Minor's Pregnancy - Initiative Constitutional Amendment;

10A. Continued.

9. Proposition 86, Tax on Cigarettes - Initiative Constitutional Amendment and Statute;

10. Proposition 87, Alternative Energy - Research, Production, Incentives – Tax on California Oil - Initiative Constitutional Amendment and Statute;

11. Proposition 88, Education Funding, Real Property Parcel Tax - Initiative Constitutional Amendment and Statute;

12. Proposition 89, Political Campaigns; Public Financing; Corporate Tax Increase; Contribution and Expenditure Limits - Initiative Statute; and

13. Proposition 90, Government Acquisition, Regulation of Private Property - Initiative Constitutional Amendment. (Unanimous vote of the Board members present required)

THE BOARD WENT ON RECORD IN SUPPORT OF ITEMS 1, 2, 3, 5, 6, 7, AND IN OPPOSITION OF ITEM 13. NO ACTION WAS TAKEN ON THE REMAINING ITEMS.

BW-DD-HM-ML-BD

X

11. Board of Supervisors' Committee Reports and Announcements.

SUPERVISOR LUCE REPORTED MEETING WITH A NUMBER OF REPRESENTATIVES FROM THE WINE INDUSTRY ALONG WITH NAPA SANITATION DISTRICT STAFF TO DISCUSS THE HANDLING OF WINERY RELATED WASTE. HE REQUESTED DISCUSSION OF THE ISSUE AS A FUTURE AGENDA ITEM.

NANCY WATT, COUNTY EXECUTIVE OFFICER, SUGGESTED COUNTY STAFF DISCUSS THE ISSUE WITH NAPA SANITATION DISTRICT STAFF BEFORE PUTTING THE ITEM ON AN AGENDA.

SUPERVISOR DILLON REPORTED ON HER ATTENDANCE AT THE ANNUAL CONFERENCE OF THE COUNCIL OF RURAL COUNTIES (RCRC). SHE ALSO ATTENDED A HOUSING METHODOLOGY MEETING OF THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG).

IN ADDITION, SHE INFORMED THE BOARD THAT ACCORDING TO AN ARTICLE IN THE ST. HELENA STAR, NAPA COUNTY HAD DENIED A REQUEST TO SEND FIRE SUPPORT TO OTHER PARTS OF THE STATE. THIS DECISION WAS SOMEWHAT CONTROVERSIAL. HOWEVER, SHE FELT THAT THE DECISION TURNED OUT TO BE VERY PRUDENT, DUE TO THE FACT THAT FIRES OCCURRED IN NAPA COUNTY TWENTY FOUR HOURS LATER.

SUPERVISOR WAGENKNECHT REPORTED THAT THE “PRE-SCHOOL FOR ALL” COMMITTEE WAS STUDYING PROPOSITION 80. THE COMMITTEE CHANGED THEIR NAME TO “ACCESS PRE-SCHOOL OF NAPA COUNTY.”

11. Continued.

HE ALSO ATTENDED A NORTHERN CALIFORNIA COUNTY TRIBAL MATTERS MEETING, A MEETING OF THE CALIFORNIA MEDICAL SERVICES' PROGRAM AND A MEETING OF THE SAN FRANCISCO BAY CONSERVATION DEVELOPMENT COMMISSION (BCDC).

SUPERVISOR DODD REPORTED ON HIS ATTENDANCE WITH SUPERVISORS WAGENKNECHT AND LUCE AT A MEETING OF THE LOCAL AGENCY FORMATION COMMISSION (LAFCO). SEVERAL ANNEXATION REQUESTS WERE DISCUSSED.

12. Board of Supervisors' Future Agenda Items.

CHAIRMAN DODD REQUESTED DISCUSSION OF POLICIES WITH THE CITIES AS THEY RELATE TO RURAL URBAN LIMIT (RUL) LINES AND SPHERES OF INFLUENCE.

SUPERVISOR LUCE REQUESTED A DISCUSSION ON WORKFORCE HOUSING AND THE POSSIBLE NEED FOR A FIRM POLICY OR ORDINANCE ON THE ISSUE.

13. County Executive Officer Reports and Announcements.

NANCY WATT, COUNTY EXECUTIVE OFFICER, GAVE AN UPDATE ON THE SEPTEMBER FIRES THAT OCCURRED IN THE COUNTY.

14. Closed Session

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (One case)

ITEM REMOVED FROM THE AGENDA

Adjournment

ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, OCTOBER 10, 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