

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

May 22, 2007

1. Call to Order; Roll Call
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, MAY 15, 2007 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN HAROLD MOSKOWITE, SUPERVISORS BILL DODD, BRAD WAGENKNECHT AND MARK LUCE. SUPERVISOR DIANE DILLON WAS PREVIOUSLY EXCUSED. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN MOSKOWITE AT 9:00 A.M.
2. Pledge of Allegiance.
MARK GREGERSEN, DIRECTOR OF HUMAN RESOURCES, LED THE SALUTE TO THE FLAG

Presentations and Commendations

3. Presentation of a proclamation declaring May 20-26, 2007 as Emergency Medical Services Week in Napa County.
PRESENTATION MADE
4. Public Comment.
NONE
5. Department Head's Reports and Announcement.
STEVE LEDERER, DIRECTOR OF ENVIRONMENTAL MANAGEMENT, ANNOUNCED THAT HIS DEPARTMENT HAS CREATED AN INFORMATIONAL FLYER ON HOW TO HANDLE FOOD PROPERLY. THE INFORMATION IS SPECIFICALLY TARGETED FOR NON PROFITS AND OTHER ENTITIES WHICH OPERATE SNACK SHACKS.

Consent Calendar

- 6A. District Attorney requests the following actions in connection with the State of California Department of Justice Domestic Violence Spousal Abuser Program for Fiscal Year 2007-2008:
 1. Authorization to sign a grant award in the amount of \$35,727; and,
 2. Adoption of a resolution approving \$7,145 in County match. **R-07-64**
- 6B. Director of Health and Human Services requests approval of the following actions in relation to the County's provision of case management and job development for low-wage or unemployed clients seeking employment in the hospitality and tourism industry:
 1. Authorization for the Chair to sign a revenue agreement with the Napa Valley Community College for a maximum of \$116,000 for the term March 1, 2007 through August 31, 2008; and, **A-6818**

6B. Continued.

2. Budget Transfer No. 63 increasing appropriations in the Training and Employment Center budget by \$10,000 with offsetting revenue to fund salaries and benefits. (4/5 vote required) **BT-63**

6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Revenue Agreement No. 3579 with the California Department of Alcohol and Drug Programs decreasing the amount by \$103,880 for a new maximum of \$1,207,209 for Fiscal Year 2006-2007. **A-3579**
(AMEND. 1)

6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Napa Ambulance Service, Inc., dba Piner, for a maximum of \$21,120 for the term May 26, 2007 through September 4, 2007, to provide weekend ambulance coverage at Lake Berryessa during the summer months. **A-6819**
ITEM CLARIFIED TO REFLECT THAT THE AGREEMENT PROVIDES FOR A PARAMEDIC, NOT AN AMBULANCE.

6E. Director of Conservation, Development and Planning requests the following actions relating to a grant application to the CalFed Watershed Program in the amount of \$394,000 for the term January 1, 2008 through June 30, 2010:

1. Adoption of a resolution authorizing the Director to apply for the grant, affirming the County's intent to conduct the proposed project pursuant to the grant conditions, and appointing a grant contact person designated by title; and, **R-07-65**

2. Approval of and authorization for the Watershed Information Center and Conservancy (WICC) Board to participate in related grant activities.

6F. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Kristin Lowell, Inc. for a maximum amount of \$8,130 for the term May 22, 2007 through September 30, 2007, to prepare the Engineer's Report required to fund fire protection and street maintenance improvements by assessments imposed by County Service Area No. 3. **A-6820**

6G. Director of Public Works requests approval of and authorization for Chair to sign a Space License Agreement with Bay Area Community Resources, at no cost, for the term May 22, 2007 until terminated by either party by providing no less than thirty days prior written notice, or by mutual agreement of the parties, for use of space in Buildings A, B and F at the Health & Human Services Agency campus, 2344 Old Sonoma Road, to provide rehabilitation services for the Driving Under the Influence Program. **A-6821**

6H. Director of Public Works requests approval of and authorization for the Chair to sign a Memorandum of Understanding (MOU) with the Howell Mountain Mutual Water Company, for the purpose of defining responsibilities in the Lake Henne project design and construction process, and to establish the reimbursement methodology for Measure A funding, for the term January 1, 2007 until sixty days following the filing of the Notice of Completion for the Lake Henne project. **A-6822**

- 6I. Director of Public Works/Aviation requests authorization for the Chair to sign a Certificate of Acceptance of an Avigation and Hazard Easement Deed from Scott McLeod, Alan Sullivan, Corey Beck & Stephen Sullivan. (Assessor's Parcel No. 057-210-044)
- 6J. Assessor-Recorder-County Clerk requests approval of Budget Transfer No. 65 appropriating \$25,500 in the Assessor Division with offsetting revenue from the Assessor Property Tax Administration Trust Fund for extra help and an automated assessment tracking enhancement. (4/5 vote required) **BT-65**
- 6K. Chief Information Officer requests establishment of a fixed asset in the amount of \$16,500 for the purchase of a Sony Anycast Station Live Content Producer. (4/5 vote required)
- 6L. Human Resources Director requests approval of and authorization for the Chair to sign an agreement with Renne Sloan Holtzman Sakai LLP for a maximum of \$5,000 for the term May 22, 2007, through June 30, 2008, to develop and provide a training program for Napa County Human Resources staff and other department managers on conducting internal workplace investigations. **A-6823**
- 6M. County Executive Officer requests the following:
1. Approval of and authorization for the Chair to sign the following agreements:
 - a. Napa Valley Housing Authority Farmworker Housing Settlement Agreement to cover a portion of the Total Cost Overages of \$2,228,711 for the renovation of the Calistoga and Mondavi Farmworker Centers; **A-6824**
 - b. Amendment No. 1 to Funding Agreement No. 6684 with the Napa County Housing Authority (NCHA) increasing the amount by \$225,000 for a new maximum of \$335,000 for funding the Napa Valley Housing Authority Farmworker Housing Settlement Agreement (\$185,904) and for professional services related to center operations; and, **A-6684 (AMEND. 1)**
 2. Approval of Budget Transfer No. 68 appropriating an additional \$225,000 in the County Contributions budget to fund Amendment No. 1 to Agreement No. 6684 and reducing the General Fund Contingency by an equivalent amount. (4/5 vote required) **BT-68**

ITEM HELD FOR SEPARATE DISCUSSION.

APPROVED REQUESTS

**ML-BW-BW-DD-HM
X**

- 6N. County Executive Officer requests the reappointment of John Kempkey to serve as the Napa Chamber of Commerce Representative on the Airport Advisory Commission with the term of office to commence immediately and expire December 31, 2009.
- 6O. Clerk of the Board and County Counsel requests authorization for Clerk of the Board to execute a memorandum by which the Board opts out of participating in the issuance of California School Cash Reserve Program Authority 2007 Pooled Tax Revenue Anticipation Notes ("TRANS"), and allows the Calistoga Joint Unified and St. Helena Unified School Districts to issue TRANS on their own behalf.

- 6P. Clerk of the Board requests the following actions:
 - 1. Approve minutes of the regular meetings held on the following dates:
 - a. December 5, 12 and 19, 2006.

- 7. Discussion of Items Removed from the Consent Calendar.
SEE ITEM 6M.

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

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. 9:30 a.m.
County Fire Chief requests the following actions to provide regulations for fire protection, weed and rubbish abatement in the unincorporated areas of Napa County and assigning the responsibility of hearing appeals relating to imposed abatement costs to the County Hearing Officer:

- 1. Second reading and adoption of an ordinance amending the County Code by adding a new chapter 8.36; and,

PUBLIC HEARING HELD – TESTIMONY PRESENTED

ADOPTED ORDINANCE BD-ML-BW-DD-HM 0-1290
X N

- 2. Adoption of a resolution to adopt the Napa County Defensible Space Guidelines.

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ADOPTED RESOLUTION BD-ML-BW-DD-HM R-07-66
X N

ENVIRONMENTAL DETERMINATION: The project consists of the adoption of an ordinance changing enforcement mechanisms for gaining compliance with current standards and does not change any current fuel management standards. The proposed ordinance does not have the potential to result in a direct or indirect change to the environment, and therefore does not meet the definition of a “project” under the California Environmental Quality Act (CEQA) pursuant to Section 15378(a). Furthermore, fuel management activities presently authorized under the proposed and current ordinance are categorically exempt from the provisions of CEQA pursuant to Section 15304(i).

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

Administrative Items

- 9A. Director of Public Works requests the following actions regarding the Hall of Justice Booster Replacement Project, PW 07-30:
1. Acknowledge that the following findings made on May 1, 2007 are still in effect:
 - a. That the unexpected failure of a water system booster pump at the Hall of Justice constitutes an emergency as defined by Section 1102 of the Public Contract Code;
 - b. That there are only two booster pumps for the facility, and it is suspected that the remaining pump could also fail at any time, including during the time required to solicit competitive bids to replace the pump assembly;
 - c. That if the remaining pump fails before the first pump has been replaced, the County Jail portion of the Hall of Justice would no longer be habitable for the inmates;
 - d. That there currently is no alternate location to house the inmates in the event the County Jail portion of the Hall of Justice suddenly becomes uninhabitable and remains so during repair;
 - e. That the circumstances in (a), (b) and (c) create a need for immediate action to replace the entire pump assembly to prevent impairment of the health and safety of the inmates housed in the County Jail portion of the Hall of Justice and impairment of the essential public service of providing secure detention of inmates; and
 - f. That upon the circumstances set forth in 1(a) through (e) and pursuant to Public Contract Code Sections 20134(a) and 22050(a)(2), that the foregoing emergency will not permit the delay that would result from adopting plans, specifications, strain sheets or working details or giving notice for competitive bids to replace the pump assembly.
 2. Per Public Contract Code Section 22050(C) review the emergency actions taken by the Board at the May 1 Board of Supervisors meeting, determine that there is a need to continue the emergency actions, and continue acquisition of all necessary materials, supplies, equipment and labor by direct purchase, force account, or emergency contract awarded without adoption of plans and specifications and solicitation of competitive bids, as appropriate to complete the work (4/5 vote required); and,
 3. 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.

UPDATE PRESENTED

APPROVED REQUESTS

BW-ML-BD-DD-HM

X

10. Legislative Items.
NONE

11. Board of Supervisors' Committee Reports and Announcements.
SUPERVISOR DODD REQUESTED THAT THE CHAIRMAN CLOSE TODAY'S MEETING IN MEMORY OF WALTER JIM FOGARTY WHO DIED DURING THE PAST WEEK. MR. FOGARTY WAS A PARTNER IN THE LAW FIRM OF DICKERSON, PEATMAN AND FOGARTY AND HAD SERVED ON MANY BOARDS AND SERVICE ORGANIZATIONS IN THE COUNTY.

SUPERVISOR WAGENKNECHT REPORTED ON HIS ATTENDANCE AT A MEETING OF THE UPVALLEY WASTE MANAGEMENT AUTHORITY WHERE DISCUSSION CENTERED ON THE RATES THAT ARE CHARGED BY THE AGENCY.

SUPERVISOR WAGENKNECHT ALSO REPORTED HIS ATTENDANCE AT A PUBLIC OUTREACH MEETING OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD). HE STATED THAT THE DISTRICT HAS FUNDS FOR FOUR SPARE THE AIR DAYS THIS SEASON. IF A SPARE THE AIR DAY IS IN EFFECT, BUSES WILL BE FREE ALL DAY. HOWEVER, BAY AREA RAPID TRANSIT (BART) AND FERRIES WILL BE FREE UNTIL 1:00 P.M.

12. Board of Supervisors' Future Agenda Items.
NONE

13. County Executive Officer Reports and Announcements.
NONE

14. Closed Session.

A. Public Employee Performance Evaluation.
(Government Code Section 54957)
Title: Public Defender

CLOSED SESSION HELD – NO REPORTABLE ACTION

B. Conference with Labor Negotiator
(Government Code Section 54957.6)

Agency Designated Representatives: Mark Gregersen, Human Resources Director
Employee Organization: SEIU Local 614 - NAPE (Employee Unit & Supervisory Unit of the County of Napa)

CLOSED SESSION NOT HELD

C. Conference with Legal Counsel – Anticipated Litigation.

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

CLOSED SESSION HELD – NO REPORTABLE ACTION

ii. Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: (Two cases)

CLOSED SESSION HELD – NO REPORTABLE ACTION

14. Continued.

D. Conference with Legal Counsel – Existing Litigation. (Government Code Section 54956.9(a))

Names of Case: Fricke vs. County of Napa, et. al. (Napa Superior Court Case No. 26-33965)

CLOSED SESSION HELD – THE BOARD UNANIMOUSLY AGREED TO ACCEPT THE SETTLEMENT PROPOSAL OF \$210,000.

BW-ML-BD-DD-HM

X

15. Adjournment.

ADJOURNED IN MEMORY OF WALTER JIM FOGARTY TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY, JUNE 05, 2007 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