

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

August 28, 2007

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION TUESDAY, AUGUST 28, 2007 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN HAROLD MOSKOWITE, SUPERVISORS BILL DODD, DIANE DILLON, BRAD WAGENKNECHT AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN MOSKOWITE AT 9:02 A.M.
2. Pledge of Allegiance.
NAPA COUNTY DEPARTMENT OF CORRECTIONS SERGEANT ED WEST LED THE SALUTE TO THE FLAG.

Presentations and Commendations

- 3A. Presentation of a proclamation declaring September 2007 as "Recovery Happens Month" in Napa County.
PRESENTATION MADE
- 3B. Presentation of Retirement Proclamation to John Pearson, Director of Corrections, in recognition of over 21 years of service.
PRESENTATION MADE
- 3C. Presentation of Retirement Proclamation to Bonny Martignoni, Assistant Emergency Medical Services Administrator, in recognition of over 22 years of service.
PRESENTATION MADE
- 3D. Presentation of Retirement Proclamation to Sandra Kaddas, Director of Public Health Lab, in recognition of 18 years of service.
PRESENTATION MADE
4. Public Comment.
MICHAEL HALEY OF NAPA COMMENTED ON GLOBAL WARMING. HE STATED THAT IT WAS NOT APPROPRIATE FOR LOCAL GOVERNMENTS TO COMMIT RESOURCES TO SOLVE THE GLOBAL WARMING PROBLEM. RATHER, THE ISSUE SHOULD BE ADDRESSED AT THE FEDERAL AND INTERNATIONAL LEVELS.
5. Department Heads' Reports and Announcements.
NONE

Consent Calendar

- 6A. County Fire Chief requests approval of and authorization for the Chair to sign an agreement with Joaquin's Landscaping Service for a maximum of \$50,000 for the term August 1, 2007 through December 31, 2007 to provide defensible space for properties that do not comply with the weed abatement ordinance.
A-6865

- 6B. County Fire Chief requests approval of the following actions regarding fire protection services:
1. Authorization for the Chair to sign an agreement with the California Department of Forestry and Fire Protection/Cal Fire for a maximum of \$7,428,586 for the term July 1, 2007 through June 30, 2008; and,
 2. Revision of Schedule E - Fixed Assets reducing the amount by \$388,500 for a new total of \$1,170,814.
- ITEM REMOVED FROM THE AGENDA AND CONTINUED TO SEPTEMBER 11, 2007 AT 9:00 A.M.**
- 6C. Sheriff, County Executive Officer/Purchasing Agent, and Director of Public Works request the following:
1. Declare two vehicles as surplus and no longer required for public use;
 2. Authorize their removal from the fixed asset inventory; and
 3. Authorize their disposal by donating them to the Napa Valley College Police Academy. (4/5 vote required)
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign renewals of the following revenue agreements with the California Department of Health Services for the term July 1, 2007 through June 30, 2010 for AIDS services:
1. Agreement No. 3409 (AIDS Master Grant Agreement) for a maximum of \$151,968;
A-3409
 2. Agreement No. 3484 prescribing terms and conditions for HIV/AIDS Surveillance;
A-3484
 3. Agreement No. 3485 prescribing terms and conditions for HIV Counseling and Testing;
and, **A-3485**
 4. Agreement No. 3820 prescribing terms and conditions for AIDS Education and
Prevention activities. **A-3820**
- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following revenue agreements with First 5 Napa Children and Families Commission:
1. Amendment No. 1 to Agreement No. 6661 extending the term through June 30, 2008 for the Universal Home Visiting Program; and, **A-6661**
 2. Agreement for the term July 23, 2007 through June 30, 2008 for a maximum of \$100,000 to fund staff for the Therapeutic Child Care Center. **A-6866 (AMEND. 1)**
- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6802 with SYA Group, Inc., increasing the amount by \$11,368 for a maximum of \$76,080, revising the Scope of Work to add the development of an emergency operations plan and procedures for the County's Health and Human Services' Old

6F. Continued.

Sonoma Road campus, revising the Compensation section to reimburse the contractor for the additional services, and extending the term of the agreement through December 31, 2007.

A-6802
(AMEND. 1)

6G. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Rocio Cuddy, LCSW, for a maximum of \$5,200 for the term August 28, 2007 through June 30, 2008 to provide counseling services in the Children's Behavioral Health/Child Welfare Services/SB 163 Programs.

A-6867

6H. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Family Service of the North Bay, Inc., for a maximum of \$19,998 for the term September 1, 2007 through June 30, 2008, with a provision for automatic annual renewal, establishing a maximum of \$21,816 for Fiscal Year 2008-2009, for the provision of specialty mental health services for HHS clients residing in the Permanent Housing Program.

A-6869

6I. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following Memoranda of Understanding, each for the term August 28, 2007 through August 27, 2010 for membership in the Bay Area Regional Immunization Registry (BARR) Program:

1. L. Kendall Nelsen, M.D.; and,

A-6870

2. Community Health Clinic Ole, Inc.

A-6871

6J. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements with Napa Valley Child Advocacy Network, dba Parent-Child Advocacy Network, Inc.:

1. Agreement for a maximum of \$73,500 for the term August 28, 2007 through June 30, 2008, with a provision for automatic annual renewal, to provide parent advocacy and outreach services for families under the Mental Health Services Act (MHSA) Project; and,

A-6872

2. Business Associate Agreement setting forth the terms and conditions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule.

A-6872-1

6K. Director of Health and Human Services requests approval of and authorization for the Chair to sign two rental agreements with the City of Napa for a maximum of \$1,500 for the use of the Pelusi Building and the Mulberry I Building at John F. Kennedy Park on October 11, 2007 for staff organizational and professional development activities.

A-6873

A-6874

6L. Director of Conservation, Development and Planning requests the following actions relating to an application to the State of California Coastal Impact Assistance Program (CIAP) for funding in the amount of \$3,370 per year for Fiscal Year 2007-2008 through Fiscal Year 2009-2010 with possible program extension through Fiscal Year 2010-2011:

6L. Continued.

- 1. Authorization for the Director to prepare and submit a funding application to the CIAP; and,
- 2. Adoption of a resolution identifying the Napa River Salmon Monitoring Project as the proposed project for Napa County. **R-07-112**

6M. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6711 with Maximus, Inc., increasing the amount by \$60,000 for a new maximum of \$140,000 and extending the term through June 30, 2008 with rollover provisions for subsequent years as necessary for services related to the filing of additional claims and appeals related to the 2005 New Year's Eve and April 2006, flood events. **A-6711 (AMEND. 2)**

6N. Auditor-Controller requests authorization to draw a warrant in the amount of \$40,000 from the Napa County Fair Fund, payable to the Napa County Fair, for the purpose of replenishing the Operating Fund for special projects on the fairgrounds.

6O. County Counsel requests approval of and authorization for the Chair to sign an agreement (formerly No. AUD 5919) with Bartkiewicz, Kronick & Shanahan, P.C. for a maximum of \$100,000 for the term August 28, 2007 through June 30, 2008 for legal services concerning water issues. **A-6875**

6P. County Executive Officer requests approval of and authorization for the Chair to sign an agreement with John Pearson for the term September 4, 2007 through June 30, 2008 for a maximum of \$50,000 for the provision of consulting services to the Director of Corrections and the Adult Criminal Justice Planning Committee. **A-6876**

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

APPROVED CONSENT CALENDAR ITEMS 6A AND 6C THROUGH 6P.
ML-BD-DD-BW-HM

Set Matters or Public Hearings

8A. 9:00 A.M. - Recess to the Napa County Flood Protection and Watershed Improvement Authority special meeting.
(SEE NAPA COUNTY FLOOD CONTROL PROTECTION AND WATERSHED IMPROVEMENT AUTHORITY MINUTES)

8B. 9:15 A.M. - Consideration of an appeal filed by the Trustees of Albert Jessee McDowell Trust to a decision by the Director of Public Works to approve a Lot Line Adjustment filed by Allan F. and Nancy L. Mueller for the property located on Glos Lane at State Highway 29 in St. Helena. (Assessor's Parcel Nos. 030-190- 013 and 030-190-014)
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.
PUBLIC HEARING HELD – TESTIMONY PRESENTED

8B. Continued.

THE BOARD TENTATIVELY DENIED THE APPEAL AND UPHELD THE DECISION OF THE DIRECTOR OF PUBLIC WORKS.

ITEM CONTINUED TO OCTOBER 2, 2007 AT 10:30 A.M. FOR FINDINGS OF FACT.

ML-BD-DD-BW-HM

N

8C. 9:45 A.M. - Presentation by the Director of Public Works regarding the programs supported by the Roads budget.

PRESENTATION MADE

Administrative Items

9A. First reading and intention to adopt an ordinance adding a new Section 12.02 as it relates to camping and storage of personal property in the unincorporated areas of Napa County. 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

TITLE READ

THE BOARD WAIVED READING THE BALANCE OF THE ORDINANCE.

BD-DD-BW-ML-HM

THE BOARD DECLARED INTENT TO ADOPT THE ORDINANCE.

ML-BW-BD-DD-HM

9B. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an agreement with Keyser Marston Associates, Inc. (KMA) for a maximum of \$90,000 for the term of August 28, 2007 through June 30, 2008 for the preparation of a study to determine the feasibility of developing a Workforce Housing Program.

APPROVED REQUEST BD-DD-ML-BW-HM

A-6877

X

9C. 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 2007-2008;

b. Authorizing the issuance of a promissory note to fund payment of the Fiscal Year 2006-2007 delinquent secured taxes; and

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

ADOPTED RESOLUTION

BW-DD-BD-ML-HM

R-07-113

9C. Continued.

2. Resolution adopting the tax rates for the Fiscal Year 2007-2008 Secured Tax Roll; and,
ADOPTED RESOLUTION DD-BD-BW-ML-HM R-07-114

3. Resolution establishing the Fiscal Year 2007-2008 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 ML-BD-DD-BW-HM R-07-115

10. Legislative Items.
NONE

11. Board of Supervisors' Committee Reports and Announcements.
NONE

12. Board of Supervisors Future Agenda Items.
NONE

13. County Executive Officer Reports and Announcements.
ASSISTANT COUNTY EXECUTIVE OFFICER (CEO) BRITT FERGUSON INFORMED THE BOARD THAT THE COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT WAS CURRENTLY REVIEWING THE IMPACT OF STATE BUDGET CUTS ON DEPARTMENT SERVICES AND WOULD REPORT BACK AT A FUTURE MEETING.

HE REPORTED THAT A REVISED REQUEST FOR PROPOSAL (RFP) FOR A COUNTY FACILITIES SPACE STUDY WAS ISSUED. A REVIEW PANEL CONSISTING OF DEPARTMENT HEADS WOULD REVIEW THE TOP THREE SUBMITTALS IN LATE SEPTEMBER.

ASSISTANT CEO FERGUSON ASKED THE BOARD FOR DIRECTION AS TO WHETHER A BOARD MEMBER SHOULD ALSO BE ON THE COUNTY FACILITIES RFP REVIEW PANEL. THE BOARD CONCURRED AND DIRECTED THAT SELECTION OF A BOARD MEMBER BE PLACED ON A SEPTEMBER AGENDA.

14. Closed Session.

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(a)) Name of Case: DeHaro, et al. vs. County of Napa, et al. (Napa Superior Court Case No. 26-22255)

CLOSED SESSION HELD – NO REPORTABLE ACTION

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

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

CLOSED SESSION HELD – NO REPORTABLE ACTION

14. Continued.

C. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
Agency Designated Representatives: Mark Gregersen, Human Resources Director
Employee Organization: SEIU Local 1021 - NAPE (Employee Unit & Supervisory Unit of
the County of Napa); Napa County Deputy Sheriffs' Association (Employee Unit and
Supervisory Unit of the County of Napa)

CLOSED SESSION HELD – NO REPORTABLE ACTION

15. Adjournment.

**ADJOURNED TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY,
SEPTEMBER 11, 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