

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

January 8, 2008

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION, TUESDAY, JANUARY 8, 2008 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIR HAROLD MOSKOWITE, SUPERVISORS DIANE DILLON, BILL DODD, BRAD WAGENKNECHT AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIR MOSKOWITE AT 9:01 A.M.
2. Pledge of Allegiance.
HERBERT FORD OF ANGWIN LED THE SALUTE TO THE FLAG.

Presentations and Commendations

3. Board of Supervisors Organization for 2008: Election of Officers (Chair Brad Wagenknecht and Vice-Chair Mark Luce).
THE BOARD ELECTED SUPERVISOR WAGENKNECHT AS CHAIR AND SUPERVISOR LUCE AS VICE-CHAIR.
DD-BD-ML-BW-HM

CHAIR WAGENKNECHT EXPRESSED HIS APPRECIATION TO SUPERVISOR MOSKOWITE FOR HIS WORK AS CHAIR DURING 2007. HE ALSO REQUESTED THE FOLLOWING SPECIFIC ISSUES BE ADDRESSED DURING 2008:

1. **IMPLEMENTATION OF THE CORRECTIONS MASTER PLAN;**
 2. **THE USE OF A PROCESS SIMILAR TO THAT USED IN THE CREATION OF THE CORRECTIONS MASTER PLAN TO ADDRESS GANG RELATED ACTIVITIES IN NAPA COUNTY;**
 3. **PRESENTATION OF A "STATE OF THE COUNTY" REPORT DURING THE BUDGET PROCESS;**
 4. **CREATION OF A COUNTY REPORT CARD USING THE COMMUNITY INDICATORS OF 2004 AS THE BASELINE;**
 5. **CREATION OF A NORTH BAY CONSORTIUM TO STUDY PLANNING AND TRAFFIC ISSUES;**
 6. **THE CONTINUED STUDY OF TRIBAL GAMING ISSUES;**
 7. **ENSURE THAT THE UPDATED GENERAL PLAN WOULD BE ONE THAT CAN ENDURE THE TEST OF TIME; AND,**
 8. **STUDY BOTH THE SMALL AND LARGER ISSUES THAT CLIMATE CHANGE/GLOBAL WARMING WILL HAVE ON NAPA COUNTY.**
4. Public Comment.
NONE

5. Department Heads Reports and Announcements.
DIRECTOR OF PUBLIC WORKS BOB PETERSON REPORTED ON THE IMPACT ON COUNTY ROADS AND FACILITIES CAUSED BY THE STORMS THAT HIT NAPA COUNTY DURING THE WEEK OF JANUARY 1, 2008. THE NAPA RIVER DID NOT FLOOD BECAUSE THE GROUND HAD NOT YET BEEN SATURATED AND THERE REMAINED PLENTY OF WATER STORAGE AVAILABLE IN COUNTY RESERVOIRS - DESPITE SIX INCHES OF RAIN THAT FELL IN A SHORT PERIOD OF TIME. HOWEVER, WIND DID CAUSE THIRTY-TWO TREES TO FALL ON COUNTY RIGHT OF WAYS WHICH RESULTED IN THE CLOSURE OF SIX COUNTY ROADS. TEN MUDSLIDES OCCURRED AND LOCALIZED FLOODING CAUSED ADDITIONAL ROAD CLOSURES. SOME COUNTY FACILITIES EXPERIENCED POWER OUTAGES AND LEAKS. ALSO, A REDWOOD TREE FELL IN FRONT OF THE COUNTY ADMINISTRATION BUILDING. COUNTY CREWS WORKED A TOTAL OF 924 HOURS TO FIX STORM RELATED PROBLEMS.

NAPA COUNTY ASSESSOR/RECORDER-COUNTY CLERK, REGISTRAR OF VOTERS, JOHN TUTEUR PRESENTED AN UPDATE ON THE ELECTION PROCESS FOR THE FEBRUARY 5, 2008 PRESIDENTIAL PRIMARY. HE STATED APPROXIMATELY 42,000 BALLOTS WOULD BE MAILED DURING THE CURRENT WEEK. EFFECTIVE MONDAY, JANUARY 7, 2008 BALLOTS WERE AVAILABLE AT THE COUNTY ELECTIONS OFFICE. THE ELECTIONS OFFICE WOULD BE OPEN SATURDAY, FEBRUARY 2, 2008 AND SUNDAY, FEBRUARY 3, 2008 FROM 8:30 A.M. TO 4:30 P.M. TO ALLOW VOTERS TO VOTE OR DROP OFF THEIR VOTE-BY-MAIL BALLOTS. ON ELECTION DAY THE VOTE-BY-MAIL BALLOTS COULD ALSO BE DROPPED OFF AT ANY OF THE 58 POLLING PLACES UNTIL 8:00 P.M.

MR. TUTEUR ALSO REPORTED THE JUNE ELECTION WAS NOW IN PROGRESS. SIGNATURES IN LIEU OF FILING FEE PETITIONS WERE CURRENTLY AVAILABLE IN THE ELECTIONS OFFICE.

Consent Calendar

- 6A. Chief Probation Officer requests approval of and authorization for the Chair to sign an agreement with Alternatives for Better Living for a maximum of \$30,000 for the term January 8, 2008 through June 30, 2008 to facilitate the Crossroads Curriculum Training Program for adult probationers under the supervision of the Probation Department. **A-6939**
- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Traditions Psychology Group, Inc., dba Traditions Behavioral Health, for a maximum of \$800,000 for the term January 8, 2008 through June 30, 2008 with a provision for automatic annual renewal to provide contract psychiatric services for the County's Mental Health Program. **A-6940**
- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Holmes Van and Storage, Inc. for a maximum of \$5,000 for the term January 8, 2008, through June 30, 2008, with a provision for automatic annual renewal, to provide moving assistance to clients of the Health and Human Services Agency. **A-6941**

- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Mary Baracco, RN, CNM, for a maximum of \$36,000 for the term January 8, 2008 through June 30, 2009 to provide services in the Universal Perinatal Home Visitation Program. **A-6942**
- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with the Area Agency on Aging Serving Napa and Solano, Inc. for a maximum of \$45,794 for the term July 1, 2007 through June 30, 2008 for the County's required basic support match for Federal and State funds, and for expanded support agreed to by the Board on September 11, 2007. **A-6943**
- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4072-1 with Community Action of Napa Valley, Inc., increasing the amount by \$1,894 for a new maximum of \$133,144 and revising the contractor's budget for the provision of Proposition 99 tobacco control services. **A-4072-1 (AMEND. 1)**
- 6G. Director of Health and Human Services requests adoption of a resolution approving the In-Home Supportive Services (IHSS) rate package increasing IHSS provider wages from \$10.50 per hour to \$11.50 per hour and retaining a provision for 60 cents per hour in health benefits. **R-08-01**
- 6H. Director of Environmental Management requests approval of and authorization for the Director to sign a letter to the San Francisco Bay Regional Water Quality Control Board (RWQCB) regarding the County's proposed implementation plan for minimizing contamination from on-site sewage disposal systems located near impacted creeks.
- 6I. Director of Public Works requests approval of and authorization for the Chair to sign a Right of Entry Agreement with Elizabeth H. Sutro, owner of property located at 4473 Atlas Peak Road (Assessor's Parcel No. 032-540-033), for activities associated with the relocation of the Atlas Peak Telecommunication facility. **A-6944**
- 6J. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Hellmuth, Obata + Kassabaum for a maximum of \$176,200 for the term January 8, 2008 through June 30, 2008 for a Facilities Space Needs Analysis. **A-6945**
- 6K. Director of Public Works requests approval of and authorization for the Chair to sign a Rental Agreement with Friends of Lincoln Theater for the use of the Lincoln Theater (Veterans Home grounds) for January 15, 2008, February 26, and March 4, 2008 for a total maximum cost of \$10,700 which includes a \$2,000 refundable deposit to hold public meetings regarding the proposed update to the General Plan. **A-6946**
- 6L. Second reading and adoption of an ordinance of the Board of Supervisors of the County of Napa, State of California, amending Sections 10.12.020 and 10.12.080 of the Napa County Code pertaining to county parking lots.
ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 1: It has been determined that this type of project does not have a significant effect on the environment and is

6L. Continued.

exempt from the California Environmental Quality Act. [See Class 1 (“Existing Facilities”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B. **O-1301**

6M. Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for Health & Human Services - Administration deleting one (1) (M) Project Manager H&HS and adding one (1) (M) Operations Manager H&HS effective January 12, 2008. **R-08-02**

6N. Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for Corrections deleting one (1) Office Assistant II and adding one (1) Correctional Technician effective January 8, 2008. **R-08-03**

6O. Human Resources Director requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 6552 with Ralph Andersen & Associates increasing the amount by \$57,000 for a new maximum of \$190,075 and amending the scope of work to include recruitment services for one (1) anticipated vacancy that is yet to be identified, and background and reference checks for five (5) anticipated vacancies. **A-6552 (AMEND. 4)**

6P. Human Resources Director requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6799 with Doris Pick, Ph.D., dba Fox, Pick & Associates, amending the compensation rate from \$125 to \$150 per hour for pre-employment psychological screening examinations. **A-6799 (AMEND. 1)**

6Q. County Executive Officer requests the following appointments/reappointments to the Napa County Commission on Aging:

*Incumbents

<u>Applicant</u>	<u>Representing</u>	<u>Term Expiration</u>
Albert Iliff*	Organization Concerned with Older Adults	September 30, 2009
Dr. Kenneth P. Lee*	Organization Concerned with Older Adults	September 30, 2009
JoAnn Busenbark*	Organization Concerned with Older Adults	September 30, 2009
Mark Perkins	Organization Concerned with Older Adults	September 30, 2009
Kristi Lesnewich	Organization Concerned with Older Adults	September 30, 2009
Naomi Dreskin-Anderson*	District 2	September 30, 2009
Dr. Olive Jack	Commissioner Emeritus	Indefinite

6R. Clerk of the Board requests approval of minutes of the meetings held on December 4 and 11, 2007.

SUPERVISOR DILLON ABSTAINED FROM VOTING ON THE MINUTES OF DECEMBER 11, 2007.

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

**APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6R.
HM-BD-DD-ML-BW**

Set Matters or Public Hearings

- 8A. 9:00 A.M. - Recess to the Board of Equalization Meeting. **(SEE BOARD OF EQUALIZATION MINUTES)**
- 8B. 9:00 A.M. - Recess to the Napa County Public Improvement Corporation special meeting. **(SEE NAPA COUNTY PUBLIC IMPROVEMENT CORPORATION MINUTES)**
- 8C. 9:00 A.M. - Recess to the Lake Berryessa Resort Improvement District special meeting. **(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)**
- 8D. 9:00 A.M. - Recess to the Napa Berryessa Resort Improvement District special meeting. **(SEE NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)**
- 8E. 9:00 A.M. - Recess to the Silverado Community Services District special meeting. **(SEE SILVERADO COMMUNITY SERVICES DISTRICT MINUTES)**
- 8F. 9:00 A.M. - Recess to the Monticello Public Cemetery District special meeting. **(SEE MONTICELLO PUBLIC CEMETERY DISTRICT MINUTES)**
- 8G. 9:15 A.M. - Recess to the In-Home Supportive Services Public Authority of Napa County meeting. **(SEE IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY MINUTES)**
- 8H. 9:30 A.M. - County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by attorney Charles Meibeyer on behalf of his client, Richard Frank (Appellant), of a decision by the Conservation, Development and Planning Commission on August 1, 2007, to approve Use Permit Modification P06-0102 to the Frank Family Vineyards winery to allow: (1) crush activities; (2) construction of a new crush pad, entry gate and two-story building; (3) demolition of the existing visitor/tasting building; (4) increased parking; (5) an increase in the number of employees; (6) an increase in the number of tours and tastings by appointment only; (7) revisions to the marketing activities; (8) installation of new site landscaping; (9) modification of the exiting sewage disposal system; and (10) revisions to certain prior conditions of approval. The winery has a production capacity of 564,500 gal/yr approved in 1997 and is located on a 5.15-acre site on the east side of Larkmead Lane, between Silverado Trail and State Highway 29, approximately 2,400 feet north of Highway 29 and approximately 100-200 feet south of the Napa River within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel No. 020-290-007) 1091 Larkmead Lane, Calistoga, CA. The appeal challenged the Commission's approval of the Use Permit.
ENVIRONMENTAL DETERMINATION: Subsequent Mitigated Negative Declaration Prepared. According to the Subsequent Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental

8H. Continued.

impacts in the following area: Biological Resources. If the Board decides to deny the appeal, it would need to affirmatively readopt the Subsequent Mitigated Negative Declaration prior to approving the project. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

ADOPTED RESOLUTION

BD-ML-DD-HM-BW

R-08-04

8I. 11:00 A.M. - Recess to the Napa County Housing Authority meeting. **(SEE NAPA COUNTY HOUSING AUTHORITY MINUTES)**

8J. 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)**

8K. 2:00 P.M. - Recess to the Napa County Flood Protection and Watershed Improvement Authority meeting. **(SEE NAPA COUNTY FLOOD PROTECTION AND WATERSHED IMPROVEMENT AUTHORITY MINUTES)**

Administrative Items

9A. Discussion and possible action regarding the appointment of members of the Board of Supervisors to various committees, commissions and advisory boards.

THE BOARD APPOINTED SUPERVISORS DILLON AND MOSKOWITE AS FLOATING ALTERNATE MEMBERS TO THE NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (NCTPA).

BD-ML-DD-HM-BW

THE FOLLOWING APPOINTMENTS WERE MADE TO SECTION A:

- 1. THE BOARD APPOINTED SUPERVISOR LUCE AS REPRESENTING THE BOARD OF SUPERVISORS CHAIR AND SUPERVISOR MOSKOWITE AS THE ALTERNATE TO THE NAPA SANITATION DISTRICT;**
- 2. THE BOARD APPOINTED CHAIR WAGENKNECHT AS THE DELEGATE AND SUPERVISOR DODD AS THE ALTERNATE TO THE GREAT WINE CAPITALS GLOBAL NETWORK (GWC);**
- 3. THE BOARD APPOINTED SUPERVISOR DILLON AS THE ALTERNATE TO CHAIR WAGENKNECHT AND SUPERVISOR MOSKOWITE AS THE ALTERNATE TO SUPERVISOR DODD ON THE NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (NCTPA), SUPERVISOR DODD REQUESTED STAFF TO RESEARCH WHETHER ALTERNATES COULD BE CONSIDERED FLOATING; AND,**
- 4. THE BOARD REAPPOINTED THE SUPERVISORS CURRENTLY SERVING TO THE REMAINING OPEN POSITIONS IN SECTION A.**

BD-ML-DD-HM-BW

9A. Continued.

THE BOARD APPOINTED SUPERVISOR DILLON AS THE ALTERNATE TO CHAIR WAGENKNECHT ON THE NORTHERN CALIFORNIA COUNTIES TRIBAL MATTERS CONSORTIUM. ML-BD-DD-HM-BW

THE BOARD CONFIRMED THE APPOINTMENTS REMAINING IN SECTION B. BD-ML-DD-HM-BW

THE BOARD CONFIRMED THE APPOINTMENTS IN SECTION C. ML-BW-DD-BD-HM

9B. Assessor-Recorder-County Clerk and County Counsel request that the Board take the following actions:

1. Receive and order filed the Certification of the Registrar of Voters that the "Napa County Responsible Growth Initiative" petition has sufficient signatures; and,
2. As required by Elections Code 9118, take one of the following actions:
 - a. Direct staff to prepare an ordinance tracking the "Napa County Responsible Growth Initiative" without alteration for adoption by the Board on January 15, 2008; or
 - b. Direct staff to prepare a resolution for January 15, 2008 placing the "Napa County Responsible Growth Initiative" on the ballot of the next statewide election occurring not less than 88 days from January 8, 2008 for the purpose of enabling the voters of Napa County to approve or reject the "Napa County Responsible Growth Initiative"; or
 - c. Adopt a resolution directing staff to prepare and present to the Board a report pursuant to Section 9111 of the Elections Code and identify what information should be included in the report.

APPROVED ITEM #1 REQUEST AND APPROVED ITEM #2C ADOPTING THE RESOLUTION WITH DIRECTION TO STAFF TO HIRE OUTSIDE COUNSEL TO PREPARE THE 9111 REPORT. R-08-05

BD-ML-DD-HM-BW

10. Legislative Items.

SUPERVISOR LUCE REPORTED THAT THE LEGISLATIVE SUBCOMMITTEE DISCUSSED THE 2008 LEGISLATIVE PLATFORM WHICH WOULD BE PRESENTED TO THE BOARD ON JANUARY 29, 2008. IMPORTANT ISSUES DISCUSSED INCLUDED SKYLINE PARK, THE HOUSING ELEMENT, THE OFFICE OF THE REGISTRAR OF VOTERS AND NAPA STATE HOSPITAL FUNDING.

11. Board of Supervisors Committee Reports and Announcements.

SUPERVISOR DILLON REPORTED THAT SEVERAL MEMBERS OF THE OF BOARD PARTICIPATED IN LEADERSHIP NAPA VALLEY GOVERNMENT DAY.

12. Board of Supervisors Future Agenda Items.
SUPERVISOR DILLON ADVISED THAT 2008 WAS THE 40TH ANNIVERSARY OF THE ADOPTION OF THE AG PRESERVE ORDINANCE. SHE REQUESTED THAT STAFF DEVELOP A PLAN TO CELEBRATE THE ANNIVERSARY WHICH WOULD INCLUDE THE PARTICIPATION OF THOSE WHO SERVED ON THE BOARD OF SUPERVISORS AT THAT TIME.

SUPERVISOR DILLON ALSO ASKED STAFF TO MAKE SURE THAT ANY PROCEDURAL ISSUES REGARDING PROPOSED REVISIONS TO THE JOINT POWERS AGREEMENT (JPA) OF THE NAPA COUNTY TRANSPORTATION PLANNING AGENCY (NCTPA) WERE UNDERSTOOD AND DISCUSSED PRIOR TO FINAL SIGNATURE BY THE PARTICIPATING AGENCIES.

CHAIR WAGENKNECHT REQUESTED THAT THE GANG ISSUE BE PLACED ON THE JANUARY 29, 2008 JOINT MEETING WITH THE CITY OF NAPA.

SUPERVISOR LUCE ANNOUNCED THAT HIS TRIP TO KENYA HAD BEEN CANCELLED AND THAT HE WOULD BE PRESENT AT THE FEBRUARY 5, 2008 BOARD MEETING.
13. County Executive Officer Reports and Announcements.
COUNTY EXECUTIVE OFFICER (CEO) NANCY WATT REPORTED THAT THE GOVERNOR WAS CONSIDERING DECLARING A FISCAL EMERGENCY IN THE STATE DUE TO A \$14 BILLION DOLLAR DEFICIT. THE 2008/2009 PROPOSED STATE BUDGET WAS EXPECTED TO BE RELEASED JANUARY 10, 2008. THE EFFECTS OF THE PROPOSED BUDGET ON COUNTIES WOULD BE STUDIED BY THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC).

SHE ALSO ANNOUNCED THAT SHE WOULD BE ATTENDING A MEETING OF THE COUNTY ADMINISTRATORS GROUP DURING THE WEEK OF JANUARY 14, 2008 AND WOULD REPORT BACK TO THE BOARD ON THE EXPECTED BUDGET IMPACTS.
14. Closed Session.
 - A. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957)
Title: Director of Child Support Services
CLOSED SESSION NOT HELD
 - B. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
Agency Designated Representatives: Mark Gregersen, Human Resources Director
Employee Organizations: SEIU Local 1021 - NAPE (Employee Unit & Supervisory Unit of the County of Napa)
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

15. Adjournment.

**ADJOURNED IN MEMORY OF UNIVERSITY OF CALIFORNIA COOPERATIVE
EXTENSION DIRECTOR/VITICULTURE FARM ADVISOR ED WEBER AND
FORMER COUNTY SUPERVISOR/DISTRICT 5 JOHN MIKOLAJCIK TO BOARD OF
SUPERVISORS REGULAR MEETING, TUESDAY, JANUARY 15, 2008 AT 9:00 A.M. AT
THE LINCOLN THEATER ON THE HISTORIC GROUNDS OF THE VETERANS
HOME OF CALIFORNIA, YOUNTVILLE, 100 CALIFORNIA DRIVE.**

BRAD WAGENKNECHT, Chair

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