

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF NAPA

March 11, 2008

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION TUESDAY, MARCH 11, 2008 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIR BRAD WAGENKNECHT, SUPERVISORS DIANE DILLON, HAROLD MOSKOWITE AND MARK LUCE. SUPERVISOR BILL DODD WAS EXCUSED. THE MEETING WAS CALLED TO ORDER BY CHAIR WAGENKNECHT.

2. Pledge of Allegiance.
THE 24 NEW COUNTY EMPLOYEES LED THE ASSEMBLY IN THE PLEDGE OF ALLEGIANCE.

3. Approval of Minutes.
NONE

Presentations and Commendations

- 4A. Human Resources Director to introduce new County of Napa employees.
HUMAN RESOURCES DIRECTOR MARK GREGERSON INTRODUCED 24 NEW NAPA COUNTY EMPLOYEES TO THE BOARD.
- 4B. Disabled American Veterans Chapter 48 to thank the Board of Supervisors for supporting “A Day on the Bay on the Freedom Boat.”
KEN WINGETT, DISABLED AMERICAN VETERANS, LOCAL CHAPTER 48 OF SANTA ROSA, PRESENTED A PLAQUE TO CHAIR WAGENKNECHT.
5. Public Comment.
JIM LYLE, YOUNTVILLE VETERANS HOME, REQUESTED THE BOARD CONSIDER A 2-YEAR CYCLE FOR THE POSITION OF POET LAUREATE.
6. Department Heads Reports and Announcements.
REGISTRAR OF VOTERS JOHN TUTEUR GAVE THE BOARD HIGHLIGHTS OF THE FEBRUARY 5, 2008 PRESIDENTIAL ELECTION.

Consent Calendar

- 7A. Sheriff requests approval of and authorization for the Chair to sign an agreement with the Napa Valley College for the term March 11, 2008 through June 30, 2010 to provide firearms training for sworn peace officers employed by Napa Valley College. **A-6969**

- 7B. Sheriff requests approval of Budget Transfer No. 28 transferring \$12,114 from Off Highway Motor Vehicle Expenses to Equipment within the Sheriff's budget and establishing a fixed asset in the amount of \$12,114 for the purchase of two off-highway motorcycles. (4/5 vote required)
BT-28
- 7C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 3236 with Queen of the Valley Medical Center, Inc., through its CARE Network Program, incorporating the details of the grant agreement between the County and the California Department of Health Services outlining the requirements of the grant, and extending the term through March 31, 2009 to provide case management services under the Ryan White Comprehensive AIDS Resources Emergency (CARE) Program. **A-3236 (AMEND. 1)**
- 7D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4402 with Davis Guest Home increasing the amount by \$160,000 for a new maximum of \$460,000 to provide residential mental health services. **A-4402 (AMEND. 4)**
- 7E. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 6361 with Willow Glen Care Center increasing the amount by \$62,050 for a new maximum of \$124,100, incorporating a second residential mental health facility, Rosewood Care Center, into the Scope of Work and revising the Compensation Section to reimburse the contractor for services provided at Rosewood Care Center for the provision of residential mental health services. **A-6361 (AMEND. 3)**
- 7F. Director of Health and Human Services requests approval of the following actions regarding the Transitional Housing Program-Plus (THP-Plus) for emancipated foster youth in Napa County:
1. Authorization for the Chair to sign Amendment No. 1 to Agreement No. 6843 with Progress Foundation, Inc., increasing the amount by \$301,289 for a new maximum of \$577,841, revising the Scope of Work to increase the number of youth served, and revising the Compensation section to reimburse the contractor for an increase in the number of clients served; and **A-6843 (AMEND. 1)**
 2. Budget Transfer No. 29 appropriating \$443,731 in the Social Services budget, with offsetting revenues from the State Department of Social Services to fund contract expenditures (4/5 vote required) **BT-29**
- 7G. Director of Health and Human Services requests approval of the following:
1. Authorization for the Chair to sign a revenue agreement with the State Department of Alcohol and Drug Programs for a maximum of \$1,101,144 for the term October 1, 2007 through September 30, 2012 for the Safe and Drug Free Schools and Communities grant; **A-6973**
- 7G. Continued

2. Authorization to delegate authority for the Director of Health and Human Services to sign all claims for reimbursement to the State Department of Alcohol and Drug Programs under the Safe and Drug Free Schools and Communities grant; and
3. Budget Transfer No. 26 increasing appropriations in the Substance Abuse Services budget with offsetting revenues from the Safe and Drug Free Schools and Communities grant in the amount of \$238,693 to fund program expenditures. (4/5 vote required)

BT-26

- 7H. Director of Public Works requests adoption of a resolution temporarily closing a portion of Henry Road from 7:00 A.M. to 10:00 A.M. on Saturday, April 5, 2008, for the Carneros Vineyard Run.
R-08-40
- 7I. Director of Public Works requests approval of and authorization for the Chair to sign a License Agreement with Napa Valley Vending for annual reimbursement to the County of \$840, for the term March 11, 2008 through March 10, 2011, with an option to automatically renew at the end of each such term for an equivalent period, for the installation, replenishment of items and maintenance of vending machines in County owned buildings.
A-6974
- 7J. Assessor-Recorder-County Clerk requests Board declaration of the results of the Measure K election under its jurisdiction as set forth in the Certified Statement of Vote (Official Canvass) for the Presidential Primary Election held on Tuesday, February 5, 2008 pursuant to the Elections Code Sections 15300-15400.
- 7K. Director of Community and Intergovernmental Affairs requests adoption of a resolution and approval of and authorization for the Chair to sign a letter supporting the creation of a Calistoga American Viticultural Area (AVA) and protecting wine industry practices of truth-in-labeling and nesting of AVA appellations. (Unanimous Vote Required)
ADOPTED AMENDED RESOLUTION **R-08-41**
- 7L. County Counsel requests approval of the recently amended Conflict of Interest Code for the Napa County Winegrape Pest and Disease Control District.
- 7M. County Counsel requests approval of the Conflict of Interest Code for the Napa County Housing Commission.
- 7N. Human Resources Director requests the adoption of a resolution amending the Departmental Allocation List and Table and Index of Classes for the Assessor-Recorder-County Clerk as follows, effective March 22, 2008.

1. Amend the Departmental Allocation list to:
 - a. Delete:
 - i. Two (2) Senior Assessment-Records Assistants; and
 - ii. One (1) Transfer Mapping Technician.
 - b. Add:
 - i. One (1) Mapping and Title Technician;
 - ii. One (1) (S) Mapping and Title Supervisor; and
 - iii. Two (2) Title Technicians.

- 7N. Continued

c. Delete subsequent vacancy resulting from departmental promotion to Mapping and Title Supervisor.

2. Amend the Table and Index of Classes to add:

- a. Mapping and Title Supervisor;
- b. Mapping and Title Technician; and
- c. Title Technician.

3. Amend appropriate personnel polices to add reference to the Mapping and Title Supervisor. **R-08-42**

7O. County Executive Officer request the following appointments be made to the Building Board of Appeals with terms to commence immediately and expire July 1, 2008.

Applicants

Thomas Andrews
James Asbury
Jerry Foster
Stephen Silva
Wayne Holland

Representing

Voting Member
Voting Member
Voting Member
Voting Member
Voting Member (qualified to pass upon matters pertaining to disability access)

ITEM REMOVED FROM THE AGENDA.

7P. Assistant Treasurer-Tax Collector requests authorization to transfer an irreconcilable balance from the Tax Collector's Refund Trust Fund to the General Fund in the amount of \$7,246.17.

8. Discussion of Items Removed from the Consent Calendar.
SEE ITEM 7O.

**APPROVED CONSENT CALENDAR ITEMS 7A THROUGH 7N AND 7P.
DD-ML-BD-HM-BW
X**

Set Matters or Public Hearings

9A. 9:00 A.M. – Public Hearing.
Auditor-Controller requests consideration and possible adoption of a resolution establishing the property tax administration fee allocation for public entities in Napa County for Fiscal Year 2007-2008, for services rendered in Fiscal Year 2006-2007, as authorized by Chapter 3.44 of the Napa County Code Section 95.3 of the Revenue and Taxation Code.

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ADOPTED RESOLUTION

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

R-08-43

9B. 9:15 A.M.

County Executive Officer and Auditor-Controller to discuss status of prefunding the County's Other Post Employment Benefits through the California Employer's Retiree Benefit Trust Program and request approval of and authorization for the Chair to sign the following documents upon conclusion of negotiations with CalPERS:

- 1. An agreement with California Public Employees' Retirement System (CalPERS) for a maximum contribution of \$5,900,000 for Fiscal Year 2007-08 which includes current year premium payments; and
- 2. Delegation of Authority to Request Disbursements.

APPROVED REQUESTS

ML-HM-DD-BD-BW

A-6975

X

9C. 9:45 A.M. - Recess to the In-Home Supportive Services (IHSS) Public Authority of Napa County special meeting. **(SEE IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY OF NAPA COUNTY MINUTES)**

9D. 10:00 A.M. – Public Hearing.

County Fire Chief requests first reading and intention to adopt an ordinance amending Chapter 8.36 of the Napa County Code for fire hazard abatement in the unincorporated areas including the addition of requirements consistent with Public Resources code section 4291, changing the appeal process, modifying the methods required for notice of violations, and clarifying neighboring property owner responsibilities for fuel modification.

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).

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

TITLE READ

THE BOARD WAIVED READING THE BALANCE OF THE ORDINANCE.

DD-ML-BD-HM-BW

X N

THE BOARD DECLARED INTENT TO ADOPT THE ORDINANCE.

DD-ML-BD-HM-BW

X N

9E. 10:45 A.M. – Public Hearing.

First reading and intention to adopt an ordinance amending Chapter 6.04 (Animal Control and Rabies Prevention), Chapter 6.08 (Kennels, Zoos and Animal Exhibits), and Chapter 6.12 (Beehives) of the Napa County Code.

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. (Continued from November 20, December 11, 2007 and January 29, 2008; Staff Requests Continuance to April 22, 2008 at 9:30 A.M.)

ITEM CONTINUED TO APRIL 22, 2008 AT 9:30 A.M.

DD-ML-BD-HM-BW

X

9F. 11:00 A.M. – Public Hearing.

County Counsel requests the following actions relating to the County's 2006 Conflict of Interest Code:

1. Accept public testimony at the Public Hearing regarding objections or protests with respect to amending the Code; and
2. Close the Public Hearing and adopt the proposed resolution amending the 2006 Conflict of Interest Code.

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ADOPTED RESOLUTION

DD-ML-BD-HM-BW

R-08-44

X

9G. 11:15 A.M.

Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the Audit Reports for the following Napa County District Attorney grant audit reports:

1. Violence Against Women Vertical Prosecution Program;
2. Vertical Prosecution Block Program;
3. Gang Violence Suppression Program;
4. Spousal Abuser Prosecution Program;
5. Northern California Computer Crimes Task Force; and
6. Anti-Drug Abuse Enforcement Program.

ACCEPTED REPORTS

HM-ML-DD-BD-BW

X

9H. 11:30 A.M. - Recess to the Lake Berryessa Resort Improvement District (LBRID) Special Meeting. **(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)**

Administrative Items

10A. Public Hearing.

First reading and intention to adopt an ordinance amending Agreement No. 1464 with the Board of Administration of CalPERS to provide Fourth Level 1959 Survivor Benefits for employees who receive safety retirement benefits.

10A. Continued

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 – NO TESTIMONY PRESENTED

TITLE READ

THE BOARD WAIVED READING THE BALANCE OF THE ORDINANCE.

DD-ML-BD-HM-BW

X

THE BOARD DECLARED INTENT TO ADOPT THE ORDINANCE.

DD-ML-BD-HM-BW

X

10B. County Executive Officer recommends that the Board choose one of the following in regards to the compensation for an elected officer's Chief Deputy who temporarily discharges duties of the elected officer pursuant to Government Code Section 24105:

- 1. Keep the Napa County Policy Part I: Section 37C-5 adopted by the Board on December 18, 2007 which allows for the Chief Deputy to be compensated at the level of the Elected official during the temporary assignment;
- 2. Amend the Napa County Policy Part I: Section 37C-5 to have the Chief Deputy receive 5% out of class pay during the temporary assignment; or
- 3. Amend the Napa County Policy Part I: Section 37C-5 to have the Chief Deputy compensated in the same manner as the chief deputy of an appointed department head when serving as the "Acting Department Head". This entails creating a salary step system for the elected officials solely for the purpose of compensating the Chief Deputy during the temporary assignment.

DISCUSSION HELD – NO ACTION TAKEN – POLICY REMAINS UNCHANGED.

10C. County Executive Officer requests that the Board review and accept the Fiscal Year 2007-08 Mid-Year Fiscal Review.

ACCEPTED REPORT

DD-ML-BD-HM-BW

X

11. Legislative Items.

NONE

12. Board of Supervisors Committee Reports and Announcements.

SUPERVISORS DILLON AND WAGENKNECHT ATTENDED A RETIREMENT PARTY HONORING MARJORIE DIXON, EXECUTIVE DIRECTOR OF THE RED CROSS, AND EXPRESSED APPRECIATION FOR HER YEARS OF SERVICE.

13. Board of Supervisors Future Agenda Items.

NONE

14. County Executive Officer Reports and Announcements.

NONE

15. 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)

CLOSED SESSION NOT HELD

16. Adjournment.

**ADJOURNED TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY,
MARCH 18, 2008 AT 9:00 A.M.**

BRAD WAGENKNECHT, Chair

ATTEST:

GLADYS I. COIL, Clerk of the Board

KEY

Vote: DD = Diane Dillon; BD = Bill Dodd; HM = Harold Moskowitz;

BW = Brad Wagenknecht; ML = Mark Luce

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