

Report to Directors, Angwin Community Council

Subject: Board of Supervisors (BOS) meeting, March 3, 2009

From: Herbert Ford

March 2009 is American Red Cross (ARC) month and BOS Chair Mark Luce read out a proclamation affirming that fact at the start of today's meeting. There are 80 Red Cross volunteers and three paid staff members in Napa County and their past year's work included responding to 17 residential fires; helping 44 displaced persons with emergency food, clothing and a warm, dry place to sleep in; helping 5,437 persons learn lifesaving skills in 656 classes; enrolling 185 teenagers in ARC babysitters training; conducting 27 disaster education presentations; and having 162 volunteers contribute 12,707 hours of service to the local chapter. The American Red Cross has a 91-year record of service in Napa County.

The long-running matter of the "Jail Kitchen Freight Elevator Project" had another airing in the "Consent Items" brought before the BOS today. The county's Director of Public Works requested that the Supervisors acknowledge that a number of findings about the jail's kitchen elevator are still in effect, and that the BOS review emergency actions about the elevator at eight BOS meetings, and that the Acting Director of Public Works be directed "to prepare an agenda item for the March 17 meeting of the Board to review the need to continue these emergency actions." All making one wonder if this elevator in the county jail will ever find its way off the agendas of the Board of Supervisors.

Discussion of increased water rates for the Napa-Berryessa Resort Improvement District revealed the complexities that can come about when a county district is faced what appears to be stonewalling by an entity of the Federal government - the Bureau of Reclamation (BR). County staff has found that water and sewer rates for those in the district must increase due to the eminent closure of Steele Park Resort (at Lake Berryessa), the uncertainty of a new concessionaire contract for operation of the resort with the BR, and increases in operational costs generally.

Try as it has, the county cannot get the BR to let it know what it will be doing and when it will be doing it with the Resort. This hangs the county out to dry in trying to set rates that are fair to users in the district. It also appears that in the super complexity of this matter, there are a few folk in the district who are being charged user fees, but for some legal reason they cannot be hooked up to the district's water system.

Staff was instructed to come back to the Board with what it feels will be the most workable user charges arrangement.

The Board heard an informative presentation the Community Development Block Grant Program, with particular emphasis on its allocation process. This program has helped the Howell Mountain Mutual Water Company, largely due to the tremendous work to put facts about the company and its needs before the grant-makers by the late Duane Dice.

The Board give its approval to the county's participation in this program so long as administrative costs to prepare and administer grant applications do not outstrip funds that may come in grants.

It appears that Napa County is getting more than its share of folk willing to take it to court over its various decisions, mostly relating to land and water use, I suspect. Today the following court challenges were to be discussed in closed session with legal counsel:

1. William Dal Molin & Chris Malan vs. County of Napa - U.S. District Court.
2. Summer Pearce vs. County of Napa - Solano County Superior Court.
3. Lantz Properties vs. County of Napa - Napa County Superior Court.
4. Ana Chretien vs. County of Napa & Napa River Reclamation District - Napa County Superior Court.
5. Donald Ploof vs. County of Napa - Napa County Superior Court.
6. David Holstein vs. County of Napa - Napa County Superior Court.
7. David & Janice Wesner vs. County of Napa - U.S. District Court
8. Norman & Evelyn Kiken vs. County of Napa - Napa County Superior Court.
9. Raymond Stewart, et al. Vs. County of Napa - Napa County Superior Court.
10. Rex McCurdy vs. County of Napa - U.S. District Court.
11. Keranco LLC, dba Olive Tree Apts. vs. County of Napa - Napa County Superior Court.
12. Bryan Kramer vs. Couoty of Napa, (Claim # 08-586).

The "biggest" agenda item today was this recommendation which came before the BOS: "County Executive Officer, Director of Conservation, Development & Planning, and Director of Community & Intergovernmental Affairs to present a summary of the planning and review process for the Napa Pipe project, and request approval of and authorization for the Chair to sign:

1. an agreement with Napa Redevelopment Partners, LLC wherein the developer agrees to provide funding for consultant services and staff costs associated with processing applications related to the Napa Pipe project; and
2. an agreement with Gibson Dunn for a maximum of \$325,000 for the term February 1, 2009 through December 31, 2009, for legal services related to negotiation of a development agreement related to the Napa Pipe project."

It appeared that all that was desired in this recommendation was for the BOS to give its approval to Napa Pipe paying to the County and the County receiving \$325,000 with which the County would be able to muster a legal firm that had knowledge and expertise in dealing with large developments such as Napa Pipe is.

But Supervisor Dillon was having none of it. She took issue with ". . . legal services related to negotiation of a development agreement . . ." "I won't go for anything that has us doing an agreement with Napa Pipe," she said.

Of course that was not what was being recommended, but the words in the recommendation seems to imply that there would be an agreement some time down the road.

Dillon was at her fiery best (or worst) depending on whose side you are on. Dutifully the other Supervisors jumped into the wrong conclusion mode, and after many exercises of the jaw that threatened to fill the room to overflowing with virtue, the matter was referred back to staff

for a rewording that would do what was being asked for, without the troublesome verbiage therein.

A County-run Public Workshop Schedule relating to Napa Pipe matters includes:

March 18, 6 p.m., Office of Education at 2121 Imola Avenue, “What Makes a Successful Neighborhoods?”

April 8, 6 p.m., Office of Education at 2121 Imola Avenue, “Neighborhood Character and Design.”

May 20, 6 p.m., Office of Education at 2121 Imola Avenue, “Public Open Space & the Napa River.”

June 17, 6 p.m., Napa Pipe, 1025 Kaiser Road, “Traffic Impacts & Mitigation Measures.”

July 15, (No time given), Napa Pipe, 1025 Kaiser Road, “Sustainability in Neighborhood Design.”

August 19, (No time given), Napa Pipe, 1025 Kaiser Road, “Public Hearing on the Draft Environmental Impact Report (EIR).”

A note says, “All meeting dates and topics after March 18, 2009, subject to change. Please consult the County website for more information at www.co.napa.ca.us or e-mail napapipe@co.napa.ca.us to register and receive e-mail notifications of these workshops in advance.”

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