



**Napa County Regional Park
and Open Space District**

Harold Kelly
Director Ward One

Tony Norris
Director Ward Two

Guy Kay
Director Ward Three

Dave Finigan
Director Ward Four

Myrna Abramowicz
Director Ward Five

AGENDA

BOARD OF DIRECTORS REGULAR MEETING

Monday June 14, 2010 2:00 P.M.
1195 Third Street, Third Floor, Napa, CA 94559

GENERAL INFORMATION

Agenda items will generally be considered in the order indicated below, except for Set Matters, which will be considered at the time indicated. Agenda items may from time to time be taken out of order at the discretion of the President.

The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the District Secretary. Requests for disability related modifications or accommodations, aids, or services may be made to the Secretary's office no less than 48 hours prior to the meeting date by contacting (707) 259-8603.

Any member of the audience desiring to address the District on a matter on the Agenda, please proceed to the rostrum and, after receiving recognition from the President, give your name, address, and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the President.

State law requires agency officers (Directors and Officers) to disclose, and then be disqualified from participation in, any proceeding involving a license, permit, or other entitlement for use, if the officer has received from any participant in the proceeding an amount exceeding \$250 within the prior 12 month period. State law also requires any participant in a proceeding to disclose on the record any such contributions to an agency officer.

All materials relating to an agenda item for an open session of a regular meeting of the Board of Supervisors which are provided to a majority or all of the members of the Board by Board members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, on and after at the time of such distribution, in the Conservation, Development and Planning Department Office at 1195 Third Street, Suite 210, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

1. Call to Order and Roll Call

2. Public Comment

In this time period, anyone may address the Board of Directors regarding any subject over which the Board has jurisdiction but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the President. As required by Government Code, no action or discussion will be undertaken on any item raised during this Public Comment period.

3. Set Matters

- 3:00 pm. A. Public Hearing and consideration and potential action regarding proposed District budget for Fiscal Year 2010-11 (see item 4.G for staff report)

4. Administrative Items

- A. Consideration of and potential approval of Minutes of Board of Directors meeting of May 10, 2010. (POSTPONED TO JULY MEETING)
- B. Consideration of and direction to staff regarding the project description for the District's proposed Moore Creek Park comprised of 673 acres owned by the District and 970 acres owned by the City of Napa on the north side of Lake Hennessey.
- C. Consideration of and direction to staff regarding potential policy on smoking in parks and trails owned and/or managed by the District.
- D. Consideration of and potential adoption of position on AB 1962.
- E. Consideration and potential approval of professional services contract with Gallina LLP, Certified Public Accountants, in an amount not to exceed \$5,250 to perform the independent financial audit of the District for fiscal year 2009-10.
- F. Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager
- G. Consideration of and potential action on adjustments to the District budget for Fiscal Year 2009-10.
- H. Consideration of and potential appointment of Board Ad Hoc Committee to develop response to the 2009-2010 County Grand Jury report (no staff report)
- I. Review of the District Projects Status Report.

5. Announcements by Board and Staff

In this time period, members of the Board of Directors and staff will announce meetings, events and other matters of interest. No action will be taken by the Board on any announcements.

6. Agenda Planning

In this time period, members of the Board of Directors and staff will discuss matters for possible consideration at future meetings. No action will be taken by the Board other than whether and when to agendaize such matters, unless specifically noted otherwise.

7. Adjournment



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: June 14, 2010

Agenda Item: 4.B

Subject: Consideration of and direction to staff regarding the project description for the District's proposed Moore Creek Park comprised of 673 acres owned by the District and 970 acres owned by the City of Napa on the north side of Lake Hennessey.

Recommendation

Receive any public comment, and discuss and provide direction to staff on the questions discussed below related to the project description.

Background

A proposed Mitigated Negative Declaration (MND) was issued by the District on April 8, 2010. No comments were received from any of the responsible state, regional or federal agencies. However, concerns were raised by the neighbors to the west of the project site. In addition, the new General Manager for the City of Napa's Water Division requested additional detail on the project description and proposed mitigation measures. Finally, County Public Works, Environmental Management and Fire staff were not able to complete their review within the prescribed comment period. Rather than continue the comment period for an indefinite period, and then amend the existing MND to address these concerns and comments, staff determined it would be less confusing to redraft and recirculate the MND instead of inserting amendments into that document. Doing this has also given staff the opportunity to discuss the neighbor concerns further, to see if those concerns could be alleviated through changes to the project description. Unfortunately, it does not appear that the project description can be changed sufficiently to satisfy the neighboring property owners while still achieving the District's goals for the project. Nonetheless, staff requests that the Board consider the project description again, and either confirm or change the goals which the project is intended to achieve, so that when the MND is recirculated the project description is as focused as possible and reflects the Board's policy goals.

The primary objection raised by the owners of the property to the west of the District's property is the inclusion of 10 tent cabins for overnight stay, and related activities (equipment shuttle for campers, retail sales of park users, the shower facility, and use of water from the creek for the shower facility). The objection is based on the belief that this represents an unreasonable overuse of the property. A related concern, which also extends to day users as well as campers, is the potential for users to start a wildfire. Associated with all proposed public uses is their concern that public users of the park will trespass onto their private property. Finally, there is a belief that the noise generated by campers and by others using the existing ranch house will impact the solitude at their house located approximately ½ mile up the canyon to the west. Copies of correspondence from these property owners have been previously forwarded to the Board.

Camping. The project description for Moore Creek assumes camping is an important activity that should be accommodated at Moore Creek. A mix of primitive tent camping and tent cabins is proposed. Tent cabins are part of the proposed mix in the hopes of appealing to a broader public audience than would be the case if people could only sleep on the ground, and had to have all of their own camping equipment. Tent cabins are rustic (no insulation, no artificial heating or cooling, no indoor plumbing, remote shower and restroom facility) and have the advantages of containing most activities on a deck (less soil erosion and damage to native vegetation, and less chance of cooking activities starting a wildland fire), and allowing people without extensive camping equipment to still be able to enjoy the park. Staff requests the Board discuss and either confirm or modify the inclusion in the project description of 10 tent cabins and two other primitive camping areas. The underlying question is whether camping at Moore Creek Park should be focused on serious backpackers only, or designed to appeal to a somewhat broader market.

Location. At the last meeting of the Board, the neighbors to the west remarked that the location proposed for the tent cabins was the worst possible location on the District's property in terms of impacts to their enjoyment of their property. While the tent cabin location is approximately ½ mile from the neighbors' house, it is adjacent to the property line. In response to this concern, staff investigated the possibility for locating the tent cabins onto the knoll above and to the east of the existing ranch house (where only primitive tent camping is currently proposed). This location presents some operational difficulties because it is more remote from where the caretaker will reside, but offers nice views for campers, and would place the tent cabins approximately 2,000 feet away from the western property line and 4/5 of a mile from the neighbors' house. Although the neighbors have indicated that they do not believe relocating the tent cabins is an improvement for them, staff believes it may still make sense to relocate some of the tent cabins to the knoll. This would reduce the intensity of activity around the ranch house, and offer two different types of tent camping experience. (Moving all of the tent cabins to the knoll would present a problem in terms of complying with the Americans With Disabilities Act because there appears no way to make the knoll accessible for most people with mobility impairments.) It is not yet clear however what the construction and operational cost implications would be. Staff recommends that the project description be made flexible to allow some of the tent cabins to be relocated to the knoll if subsequent engineering and planning analysis shows this would not substantially raise construction and/or operational costs.

Retail Sales. The reason for allowing retail sales was so the camp caretaker could provide miscellaneous supplies such as mosquito repellent, poison oak soap, etc, as a convenience to campers and to reduce the need for someone to drive out to town if they found they forgot essential items such as these. Retail sales are not an essential activity for the park, however, and since the mention of retail sales has erroneously conjured up images of a 7-11 convenience store, staff recommends that on-site retail sales simply be dropped from the project description.

Equipment Shuttle. It is approximately 1 mile from the staging area, where all park users must leave their car, to the tent camping area. To address the requirement of the Americans With Disabilities Act, staff initially proposed a vehicle shuttle be provided to carry people and their equipment who because of a disability would not otherwise be able to get to the camping area. Since there would already be a system in place for the ADA-related shuttle, it would be relatively easy to allow other campers to have their equipment carried in for them by the shuttle. Operationally the tent cabins would thus be similar to the program offered by the backcountry tent cabins at Yosemite (where campers have their equipment carried from location to location by pack animals). The neighboring property owners have objected to the equipment shuttle as evidence of overly-intensive use of the

property. Offering an equipment shuttle is not necessary for serious backpackers, but would undoubtedly make the tent cabins more appealing to a broader segment of the general population. The Board is requested to discuss whether to include the plans for an equipment shuttle in the project description for Moore Creek. As with the question of whether tent cabins should be included, the underlying question is whether camping at Moore Creek Park should be focused on serious backpackers only, or designed to appeal to a somewhat broader market.



**Napa County Regional Park
and Open Space District**

STAFF REPORT

Date: June 14, 2010
 Agenda Item: 4.C
 Subject: Consideration of and direction to staff regarding potential policy on smoking in parks and trails owned and/or managed by the District.

Recommendation

Provide direction to staff regarding whether the District should adopt a policy on smoking in parks and, if so, what to include in the policy.

Background

At its May 2010 meeting the Board of Directors received a presentation from the Napa County Tobacco Advisory Board regarding the environmental impacts of smoking and tobacco products. Jim Tennant representing the Tobacco Advisory Board requested that the District consider adoption of a no-smoking policy for District parks.

Some of the factors the Board may wish to consider include:

- Wildland fire is a major concern for all of the District's parks and trails. Smoking is one of the causes, though far from being the major cause, of wildfire; according to the California Department of Forestry smoking causes only 2 percent of all wildfires.
- Cigarette butts on the ground are pervasive wherever smoking is allowed, and are both toxic and unsightly.
- Most outdoor recreation enthusiasts do not smoke because smoking does not fit with their interest in physical health and activities; however, those who do smoke are unlikely to go a long time without smoking, due to their addiction to nicotine, so if smoking is prohibited, all-day and overnight visitors are still likely to smoke, albeit illegally.
- Smoking illegally is probably more dangerous in terms of wildland fire, than if smoking are permitted in specially designated locations cleared of grass and other flammable materials.
- Different parks and trails may need to be treated differently. For example, the Oat Hill Mine Trail is legally a County road right-of-way, and so County regulations would apply. The trail is signed as "no smoking" but there is no legally-enforceable ordinance in place. If the District wished to legally enforce a ban on smoking on this trail, it would need to work with County to adopt the appropriate County or District ordinance. As another example, trails located on easements are likely to already have a smoking ban included as part of the easement. This is the case with the District's Ahmann easement (Berryessa Peak Trail). The District's agreement with the Department of Fish and Game, for the Napa River and Bay Trail where it utilizes DFG property, similarly bans smoking.

For background information, a copy of the City of Napa's no smoking policy for parks is attached.

ORDINANCE O2009 ---

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NAPA, STATE OF CALIFORNIA AMENDING CHAPTER
12.36 OF THE NAPA MUNICIPAL CODE TO PROHIBIT
SMOKING IN CITY PARKS

WHEREAS, the City Council finds that numerous scientific studies and data have suggested that secondhand tobacco smoke is a major cause of disease, including lung cancer, in non-smokers, with a heightened risk to the elderly, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

WHEREAS, the United States Environmental Protection Agency has classified secondhand tobacco smoke as a Class A carcinogen known to cause cancer in humans; and

WHEREAS, in early 2006, following a comprehensive four-year study, the California Air Resources Board declared second-hand smoke a toxic air contaminant, which has been linked to 400 additional lung cancer deaths a year in non-smokers, 3,600 fatal heart attacks and 31,000 asthma attacks in children; and

WHEREAS, the list of health hazards associated with breathing secondhand tobacco smoke includes lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction and bronchospasm; and

WHEREAS, nonsmokers with allergies, respiratory ailments and others who suffer the ill effects of breathing secondhand smoke may experience a loss of job productivity or miss work because of the ill effects of tobacco on their health, and higher costs to employers may result due to an increase in absenteeism, accidents, the costs of medical care, and loss of productivity; and

WHEREAS, in addition to these health hazards, smoking and the improper disposal of cigarettes is a documented environmental and fire hazard; and

WHEREAS, the City's park and recreational areas are a public resource that persons should be able to enjoy without the risk of adverse health impacts; and

WHEREAS, the City Council hereby finds that smoking in public parks and associated facilities is a positive danger to health, and that prohibiting smoking in parks is thus necessary to preserve the public safety, health and welfare; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Napa as follows:

SECTION 1: Amendment. A new definition of "Smoking" is hereby added to alphabetized list of definitions contained section 12.36.005 of the Napa Municipal Code to read as follows (Note, the definitions already provided under 12.36.005 are not modified by this amendment):

12.36.005 Definitions

As used in this Chapter:

"Smoking" means the burning, carrying or holding of any lighted cigar, cigarette, pipe, weed, plant or other equipment or combustible substance that is intended to be inhaled and/or exhaled. Smoking includes emitting or exhaling the fumes from any equipment or substance listed herein. Without limiting the foregoing, this definition is not intended to include the burning of incense, candles, and other similar materials.

SECTION 2: Amendment. A new Section 12.36.280 is hereby added to Chapter 12.36 of the Napa Municipal Code to read as follows:

12.36.280 Smoking Prohibited in All City Parks

Smoking shall be prohibited in all City parks as that term is defined in Napa Municipal Code section 12.48.020.

SECTION 3: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, -----, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the regular meeting of the City Council on the ___ day of ____, 20__, and had its second reading and was adopted and passed during the regular meeting of the City Council on the ___ day of ____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: June 14, 2010
Agenda Item: 4.D
Subject: Consideration of and potential adoption of position on AB 1962 (Chesbro):
Irrevocable offers of dedication

Recommendation

Approve motion supporting AB 1962.

Background

Existing law allows a city or a county to consent to the recording of an irrevocable offer to convey any interest in real property situated within the county's or city's boundaries, without having to actually immediately accept the offer. This allows the local government to defer acceptance of the offer until planning, financing and regulatory requirements have been satisfied.

Unfortunately, that same mechanism is not available to the various OSDs throughout the state, who are often tasked as the lead local public agency to fulfill the regional goals of resource conservation. AB 1962 corrects this problem by providing OSDs with that same authority. By doing so, AB 1962 streamlines the process by which landowners can dedicate interests in land to districts.

AB 1962 was initially written to only apply to the Sonoma County Agricultural Preservation and Open Space District, but has been amended to include all special districts formed under Section 5500 of the Public Resources Code. Because the bill affects our District, the District has been asked by the bill's sponsor to indicate support for the legislation.

The flexibility of AB 1962 may prove useful to the District in the event it is asked to accept irrevocable offers to convey real property interests, but not prepared at the time of the offer to commit to taking on the responsibilities associated with the property.

AMENDED IN SENATE MAY 27, 2010

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1962

Introduced by Assembly Member Chesbro

February 17, 2010

An act to add Section 5565.5 to the Public Resources Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1962, as amended, Chesbro. Real property: parks and open space: ~~Sonoma County Agricultural Preservation and Open Space District:~~ irrevocable offers of dedication.

Existing law authorizes a regional park district, regional park and open-space district, or regional open-space district to plan, adopt, lay out, plant, develop, and otherwise improve, extend, control, operate, and maintain a system of public parks, playgrounds, golf courses, beaches, trails, natural areas, ecological and open-space preserves, parkways, scenic drives, boulevards, and other facilities for public recreation, for the use and enjoyment of the inhabitants of the district, and to select, designate, and acquire land, or rights in land, within or without the district, to be used and appropriated for those purposes.

This bill would authorize an irrevocable offer of dedication of an interest in real property for any of those uses and purposes to be made ~~to the Sonoma County Agricultural Preservation and Open Space District~~ *a regional park district, regional park and open-space district, or regional open-space district*, with the consent of the board of directors of the district. The bill would require the offer of dedication to be

executed, acknowledged, and recorded in the same manner as a conveyance of real property, and would provide that, when recorded in the office of the county recorder, the offer of dedication is irrevocable and may be accepted at any time by the board of directors of the district. The bill would ~~provide a process by which the offer of dedication may be terminated, and the right to accept the offer abandoned,~~ by authorize the board of the directors of the district *to terminate the offer of dedication and abandon the right to accept the offer, if 2 specified findings are made.*

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5565.5 is added to the Public Resources
 2 Code, to read:
 3 5565.5. (a) With the consent of the ~~Board of Directors of the~~
 4 ~~Sonoma County Agricultural Preservation and Open Space District~~
 5 *board of directors of a regional park district, regional park and*
 6 *open-space district, or regional open-space district, formed*
 7 *pursuant to this article, an irrevocable offer of dedication of an*
 8 *interest in real property for any of the uses or purposes authorized*
 9 *by this article may be made to the district pursuant to this section.*
 10 *The offer of dedication shall be executed, acknowledged, and*
 11 *recorded in the same manner as a conveyance of real property.*
 12 *The offer of dedication, when recorded in the office of the county*
 13 *recorder, shall be irrevocable and may be accepted at any time by*
 14 *the board of directors of the district.*
 15 (b) ~~The~~ *An* offer of dedication may be terminated, and the right
 16 to accept the offer abandoned, by *a majority vote of* the board of
 17 directors of the district ~~in the same manner as is prescribed for the~~
 18 ~~summary vacation of streets or highways by Part 3 (commencing~~
 19 ~~with Section 8300) of Division 9 of the Streets and Highways~~
 20 ~~Code; and only if the board of directors makes both of the following~~
 21 *findings:*
 22 *(1) The offer of dedication was never accepted and, therefore,*
 23 *termination or abandonment of the offer does not constitute a*
 24 *conveyance of an interest in real property dedicated for park or*
 25 *open-space purposes.*

1 (2) *The interest in real property that would be conveyed by the*
2 *offer of dedication cannot be utilized effectively now or in the*
3 *future for park or open-space uses.*

4 (c) The procedure prescribed by this section is alternative to
5 any other procedure authorized by law.

6 ~~SEC. 2. The Legislature finds and declares that a special law~~
7 ~~is necessary and that a general law cannot be made applicable~~
8 ~~within the meaning of Section 16 of Article IV of the California~~
9 ~~Constitution because of the unique need of the Sonoma County~~
10 ~~Agricultural Preservation and Open Space District to provide a~~
11 ~~means by which potential sellers of real property interests may~~
12 ~~provide an irrevocable offer of dedication to the district for those~~
13 ~~real property interests.~~



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: June 14, 2010

Agenda Item: 4.E

Subject: Consideration and potential approval of professional services contract with Gallina LLP, Certified Public Accountants, in an amount not to exceed \$5,250 to perform the independent financial audit of the District for fiscal year 2009-10

Recommendation

Approve the proposed professional services contract with Gallina LLP in an amount not to exceed \$5,250 for preparation of the District's independent financial audit for FY 2010-11

Background

The District has since its inception used the same independent financial audit firm as is used by the County of Napa. This is the most efficient and cost-effective approach, since the District's financial records are kept by the County and the District's accounting processes are mostly the same as the County's.

This is the last year of the County's contract with Gallina LLP, after which the County will likely issue an RFP for a new multi-year audit contract.



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: June 14, 2010
 Agenda Item: 4.F.
 Subject: Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager

Recommendation

Receive the report.

Background

Section III.A (7) authorizes the General Manager to bind the district for supplies, materials, labor and other valuable consideration, in accordance with board policy and the adopted District budget, up to \$10,000 for non-construction purposes and up to \$25,000 for construction purposes, provided that all such expenditures are subsequently reported to the Board of Directors. Section III.A(8) of the By-Laws authorizes the General Manager to apply for grants and receive donations, subject to reporting such actions to the Board of Directors. Pursuant to this authorization, the following information is provided to the Board.

In addition to an initial invoice from the Department of General Services as noted below, staff expects further invoices of an unknown amount to complete the lot line adjustment and relocation of the trail easement to correct an encroachment problem with the River to Ridge Trail. Although the River to Ridge Trail, like the rest of Skyline Park, is legally a County facility rather than a District facility, the District has a clear interest in correcting the encroachment problem, and there is no money in this year's County budget to pay for DGS to process the application. There should be sufficient funds within the District budget as recommended by Agenda Item 4.F under Contingencies/Special Projects to more than cover likely expenses.

<u>Date</u>	<u>Purpose</u>	<u>Source / Recipient</u>	<u>Amount</u>
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5/19/2010	NRER expense reimbursements	CJ YIP & ASSOCIATES	\$1,209.78
5/25/2010	NRER expense reimbursements	CJ YIP & ASSOCIATES	\$2,138.89
5/10/2010	Lot Line Adjustment Processing Fee—River to Ridge Trail	Department of General Services	\$2,867.00
5/19/2010	Supplies reimbursement	CJ YIP & ASSOCIATES	\$44.83
5/10/2010	April travel reimbursement	John Woodbury	\$102.00
5/10/2010	Conference registration reimbursement	John Woodbury	\$75.00
5/10/2010	Moore Creek- Botanical Survey	NAPA BOTANICAL SURVEY SERVICES	\$400.00

5/10/2010	Moore Creek - April 2010 Reimbursement for supplies	John Woodbury	\$108.64
5/19/2010	Moore Creek - April 2010 Expenses	CY YIP & ASSOCIATES	\$759.09
5/10/2010	Moore Creek April transportation reimbursement	John Woodbury	\$21.00



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: June 14, 2010

Agenda Item: 4.G and 3.A

Subject: Consideration of and potential action on adjustments to the District budget for Fiscal Year 2009-10, and adoption of budget for Fiscal Year 2010-2011.

Recommendation

- (1) Approve the recommended budget adjustments for FY 2009-10
- (2) Open Public Hearing on proposed budget for FY 2010-11. After receiving comments, close the public hearing, and adopt the budget as recommended.

Background

Several adjustments are proposed for the District budget for the current fiscal year:

- the budget for non-county contracted professional services is increased by \$1,500 to \$55,000.
- the budget for the Oat Hill Mine trail is increased by \$100.
- the budget for the Napa River and Bay Trail is decreased by \$21,000.
- Revenues from the special projects grant from the County is decreased to \$40,684 as a result of these changes.

As revised, the budget for the current fiscal year is balanced, with expenses equaling revenues. It should be noted that actual expenses for Moore Creek in the current fiscal year will be substantially lower than budgeted, but there is no need to estimate actual expenses and adjust the budget at this time. Staff will return to the Board at the end of the first quarter of the next fiscal year with actual results for the current fiscal year, and resulting revisions to the next fiscal year budget.

The Board will note that the budget for the next fiscal year is structured differently than in prior years. This is based on the recommendation of the District's Auditor, and is intended to give the Board the ability to review the budget both by park or trail unit as well as by type of expenditure. With the revised budget structure, shifting of funds between park or trail units would require Board approval, but shifting of funds between line item categories within a park or trail unit could be approved by the General Manager. This is similar to the method of budget control and oversight which the County Board of Supervisors exercises over the County budget.

Napa County Regional Park and Open Space District

Budget FY 2009-10 Proposed Revisions and 2010-11 Proposed Budget

(revised 6/14/10)

Revenues

Description	Proposed Final 2009-10			Proposed Budget 2010-2011							
	Moore Creek	General Fund	Total	Moore Creek	Oat Hill Mine Trail	Napa River and Bay Trail	Camp Berryessa	Berryessa Vista	Napa River Ecological Reserve	General Fund	Total
0 Interest	\$0	\$1,200	\$1,200								\$0
1 Operating Grant from Napa County		\$366,930	\$366,930	\$22,000	\$2,100		\$100	\$2,000	\$14,000	\$296,300	\$336,500
2 Elections Cost Grant from Napa County			\$0							\$65,000	\$65,000
3 Special Projects Grant from Napa County	\$250,000	\$40,684	\$290,684		\$39,824						\$39,824
4 State Coastal Conservancy Grant Resources Agency Grant		\$45,000	\$45,000						\$55,000		\$55,000
5 Donations			\$0			\$1,032,000					\$1,032,000
6 Program Income	\$11,700		\$11,700	\$8,000							\$8,000
7 Special Projects Grant for Moore Creek			\$0	\$250,000							\$250,000
8 Use of District Reserves			\$0								\$0
Total Revenue	\$261,700	\$453,814	\$715,514	\$280,000	\$41,924	\$1,032,000	\$100	\$2,000	\$69,000	\$361,300	\$1,786,324

Expenses

Description	2009-10			2010-2011							
	Moore Creek	General Fund	Total	Moore Creek	Oat Hill Mine Trail	Napa River and Bay Trail	Camp Berryessa	Berryessa Vista	Napa River Ecological Reserve	General Fund	Total
9 CONTRACT PROFESSIONAL SERVICES (COUNTY)		\$215,000	\$215,000							\$215,000	\$215,000
10 CONTRACT PROFESSIONAL SERVICES (NON-COUNTY)		\$55,000	\$55,000	\$22,000	\$2,000	\$182,000		\$1,000	\$28,000	\$51,000	\$286,000
CONSTRUCTION CONTRACTS				\$200,000	\$39,824	\$850,000			\$41,000		\$1,130,824
11 LEGAL EXPENSE	\$1,000	\$5,000	\$6,000	\$1,000						\$5,000	\$6,000
12 INSURANCE:LIABILITY	\$1,500	\$1,500	\$3,000	\$1,500						\$2,000	\$3,500
13 MEMBERSHIPS		\$1,500	\$1,500							\$1,500	\$1,500
14 OFFICE EXPENSE		\$1,500	\$1,500							\$1,500	\$1,500
MATERIALS AND SUPPLIES				\$50,000				\$1,000			\$51,000
14a UTILITIES	\$500		\$500	\$500							\$500
15 AUDIT AND ACCOUNTING SERVICES		\$8,500	\$8,500							\$9,000	\$9,000
16 ELECTION SERVICES		\$0	\$0							\$65,000	\$65,000
17 CONTINGENCIES/ SPECIAL PROJECTS	\$258,200	\$14,130	\$272,330	\$4,500						\$10,000	\$14,500
18 TRANSPORTATION & TRAV	\$500	\$1,000	\$1,500	\$500	\$100		\$100			\$800	\$1,500
19 TRAINING		\$500	\$500							\$500	\$500
20 Project: NAPA RIVER&BAY TRAIL		\$80,500	\$80,500								
21 Project: OAT HILL MINE TRAIL		\$100	\$100								
22 Project: CAMP BERRYESSA		\$15,584	\$15,584								
23 Project: NAPA R ECOLOGICAL RESERVE		\$54,000	\$54,000								
24 Project: BV		\$0	\$0								
27 Total Expenditures	\$261,700	\$453,814	\$715,514	\$280,000	\$41,924	\$1,032,000	\$100	\$2,000	\$69,000	\$361,300	\$1,786,324

Plan of Projects

Status Report for June 14, 2010

Name of Project	Description	Status
Bay Area Ridge Trail Realignment	Amendment to the proposed alignment of the Bay Area Ridge Trail extend north to the Oat Hill Mine Trail	Ridge Trail Board has approved evaluating the amended alignment. District staff is working with the Ridge Trail and other partners to prepare the evaluation. Sonoma County agency staff have prepared an initial analysis of trail alignments on the Sonoma side of the Napa-Sonoma border.
Bay/River Trail -- American Canyon to Napa	An 8+ mile recreational trail between the cities of American Canyon and Napa generally following the Napa River and interior levees of associated wetlands.	Feasibility study completed. Phase one (American Canyon to Green Island Rd) CEQA review and Use Permit done. The contract for a \$1,032,300 California River Parkway Grant has been signed. Agreements between the Waste Management Authority, City of American Canyon and the District for the landfill loop have been signed. <u>The District-DFG Agreement has been signed. As soon as the Authority finalizes an amendment to the landfill closure permit, the District can begin drawing down the grant to finalize engineering plans.</u>
Phase One--Eucllyptus Drive to Green Island Road	Phase Two--Green Island Road to Soscol Ferry Road	<u>Questa has completed the draft PUC permit application for a public crossing of the SMART tracks.</u> DFG has agreed, subject to further environmental review, to allow the trail to run along the eastern edge of Fagan Marsh. <u>LSA Associates is continuing biological survey work for this segment.</u>
Phase Three--Soscol Ferry Road to Napa Pipe	Berryessa Estates Acquire 480 acres next to Berryessa Estates from BLM at no fee through their Recreation and Public Purpose Act procedure. Would serve as a wilderness park for local residents eventually be the northern trailhead for a trail between Berryess Estates and Pope Canyon.	<u>All permits and permissions have been obtained, and construction bid documents are done. The project is ready to go to construction as soon as funding can be obtained.</u>
Berryessa Vista	Planning and stewardship of this 224 acre wilderness park.	The District has applied to BLM for the no-fee transfer of this property. CDF and the Pope Valley Volunteer Fire Department have added a proposal to construct a fire substation on a corner of the property. A community meeting with about two dozen attendees was held March 10, 2009 at the Pope Valley Farm Center to get input from and determine level of support in the community. The District has completed the donation to the District of a small, 0.2 acre property that provides critical access to the northeast corner of the property. <u>The District has allowed excess soil from a nearby public project to be disposed of on this property, which saves them money and facilitates the eventual construction of the fire substation.</u> CDF crews did extensive fire break work in 2009 to protect the residences next to the BLM land. It appears CDF crews will be available again in 2010 and will clear brush along the main ridgeline where the future trail alignment is proposed.
Blue Ridge/Berryess Peak Trail	Obtain right of way and construct trail to provide public access to extensive federal lands on Blue Ridge and to Berryessa Peak	Volunteers working with the District have completed detailed GIS mapping showing all existing roads, creek crossings, vista points and potential campsites. Continuing damage by off-road vehicles trespassing on the property was noted. No further work is anticipated until Lake Berryessa Trail planning is completed by Berryessa Trails and Conservation.
Camp Berryessa	Redevelopment of former Boy Scout Camp into a group/environmental education camp.	Obtained donated trail easement from the Ahmann family to close gaps between existing public lands on Blue Ridge. Undertook a reconnaissance of the trail route in December 2008. Based on this reconnaissance, a revised easement description was drafted, approved by the landowner and recorded. Botanical surveys field work needed for CEQA review is complete. At Negative Declaration and Use Permit hearing was approved December 16, 2009 by the County Planning Commission. An Operations and Management Plan has been approved by the property owner and the District. District staff and volunteers have flagged the route of the trail through the Ahmann property.
District Non-profit Foundation	Organize a non-profit foundation to raise funds for District projects	MOU with Bureau of Reclamation gave the District an 18 month period to develop a feasibility study for the camp. BOR has completed its cultural survey of the site. The District has completed the feasibility report, and BOR has reviewed and supports the conclusions. The District has prepared a draft land use agreement, which is undergoing review by BOR.
		The District Board has approved the goals, objectives and basic structure for a non-profit foundation to assist the District with fundraising. Board members are contacting potential future members of the foundation governing board.

<p>Lake Hennessey North Shore Trails Would open up several miles of existing dirt access road, and construct approximately 1 mile of new single track trail, into a loop trail system on the north side of Lake Hennessey, and connecting to the planned Moore Creek Open Space Park trail system.</p>	<p>This project is being combined with the Milliken Ridge Trail project for purposes of seeking City of Napa approvals to construct and operate trails on their property. The Napa City Council in November, 2009 directed city staff to work with the District to finalize an agreement for the proposed Hennessey trails. A plant survey of the new section of trail was completed on April 3, 2010.</p>
<p>Milliken Reservoir Trails and Picnic Area Would construct approximately 3 miles of Bay Area Ridge Trail plus additional feeder and loop trails, along with a staging and picnic area</p>	<p>The feasibility study has been completed, and accepted by the Board of Directors. The Napa City Council in November, 2009 approved city staff recommendation to hold off on the Milliken Reservoir trails project until the Hennessey trail project is up and running.</p>
<p>Moore Creek Open Space Park Development Development of open space park on 673 acres acquired by the District adjacent to City of Napa watershed lands at Lake Hennessey to protect habitat, provide recreational trails, and overnight camping facilities.</p>	<p>The gatehouse well has been drilled, pump installed, well flushed, water quality tested, and bids for installing water treatment system are being sought; the ranch house well has been drilled and pump installed. Unfortunately, the water is excessively salty and probably not usable. An agreement for surveying the boundary between the District property and adjacent private property to the east has been signed, but the survey is going slowly. Volunteers have demolished a large old shed in early September, constructed a new boundary/pool fence at the ranch house in October, in November planted 250 willows, oaks and buckeyes to stabilize a section of creek bank; in February demolished 3 additional decrepid structures and removed French broom, and in March constructed most of the security fence for the ranch house pool and removed French broom. <u>Temporary irrigation for the creek bank restoration was installed in early May. Further trash cleanup is scheduled for June. Work on a Proposed Negative Declaration, Use Permit application and operating agreement with the City of Napa continues.</u></p>
<p>Napa River Ecological Reserve Restoration Remove invasive plants and restore native vegetation in the entryway meadow, replace damaged signage and information panels, restorate the interior trail and interpretive elements, and if feasible install a seasonal bridge, using a \$100,000 grant from the State Coastal Conservancy.</p>	<p><u>The California Conservation Corps completed a first round of mechanical weed removal and installed an all-weather surface on the trail from the parking area to the river levee, in May 2010. In June the CCC will do follow up chemical spraying and complete the interpretive path.</u></p>
<p>Oat Hill Mine Trail Improvements to first 1/2 mile of trail next to Calistoga</p>	<p>The project is on hold pending resolution of litigation. The judge hearing the legal challenge to the trail in December 2008 denied the substance of the issues raised by the plaintiff. The plaintiff in late April 2009 selected new legal counsel to represent him; this was the third legal counsel he has used on this case. The court case was scheduled to be heard on December 16, 2009, was postponed until February due to the judge's illness, was postponed until March due to plaintiff's illness, and on March 1st in the courtroom the plaintiff fired his attorney and obtained a continuance until June. <u>At the June court hearing the judge threw out the lawsuit for failure of the plaintiff to have an attorney and to pursue the litigation in a timely way.</u> Still remaining to be heard is a cross-complaint by the County which is intended to get judicial approval for a specific numbered right of way.</p>
<p>Oat Hill Mine Trail Transfer of 40 acre parcel from BLM</p>	<p>The District in 2008 applied to BLM for a non-fee transfer to the District of a 40 acre parcel at Maple Springs on the Oat Hill Mine Trail; this application is pending.</p>
<p>Rector Ridge/Stags Leap Ridge Trail Construction of staging area and 6+ miles of Ridge Trail climbing east from Silverado Trail near Rector Creek.</p>	<p>CEQA on this project was completed several years ago--staff is preparing an update to the Negative Declaration due to the passage of time since the original approval. The project concept has been approved by the District Board, and is being positively viewed by the Veterans Home administration. District and Veterans Home staff met on June 30, 2009 to develop a strategy to allow the project to go forward. <u>In late February 2010 the Veterans Home staff indicated they may have a revised strategy for moving forward; but after discussion this did not appear like the way to go, so discussions are continuing.</u></p>
<p>River to Ridge Trail Lot line adjustment to legalize River to Ridge Trail as constructed (it currently encroaches on private property in two locations)</p>	<p><u>Deeds accomplishing the adjustment in property boundaries between Svar and the State have been recorded. If the County ends up not being able to purchase Skyline Park, including the area with the River to Ridge Trail, then the County and the state will need to record a new trail alignment easement description.</u></p>
<p>River to Ridge Trail Correct drainage problems to trail can be used year-round.</p>	<p>Two volunteer work weekends in March and April <u>and two more in May were organized by the District to clear brush, improve drainage, and surface about 300 feet of the trail with quarry fines to control problems with mud.</u> About 50 feet of the trail still needs to be surfaced with quarry fines.</p>

Skyline Park Improvements	Partner-sponsored improvement include a second greenhouse and a covered equestrian arena.	The proposals for a second greenhouse and a covered arena were approved by the Department of General Services and by the County Board of Supervisors. The sponsors of these projects are now raising funds for implementation.
South Napa Wetlands Habitat Area	Transfer to the District those wetlands owned by the Napa County flood control district between the Napa River, Highway 29 and Newport Drive for use as habitat and nature-based recreation.	Transfer approved in concept by the flood control district. Park District staff has prepared the first draft of a transfer agreement. The Flood District and staff are continuing to research details related to completing the transaction. <u>Attorney's for the flood district have concluded it would be better from their perspective for the flood district to retain ownership of the property, but to grant an access and habitat restoration easement to the district.</u>
Vallejo Lakes	Possible purchase of 1100 acres of surplus Vallejo Water District lands, of which 200 acres are located in Napa County	Staff-level discussions between the District, the Land Trust of Napa County, the County of Solano and the Solano Land Trust indicate a common desire to work together to purchase this property adjacent to Skyline Park. The City Council of the City of Vallejo has officially authorized staff to pursue surplusing of the property. District staff and our partners are continuing to research issues related to the property, including potential public access locations, potential trail alignments, and easements and other encumbrances which affect the property. The State Coastal Conservancy has indicated an interest in assisting with the funding necessary to purchase the property. We are now waiting for the City to complete title research for the property so that an appraisal can be prepared. The surplusing process has slowed down due to new discussions between the City and residents of Green Valley over overall water supply arrangements. The District is working with the American Land Conservancy to find funding for the acquisition.
Vine Trail	A Class I bicycle/pedestrian path extending from Calistoga to the Vallejo Ferry Terminal	The District has entered into an MOU with the Vine Trail Coalition to provide assistance as requested by the Coalition in receiving funds, preparing plans and environmental documents, constructing and operating the trail. The District on May 1st submitted a request to Congressman Thompson to include the Vine Trail as an authorized project within the next federal surface transportation program. A similar request was submitted to Senators Feinstein and Boxer in July 2009. The District, the Bay Area Ridge Trail, the San Francisco Bay Trail and the Vine Trail Coalition have prepared a joint Case Statement for the combined trail network for fundraising purposes. The District on February 5, 2010 subitted an appropriations request for FY 2011 to Senator Feinstein, and a similar request to Congressman Thompson on February 26, 2010 at the request of the Vine Trail Coalition.
Wild Lake Ranch	Possible joint management of trails, camping and picnic areas through agreement between the Land Trust, the District and State Parks	The District is participating in the development of a strategic plan for the property, together with other public lands in the area, that is being led by the Land Trust of Napa County. The advisory committee has met once, and completed a field trip to inspect the property. The planning process was put on hold due to the freeze in the state bond-funded grant; however, the freeze was mostly lifted in August and the planning process has restarted. A community input meeting was held on March 24, 2010.

Completed Projects**Berryessa Vista Acquisition**

Purchase of 224 acres from the Land Trust of Napa County for use as a public park completed in early 2008 using State Prop 12 funds.

Connolly Ranch

Construction of patio, restrooms and cooking facilities completed in 2008 using State Prop 12 funds.

Oat Hill Mine Trail

The Oat Hill Mine Trail was formally opened in May Of 2008, after a major volunteer work party doing signage installation, brush removal and erosion control.

Linda Falls

Conservation easement accepted in spring 2008 from Land Trust of Napa County to provide additional protection for this 39 acre property, which is owned by the land trust

Master Plan Development

The Master Plan for 2008-2013 was approved in January 2009

Moore Creek Open Space Park

Acquisition of 673 acres in the Moore Creek Watershed completed in December 2008. Trail reroute to remove two stream crossings mostly completed in May 2009. New heater installed in gatehouse in

Napa River Ecological Reserve Improvements

Parking area paved, and rock barrier installed to control vehicular access in 2007. Trash enclosure constructed and entry signs restored by volunteers in 2008. Deteriorated kiosk removed in 2008. The District in July 2008 assumed the County's role in managing the preserve under the joint management agreement with DFG. A new maintenance contract with the non-profit organization Options 3 was started in January 2009. The old deteriorated information kiosk, which had become a serious eyesore, was removed in November 2008.

Napa River Flood Control Easement

Conservation easement accepted by District in 2007 to facilitate Flood District project and grant funding

Newell Preserve Improvements

Provide on-site water supply for group campground and so from the transaction to fund a well pump and distribution system at the Preserve. However, the first well drilled by the City of American Canyon cattle can be restricted from access to riparian areas. As part of the arrangement with the land trust on the District's purchase of Berryessa Vista, the land trust was willing to use some of the proceeds came up dry. The City has dropped plans for digging any more test wells.

River to Ridge Trail Enhancements

Installation of animal silhouettes along the entryway fence illustrating the types of birds and mammals that can be found in the area completed by Eagle Scout candidate in 2008. In November 2008 five Valley Oak trees were planted at the Highway 221 entrance to the trail with the assistance of a volunteer from CNPS.

River to Ridge Trail Entrance Enhancements

A new information kiosk was installed at the entrance in December 2008 as part of a Boy Scout project. Several Live Oak seedlings were donated by CNPS and have been planted at the entrance to improve its appearance.

Skyline Park Improvements Phase I

Erosion control work on Lake Marie Road, and paving of campground loop road, completed in 2007 using State Prop 12 funds.

Skyline Park Protection

Three past legislative efforts to authorize sale to the County failed due to unrelated disagreements between the state legislature and administration. Separately, the County in September 2009 approved a new park overlay zone and an updated Master Plan for Skyline Park.

Skyline Park Concessionaire Agreement Renewal

District staff negotiated renewal of concessionaire agreement on behalf of the County. The renewal involved changes to the fee schedule and amendments to and approval of subagreements with three non-profit partner organizations.