



# UNO FRATELLI LLC

December 30, 2011

San Francisco Bay Regional Water Board  
Attn: Mrs. Laurie Taul  
1515 Clay Street, Suite 1400  
Oakland, Ca. 94612

Subject: Objection to Proposed Settlement Agreement and Stipulated Administrative  
Civil Liability – City of Napa, Trancas Crossing Park Project.

Dear Mrs. Taul

I am an owner of the property immediately south and downstream of the Trancas Crossing Park in Napa California. The entity under which we own the property (Uno Fratelli LLC) is currently the Plaintiff in an ongoing litigation against the City as a result of the City of Napa's willful disregard of our property rights in the course of development and construction of this public facility. As a result of its focused rush to complete the improvements in order insure receipt of Prop 40 and 50 Grant before the required finish dates, the City of Napa blatantly disregarded our many communications and attempts to work with them to ensure our property rights were not infringed upon. They simply did not make any attempt to respond. It is therefore no surprise to us to see that in addition to the many infringements and adverse possession activities that were carried out with intent and malice by the City of Napa, that they were also willing to disregard the conditions of permits, and legal requirements of not only the Regional Water Control Board, but I suspect many other agencies and environmental laws or codes as well.

I personally witnessed and observed work throughout the rainy season on this park construction that included disturbance of ground, stripping of river banks that caused substantial erosion of the Napa River bank, storage of toxic materials within the flood level of the property during rain/flood events and may many other violations. Violations which, if I or any other private citizen were to conduct on a private development, no doubt would be handed not only a much more sever fine, but more importantly a clear and irrevocably citation with full liability for the violation would have been issued. Simply put, had this been a private property project rather than the City of Napa, the owners, all licensed engineers and any consultants would be held fully accountable.

[REDACTED]

[REDACTED]

I am greatly disturbed that the Regional Water Control Board by agreeing to section III item 12 of the proposed Settlement Agreement and Stipulation for Entry of Administrative of Civil Liability would entertain any such waiver of liability or stipulation that essentially writes off the citation against the City for its willful neglect of its obligations under the subject permits. As a taxpayer, who is charged the high rates of salaries for the project engineers on this project who clearly were aware or should have been aware of the penalties for purposefully misrepresenting their compliance, I would expect they would be held to the same culpability as any private engineer in this sort of intentional violation. Since the fines levied will all be paid from the community fund and not the individual city personnel or outside consultants liable for this breach of responsibility, and since the engineers and consultants that were responsible for conducting this project within the legal requirements will not be held directly accountable for the violations or suffer any penalty to their license, this "waiving" of the responsibility/liability will only serve to empower them to do it again in the future, as they now have experience on how to navigate around the permit requirements.

I strongly urge the Water Control Board think again before providing the City of Napa, its Public Works Department, project engineers and outside consultants with this free pass.

Cordially,



Jeff Moore

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