



**City of St. Helena
Water Advisory Board
Regular Meeting
Friday, June 4, 2021 @ 10:00 AM
Published: Tuesday, June 1, 2021 6:55 PM**

PLEASE NOTE: Any person who wishes to speak regarding an item on the agenda or make a comment under the "Oral Communication" portion of the agenda may do so, but please observe the time limit of four minutes.

In accordance with Executive Order N-29-20, and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways: Members of the public may not physically attend meetings. The Water Advisory Board meeting will be live-streamed on the City's website, barring technical difficulties. Those members of the public wishing to participate must do so remotely via Zoom electronic meetings in the following ways; by either logging onto the Zoom link located on the meeting agenda (please download the app to your computer or mobile device) and enter the meeting ID or by calling a listed number and enter the meeting ID. Public comment for Water Advisory Board meetings will be accepted via email to publiccomment@cityofstheleena.org. All public comments must be emailed by 4:00 PM prior to the meeting. Emailed public comments will not be read out loud but will be publicly available and attached to the on-line Water Advisory Board agenda.

In the event a quorum of the Water Advisory Board loses electrical power or suffers an internet connection outage that is not corrected within 10 minutes, the meeting will automatically be adjourned. Any items noticed as public hearings will be continued to the next regularly scheduled evening meeting of the Water Advisory Board. Any other items on the agenda that the Board has not taken action on will be placed on a future agenda.

Please see the end of the agenda for detailed PUBLIC PARTICIPATION instructions.

Please click the link below to join the meeting:

<https://us02web.zoom.us/j/82070802157>

Or One tap mobile :

US: +16699006833,,82070802157# or +13462487799,,82070802157#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799

Meeting ID: 820 7080 2157

International numbers available: <https://us02web.zoom.us/j/82070802157>

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1. CALL TO ORDER
2. ROLL CALL
City Council Representative: Anna Chouteau

Planning Commission Representative: Daniel Hale
Chair: Brent Randol
Vice Chair: Dianna Ortiz
Board Member: George Schisler

3. PUBLIC FORUM:

An opportunity for the public to directly address the Board on items of interest to the public that are not listed on the agenda. Any person addressing the Commission should provide his or her name and address, and limit comments to four minutes. Because of restrictions imposed by **the Brown Act, the Commission may not engage in substantive discussion, nor take action on matters not described on the agenda.**

3.1. [Public Comment.Chris Fowler](#)

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4. REPORTS BY STAFF AND BOARD

Reports by staff and/or Board on items of general interest. Brief questions for clarification may be posed and answered, and CBoard may request that items be placed on a future agenda. Except under certain circumstances, **the Brown Act prohibits any other discussion or action by the Water Advisory Board.**

5. CONSENT CALENDAR:

Members of the Water Advisory Board or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, on motion may be used to adopt all recommendation actions.

5.1. Water Advisory Board Special Meeting Minutes of May 26, 2021

7 - 8

Prepared By: Cindy Tzaopoulos, City Clerk

Recommendation:

Adopt

[05-26-2021 Water Advisory Board - Minutes](#)

6. OLD BUSINESS:

6.1. Consideration and Proposed Approval of Revision #1 to SOP-FI-0021 Application and Use of Exception Permits Water Emergency

9 - 16

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation:

Staff recommends the Water Advisory Board approve Revision #1 to SOP-FI-0021 Application and Use of Exception Permits Water Emergency and the applicable Exception Form.

[Water Advisory Board Staff Report SOP Revision #1](#)

[Attachment 1 - SOP-FI-0021 Application and Use of Exception Permits Water Emergency Revision #1](#)

[Attachment 2 - Exception Form Phase II Water Regulations 060421 Revision](#)

7. NEW BUSINESS:

7.1. None

8. ADJOURNMENT

The next regular Water Advisory Board meeting is scheduled for June 18, 2021 at 10:00 am.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on June 1, 2021.



Cindy Tzaferopoulos, City Clerk

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 968-2742. Notification 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

June 2, 2021

I am writing to voice concern about having Councilmember Anna Chouteau as the City Council representative on the Water Advisory Board. While I have no doubt that Councilmember Chouteau wants what is best for the city, it dawned on me that she has recused herself on multiple occasions from City Council discussion regarding different water rationing phases due to a potential, or real, conflict of interest that exists with her husband's place of employment.

If a public official is recusing themselves from a topic because of a conflict of interest, I am not sure that same public official should be sitting on a public board that deals with the same thing the councilmember has previously recused themselves of.

Thank you for your time,
Chris Fowler

MINUTES
City of St. Helena
Water Advisory Board Special Meeting
Wednesday, May 26, 2021 @ 10:00 AM

Present: Chair Brent Randol, Vice Chair Diana Ortiz, George Schisler, Council Member Council Member Anna Chouteau, and Planning Commission Vice Chair Daniel Hale

Absent: None

1 CALL TO ORDER

2 ROLL CALL

3 PUBLIC FORUM:

Under California law, public comments at special meetings are limited to subjects on the agenda only. Therefore public comment will take place during consideration of the item.

4 REPORTS BY STAFF AND BOARD

Finance Director April Mitts provided an update.

5 CONSENT CALENDAR:

- a) Water Advisory Board Meeting Minutes of April 30, 2021

George Schisler moved to approve the consent calendar as presented. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

AYES: Brent Randol, George Schisler, Anna Chouteau, and Daniel Hale

NOES: None

ABSENT: None

ABSTAIN: Diana Ortiz

RECUSE: None

6 STAFF BRIEFING

- a) City of St. Helena Exemption Process
Prepared By: April Mitts, Finance Director

Finance Director April Mitts reported on this item.

No public comment was received.

Water Advisory Board
May 26, 2021

7 NEW BUSINESS:

- a) Consideration of water exemption request from Tom Belt
Prepared By: April Mitts, Finance Director

Finance Director April Mitts reported on this item.

No public comment was received.

Daniel Hale moved to deny the exception request from Tom Belt. The motion was seconded by George Schisler and on roll call carried by the following vote:

AYES: Diana Ortiz, Brent Randol, George Schisler, Council Member Anna Chouteau, and Daniel Hale

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

8 ADJOURNMENT

Chair Brent Randol adjourned the meeting at 10:28 am.

APPROVED:

ATTEST:

Brent Randol, Chair

Cindy Tzaopoulos, City Clerk



Report to the City Council
Water Advisory Board – 04 June 2021

Agenda Section: OLD BUSINESS

Subject: Consideration and Proposed Approval of Revision #1 to SOP-FI-0021 Application and Use of Exception Permits Water Emergency

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On October 27, 2020, the City Council established Phase II Water Regulations and, in accordance with the St. Helena Municipal Code (SHMC), established the Water Advisory Board consisting of one City Council member, one Planning Commissioner, one winery customer, and two public members, one of whom shall solely be a residential customer.

The Water Advisory Board shall have access to all records in the possession of the water enterprise necessary in its judgement to perform its duties, including customer records. The Board shall maintain confidentiality of individual customer records unless the Board determines by resolution that release of such information is necessary in the pursuit of its duties.

The Water Advisory Board shall meet at least monthly and may grant permits for uses of water, for exceptions to water conservation measures, or for water connections otherwise prohibited. The Water Advisory Board shall prescribe necessary procedures for application for and use of exception permits pursuant to SHMC Section 13.04.280.

On April 30, 2021, the Water Advisory Board approved SOP-FI-0021 *Application and Use of Exception Permits Water Emergency* and the applicable *Exception Form*.

DISCUSSION

On April 27, 2021, the City Council adopted Urgency Ordinance No. 2021-4 amending Chapter 13.04 of the St. Helena Municipal Code to address the criteria for initiating phase water regulations and the conservation measures for commercial, industrial, and institutional users.

The Standard Operating Procedures (SOP) SOP-FI-0021 *Application and Use of Exception Permits Water Emergency* and the applicable *Exception Form* approved by the Water Advisory Board on April 30, 2021, did not include the updated ordinance language.

Additionally, while SHMC 13.04.230 Subsection C.8. authorizes the Water Advisory Board access to all records in the possession of the water enterprise necessary in its judgement to perform its duties, including customer records, staff recommends updating the Exception Form to include an acknowledgement by the applicant that customer records for the purpose of making a decision related to the permit application may be discussed and disclosed at a public meeting.

Redlined versions of the SOP and Exception Form are included as Attachment 1 and Attachment 2.

FISCAL IMPACT

Not Applicable.

RECOMMENDED ACTION

Staff recommends the Water Advisory Board approve Revision #1 to SOP-FI-0021 *Application and Use of Exception Permits Water Emergency* and the applicable *Exception Form*.

ATTACHMENTS

Attachment 1- Revision #1 to SOP-FI-0021 *Application and Use of Exception Permits Water Emergency*

Attachment 2 - *Exception Form* Rev. 060421

	City of St. Helena Standard Operating Procedure Finance	SOP Application for and Use of Exception Permits Water Regulations
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Title:	Policy #	SOP-FI-0019
Application for and Use of Exception Permits – Water Regulations	Revision #	1
	Implementation Date	2021-04-30
	Last Update Date	2021-06-04
Approval by:	Water Advisory Board	Date Approved 2021-06-04

I. Purpose, Overview and Scope of this SOP

This SOP is to establish procedures for application for and use of exception permits as prescribed in St. Helena Municipal Code (SHMC) Section 13.04.280.

Under a Phase II or Phase III water emergency, the director of public works shall, with such conditions as seem to him or her to be reasonable, grant exception permits in addition to any basic allocation, on application of a water customer submitted under penalty of perjury, based on the conditions defined in SHMC Section 13.04.280.

II. Authority

The Water Advisory Board has authority to update this procedure.

III. Procedure

A. Prequalified for exception.

1. For any customer with an allocation based on previous water use, if it can be demonstrated that water conservation measures beyond those required in SHMC Chapter 13.12 were in place prior to the preceding nonshortage year. An additional quantity of water may be allocated to recognize the higher efficiency in place prior to the water emergency condition.
 - a. Certification samples:
 1. Date of installation of water conservation measure(s);
 2. Description of water conservation measure(s);
 3. Proof of water conservation measure(s) (receipts, permits, show reduction in water consumption);
 4. Site visit by City staff.
2. Non-residential customers with irrigation and domestic use provided by the same water meter may receive an additional landscape allocation of up to 70 gallons (Phase II) per day per 1,000 square feet of landscaped area during April through October by documenting the landscaped square footage served by city water.
 - a. Certification samples:

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1. Photos of landscaped area;
2. Mapped square footage of landscaped area;
3. Site visit by City staff.
3. For single-family residential parcels exceeding 7,000 square feet in area, the quantity of up to 20 gallons per day for each 1,000 square feet that the property area exceeds 7,000 square feet for the purpose of maintaining mature landscape or orchard plants (max 250 gallons per day for this purpose).
 - a. Certification samples:
 1. Proof parcel exceeds 7,000 square feet;
 2. Proof of mature landscape or orchard plants (photo);
 3. Site visit by City staff.
4. For medical conditions of a resident, a quantity as required to maintain health standards.
 - a. Certification samples:
 1. Certification from a health care professional;
 2. Proof of equipment needed, and water required.
5. For any customer with an allocation based on previous ~~winter water use~~ average monthly water use, if it can be demonstrated that efficient and essential water uses are not represented in average ~~winter monthly~~ water use, and additional quantity of water may be allocated to provide for these efficient and essential needs.
 - a. Certification samples:
 1. Average annual use by month (City can pull records);
 - ~~2. Verification the winter water use allocation is not represented for normal or seasonal use;~~
 - 3-2. Proposal to achieve overall reduction.

B. Permits for Uses of Water or for Exceptions to Water Conservation Measures or for Water Connections Otherwise Prohibited by SHMC Sections 13.04.230, 13.04.240, and 13.04.250.

1. The Water Advisory Board may grant permits if it finds and determines that such regulations would:
 - a. Cause an unnecessary and undue hardship to the applicant or to the public;
 - b. Cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or public; or
 - ~~c.~~ Promote water conservation by providing for the establishment of water efficient landscaping meeting the standards of SHMC Section 17.112.140 and such policies and regulations as have been adopted to implement the provisions of that chapter, replacing more water-intensive landscaping.

C.

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Water Exception Permit Form

DATE SUBMITTED: _____

RECEIVED BY: _____

PROPERTY & BILLING INFORMATION			
Date Applying		Customer or Company Name	
Account Number	Phone Number	Email Address	
Mailing Address	City	State	Zip Code
TYPE OF EXCEPTION REQUEST – CHECK ALL THAT APPLY			
☐	Allocation based on previous water use - it can be demonstrated that water conservation measures beyond those required in Chapter 13.12 were in place prior to the preceding nonshortage year. An additional quantity of water may be allocated to recognize the higher efficiency in place prior to the water emergency condition.		
☐	Allocation based on previous winter water use – it can be demonstrated that efficient and essential water uses are not represented in average winter water use.		
☐	Irrigation – Non-residential customers with irrigation and domestic use provided by the same water meter may receive an additional landscape allocation of up to 70 gallons (Phase II) per day per 1,000 square feet of landscaped area during April through October by documenting the landscaped square footage served by city water.		
☐	Single-family residential - parcels exceeding seven thousand (7,000) square feet in area, the quantity of up to twenty (20) gallons per day for each one thousand (1,000) square feet that the property area exceeds seven thousand (7,000) square feet for the purpose of maintaining mature landscape or orchard plants.		
☐	For medical conditions of a resident, a quantity as required to maintain health standards.		
Additional Amount Requested (if known):		Check One: ____ HCF -or- ____ Gallons	
Additional supporting information/considerations (please attach any additional supporting documentation):			

Updated 04/05/2021

PLEASE READ AND SIGN THE FOLLOWING STATEMENTS AS ACKNOWLEDGED AND REQUIRED BY THIS AGREEMENT

If this condition is granted, I agree to:

- Submit a request in writing to the Director of Public Works;
- Adhere to all specific requirements contained within the exception; and
- Any other specified conditions as determined by the City of St. Helena or Water Advisory Board
- By signing below, applicant acknowledges and consents to the Water Advisory Board's review and use of applicant's customer records for the purpose of making a decision related to the permit application, and understands that such information, including historical water use, may be discussed and disclosed at a public meeting

Name:	Signature	Date
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PLEASE SUBMIT APPLICATIONS TO:

City of St. Helena: Public Works
1572 Railroad Avenue
St. Helena, CA 95404

QUESTIONS?

Email: mbeltran@cityofsthenela.org
Website: www.cityofsthenela.org/Phaseii
Phone: 707-967-2746

STAFF USE ONLY

Water use exception is hereby: ☐ Approved ☐ Denied

Details of exception granted, including additional allocation:

If denied, reason for denial:

Approved by (check one):	☐	Public Works Director	☐	Water Advisory Board
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