



**City of St. Helena
Water Advisory Board
Special Meeting
Friday, October 29, 2021 @ 10:00 AM**

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.

This meeting will be conducted pursuant to the provisions of Government Code Section 54953 (as amended by AB 361) which authorizes teleconferenced meetings under the Brown Act during certain proclaimed States of Emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. This teleconferenced meeting is necessary so that the City can conduct essential business and is permitted under Government Code 54953 in order to protect public health and safety of attendees.

Consistent with Government Code Section 54953, this Meeting will be held via teleconference only, and will not be physically open to the public. Board members and staff will teleconference into the meeting by audio and/or video. The meeting will be conducted via Zoom Webinar.

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 8:00 AM 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 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. To learn how to use Zoom, please see the instructions below.

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
Chair: Brent Randol
Vice Chair: Dianna Ortiz
Board Member: George Schisler
City Council Representative: Anna Chouteau
Planning Commission Representative: Daniel Hale
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 Board should provide his or her name and address, and limit comments to four minutes. Because of restrictions imposed by **the Brown Act, the Board may not engage in substantive discussion, nor take action on matters not described on the agenda.**
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 Board 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. None
6. OLD BUSINESS:
 - 6.1. None
7. NEW BUSINESS:
 - 7.1. Discussion, Direction, and Proposed Approval of Administrative Approval Checklist for Specified Penalty Waiver Requests Meeting the Water Advisory Board's Established Criteria. (~~Staff report forthcoming~~ Provided 10-28-21 at 11:40 a.m.)
Prepared By: April Mitts, Administrative Services Director
[Staff Report](#)
[Leak Appeal Checklist](#)
8. ADJOURNMENT

7 - 16

The next regular Water Advisory Board meeting is scheduled for November 5, 2021 at 10:00 am.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on October 28, 2021 at 9:20 a.m. Republished at 11:40 a.m.



Cindy Tzaopoulos, 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.

THE CITY OF ST. HELENA ENCOURAGES ONLINE PUBLIC PARTICIPATION IN VIRTUAL MEETINGS

St. Helena, CA– The City of St. Helena is committed to public participation in City government in a manner that is consistent with guidance provided by the Napa County Public Health Official and Governor Newsom's Executive Order N-25-20. These guidelines relate to social distancing, and are intended to protect everyone by limiting the spread of COVID-19 in our community. In adherence to these guidelines, the St. Helena Water Advisory Board will host a Virtual Meetings on Zoom; a free teleconferencing tool that enables users to watch and/or call into the meeting from their computers or phones. This meeting will be open to public and allows for live public comment. The meeting will also be recorded, and posted on the City's website at the conclusion of the meeting: <https://sthelena.civicweb.net/Portal/>

The ZOOM web link, meeting ID, and phone number will be listed at the top of the Meeting Agenda. You will be required to enter the meeting ID, but there will be no password or participant ID.

How to Watch or Listen to Meetings:

1. Watch and Listen on Zoom.us by clicking on the link in the Agenda
2. Listen only by calling the Zoom number listed on the Agenda

Watch by Joining the Zoom Meeting:

1. **By Computer, Tablet, or Smart Phone:**
 1. Before joining the virtual Meeting, it is highly encouraged that you download the Zoom App. To sign up for your own free account, visit zoom.us/signup and enter your email address. You will receive an email from Zoom (no-reply@zoom.us). In this email, click Activate Account.
 2. If you are logged into your account, Enter the **Meeting ID** listed on the Agenda. If you have not created an account go to: <https://zoom.us/join> and enter the **Meeting ID**
 3. Select if you would like to connect audio and/or video and tap **Join Meeting**.

4. For specific instructions for your device, go to:
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

1. **Listen Only by Telephone:**

1. **Dial** the number listed on the Agenda.
2. At the prompt, enter the **Meeting ID** provided on the top of the Meeting Agenda and **Press #**. **A participate ID is not required.**
3. To disconnect from the meeting, hang up the phone.

Ways to Provide Public Comment:

While attending the virtual Meeting, the public will have the opportunity to provide live public comment during Public Forum and after each agenda item. When it is the appropriate time for public comment the Chair will verbally open public comment. At this time each individual is permitted 4 minutes to speak.

1. **Send a Public Comment in by 8:00 AM Prior to the Meeting to:**
publiccomment@cityofsthelena.org

The easiest way to provide public comment is to email your public comment. Public comments may be emailed to publiccomment@cityofsthelena.org. Please include in the subject line "COMMENT TO WATER ADVISORY BOARD and the AGENDA ITEM". Any public comment is required to be submitted no later than 2 hours before the scheduled meeting and will be included as an attachment to the agenda. All public comments will be made publicly available and attached to the agenda item and will not be read out loud. All public comments that are received after 8:00 AM will be attached to the agenda the following day.

2. **Provide Comment through Zoom meeting from a computer, tablet, or smart phone**

This option allows the public to virtually attend the meeting as a muted 'attendee' with no video or screen sharing capabilities. You will be able to see and hear those participating in the meeting, but they will not be able to hear you until the host unmutes you.

If you wish to provide public comment during a specific agenda item or during public forum, you can use the "**raise hand**" feature located in the control panel at the bottom of your screen. The icon is a small blue hand. In Windows you can also use the Alt+Y keyboard shortcut to raise or lower your hand. In Mac you can also use the Option+Y keyboard shortcut to raise or lower your hand.

The host will be notified that you've raised your hand and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. To be removed from the queue, just click the '**raise hand**' button again.

3. **Call in to the ZOOM meeting from a cell phone or landline phone only**

This option allows the member of the public with the opportunity to verbally participate in public comment.

If you wish to speak during public comment time dial ***9** on your telephone.

The host will be notified that you would like to speak and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. You may press ***9** again if you wish to be removed from the queue.

You will be notified at the end of your statement that you have been muted.



Report to the Water Advisory Board
Regular City Council - 29 Oct 2021

Agenda Section: OLD BUSINESS

Subject: Discussion, Direction, and Proposed Approval of Administrative Approval Checklist for Specified Penalty Waiver Requests Meeting the Water Advisory Board's Established Criteria.

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Administrative Services Director

Reviewed By: April Mitts, Administrative Services Director

Approved By: April Mitts, Administrative Services Director

BACKGROUND

The City of St. Helena declared a Phase II water emergency on October 27, 2020 which established limits on residential and non-residential water use. Residential water customers are limited to 65 gallons per person per day, and provided a 2,500 gallon monthly allocation for outdoor irrigation during the months of April through November (for most single family parcels). Non-residential water use limits were updated by Council approval of an Urgency Ordinance on April 21, 2021, resulting in a Phase II allocation for commercial, industrial, and institutional users that is 10% less than that user's average water use during the three preceding non-shortage years by month.

Following several policy discussions, on April 13, 2021 the St. Helena City Council adopted a tiered volumetric water penalty structure which took effect on June 1, 2021 and was designed to:

- Minimize penalties for those water bills just exceeding the allocation where accounts could reasonably reduce below the allocation in subsequent billing periods; and

- Maximize penalties for wasteful water use and for those accounts that require financial compulsion to reduce use.

Meter reads for the month of June 2021 water usage indicated that approximately 63% of residential and non-residential customers met the required Phase II water conservation measures. Approximately 900 customers (37%) had exceeded their June water allocations, resulting in penalties. However, 77% of customers have either no penalties or penalties below \$100. Additionally, water leaks account for 136 of the 900 customers exceeding water allocations.

On July 13, 2021, the City Council held a Special Meeting to receive a presentation of June 2021 water usage penalties and discuss a recommendation to approve a water penalty forgiveness program given the scale of penalties (\$2.9 million) and the fact that June 2021 represented the first month penalties were applied to customer bills.

At the meeting the City Council directed staff to implement a Water Ad Hoc Committee (Mayor Ellsworth and Council Member Hardy) and implement City staff recommendation to allow any customer the opportunity to eliminate 100% of their existing June usage penalties and July usage penalties.

On July 27, 2021, the City Council adopted Resolution No. 2021-98 approving a water penalty forgiveness program related to June and July 2021 water usage penalties. Additionally, the City Council recognizes that during a Phase II or Phase III water emergency, penalties may have been incurred as a result of a leak and provided direction to staff designating that the Water Advisory Board can hear/make a determination for a reduction of penalties for those customers who receive a penalty as a result of a water leak. Resolution No. 2021-98 included language specifying the Water Advisory Board use objective criteria in determining leak adjustments.

On August 6, 2021, the Water Advisory Board adopted policy - P-FI-0022 *Leak Adjustment Policy – Phase II and Phase III Water Penalties* and the applicable *Application Form*, to assist those customers who incurred penalties as a result of a water leak (Attachment 1).

Per the established policy, the following criteria must be met:

1. The customer must have not received a leak letter for two or more consecutive months or can demonstrate there is a good faith effort to actively locate and fix leaks.
2. All leak(s) must be beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak.
3. The leak(s) cannot be the result of negligent, willful nor neglectful behavior.
4. Proof that the repairs were completed must be included with all requests for a penalty leak adjustment. Examples include a copy of the plumber's invoice or

hardware store receipts showing items purchased or proof provided by the City that water use had returned to normal levels during subsequent months.

The Water Advisory Board will consider penalty leak adjustment amounts on a case-by-case basis with the following consideration:

- a. Up to 100% - First Leak
- b. Up to 50% - Subsequent Leaks

Since the adoption of P-FI-0022 *Leak Adjustment Policy – Phase II and Phase III Water Penalties*, 33 appeals have been brought before the Water Advisory Board for consideration over the course of the last four meetings, of those, three have been continued to a future meeting to ensure water use has decreased and the leak has been repaired. The Water Advisory Board has denied one penalty waiver in its entirety, approved a portion of three of the penalty waivers (the penalty was approved for one month, but not for another month), and approved 100% of penalties for the remaining 26 water penalty appeals for a total penalty reduction of approximately \$770,000. Of this amount, \$530,000 is attributed to three customers who had substantial leaks.

Additionally, it can be seen, collectively, the customers utilizing the Water Advisory Board for appeals after fixing their leaks contributed to an overall reduction in water use of 2,828 HCF or 2,115,485 gallons of water once the leak had been fixed. Additionally, it can be seen that overall use (post water leak fix) compared to the same time the previous year has decreased overall water use by 895 HCF or 669,505 gallons of water by these same customers.

The Water Advisory Board meets the first and the third Fridays of each month from 10:00 a.m. until noon. It takes staff approximately one hour to prepare each staff report (a sample staff report is provided as Attachment 2) and the Water Advisory Board has been hearing anywhere from six to eleven appeals each meeting. Additionally, staff has received over 80 additional water penalty appeals for processing. During the course of the last four Water Advisory Board meetings, it has been found that the majority of water penalty appeals being considered fall within the scope of the Water Advisory Board's adopted policy. Out of the 33 appeals presented, 80% fall within the scope of the adopted policy.

Due to the number of appeals received, at its October 15, 2021 meeting the Water Advisory Board recommended providing for administrative approval of specified penalty waiver requests which meet the Water Advisory Board's established criteria. While staff will continue their due diligence in reviewing all appeal requests, administrative approval will reduce the additional time spent in writing staff reports and presenting to the Water Advisory Board as well as quicken the appeal process. Penalty waiver requests that are more complicated will continue to be heard by the Water Advisory Board. It is estimated the administrative approval process will reduce staff reports by 80-90%.

On October 26, 2021, an informational and action report was brought to the City Council that provided an update on the Water Advisory Board activity and recommending the City Council approve a resolution supporting the Water Advisory Board recommendation providing for administrative approval of specified penalty waiver requests which meet the Water Advisory Board's established criteria. Following the presentation, the City Council adopted a resolution approving the Boards recommendation and granting authority to the Administrative Services Director to provide administrative approval of specified penalty waiver requests which meet the Water Advisory Board's established criteria.

DISCUSSION

To ensure a thorough review is completed during the administrative approval process, staff recommends the development and use of a quantitative checklist. To qualify for administrative approval, all aspects of the checklist must be met. Appeals who do not meet the requirements of the checklist will then be brought to the Water Advisory Board for consideration.

Attachment 2 (forthcoming) is a DRAFT checklist based on the adopted policy - P-FI-0022 *Leak Adjustment Policy – Phase II and Phase III Water Penalties*.

RECOMMENDED ACTION

Staff recommends the Water Advisory Board review, discuss, provide direction, and adopt the checklist for administrative use.

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Title: Leak Adjustment Policy – Phase II and Phase III Water Penalties	Policy #	P-FI-0022
	Revision #	Implementation
	Implementation Date	2021-08-06
	Last Update Date	2021-08-06
Approval by Water Advisory Board	Date Approved	2021-08-06

I. Purpose, Overview and Scope of this Policy

The City of St. Helena is committed to preventing water waste but also understands that, infrequently, a water leak may occur. When a leak does occur, customers can request a credit to their utility bill for a portion of the excess water. This policy addresses penalties incurred during a water emergency in which were triggered by a water leak.

This policy remains in effect until rescinded by Water Advisory Board or City Council.

II. Authority

The Water Advisory Board has authority to update this policy.

III. Policy

1. To be eligible for a penalty leak adjustment the customer must have not received a leak letter for 2 or more consecutive months or can demonstrate there is a good faith effort to actively locate and fix leaks.
2. All leak(s) must be beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak.
3. The leak(s) cannot be the result of negligent, willful nor neglectful behavior.
4. The penalty leak adjustment is in the form of a bill credit in which the customer can request a refund check once the credit has been applied.
5. The Water Advisory Board will consider penalty leak adjustment amounts on a case-by-case basis.
 - a. Up to 100% - First Leak
 - b. Up to 50% - Subsequent Leaks
6. Hardship Agreements may be used to pay any remaining penalties incurred as a result of a leak.
7. Proof that the repairs were completed must be included with all requests for a penalty leak adjustment. Examples include a copy of the plumber's invoice or hardware store receipts showing items purchased or proof provided by the City that water use had returned to normal levels during subsequent months.

P-FI-0022

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8. Penalty Leak Adjustments will be considered by the Water Advisory Board. If a penalty leak adjustment is denied or outside the scope of the current Penalty Leak Adjustment Policy, an appeal may be made to the City Council.

IV. Procedures

1. Customers must formally request a Penalty Leak Adjustment by completing the Penalty Leak Adjustment Request Form available online at: <https://www.cityofsthelena.org/water-emergency/page/leak-adjustments-during-water-emergency> or through the Administrative Services Department Finance Division by emailing water@cityofsthelena.org.
2. Penalty leak adjustment requests must be submitted via email to the City of St. Helena Administrative Services Department Finance Division at: water@cityofsthelena.org within 60 days of: (1) issuance of the initial bill covering the period in which leak occurred; or (2) from the date of the penalty letter issued.
3. Finance staff verifies a complete request was submitted and verifies the request meets the terms outlined in the policy.
4. Penalty leak adjustment requests will be heard by the Water Advisory Board as soon as it is practical. The Water Advisory Board meets at a minimum once per month.
5. Customer is notified via email of decision within 10 business days of the decision.
6. If penalty leak adjustment is granted, staff will enter adjustment as a bill credit within 30 days of decision.

V. Attachments

1. Penalty Leak Adjustment Form



Water Penalty Leak Adjustment Application

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
WATER LEAK INFORMATION (in addition to Water Leak Application)			
Month Penalties Occurred:		Amount of Penalties Assessed:	
Please list any additional information for the Water Advisory Board consideration:			
PLEASE READ AND SIGN THE FOLLOWING STATEMENTS AS ACKNOWLEDGED AND REQUIRED BY THIS AGREEMENT - I have read and will adhere to all specific requirements of <i>P-FI-0022 Leak Adjustment Policy – Phase II and Phase III Water Penalties</i> and to any other specified conditions as determined by the City of St. Helena or Water Advisory Board. - I am aware of and agree to comply with the Water and Wastewater System Rules and Regulations identified in the St. Helena Municipal Code: http://www.codepublishing.com/CA/StHelena. - I certify that the leak was not the result of neglect, willful or neglectful behavior. - 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 this application, and understands that such information, including historical water use, leak information, and other water use related information may be discussed and disclosed at a public meeting. - I am requesting relief under <i>P-FI-0022 Leak Adjustment Policy – Phase II and Phase III Water Penalties</i>. - By signing this form, I certify the information provided is accurate and true, and agree to comply with all requirements set forth in the policy. Failure to comply with Water and Wastewater System Rules and Regulations or falsifying information subjects water/waste water service to termination and possible criminal prosecution.			
Name:		Signature	Date
PLEASE SUBMIT APPLICATIONS TO:		QUESTIONS?	
City of St. Helena: Administrative Services Department – Finance Division 1572 Railroad Avenue St. Helena, CA 94574		Email: water@cityofsthelena.org Phone: 707-968-2745	

Updated 08/07/2021

STAFF USE ONLY
Leak Application attached
Has Customer Received a Leak Notification: Yes No If yes, list all leak notifications sent and date of leak notification:
Date item to be heard by Water Advisory Board:
Date customer notified via email the item will be heard by the Water Advisory Board:
Water use exception is hereby: ☐ Approved ☐ Denied
Percentage of Penalty to be Adjusted (up to 100% for first leak and up to 50% for subsequent leaks): _____ % of Penalty to be Adjusted _____ Amount of Penalty to be Adjusted
If denied, reason for denial:
Date Approved by Water Advisory Board:
Date notification of Approval/Denial emailed to customer:
Date adjustment made to customer account:

Customer Name:
Customer Account Number:

Residential:	Current Allocation - based on a 30-day month, peak period		
		Gallons	HCF
	Number in Household:	2	3,900
	Phase II Outdoor Summer Allocation:	2,500	
	Additional Exception	0	
		6,400	8.56

Non-Residential:		HCF	Gallons
	June	-	-
	July		-
	August		-
	September		-
	October		-
	November		-

Leak Letters Sent:	
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Penalties Imposed:	Month Imposed	Amount Imposed	Total Penalty Requested for Waiver	Over Allocation (HCF)	Over Allocation (Gallons)
	June				0
	July				0
	August				0
	September				0
	October				0
	November				0
					0
	TOTAL	\$ -	\$ -	0	0

		Yes	No
1	Leak Letters Sent		
2	Has the customer received a leak letter for 2 or more consecutive months?		
3	If yes to #2, has the customer demonstrated a good faith effort to actively locate and fix leaks?		
4	Was the leak beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak?		
5	Was the leak a result of negligent, willful, or neglectful behavior?		
6	Is there proof the repairs were completed?		
7	If yes to #6, what proof has been provided?		
8	Has the customer previously filed a penalty leak adjustment?		
9	If yes to #6, was the penalty leak adjustment approved?		
10	If yes to #7, what was the amount?		

11			
12			
13			
14			
15			
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20			

Action:	Yes	No
Administrative Approval		
By:		
Signature:		

If no, reason why:	

Date to Water Advisory Board:	
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