Mayor: Ann Nevero
Vice Mayor: Sharon Crull
City Council: Greg Pitts
Mario Sculatti
Peter White

**REGULAR MEETING**
**ST. HELENA CITY COUNCIL**
**VINTAGE HALL BOARD ROOM – SECOND FLOOR**
**465 MAIN STREET, ST. HELENA**
**JULY 23, 2013**
**5:00 PM CLOSED SESSION**
**6:00 PM REGULAR MEETING**

**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 voluntarily complete a "Speaker Card" and submit it to the City Clerk BEFORE that portion of the agenda is called. Speaker cards are available on the table in back of the room. <u>Please observe the time limit of three minutes.</u>**

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

3. **PUBLIC COMMENTS PERTAINING TO THE CLOSED SESSION**

4. **CLOSED SESSION (5:00 P.M.)**

   CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)
   Property: The portion of APN: 009-211-016, 1480 Main Street, containing the existing City Hall facility (Multiple Offers)
   Property Owner: City of St. Helena
   City Negotiator: City Manager Gary Broad
   Offer Number One: Lux Forum
   Offer Number One Negotiator: William J. Agee
   Offer Number Two: St. Helena Investors
   Offer Number Two Negotiator: Andy Bartlett
   Offer Number Three: Corton Partners
   Offer Number Three Negotiator: Jonathan Hibma
   Under Negotiation: Price and terms for potential sale or lease of property

5. **OPEN SESSION – COUNCIL WILL RETURN TO OPEN SESSION AND ANNOUNCE ACTIONS TAKEN IF ANY**

6. **PUBLIC FORUM:** Members of the public are entitled to speak on matters of municipal

meeting. Brief questions by Councilmembers for clarifications may be posed and answered, and Councilmembers may make requests that items be placed on future agendas, but in accordance with State Law, no substantive discussion or action may take place unless and until the matter properly appears on the agenda.

7. **REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, and AB 1234 REPORTS:** Reports by staff and/or Councilmembers on items of general interest. Brief questions for clarification may be posed and answered, and Councilmembers 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 City Council.

8. **PRESENTATIONS AND PUBLIC RECOGNITIONS**

**CONSENT ITEMS:** Members of the Council 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, one motion may be used to adopt all recommended actions. (Roll Call Vote)

9. Resolution authorizing Professional Services Agreement with Napa Design Partners (NDP) for architectural services and construction document preparation of the structural repair of Signorelli Barn CIP No. C09
Recommended Action: Adopt

**PUBLIC HEARINGS**

**10.** None

**SCHEDULED MATTERS**

**11.** Presentation by Napa Valley CanDo on single-use carry out bags and Council direction to the Sustainability Committee on drafting a single-use plastic bag ban ordinance for future Council consideration (Consultant O'Rourke)

**12.** City Council discussion and direction on the City of St. Helena Protocol for Committees, Commissions and Boards (Consultant O'Rourke)

**13.** Review and direction on revisions to the Draft General Plan Update Land Use, Circulation and Community Design elements (Interim Planning Director)

**ADJOURNMENT**

A joint meeting of the City Council/Board of Supervisors will be held on August 13, 2013 at 5:00 p.m. in the Vintage Hall Board Room located at 465 Main Street followed by the Regular City Council meeting at 6:00 p.m. This agenda was posted at City Hall, 1480 Main Street, and at Vintage Hall, 465 Main Street, St. Helena, California on July 19, 2013.

Delia Guijosa, City Clerk

## CHALLENGING DECISIONS OF CITY ENTITIES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of St. Helena is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing.

If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of St. Helena, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

## SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the City Clerk's Office located at 1480 Main Street, St. Helena, California, during normal business hours. In addition, such writings or documents will be made available on the City's web site at http://cityofsthelena.org and will be available for public review at the respective meeting.

# STAFF REPORT

**DATE:** July 23, 2013

**TO:** Mayor and City Council **Item No: 9**

**FROM:** John Ferons, Director of Public Works/City Engineer
Kathy Robinson, Senior Management Analyst

**RE:** Resolution authorizing Professional Services Agreement with Napa Design Partners (NDP) for architectural services and construction document preparation for the Structural Repair of Signorelli Barn CIP No. C09

## BACKGROUND

The Signorelli Barn, located on Pope Street, is a historical focal point for the City. The barn has deteriorated significantly over time and is need of structural preservation.

## DISCUSSION/ANALYSIS

City staff solicited proposals from several architects including Napa Design Partners (NDP) who was the most responsive and responsible respondent. NDP has experience in evaluating structural support and making appropriate recommendations that also maintain the historical integrity of building without compromising safety. NDP also has clear understanding of the City's desire to not only stabilize the structure but also make it available for public use. Staff has evaluated the proposal received and confirmed that NDP has the skills, experience and qualifications to provide the desired services.

## FISCAL IMPACT

Resources available from budgeted FY 13-14 Signorelli Barn CIP No. C09 are adequate for the proposed $16,900 in professional services.

## RECOMMENDED COUNCIL ACTION

Adopt resolution.

## ATTACHMENTS/EXHIBITS

1. Resolution 2013-___ ; authorizing Professional Services Agreement with Napa Design Partners (NDP) for architectural services and construction document preparation of the structural Repair of Signorelli Barn CIP No. C09.
2. Scope of Services.

**1. Resolution**

# CITY OF ST. HELENA

## RESOLUTION NO. 2013-

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH NAPA DESIGN PARTNERs (NDP) FOR ARCHITECTURAL SERVICES AND CONSTRUCTION DOCUMENT PREPARATION OF THE STRUCTURAL REPAIR OF SIGNORELLI BARN CIP NO. C09**

**RECITALS**

A. The Signorelli Barn, located on Pope Street, is a historical focal point for the City. The barn has deteriorated significantly over time and is in need of structural preservation; and

B. City staff solicited a proposal from Napa Design Partners (NDP) who has experience in evaluating structural support and making appropriate recommendations that also maintain the historical integrity of building without compromising safety; and

C. Staff has evaluated the proposal received and confirmed that NDP has the skills, experience and qualifications to provide the desired services; and

D. Resources available from budgeted FY 13-14 Signorelli Barn CIP No. C09 are adequate for the proposed $16,900 in professional services.

**RESOLUTION**

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

1. Council hereby adopts resolution authorizing Professional Services Agreement with Napa Design Partners (NDP) for architectural services and construction document preparation of the structural Repair of Signorelli Barn CIP No. C09

Approved at a Regular Meeting of the St. Helena City Council on July 23, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

| APPROVED: | ATTEST: |
|---|---|
| ____________________________ | ____________________________ |
| Ann Nevero, Mayor | Delia Guijósa, City Clerk |
| Mayor | City Clerk |

NDP

July 15, 2013

City of St Helena
1480 Main Street
St Helena, CA 94574

attn: John G. Ferons, P.E., Director of Public Works
re: repairs and upgrades to the Signorelli Barn

For your consideration, Napa Design Partners, LLP. (NDP) submits the following proposal for architectural services to prepare construction documents for the structural repair of Signorelli Barn located at the corner of Pope Street and Signorelli Circle in the city of St Helena.

**Scope of Services:**

NDP shall prepare plans which include the structural repair/renovation, and reroofing of the barn. The architect and engineer shall salvage where possible existing materials for reuse.

Services may include but are not limited to;

- Plans shall include; a site plan, demolition plan, floor plan, roof plan, building elevations, sections, architectural details, foundation plan, framing plan, and all structural details required to construct the project.
- The architect shall coordinate with the owner's representative and structural engineer.
- The historic nature of the structure shall be taken into consideration and preserved where possible.
- Compliance of accessible standards (ADA) shall be demonstrated on the plans where applicable.
- Consideration in the design shall include future conversion of the building to conditioned space including a restroom(s) and counter space with sinks for catering uses.
- The existing lean to shall be removed and materials salvaged for reuse.
- New foundation, slab, wall framing and bracing shall be detailed.
- Where required damage or wear to existing openings, overhangs, building corners, etc. will be detailed for repair.

- Accessible paths from the existing park trail to new accessible entrances.

- Sliding doors shall be detailed for reconstruction.

- Fire sprinkler systems if required shall be by others.

**Architectural/Structural Service Fees:**

| | |
|---|---|
| Architect's Construction Documents: | $ 9,400.00 |
| Structural Engineering, by Vaziri Structural Engineers | $ 5,000.00 |
| fixed fee sub-total: | $ 14,400.00 |
| Historic presentation to City of St Helena and/or Napa County Landmarks budget if required: | $ 500.00 |
| Construction Administration Budget: Architect and Structural Engineer | $ 2,000.00 |
| Total Fixed Fee : | $ 14,400.00 |
| Total Fixed and Budgeted Fees: | $ 16,900.00 |

**Owner's Responsibilities:**

Provide full access to the premises until completion of construction. Request for services such as PG&E, phones, etc. if required.

Provide or reimburse NDP for printing costs.

**Contractual Terms:** Payments will be billed monthly for services rendered during the previous monthly period, or at the completion of individual phases of work. Invoices are due and payable upon receipt.

2013 Service Rates: Additional services, including construction administration, as authorized by the owner may be billed at the following hourly rates;

| | | | |
|---|---|---|---|
| Architect | $ 150 per hour | Drafting II | $ 90 per hour |
| Drafting I | $ 75 per hour | Administrative | $ 55 per hour |

Additional services requested by the building department or owner, and authorized by the owner, may be billed hourly. Services not included, structural, mechanical or plumbing engineering , T24 documentation, or any other service not self performed by NDP.

**Management Fee Expenses:** Any additional outside service not included in this proposal, but contracted with your approval by NDP, including fees and permits paid for by NDP for this project, may be invoiced at cost plus 15%.

**Reimbursable Expenses:** Overnight mail, shipping, outside printing, etc., and any other required goods and/or services may be invoiced at cost plus 10%. Mileage will not be charged.

**Contract Termination:** This contract may be terminated by either party with written notice. Services generated through that time period will be invoiced, and will be considered due and payable.

**Ownership of Instruments of Service:**

All reports, plans, specifications, field data and notes, and other documents including all documents on electronic media, prepared by the Architect as instruments of service, shall remain the property of the Architect. The Architect shall retain all common law, statutory and other reserved rights including the copyright thereto, subject to the 1990 Architectural Works Copyright Protection Act.

The owner is entitled and authorized to use the work for the project as described in this contract, and shall receive electronic copies of.

**Other Provisions:** The architect will prepare drawings, specifications, reports or other contracted services in a timely manner; but, the architect is not responsible for delays beyond its control nor those that could not be reasonably foreseen at the time this agreement was executed.

Construction administration and/or observation services may be provided as an additional service. Where the owner chooses not to use the architect for construction administration and/or observation of the work, the owner assumes responsibility for compliance with the design documents, applicable codes and general conditions.

This proposal is valid for 30 days from the date listed at the top of this document.

Proposal Offered by:

JOHN WARD

John Ward, Architect/Partner
Napa Design Partners, LLP
jward@nva.co

# STAFF REPORT

**DATE:** July 23, 2013

**TO:** Mayor and City Council

**FROM:** Christine O'Rourke, Consultant
Gary Broad, City Manager

**RE:** Single-Use Carryout Bag Reduction Ordinance Item: 11

---


**Summary**
Presentation by Napa Valley CanDo on single-use carryout bags and Council direction to the Sustainability Committee on drafting a single-use carryout bag reduction ordinance for future Council consideration.


**Background**
At its June 25, 2013, meeting, the City Council noted that Napa Valley CanDo, a local non-profit community service organization, gave a presentation to the Napa County Transportation and Planning Agency on single-use carryout bags and requested that the organization provide the same presentation to the Council.

**Discussion**
Ordinances banning single-use carryout bags are becoming increasingly popular throughout the world and in the United States. In California, many cities and counties have either adopted plastic bag ban ordinances or are currently in the process of adopting them. According to Californians Against Waste, 56 California jurisdictions, covering 77 cities and counties, have adopted ordinances to date. The majority of these ordinances are designed to regulate the use of plastic and paper carryout bags and to promote the use of reusable bags. In Napa County, the Napa City Council voted in March 2013 to pursue a local ordinance and to see if the city could partner with the County of Napa and/or other jurisdictions to draft an ordinance with common provisions and potentially share in the costs of preparing CEQA documents.

*Plastic Bags*
Single-use carryout bags are typically made of thin, lightweight high density polyethylene. For consumers, they offer a hygienic and sturdy carrying sack. Currently, almost 20 billion of these plastic grocery bags are consumed annually in California.[1] According to a study conducted for the California Integrated Waste Management Board in 2008, plastic makes up almost 10% of California's disposed waste stream. Plastic grocery and other merchandise bags are only a small part of the waste stream, accounting for less than 0.3% of the total waste stream. Nonetheless, approximately 123,400 tons of plastic grocery and merchandise bags are deposited annually in California landfills.[2]

---

[1] "Master Environmental Assessment on Single-Use and Resuable Bags," Green Cities California, March 2010.
[2] "California 2008 Statewide Waste Characterization Study," California Department of Resources Recycling and Recovery.

According to Napa Valley CanDo, an estimated 51 million single-use plastic carryout bags are discarded in Napa County each year, representing about 375 bags per resident. The majority is deposited in landfills, where the bags persist for hundreds of years. A significant portion ends up as unsightly litter, obstructing storm drains and draingeways, and imposing litter removal costs on local governments. Plastic bags that end up in the Napa River, the bay and the ocean pose risks for marine animals, birds, and humans. Most plastic carryout bags do not biodegrade; instead, the bags break down into smaller and smaller toxic bits that contaminate soil and waterways and enter into the food web when animals accidentally ingest those materials.

Only approximately 5% of plastic bags in California and nationwide are currently recycled.[3] Although some recycling facilities will handle plastic bags, most reject them because they can get caught in the machinery and cause malfunctioning, or are contaminated after use. In St. Helena, Upper Valley Disposal and Recycling accepts plastic grocery bags for recycling; these should be placed in the blue single stream recycling cart. Consumers may also bring plastic carryout bags to large retailers for recycling. State law requires all regulated supermarkets and large retail stores with a pharmacy that provide plastic bags to their customers to provide plastic bag collection bins in an accessible location. In St. Helena, Safeway provides a plastic bag collection bin.

*Paper Bags*
Single-use paper bags, like their plastic counterparts, are intended for grocery and merchandise shopping. Paper products make up 17% of the California disposal waste stream. Paper bags, including paper grocery bags, fast food bags, and department store bags, make up 0.4% of the total disposed waste stream, or approximately 155,800 tons annually.[4]

Paper bags are recycled at a higher rate than single-use bags. Approximately 21% of paper bags nationwide are recycled. Still, over its lifetime, a single-use paper bag has significantly larger greenhouse gas emissions and results in greater atmospheric acidification, water consumption, and ozone production than plastic bags. Paper bag production and disposal results in over 3 times the greenhouse gas emissions associated with single-use plastic bags and consumes 4 times as much water.[5]

*State Regulation*
In 2006, California enacted AB 2449 (Chapter 845, Statues of 2006), which became effective on July 1, 2007. The statute requires all regulated stores to provide at least one plastic bag collection bin in an accessible spot to collect used bags for recycling. The store operator must also make reusable bags available to shoppers for purchase. AB 2449 applies to:

- A retail establishment that has over 10,000 square feet of retail space that generates sales tax and has a licensed pharmacy.

---

[3] "Master Environmental Assessment on Single-Use and Resuable Bags," Green Cities California, March 2010.
[4] "California 2008 Statewide Waste Characterization Study," California Department of Resources Recycling and Recovery.
[5] "Master Environmental Assessment on Single-Use and Resuable Bags," Green Cities California, March 2010.

- A supermarket that has a full-line, self-service, retail store with gross annual sales of $2 million or more and which sells a line of dry groceries, canned goods, non-food items, or perishable goods.

In September 2012, SB 1219 extended the sunset provision of AB 2449 to January 1, 2020. It also removed a provision that prohibited local governments from imposing a plastic carryout bag fee upon stores regulated by State law.

Legislative action at the state level to ban single-use plastic bags has repeatedly failed to pass over the past several years. Most recently, Senate Bill 405 would have prohibited supermarkets and drug stores from distributing single-use plastic bags and allowed for the sale of reusable, paper and, in certain jurisdictions, compostable plastic bags.[6] These provisions would have been extended to convenience stores, foodmarts, and certain other stores.[7] The bill failed to pass on a vote of 18-17 on May 30, 2013 (21 votes are necessary for passage).

*Local Ordinances*

In absence of effective state legislation, local governments have been taking action to ban single-use plastic bags and reduce consumption of single-use paper bags within their jurisdictions. Most local ordinances have the following components:

- Prohibits supermarkets, grocery stores, and pharmacies from providing free single-use plastic and paper carryout bags. Some ordinances also include convenience stores and similar stores. Others apply to all retail stores, regardless of size or type of merchandise sold.
- Allows regulated stores to sell recycled paper bags (containing at least 40% recycled content) or reusable bags for a small charge. Most require a minimum of 10 cents per bag and some increase the charge to 25 cents over time.
- Allows stores to retain the collected fees.
- Exempts certain types of bags, including take-out food bags, produce bags, and bags for holding prescription medicine.
- Defines a phase-in schedule to give retailers and consumers time to prepare.
- Exempts State Supplemental Food Program recipients from paying the paper bag fee.

By prohibiting single-use carryout bags and requiring a mandatory charge for each paper bag distributed by retailers, the ordinances provide a disincentive to customers to request paper bags and promote a shift to the use of reusable bags.

---

[6] Compostable bags would be permitted where (1) a majority of the residential households in the jurisdiction have access to curbside collection of foodwaste for composting, and (2) the governing authority for the jurisdiction has voted to allow stores in the jurisdiction to sell to a consumer at the point of sale a compostable bag at a cost not less than the actual cost of the bags.

[7] Other stores are defined as those engaged in the retail sale of a limited line of goods, generally including milk, bread, soda, and snack foods, and that holds a Type or Type 21 license issued by the Department of Alcoholic Beverage Control.

*Effects of a Single-Use Carryout Bag Ban*
Los Angeles County enacted an ordinance banning single-use plastic bags and imposing a 10 cent charge on recycled content paper carryout bags, effective July 2011. The ordinance covers about 800 stores. Los Angeles reports that among large stores, the ordinance resulted in a 95% reduction in single-use bags (both plastic and paper) and a 30% reduction in paper bag usage. Incorporating all stores, paper bag usage declined 16%.

*California Environmental Quality Act (CEQA)*
There have been a number of CEQA lawsuits filed and threatened by the Save the Plastic Bag Coalition in response to local agencies adopting a bag ban ordinance without the preparation of an EIR. The City of Manhattan Beach's lawsuit over preparing a Negative Declaration instead of an EIR was decided by the California Supreme Court on July 14, 2011. The Supreme Court determined that Manhattan Beach's preparation of an Initial Study followed by a Negative Declaration was appropriate due to the level of potential impacts.

Most recently, on June 25, 2013, the California Court of Appeals upheld the County of Marin's determination that their single-use carryout bag ordinance was categorically exempt from CEQA. Marin County enacted an ordinance that bans single-use plastic bags at grocery stores, pharmacies and convenience stores and imposes a minimum 5 cent fee on single-use paper bags. The ordinance affects about 40 retailers in the unincorporated parts of the county. The County determined it was categorically exempt from CEQA because it was a regulatory action designed to assure the maintenance, restoration, enhancement, or protection of natural resources and the environment. A single-use carryout bag reduction ordinance in St. Helena could potentially rely on the same CEQA categorical exemptions (Title 14, California Code of Regulations, Sections 15307 and 15308). However, the appropriate level of CEQA review would be determined once the ordinance is drafted and the project is defined.

*Sustainability Committee Recommendation*
The Sustainability Committee has been interested in pursuing a plastic bag ban ordinance for St. Helena for some time. On June 5, 2013, Grania Lindbergh from Napa Valley CanDo gave a presentation to the Committee on single-use carryout bags, and at their meeting on July 10, 2013, the Committee reiterated its desire to work on a single-use carryout bag reduction ordinance. The Committee requests direction from the Council on whether or not to draft an ordinance and which provisions to consider including in such an ordinance. The Committee intends to conduct outreach to local retailers to determine reasonable and effective regulations that would reduce the amount of plastic and paper carryout bags and encourage a shift to reusable bags. The Committee would also work with the City of Napa, the County of Napa, and other local jurisdictions to develop a common ordinance that could be adopted by all agencies so that regulations could be consistent across jurisdictions.

**Recommended Council Action**
The Council should receive the Napa Valley CanDo presentation and provide direction to the Sustainability Committee on drafting a single use carryout bag reduction ordinance.

# Single-Use Carryout Bags

July 2013

Napa Valley CanDo

# Who are we?

- Community service organization for Napa Valley.
- Connect volunteers with non-profits.
- Pursue projects where we see a need.
- Weekly e-mail blast to 1,000 recipients.

Napa Valley CanDo

# What do we want all cities in Napa County to do?

- Pass an ordinance that phases out the distribution of single-use carryout plastic bags and decreases reliance on paper bags.



Napa Valley CanDo

# Why?

- 51 million single-use plastic carryout bags are discarded in Napa County each year.
- They litter the landscape and highways. Tourists see the trash and taxpayers bear the burden of cleanup costs.

Napa Valley CanDo

# Plastics kill wildlife

- Plastic bags enter the Napa River, the bay and the ocean.
- Marine animals and birds often see these bags as a source of food, ingesting them or becoming entangled in them. At least 267 species are affected.


Mother otter at Elkhorn Slough in Moss Landing, CA tries to free her pup from a plastic bag

Photo by Terry McCormac

# Plastics are in the water

- Plastic bags enter the Napa River, the bay and the ocean where they kill marine animals and birds.
- Plastic breaks down into tiny particles that degrade water and soil.
- The miniscule plastic pieces are eaten by fish. We eat the fish.

Napa Valley CanDo

# Plastic bags waste resources

- Plastic does not decompose – it adds to our landfill.
- Plastics used to make single-use plastic bags are derived from non-renewable fossil fuels – a diminishing resource.

Napa Valley CanDo

# Paper bags have negative environmental impacts too

- Requires 14 million trees annually, according to the National Cooperative Grocers Association.
- Pulp production uses a lot of energy, according to the Energy Information Administration.
- Paper requires a huge amount of water, according to the EPA.
- **Reusable is the best practice.**

Napa Valley CanDo

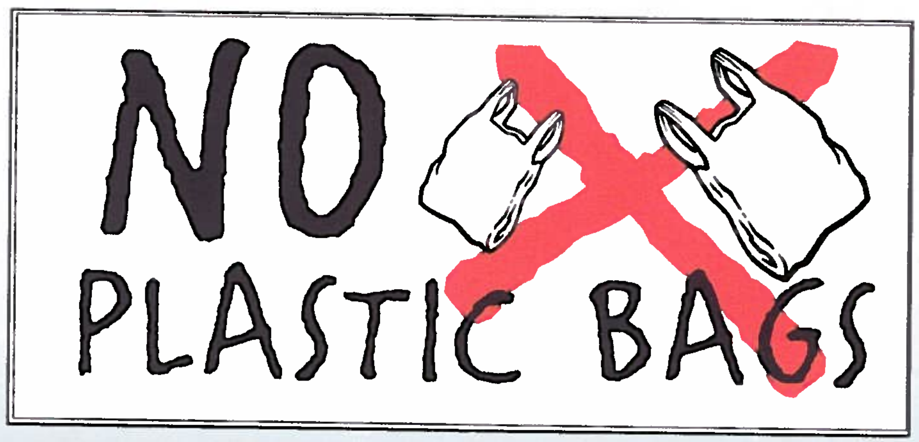
# CanDo has been educating people about the impacts of single use bags for two years

- *Bag It* was shown to more than 1,000 Napa residents, including schoolchildren.
- Newspaper articles, radio interviews, and talks to local groups.
- Photo displays of trash found in local waterways were mounted in public buildings.
- More than 1,200 free reusable bags were distributed including in St. Helena and Calistoga.

Napa Valley CanDo

# Stronger measures are required

- Education alone has not produced change.
- Surveys conducted before and after Better Bag Month did not show a significant increase in reusable bag use.




Napa Valley CanDo

# There is no reason to wait

- Over 70 local cities and counties in CA have adopted ordinances.
- The state has failed to act – several bills that would have enacted a statewide law failed to get out of committee over the past six years.
- After ordinance implementation, studies show a 95% reduction in single use plastic bags, 30% reduction in paper bags and increase in reusable bag use.

Napa Valley CanDo

# Major components of most ordinances

- Prohibits retail stores from providing plastic single-use carryout bags.
- Requires retail stores to charge a pass-through cost of not less than 10 cents per paper bag to encourage shoppers to use reusable bags.
- Retailers keeps the charge with no restrictions on its use.

# Other provisions in ordinances

- Exempts certain types of stores (including takeout food vendors) and certain types of bags (produce bags).
- Defines the phase-in schedule to give retailers and shoppers time to prepare.
- Exempts WIC (food stamp) program recipients from the pass-through cost.

Napa Valley CanDo

# CEQA

- Jurisdictions (lead agencies) have approached CEQA in various ways – Categorical Exemption, Negative Declarations, and full EIRs.
- Lots of information is available that has reduced the cost of these CEQA documents.
- A master CEQA document can be prepared for multiple jurisdictions within Napa County.
- A Categorical Exemption is being explored due to a recent court decision and could be developed by the City of Napa and other jurisdictions in Napa County.

# Elected officials can show leadership

- The City of Napa has started to work on an ordinance.
- The Napa County Board of Supervisors is willing to help with an environmental document.
- This presents an opportunity for American Canyon, Yountville, St. Helena and Calistoga to join the effort.

Napa Valley CanDo

# Community support

- 1,000 local concerned residents signed NV CanDo petitions supporting an ordinance.
- Community groups support it too:

  Visit Napa Valley

  Napa Downtown Association

  Sustainable Napa County

  Friends of the Napa River

  Napa County Sierra Club

  Napa-Solano Audubon Society

  Thrive Napa Valley

  Wildlife Rescue Center Napa County

Napa Valley CanDo

# Our whole county CanDo Better

It's an easy step towards a greener and more sustainable future.

Napa Valley CanDo

# STAFF REPORT

| | |
|---|---|
| **DATE:** | July 23, 2013 |
| **TO:** | Mayor and City Council |
| **FROM:** | Gary Broad, City Manager<br>Christine O'Rourke, Consultant |
| **RE:** | Protocol for Committees, Commissions and Boards   Item 12 |

**Project Summary**

City Council discussion and direction on the City of St. Helena Protocol for Committees, Commissions and Boards.

**Background**

On July 24, 2012, the City Council reviewed Brown Act compliance of City committees and discussed committee roles, responsibilities and purposes; membership; meeting guidelines; meeting conduct; and bylaws. The Council directed staff to draft recommendations for standardizing committee structure and operating procedures and requested Councilmember Ann Nevero to work with staff in developing these guidelines.

On November 27, 2012, the City Council reviewed a draft City of St. Helena Protocol for Committees, Commissions and Boards. The Council requested staff to schedule the item for further discussion at a subsequent City Council meeting.

On January 22, 2013, the City Council reviewed a second draft of the City of St. Helena Protocol for Committees, Commissions and Boards and directed staff to make two changes to the Protocol. In response to testimony provided by Josefina Hurtado, chair of the Multi Cultural Committee, the Council agreed to amend the draft Protocol to allow a committee size larger than seven members for committees in existence before January 1, 2013. The Council also agreed to require all committee members to reside within the St. Helena City limits, but reserved the authority to approve an exception to the rule on a case-by-case basis.

**Discussion**

The draft City of St. Helena Protocol for Committees, Commissions and Boards attached to this report identifies the changes in underline and strike-through that were requested by the Council at the January 22, 2013, meeting (Attachment #2). An additional revision was made in order to resolve issues when reducing terms from three years to two years results in too many member terms expiring at the same time. This affects the Library Board of Trustees (all five member terms would expire on the same date in 2016) and the Parks and Recreation Commission (four out of five terms would expire on the same date in 2016). The revised language states that the Council may impose staggered terms consisting of one and two year terms when establishing a new committee or when reducing existing terms from three years to two when those terms come up for reappointment.

Staff has also attached a draft resolution for the Council to adopt the Protocol (Attachment #1) and a draft ordinance that would amend the municipal code to ensure consistency with the adopted Protocol (Attachment #3). These documents are provided only for discussion and will be brought back to the Council at a future date for introduction and/or adoption as requested by the Council.

The draft ordinance would amend Chapters 2.52, 2.56 and 12.24 of the St. Helena Municipal Code to change term lengths for Board of Library trustees, Parks and Recreation commissioners and Tree Committee members from three years to two years. The code amendments would also require all trustees, commissioners and committee members reside in St. Helena, provided that the City Council would reserve the authority to appoint non-residents on a case-by-case basis.

The other committees were established by resolution or Council action. On February 5, 2013, the City Council adopted Resolution 2013-9 reducing the size of the Climate Protection Task Force from 15 members to 7 members and rescinding the CPTF bylaws. On June 25, 2013, the Council adopted Resolution 2013-41 changing the name of the Climate Protection Task Force to the Sustainability Committee, approving the committee's mission statement, and reducing member terms from three years to two years. Consequently, the Sustainability Committee is currently in compliance with the draft protocol, and no additional Council action is needed at this time.

The Safe Yield Committee was established by Council action and not by resolution. As the committee is not currently active, the Council should consider the status of the committee moving forward and whether or not staff should ddraft a resolution formally establishing the Safe Yield Committee at this time.

The Multi Cultural Committee (MCC) was established by Council action in 2005, and members have been appointed to the committee over the years by resolution. The committee currently has 11 members with no established term lengths. A resolution should be adopted by the City Council formally establishing the committee and re-appointing its members with appropriate term lengths. Staff has not drafted a resolution, however, because the Multi Cultural Committee approved bylaws on February 6, 2013, that are not consistent with the draft Protocol. Staff has identified the provisions in the attached MCC Statement of Purpose and Bylaws that are not consistent with the draft Protocol (Attachment #4). These are:

1. The MCC bylaws state that the membership consists of nine members and three alternates. The Protocol states that a committee consists of a maximum of seven members, unless the Council approves a larger committee size for committees in existence before January 1, 2013. The Protocol also limits the number of alternate members to two.
2. The MCC bylaws identify the Mayor and the Police Chief as liaison members of the committee and require them to attend each meeting and give a brief report on current city and department affairs. The Protocol states that the City Manager will designate a staff liaison to each committee and does not require any Council member to serve as a committee liaison.
3. The MCC bylaws state that a majority of committee members must reside within the St. Helena city limits and that the remaining members must live within Napa County. The Protocol requires all members to reside within the city limits, but allows the Council to approve exceptions to the rule on a case-by-case basis.
4. The MCC bylaws state that MCC committee members serve for three years. The Protocol requires two-year terms.
5. The MCC bylaws state that the MCC chairperson and vice-chairperson serve for two years. The Protocol requires the chairperson and vice chairperson to be selected annually, but allows these officers to serve consecutive terms under certain conditions.

**Recommended Council Action**

The Council should discuss the MCC bylaws that are in conflict with the draft Protocol and provide direction to staff and the MCC on which provisions may stand and which must be revised. The Council should also provide staff with direction on the draft Protocol and the proposed municipal code amendments. If desired, the Council should direct staff to schedule adoption of a resolution approving the Protocol and introduction of an ordinance amending the municipal code to maintain consistency with the Protocol.

**Attachments**

Attachment #1 – Draft Resolution Approving the St. Helena City Council Protocol for Committees and Related Documents
Attachment #2 – Exhibit A: St. Helena Protocol for Committees, Commissions and Boards and related Meeting Ground Rules, Committee Standards of Conduct, Agenda format and Minutes format
Attachment #3 – Draft Ordinance Amending Chapters 2.52 "Board of Library Trustees," Chapter 2.56 "Parks and Recreation Commission," and Chapter and 12.24 "Trees and Other Vegetation"
Attachment #4 – Multicultural Committee Statement of Purpose and Bylaws

*Draft*

# CITY OF ST. HELENA

# RESOLUTION NO. ____

## APPROVING THE CITY OF ST. HELENA PROTOCOL FOR COMMITTEES, COMMISSIONS AND BOARDS AND RELATED DOCUMENTS

WHEREAS, the City Council has a created a number of committees, boards and commissions, including the Planning Commission, the Parks and Recreation Commission, the Library Board of Trustees, the Tree Committee, the Sustainability Committee, the Multi Cultural Committee, and the Safe Yield Committee; and

WHEREAS, the City's committees, commissions and boards provide a valuable service to the community and the City Council relies on these entities to provide information, advice, recommendations and decisions related to their area of expertise and authority; and

WHEREAS, the City Council desires to standardize committee structure and operating procedures and provide necessary guidance in order to ensure these committees, commissions and boards are efficient and effective and serve in the best interests of the community; and

WHEREAS, at its regular meetings of November 27, 2012, and January 23, 2013, the City Council discussed a draft City of St. Helena Protocol for Committees, Commissions and Boards, and received public testimony on the draft Protocol.

NOW, THEREFORE, BE IT RESOLVED that the St. Helena City Council adopts the St. Helena Protocol for Committees, Commissions and Boards and related Meeting Ground Rules, Committee Standards of Conduct, Agenda format and Minutes format, as set forth in Exhibit A.

The foregoing resolution was adopted by the St. Helena City Council at its regular meeting held on the ___ day of ____ 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________

# EXHIBIT A

# City of St. Helena Protocol

# for

# Committees, Commissions and Boards (CCB)

**St. Helena Committees, Commissions and Boards (CCB) function under the direction of the City Council on behalf of the City and its residents. The Council establishes committees by ordinance or resolution defining the role, purpose and membership. While each one functions specific to its purpose, all must follow the same overriding principles which are herein defined.**

**This protocol is intended to provide general guidance, and is not intended to supersede or conflict with any provision of State law, the St. Helena Municipal Code or other ordinance adopted by the City Council, which in the event of any conflict shall control.**

## ROLE AND PURPOSE

The City Council determines a committee's role and purpose at the time it is created, which should be defined clearly enough to easily communicate the purpose of the committee to the general public.

Committees may be 1) on-going standing committees, or 2) established for a specific purpose with an expected end date. Roles and purpose may be general or specific, but all will have a clearly defined goal, task or product.

Recommended changes in the role or purpose of a committee must be brought to the City Council to clarify how the proposed changes will provide improved or additional benefit.

## MEMBERSHIP AND COMMITTEE STRUCTURE

The City Council defines the membership size by resolution or ordinance when establishing a committee. A committee consists of a minimum of five and a maximum of seven members, provided that the Council may approve a larger committee size for committees in existence before January 1, 2013. ~~Except T~~ the Planning Commission ~~which~~ consists only of five ~~full~~ regular members. The Council may appoint up to two alternate members to serve on a committee in order to ensure a quorum can be reached if members cannot attend. City Council members and staff shall not sit as members on any committees. However, the City Council may, in its discretion, appoint two Council members in the composition of a City Council subcommittee for a specific purpose.

As required by State law, the Mayor shall nominate committee members from the pool of applicants, and they will be appointed only after a majority vote approval by the City Council. Applicants may choose to attend the City Council meeting and make a statement in support of their application before the Council votes on the appointment.

**Residency.** Committee members must reside within the St. Helena City limits~~; however, one member may reside outside the City limits but within Napa County~~. The Council may approve an exception to this rule on a case-by-case basis. ~~All five Planning Commissioners must live within the St. Helena City limits.~~

**Member Terms.** Committee members will serve two years from the date of appointment, except Planning Commission members who serve four years. Non-standing committee membership will be based upon the timing of the specific project. In establishing a new committee, or when reducing existing terms from three years to two when those terms come up for reappointment, the Council may initially impose staggered terms consisting of one and two year terms.

Removal of a member may occur for reasons such as, but not limited to: excessive absences, Brown Act violations and conduct violations. Recommendations to the City Council for removal may be made by a committee member, member of the public, staff member, or City Councilmember. Notwithstanding the foregoing, the City Council may in its discretion at any time vote to remove a member of any committee for any reason or none, with or without cause.

**Committee Officers.** Annually, a committee will select a chairperson and vice chairperson. No member may serve more than two consecutive years as chair, unless unanimously agreed upon by the Committee in a sealed vote and approved by the City Council.

The chairperson runs the meeting in accordance with the agenda. The vice chairperson has the same powers and duties of the chair if the chair is absent or unable to act. If both the chair and vice-chair are absent or unable to act, the committee selects by motion and majority vote one member as acting chair for the duration of the meeting or absence.

**Subcommittees.** The committee may, in its discretion appoint members to subcommittees for the purpose of researching specific issues, conducting community outreach, and/or formulating recommendations to the committee, and may also engage experts or other persons (who will not be considered as members). Subcommittee membership will be less than a majority of the total membership of the committee. Prior to creating a subcommittee, the committee will consult with staff to determine whether the subcommittee is subject to the Brown Act, in which case formation of the subcommittee will be subject to Council approval.

**Bylaws.** Committees may adopt bylaws governing their work that are consistent with this protocol and other City laws. Proposed bylaws must be reviewed by staff and approved by the City Council.

## MEETING ADMINISTRATION

- Committees should meet at a regular interval (day and time) and location to facilitate public attendance and to provide an accessible forum for the public to attend.
- Committees and committee members shall conduct themselves in accordance with the requirements of State law and the Municipal Code.
- Meetings must be noticed to the public at least 72 hours prior to regular meetings, and 24 hours prior to special meetings, as required by the Brown Act.
- All meeting notices must be posted outside St. Helena City Hall and on the City website.
- Agendas must adhere to the form provided by the City to ensure consistency and clarity.
- Meeting minutes will be recorded using the City template and submitted for approval at the next committee meeting. Once approved, the minutes are submitted to the City Clerk for official record.

**Quorum and Voting.** A quorum is a majority of the number of members (not counting alternates) that officially comprise a committee (irrespective of absences and vacancies) and is required in order to hold a meeting. Without a quorum (either through lack of a quorum at the start of the meeting or due to members leaving the meeting) the committee may only act to adjourn to the next meeting date, recess, or take measures to obtain a quorum.

In order for action to be taken by the committee, it must be approved by majority vote of the quorum of the total number of committee members (not counting alternates), unless otherwise required by law.

**Alternate Members.** Alternate members may vote only upon one of the following conditions:

1. Absence of one or more of the regular members of the committee; or
2. Disqualification of a regular member of the committee due to an expressed conflict of interest.

If more than one alternate member is present and only one vote is available, the alternate members will toss a coin to determine who may vote.

**City Staff Liaison.** The City Manager will designate a staff liaison to each committee. The liaison should attend every committee meeting. The staff liaison's role is to assist the committee in understanding City functions and requirements, such as state regulations, Municipal Code requirements, and conflict of interest and Brown Act requirements. The staff liaison ensures the continued flow of information regarding the City's efforts and progress on work that pertains to the committee's topic area. The staff liaison will collect and file committee records and minutes.

## CITY COUNCIL REPORTS

The chairperson or designee will appear at a City Council meeting at least once per quarter to report on the committee's activities and projects and to provide updates to the Council and community. The City Council will provide input and direction at that time. Committee chairpersons or designated committee members are encouraged to appear before the Council whenever they feel it is necessary to obtain Council direction or share information.

## PROFESSIONALISM AND MEETING BEHAVIOR

As official representatives of the City of St. Helena, committee members are expected to conduct their duties in keeping with the St. Helena Committee Standards of Conduct and maintain the highest level of professionalism during their tenure. Committees conduct City-sanctioned work for the benefit of all St. Helena residents.

All St. Helena committee meetings will be conducted in an open, fair and professional manner. Committees must ensure a welcoming atmosphere for all participants. St. Helena Meeting Ground Rules must be posted at each meeting, and adhered to, in order to ensure meetings are efficient, productive and respectful.

Committees are formed to improve understanding, ideas, processes or outcomes, and by definition that means individuals will have, and should have, different, and perhaps controversial, opinions. Open, honest dialogue is the goal, and is not to be viewed as a problem. Discussion of topics, not discussion of individuals, should be the focus of committee members both inside and outside the meetings. Committee members represent the City of St. Helena, and therefore may not negatively discuss members or public participants outside meetings. Members can request staff assistance, either during or after the meeting, with unruly or disruptive participants. No committee member should tolerate abuse toward other participants, members or themselves.

## THE BROWN ACT AND CONFLICT OF INTEREST RULES

### The Brown Act

Members of St. Helena committees are required to function under the Brown Act. Committees should have a clear understanding of Brown Act rules. The City will provide committees with Brown Act training materials, which must be reviewed by all members. Committee chairs can request specific information from City staff regarding Brown Act questions.

In general, the Brown Act requires all meetings of a legislative body of a local government, including all committees established by the St. Helena City Council, to be open and public. In some instances these requirements will apply to subcommittees.

- All meetings must be properly noticed and discussion items properly agendized.
- A "meeting" means any gathering of a majority of the members of a committee to hear, discuss or deliberate on any matter within the committee's jurisdiction.
- Communication outside a meeting by members is restricted by the Brown Act if that communication results in:
  - A "serial" meeting involving a majority of the committee members. A serial meeting may occur if a member communicates to one member, who then communicates to another member, until a majority of members have become involved in the communication.
  - a "spoke and wheel" meeting where a member separately communicates to a majority of members.
- In order to avoid unintended "meetings" involving a quorum,, committee members should generally submit their comments to staff, and should not engage in "reply all" emails or emails or other communications involving a majority of the committee.

Violations of the Brown Act are serious, and can jeopardize the validity of committee decisions. Violations that are willful can carry criminal penalties.

**Conflicts of Interest/Due Process**

In addition to the Brown Act, State laws, such as the Political Reform Act ("PRA"), impose certain conflict of interest rules on City committee members. For example, the PRA requires members to make certain financial disclosures and prohibits members' participation in decisions affecting members' financial interests.

As with the Brown Act, the City will provide committees with conflict of interest training materials, which must be reviewed by all members. Committee chairs can request specific information from City staff regarding conflict questions.

Conflicts may exist where a member lives in close proximity to a project site or other place affected by the committee's decision, or where a committee member's personal financial interests or the financial interests of a member's business, family or source of income may be affected by the decision to be made by the committee. In such instances, the member may be prohibited from participating in the decision.

Conflict of interest rules are complex. Moreover, as with the Brown Act, violations of the PRA are serious, and can jeopardize the validity of committee decisions. Violations can result in substantial fines and criminal penalties.

Committee members may receive assistance on questions from the State Fair Political Practices Commission ("FPPC"), which is the agency that is responsible for the implementation and enforcement of the PRA. In addition, Committee chairs may ask staff for assistance. Because conflict questions are often complex and fact-intensive, committee members are urged to attempt to identify potential conflict issues well in advance of meetings at which the decision is to be made.

Finally, in addition to conflict of interest rules involving financial interests under the PRA, some committee decisions on matters that require committees to act as "judges," as for example when the Planning Commission acts on subdivision map applications or use permits, variances and/or design review, fair hearing and due process requirements apply. Those requirements may preclude members from participating in decisions where the member is "personally embroiled" in the decision at stake, and also may require members to disclose information received outside of a public hearing so that stakeholders may also hear and respond to such information.

As with conflict and Brown Act requirements, committee chairs may seek assistance from staff with respect to fair hearing/due process issues, and members are urged to attempt to identify and disclose such issues well in advance of the public hearing.

# City of St. Helena

# Meeting Ground Rules

1. Start on time
2. Everyone come prepared
3. If you called the meeting, run it well
4. If you are at the meeting, participate
5. Stay on topic
6. One person speaks at a time
7. Be open and honest
8. Actively listen – no side conversations, texting or cellphone use
9. No negative body language or personal attacks
10. End on time

# [COMMITTEE NAME]

## AGENDA - REGULAR MEETING
## [MEETING ADDRESS]
## [MEETING DATE AND TIME]

1) **ROLL CALL:** [LIST MEMBERS, COUNCIL LIAISON, AND STAFF LIAISON]

2) **APPROVAL OF MINUTES:** [Date of minutes]

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

4) **SCHEDULED MATTERS:**

   [List each item of business to be transacted or discussed at the meeting, with a brief description generally not exceeding 20 words and an approximate time allocated for the item.]

5) **REPORTS AND ANNOUNCEMENTS BY MEMBERS AND STAFF:** Reports by staff and/or [Committee] members on items of general interest. Brief questions for clarification may be posed and answered, and [Committee] members 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 [Committee].

   [List with approximate time allocated for each item]

6) **DISCUSSION OF ITEMS TO BE PLACED ON THE NEXT MEETING AGENDA**

7) **ADJOURNMENT**

The next regularly scheduled [Committee] meeting will be held on [Date]. This agenda was posted at City Hall, 1480 Main Street, and at [location where meeting will be held] on [Date].

________________________________

Delia Guijosa, City Clerk

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact City Hall at (707) 967-2792. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR35.102-35.104 ADA Title II). However, City staff will attempt to assist at any time with accessibility. The City Clerk has equipment to assist those with a hearing impairment.*

**MINUTES OF THE REGULAR MEETING OF THE**
**[COMMITTEE NAME]**
**[Meeting Location]**
**[Meeting date and time the meeting was called to order]**

2) **ROLL CALL**:

PRESENT: [List members, Council liaison, and staff liaison. Guests and staff scheduled to give reports or presentations may also be listed. Do not list members of the public in attendance.]

ABSENT: [List members, Council liaison, and staff liaison]

3) **APPROVAL OF MINUTES**: M/S: [Moved/Seconded: Name/Name]. Ayes: ["All" or individual names]. Noes: ["None" or Names]. Abstain: ["None" or Names].

4) **[LIST ALL AGENDA ITEMS** and, if a vote was taken, indicate M/S, Ayes, Noes, and Abstain. Although not required, the minutes may briefly discuss major points of the discussion, report or presentation. If there was no discussion of the agenda item, state so. For example:

A. **Election of Officers:** Susan Smith was elected Chairperson and John Davis was elected Vice Chairperson. M/S: Stuart/Price. Ayes: All. Noes: None. Abstain: None.

B. **Green Building Regulations:** The group reviewed the subcommittee's research on green building regulations and agreed to make a presentation to the City Council and seek direction from the Council on potential new regulations the Council may wish to adopt. The staff liaison will request an agenda item be placed on the City Council's agenda in January. M/S: Gonzales/Moore. Ayes: All. Noes: None. Abstain: None.

C. **Plastic Bag Ban.** This item was not discussed. ]

5) **ADJOURNMENT:** The meeting was adjourned at [Time].

The next regularly scheduled [Committee] meeting will be held on [Date, location and time].

SUBMITTED BY:

# Committee Standards of Conduct

Appointment to a City of St. Helena committee provides a unique opportunity for service to the community and leadership in the community. These positions carry an obligation of ethical conduct and personal integrity that will foster public respect, confidence and trust.

The Standards of Conduct are adopted to provide guidance to committee members to assist in fully understanding the role and responsibility of the position.

**Responsibilities of Committee Service**

In carrying out the responsibilities, committee members shall:

A. Perform their responsibilities in a manner that is efficient, courteous, responsive and impartial, providing fair and uniform treatment of all person and issues;
B. Seek the overall public good in all decisions;
C. Foster effective, courteous and cooperative working relations with fellow members of the committee, the City Council, City staff, and the public;
D. Serve as a communicator between the community and the City Council and City staff, and facilitate expression of citizen views;
E. Abide by all applicable Conflict of Interest laws, policies and regulations; Disclose possible conflicts of interest and not participate in any official decision which could materially affect the member's financial or personal interest, nor attempt to influence the vote on any such manner;
F. Avoid any action which could be construed by an objective person to create the appearance of using public office for personal gain, including use of City stationery or other City resources to obtain or promote personal business, giving preferential treatment to any person or group, or impeding governmental responsiveness or efficiency;
G. Identify personal opinions and recommendations, avoiding any implication that they are those of the committee unless such position has been duly voted; and
H. Refuse gifts, service or any promise of future benefit that could be construed to compromise independence of judgment or action as a public official.

**Committee Behavioral Norms**

A. Committee members are encouraged to share their opinions throughout the deliberative process including the rationale that led to their position.
B. The committee will allow sufficient time during meetings so members do not feel rushed and have time to digest what is said and form their own opinion.
C. Committee members will listen respectfully to each other and the public, and will respond to comments respectfully, avoiding verbal attacks.
D. The committee will stay positive and productive even when members disagree, demonstrating leadership characteristics appropriate for appointed leaders of the community.
E. All members will be given an equal opportunity to speak up and discuss the issues.

F. Committee members will refrain from negative body language in response to comments by committee members or the public.
G. The Chairperson will start the discussion with a different committee member for each agenda item.
H. When committee action is contemplated, the Chairperson will ensure that all committee members have had a chance to ask questions and make comments prior to entertaining any motion.
I. Any committee member who notices disruptive behavior may call "Points of Order" and the Chairperson will address the behavior.

**Committee/Staff Relationships and Conduct**

A. Committee members shall recognize that the primary functions of staff liaisons are to execute actions taken by the committee and keep the committee informed.
B. Each committee member must recognize that only the full committee has power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, departmental priorities, and the official conduct of City business. Individual committee members shall make no attempt to pressure or influence staff decisions, recommendations, workloads and schedules, and departmental priorities without the prior knowledge and approval of the committee as a whole.
C. Individual committee members shall not intrude into functions which are the responsibility of staff including, but not limited to, staff decision-making, staff recommendations, work schedules, and other day to day management/administrative operations.
D. Staff is obligated to take guidance and direction only from the committee as a whole or from the appropriate management superiors as may be the case. Staff is directed to reject any attempts by individual committee members to unduly influence or otherwise pressure them into making, changing or otherwise suppressing staff decisions or recommendations, or changing departmental work schedules and priorities. Staff shall report such attempts to influence them in confidence to their management superiors, who may inform the committee as a whole of such attempts.
E. Committee members shall make every effort to avoid surprising the staff during public meetings. If there is an issue or a question a committee member has on an agenda item or a matter the committee member intends to bring up at the meeting, that member should contact staff prior to the meeting to alert them to the issue and state the question or concern.
F. Requests by committee members for information or assistance shall be responded to provided that, in the judgment of their management superior, such requests are not of a magnitude, either in terms of workload or policy, which would require that it more appropriately be assigned to staff through the collective direction of the committee. In terms of making the judgment, the following guidelines shall be considered: 1) the request should be specific and limited in scope so that staff can respond without altering other priorities and with only minimal delay to other assignments; 2)the request should only impose a "one time" rather than on-going work requirement; and 3) the response to the request should not require more than one staff person working on the issue in excess of one to two hours.
G. When staff response to a committee member's request involves written material which may be of interest to other committee members, the staff liaison will provide copies to all committee members. In deciding items of interest, the staff liaison will consider whether the information is significant, new or otherwise not available to the committee.

*Draft*

# CITY OF ST. HELENA

# ORDINANCE NO. ___

# AMENDING CHAPTER 2.52 "BOARD OF LIBRARY TRUSTEES," CHAPTER 2.56 "PARKS AND RECREATION COMMISSION," AND CHAPTER 12.24 "TREES AND OTHER VEGETATION" OF THE ST. HELENA MUNICIPAL CODE TO REVISE RESIDENCY REQUIREMENTS AND TERMS FOR TRUSTEES, COMMISSIONERS AND COMMITTEE MEMBERS

**The City Council of the City of St. Helena does hereby ordain as follows:**

**SECTION 1:** Section 2.52.010 of Chapter 2.52 "Board of Library Trustees" is amended to read as follows (deletions indicated by strike-through and additions indicated by underline):

**2.52.010 Library established—Composition, and appointment of members—Term of board of library trustees.**

The free public library heretofore established and now maintained by the city shall be known as the "Dr. George J. Wood and Elsie M. Wood Library," and shall be managed by a board of library trustees, consisting of five members, to be appointed by the mayor with the consent of the city council. For the purpose of establishing staggered terms, the council shall designate two trustees' terms of office to commence on July 1, 2014, and expire on June 30, 2015. Except as so provided for, ~~T~~the trustees shall hold office for ~~three~~ two years, with the term of office to commence at the beginning of the fiscal year. Trustees ~~need not~~ shall be residents of the city, provided that the mayor reserves the authority to appoint non-residents as trustees on a case-by-case basis, with the consent of the city council. Vacancies shall be filled by appointment of the unexpired term in the same manner as the original appointments are made.

**SECTION 2:** Section 2.56.010 of Chapter 2.56 "Parks and Recreation Commission" is amended to read as follows (deletions indicated by strike-through and additions indicated by underline):

**2.56.010 Membership.**

The parks and recreation commission shall consist of five members. ~~At least four commissioners shall reside within the city limits; one member may reside outside the city limits but within the boundaries of the St. Helena Unified School District. At its first meeting following the effective date of the ordinance codified in this chapter, the commission shall designate two commissioners' terms of office which shall expire on June 30, 1986, two terms of office which shall expire on June 30, 1987, and one term of office which shall expire on June 30, 1988. Except as so provided for, the commissioners shall serve for a term of three years.~~ Commissioners shall be residents of the city, provided that the mayor reserves the authority to appoint non-residents to the commission on a case-by-case basis, with the consent of the city council. For the purpose of establishing staggered terms, the council shall designate one commissioner's term of office to commence on July 1, 2014, and expire on June 30, 2015. Except as so provided for, commissioners shall serve for a term of two years. Each commissioner shall be appointed by the mayor with the approval of the city council and may be removed without cause by the city council. If a vacancy shall occur otherwise than by expiration of the term of office, it shall be filled by appointment for the unexpired portion of the term. The superintendent of schools of the St. Helena Unified School District shall be an ex-officio member of the commission.

**SECTION 3:** Section 12.24.030 of Chapter 12.24 "Trees and Other Vegetation" is amended to read as follows (deletions indicated by strike-through and additions indicated by underline):

**12.24.030 Tree committee.**

The tree committee shall consist of five members, plus two alternates. ~~A majority of the~~ Committee members shall be residents of the city, provided that the mayor reserves the authority to appoint non-residents to the committee on a case-by-case basis, with the consent of the city council. Each member shall be appointed by the mayor with the approval of the city council. The tree committee shall serve as an appeals board to decisions of the director on tree issues, shall perform other functions as defined within this chapter, and shall annually review and update the master tree plan and tree list. In all matters pertaining to trees in the city, the committee shall act in an advisory capacity to the city council, the director, the parks and recreation commission, the planning commission and to the public. The committee shall devise a set of bylaws governing its meetings. ~~The term of office of one member of the committee shall expire on June 30th of the next calendar year following appointment of the committee and the term of each other member of the committee shall expire on June 30th of each subsequent year. Committee member appointments after the first expiration date shall be for three-year terms.~~ Committee members shall serve for a term of two years.

**SECTION 4:** Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

**SECTION 5:** CEQA. The City Council hereby finds that this that the action to adopt these amendments to the St. Helena Municipal Code is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that amendment to the municipal code to require St. Helena residency for committee members, trustees and commissioners and to reduce term lengths from three to two years may have a significant effect on the environment.

**SECTION 6:** This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the __th day of ______, 2013, and was adopted at a regular meeting of the St. Helena City Council on the ____ day of ________, 2013 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

________________________________

Ann Nevero, Mayor

ATTEST:

________________________________

Delia Guijosa, City Clerk

*St. Helena Multicultural Committee*

# *Statement of Purpose and Bylaws*
# *"Declaración de Objetivo y Estatutos"*

## 1. PURPOSE

The Multicultural Committee was formed by Mayor Del Britton in 2005 primarily due to his concern regarding public safety. He thought that the Hispanic community did not feel represented and that due to fears and misrepresentation may not have taken advantage of police and other services. From this concern, the following goals evolved to articulate the Multicultural Committee's purpose:

- Encourage and facilitate Hispanic involvement in community and city issues.
- Provide a bridge between the Hispanic and non-Hispanic communities and a forum to discuss issues of concern or interest.
- To create regular contact and exchange of ideas between the Hispanic community and the City's Mayor and Police Chief.
- To help bring the Hispanic community into the public and political process, city government and administration, plus community programs, services and affairs.
- To work together to create a sense of unity between Hispanic and non-Hispanic communities, and to address potential areas of conflict or concern before they escalate.
- To strengthen the community as a whole by also strengthening the Hispanic community's living environment and civic involvement.

## MEMBERSHIP AND COMMITTEE STRUCTURE

2. Membership
    a. The committee shall consist of nine members and three alternate members. Membership should be more or less balanced between the local Hispanic and Anglo communities.
    b. The Mayor and Police Chief shall be liaison members of the committee with the policy that they are to attend each meeting.
    c. The Mayor and Police Chief, or their representatives, shall give a brief report on current city and department affairs which may be of interest to our committee and the community.
    d. If the Mayor is unable to attend, he/she shall have a representative from the City Council attend the meeting and give the report.
    e. It the Police Chief is unable to attend, he/she shall send a representative to represent the department and give the report.

**Comment [c1]:** The draft Protocol states, "A committee consists of a minimum of five and a maximum of seven members, provided that the Council may approve a larger committee size for committees in existence before January 1, 2013." The draft Protocol also states that the Council may appoint up to two alternate members.

**Comment [c2]:** The draft Protocol does not require the mayor or a council member to be a liaison to a committee. The draft Protocol states, "The City Manager will designate a staff liaison to each committee."

3. Appointment of Members
    a. A call for new members shall be publicly noticed.

b. Applications for membership shall be reviewed and discussed by the committee.
c. The committee shall make recommendations on new members to the Mayor for consideration.
d. The Mayor shall nominate committee members from the pool of applicants and they will be appointed after majority vote approval by City Council.
e. Alternate Members shall be appointed by the same process as Members.

4. Residency Requirements for Members and Alternates
   a. A majority of committee members must reside within the St. Helena City limits.
   b. Other members must live within the County.

**Comment [c3]:** The draft Protocol states, "Committee members must reside within the St. Helena City limits. The council may approve exceptions to this rule on a case-by-case basis."

5. Member Term Length and Removal
   a. Committee members will serve three years from the date of appointment.
   b. Members who are termed-out may reapply for membership at the same time as the public notice for a vacancy is promulgated.
   c. Recommendations to the City Council to remove a Member may be made by any member, member of the public, staff member or City Councilmember.
   d. The City Council may vote to remove a member of the committee after holding a public hearing. The person making the recommendation to remove is to be identified during this process.
   e. The committee shall vote on a recommendation to the Council as to remove or not remove the Member.
   f. After these deliberations, the City Council may vote on removing a member.

**Comment [c4]:** The draft Protocol states, Committee members will serve for two years from the date of appointment (except Planning Commission members who serve four years.)"

6. Committee Officers
   a. The committee shall select a Chairperson and Vice-Chairperson every two years.
   b. If a Chair or Vice Chair's membership term ends during their tenure, they shall automatically be reappointed by the Council until they fulfill their term.
   c. One of the two Chairs must be fully bilingual.
   d. After the term of the Chairperson has expired, the Vice-Chairperson becomes Chairperson and a new Vice-Chairperson is selected from within the current Members and Alternate Members.
   e. Selection of the Chairperson and Vice-Chairperson is to be made by a vote of the Members, with Alternate Members voting under certain conditions given in Section 10.
   f. The committee shall select a Secretary every two years whose duty it is to record and publish the minutes of each meeting in accordance with the city's protocol guidelines and as described in Section 8e.

**Comment [c5]:** The draft Protocol states, "Annually, a committee will select a chairperson and vice chairperson."

7. Subcommittees
   a. The committee may appoint Members to subcommittees for the purpose of researching specific issues, conducting community outreach, organizing

specific committee related events, and/or other for other purposes as deemed necessary by the committee.

b. Subcommittee membership will be less in number than a majority of the total membership of the committee.

## MEETING ADMINISTRATION

8. Meetings and Procedures
   a. Committee shall meet at a regular interval (day and time) and location to facilitate public attendance.
   b. Meetings must be noticed to the public at least 72 hours prior to the meeting and 24 hours prior to special meetings.
   c. All meetings are to be bilingual, conducted in English with Spanish translation as necessary for inclusion of all participants.
   d. All meeting notices must be posted outside St. Helena City Hall and on the City website.
   e. Agendas must adhere to the form provided by the City to ensure consistency and clarity.
   f. The minutes shall list all agenda items, and record all action taken. If any agenda item is not discussed, the minutes shall state so. Due to the open forum nature of multicultural committee meetings, meeting minutes shall specifically include a summary of the discussion of each agenda item.
   g. The minutes shall be submitted to each member prior to the following meeting at which time they are to be approved or approved as amended.
   h. Approved minutes are to be submitted to the City Clerk.

9. Quorum and Voting
   a. A quorum is a majority of the number of members, which is five for the multicultural committee, not including Alternate Members.
   b. A meeting cannot be held without a quorum.
   c. If a quorum is not satisfied because a member or members have left the meeting, the committee may only act to adjourn to the next meeting date or recess until measures are taken to achieve a quorum.
   d. Action taken by the committee must be approved by majority vote of the quorum present, not counting Alternate Members.

**Comment [c6]:** This number will depend upon the ultimate number of committee members.

10. Alternate Members
    a. May vote only upon the absence of one or more of the regular Members of the committee,
    b. May vote only after disqualification of a regular Member of the committee due to an expressed conflict of interest.
    c. If there are more Alternate Members present than there are voting positions to fill, the Alternate Members shall toss a coin to determine who may vote.

11. City Staff and Council Liaison

a. The Police Chief is the staff liaison to the committee.
b. The Mayor is the Council liaison to the committee.

Comment [c7]: Same comment as in [c2] above.

12 <u>Council Reports</u>
a. The Chair or designee will appear at a City Council meeting at least once per quarter to report on the committee's activities and projects and to provide updates to the Council and community.
b. The committee Chair shall also appear before the Council whenever he/she feels it is necessary.

# STAFF REPORT

**DATE:** July 23, 2013

**TO:** Mayor and City Council

**FROM:** Greg Desmond, Interim Planning Director **Item: 13**

**RE:** Review and direction on revisions to the Draft General Plan Update Land Use, Circulation and Community Design elements.

## BACKGROUND

On July 9, 2013, after a brief review of the Draft General Plan Update Growth Management and Land Use element, the Council moved to continue the item to allow Mayor Nevero to participate in the discussion.

At this time it was agreed that Mayor Nevero and Council member Sculatti would review and provide comments to the Growth Management and Land Use element. Council members Pitts and White would review and comment on the Circulation element and Council member Crull would review and provide comments on the Community Design element.

## DISCUSSION: ELEMENT REVIEW

The Land Use element may be downloaded via the following link:

- http://www.cityofsthelena.org/sites/default/files/02_land_use_%26_growth_management_revised_07311_0.pdf

The Circulation element may be downloaded via the following link:

- http://www.cityofsthelena.org/sites/default/files/05_circulation_revised_073112.pdf

The Community Design element may be downloaded via the following link:

- http://www.cityofsthelena.org/sites/default/files/07_community_design_revised_073112.pdf

## NEXT STEPS

The Council should review and approve revisions to the elements and provide direction to staff regarding the next steps.