Mayor: Alan Galbraith
Vice Mayor: Peter White
City Council: Sharon Crull
Paul Dohring
Greg Pitts

ST. HELENA CITY COUNCIL
REGULAR MEETING
SEPTEMBER 8, 2015

3:30 PM SPECIAL MEETING - CLOSED SESSION
CITY HALL CONFERENCE ROOM,
1480 MAIN STREET, ST. HELENA

5:00 PM SPECIAL MEETING - GENERAL PLAN WORKSHOP
VINTAGE HALL BOARD ROOM – SECOND FLOOR
465 MAIN STREET, ST. HELENA

6:00 PM REGULAR MEETING
VINTAGE HALL BOARD ROOM – SECOND FLOOR
465 MAIN STREET, ST. HELENA

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. Please observe the time limit of three minutes.

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

2. **CLOSED SESSION**
   a. Conference with Labor Negotiators pursuant to Government Code Section 54957.6
      City Negotiator: City Manager
      Negotiations with St. Helena Employees Association (SHEA)
   b. Conference with Legal Counsel—Anticipated Litigation;
      Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (One potential case)

c. Conference with Legal Counsel—Anticipated Litigation; Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 (a point has been reached where, on the advice of its legal counsel, based on existing facts and circumstances pursuant to Government Code Section 54956.9(e)(3) (receipt of written communication threatening litigation), there is a significant exposure to litigation against the local agency.)

3. **OPEN SESSION – COUNCIL WILL RETURN TO OPEN SESSION AND ANNOUNCE ACTIONS TAKEN IF ANY (5:00 P.M.)**

4. **PLEDGE OF ALLEGIANCE**

5. **ROLL CALL**

6. **GENERAL PLAN WORKSHOP - Discuss and provide direction concerning the St. Helena Draft General Plan update**

   CEQA Status: Review of environmental impacts associated with the approval of the General Plan is subject to CEQA. Impacts are being evaluated in an environmental impact report that the City Council will consider prior to approving the General Plan.

   Lead Staff: Victor Carniglia, Planning Consultant

   Recommendation: Staff is requesting City Council provide comments and direction, as well as receive comments from the public, concerning the Draft General Plan

7. **PUBLIC FORUM:** Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Forum. Each person's comments shall be limited to 3 minutes. Each person is entitled to speak on any non-agendized item only once at any 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.

8. **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.

STAFF BRIEFING:

9. Monthly water/drought update presented by Jennifer Tuell, Water Conservation Coordinator

PRESENTATIONS AND PUBLIC RECOGNITIONS

10. Proclamation – 4th Annual Napa County Latino Heritage Month, Sept. 15-Oct. 15, 2015 presented to Ricky Hurtado, Communications & Development Associate/Youth Program Specialist for UpValley Family Centers and Debbie Alter-Starr, Co-Chair Napa Valley Latino Heritage Committee

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)

11. Consideration and proposed approval of Closed Session, Regular and Special Meeting Minutes of:

a. Closed Session Meeting Minutes of March 24, 2015
b. Regular Meeting Minutes of March 24, 2015
c. Regular Meeting Minutes of April 14, 2015
d. Special General Plan Public Workshop Minutes of April 15, 2015
e. Regular Meeting Minutes of April 28, 2015

CEQA Status: Not a CEQA project
Lead Staff: Cindy Black, City Clerk
Recommendation: Approve

12. Consideration and proposed approval of a resolution rescinding resolution 2002-72 and adopting a new Records & Information Management Policy and updated Retention Schedule

CEQA Status: Not a CEQA Project
Lead Staff: Cindy Black, City Clerk
Recommendation: Adopt

13. Consideration and proposed approval of a resolution authorizing the St. Helena High School annual homecoming parade on Main Street

CEQA Status: Categorically Exempt, Section 15323
Lead Staff: Cindy Black, City Clerk
Recommendation: Adopt

14. Consideration and proposed approval of a resolution approving a MOU between the St. Helena School District and the St. Helena Recreation Department to provide services for an After-School Enrichment Program for the St. Helena Primary and St. Helena Elementary Schools

CEQA Status: Not a CEQA Project
Lead Staff: Haidi Arias, Recreation Director
Recommendation: Adopt

15. Consideration and proposed approval of a resolution approving temporary closure of Oak Avenue and Adams Street for the October 17, 2015 Hometown Harvest Festival festivities and authorizing possession of open alcoholic beverages on those public streets

CEQA Status: Categorically Exempt, Section 15323
Lead Staff: Haidi Arias, Recreation Director
Recommendation: Adopt

16. Consideration and proposed resolution Establishing a Tax Rate for Servicing Debt Obligations Incurred by the Issuance of 1996 General Obligation Fire Bonds, to be Effective for the 2015-16 Fiscal Year

CEQA Status: Not a CEQA Project
Lead Staff: April Mitts, Finance Director
Recommendation: Adopt

17. Consideration and proposed approval of a resolution expanding the duties of the budgeted part-time Office Assistant in the City Clerk's office to a shared full-time Administrative Assistant with the Planning Department for an additional cost of $61,735

CEQA Status: Not a CEQA Project
Lead Staff: Dawn Marshall, Administrative Services Manager
Recommendation: Adopt

18. Consideration and proposed approval of a resolution Finding an Exemption from CEQA; Approving and Adopting the Project Manual; and Authorizing the Bid Request for Stonebridge Wells Water Treatment Plant Filter Improvements W-102

CEQA Status: Categorically Exempt Section 15301
Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Adopt

19. Consideration and proposed approval of a resolution approving the Cooperative Joint Powers Agreement in the amount of $32,385 to Fund and Administer the Napa Countywide Stormwater Management Program known as the Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) through 2018

CEQA Status: Not A CEQA Project
Lead Staff: Tobias Barr, Project Manager
Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Adopt

20. Consideration and proposed approval of a resolution rejecting all bids for the 2015 Pavement Rehabilitation Project, CIP R-74

CEQA Status: Not a CEQA Project
Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Adopt

21. Consideration and proposed approval of a resolution approving a Professional Services Agreement with Springbrook for a one-time cost of $3,850 to create a Purchase Order Workflow Module and approval of ongoing annual maintenance cost of $847 associated with the module

CEQA Status: Not a CEQA Project
Lead Staff: April Mitts, Finance Director
Recommendation: Adopt

22. Consideration and proposed approval of a resolution approving the Super Community Agreement with San Francisco Super Bowl 50 Host Committee
CEQA Status: Not a CEQA Project
Lead Staff: Jennifer Phillips, City Manager
Recommendation: Adopt

23. Consideration and proposed approval of a resolution authorizing purchase of a new Live Scan digital fingerprinting machine from Morphotrust USA, for the Police Department, for an amount not to exceed $34,982.16
CEQA Status: Not a CEQA Project
Lead Staff: William Imboden, Chief of Police
Recommendation: Adopt

24. Consideration and proposed approval of a resolution approving an agreement with Municipal Resources Group to provide professional human resources services for a total not to exceed amount of $40,500
CEQA Status: Not a CEQA Project
Lead Staff: Jennifer Phillips, City Manager
Recommendation: Adopt

PUBLIC HEARING:

25. Consideration and proposed approval of a resolution to approve the Annexation of Territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 118 (609 McCorkle Ave. St Helena, CA. APN. 009-010-014)
CEQA Status: Categorically Exempt, CEQA Guidelines Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities, and Section 15061(b)(3), No Possibility of Significant Effect on the Environment
Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Open/close Public Hearing and adopt resolution

NEW BUSINESS:

26. Consideration and proposed approval of a resolution appointing applicants to various boards, commissions and committees:
a. Appointing and filling one expired term and one alternate term to the Active Transportation Committee
b. Appointing and filling one expired term to the Multi-Cultural Committee
c. Appointing and filling two alternate expired terms to the Sustainability Committee

CEQA Status: Not a CEQA Project
Lead Staff: Cindy Black, City Clerk
Recommendation: Make appointments

27. Consideration and Proposed Approval of a Resolution Approving:

a. Budget Adjustment within Fund 380,
b. Repayment to Friends & Foundation of $325.00 from the General Fund, and
c. Budget Adjustment for Friends & Foundation, St. Helena Public Library Grant of $16,811.51 to Fund 380

CEQA Status: Not a CEQA Project
Lead Staff: Chris Kreiden, Acting Library Director
April Mitts, Finance Director
Recommendation: Adopt

28. Council to review proposed resolutions to be considered at the 2015 Annual League of California Cities Conference and provide voting direction to Mayor Galbraith as the City of St. Helena's voting delegate

a. Resolution relating to League Bylaws amendments regarding succession of League Officers to fill vacancies

b. A resolution of the League of California Cities calling for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods

c. A resolution of the League of California Cities supporting SB 593 (McGuire) and continued local flexibility for cities as they address neighborhood and fiscal impacts of temporary rentals of residential units

d. Resolution calling upon the Governor and Legislature to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances

CEQA Status: Not a CEQA Project
Lead Staff: Cindy Black, City Clerk
Recommendation: Give Direction to voting delegate

29. Consideration and proposed approval of a resolution to form an Ad Hoc Revenue Source Task Force to evaluate possible additional revenue sources for the City
CEQA Status: Not a CEQA Project
Lead Staff: Jennifer Phillips, City Manager
Recommendation: Adopt

30. Exploration of City Charter and Real Property Transfer Tax
CEQA Status: Not a CEQA Project
Lead Staff: Jennifer Phillips, City Manager
Recommendation: Provide Staff Direction

ADJOURNMENT The next Regular City Council meeting is scheduled for September 22, 2015, at 6:00 p.m. in the Vintage Hall Board Room located at 465 Main Street.

This agenda was posted at City Hall, 1480 Main Street, and at Vintage Hall, 465 Main Street, St. Helena, California on September 4, 2015.

Cindy Black

Cindy Black, 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.

Public Hearing to Approve the Annexation of Territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 118 (609 McCorkle Avenue. St Helena, CA. APN. 009-010-014-000).

CEQA Status: Categorically Exempt, CEQA Guidelines Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities, and Section 15061(b)(3), No Possibility of Significant Effect on the Environment

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Item No: 10

City of St. Helena

PROCLAMATION

4th Annual Napa County Latino Heritage Month

Sept. 15 - Oct. 15, 2015

WHEREAS, in 1968 President Lyndon B. Johnson first recognized Hispanic Heritage week, later expanded under President Reagan to one month, and each successive United States President has continued this tradition, including, most recently, President Barack Obama who declared September 15 through October 15 to be National Hispanic Heritage Month and who has called upon the people of our country to observe this month with appropriate respect, ceremonies, and activities; and

WHEREAS, Napa County has a long history of welcoming immigrants and is home to a growing multi-ethnic and multicultural Latino population, including citizens originating from: Mexico, Central and South America, all of whom are welcome and very much appreciated; and

WHEREAS, In 2014 the Latino population became the largest ethnic group in California and in Napa County the Latino population grew by 50 percent in the past ten years and now represents over 33 percent of our citizens and more than 53 percent of all public school students; and

WHEREAS, the diverse Latino population of the Napa County makes a significant economic contribution and has other profound positive influences on our community through their strong commitment to family, faith, education, hard work, culture and service; and

WHEREAS, Napa County, which thrives on the diversity and ingenuity of all our people, also depends on the continued support and success of our diverse Latino population. We will continue to be enriched by the transcultural contributions of our Latino friends and neighbors for many decades to come.

NOW, THEREFORE, be it resolved that I, Alan Galbraith, Mayor of the City of St. Helena, along with the St. Helena City Council, do hereby proclaim the 4th Annual Napa County Latino Heritage Month, Sept. 15-Oct. 15, 2015.

_____ Dated: September 8, 2015

Alan Galbraith, Mayor
City of St. Helena

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Item No: 11a

SPECIAL CLOSED SESSION MEETING
ST. HELENA CITY COUNCIL
MARCH 24, 2015
8:00 AM to 10:00 AM Special Meeting
St. Helena City Hall Conference Room
1480 Main Street, St. Helena

Mayor Galbraith called the meeting to order at 8:00 a.m.

1. **Roll Call**

   Present: Councilmembers Crull, Dohring, Pitts, White, Mayor Galbraith
   Absent: None

2. **Public comments pertaining to the closed session**

   No public comment received.

3. **Closed Session**

   a. Public Employee Performance Evaluation – Government Code Section 54957
      Position: City Manager

Councilmember Crull left closed session at 9:45 a.m.

Open Session – Council will return to open session and announce actions taken if any.

There was no action reported as a result of the Closed Session.

4. **Adjournment**

Mayor Galbraith adjourned the meeting at 10:00 a.m.

APPROVED: ATTEST:

_____ _____
Alan Galbraith, Mayor Cindy Black, City Clerk

Item No: 11b

REGULAR MEETING
ST. HELENA CITY COUNCIL
March 24, 2015

5:00 PM CLOSED SESSION
CITY HALL CONFERENCE ROOM,
1480 MAIN STREET, ST. HELENA

6:00 P.M. REGULAR MEETING
465 MAIN STREET, ST. HELENA
VINTAGE HALL BOARD ROOM – SECOND FLOOR

A complete video recording of this meeting, except for closed session, can be found at www.cityofsthelena.org or by calling the City Clerk at (707) 967-2792. The City Council video is the official record of the Council meeting.

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

Mayor Galbraith called for public comment regarding the Closed Session matters listed. There being none, the Council convened into Closed Session.

2. **CLOSED SESSION**
   a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Govt Code Section 54956.8

Property:	Lower Reservoir, located on the northerly side of Spring Mountain Rd., assessor parcel number 9-131-13
Agency negotiator:	Jennifer Phillips, City Manager and Steve Palmer, Public Works Director
Negotiating parties:	George Peterson, General Manager, Spring Mountain Vineyard (SMV) and Good Wine Company
Under negotiation:	Price and terms of payment for water from Lower Reservoir

Councilmember Crull recused herself from item 2. a.

   b. Conference with Legal Counsel—Existing Litigation; Govt Code Section 54956.9 (d)(1): Mark D. Kaye and Michael H. Fahn v. City of St. Helena, City Council of the City of St. Helena, Planning Commission of the City of St. Helena, Napa County Superior Court Case No. 26-65665

Mayor Galbraith recused himself from item 2. b.

3. **OPEN SESSION – COUNCIL WILL RETURN TO OPEN SESSION AND ANNOUNCE ACTIONS TAKEN IF ANY (6:00 P.M.)**

The Regular Meeting was reconvened at 6:00 p.m. and City Attorney Thomas B. Brown

reported there was no reportable action.

4. PLEDGE OF ALLEGIANCE

Mayor Galbraith called the meeting to order at 6:00 p.m. and the flag was saluted.

5. ROLL CALL

Present: Councilmembers Dohring, Crull, Pitts, White, Mayor Galbraith
Absent: None

6. PUBLIC FORUM:

Geoff Ellsworth, Kelly Pitts, Pam Simpson, Bobbi Monnette and Chuck Vondra addressed the Council.

7. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, and AB 1234 REPORTS:

City Clerk Cindy Black reported on the recruitment to fill various boards and commissions vacancies.

Mayor Galbraith reported that Congressman Thompson's office communicated with him that the EPA has funded nearly a million dollars towards the dam removal project on upper York Creek.

PRESENTATIONS AND PUBLIC RECOGNITIONS

8. Proclamation - City of St. Helena Bee-Friendly City, St. Helena Library presented to Library Director Jennifer Baker.

9. Proclamation – April is National Child Abuse Prevention Month, Napa County District Attorney's Office, Victim Services Division

10. Proclamation – April is Safe Digging Month, Pacific Gas & Electric presented to PG&E Government Relations Manager Mark Van Gorder.

CONSENT ITEMS:

11. Consideration and proposed approval of resolution 2015-26 approving a professional services agreement with COWI North America, Inc. for Plans, Specifications and Estimate for Bell Canyon Reservoir Sluice Gate Replacement in the amount of $35,900
CEQA Status: Categorically Exempt, Section 15301, Existing Facilities Class I
Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Approve

12. Consideration and proposed approval of resolution 2015-27 authorizing a contract with Paragon Tactical to install a bullet trap at the St. Helena Police Department gun firing range in the amount of $87,733
CEQA Status: Categorically Exempt, Section 15061(b)(3)

Lead Staff: Jacqueline Rubin, Chief of Police
Recommendation: Adopt

13. Consideration and proposed approval of resolution 2015-28 approving out-of-state travel for Wastewater Chief Operator Michael Sample to attend the California Rural Water Association (CRWA) Conference in Lake Tahoe, Nevada April 27-30, 2015 in an amount not to exceed $1,150.00
CEQA Status: Not a CEQA project
Lead Staff: Kathy Robinson, Operations Manager
Steve Palmer, Director of Public Works / City Engineer
Recommendation: Adopt

14. Consideration and proposed approval of resolution 2015-29 authorizing for out-of-state travel for Mandy Kellogg and Dawn Marshall, to attend the annual Springrook conference, May 5th-7th 2015 in the amount of $1,600.00
CEQA Status: Not a CEQA project
Lead Staff: April Mitts, Finance Director
Recommendation: Adopt

Item 15 was removed.

~~**15.** Consideration and proposed approval of a resolution for an Economic Vitality Director/Assistant City Manager Position and Appropriation of Funds for Remainder of FY 2014-15 in the amount of $35,000~~
~~CEQA Status: Not a CEQA project~~
~~Lead Staff: Jennifer Phillips, City Manager~~
~~Recommendation: Adopt~~

16. Consideration and proposed approval of a resolution 2015-30 approving an Employment Contract for John Sorensen, Fire Chief
CEQA Status: Not a CEQA project
Lead Staff: Dawn Marshall, Administrative Services Manager
Recommendation: Adopt

17. Consideration and proposed approval of a resolution 2015-31 authorizing the City Manager to Make Minor Amendments to the Previously Approved Development Agreement as Authorized by Section 9.3 of the Subject Development Agreement, which is Applicable to the Vineland Station Site Located on the West side of Main Street (Hwy 29) immediately north and south of Vidovich Avenue, consisting of three Parcels Totaling approximately 8.5 acres
CEQA Status: Categorically Exempt, Class 5; Minor Alterations to Land Use Limitations
Lead Staff: Victor Carniglia, Planning Consultant
Recommendation: Adopt

Vice Mayor White moved to approve Consent Items 11-14 and 16. The motion was seconded by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

Councilmember Crull moved to approve Consent Item 17. The motion was seconded by Vice Mayor White and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull and Mayor Galbraith

NOES: None

ABSENT: None

RECUSED: Councilmember Pitts

Items Removed from the Consent Calendar:

15. Consideration and proposed approval of a resolution 2015-32 for an Economic Vitality Director/Assistant City Manager Position and Appropriation of Funds for Remainder of FY 2014-15 in the amount of $35,000
CEQA Status: Not a CEQA project
Lead Staff: Jennifer Phillips, City Manager
Recommendation: Adopt

Geoff Ellsworth, Sandra Erickson, Kathy Golding, Pam Simpson, Bobbi Monnette addressed the Council.

Councilmember Dohring moved to approve Consent Item 15 amending resolution section b. to include after "create an economic development position" adding the language, "including affordable housing opportunities". The motion was seconded by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

NEW BUSINESS

18. Consideration and proposed approval of a resolution 2015-33 approving the 2015 Strategic Objectives
CEQA Status: Not a CEQA project
Lead Staff: Jennifer Tuell, Assistant to the City Manager (Interim)
Recommendation: Adopt

Daniel Sanchez and Sandra Erickson addressed the Council.

18. Vice Mayor White moved to adopt resolution 2015-33 approving the 2015 Strategic Objectives amending number 6 to read:
6. Project/Economic Manager

Identify ongoing revenue to hire a Manager focused on economic development special revenue projects including revenue enhancements such as TOT, cost sharing and explore annexation options. This position could also be structured as an Assistant City Manager.

The motion was seconded by Councilmember Pitts and on roll call carried by the following vote:

AYES: Councilmembers Pitts, Crull and White

NOES: Councilmember Dohring and Mayor Galbraith

ABSENT: None

ADJOURNMENT

Mayor Galbraith adjourned the meeting at 7:25 p.m.

APPROVED: **ATTEST:**

_____ _____

Alan Galbraith, Mayor Cindy Black, City Clerk

Item No: 11c

REGULAR MEETING
ST. HELENA CITY COUNCIL
April 14, 2015

4:00 PM CLOSED SESSION
CITY HALL CONFERENCE ROOM,
1480 MAIN STREET, ST. HELENA

6:00 P.M. REGULAR MEETING
465 MAIN STREET, ST. HELENA
VINTAGE HALL BOARD ROOM – SECOND FLOOR

A complete video recording of this meeting, except for closed session, can be found at www.cityofsthelena.org or by calling the City Clerk at (707) 967-2792. The City Council video is the official record of the Council meeting.

1. PUBLIC COMMENTS PERTAINING TO THE CLOSED SESSION

Mayor Galbraith called for public comment regarding the Closed Session matters listed. There being none, the Council convened into Closed Session.

2. CLOSED SESSION

a. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION; Government Code Section 54956.9(d)(1); City of St. Helena v. Upper Valley Disposal Service, Napa County Superior Court No. 26-64875

b. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (Two potential case)

c. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION; Government Code Section 54956.9, subdiv. (d)(2): Significant exposure to litigation (one potential case)

d. CONFERENCE WITH LABOR NEGOTIATORS—Government Code section 54957.6:
City designated representative: Mayor Alan Galbraith
Unrepresented employee: City Manager

3. OPEN SESSION – COUNCIL WILL RETURN TO OPEN SESSION AND ANNOUNCE ACTIONS TAKEN IF ANY (6:00 P.M.)

The Regular Meeting was reconvened at 6:00 p.m. and City Attorney Thomas B. Brown reported that there were two reportable actions. Council gave direction to initiate litigation in two matters. Relevant details will be made available to the public upon request when they have commenced. No other reportable actions were taken.

4. PLEDGE OF ALLEGIANCE

Mayor Galbraith called for the flag salute.

5. ROLL CALL

Present: Councilmembers Dohring, Crull, Pitts, White, Mayor Galbraith
Absent: None

6. PUBLIC FORUM:

Sandy Erickson and Scott Decker addressed the Council.

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.

PRESENTATIONS AND PUBLIC RECOGNITIONS

8. Proclamation – National Library Week, April 12-18, 2015, presented to St. Helena Library

9. Proclamation – GIVE BIG ST. HELENA!, presented to GIVE BIG St. HELENA! Steering Committee

10. Proclamation – National Crime Victims' Rights Week – April 19 to 25, 2015, presented to Napa County District Attorney's Office, Victim Services Division

11. Proclamation – Sexual Assault Awareness Month April 2015, presented to Sexual Assault Victim Services (SAVS), CEDV Napa Police Department, Napa Emergency Women's Services

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)

12. Consideration and proposed approval of resolution 2015-35 approving a professional services agreement with Interwest Consulting Group, Inc. in the amount of $11,540 for Specifications and Estimate for the 2015 Pavement Rehabilitation Project, and transferring $276,601 from Capital Improvement Project R-71 to R-48
CEQA Status: Categorically Exempt, Section 15301, Existing Facilities Class I
Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Adopt

A citizen requested removal of Items 13 and 14.

~~**13.** Consideration and proposed approval of resolution adopting a revised conflict of~~

~~interest code for the City of St. Helena and rescinding Resolution 2012-76~~
~~CEQA Status: Not a CEQA Project~~
~~Lead Staff: Cindy Black, City Clerk~~
~~Recommendation: Adopt~~

14. ~~Consideration and proposed approval of resolution for a Professional Services Agreement with Glenmount Global Solutions in the amount of $21,500 for City of St. Helena Remote Terminal Unit Upgrades (Meadowood Tank and Pump Station)~~
~~CEQA Status: Categorically Exempt, Section 15301, Existing Facilities Class I~~
~~Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer~~
~~Recommendation: Adopt~~

Councilmember Crull moved to approve Consent Item 12. The motion was seconded by Councilmember Pitts and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

Items Removed from the Consent Calendar:

13. Consideration and proposed approval of resolution 2015-34 adopting a revised conflict of interest code for the City of St. Helena and rescinding Resolution 2012-76
CEQA Status: Not a CEQA Project
Lead Staff: Cindy Black, City Clerk
Recommendation: Adopt

City Attorney Thomas B. Brown reported on this item.

Sandy Erickson addressed the Council.

Vice Mayor White moved to approve Consent Item 13. The motion was seconded by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

14. Consideration and proposed approval of resolution 2015-36 for a Professional Services Agreement with Glenmount Global Solutions in the amount of $21,500 for City of St. Helena Remote Terminal Unit Upgrades (Meadowood Tank and Pump Station)
CEQA Status: Categorically Exempt, Section 15301, Existing Facilities Class I
Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Adopt

Director of Public Works/City Engineer Steven Palmer reported on this item.

Bobbi Monnette and addressed the Council.

Councilmember Pitts moved to approve Consent Item 14. The motion was seconded by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

NEW BUSINESS

15. Consideration and proposed approval of a resolution 2015-37 approving an employment agreement with Noah Housh to serve as the City's Planning and Community Improvement Director

CEQA Status: Not a CEQA Project
Lead Staff: Jennifer Phillips, City Manager
Recommendation: Adopt

City Manager Jennifer Phillips reported on this item.

No public comments was received

Vice Mayor White moved to approve resolution 2015-37 approving an employment agreement with Noah Housh to serve as the City's Planning and Community Improvement Director. The motion was seconded by Councilmember Pitts and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

16. Consideration and proposed approval of resolution 2015-38 approving a Senior Management Analyst/Water Conservation Coordinator position for a total cost of $18,800 for FY 2014-15

CEQA Status: Not a CEQA Project
Lead Staff: Jennifer Phillips, City Manager
Recommendation: Adopt

City Manager Jennifer Phillips reported on this item.

No public comments was received

Councilmember Pitts moved to approve resolution 2015-38 approving a Senior Management Analyst/Water Conservation Coordinator position for a total cost of $18,800 for FY 2014-15. The motion was seconded by Vice Mayor White and on roll call carried by the following vote:

AYES: Councilmembers White, Crull, Pitts and Mayor Galbraith

NOES: Councilmember Dohring

ABSENT: None

17. Independent Auditor's Report on Internal Control over Financial Reporting
CEQA Status: Not a CEQA Project
Lead Staff: April Mitts, Finance Director
Recommendation: Receive and Accept

Finance Director April Mitts reported on this item.

No public comments was received

Councilmember Pitts moved to accept the Independent Auditor's Report on Internal Control over Financial Reporting. The motion was seconded by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

18. FEMA/OES Refund Update
CEQA Status: Not a CEQA Project
Lead Staff: April Mitts, Finance Director
Recommendation: No Action

Finance Director April Mitts reported on this item.

Sandra Erickson and Bonnie Monnette addressed the Council.

19. Consideration and proposed approval of resolution 2015-39 for development of a Grant Manager Position and Appropriation of Funds for Remainder of FY 2014-15 in the amount of $19,000
CEQA Status: Not a CEQA Project
Lead Staff: April Mitts, Finance Director
Recommendation: Adopt

Sandra Erickson addressed the Council.

Vice Mayor White moved to approve resolution 2015-39 for development of a Grant Manager Position and Appropriation of Funds for Remainder of FY 2014-15 in the amount of $19,000. The motion was seconded by Councilmember Crull and on roll call carried by the following vote:
AYES: Councilmembers White, Crull, Pitts and Mayor Galbraith

NOES: Councilmember Dohring

ABSENT: None

PUBLIC HEARING

13. Resolution 2015-40 Appeal of the February 3, 2015 Planning Commission decision to deny a Demolition Permit, Parcel Map, Use Permit and Design Review in order to demolish an existing single-family residence, subdivide the existing parcel into two parcels (creating a flag lot) and develop a new two-story single-family residence on each of the new parcels at 1837 Pine Street in the MR: Medium Density Residential district

CEQA Status: Categorically Exempt
Lead Staff: Victor Carniglia, Planning Consultant
Recommendation: Adopt resolution denying appeal

Mayor Galbraith recused himself and left the dais.

Planning Consultant Victor Carniglia reported on this item.

Vice Mayor Peter White opening the public hearing for public comment.

Tracy Sweeney, Clair Pott, Michael Bothwell, Mr. Chase, Linda Burton, Dr. Brad Nichinson, David Devin and David Trotter addressed the Council.

Councilmember Pitts moved to approve Resolution 2015-40 denying Appeal of the February 3, 2015 Planning Commission decision to deny a Demolition Permit, Parcel Map, Use Permit and Design Review in order to demolish an existing single-family residence, subdivide the existing parcel into two parcels (creating a flag lot) and develop a new two-story single-family residence on each of the new parcels at 1837 Pine Street in the MR: Medium Density Residential district and amending the resolution to include:

F. The City Council considered the proposed revisions submitted on appeal by the applicant. The Council did not find them persuasive to overturn the Planning Commission decision, or reach a different conclusion.

The motion was seconded by Councilmember Dohring and on roll call carried by the following vote:
AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

ADJOURNMENT

Mayor Galbraith adjourned the meeting at 8:44 p.m.

APPROVED: **ATTEST:**

_____ _____

Alan Galbraith, Mayor Cindy Black, City Clerk

Item No: 11d

SPECIAL GENERAL PLAN PUBLIC WORKSHOP MEETING
ST. HELENA CITY COUNCIL
April 15, 2015

5:30 PM SPECIAL MEETING
VINTAGE HALL BOARD ROOM – SECOND FLOOR
465 MAIN STREET, ST. HELENA

1. PLEDGE OF ALLEGIANCE

Mayor Galbraith called the meeting to order at 5:20 p.m. and the flag was saluted.

2. ROLL CALL

Present: Councilmembers Dohring, Crull, Pitts, White, Mayor Galbraith

Absent: None

Planning Consultant Victor Carniglia presented a brief overview of the presentation to follow public comments.

3. Public comments pertaining to the General Plan Public Workshop meeting.

Sandra Erickson, Susan Kenward, Geoff Ellsworth, George David, Faith Echtermeyer, Guy Kane, Lisa Toller, Connie Kay, Burnie Buckley, Ron Sproat, Cynthia Smith, Ethan Brown, Wendell Laidley and Grace Kistner addressed the Council.

4. Discuss and provide direction concerning the St. Helena General Plan update

Planning Consultant Victor Carniglia reported to Council on this subject.

The majority of the Council chose to proceed with using the April 2015 draft General Plan.

Council reviewed each element of the April 2015 draft General Plan. Round table discussions ensued regarding various aspects of the draft General Plan. It was the consensus of the Council to create new land use category that would be applicable to the City's existing single family neighborhoods.

ADJOURNMENT

Mayor Galbraith adjourned the meeting at 7:15 p.m.

APPROVED: ATTEST:

_____ _____

Alan Galbraith, Mayor Cindy Black, City Clerk

REGULAR MEETING
ST. HELENA CITY COUNCIL
April 28, 2015

6:00 PM REGULAR MEETING
VINTAGE HALL BOARD ROOM – SECOND FLOOR
465 MAIN STREET, ST. HELENA

1. PLEDGE OF ALLEGIANCE

Mayor Galbraith called the meeting to order at 6:00 p.m. and the flag was saluted.

2. ROLL CALL

Present: Councilmembers Dohring, Crull, Pitts, White, Mayor Galbraith
Absent: None

3. PUBLIC FORUM:

Sandra Erickson addressed the Council.

4. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, and AB 1234 REPORTS:

City Manager Jennifer Phillips reported on the upcoming Community 4th of July Fireworks event and also her recent teaching visit to the California State University Fullerton.

Public Works Director/City Engineer Steven Palmer reported that the month of May is Bike to Work Month and May 14th is Bike to Work Day, all residents are encouraged to bike to work.

Mayor Alan Galbraith reported on the attending the recent League of California Cities North Bay Division dinner meeting. At that meeting the City of Napa Mayor acknowledged the mutual aid given by surrounding communities after the August 24, 2014 Napa earthquake and presented the City of St. Helena with a token of appreciation. He also reported Napa County is in need of applicants for the Napa County Grand Jury. In conclusion he highlighted the recent designation by the State of California, Office of Historic Preservation, Department of Parks and Recreation that JC Weinberger Winery is now listed on the National Register of Historic Places.

Councilmember Pitts reported on the upcoming Cinco de Mayo celebration to be held in Lyman Park.

CONSENT ITEMS:

5. Consideration and proposed approval of resolution 2015-41 approving a Professional Services Agreement for Consulting Services with West Yost Associates in the amount of $63,282 for Stonebridge Well Filter Restoration and Filter Media

Replacement
CEQA Status: Categorically Exempt, Section 15301, Existing Facilities Class I
Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Adopt

6. Consideration and proposed approval of resolution 2015-42 approving budget adjustments to various capital improvement projects in order to reflect actual prior year expenditures
CEQA Status: Not a CEQA Project
Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Adopt

7. Consideration and proposed approval of resolution 2015-43 approving contract with Avtec Corp. to replace currently outdated dispatch radio system and software, cost $81,395.00
CEQA Status: Not a CEQA Project
Lead Staff: Jackie Rubin, Police Chief
Recommendation: Adopt

8. Consideration and proposed approval of resolution 2015-44 approving outside employment for the City Manager with University of California, Davis Extension and California State University, Fullerton Extended Education
CEQA Status: Not a CEQA Project
Lead Staff: Jennifer Phillips, City Manager
Recommendation: Adopt

9. Consideration and proposed approval of resolution 2015-45 approving an agreement with Boys and Girls Club of St. Helena and Calistoga (BGCSHC) to provide the Juvenile Diversion and Drug Resistance and Awareness Program (D.A.R.E.) Programs.
CEQA Status: Not a CEQA Project
Lead Staff: Jackie Rubin, Chief of Police
Recommendation: Adopt

Item 10 was removed by Mayor Galbraith.

~~**10.** Stating the City Council's intent to sell public property known as 684 McCorkle Avenue and setting a hearing for any protests to the sale and City Council action on the sale~~
~~CEQA Status: Not a CEQA Project~~
~~Lead Staff: Aaron Hecock, Planner~~
~~Recommendation: Adopt~~

Councilmember Dohring moved to approve items 5-9. The motion was seconded by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

Items Removed from the Consent Calendar:

10. Stating the City Council's intent to sell public property known as 684 McCorkle Avenue and setting a hearing for any protests to the sale and City Council action on the sale

CEQA Status: Not a CEQA Project
Lead Staff: Aaron Hecock, Planner
Recommendation: Adopt

City Manager Jennifer Phillips reported on this item.

Vice Mayor White moved to approve item 10. The motion was seconded by Councilmember Pitts and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

NEW BUSINESS

11. Resolution 2015-47 Final Decision on the Applicant Appeal of Tree Committee Decision to Deny Removal of the 14.5-inch Diameter at Breast Height Chinese Pistache Tree at 1752 Scott Street

CEQA Status: Categorically Exempt, Section 15061(b)(3)
Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Adopt

Director of Public Works/City Engineer Steven Palmer reported on this item.

Mayor Galbraith opened the public hearing for public comment.

Ann Cottrell, Sandra Erickson, citizen, Doug Cutting, Carol Troy, Sandra Erickson and Jason Abbott addressed the Council.

Mayor Galbraith closed the public hearing for public comment.

Vice Mayor White moved to approve the appeal of the Tree Committee decision to deny the removal of the 14.5-inch diameter at breast height Chinese Pistache tree at 1752 Scott Street. The motion was seconded by Councilmember Pitts and roll carried by the following vote:

AYES: Councilmembers White and Pitts

NOES: Councilmember Dohring, Crull and Mayor Galbraith

The motion failed to pass.

Councilmember Dohring moved to deny the appeal of the Tree Committee decision to deny the removal of the 14.5-inch diameter at breast height Chinese Pistache tree at 1752 Scott

Street. The motion was seconded by Councilmember Crull and roll carried by the following vote:

AYES: Councilmembers Dohring, Crull and Mayor Galbraith

NOES: Vice Mayor White and Councilmember Pitts

12. Consideration and proposed approval of resolution 2015-48 Certifying the Environmental Impact Report for the Upper York Creek Dam Removal Project, adopt findings of fact and statement of overriding considerations, adopt a mitigation monitoring and reporting program, and authorize staff to proceed with development of bidding documents

CEQA Status: Environmental Impact Report
Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Adopt

Councilmember Crull recused herself and left the meeting room.

Director of Public Works/City Engineer Steven Palmer reported on this item.

Mayor Galbraith opened the public hearing for public comment.

Bobbi Monnette addressed the Council.

Mayor Galbraith closed the public hearing for public comment.

Councilmember Pitts moved to certify the Environmental Impact Report for the Upper York Creek Dam Removal Project, adopt findings of fact and statement of overriding considerations, adopt a mitigation monitoring and reporting program, and authorize staff to proceed with development of bidding documents. The motion was seconded by Councilmember Dohring and roll carried by the following vote:

AYES: Councilmembers Pitts, Dohring, Crull, White and Mayor Galbraith

NOES: None

13. Uncodified Interim Urgency Ordinance 2015-4 Prohibiting Certain Activities that Waste Water and Implementing Mandatory Restrictions on Outdoor Irrigation to Promote Water Conservation, to Become Effective Immediately

CEQA Status: Categorically Exempt, Section 15269(c)
Lead Staff: Steven Palmer, PE – Director of Public Works/City Engineer
Recommendation: Adopt

Director of Public Works/City Engineer Steven Palmer reported on this item.

No comment was received.

Vice Mayor White moved to adopt the Urgency Ordinance 2015-4 Prohibiting Certain Activities that Waste Water and Implementing Mandatory Restrictions on Outdoor Irrigation to Promote Water Conservation, to Become Effective Immediately. The motion was seconded by Councilmember Pitts and roll carried by the following vote:

AYES: Councilmembers Pitts, Dohring, Crull, White and Mayor Galbraith

NOES: None

ADJOURNMENT

Mayor Galbraith adjourned the meeting at 7:43 p.m.

APPROVED:	**ATTEST:**
_____	_____
Alan Galbraith, Mayor	Cindy Black, City Clerk

Item No: 12

Report to the City Council Meeting
of September 8, 2015

Agenda Section: Consent Calendar

Subject: **Consideration and proposed approval of a resolution rescinding resolution 2002-72 and adopting a new Records & Information Management Policy and updated Retention Schedule**

CEQA Status: **Not a CEQA Project**

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The City established its first Retention Schedule in June 2002. Since its implementation 13 years ago, the Retention Schedule has not been updated to reflect the needs of the City or applicable laws.

The City contracted with Kaizen InfoSource LLC to assess St. Helena's records practices and needs and to establish a policy for the management, preservation, and protection of the City's permanent, vital and archival records and a retention schedule for all City records.

DISCUSSION

Consultants with Kaizen met with each of the City's department to discuss their individual records management practices and needs. After the interactive participation by each department Kaizen developed a new comprehensive Records & Information Management Policy ("Policy") and Retention Schedule for the City of St. Helena.

The new Policy and Retention Schedule meet the needs of each department while providing clear, specific records descriptions and retention periods, and apply current law and technology to the management of St. Helena's records. By identifying which department is responsible for maintaining the original record, and by establishing clear retention periods for different categories of records, St. Helena will realize significant savings in labor costs, storage costs, filing cabinet and office space, as well as other operational efficiencies. The Policy and Retention Schedule also provide clear direction

and legal authority for the destruction of nonpermanent City records when they are no longer needed as well as the permanent retention of City records that have enduring value and/or serve vital functions.

FISCAL IMPACT

None

RECOMMENDED ACTION

Staff recommends the Council rescind resolution 2002-72 and adopt the proposed Records & Information Management Policy and Retention Schedule.

ATTACHMENTS

Attachment 1 – Resolution

Attachment 1

CITY OF ST. HELENA

RESOLUTION NO. 2015-

RESOLUTION RESCINDING RESOLUTION 2002-72 AND ADOPTING A NEW RECORDS & INFORMATION MANAGEMENT POLICY AND RETENTION SCHEDULE

RECITALS

A. The City established its first Retention Schedule on June 11, 2002 per resolution 2002-72. Since the implementation of the first schedule applicable laws and document retention practices and needs have changed.

B. The City contracted with Kaizen InfoSource LLC to assess St. Helena's records practices and needs and to establish a policy for the management, preservation, and protection of the City's permanent, vital and archival records and a schedule for their retention.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

1. The City Council rescinds resolution 2002-72; and
2. Adopts Exhibit A to this resolution as the City's official Records & Information Management Policy; and
3. Adopts Exhibit B to this resolution as the City's official Records Retention Schedule.

Approved at a Regular Meeting of the St. Helena City Council on September 8, 2015, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

_____
Alan Galbraith, Mayor

ATTEST:

_____
Cindy Black, City Clerk

Exhibit A

City of St. Helena Council/Administrative Policy		Policy Type: Council/Administrative Reso No. Page x of x	
Policy Title: **Records & Information Management**		Approved by City Manager	
Effective Date:	Supersedes:	Policy Section: Section 2	Policy Number: 2.02.A

PURPOSE

The purpose of this Policy is to define the requirements for managing the records and information assets of the City in compliance with laws, regulations and business operational requirements, as well as to establish a cost-effective and efficient manner for managing the City's records and information.

SCOPE

This Policy applies to all employees, temporary workers and contractors of the City who act on behalf of the City and who have access to, or use of, City records and information assets to the extent they are involved in the creation, maintenance or storage of the City's records and information.

Definition of Record

A "Record" means any "Public Record" as defined by Government Code section 6252 and applies to any writing containing information relating to the conduct of the City's business prepared, owned, used, or retained by the City, regardless of format. See the City's Records and Information Management Glossary for further definitions.

The various formats that records and information may be created or received by the City in the course of its business, include, but are not limited to:

a) Paper documents, forms, reports, manuals, maps, drawings, correspondence and files;

b) Computer-received and generated records and information in structured or unstructured format, electronic communication, and associated metadata or index;

c) Records and information in other formats such as microfilm, videos, photographs, etc., regardless of the location or device upon which the information is stored.

POLICY

Ownership

Records and information created or received in the course or conduct of the City's business are the exclusive property of the City. Therefore, such records and information are subject to compliance with this Policy, the associated Retention Schedule and City procedures. Employees are to have no expectation of privacy for any record or writing created during the performance of City business or while using a system for managing the City's records and information.

Requests for such records can be made through the California Public Records Act.

Authenticity

The City is committed to creating and maintaining complete, accurate, and trustworthy records and information in support of its business activities. Deliberately creating false or misleading records or information regarding the City's activities is strictly prohibited.

Records and information are potentially discoverable in litigation, regardless of storage medium and regardless of physical location. Records and information should not contain language that is misleading, incomplete, inaccurate, fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, abusive, libelous, defamatory, or that violates any applicable law or regulation.

Classification

Each department shall maintain records according to records management best practices suited to the particular needs of the department. Records and information will be created, stored and managed with the appropriate classification that enables their protection as well as necessary access for future use.

Retention Requirements

Records and information are to be retained in accordance with the City's approved Retention Schedule. When records or information exceed their applicable retention period, regardless of the format, they shall be deleted, erased, or destroyed in compliance with City procedures.

Suspending Retention Requirements

Records and information relevant to litigation, an investigation, or an audit and subject to a Legal Hold are to be retained and preserved until further notice from the City Attorney regardless of the retention period set forth in the Retention Schedule.

Records and information subject to a Legal Hold or an audit that are no longer required for business purposes may be transferred to offsite storage facilities for preservation in coordination with the City Attorney.

Storage and Protection

Records and information, whether active or inactive, are to be appropriately stored and protected. Records and information no longer considered active may be transferred to designated offsite storage facilities to fulfill retention requirements. Records and Information transferred to offsite storage are to be indexed for future access.

Availability

Records and information must be available for future business, litigation, and investigations as necessary, regardless of storage location.

Policy Title			
Records & Information Management			
Effective Date	Supersedes	Policy Section	Policy Number

Records and information that are deemed "public" are to be made available for the public in accordance with applicable laws and regulations.

Exiting Employees and Contractors

When an employee or a contractor leaves the City, the employee's/contractor's supervisor or manager is responsible for complying with the requirements of this Policy and any supporting procedures for retaining and managing the records and information of the exiting employee or contractor.

Vital Information

Records and information designated as "vital" are to be protected in a manner that establishes the priority of recovery of the data in a timely manner following a disaster or system disruption. Vital Records are those records or information that are needed to recover from a disaster or resume business operations. Vital Records should be protected in accordance with City procedures and standards.

Recovery Backup Media

Disaster recovery backup media are exact copies of an operating system, associated application and data created for the sole purpose of recovering data in the event of a disaster and are not subject to the requirements of the Retention Schedule because they contain duplicate information to be used for data recovery in the event of a disaster. Backups serve as a level of protection for electronic systems and the data that is stored on those systems only.

Historical Information

Historical artifacts, documents, events, memorabilia and collections, as defined on the Retention Schedule, are valuable in documenting the City's history and providing information for researchers. Historical Records are to be permanently preserved so as to assure their ongoing availability and access.

POLICY REVIEW

This Policy and the Retention Schedule may be amended or modified from time to time, as necessary, to account for changes in legal, regulatory or operational requirements for information management.

VIOLATIONS

In addition to any other penalty as provided by law, employees who violate the Records & Information Management Procedure will be subject to disciplinary action, up to and including termination.

Policy Title			
Records & Information Management			
Effective Date	Supersedes:	Policy Section	Policy Number

REFERENCES

Retention Schedule

Records Management Procedures, Glossary and Standards

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City of St. Helena, CA
Retention Schedule
instructions

Explanations and Definitions
This template serves as the starting point for establishing the guidelines that define the length of time for which the City should retain their records and information (Retention Schedule). Records refer to information — regardless of its format or media — that documents the actions and transactions of the City, as well as information that is needed to operate the City to comply fully with legal, financial, reporting, and regulatory requirements, and to maximize business efficiencies.

Column Heading Explanations
Record No. - a unique identifying number for the category of information (to be added after all categories have been determined
Applicable Department - the departments within the City responsible for the particular type of business process or function represented on the schedu le
Business Process - the high-level grouping of business processes within the City
Record Category Name - the actual category or grouping of "like" information upon which retention will be applied
Record Category Description - a description of the category or grouping of "like" information for clarification purposes
Sample Records From Category - records and information names that fall within the category or grouping; many actual departmental retention schedule record series are mapped to one of these high-level categories
Approved Retention - how long information in this category must be retained, including any triggering events (described at the top of the schedule, with additional codes below)
Legal Citations - the legal or regulatory requirements or statutes that lead to the calculation of retention (not all information has a legal requirement to be kept; other considerations are mentioned above)
Comments - any special handling or other requirements for information of this category
Vital - the information is critical to the resumption of business immediately after an emergency or natural/man-made disaster; the City's ability to continue functioning would be in jeopardy if this information was no longer available

City of St. Helena
2015 *Retention Schedule*

AR = Annual Review **CL** = Closed / Completion / Final Resolution **CU** = Current Year
LI = Life (of contract, program, asset) **PR** = Permanent **S** = Superseded/Overwritten **T** = Termination

Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
001	All Departments	Communications, Outreach	Permissions, Releases	Records of permissions and releases for publications and logos.	2Y	Publication Permissions/Releases Logo Permissions/Releases		CA - GOV 34090 - (2Y)	
002	All Departments	Finance	Budget Planning and Workpapers	Records and information regarding the development of City, council, commission or departmental budgets.	2Y	Budget Planning Documents Budget Working Files Budget Workpapers, Worksheets		CA - GOV 34090 (2Y)	
003	All Departments	Finance	Grants and Funding Sources	Documents the application, evaluation, awarding, administration, monitoring, and status of grants and other funding sources in which a local government entity is the recipient, grantor, allocator, or administrator.	CL*+5Y	Applications (including project proposals) Audits Awards Award Notification Budget Tracking Reports Enterprise Funds (*water, waste, housing*) FEMA / OES Reimbursements Federal, State, Local) Grants Gas Tax Grant Administration Grant Funding Grant Evaluations Program Rules, Regulations, Procedures Property Taxes Funding Reports to Funding Agencies Special Revenue Funds Transportation Funding	* CL = Close of Grant, Plus All Final Audit Report Completed; if grant is in perpetuity, it never closes; or, retain per contract stipulation, whichever is longer Grants covered by a Consolidated Action Plan are required for 5 years. Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report or final payment of grantee or subgrantee; OMB Circular A-133	CA - GOV 34090 - (2) US - 7 CFR 3016.42 - (3Y) US - 24 CFR 85.42 - (3Y) US - 28 CFR 66.42 - (3Y) US - 29 CFR 97.42 - (3Y) US - 40 CFR 31.42 - (3Y) US - 44 CFR 13.42 - (3Y) US - 45 CFR 92.42 - (3Y)	
004	All Departments	Finance	Payroll	Records and information related to the accounting of City payroll, including garnishment records and information to satisfy debts. This also includes records and information reflecting all remuneration paid to each employee, including: - Name, address, SSN - Total amount and date of payments - Period of service covered for each - Withholding - Tax collected	CU+4Y	1099 1099R Attendance Records, Corrections Benefit Payments CalPERS Reporting Deduction Registers, Reports Deferred Compensation Employee Benefits Employee Deduction Authorizations, Check Information, Extra Help Reports Employee Master Lists, Addresses Federal Tax Garnishments Garnishment Orders, Receipts Longevity Pay Payroll Checks, Copies, Stub Reports Payroll Certifications, Controls Payroll Deduction Authorizations, History, Liens, Claims Payroll Earnings Registers Payroll Tax Returns Personnel Action Forms Processing Reports, Reports to Government Agencies Social Security Tax State Tax Time Sheets - Reports Timekeeping Records (*Timecards, Time Sheets, Basic Time and Earnings Cards*) Tuition Reimbursements Unemployment Tax W-2 W-4 Wage Rate Tables Work Schedules		CA - CCR 1085-2 (c) - (4Y) CA - GOV 12946 - (2Y) CA - LAB 226a (3) CA - LAB 1174 - (3Y) CA - LAB 1197.5 - (LA2Y) CA - UIC 1132 - (LA3Y) US - 26 USC 3301-3311 - (4Y) US - 26 CFR 31.6001 (CY+3Y) US - 26 CFR 31.6001-1 (4Y) US - 26 CFR 301.6501 - (CY+3Y) US - 29 CFR 516.5 - (3Y) US - 29 CFR 516.6 - (2Y) US - 29 CFR 1620.32 - (2Y) US - 29 CFR 1627.3 - (3Y)	x
005	All Departments	Finance	Procurement, Purchasing and Requisitioning	Records and information created or retained in the purchasing or acquisition of goods and services. Documentation that includes the terms and conditions under which vendors will provide goods or services.	CU+4Y	Bids, Awards (*Accepted, Unaccepted, Rejected*) Change Orders Delivery Records Exhibits Price Lists Proof of Insurance Certificates Purchase Orders Purchasing Cards/CalCards Purchasing Package Quotations Receiving Reports Requisitions Requests for Information (RFI) Requests for Proposal (RFP) Requests for Quote (RFQ) Scorecards Specifications		CA - GOV 34090 - (2Y) CA - CCP 337 - (4Y) US - 26 CFR 31.6001 (CY+3Y) US - 26 CFR 301.6501 - (CY+3Y) US - 29 CFR 516.5 - (3Y)	
006	All Departments	Finance	Vendor, Supplier Files	Records and information of suppliers and vendors to all City organizations created or retained in the purchasing or acquisition of goods and services.	2Y	Contractors - Vendor List Supplier Catalogs Vendor Packets Vendor Applications, Profiles		CA - GOV 34090 - (2Y)	
007	All Departments	General	Convenience Information	Non-record documents and materials retained for immediate personal use purposes and then discarded.	AR	Articles (*newspaper, magazine, journal*) Census Data Classification Studies Data Processing Subject Files (*Correspondence, Reference Publications, Reports*) Extracted Data Summaries General Plan Reference Files Records Inventory	Considered non-record research material		
008	All Departments	General	Department Administration	General internal administrative records of City departments.	2Y	Chronological, Reader Files Department Committees Department Goals, Objectives Department Plans Employee Desk Files General Files In-House Committees / Employee Committees Notes Office Files, Office Manager Files Organization Charts Staff Meetings Traffic Accident Reports (No Claim) Volunteer Recognition Events		CA - GOV 34090 - (2Y)	

AR = Annual Review CL = Closed / Completion / Final Resolution CU = Current Year
LI = Life (of contract, program, asset) PR = Permanent S = Superseded/Overwritten T = Termination

Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
009	All Departments	General	**Historical Artifacts, Documents, Events, Memorabilia and Collections**	Records and information documenting the history and significant milestones of the City including dedications, ribbon-cuttings, grand openings, and groundbreaking ceremonies.	PR	Annual Budgets City Generated Historical Studies / Reports City Manager Performance Indicators / Performance Measurements City Publications Executive, City Official Communications, Speeches, Videos History of the Organization Historical Events, Artifacts, Architecture, Designations, Projects Historical Parks, Facilities List of Historic Properties Memorial Programs Picture Collections Significant News Clippings, Releases		CA - GOV 34090 - (2Y)	
010	All Departments	General	**Lists, Logs and General Reporting**	General routine reports generated by the City, as well as records and information captured on a log or a list for tracking of certain information.	CL+2Y	Calendars City Generated Routine Studies / Reports Contact Lists Diaries, Notepads Files Index, Indices Inactive Records Storage Information Telephone Answer Pads, Book, Messages Telephone Directory Lists		CA - GOV 34090 - (2Y)	
011	All Departments	General	**Policies, Procedures and Plans**	All documentation of City, agency, council, commission, special district or department policy and procedures.	CL+10Y	Directives Guidelines Handbooks Master Plans Policies Procedure Manuals Procedures Program / Initiative Plans Records Retention Schedule Rules / Regulations Standards		CA - GOV 34090 - (2Y) US - 26 CFR 31.6501 - (CY+3Y) US - 29 CFR 1602.14 - (FR+1Y) US - 29 CFR 1627.3 - (TE+1Y) US - 29 USC 1059 - (1E+1Y)	x
012	All Departments	General	**Project and Subject Working Files**	Records documenting specific activities related to a particular project or subject.	CL+2Y	Auditing, Accounting Matter Complaint Logs City Owned Equipment City Programs Consultants Economics Growth Management Joint Planning Projects City / County Positive Feedback Project Files Project Reporting Project/Program Plan Risk Management Studies Subject Files Surveys / Questionnaires Working Files		CA - GOV 34090 - (2Y)	
013	All Departments	General	**Service Issues, Complaints**	Documentation regarding department complaints and related requests for service.	CL+2Y	Help Desk Data, Tickets Issues Log Trouble Reports		CA - GOV 34090 - (2Y)	
014	All Departments	General	**Shipping and Receiving**	Records related to the shipping and receiving of products.	2Y	Bills of Lading Freight Bills Manifests, Transfer Logs Waybills		CA - GOV 34090 - (2Y)	
015	All Departments	Human Resources	**Compliance Reporting**	Official governmental reports issued by City to comply with regulatory requirements.	5Y	EEOC Reports Labor Reports P.E.R.S. Report		CA - GOV 34090 - (2Y) US - 29 CFR 405.9 - (5Y) US - 29 CFR 1602.14 - (FR+1Y) US - 29 CFR 1602.30 - (3Y) US - 40 CFR 141.155 - (3Y)	
016	All Departments	Human Resources	**Personnel Files - Employees**	All documents related to paid employees, including but not limited to - hiring - promotion - demotion - transfer - layoff / recall / out-placement - termination / discharge / resignation - pay rates / other terms of compensation	T+5Y	Applications, Applicant Reference Verifications Attendance Records Awards, Rewards, Commendations, Certificates Change in Status (CIS) Civil Service Examination Results and Rankings Complaints Data Protection Forms *(Executed, Signed)* Disciplinary Actions, Transfers DMV Pull Program (*random testing*) Employee Acknowledgements, Executed Policy Receipts Employee Relations Records Employee Training/Certification Records (*FEMA/NIMS, Base Station Forms, Fire Extinguisher, First Aid/CPR*) Goals Individual Employee Agreements, Contracts (copies) Individual Education, Development, Training Records Investigations Job Offer Letters Leave of Absence / LOA Oaths of Office Out-Placement Data Performance Evaluations, Reviews Performance Improvement Plans (PIPs), Counseling Documents Promotions, Recognition Resignations, Exit Interview Notes Roles, Responsibilities		CA - 2 CCR 11013 (FR+2) CA - 8 CCR 14300.33 (CY+5) CA - CCP 312 - (LA4Y) CA - GOV 12946 - (TE+2Y) CA - LAB 3076.3 - (5Y) US - 26 CFR 301.6501 - (CY+3Y) US - 29 CFR 1602.14 - (FR+1Y) US - 29 CFR 1602.31 - (TE+2Y) US - 29 CFR 1627.3 - (TE+1Y) US - 29 USC 1059 - (TE+1Y) US - 41 CFR 60-1.12 (a) - (2Y) US - 41 CFR 60-250.80 - (2Y) US - 41 CFR 60-741.80 - (2Y)	
017	All Departments	Human Resources	**Personnel Files - Volunteers and Unpaid Interns**	All documents related to unpaid volunteers and interns.	CL+3Y	Applications, Applicant Reference Verifications Attendance Records Awards, Rewards, Commendations, Certificates Change in Status (CIS) Complaints Data Protection Forms *(Signed)* Volunteer Acknowledgements, Executed Policy Receipts Goals Individual Education, Development, Training Records Investigations Liability Waiver *(copies)* Recognition Resignations, Exit Interview Notes Roles, Responsibilities			

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
018	All Departments	Legal	Agreements, Contracts and Leases	Executed agreements between the City and other parties.	CL+10Y	Addendums Agreements/Contracts - ALL Amendments Attachments / Exhibits Contracts Disclosures Easements/Easement Interest Joint Power Agreement (JPA) Leases, Real Estate Leases, Attachments Letters of Intent Liability Waivers License Agreements, Licenses Licensing, Licenses (general) Memoranda of Agreement (MOAs) Memoranda of Understanding (MOUs) Memorandum of Agreement / Understanding Payment Bonds Performance Bonds for Contracts Property Improvement Contracts Schedules Statements of Work (SOW) Surety Bonds Warranties		CA - CCP 315 - (LA10Y) CA - CCP 337 - (4Y) CA - CCP 337.15 - (LA10Y) CA - CCP 343 - (4Y) CA - GOV 34090 - (2Y) US - 26 CFR 31.6001-1 - (CY+4Y) US - 26 CFR 301.6501 - (CY+3Y) US - 40 CFR 70.6 - (CL+5Y) US - 40 CFR 122.21(p) - (3Y) US - 40 CFR 122.41(j) - (3Y) US - 49 CFR 107.504 - (CL+2Y)	x
019	All Departments	Public Records Act	Public Records Requests	Records requested by the public and related inquiries.	CL+2Y	Collection Lists Formal Public Records Requests		CA - GOV 34090 - (2Y)	
020	City Clerk	Attorney	Advice and Opinions	Records documenting legal counsel and advice on various matters.	S+10Y	Internal Client Communications Opinions		CA - GOV 34090 - (2Y)	
021	City Clerk	Attorney	Intellectual Property	Documentation of copyrights, patents and trademarks filed and maintained by the City.	CL+20Y	Applications Assignments Copyrights Enforcement Actions Patents (original bound, application files) Registered Logos Terms of Use Trademarks		CA - GOV 34090 - (2Y) US - 15 USC 1125 - (LA10Y) US - 17 USC 507 (a) - (LA5Y) US - 17 USC 507 (b) - (LA3Y) US - 35 USC 154 - (LA20Y) US - 35 USC 286 - (LA6Y)	x
022	City Clerk	Elections	Election Records - Unsuccessful Candidates	Records and information related to the filing of campaign and election documentation by candidates not elected.	CL+5Y	Campaign Disclosures, Nomination Papers		CA - GOV 81009 - (5Y)	
023	City Clerk	Elections	Election Records - Vital	Records and information related to the filing and performance of City elections, as well as to elected candidates.	PR	Ballot Measures Campaign Disclosures, Nomination Papers Campaign Information Candidates Certificates of Election, Sample Ballots Certification of Election Results Fair Political Practices Commission Files Petitions		CA - ELEC 17200 - (8M) CA - ELEC 17302 - (6M) CA - ELEC 17304 - (6M) CA - ELEC 17306 - (6M) CA - ELEC 17503 - (6M) CA - GOV 81009 (PR)	x
024	City Clerk	Elections	Proposition 218	Documentation related to Proposition 218 assessment elections records.	6 Months	Assessment Ballot Proceeding Ballots Property Related Fees Proposition 218		CA - ELEC 17302 - (6M)	
025	City Clerk	Elections	Proposition 218 Assessment Districts	Records and information related to ballots and protest letters for assessment districts.	2Y	Ballots Protest Letters	Property owner elections only.	CA - ELEC 17302 - (6M) CA - GOV 34090 - (2Y)	
026	City Clerk	General	Franchise Administration	Records and information pertaining to the administration of utility and service franchises within the City.	5Y	Pacific Gas & Electric Pacific Telephone & Telegraph Cable TV System Solid Waste Recycling		CA - CCP 337 - (4Y) CA - GOV 34090 - (2Y)	
027	City Clerk	General	Statements of Economic Interest and Ethics Training	Forms mandated by state law related to economic interests of certain employees, elected or appointed officials, or candidates for office and required training.	CL+7Y	Form 400 (*Campaign Statements*) Form 700 (*Economic Interest Statements, SEI*) Form 801 Form 802 Form 806		CA - GOV 34090 - (2Y) CA - GOV 81009 (4Y, 7Y) CA - AB1234	
028	City Clerk	Litigation	Case Files, Claims, Litigation, Arbitration and Resolution	Records and information created or collected to support the City's position in actual or potential litigation or to otherwise evaluate actual or potential litigation relating to the organization, including claims, constituent complaints, grievances, worker compensation. Litigation includes third party litigation, government investigations, mediations, arbitrations, and other judicial or quasi-judicial proceedings.	CL*+10Y	ADA Case Files Case Correspondence Cease & Desist Letters Claims Claims Against City, Special District Complaints Contract Disputes Court Orders Constituent Claims Demand Letters EEOC Charges, Cases Injury Reports Meet and Confer Pleadings (Affidavits, Depositions, Exhibits, Court Filings) Settlement Copies Subpoenas Unemployment Compensation Claims Unemployment Compensation Data, Weekly Earnings Data Worker Compensation Benefits (*Awards, Claims, Orders, Reports*)	* CL = Final resolution of all claims, appeals	CA - 2 CCR 11013 - (CL+2Y) CA - 8 CCR 10102 - (5Y, AC+1Y) CA - 8 CCR 10103.1 - (5Y) CA - 22 CCR 1085-2 - (4) CA - LAB 5410 - (LA5Y) CA - RTC 7154 - (LA5Y) CA - RTC 19364 - (LA4Y) CA - RTC 19704 - (LA6Y) CA - UIC 1132 - (LA3Y) CA - CCP 315 - (LA10Y) CA - CCP 337.15 - (LA10Y) US - 26 CFR 31.6001 (CY+3Y) US - 26 CFR 301.6501 - (3Y) US - 26 CFR 301.6532-1 - (LA2Y) US - 26 CFR 301.6532-2 - (LA5Y) US - 26 CFR 301.6532-3 (a) - (LA9M) US - 26 USC 6531 - (LA6Y) US - 26 USC 6532 - (LA2Y) US - 29 USC 255 - (LA2Y) US - 29 USC 626 (d) - (LA300D) US - 35 USC 286 - (6Y) US - 42 USC 2000e-5 (e) - (LA180D) US - 42 USC 2000e-5 (f) - (LA180D)	
029	City Clerk	Office Services	Mail, Print and Office Support	Records and information regarding mail, printing and general office services operations.	2Y	Certified Mail Reports Cost Recovery Reports Express Mail Tracking (*FedEx, UPS, etc.*) Forms (*Masters*) Inventory Tracking Order Forms Postage Tracking Postal Records Printing Orders Production Files Supplies Management		CA - GOV 34090 - (2Y)	

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
030	City Clerk	Recording, Filing	Recorded Documents - Vital	Records and information pertaining to those original key documents recorded on behalf of the City.	PR	Abandonments Annexations City Incorporation Conveyances from the City (*Deeds, Easements, Abandonments*) Conveyances to the City (*Deeds, Easements, Dedications*) Deeds Detachments Easements Grant Deeds Liens Rights-of-Way Street / Alley Abandonments, Improvements Vacations		CA - GOV 34090 - (2Y)	x
031	City Clerk	Recording, Filing	Records, Information Management	Documentation of the compliance with Records and Information Management policy and procedures.	CL+10Y	Certificates of Destruction Document Hold Notices, Updates Lists of Stored / Destroyed Records		CA - CCP 315 - (LA10Y) CA - CCP 337 - (4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2Y) US - 26 CFR 31.6001-1 - (CY+4Y) US - 26 CFR 301.6501 - (CY+3Y) US - 40 CFR 70.6 - (CL+5Y) US - 40 CFR 122.21(p) - (3Y) US - 40 CFR 122.41(j) - (3Y) US - 49 CFR 107.504 - (CL+2Y)	
032	City Council	General	Appointments	Appointments made by authorized elected officials to councils, committees, boards, commissions, task forces, other advisory groups, or public offices, including those to fill vacancies for otherwise elected positions.	T+2Y	Applications (Appointed, Unsuccessful) Interview Notes Letters of Appointment Letters of Recommendation Oaths of Office Resumes Submitted Documents		CA - GOV 34090 - (2Y)	
033	City Council	Meetings, Minutes	Official Meetings, Legislative Actions	Legislative and non-legislative actions that document policy development, including Council and Committee meeting minutes and Ordinances.	PR	Agenda Packets and Facesheets Meeting Minutes, Notices, Recordings, Transcripts Minute Books & Index Municipal Code Ordinances Proclamations Resolutions Summary of Actions, Statement of Actions (SOAs) City Codes City-wide Plans/Programs Adopted Transcriptions of audio or video recordings of meetings	* Many of these have historical value. ** Ordinances, once repealed or overridden, may be destroyed 5 years after being superseded.	CA - CCP 315 - (LA10Y) CA - CCP 321 - (5Y) CA - CCP 338 - (5Y) CA - CCP 336a - (6Y) CA - CCP 337 - (4Y) CA - CCP 337.5 - (LA10Y) CA - GOV 34090 - (2Y) CA - GOV 60201 - (PR) CA - GOV 60201 - (SU+5Y)** US - 48 CFR 4.703 - (AC+3Y) US - 48 CFR 52.249 - (AC+3Y)	x
034	City Council	Meetings, Minutes	Public Notices	Records documenting compliance with laws requiring public notice of government activities. Subjects include assessments, elections, land use changes, public meetings and hearings, sale of property, and others.	4Y	Affidavits of Posting Affidavits of Publication/Legal Notices Public Hearing Notices	Brown Act challenges must be filed within 30 or 90 days of action; Statute of Limitations on Municipal Government actions is 3 - 6 months	CA - CCP 343 - (4Y) CA - GOV 34090 - (2Y)	
035	City Manager	Communications, Outreach	Community Outreach, Media and Public Relations	External-facing communications, advertising and press relations materials, including documentation of outreach activities/events held in cooperation or for the benefit of the local community.	2Y	Biographies of Public Officials, Agency Heads Brochures FAQs Mailers Media Packets, Releases, Kits Newspaper Clippings News, Press Releases Press Kits Public / Media Inquiries Public Information / Outreach / Education Publications Produced by the City Publicity Files Publicity Photographs Social Media Documentation Special Events		CA - GOV 34090 - (2Y)	
036	City Manager	Economic Development	Economic Development Programs and Services	Records and information documenting the City's economic development programs.	10Y	Appraisals Business Promotion Programs Business Recruitment Programs Community Activities Court Orders Demographics Economic Development Programs Economic Development Strategy Eminent Domain Redevelopment Agency Files Retail Incentive Programs		CA - CCP 337.15 - (LA10) CA - GOV 34090 - (2Y)	
037	City Manager	General	Business Continuity Plans	All documentation of City plans for dealing with disasters and/or system failures.	S+4Y	Business Continuity Plans Disaster Preparedness Disaster Recovery Plan Drill Records Emergency Contact Lists, Employee Lists, Roster of Workers Emergency Evacuation Procedures Emergency Operations Center Emergency Preparedness Emergency Response Emergency Services Hazardous Materials Response Planning School Violence Search and Rescue Telephone Trees Terrorism		CA - CCP 337.1 - (LA4Y) CA - GOV 34090 - (2Y)	x
038	City Manager	Human Resources	Collective Bargaining	Documentation related to the negotiations between labor unions for collective bargaining purposes.	CL+10Y	Contract Negotiations Labor Relations Union Communications Union Petitions		CA - GOV 12946 - (2Y) CA - LAB 5410 - (LA5Y) US - 26 CFR 31.6001-1 - (CY+4Y)	

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
039	Finance	Accounting	Accounts Payable/Receivable	Records and information related to the accounting of monies paid or received by the City including payment for financial obligation, documenting bad debt, paying of unemployment expenses, employee expense reimbursement, money paid for fines or fees, services rendered, vendor credit cards, cash payments received, etc.	CU+4Y	Cash Disbursement Cash Receipts Credit Card Slips, Statements Credit Memos Employee Expense Reports, Reimbursements Facilities Fees Fixed / Capital Asset Accounting Flex Spending Form 1099 Records Form W-9 Records Invoices and Vouchers Journal Vouchers Operating Invoices, Paid *(General, Contract Vendors)* Payables Package, Receipts Payments Petty Cash Data Receivables Package, Receipts Utility Billing Vendor Invoices		CA - GOV 34090 - (2Y) US - 26 CFR 31.6001 - (CY+3Y) US - 26 CFR 301.6501 - (CY+3Y)	x
040	Finance	Accounting	Cost Accounting	Records and information tracking City costs.	CU+4Y	Billing Rates, Journal Month-End Cost Records		CA - GOV 34090 - (2Y) US - 26 CFR 31.6001 (CY+3Y) US - 26 CFR 301.6501 - (CY+3Y)	x
041	Finance	Accounting	Credit, Collections	Records and information generated or collected in the tracking of debtor transactions and balances.	CU+4Y	Accruals Bad Check Logs Bad Debt Reserves Credit, Collections and Aging Credit Reports Credit Reviews Customer Payments Refund Claims Uncollectable Accounts Write-offs, Adjustments		CA - GOV 34090 - (2Y) US - 26 CFR 31.6001 (CY+3Y) US - 26 CFR 301.6501 - (CY+3Y)	x
042	Finance	Accounting	General Ledger, Journal Entries	Records and information related to the transfer of charges between accounts and summaries of account information, including year end summaries of general ledger transactions.	CU+10Y	Account Ledgers Sub-Ledgers Appropriations Transfers Balance Sheets Books of Account Cash Journals Chart of Accounts Demand Register Expenditure Reports General Ledger Journal Entries Manual Accounting Ledger, Control Ledger Payroll Journal Purchases Journal Revenue Sub-Ledgers Trial Balance Year -End / Account Detail History Report		CA - GOV 34090 - (2Y) US - 26 CFR 31.6001 (CY+3Y) US - 26 CFR 301.6501 - (CY+3Y)	x
043	Finance	Accounting	Real Property, Fixed Assets	Records and information related to the ownership, purchase, sale, lease or improvement of real property and facilities owned by or used by the City.	PR	Acquisitions Amortization Asset Retirement Records Attachments Buildings Capital Asset Records Capital Improvements Deeds Deeds of Trust Depreciation Schedules Excess Right of Way Fixed Asset Ledger Land Mortgages ParkLand Possessory Interest Sales Valuation Information		CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2Y) US - 26 CFR 31.6001 - (CY+3Y) US - 26 CFR 301.6501 - (CY+3Y)	x
044	Finance	Accounting	Taxes	Records and information related to taxes collected and paid by the City.	CU+4Y	General Fund Taxes Property Tax Real Property Tax / Tax Rate Sales/Use Tax Transient Occupancy Tax		CA - GOV 34090 - (2Y)	
045	Finance	Audit	Audits (Internal, External)	Records and information related to auditing activities, including reviewing and documenting operational, compliance, or financial information created as a part of an audit.	CL+6Y	Annual Audit Reports Audit Files, Plans Audit, Auditors Reports Audit Schedules Audit Workpapers Comprehensive Annual Financial Report (CAFR) General Purpose Financial Audits, Single Audits Improvement Plans Investigations, Workpapers Management Responses Observations Recommendations Remediation Plans / Results Responses		CA - GOV 34090 - (2Y) US - 26 CFR 31.6001 (CY+3Y) US - 26 CFR 301.6501e - (6Y) US - 26 USC 6531 - (TAX+6Y)	
046	Finance	Banking	Bank Account Information	Records and information related to banking activities, transactions and correspondence. This category includes deposits and reconciliations.	CU+4Y	Bank Account Administration Bank Statements (All Agencies) Checks, Canceled Check Copies Check Registers, Journals Corrections / Returns Deposit Permits Deposits Electronic Banking Reconciliations Signature Cards Transactions Transfers Voided Checks Wire Transfers		CA - GOV 34090 - (2Y) US - 26 CFR 31.6001 (CY+3Y) US - 26 CFR 301.6501 - (CY+3Y)	

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
047	Finance	Budgets, Planning	Budget Management	Records and information relating to creating and implementing the final approved budget.	CU+4Y	Final Budget Document Gann Limit Annual Review Revenue/Expenditure Reports Trial Balance/Balance Sheets (Finals)		CA - GOV 34090 - (2Y) US - 26 CFR 31.6001 (CY+3Y) US - 26 CFR 301.6501 - (CY+3Y)	
048	Finance	Budgets, Planning	Financial, Strategic Planning	Records and information relating to financial planning.	2Y	Business Plans Financial Plans Forecasts Interim Results Revenue Forecasts Strategic Plans		CA - GOV 34090 - (2Y)	
049	Finance	Fees, Licensing, Permiting	Fee Maintenance and Collection	Records and information documenting general administration and maintenance of City fee payments, collection, and receipts.	CU+4Y	Assessment District Fees Building Permit Fees Business License Fees Copying Fees Candidate Filing Fees Encroachment Fees Facility Fees Fee Schedules Grading Fees Impact Fees Inspection Fees Oversize/Overweight Permit Fees Plan Review Fees Recreation Fees Traffic Fees Water Systems (including Irrigation) Fees		CA - GOV 34090 - (2Y) US - 26 CFR 31.6001 - (CY+3Y) US - 26 CFR 301.6501 - (CY+3Y)	
050	Finance	Fees, Licensing, Permiting	Licenses, Permits	Documentation of licenses, non-building permits and other authorizations issued in the City.	CL+4Y	Alarms Annual Licenses Business Licenses Encroachment Permits Flood Zone Determinations Handgun Permits Home Business Licenses Home Occupation Permits (HOP) Massage Establishments Massage Technicians Mobile Vendors, Peddlers Taxis (*cabs, drivers*) Transportation Permits (*oversize, overweight*)		CA - CCP 337 (4Y) CA - GOV 34090 - (2Y)	
051	Finance	Financial Reporting	Financial Reporting - Annual, Official	Official City financial reports required by regulations.	CU+4Y	Annual Report of Financial Transactions To State Annual State Controller Filings Audited Financial Statements EEOC Reports Possessory Interest Report / Lease Reports		CA - GOV 34090 - (2Y) US - 26 CFR 1.1461-2 - (CY+1Y) US - 26 CFR 31.6001 (CY+3Y) US - 26 CFR 301.6501 - (3Y)	
052	Finance	Financial Reporting	Financial Reporting - Periodic (Daily, Weekly, Monthly, Quarterly)	General financial reports generated to track financial transactions and achievements by the City.	CU+4Y	Expenditures Reports Monthly Treasurer's Report Payroll Reports (*HRA, HMT, ICMA 457 accounts, Nationwide, deferred compensation*) Quarterly Investment Report Weekly Reports		CA - GOV 34090 - (2Y)	
053	Finance	Treasurer	Abandoned Property, Escheat	Records and information pertaining to unclaimed funds and warrants held in trust by the City.	10Y	Cancelled Warrants (escheat) Uncashed Checks		CA - CCP 1513 - (3Y) US - Uniform Unclaimed Property Act (1995), Section 3 - (10Y)	
054	Finance	Treasurer	Investments	Records and information relating to analysis of City financing and investment activities.	CL*+10Y	Bonds Bonded Indebtedness Cash Bonds Certificates of Deposit (CDs) Certificates of Participation Direct Investments Due Diligence Exempted Securities Financial Investment Planning Investment Performance Reporting Investment Reporting Loans Local Agency Investment Fund (LAIF) Long Term Debt Money Manager Statements Performance Bonds, Letters of Credit Portfolio Management, Quarterly Reviews Revenue Bonds Returns Management Security Instruments Stock / Equity / Debt Issuance, Repurchase Records Trust Accounts	* CL = Maturity of Investment	CA - CCP 336 - (5Y) CA - CCP 337 - (4Y) CA - CCP 337.5 (10Y) US - 26 CFR 31.6001 (CY+3Y) US - 26 CFR 301.6501 (CY+3)	
055	Fire Department	Fire Protection, Prevention	Arson Investigations	Records and information associated with arson investigations.	PR	Evidence Files Investigations		CA - CCP 340.5 (3Y) CA - GOV 34090 - (2Y) CA - PEN 799 (P) CA - PEN 800 (6Y)	
056	Fire Department	Fire Protection, Prevention	Case Files	Records and information associated with department responses to fires and emergency incidents.	CU+2Y	Emergency Services False Alarm Reports FEMA Reports Incident Reports/Log Books Patient Care Reports (PCRs)		CA - GOV 34090 - (2Y)	
057	Fire Department	Fire Protection, Prevention	Emergency Medical Services	Records and information associated with providing emergency medical services.	CL+6Y	Ambulance Services Authorization Forms (HIPAA) Emergency Medical Services Forms Mandated Reporting: Child Abuse, Elder Abuse, etc. Paramedic Certificates Paramedic Release Forms		CA - 13 CCR 1100.7 (3Y) CA - 22 CCR 100170 (MAINT) CA - 22 CCR 100171 (MAINT) CA - CCP 340.5 (3Y) CA - GOV 34090 - (2Y) CA - HDC 11191 (3Y)	
058	Fire Department	Fire Protection, Prevention	Fire Equipment	Records and information associated with fire protection and emergency response equipment.	CL+3Y	Apparatus and Maintenance Records Certification Binder Equipment Checks Extinguishers Fire Breaks Hydrants Sprinklers		CA - GOV 34090 - (2Y) US - 29 CFR 1910.157 (Life of extinguisher)	
059	Fire Department	Fire Protection, Prevention	Fire Inspections	Records and information associated with inspections of commercial and residential facilities.	CL+3Y	Commercial Facility Property Files Residential Property Files		CA - GOV 34090 - (2Y)	

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
060	Fire Department	Fire Protection, Prevention	Fire Prevention Programs	Records and information associated with department programs to protect the City from fires and emergency incidents.	2Y	Fire Education Weed Abatement		CA - GOV 34090 - (2Y)	
061	Human Resources	Benefits	Benefit Plans	Plans and systems established to provide employee benefits and associated administrative documents.	LI*+6Y	Carrier Reporting, Performance COBRA Rates, Records, Histories Employee Benefit Plans Group Insurance Cost Data PERS Actuarial Reports Retirement System Summary Plan Descriptions Supplemental Forms	* LI = Life of Plan or System	US - 29 USC 1027 - (6Y) US - 29 USC 1059 - (TE+1Y) US - 29 USC 1113 - (LA6Y) US - 29 USC 1451 - (LA6Y) US - 29 CFR 4007.10 - (6Y) US - 29 CFR 4041.5 - (LI*+6Y)	x
062	Human Resources	Benefits	Employee Benefits	Employee election (selection), enrollment or termination forms and related correspondence, including transmissions to carriers of additions, changes, claims and deletions (includes employee medical records subject to HIPAA requirements).	CL+6Y	Actuarial Analysis for Benefit Reserves and Accounting Appeals Benefits Files, Contract Copies, Enrollments, Appeals Beneficiary Designations Death Claims, Life Event Documents Employee Cost-Sharing Amounts Employment Authorizations, Terminations, Confirmations, Status Changes, Coverage Changes Family & Medical Leave Tracking (*Compensation, Complaints/Disputes, FMLA Requests, Parental Leave Forms, Paid/Unpaid Leave*) Flexible Spending Enrollment Individual Retirement Accounts (IRAs), 401k Histories Life Insurance Notification Letters/EOI Leave of Absence Documentation Medical Billing Statements Pension Plan Applications, Claims P.E.R.S. Information Premium Information Required Benefits Reporting Retirement Loans / Retirement		CA - 22 CCR 1085-2 - (4Y) CA - GOV 12946 - (2Y) US - 26 CFR 301.6501 - (CY+3Y) US - 29 CFR 516.6 - (2Y) US - 29 CFR 825.500 - (3Y) US - 29 USC 1027 - (6Y) US - 29 USC 1059 - (TE+1Y) US - 29 USC 1113 - (LA6Y) US - 29 USC 1451 - (LA6Y) US - 29 CFR 4007.10 - (6Y)	
063	Human Resources	Insurance	Claims Management	Records detailing claims against insurance coverage by the City, including appraisals and reports.	CL+10Y	Incident Reports Annual Audit of Open Claims Appraisals Claims By/Against the City Damage Estimate Reports Supporting Documentation Insurance Claims, Appraisals, Reports Investigations Liability Waivers		CA - CCP 337 - (5Y) CA - GOV 34090 - (2Y)	
064	Human Resources	Insurance	Insurance Coverage	Records detailing the City's general coverage against property damage and liability, including renewal submission information, insurance quotes, & broker correspondence.	CL+6Y	Binding Information Binders Broker Correspondence Certificates of Insurance Completed Applications Disability Insurance Flood Insurance Insurance Policies Insurance Procured by Others (Vendors) Insurance Quotes Insurance Submissions Liability Insurance Renewal Strategy Unemployment Insurance		CA - 22 CCR 3207-2 - (MAINT) CA - CCP 337 - (5Y) CA - GOV 34090 - (2Y)	x
065	Human Resources	Labor Management	Collective Bargaining Grievances	Documentation related to labor grievances filed under current collective bargaining agreements.	CL+10Y	Grievance Files/Commission Hearing Grievance/Hearing Logs Union Grievances		CA - CCP 312 - (LA4Y) CA - CCP 315 - (LA10Y) CA - CCP 337 - (4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 12946 - (2Y) US - 26 CFR 31.6001-1 - (CY+4Y) US - 26 CFR 301.6501 - (CY+3Y) US - 40 CFR 70.6 - (AC+5Y) US - 40 CFR 122.21(p) - (3Y) US - 40 CFR 122.41(j) - (3Y) US - 49 CFR 107.504 - (AC+2Y)	
066	Human Resources	Occupational Health	Employee Medical Records	Documents pertaining to medical records of City employees, including exposure to hazardous substances, drug screens, and workers' compensation (includes employee records subject to HIPAA requirements).	T+30Y	Drug Screening Employee Hazardous Chemical Exposure Employee Medical Records Exposure Monitoring Firearms and Field Exposure Hazardous Exposure HIPAA Employee Records Material Data Safety Sheets (MSDS) Personnel Files - Medical Radiation Exposure Records Toxic Substance Exposure Records Worker Compensation		CA - 8 CCR 14300.33 - (5Y) CA - 8 CCR 3204 - (TE+30Y) CA - 19 CCR 2760.9 - (5Y) CA - CCP 337.15 - (LA10Y) CA - CCP 338 - (LA3Y) CA - CCP 338.1 - (LA5Y) CA - GOV 12946 - (2Y) CA - GOV 34090 - (2Y) CA - 29 CFR 1904.33 - (CY+5Y) US - 29 CFR 1910.95 - (TE+2Y) US - 29 CFR 1910.1020 - (30Y) US - 40 CFR 68.81 - (5Y) US - 40 CFR 268.7 - (3Y)	
067	Human Resources	Staffing	Background Checks	All documentation related to background checks for both paid employees and unpaid volunteers.	T+2Y	LiveScan Criminal Offender Record Information (CORI) Investigations		CA - GOV 12946 - (FR+2Y) CA - GOV 34090 - (2Y)	
068	Human Resources	Staffing	Employee Training - General	All documents related to general education and training taken by paid employees and unpaid volunteers, including: - FEMA/NIMS - Base Station Forms - Fire Extinguisher - First Aid/CPR - Safety	5Y	Attendance Certification Records Compliance Training Courses/Seminars (Taken by Employees - includes Safety Training) Ethics Training Individual Education, Development		CA - 8 CCR 3203 (CY+1) CA - GOV 53235.2b - (5Y) US - 29 CFR 1602.14 - (FR+1Y) US - 29 CFR 1602.31 - (CY+2Y)	

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
069	Human Resources	Staffing	Recruitment	Records and information related to applications and related records of candidates interviewed but not hired or accepted, including applications received but not acted upon.	CL+3Y	Applications, CVs, Resumes *(Rejected, Unsolicited)* Applicant Tracking Records *(Hired, Rejected)* Background Checks, Investigations Drug Testing, Pre-Hire Screening Interview Notes Job Descriptions Job Postings, Announcements Job Requisition Requests Job Specifications Miscellaneous Hiring Process Notes Position Information Recruitment Temporary Intern Staffing Test Results *(Non-hires)* Unpaid Interns *(Rejected)* Volunteers *(Rejected)*		CA - GOV 12946 (FR+2) CA - GOV 34090 - (2Y) US - 29 CFR 1627.3b1 (1) US - 29 CFR 1602.31 (CY+2Y)	
070	Human Resources	Staffing	Salary, Compensation	Documentation of position and employee compensation.	S+3Y	Classification Studies Compensation Plans, Planning, Analysis Cost of Living Job Descriptions Job Evaluation Documentation Salary Range History Salary Surveys		CA - GOV 34090 - (2Y) US - 26 CFR 301.6501 - (CY+3Y) US - 29 CFR 1602.14 - (FR+1Y) US - 29 CFR 1627.3 - (TE+1Y) US - 29 USC 1001-1381 - (6Y) US - 29 USC 1059 - (TE+1Y) US - 48 CFR 4.703 - (AC+3Y) US - 48 CFR 52.249-2 & 3 - (AC+3Y)	
071	Human Resources	Staffing	Training Materials, Courses, Scheduling	Documentation regarding the courses and schedules for training offered to employees for training and development.	S+6Y	Attendance Lists Educational Assistance Employee Development Presentation Materials PowerPoint Slide Decks Testing		CA - GOV 12946 - (2Y) CA - LAB 3076.3 - (5Y) US - 29 CFR 1602.14 - (CY+1Y) US - 45 CFR 164.530 (j) - (CY+6Y)	
072	Human Resources	Staffing	Work Authorizations and Supporting Documentation	Employment eligibility verification forms collected for active employees and supporting documentation regarding immigration status.	T+1Y	Employment Eligibility Forms I-9 Documents Immigration Supporting Documentation		US - 20 CFR 655 Subpart H - (TE+1Y) US - 8 CFR 274a.2 - (3Y, or TE+1Y)	
073	Library	General	Library Records	Records and information related to the City's library programs and services.	CL*+2Y	Borrow/Loan Records Classes Catalog of Holdings Gifts / Donations Material Challenge Records	* CL = life of holding	CA - GC 34090 - (2Y)	
074	Parks and Recreation	General	Parks and Recreation Programs and Services	Records and information documenting the City's parks and recreational programs and services.	CL*+2Y	Adult Services Programs / Classes Applications Aquatics Cultural Activities Programs / Classes Facility Rentals (*use applications, permits, insurance*) Liability Waivers Programs, Classes, Leagues Registrations Forms Special Events Street Tree Program / Tree Requests Teen Services Programs / Classes Youth Services Programs / Classes Withdrawal Forms	* Repeat users of facilities remain active	CA - GOV 34090 - (2Y)	
075	Planning	Code Enforcement	Code Compliance and Enforcement	Records and information documenting compliance with City codes, including violations.	CL+3Y	Code Citations Code Enforcement Code Violations Compliance with Conditions of Approval Inspections / Enforcement (*Business, Residential*) Investigations Notices of Violation Photographs Resolution Vehicle Abatement (*abandoned vehicles*) Violations Zoning Compliance Certificates		CA - GOV 34090 - (2Y) US - 40 CFR 122.21 - (3Y) US - 40 CFR 122.41 - (3Y)	
076	Planning	Fees, Licensing, Permiting	Building Codes and Permits - Commercial	Records and information documenting the City's building services activities.	PR	Building Codes Building Inspections Building Permits (*issued, active, expired, history*) Building Plans - Commercial Certificates of Occupancy Sign Permits Tree Removal Permit		CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2) CA - HSC 19850 - (LI)	
077	Planning	Fees, Licensing, Permiting	Building Codes and Permits - Residential	Records and information documenting the City's building services activities.	CL+10Y	Building Codes Building Inspections Building Permits Building Plans - Residential Tree Removal Permit		CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2) CA - HSC 19850 - (LI)	
078	Planning	Planning and Zoning	Housing Authority Administration	Records and information of housing agency operations and programs.	CL+10Y	Applications Community Development Block Grants (CDBG) Compliance Monitoring Foreclosure Prevention, Counseling HUD Reports (50058) INS Appeal, Informal Hearing Inclusionary Monitoring, Projects Predevelopment Loans Rental Assistance, Vouchers (Section 8) Set-Aside Funds Supportive Services for Veterans Tenant Files	Includes the following programs and funds: - Cal Home First Time Homebuyers - Comprehensive Housing Affordability Strategy (CHAS) - Family Self-Sufficiency - HELP First Time Homebuyers - HOME Funded First Time Homebuyers - HOME Program Rental Project - Homeless Prevention and Rapid Rehousing - Housing Assistance Plan (HAP) - Housing Choice Vouchers - Rehab Program Loan - Section 8 Management Assessment (SEMAP) - Section 8 SRO Moderate Rehabilitation - Shelter Plus Care & Supportive Housing	CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2Y) US - 24 CFR 84.53 - (LA3Y) US - 24 CFR 85.42(b) - (LA3Y) US - 24 CFR 511.15 - (3Y) US - 24 CFR 511.73 - (LA3Y) US - 24 CFR 570.490 - (LA3Y) US - 24 CFR 570.502(a)(16) - (LA4Y) US - 24 CFR 582.301 - (LA5Y)	
079	Planning	Planning and Zoning	Housing Authority Financials	Records and information of housing agency operations and programs financial management.	PR	Affordable Housing Records Development / Affordability Agreements Restricted Units		CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2Y) US - 24 CFR 84.53 - (LA3Y) US - 24 CFR 85.42(b) - (LA3Y) US - 24 CFR 511.15 - (3Y) US - 24 CFR 511.73 - (LA3Y) US - 24 CFR 570.490 - (LA3Y) US - 24 CFR 570.502(a)(16) - (LA4Y) US - 24 CFR 582.301 - (LA5Y)	

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
080	Planning	Planning and Zoning	Planning and Zoning Services	Records and information pertaining to the activities of the planning division, including zoning.	PR	Agricultural Preserve Below Market Rate Units / Affordable Housing Design Review Development Regulations Downtown Parking Requirements E.I.R., Notice of Determination, Categorical Exemptions, etc. Environmental Reviews General Plan (*housing element, amendments, growth management element, noise element*) Land Use Permits Landscape Master Plans Parking Calculations Planned Unit Development (PUD) Plans (Specific) Public Use Resolutions Rezoning Summary of Actions Variances Water Zoning Zoning Text Amendments		CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2Y) CA - H&C 19850 - (LI) CA - WAT 10631 - (5Y)	
081	Police Department	Case Files	Dead Bodies	Records, crime reports and evidence associated with investigations of dead bodies, whether by natural causes or found.	CL*+2Y	Reports Statements	* CL = Case remains active until body has been identified and cause of death determined. If determination is made that the death was a homicide, records are recategorized as "Felony Murder/Homicide" case files (see #83, below).	CA - GOV 34090 - (2Y) CA - PEN 799 - (PR)	
082	Police Department	Case Files	Felonies, Excluding Murder	Records, crime reports and evidence associated with felony violations of laws, excluding homicide and capital violations.	CL*+10Y	AB 109 Case Status Reports Chemical Analysis Records Complaint Reports Court Dispositions Court Orders Crime Analysis Records Diagrams Extradition Records Factually Innocent Fingerprint Records, Latent Fingerprints Interview Records Investigations Investigative Reports Laboratory Tests Officer's Notes Original Arrest Reports Permission to Search Requests Photographs PRCS Cases Special Expenditure Reports Statements of Seized and Returned Property Warrants	* CL = Final resolution is defined as case has been adjudicated, all appeals exhausted or all time served. Provided there are not outstanding warrants, deaths, and it is not classified under PC §600 and 200 and H&SC §11850. Statute of limitations is 2 years. Destroy juvenile marijuana after age 18, H&SC §11361.5, GC §34090, PC §802, PC §187, 800 et seq	CA - CCP 339 - (LA2Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (MAINT) CA - PEN 851.8 - (SEAL&DESTROY) CA - PEN 851.90 - (MAINT) CA - Law Enforcement Evidence and Property Management Guide	
083	Police Department	Case Files	Felony Murder/Homicide, Capital Offenses, and Violations of Public Trust	Records, crime reports and evidence associated with capital felony violations of laws, including homicide, embezzlement of public funds, or falsification of public documents.	PR	Case Status Reports Chemical Analysis Records Complaint Reports Court Dispositions Court Orders Crime Analysis Records Diagrams Extradition Records Fingerprint Records, Latent Fingerprints Interview Records Investigative Reports Laboratory Tests Officer's Notes Original Arrest Reports Permission to Search Requests Photographs Statements of Seized and Returned Property Warrants	No limitation on commencement of action: PC §261, 286, 288, 288a, 288.5, 289, 289.5, and 799.	CA - CCP 339 - (LA2Y) CA - GOV 34090 - (2Y) CA - PEN 187-199 - (MAINT) CA - PEN 290 - (MAINT) CA - PEN 799 - (PR) CA - Law Enforcement Evidence and Property Management Guide CA - WIC 602 - (PR)	
084	Police Department	Case Files	Juvenile	Records, crime reports and evidence associated with criminal cases dealing with juveniles.	Longer of: MAJ+8Y (or) SEAL+5Y	Child Protective Services (CPS) Factually Innocent Juvenile Files - 300s, 600s Sealed Juvenile Files Warrants	MAJ = Age of Majority Status (18Y); SEAL = Date Records Sealed Statute of limitations runs up to age of majority + 8 years; Sealing for juveniles and Wards of the Court retained for 5 years; CP §340.1; GC §34090; WIC §781(d); WIC §826(a)&(b); WIC §781(a).	CA - WIC 300 (age 18 or as directed by court) CA - WIC 600 (age 18 or as directed by court) CA - WIC 781 (age 18 or as directed by court) CA - WIC 826 (age 18 or as directed by court)	
085	Police Department	Case Files	Misdemeanors, Infractions	Records, crime reports and evidence of misdemeanors and infractions, including citations.	2Y	Citations Marijuana Moving Violations Parking Enforcement Standardized Field Sobriety Tests Traffic Tickets Warrants		CA - CCP 339 - (LA2Y) CA - GOV 34090 - (2Y) CA - Law Enforcement Evidence and Property Management Guide	
086	Police Department	Case Files	Missing Persons and Runaways	Records, crime reports and evidence associated with missing persons and runaways.	CL*+2Y	National Missing and Unidentified Persons System (NaMUS)	* Case is only closed once solved	CA - GOV 34090 - (2Y)	
087	Police Department	Case Files	Officer Involved Shootings	Records, crime reports and evidence associated with criminal cases dealing with officer involved shootings.	PR	Case Files		CA - GOV 34090 - (2Y)	
088	Police Department	Case Files	Sealing of Adult Records	Records of court orders to seal the records of adults.	3Y*	Court Order Petition Letter	* From the date the records were sealed.	CA - PEN 851.8 - (SEAL+3Y) CA - PEN 851.90 - (MAINT)	
089	Police Department	Case Files	Stolen Property	Records, crime reports and evidence associated with stolen property.	CL*+3Y	Case Files	* Case is only closed once solved	CA - CCP 338 - (3Y)	
090	Police Department	Case Files	Traffic Collisions - Fatal	Records, crime reports and evidence associated with traffic collisions involving fatalities.	PR	Case Files		CA - GOV 34090 - (2Y)	
091	Police Department	Criminal Registrations	Drugs, Gangs	Records for those required to register as drug or gang violence offenders.	5Y	Case Files		CA - GOV 34090 - (2Y) CA - HSC 11594(a) - (5Y) CA - PEN 186.32 - (5Y)	
092	Police Department	Criminal Registrations	Sex Offenders, Arsonists	Records for those required to register as sex offenders or arsonists.	LI*	Case Files	* LI = Life of the offender, arsonist	CA - GOV 34090 - (2Y) CA - PEN 290(b) - (Life of Offender) CA - PEN 457.1(b)(2) - (Life of Arsonist)	

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
093	Police Department	Dispatch and Communications	Dispatch and Communications Records	Records of police emergency calls and responses, to include time and date of call, contents of call, location of call, name of unit sent to scene, and other related information.	100D*	911 Emergency Call Logs Computer Aided Dispatch (CAD) Dispatch Activity Log Radio Dispatcher Logs Tape Recordings	* Exception: Recordings used as evidence in a criminal prosecution or claim filed or litigation or potential claims and litigation shall be preserved for 100 days after conclusion of the court action.	CA - GOV 26202.6 - (100D) CA - GOV 34090.6 - (100D)	
094	Police Department	General	Administrative Reporting	Reports received and/or generated in the routine course of law enforcement activities.	CL+2Y	Activity Reports Arrest Processing Firearms Notifications Forcible Entry Reports Inmate Reimbursement Requests Ride-Along Program Records Serious Incident Reports Shift Assignments Seized Vehicle Impound, Towing Records Trespass Law Enforcement Records Truancy Reports Vehicle Inspection, Inventory Reports Wrecker Service Reports		CA - CCP 339 - (LA2Y) CA - GOV 34090 - (2Y)	
095	Police Department	General	Public, Health Services and Community Education, Outreach	Records and information documenting the City's educational and community services.	2Y	CERT (*Community Emergency Response Training*) Drug / Alcohol Education / Community Training Emergency Action Plans Emergency Forms Street Smart Program Youth Violence Prevention Education / Community Training		CA - GOV 34090 - (2Y)	
096	Police Department	Human Resources	Employee Training - Specialized or Technical	All documents related to specialized and/or technical education and training taken by paid employees and unpaid volunteers.	T+3Y	Attendance Canine Deployment Training Certification Records Firearm and Field Training Specialized Skills Trainings Training Bulletins		CA - 8 CCR 3203 (CY+1) CA - GOV 53235.2b - (5Y) US - 29 CFR 1602.14 - (FR+1Y) US - 29 CFR 1602.31 - (CY+2Y)	
097	Police Department	Internal Investigations	Complaints, Investigations	Documentation of complaints received and investigations, including those by Internal Affairs, involving Police department employees (excludes officer involved shootings).	CL+5Y	Citizen Complaints Crime Reports Departmental Actions		CA - EVID 1045 - (AC+5Y) CA - GOV 12946 - (2Y) CA - PEN 601.5 - (4Y) CA - PEN 832.5(b) - (5Y) CA - VEH 2547 - (3Y)	
098	Police Department	Security	Security Investigations	Documentation regarding internal, non-police investigations related to the security of City facilities, assets, and information.	CL+10Y	Internal Investigations Investigation Logs, Workpapers Investigator Reports, Findings, Notes Security Incidents (*response files, reports*) Security Investigations		CA - GOV 34090 - (2Y) US - 26 USC 6531 - (LA6Y)	x
099	Police Department	Security	Security, Access Operations	Records and information regarding physical security for City buildings and facilities.	2Y	Access Controls Access Reports Badge Lists Daily Activity Logs Privileged Area Access Requests Security Camera (CCTV) Footage Security Plans Transaction Logs Visitor Security / Access Logs		CA - GOV 34090 - (2Y)	
100	Police Department	Seized Property	Seized Property Records	Records documenting tracking and management of physical property seized by the Police department, but not considered as evidence in a criminal investigation, including: - Bicycles - Electronics - Guns - Hazardous Materials (e.g., fireworks) - Narcotics - Vehicles	CL+2Y	Confiscated Property Lists Disposition Records Evidence Tracking Physical Evidence Examination Requests Property Auction Manifests Stolen/Recovered Property Documentation Unclaimed Property Reports		CA - CCP 339 - (LA2Y) CA - GOV 34090 - (2Y)	
101	Public Works	Facilities	Building, Property Management	Records and information regarding the structure of City physical buildings and facilities.	LI*+10Y	As-Built Blueprints Construction Records Electrical Wiring Schematics Floor Plans Property Inventory	* LI = Life of Building, Asset	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - HSC 19850 - (LI)	x
102	Public Works	Facilities	Maintenance Inspection Reports	Reports of inspections of maintenance performed on City facilities including buildings, parks, streets, and sidewalks.	5Y	Inspections Logs Reports		CA - CCP 337 - (5Y) CA - GOV 34090 - (2Y)	
103	Public Works	Facilities	Maintenance, Repairs	Records and information regarding the ongoing maintenance and upkeep of City equipment, facilities and infrastructure.	5Y	Equipment Certifications (*radar guns, lidar guns, personal alcohol screening devices, in-car video surveillance devices, mobile video devices*) Horticulture Irrigation Landscaping Maintenance and Repair Work Orders Maintenance Reports (buildings, parks, streets, sidewalks) Street Sweeping Trees		CA - CCP 337 - (5Y) CA - GOV 34090 - (2Y)	
104	Public Works	Fleet Management	Fleet Management, Maintenance	Records related to the purchase, management and maintenance of City vehicles.	LI*+2Y	Auction Vehicles California Bureau of Automotive Repair (BAR) Smog Records California Highway Patrol Biennial Inspection Terminal (BIT) Records Motor Vehicle Records and Reports Pool Tickets, Vehicle Logs, Usage Logs Registrations, Operating Permits Rental Work Orders Service Calls Tax Exemption Certificates Vehicle Certificates of Insurance Vehicle Inspections Vehicle License Plate Records Vehicle Maintenance Records, Repair Orders	* LI = Life of Vehicle	CA - GOV 34090 - (2Y) US - 26 CFR 31.6501 - (CY+3Y) US - 26 CFR 301.6501 - (CY+3Y)	
105	Public Works	Fleet Management	Fuel Management	Records related to the purchase, tracking and management of fuel for City vehicles and travel by City employees.	4Y	Bay Area Air Quality Management District (BAAQMD) Permits (aboveground storage tank - AST) California Air Resources Board Certificate Fuel Card Authorizations Fuel Pump, Fuel Tank Maintenance Fuel Reports, Billing Reports, Journals, Fuel Tickets Mileage Reports		CA - 18 CCR 4901 - (4Y) CA - GOV 34090 - (2Y)	

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
106	Public Works	General	Land and Property Maps, Drawings	Maps and geographical information pertaining to City properties.	PR	Aerial Photos Assessment Districts Assessor Parcel Maps Building Site Determination Drainage Improvement Plans, Drawings Land Survey Maps Lot Line Adjustments Major Subdivisions (SD) Minor Subdivisions (MS) Parcel Mergers Parcels Parks Plats Record Maps Record of Survey Maps Redevelopment Sphere of Influence Street Address Files Vellums		CA - CCP 337.15 - (LA10Y) CA - GOV 34090d - (2Y) CA - HSC 19850 - (LI)	x
107	Public Works	General	Public Works Project Administration	Records and information associated with the administration of public works, capital improvement and engineering projects.	CL+10Y	Certified Payrolls Construction Manager's Logs Daily Inspections Facilities Projects Field Inspections Project Schedules Progress Meetings Real Estate Appraisals RFIs & Responses		CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2Y)	
108	Public Works	General	Public Works Project Files (CIP)	Records and information related to the analysis, design, development, planning, construction and maintenance of public works, capital improvement and engineering projects for City facilities and infrastructure.	PR	As-Built Plans Assessments Bicycle / Pedestrian Trails / Paths Bridges and Creeks Calculations Capacity (water, wastewater) Fees Capital Improvement Project (CIP) Files Certificates of Compliance/Notice of Non-Compliance Change Orders Closures Curb & Gutter Development Fee Book Drainage Permits E.I.R., Notice of Determination, Categorical Exemptions Encroachment Permits, Certificates Environmental Impact Statements Final Improvement Plans Geologic Studies Grading Permits Insurance Certificates Materials Testing Reports Medians Notice of Completion Parking Parking (residential, non-residential) Pavement Markings / Traffic Legends Photos/Pictures Sidewalks Signs, Signals Soils Reports Sound Walls Standard Plans Studies Submittals Surveys		CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - 14 CCR 15095c - (Reasonable) CA - GOV 34090 - (2Y) CA - HSC 19850 - (LI)	x
109	Public Works	Traffic, Transportation	Traffic and Transportation Planning	Records and information of traffic engineering and transportation planning activities, including studies and surveys.	5Y	School-related Studies/Surveys Speed Surveys Street/Highway Studies/Surveys Traffic Calming Requests Traffic Counts Transportation Planning		CA - GOV 34090 - (2Y)	
110	Public Works	Traffic, Transportation	Traffic Control and Improvement	Records and information related to the City's efforts to manage and improve traffic and circulation.	2Y	Bicycles Enforcement Highway Corridors Impact Studies Signals Signs Temporary Street Closures		CA - GOV 34090 - (2Y)	
111	Public Works	Traffic, Transportation	Transportation Program Services	Records and information related to the City's efforts to provide effective methods by which people and materials move through the City.	2Y	Alternative Transportation Demand / Transportation Demand Management Transportation Systems Management (TDM) / Alternative Modes / Bicycle		CA - GOV 34090 - (2Y)	
112	Public Works	Waste Management	Air, Sewer, Water and Solid Waste	Records and information associated with planning and maintenance of sewers, waste, water, and land use.	CL+5Y	Backflow Prevention Diversion Goals Environmental Conservation Environmental Programs Flood Control Landfills Meter Inventory NPDES (Engineering) Pipe Inventory Pollution Control Permits Recycling *(campaigns, events, reports)* Sanitary District Storm Water Monitoring Storm Water Pollution Permits Treatment Plan Trash Services Underground Service Alerts (USA) Waste Water Reclamation Water Agency Information Water Runoff Testing Weight Tickets		CA - CCP 338 - (LA3Y) CA - CCP 338.1 - (LA5Y) CA - CAL OSHA US - 40 CFR 122.21 - (3Y) US - 40 CFR 122.41 - (3Y) US - 40 CFR 141.155 - (3Y) US - 40 CFR 261.32 - (3Y)	

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Rec. Nb.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
113	Public Works	Waste Management	Hazardous Waste, Monitoring and Remediation	Planning, monitoring and contingency/emergency action plans for hazardous waste, emergency and spill response, natural and exposure emergencies, notifications and response; environmental action plans and supporting documentation; hazardous communications plans, including labeling, MSDS controls, training programs and procedures.	CL+30Y	Electronic Waste (E-Waste) Emergency Response Programs Employee Hazardous Chemical Exposure Hazardous Material Incident Reports Hazardous Substances Shipping Manifests Hazardous Waste Material Safety Data Sheets (MSDS) Proposition 65 Monitoring Radiation Exposure Records Radioactive Materials Site Mitigation Toxic Substance Inventory		CA - CalOSHA CA - CCP 338.1 - (LA5Y) CA - 8 CCR 3204d - (CL+30Y) CA - 17 CCR 30283(1) - (3Y) CA - 22 CCR 66262.40 - (3Y) CA - 22 CCR 66263.22 - (3Y) US - 29 CFR 1910.1020 - (CL+30Y) US - 29 CFR 1910.1025 - (CL+20Y) US - 29 CFR 1910.1050 - (CL+30Y) US - 40 CFR 268.7 - (3Y) US - 40 CFR 270 - (3Y) US - 49 CFR 172.201 - (3Y) US - 49 CFR 177.817 - (3Y)	

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Item No: 13

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **Consent Calendar**

Subject: **Consideration and proposed approval of a resolution authorizing the St. Helena High School annual homecoming parade on Main Street**

CEQA Status: **Categorically Exempt, Section 15323**

Prepared By: **Cindy Black, City Clerk**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

The St. Helena High School annual homecoming parade on Main Street is a long standing tradition.

DISCUSSION

The St. Helena High School requests approval from the City Council to hold its annual homecoming parade on Main Street. The parade will take place on Friday, October 23, 2015, from 2:10 pm to 2:30 pm, starting at Sunshine Market parking lot (Main St. and Mitchell) and ending with a rally at Lyman Park.

The Police Department also participates by controlling/detouring traffic during the parade festivities.

FISCAL IMPACT

None

RECOMMENDED ACTION

Staff recommends the City Council of the City of St. Helena adopt the attached resolution.

ATTACHMENTS

1. St. Helena High School request
2. Resolution

Attachment 1

ST. HELENA HIGH SCHOOL

A California Gold Ribbon School

BENJAMIN L. SCINTO
Principal

GREGORY N. FETTERS
Vice Principal

August 5, 2015

St. Helena City Council
1480 Main Street
St. Helena, CA 94574

Dear Council Members:

The student government of St. Helena High School would like to have our homecoming parade on Main Street, on Friday, October 23, 2015 ending with a rally at Lyman Park.

Our first step in applying for permission to hold this parade is a resolution from the St. Helena City Council. This resolution should state the name of the organization, the date and time of the parade, the starting and ending points of the parade and a statement that our local police department will do any necessary controlling, or detouring of traffic on Highway 29.

The resolution requesting permission must be addressed to: Permit Section, District 04, Cal Trans, P. O. Box 126, Napa, Ca., 94558. The St. Helena High School Student Body would be most appreciative if the City Council would pass such a resolution at their next meeting as further approval must be obtained from the Napa Office of Highway Patrol and the Napa Office of Cal Trans. Thank you.

Sincerely,

Benjamin Scinto
Principal

1. Organization: St. Helena High School
2. Date: Friday, October 23, 2015
3. Time: 2:10 p.m. to 2:30 p.m.
4. Starting point: Sunshine Parking Lot (Main & Mitchell)
   Ending point: Lyman Park

City of St Helena, City Hall
Received

AUG 05 2015

1480 Main St.
St Helena, CA 94574

ST. HELENA HIGH SCHOOL
A California Gold Ribbon School
BENJAMIN L. SCINTO
Principal
GREGORY N. FETTERS
Vice Principal

Facsimile transmittal

TO: City of St Helena Cindy Black FAX NUMBER: 963·7748

FROM: Margarita Rodriguez DATE: 8/10/2015

RE: Parade Approval (City Council)

NUMBER OF PAGES (Including cover): 5

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply

Comments:

Cindy,

- I forgot you requested a copy of insurance last year for city council resolution.

Margarita

1401 GRAYSON AVENUE, ST HELENA CA 94574 ■ 707 967-2740 (office) ■ 707 967-2735 (fax)

CID: 277304 SID: 9249019 6/19/2015

CERTIFICATE OF LIABILITY COVERAGE

COVERAGE PROVIDER:

BAY AREA SCHOOLS INSURANCE COOPERATIVE (BASIC)
(a California Joint Powers Authority)
1750 Creekside Oaks Drive, Suite 200
Sacramento, CA 95833

NAMED COVERED MEMBER:

North Bay Schools Insurance Authority
St. Helena Unified School District
465 Main Street St.
Helena, CA 94574

THE REFERENCED MEMORANDUM OF COVERAGE(S) ("MOC") AND/OR INSURANCE POLICY(IES) EXTEND INDEMNITY PROTECTION TO THE NAMED COVERED MEMBER, IN KEEPING WITH THE TERMS AND CONDITIONS OF THE COVERAGE AGREEMENTS/ POLICIES, FOR THE EFFECTIVE COVERAGE DATES, AND WITH THE STATED COVERAGE LIMITS. COVERAGE PROVIDED BY MOCS IS EXTENDED PURSUANT TO THE RIGHTS AND LIMITATIONS OF CALIFORNIA GOV'T CODE § 990 & 6500, ET SEQ.

TYPE OF COVERAGE	COVERAGE AFFORDED	MOC/POLICY NUMBER	EFFECTIVE DATE(S)	EXPIRATION DATE(S)	LIMITS	LIABILITY SELF INSURED RETENTION
GENERAL LIABILITY	General Liability Employment Practices Educators' Legal Liability Products Liability Completed Operations Liability	BGL07012015	07/01/2015	07/01/2016	$ 2,000,000	$350,000
AUTOMOBILE LIABILITY	Automobile Liability (All Owned, Hired, Leased, and Borrowed)	BAL07012015	07/01/2015	07/01/2016	$ 2,000,000	$350,000

THIS CERTIFICATE CONFERS NO RIGHT, BENEFIT, OR INTEREST IN THE REFERENCED MEMORANDUM(S) OF COVERAGE OR INSURANCE POLICY(IES), NOR DOES IT AMEND, MODIFY, ENLARGE OR ALTER THE COVERAGE AFFORDED BY SUCH DOCUMENTS. IF THE CERTIFICATE HOLDER IS CONTRACTUALLY ENTITLED TO BE NAMED AS AN ADDITIONAL COVERED MEMBER ("ACM") UNDER ANY COVERAGE AGREEMENT OR POLICY, THE CONTRACT IMPOSING THE OBLIGATION MUST BE PROVIDED TO THE NAMED COVERED MEMBER LISTED ABOVE FOR REVIEW AND APPROVAL BEFORE SUCH AN ENDORSEMENT WILL BE ISSUED; ACM COVERAGE IS NOT AUTOMATICALLY GRANTED.

Description and Date (s) of Event/Operations/Locations/Vehicle:
Additional remarks/schedule may be attached if more space is needed.

Re: St. Helena High School Homecoming Parade down Main Street The City of St. Helena, its Officials, Agents, Officers, Employees and Volunteers are named as additional covered member under the general liability and auto liability per the attached endorsements only with regard to this event. Auto Liability applies to St. Helena Unified School District Vehicles only. Primary Wording Included.

CERTIFICATE HOLDER:

City of St. Helena
Attn: Public Works
1480 Main Street
St. Helena, CA 94574

Cancellation of Coverage: If any of the policies described herein be cancelled before their expiration dates, notice will be delivered in accordance with policy provisions.

Issuer of this Certificate:

Commercial Lines - (707) 769-2900
Wells Fargo Insurance Services USA, Inc. - CA Lic#: 0D09408
1039 N. McDowell Blvd.
Petaluma, CA 94954-1173

POLICY NUMBER: BGL07012016

**THIS ENDORSEMENT CHANGES THE MEMORANDUM OF COVERAGE.
PLEASE READ IT CAREFULLY.**

ADDITIONAL COVERED MEMBER — DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies coverage provided under the following:

GENERAL LIABILITY

SCHEDULE

Name of Additional Covered Person(s) or Organization(s)
City of St. Helena Attn: Public Works 1480 Main Street St. Helena, CA 94574 Re: St. Helena High School Homecoming Parade down Main Street The City of St. Helena, its Officials, Agents, Officers, Employees and Volunteers are named as additional covered member under the general liability and auto liability per the attached endorsements only with regard to this event. Auto Liability applies to St. Helena Unified School District Vehicles only. Primary Wording Included.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section III – The Definition of a Covered Member is amended to include as an additional covered member the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

A. In the performance of your ongoing operations; or
B. In connection with your premises owned by or rented to you.

POLICY NUMBER: BAL07012015

THIS ENDORSEMENT CHANGES THE MEMORANDUM OF COVERAGE.
PLEASE READ IT CAREFULLY.

DESIGNATED COVERED MEMBER - AUTOMOBILE

This endorsement modifies coverage provided under the following:

AUTOMOBILE LIABILITY COVERAGE

With respect to coverage provided by this endorsement, the provisions of the Memorandum of Coverage apply unless modified by this endorsement.

This endorsement identifies person(s) or organization(s) who are "covered members" under the definition of a covered member. This endorsement does not alter coverage provided in the Memorandum of Coverage.

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated below.

Named Covered Member:
North Bay Schools Insurance Authority

SCHEDULE

Name of Person(s) or Organization(s):
City of St. Helena
Attn: Public Works
1480 Main Street
St. Helena, CA 94574

Re: St. Helena High School Homecoming Parade down Main Street The City of St. Helena, its Officials, Agents, Officers, Employees and Volunteers are named as additional covered member under the general liability and auto liability per the attached endorsements only with regard to this event. Auto Liability applies to St. Helena Unified School District Vehicles only. Primary Wording included.

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to the endorsement.)

Each person or organization shown in the Schedule is a "covered member" for Liability Coverage, but only to the extent that person or organization qualifies as a "covered member" under the definition of a Covered Member Provision contained in Section III of the Memorandum of Coverage.

277204

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 8/19/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Wells Fargo Insurance Services USA, Inc. 1088-A North McDowell Blvd. Petaluma, CA 94954 707-769-2900	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A: Safety National Casualty Corporation — 15105 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED North Bay Schools Insurance Authority JPA St. Helena Unified School District 465 Main Street St. Helena, CA 94574	

COVERAGES CERTIFICATE NUMBER: 9248641 REVISION NUMBER: See below

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC OTHER:						EACH OCCURRENCE $ DAMAGE TO RENTED PREMISES (Ea occurrence) $ MED EXP (Any one person) $ PERSONAL & ADV INJURY $ GENERAL AGGREGATE $ PRODUCTS - COMP/OP AGG $ $
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) $ BODILY INJURY (Per person) $ BODILY INJURY (Per accident) $ PROPERTY DAMAGE (Per accident) $ $
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE $ AGGREGATE $ $
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		SP4050839	07/01/2015	07/01/2016	X PER STATUTE OTH-ER E.L. EACH ACCIDENT $ 1,000,000 E.L. DISEASE - EA EMPLOYEE $ 1,000,000 E.L. DISEASE - POLICY LIMIT $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: St. Helena High School Homecoming Parade down Main Street.
Evidence of coverage.

CERTIFICATE HOLDER	CANCELLATION
City of St. Helena Attn: Public Works 1480 Main Street St. Helena, CA 94574	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE

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CITY OF ST. HELENA

RESOLUTION NO. 2015-

APPROVING THE ANNUAL HOMECOMING PARADE ON MAIN STREET FOR THE ST. HELENA HIGH SCHOOL

RECITALS

A. St. Helena High School students have requested authorization to conduct their annual Homecoming Parade on Main Street on Friday, October 23, 2015 at 2:10 p.m. until 2:30 p.m.

B. The parade shall start at the Sunshine Market Parking Lot and proceed up Main Street to Lyman Park.

C. The Police Department shall provide the necessary controlling and detouring of traffic on Highway 29, Railroad Avenue, and the parade route.

D. Section 21101(e) of the California Vehicle Code provides the local authorities may, by resolutions, temporarily close a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer of employee that the local authority designated by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

RESOLUTION

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

1. The City Council hereby approves the St. Helena High School request for a Homecoming Parade on Main Street on October 23, 2015.
2. The City Council finds that the benefits derived from authorizing the St. Helena High School Homecoming Parade starting from Sunshine Market Parking Lot on Main Street and ending at Lyman Park outweigh the anticipated inconvenience to the businesses and citizens generally.
3. The City Council hereby requests the Police Department to provide necessary traffic control for the safety and protection of persons who are to use the portion of Main Street during the Homecoming Parade.

Approved at a Regular Meeting if the St. Helena City Council on September 8, 2015 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

_____
Alan Galbraith, Mayor

ATTEST:

_____
Cindy Black, City Clerk

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Item No: 14

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **Consent Calendar**

Subject: Resolution approving a MOU between the St. Helena School District and the St. Helena Recreation Department to provide services for an After-School Enrichment Program for the St. Helena Primary and St. Helena Elementary Schools.

CEQA Status: **Not a CEQA Project**

Prepared By: **Haidi Arias, Recreation Director**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

The After-School Enrichment Program provides a warm, caring environment beyond school hours where children have the opportunity to play with school friends. The After-School Enrichment Program offers exciting activities which stimulate children to be healthier and happier and include sports, art activities, drama, dance, and computer exploration. The After-School Enrichment Program has been operating at the St. Helena Elementary for the past two years. The Recreation department, school administrators, and teachers work together to ensure the After-School Enrichment Program supplements the learning taking place during the school year and utilizing age-appropriate materials and equipment for students.

DISCUSSION

The St. Helena Unified School District, (SHUSD), and the St. Helena Recreation Department, (SHRD), desire to work cooperatively to build an asset-based approach to the delivery of services to children, youth and families. SHUSD and SHRD will implement effective enrichment programming for positive youth development as part of the After-School Enrichment program at St. Helena Elementary and St. Helena Primary.

Students in the After-School Enrichment Program will participate in:
Arts and Music
Drama and Dance
Technology and Robotics
Science experiments
Nutrition and fitness activities

DESCRIPTION OF PROGRAM SERVICES

A. SHRD will:

1. Provide professional instructors to deliver recreational and enrichment program activities that emphasize positive youth development, life skills, and pro-social behaviors.

2. Provide a Recreation Supervisor for approximately 4 hours per week for a maximum of 30 weeks. The Recreation Supervisor will be responsible for coordinating all hiring, registration, and scheduling fall and spring programs. Reimbursement for the Recreation Supervisor will be calculated at $6,000 per year served by SHRD.

3. Deliver after-school program from 2:00 PM to 5:00 P.M. on designated days of program's operation.

4. Be responsible for maintaining evaluation data, attendance forms, and other relevant program documentation as needed by project.

5. Be responsible for general program coordination.

B. SHUSD agrees to the following:

1. Provide space and general operational supplies for services. This space will include access to needed school facilities, office equipment, and supplies.

2. Work collaboratively with SHRD to identify and meet student needs served in the program.

FISCAL IMPACT

None

RECOMMENDED ACTION

Staff recommends the St. Helena City Council adopt the attached MOU.

ATTACHMENTS

1. Memorandum of Understanding
2. Resolution

Attachment 1

Memorandum of Understanding
Between
St. Helena Unified School District
and
The City of St. Helena

The purpose of this MOU is to outline the agreement between the St. Helena Unified School District (SHUSD) and the City of St. Helena as it relates to the payment for the operation of after school enrichment programs for St. Helena Primary School and St. Helena Elementary School for the period August 1, 2105 – June 30, 2016.

Compensation to the City of St. Helena for all services as described by this agreement shall be $18,000.

The City of St. Helena agrees to:

- Provide program coordination which includes;
  - Negotiating agreements with outside agencies
  - Organizing student registration in conjunction with school site administrators
  - Developing schedules for all program aspects

SHUSD agrees to:

- Assist and facilitate advertising the program to students and families.
- Provide payment to the City of St. Helena based on invoices received from outside vendors that provide enrichment opportunities, within the above parameters, not to exceed $12,000.
- Provide payment to the City of St. Helena for administration of the services under this agreement, totaling $6,000.

TERMS:

1. Hold Harmless / Indemnification.

A. City of St. Helena agrees to indemnify, defend, and hold harmless SHUSD, its board of trustees, officers, agents, and employees from and against any and all claims, costs, demands, expenses, losses, damages, injuries, and liabilities arising from any accident, death, or injury whatsoever or however caused to any person or property, because of, arising out of, or related to the active negligence of the City of St. Helena. It is understood that such indemnity shall survive the termination of this Agreement.

B. SHUSD agrees to indemnify, defend, and hold harmless the City of St. Helena, its City Council, officers, agents, and employees from and against any and all claims, costs, demands, expenses, losses, damages, injuries, and liabilities arising from any accident, death, or injury

whatsoever or however caused to any person or property, because of, arising out of, or related to the active negligence of SHUSD. It is understood that such indemnity shall survive the termination of this Agreement.

2. Termination: This MOU may be terminated by either party on thirty (30) days' notice to the other party of intention to terminate the MOU.

City of St. Helena Jennifer Phillips, City Manager	Date	St. Helena USD	Date

Attachment 2

CITY OF ST. HELENA

RESOLUTION NO. 2015-

Approving a MOU between the St. Helena School District and the St. Helena Recreation Department to provide services for an After-School Enrichment Program for the St. Helena Primary and St. Helena Elementary Schools

RECITALS

A. There is a need in St. Helena community for an After-School Enrichment Program.

B. The After-School Enrichment Program will provide a warm, caring environment beyond school hours where children have the opportunity to play and socialize with school friends.

C. The After-School Enrichment Program will also offer exciting activities which stimulate children to be healthier and happier and includes sports, art activities, drama, dance, and computer exploration.

D. The After-School Enrichment Program has been operating at the St. Helena Elementary for the previous two years. The Recreation department, school administrators, and teachers work together to ensure the After-School Enrichment Program supplements the learning taking place during the school year and utilizing age-appropriate materials and equipment for students.

RESOLUTION

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

1. The City Council approves the MOU between the St. Helena School District and the St. Helena Recreation Department to provide services for an After-School Enrichment Program for the St. Helena Primary and St. Helena Elementary Schools; and
2. The City Council authorizes the City Manager to execute the MOU on behalf of the City.

Approved at a Regular Meeting of the St. Helena City Council on September 8, 2015, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

_____
Alan Galbraith, Mayor

ATTEST:

_____
Cindy Black, City Clerk

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Item No: 15

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **Consent Calendar**

Subject: Consideration of resolution approving temporary closure of Oak Avenue and Adams Street for the October 17, 2015 Hometown Harvest Festival festivities and authorizing possession of open alcoholic beverages on those public streets

CEQA Status: **Categorically Exempt, Section 15323**

Prepared By: **Haidi Arias, Recreation Director**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

The Hometown Harvest Festival is an annual event put on by the St. Helena Recreation Department. The event is held on third Saturday, each year on Oak Ave. and open to the community.

DISCUSSION

The St. Helena Recreation Department is hosting the annual Harvest Festival celebration on Oak Ave. on October 17, 2015. The event is approximately from 6:00am to 5:00 pm and will be open to the community of Napa Valley.

Fun Run: (5K Run)
Time: 7:00am – 9:00am
Location: Adams St. (between Oak Ave. and Kearney St.)
Organized by the Sarah Gott

Pet Parade
Time: 9:00am – 12:00pm
Location: Oak Ave. (between Pine St. and Adams St) & Adams St. (between Oak Ave. and Kearney St.)
Judges: Located on the corner of Oak Ave. and Adams St.
Organized by Parks & Recreation Commissioners; Tracy Smith and Roberta Oswald

Harvest Festival
Time: 11:00am – 4:00pm
Location: Oak Ave. (between Adams St and Spring St.)
Includes craft vendors, non-profits food booths, wine tasting, kid zone, and music.
Organized by the St. Helena Recreation Department

Non-Profits selling alcohol beverages:

St. Helena Kiwanis Foundation
St. Helena Rotary Club
St. Helena Oddfellows

FISCAL IMPACT
None

RECOMMENDED ACTION
Staff recommends the City Council of the City of St. Helena adopt the attached resolution.

ATTACHMENTS
1. Resolution

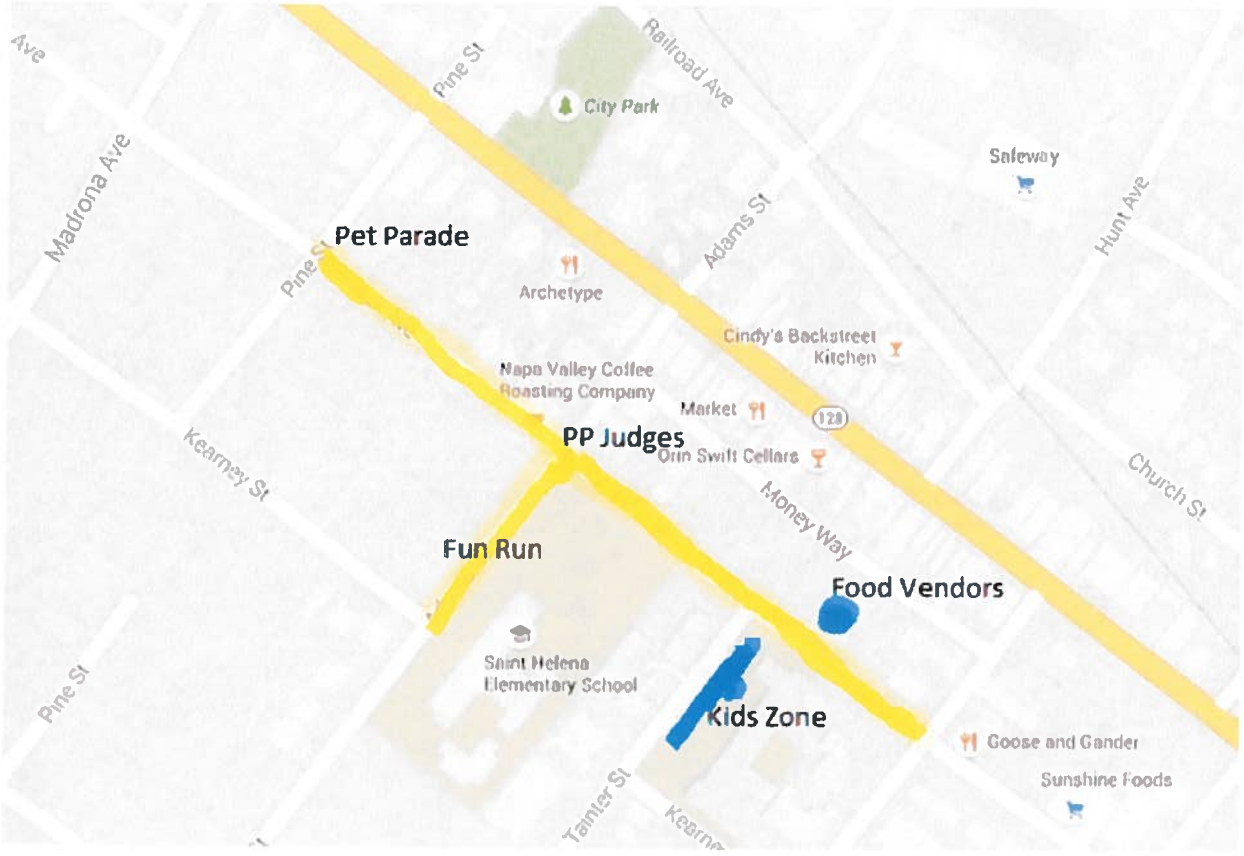
Item No: 15

Site Map: Harvest Festival Date: October 17, 2015

Fun Run:
Time: 7:00am – 10:00am Location: Adams (between Oak Ave. & Kearney St.)

Pet Parade:
Time: 9:00am – 12:00pm Location: Oak Ave. (Between Pine St. & Adams)
Adams St. (Between Oak Ave. & Kearney St.)

Harvest Festival:
Time: 11:00am – 4:00pm Location: Oak Ave. (Between Adams St. & Spring St.)



CITY OF ST. HELENA

RESOLUTION NO. 2015 -

APPROVING TEMPORARY CLOSURE OF OAK AVENUE AND ADAMS STREET FOR THE OCTOBER 17, 2015 HOMETOWN HARVEST FESTIVAL FESTIVITIES AND AUTHORIZING POSSESSION OF OPEN ALCHOHOLIC BEVERAGES ON THOSE PUBLIC STREETS

RECITALS

A. The St. Helena Recreation Department has requested temporary closure of Oak Avenue between Spring St. and Pine St. and Adams Street between Oak Ave. and Kearney St. for the October 17, 2015 Hometown Harvest Festival;

B. Closure of City streets in the area will provide space for Harvest Festival activities and are situated adjacent to where event will take place;

C. St. Helena Kiwanis Foundation, St. Helena Oddfellows and St. Helena Rotary Club have requested authorization to sell beer and wine at the event. St. Helena Municipal Code Section 9.04.010 authorizes the Council, by permit, to allow possession of open alcoholic beverages on public streets or any private or public off-street parking lot;

D. In consideration for the benefits of this event to the community of St. Helena, the City Council desires to waive the Encroachment Permit fee for the event but does not waive the permit requirements and the General Conditions applicable to said permit;

E. Section 21101(e) of the California Vehicle Code provides the local authorities may, by resolutions, temporarily close a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer of employee that the local authority designated by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing;

RESOLUTION

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

1. The City Council finds that the benefits derived from the temporary closing of portions of City streets for the Hometown Harvest Festival outweigh the anticipated inconvenience to the neighborhood and citizens generally, and authorize closure of:
    - Oak Avenue between Spring Street and Pine Street on October 17, 2015 from 6:00 a.m. to 12:00 p.m.
    - Oak Avenue between Spring Street and Adams Street on October 17, 2015 from 6:00 a.m. to 5:00 p.m.
    - Adams Street between Oak Avenue and Kearney Street on October 17, 2015 from 6:00 a.m. to 5:00 p.m.

2. The possession of open container of beer and wine is permitted on public streets and parking lots encompassed by this event.

3. Temporarily closing a portion of the subject streets is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

4. The City insurance policy covers this event at no additional cost to the City.

5. The City Manager is directed to provide reasonable levels of City staff support to accomplish closure of streets and related activities.

Approved at a Regular Meeting if the St. Helena City Council on September 8, 2015 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED: ATTEST:

_____ _____

Alan Galbraith, Mayor Cindy Black, City Clerk

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Item No: 16

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **Consent Calendar**

Subject: **Resolution Establishing a Tax Rate for Servicing Debt Obligations Incurred by the Issuance of 1996 General Obligation Fire Bonds, to be Effective for the 2015-16 Fiscal Year**

CEQA Status: **Not a Project**

Prepared By: **April Mitts, Finance Director**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

Each year the City of St. Helena City Council reviews and adopts a resolution setting the rate to be charged on property tax bills for the 1996 General Obligation Bonds passed by the voters. These assessments are required to generate revenues to pay for debt service on the City's General Obligation Bonds over the current fiscal year.

DISCUSSION

This is the nineteenth year of the assessment after the voters approved the 1996 Fire Station General Obligation Bonds which mature on July 1, 2016. The original estimate was that the rate would not be more than $40 per $100,000; the rate will decrease this year to $2.00 per $100,000 or $0.0020 per $100.

Pursuant to prior Council direction, the schedule below reflects the history of tax rates and is provided for information purposes.

RATE HISTORY	
Fiscal Year 96/97	0.0349
Fiscal Year 97/98	0.0293
Fiscal Year 98/99	0.0219
Fiscal Year 99/00	0.0205
Fiscal Year 00/01	0.0161
Fiscal Year 01/02	0.0134
Fiscal Year 02/03	0.0202
Fiscal Year 03/04	0.0150
Fiscal Year 04/05	0.0146

Fiscal Year 05/06	0.0112
Fiscal Year 06/07	0.0115
Fiscal Year 07/08	0.0102
Fiscal Year 08/09	0.0077
Fiscal Year 09/10	0.0077
Fiscal Year 10/11	0.0077
Fiscal Year 11/12	0.0124
Fiscal Year 12/13	0.0124
Fiscal Year 13/14	0.0124
Fiscal Year 14/15	0.0105
Fiscal Year 15/16	0.0020

FISCAL IMPACT

The fiscal impact to the City of St. Helena will be additional revenue of approximately $40,000 to Fund 420 to pay for debt service on the City's General Obligation Bonds.

RECOMMENDED ACTION

Staff recommends approval of the Resolution establishing a Tax Rate for servicing debt obligations incurred by the issuance of 1996 General Obligation Fire Bonds, to be effective for the 2015-16 Fiscal Year

ATTACHMENTS

Attachment A – Resolution Establishing a Tax Rate for Servicing Debt Obligations Incurred by the Issuance of 1996 General Obligation Fire Bonds, to be Effective for the 2015-16 Fiscal Year.

Attachment A

CITY OF ST. HELENA

RESOLUTION NO. 2015-___

ESTABLISHING A TAX RATE FOR SERVICING DEBT OBLIGATIONS INCURRED BY THE ISSUANCE OF 1996 GENERAL OBLIGATION FIRE BONDS, TO BE EFFECTIVE FOR THE 2015-16 FISCAL YEAR

RECITALS

A. Each year the City must determine and set the tax rate necessary to generate sufficient revenues from property taxes to pay debt service for the subject fiscal year; and

B. The City has determined that during fiscal year 2015-16, $40,000 must be raised by taxation for the purpose of servicing debt incurred by the issuance of the 1996 General Obligation Fire Station Bonds.

RESOLUTION

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

1. The City Council determines that the tax rate for Fiscal Year 2015-16 for servicing debt obligation incurred by the issuance of the 1996 Fire Station General Obligation Bonds shall be $2.00 per $10,000, or .0020 per $100, of assessed valuation for all properties on the City's Tax Roll.

Approved at a Regular Meeting of the St. Helena City Council on August 11, 2015 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

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Item No: 17

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **Consent Calendar**

Subject: Consideration and proposed approval of a resolution expanding the duties of the budgeted part-time Office Assistant in the City Clerk's office to a shared full-time Administrative Assistant with the Planning Department for an additional cost of $61,735.

CEQA Status: **Not a CEQA Project**

Prepared By: **Dawn Marshall, Administrative Services Manager**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

In 2010, the City supplied both the City Manager's office and the Planning Department with two full time administrative support specialists. The administrative assistant in the City Manager's office was not replaced after she resigned in 2010. The administrative assistant for the Planning Department was laid off in 2012 during the recession. In the FY 2015-16 Adopted Budget, the only administrative support budgeted for these two departments is a part-time employee assigned to the City Clerk's office.

DISCUSSION

The City Clerk's office and the Planning Department have the need to hire one full-time Administrative Assistant to provide support for the significantly increased workload related to an increase in building and planning activities and implementation of proper records management. This position will be assigned various duties such as publication of City records, agendas, and minutes relating to City Council and Planning Commission activities, participate in upcoming special projects such as the microfiche system and updates to the City website. The position will also perform a wide range of complex administrative support tasks and duties beyond the grade of an office assistant. The cost of a full-time Administrative Assistant from October 2015 to June 2016 is estimated at $61,735.

FISCAL IMPACT

The existing part-time office assistant in the FY 2015-16 Adopted Budget is included in the City Manager's Department budget and funded mostly by the General Fund with a small portion of the costs appropriated to the water and sewer funds. The total remaining balance in FY 2015-16 budget is $21,253. Approximately half of the cost of this new

position which totals $30,867 is expected to be covered by development fees received by the Planning Department. A portion of the other half will be offset by the remaining balance in the budget for the Office Assistant. Therefore, $7,891 will be drawn from General Fund Reserves, and $961 will be drawn from both the Water net position and Wastewater net position. The total annual on-going cost for this position is estimated at $82,313 and will included in the FY 2016-17 proposed budget as an ongoing expense.

RECOMMENDED ACTION

Approve the addition of the Administrative Assistant position and appropriate $7,891 from General Fund Reserves, $961 from the Water net position, and $961 from the Wastewater net position to fund the position. In addition, authorize a budget adjustment for the Planning Department of $30,867 in additional fee revenue and an additional expense of $30,867 for this position. If fee revenue is inadequate to cover this expense, funds will be drawn from the General Fund Reserve at the end of the fiscal year.

ATTACHMENTS

1. Resolution
2. Cost breakdown between the part-time Office Assistant and full-time Administrative Assistant.
3. Budget Adjustment Form

Attachment 1

CITY OF ST. HELENA
RESOLUTION NO. 2015-

APPROVING THE ADDITION OF AN ADMINISTRATIVE ASSISTANT FOR THE CITY MANAGER AND PLANNING DEPARTMENTS

RECITALS

A. In 2010 and 2012, the City did not replace the Administrative Assistant in the City Manager's office and released the Administrative Assistant in the Planning Department. The current, budgeted support staff is for one part time Office Assistant.
B. The City has determined that the workload in the City Manager's office and the Planning Department is more than one part time Office Assistant can complete.
C. With the replacement of the part time Office Assistant, staff recommends adding one full-time permanent position to FY 2015-16 budget with minimal fiscal impact.
D. The position would be funded through existing budget, user fees, and a $7,891 transfer from General Fund reserves.

Now, therefore, the City Council of the City of St. Helena resolves as follows:

1. Adopts resolution approving the replacement of a part time budgeted Office Assistant with a full-time Administrative Assistant position to be shared by the City Manager's office and the Planning Department.

Approved at a regular meeting of the St. Helena City Council on September 8, 2015 by the following vote:

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Crull: _____
Councilmember Dohring: _____
Councilmember Pitts: _____

APPROVED: ATTEST:

_____ _____
Alan Galbraith, Mayor Cindy Black, City Clerk

Office Assistant

Budgeted:		Budget	Used	Balance
80%	101-4200	21,496.00	4,493.31	17,002.69
10%	561-4200	2,687.00	561.66	2,125.34
10%	571-4200	2,687.00	561.66	2,125.34
		26,870.00	5,616.64	21,253.36

Administrative Assistant

Cost Estimate October-June

		Salary & Benefits	Less Budget Available	Budget Adjustment
40%	101-4200	24,694.00	17,002.69	7,691.31
5%	561-4200	3,086.75	2,125.34	961.41
5%	571-4200	3,086.75	2,125.34	961.41
50%	101-4500	30,867.50	-	30,867.50
		61,735.00	21,253.36	40,481.64

Salary (Oct-June)	36,407.86
Benefits	25,327.14
	61,735.00

City of St. Helena
Budget Adjustment Form

Budget Adjustment Number: 16-04

Descriptions		Account Number					
Dept	Object Code	Fund	Dept	Obj Cd	Current Budget	Budget Adjustment	Adjusted Budget
City Manager	Salary-Regular	101	4200	2010	261,865	14,573	276,438
City Manager	FICA/Medicare	101	4200	2040	19,074	(76)	18,998
City Manager	Employer PERS	101	4200	2045	27,570	911	28,481
City Manager	Employee PERS	101	4200	2050	-	-	-
City Manager	Health Insurance	101	4200	2055	51,672	7,673	59,345
City Manager	Workers Comp	101	4200	2061	12,373	-	12,373
City Manager	SDI	101	4200	2065	1,877	131	2,008
City Manager	Unemployment	101	4200	2071	-		-
City Manager	Deferred Comp	101	4200	2075	5,217	257	5,474
Non-Dept.	EAP	101	4000	2445	183,479	41	183,520
City Manager	Part-Time	101	4200	2020	19,968	(15,794)	4,174
					-	-	-
* See page 2							-
					$ 583,095	$ 7,716	$ 590,811

Descriptions	Project Number	Current Budget	Budget Adjustment	Adjusted Budget
		$ -	$ -	$ -

Justification:
Approval of Administrative Assistant Position to be split between City Manager (City Clerk) and Planning

Fund Sources:
101/561/571 Reserves

APPROVED:

_____ **DEPARTMENT HEAD**

_____ **FINANCE DIRECTOR**

_____ **CITY MANAGER**

Council Approval ☐ Required ☒ Not Required Resolution No. _____

I certify that this budget adjustment was approved by the City Council on _____

_____ **CITY CLERK**

City of St. Helena
Budget Adjustment Form

Budget Adjustment Number: 16-04

Descriptions		Account Number					
Dept	Object Code	Fund	Dept	Obj Cd	Current Budget	Budget Adjustment	Adjusted Budget
City Manager	Salary-Regular	561	4200	2010	73,859	1,822	75,681
City Manager	FICA/Medicare	561	4200	2040	4,986	(8)	4,978
City Manager	Employer PERS	561	4200	2045	9,067	114	9,181
City Manager	Employee PERS	561	4200	2050	-	-	-
City Manager	Health Insurance	561	4200	2055	12,535	959	13,494
City Manager	Workers Comp	561	4200	2061	2,555	-	2,555
City Manager	SDI	561	4200	2065	505	16	521
City Manager	Unemployment	561	4200	2071	-		-
City Manager	Deferred Comp	561	4200	2075	1,384	32	1,416
City Manager	Part-time	561	4200	2020	2,496	(1,974)	522
* See page 3							-
					$ 107,387	$ 961	$ 108,348

Descriptions	Project Number	Current Budget	Budget Adjustment	Adjusted Budget
		$ -	$ -	$ -

Justification:
Approval of Administrative Assistant Position to be split between City Manager (City Clerk) and Planning

Fund Sources:
101/561/571 Reserves

APPROVED:

_____ **DEPARTMENT HEAD**

_____ **FINANCE DIRECTOR**

_____ **CITY MANAGER**

Council Approval [ ] Required [x] Not Required Resolution No. [ ]

I certify that this budget adjustment was approved by the City Council on _____

_____ **CITY CLERK**

City of St. Helena
Budget Adjustment Form

Budget Adjustment Number: 16-04

Descriptions		Account Number			Current Budget	Budget Adjustment	Adjusted Budget
Dept	Object Code	Fund	Dept	Obj Cd			
City Manager	Salary-Regular	571	4200	2010	68,521	1,822	70,343
City Manager	FICA/Medicare	571	4200	2040	4,562	(8)	4,554
City Manager	Employer PERS	571	4200	2045	8,009	114	8,123
City Manager	Employee PERS	571	4200	2050	-	-	-
City Manager	Health Insurance	571	4200	2055	11,217	959	12,176
City Manager	Workers Comp	571	4200	2061	2,723	-	2,723
City Manager	SDI	571	4200	2065	457	16	473
City Manager	Unemployment	571	4200	2071	-		-
City Manager	Deferred Comp	571	4200	2075	779	32	811
City Manager	Part-time	571	4200	2020	2,496	(1,974)	522
							-
							-
							-
							-
* See page 4							-
					$ 98,764	$ 961	$ 99,725

Descriptions	Project Number	Current Budget	Budget Adjustment	Adjusted Budget
		$ -	$ -	$ -

Justification:
Approval of Administrative Assistant Position to be split between City Manager (City Clerk) and Planning

Fund Sources:
101/561/571 Reserves

APPROVED:

_____ _____
DEPARTMENT HEAD **FINANCE DIRECTOR**

_____
CITY MANAGER

Council Approval ☐ Required ☒ Not Required Resolution No. _____

I certify that this budget adjustment was approved by the City Council on _____

_____
CITY CLERK

City of St. Helena
Budget Adjustment Form

Budget Adjustment Number: 16-04

Descriptions Dept	Object Code	Account Number Fund	Dept	Obj Cd	Current Budget	Budget Adjustment	Adjusted Budget
Planning	Salary-Regular	101	4500	2010	285,540	18,216	303,756
Planning	FICA/Medicare	101	4500	2040	21,993	1,417	23,410
Planning	Employer PERS	101	4500	2045	30,446	1,139	31,585
Planning	Employee PERS	101	4500	2050	-	-	-
Planning	Health Insurance	101	4500	2055	52,478	9,591	62,069
Planning	Workers Comp	101	4500	2061	10,086	-	10,086
Planning	SDI	101	4500	2065	2,375	164	2,539
Planning	Unemployment	101	4500	2071	-		
Planning	Deferred Comp	101	4500	2075	3,254	321	
						-	
** Add increase in revenues							
Planning	Apps. & Permit Fees	101	3374	0000	195,000	30,848	225,848
							-
					$ 601,172	$ 61,696	$ 659,293

Descriptions	Project Number	Current Budget	Budget Adjustment	Adjusted Budget
		$ -	$ -	$ -

Justification:
Approval of Administrative Assistant Position to be split between City Manager (City Clerk) and Planning

Fund Sources:
101/561/571 Reserves

APPROVED:

_____ **DEPARTMENT HEAD**

_____ **FINANCE DIRECTOR**

_____ **CITY MANAGER**

Council Approval ☐ Required ☒ Not Required Resolution No. _____

I certify that this budget adjustment was approved by the City Council on _____

_____ **CITY CLERK**

Item No: 18

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **Consent Calendar**

Subject: Consideration and proposed approval of a resolution Finding an Exemption from CEQA; Approving and Adopting the Project Manual; and Authorizing the Bid Request for Stonebridge Wells Water Treatment Plant Filter Improvements W-102

CEQA Status: Categorically Exempt Section 15301

Prepared By: **Steven Palmer, PE, Director of Public Works/City Engineer**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

The Stonebridge Wells supply approximately 20% of St. Helena's water supply. Groundwater from the Stonebridge wells is treated to remove iron and manganese and is chlorinated prior to entering the City's distribution system.

The Stonebridge Well 1 filter vessels were installed and put into operation in 1992. Since this time the vessels have performed well and required only routine maintenance.

On April 28, 2015, the City Council, by resolution, authorized a professional service agreement with West Yost Associate for the preparations of plans, specifications, and construction estimate and construction management and inspections services for the Stonebridge Wells Water Treatment Plant Filter Improvements Project.

DISCUSSION

The Stonebridge Well Filter and Restoration Project will replace spent filter media, remove and replace vessel protective coating and replace existing vessel piping.

A second groundwater well, Stonebridge Well 2, and filters were installed in 1996 which will continue to operate while the Stonebridge Well 1 filters are being rehabilitated.

Contract Documents were sent to the following builders exchanges on September 4, 2015:

- Construction Billboard (eBidboard)
- McGraw-Hill Construction Dodge

- North Coast Builders Exchange
- Marin Builders Association
- Solano-Napa Builders Exchange
- Contra Costa Builders Exchange

Sealed proposals for Stonebridge Wells Water Treatment Plant Filter Improvements will be received at the office of the Director of Public Works until 2:00 p.m. on October 7, 2015 at which time they will be publicly opened and read.

The award of the Stonebridge Wells Water Treatment Plant Filter Improvements Project is tentatively schedule for Council Award on October 27, 2015.

FISCAL IMPACT:
A summary of anticipated expenditures and budget is presented below.

Project Funding and Expenditures	
Agreement with West Yost Associates for	
Design and Inspection Cost	$ 63,282
Estimated Construction Cost	$180,000
Construction Contingency (10%)	$ 18,000
Total estimated project cost	$261,282
W-102 Well Filter Rehabilitation Project Budget	$210,000

A budget adjustment will be presented to City Council for consideration at the time the construction contract is awarded. The construction contract will not be awarded without the necessary budget adjustment to complete construction.

RECOMMENDED ACTION
Adopt the attached resolution finding an exemption from CEQA; approving and adopting the Project Manual; and authorizing the bid request for Stonebridge Wells Water Treatment Plant Filter Improvements W-102.

ATTACHMENTS
1. Resolution
2. Specifications may be viewed online at www.blueprintexpress.com/sthelena

CITY OF ST. HELENA

RESOLUTION NO. 2015-____

FINDING THE PROJECT EXEMPT FROM CEQA; APPROVING AND ADOPTING THE PROJECT MANUAL; AND AUTHORIZING THE BID REQUEST FOR STONEBRIDGE WELLS WATER TREATMENT PLANT FILTER IMPROVEMENTS, CIP PROJECT W-102

A. On April 28, 2015, the City Council, by resolution, authorized a professional service agreement with West Yost Associate for the preparations of plans, specifications, and construction estimate and construction management and inspections services for the Stonebridge Wells Water Treatment Plant Filter Improvements Project; and

B. The Stonebridge Wells supply approximately 20% of St. Helena's water supply. Groundwater from the Stonebridge wells is treated to remove iron and manganese and is chlorinated prior to entering the City's distribution system; and

C. The Capital Improvement Program provides funds for Stonebridge Wells Water Treatment Plant Filter Improvements W-102.

RESOLUTION

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

1. The project is categorically exempt from the California Environmental Quality Act, pursuant to CEQA Guidelines section 15301, Existing Facilities Class 1 which exempts the operation, repair, maintenance, and permitting of existing facilities involving negligible or no expansion of use including publically owned utilities; and

2. The Project Manual, available online and for viewing at City Hall, 1480 Main Street, is hereby approved; and

3. The City Engineer is authorized to solicit bids for the subject project.

Approved at a Regular Meeting of the St. Helena City Council on September 8, 2015 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED: ATTEST:

_____ _____

Alan Galbraith, Mayor Cindy Black, City Clerk

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Item No: 19

Report to the City Council
Council Meeting of September 8th, 2015

Agenda Section: **Consent Calendar**

Subject: Adopt a resolution approving the Cooperative Joint Powers Agreement in the amount of $32,385 to Fund and Administer the Napa Countywide Stormwater Management Program known as the Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) through 2018.

CEQA Status: Not a CEQA Project

Prepared By: **Tobias Barr, Project Manager** T.B.
Steven Palmer, PE, Director of Public Works/City Engineer

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

Under State and Federal regulations the City of St. Helena must comply with the National Pollution Discharge Elimination System (NPDES) through maintaining permit coverage under the State Water Resources Control Board's (SWRCB) Municipal Storm Water Permitting Program. The program regulates stormwater discharges from municipal separate storm sewer systems. The City of St. Helena is regulated under the Phase II permitting, which requires the city to obtain a general permit for Stormwater Discharges from Small Municipal Storm Sewer Systems (General MS4 Permit, Order No. 2013-0001).

The City of St. Helena has collaborated with the Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) to participate in an ongoing regional permit compliance program. Included in the regional program along with the City of St Helena are the Napa County Flood Control and Water Conservation District (District), City of Calistoga, City of American Canyon, City of Napa, County of Napa and the Town of Yountville. Together the regional collaborative complies with stormwater regulatory requirements administered through the General MS4 Permit. The ongoing regional joint effort allows participants to streamline permitting and leverage funds through the county wide program.

DISCUSSION

City staff has worked with the NCSPPP and neighboring Cities and Towns to develop this Cooperative Joint Powers Agreement. The purpose of the Agreement is to execute the permit requirements more efficiently and effectively, and fund the Countywide Program based on the NCSPPP Agency's population size/assessed value. Under the program the District provides assistance, support and collaboration to the City related MS4 permit activities, including:

- Comply with stormwater permits
- Leverage work of other North Bay permittees
- Fulfill certain permit requirements jointly
- Cost share
- Provide nexus for regional and statewide collaboration and cost sharing

Entering into this Agreement allows the City to streamline its financial responsibility for supporting work with the District. Since Resolution 2003-82, the City of St. Helena has collaborated regionally with the NCSPPP to meet regional wide compliance obligations. The term of this Agreement coincides with the term of the General MS4 Permit and expires in 2018.

Under this Agreement, the District will provide an NCSPPP Program Manager to provide guidance and assistance to the jurisdictions. The NCSPPP Program Manager coordinates meetings of the NCSPPP and takes the lead on MS4 Permit Requirements that affect all of the member agencies.

Program Costs

Program costs are divided into three categories. Category 1 Costs are Program Administration Costs. The District contributes 50% of the actual cost of Category 1, Program Administration Costs from its maintenance and watershed programs project No. 96-1 fund, and the remaining Program Administration Costs are divided equally among the six agencies. Category 2 Costs are cost of Permit Implementation Activities, such as training, public education, and water quality monitoring. Category 2 Costs are shared based on population and benefit assessment units. Category 3 Costs are Optional Permit Implementation Services that not all member agencies ask NCSPPP to provide. Examples include pet waste bags, and trash reduction planning. The Budget Allocation by Entity for Fiscal Year 2015/2016 is included as Attachment 3.

FISCAL IMPACT

The cost to implement this Agreement for Fiscal Year 2015/2016 is $32,385 and it is included in this fiscal year budget. This resolution has no further fiscal impact. Future

annual budgets for NCSPPP activities will be agreed upon by the NCSPPP agency Management Committee, and the City's cost share will be included in future annual budgets.

RECOMMENDED ACTION

Staff recommends that the City Council adopt the attached resolution approving the Cooperative Joint Powers Agreement to Fund and Administer the Napa Countywide Stormwater Program (Napa Countywide Stormwater Pollution Prevention Program).

ATTACHMENTS

1. Resolution
2. Cooperative Joint Powers Agreement to Fund and Administer the Napa Countywide Stormwater Program (Napa Countywide Stormwater Pollution Prevention Program)
3. Budget Allocation by Entity, Fiscal Year 2015/2016
4. Implementation Plan

CITY OF ST. HELENA

RESOLUTION NO. 2015-____

APPROVING THE COOPERATIVE JOINT POWERS AGREEMENT TO FUND AND ADMINISTER THE NAPA COUNTYWIDE STORMWATER MANAGEMENT PROGRAM THROUGH FISCAL YEAR 2017-2018.

RECITALS

A. With Resolution 2003-82, the City of St. Helena entered into the original agreement for a Joint Powers Authority (JPA) for the Napa County Stormwater Management Program (NCSMP); and

B. With Resolutions 2004-60, 2005-117, 2007-104, 2009-14, 2010-42, 2012-68, and 2013-54, the City Approved amendments to the original JPA agreement; and

C. State of California Phase II Small MS4 General Permit (Order No. 2013-0001), increased compliance and cost of compliance for all permittees; and

D. The City Attorney reviewed and approved the agreement; and

E. The City of St. Helena's cost-share amount for each year of the program will be approved during the City's annual budget approval process.

RESOLUTION

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

1. The City Council approves the Cooperative Joint Powers Agreement to Fund and Administer the Napa Countywide Stormwater Program (Napa Countywide Stormwater Pollution Prevention Program).
2. The City Council authorizes the Mayor to execute the agreement on behalf of the City.

Approved at a Regular Meeting of the St. Helena City Council on (date), by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

_____
Alan Galbraith, Mayor

ATTEST:

_____
Cindy Black, City Clerk

NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AGREEMENT NO. _____

NAPA COUNTY AGREEMENT NO. _____

CITY OF NAPA AGREEMENT NO. _____

CITY OF ST. HELENA AGREEMENT NO. _____

CITY OF CALISTOGA AGREEMENT NO. _____

CITY OF AMERICAN CANYON AGREEMENT NO. _____

TOWN OF YOUNTVILLE AGREEMENT NO. _____

COOPERATIVE JOINT POWERS AGREEMENT TO FUND AND ADMINISTER THE NAPA COUNTYWIDE STORMWATER MANAGEMENT PROGRAM (NAPA COUNTYWIDE STORMWATER POLLUTION PREVENTION PROGRAM)

THIS COOPERATIVE JOINT POWERS AGREEMENT ("Agreement"), is entered into as of this _____ day of _____ 2015 by and between the Napa County Flood Control and Water Conservation District, a special district of the State of California, ("DISTRICT"), the City of American Canyon, the City of Napa, the City of St. Helena, the City of Calistoga (collectively, "CITIES"), and the Town of Yountville ("TOWN"), and the Napa County, a political subdivision of the State of California, ("COUNTY"). DISTRICT, CITIES, TOWN, and COUNTY are also referred to herein as "Party" individually and "Parties" collectively.

RECITALS

WHEREAS, as public agencies, COUNTY, CITIES, TOWN, and DISTRICT are authorized by Government Code section 6500, *et seq.*, to enter into a joint exercise of powers agreement for the funding and performance of functions within each other's jurisdictions which each agency is individually authorized to conduct within its own jurisdiction; and

WHEREAS, the Federal Clean Water Act requires COUNTY, CITIES, and TOWN (hereinafter also referred to as "Permittees") to comply with the National Pollutant Discharge Elimination System ("NPDES") General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (General MS4 Permit) as ordered by the United States Environmental Protection Agency; and

WHEREAS, COUNTY, CITIES, and TOWN are all required to operate as a Permittees under the State of California's General MS4 Permit; and

WHEREAS, COUNTY, CITIES, and TOWN filed a Notice of Intent to comply with the terms of the General MS4 Permit; and

WHEREAS, DISTRICT has sponsored and developed the Napa Countywide Stormwater Management Program, commonly referred to as the Napa Countywide Stormwater Pollution Prevention Program ("NCSPPP"), to facilitate compliance by COUNTY, CITIES, and TOWN with the General MS4 Permit requirements; and

WHEREAS, COUNTY, CITIES, and TOWN each agree to reimburse the DISTRICT for a proportional percentage of the costs for the DISTRICT'S administration of the NCSPPP; and

WHEREAS, the Parties acknowledge that the NCSPPP responsibilities, yearly budget, and the calculation of the Parties' proportional cost reimbursement and Party-specific stormwater program implementation responsibilities may change each year; and

WHEREAS, the State issued a new General MS4 Permit in 2013 which includes increases in cost of compliance for Permittees and the Parties agree to certain increases in the scope of responsibilities to be undertaken by the NCSPPP in support of the Permittees' compliance activities; and

WHEREAS, the Parties agree to extend the term of this Agreement through fiscal year 2017-2018 and in light of the increased costs and responsibilities of the new General MS4 Permit, the Parties acknowledge that their proportional cost reimbursement will reflect the cost of services provided by the DISTRICT that are attributable to each Party; and

WHEREAS, the General MS4 Permit is effective through June 30, 2018 and may be administratively extended by the State Water Resources Control Board; and

WHEREAS, the Parties may in the future wish to extend the term of this Agreement in response to such an administrative extension by the State Water Resources Control Board; and,

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the Parties agree as follows:

TERMS

1. **Term of the Agreement**. The term of this Agreement shall commence on July 1, 2015 or after this Agreement is signed by DISTRICT, CITIES, TOWN, and COUNTY whichever is later, and shall terminate on June 30, 2018. The term of this Agreement shall remain in force unless any of the Parties gives the other Parties written notice of intention to terminate in accordance with the provisions set forth in Paragraph 7(a) or 7(b).

2. **The Parties' Obligations.** DISTRICT shall administer certain necessary actions in connection with the NCSPPP to facilitate the Parties' compliance with the General MS4 Permit requirements on behalf of CITIES, TOWN and COUNTY, as more particularly described in

Exhibits A and A-1, attached hereto and incorporated by this reference. CITIES, TOWN, and COUNTY shall be responsible for those tasks specifically required of them to comply with the General MS4 Permit requirements on the local level as more particularly described in Exhibit A-1, attached hereto and hereby incorporated by reference.

3. **CITIES', TOWN's, AND COUNTY's Proportional Cost Reimbursement Obligations.**

The Parties shall establish an estimated amount (the "Estimated Amount") each fiscal year for the provision of services hereunder. For the period commencing on the Effective Date and ending June 30, 2016, the Estimated Amount is Five Hundred Eighteen Thousand and Fifty-Five Dollars ($518,055). The Estimated Amount for each subsequent fiscal year will be submitted by the DISTRICT's Stormwater Program Manager to all Parties by March 1st of each year, commencing March 1, 2016. The updated Estimated Amount will be developed in conjunction with the services described in Exhibits A and A-1. The Parties shall use reasonable efforts to have the Estimated Amount approved by their respective governing bodies or by designee authorized by the Party by July 1st of each year commencing July 1, 2016. In the event of any delay in the adoption of the Estimated Amount pursuant to this provision, DISTRICT is authorized to continue providing services in accordance with Exhibits A and A-1. CITIES and TOWN shall continue to pay DISTRICT all direct and indirect costs for services rendered pursuant to this Agreement.

(a) **Fiscal Year 2015 – 2018.** During the term of this Agreement (Fiscal Year 2015 – 2018), CITIES, TOWN, and COUNTY shall reimburse DISTRICT for the proportional costs of administering the NCSPPP to comply with the General MS4 Permit requirements in accordance with the method described in Exhibit B, attached hereto and hereby incorporated by reference. The Parties have agreed upon a methodology for payment of the cost of services provided by the DISTRICT that are attributable to each Party for the following:

(1) **Program Administration.** Services to be provided by DISTRICT, also herein referred to as Category 1 items, which will constitute a baseline of program costs to be shared amongst all of the CITIES, DISTRICT, TOWN, and COUNTY.

(2) **Permit Implementation Services**. Services to be provided by DISTRICT, also herein referred to as Category 2 items, which will be an additional cost beyond the baseline and will be shared amongst all of the CITIES, TOWN, and COUNTY.

(3) **Optional Permit Implementation Services.** Services to be provided by DISTRICT at the request of one or more of the CITIES, TOWN, and/or COUNTY, also herein referred to as Category 3 items, which will be an additional cost beyond the baseline Program Administration to be borne only by those Permittees who expressly request in writing such services.

4. **Method and Timing of Reimbursement.** DISTRICT shall provide for strict accountability of all funds and report all receipts and disbursements, upon a Party's request. Each Party to this Agreement shall be invoiced regularly by the DISTRICT for the proportional costs described in Paragraph 3 hereof. Payment by each Party of the invoice shall be made and received in DISTRICT's administrative offices on or before the close of business within 45 days of the date of invoice. The due date shown on the invoice shall not be less than 30 calendar days after the date of issuance of the invoice.

5. **Insurance.**

(a) **Liability Insurance.** Each Party shall obtain and maintain in full force and effect during the term of this Agreement the following liability insurance coverages, issued by a company admitted to do business in California and having an A.M. Best rating of A:VII or better or equivalent self-insurance:

(1) **General Liability.** Each Party shall obtain and maintain in full force and effect during the term of this Agreement commercial or comprehensive general liability insurance coverage (personal injury and property damage) of not less than ONE MILLION DOLLARS ($1,000,000) combined single limit per occurrence, either issued by a company admitted to do business in the State of California and having an A.M. Best Rating of no less than A:VII or by self-insurance satisfactory to the other Party's risk manager or employee designated by that Party to perform such function, or by a combination thereof, covering liability for any personal injury, including death, to any person and/or damage to the property of any person arising from the acts or omissions of that Party under this Agreement except for acts or omissions performed in strict compliance with express direction of the other Parties' governing boards, officers or personnel. If the coverage includes an aggregate limit, the aggregate limit shall be no less than twice the per occurrence limit.

(2) **Comprehensive Automobile Liability Insurance.** Each Party shall obtain and maintain in full force and effect during the term of this Agreement a comprehensive automobile liability insurance policy (Bodily Injury and Property Damage) on owned, hired, leased and non-owned vehicles used in conjunction with that Party's activities under this Agreement of not less than THREE HUNDRED THOUSAND DOLLARS ($300,000) combined single limit per occurrence.

(b) **Certificates of Coverage.** Where the foregoing coverages are provided by insurance rather than by self-insurance (written proof of which shall be provided to the other Parties), the coverages shall be evidenced by one or more certificates of coverage which shall be filed with the DISTRICT's Secretary or Clerk prior to payment for performance of any of the Parties' duties under this Agreement; shall name the other Parties, their officers, employees, and agents as additional insureds; shall be kept current during the term of this Agreement; and shall provide that the other Parties shall be given no less than thirty (30) days prior written notice of any non-renewal, cancellation, other termination, or material change. Upon written request by the other Parties, the Party shall provide or arrange for the insurer to provide the other Parties with certified copies of the actual insurance policies or relevant portions thereof within thirty (30) days of the request.

6. **Hold Harmless/Defense/Indemnification.** Upon written demand, each Party shall defend, release, indemnify, and hold harmless each other Party as well as their respective officers, agents, and employees from any claim, loss, liability penalty, demand, or expense including without limitation, those for personal injury (including death), damage to property or for costs of remediation or other actions needed to correct or abate any violation of federal, state, or local law, regulation, or permit provision arising out of, or connected with, any acts or omissions of that Party or its officers, agents, or employees when performing any obligations or exercising any rights under this Agreement, the NCSPPP or General Permit.

7. **Termination for Cause and Non-Appropriation.**

(a) **Termination for Cause.** If any Party shall fail to fulfill in a timely and proper

manner that Party's obligations under this Agreement, including each Party's Proportional Cost Reimbursement Obligation, that Party's obligations under the NCSPPP or General MS4 Permit or otherwise breach this Agreement and fail to cure such failure or breach within thirty (30) days of receipt of written notice from the other Party describing the nature of the failure or breach, any of the non-defaulting Parties may, in addition to any other remedies it may have, terminate this Agreement as to the defaulting Party by giving thirty (30) days written notice to the defaulting Party in the manner set forth in Paragraph 9 (Notices).

(b) **Termination for Non-Appropriation.** This Agreement may be terminated by any of the CITIES, TOWN, or by COUNTY as to that Party only if despite that Party's best efforts, that Party is unable to appropriate sufficient funds in any fiscal year to meet its financial obligations under this Agreement. Termination under this paragraph shall be effective only after the terminating Party has given no less than thirty (30) days written notice of such termination to all other Parties specifying the effective date thereof. Upon termination by any Party, that Party's share of any administrative costs borne by DISTRICT shall be shared by the remaining Parties pursuant to the formula described in Exhibit B and terminating Party shall only be responsible for payment of administrative costs already previously appropriated by terminating Party.

8. **No Waiver.** The waiver by any Party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

9. **Notices.** All notices required or authorized by this Agreement shall be in writing and shall be delivered in person or by deposit in the United States mail, by certified mail, postage prepaid, return receipt requested. Any mailed notice, demand, request, consent, approval, or communication that any Party desires to give the other Parties shall be addressed to the other Parties at the address set forth below. Any Party may change its address by notifying the other Parties in writing of the change of address. Any notice sent by mail in the manner prescribed by this paragraph shall be deemed to have been received on the date noted on the return receipt or five days following the date of deposit, whichever is earlier.

COUNTY	CITIES
David Morrison, Director Napa County Department of Planning, Building & Environmental Services 1195 Third Street, Room 210 Napa, CA 94559	Dana Shigley City Manager City of American Canyon 4381 Broadway, Suite 201 American Canyon, CA 94503

DISTRICT Richard Thomasser Operations Manager Napa County Flood Control and Water Conservation District 804 First Street Napa, CA 94559	 Jacques LaRochelle Public Works Director City of Napa Department of Public Works P.O. Box 660 Napa, CA 94559
TOWN Joe Tagliaboschi Director of Public Works Town of Yountville Town Hall 6550 Yount Street Yountville, CA 94599-1271	Steve Palmer Public Works Director/City Engineer City of St. Helena Department of Public Works 1480 Main Street St. Helena, CA 94574
	Michael Kirn Public Works Director/City Engineer City of Calistoga 414 Washington Street Calistoga, CA 94515

10. Independent Entities.

Although this Agreement is a Joint Powers Agreement as authorized by California Government Code section 6500 *et seq*, DISTRICT, CITIES, TOWN and COUNTY are independent entities, and DISTRICT, CITIES, TOWN and COUNTY and the respective officers, agents and employees of DISTRICT, CITIES, TOWN and COUNTY are not, and shall not be deemed, employees of the other Parties for any purpose including but not limited to worker's compensation and employee benefits.

11. Privileges, Immunities and other Benefits.

In accordance with California Government Code section 6513, all of the privileges and immunities from liability, all exemptions from laws, ordinances and rules, and all pension, relief, disability, worker's compensation, and other benefits that apply to the activity of the trustees, officers, employees or agents of the Parties when performing their functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties associated with performance of this Agreement.

12. **Interpretation; Venue.**

(a) **Interpretation.** The headings used herein are for reference only. The terms of the Agreement are set out in the text under the headings. This Agreement shall be governed by the laws of the State of California without regard to the choice of law or conflicts.

(b) **Venue.** This Agreement is made in Napa County, California. The venue for any legal action in state court filed by a Party to this Agreement for the purpose of interpreting or enforcing any provision of this Agreement shall be in the Superior Court of California, County of

Napa, a unified court. The venue for any legal action in federal court filed by a Party to this Agreement for the purpose of interpreting or enforcing any provision of this Agreement lying within the jurisdiction of the federal courts shall be the Northern District of California. The appropriate venue for arbitration, mediation, or similar legal proceedings under this Agreement shall be Napa County, California; however, nothing in this sentence shall obligate a Party to submit to mediation or arbitration any dispute arising under this Agreement.

13. **Authority to Contract.** Each Party warrants hereby that it is legally permitted and otherwise has the authority to enter into and perform pursuant to this Agreement.

14. **Conflict of Interest.** Each Party covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. Each Party further covenants that in the performance of its services pursuant to this Agreement, no person having any such interest shall be employed.

15. **Non-Solicitation of Employees.** Except with the written permission of the other affected Parties, each Party agrees not to solicit for employment the employees of the other Parties who were directly involved in the performance of the services hereunder for the term of this Agreement and a period of six (6) months after termination of this Agreement. Nothing in this paragraph shall preclude any Party from publishing or otherwise distributing applications and information regarding the Party's job openings where such publication or distribution is directed to the general public.

16. **Mutual Agreement to Terminate Prior Joint Powers Agreement.** By executing this Agreement, the Parties hereby terminate their prior Joint Powers Agreement entitled "Agreement to Fund and Administer the Napa County Stormwater Management Program" (the "2014 Joint Powers Agreement"), approved by the Parties and which became effective on July 1, 2014 (Napa County Flood Control and Water Conservation District Agreement No. 450(FC), County of Napa Agreement No. 8178, City of Napa Agreement No. C2014160, City of St. Helena Agreement No. 2014-36, City of Calistoga Agreement No. 581, City of American Canyon Agreement No. 2014-146, Town of Yountville Agreement No. 2014-421). Notwithstanding the termination of the 2014 Joint Powers Agreement, the obligations of the Parties under Paragraphs 5 (Insurance) and 6 (Indemnification) of 2014 Joint Powers Agreement shall continue in full force and effect after said termination in relation to acts or omissions occurring prior to this termination of the 2014 Joint Powers Agreement.

17. **Third Party Beneficiaries.** Nothing contained in this Agreement shall be construed to create any rights in third Parties and the Parties do not intend to create such third-party rights.

18. **Attorney's Fees.** In the event that a Party commences legal action of any kind or character to either enforce the provisions of this Agreement or to obtain damages for breach thereof, the prevailing Party in such litigation shall be entitled to all costs and reasonable attorney's fees incurred in connection with such action.

19. **Severability.** If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision

shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

20. **Entirety of Contract.** This Agreement constitutes the entire agreement between the Parties relating to the subject of this Agreement and supersedes all previous agreements, promises, representations, understandings and negotiations, whether written or oral, among the Parties with respect to the subject matter hereof.

21. **Execution by Counterparts.** This Agreement may be executed on behalf of the respective Parties in one or more counterparts all of which collectively shall constitute one document and agreement.

[Signature Pages Follows]

IN WITNESS WHEREOF, this Agreement was executed by the Parties hereto as of the date first above written.

NAPA COUNTY

By: _____
DIANE DILLON, Chair of the
Board of Supervisors
"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM:

County Counsel

By:
Date: _____

CITY OF NAPA

By: _____
JILL TECHEL, Mayor
"CITY"

ATTEST: DOROTHY ROBERTS
City Clerk

By: _____

COUNTERSIGNED:
DESIREE BRUN, City Auditor

By: _____

APPROVED AS TO FORM:
MICHAEL BARRETT, City Attorney

By: _____

CITY OF ST. HELENA

By: _____
ALAN GALBRAITH, Mayor
"CITY"

ATTEST: CINDY BLACK
City Clerk

By: _____

APPROVED AS TO FORM:
THOMAS B. BROWN,
City Attorney

By: _____

CITY OF CALISTOGA

By: _____
CHRIS CANNING, Mayor
"CITY"

ATTEST: AMANDA DAVIS,
Deputy City Clerk

By: _____

APPROVED AS TO FORM:
MICHELLE KENYON,
City Attorney

By: _____

CITY OF AMERICAN CANYON

By: _____
LEON GARCIA, Mayor
"CITY"

ATTEST: REBEKAH BARR
City Clerk

By: _____

APPROVED AS TO FORM:
WILLIAM D. ROSS,
City Attorney

By: _____

TOWN OF YOUNTVILLE

By: _____
JOHN F. DUNBAR, Mayor
"TOWN"

ATTEST: MICHELLE DAHME,
Town Clerk

By: _____

APPROVED AS TO FORM:
MICHAEL COBDEN, Town Attorney

By: _____

NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, as special district of the State of California

By: _____
BRAD WAGENKNECHT,
Chairperson of the Board of Directors
"DISTRICT"

ATTEST: GLADYS I COIL
Secretary of the District Board

By: _____

APPROVED AS TO FORM:
Counsel for Napa County Flood Control and Water Conservation District

By: *Robert C. Martin* (By E-Sign.)
Date: July 27, 2015

APPROVED BY THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Date: _____
Processed by:

_____
Deputy Secretary of the District Board

EXHIBIT A

Napa Countywide
Stormwater Pollution Prevention Program

ADMINISTRATION, PLANNING, AND FUNDING

Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) refers to the Countywide and Local Programs implemented by Napa County; Cities of American Canyon, Napa, Calistoga and St. Helena; and the Town of Yountville (collectively, the "NCSPPP Agencies" or "NCSPPP Agency"). Each NCSPPP Agency is implementing a Local Program and contributes financial and in-kind support to the Countywide Program. The NCSPPP Agencies use an existing institutional arrangement, the Napa County Flood Control and Water Conservation District ("DISTRICT"), to make decisions regarding the Countywide Program. NCSPPP Agencies have entered into a Joint Powers Agreement (JPA) to fund the Countywide Program based on the NCSPPP Agency's population size/assessed value.

COUNTYWIDE PROGRAM

Program Administration

The DISTRICT will be the lead agency responsible for administering the NCSPPP. Administrative duties include fostering continued implementation of the permit-required stormwater management plan (SMP), annual reports provided by the Parties, coordinating meetings with local programs, and managing the financing of NCSPPP activities and contracts with outside agencies and organizations.

DISTRICT Staffing

The DISTRICT has a Stormwater Program Manager on staff to administer and coordinate the Countywide Program. The Stormwater Program Manager will also implement many Countywide Program activities.

DISTRICT Staff Duties

Specific administrative and planning functions of the Countywide Program are more particularly described in Exhibit C and include the following:

- Act as General MS4 permit implementation lead for countywide activities.

- Coordinate with other city, county, regional, and state agencies to stay abreast of stormwater technology and the development of stormwater regulations. Examples include the San Francisco Regional Water Board, California State Water Resource Control Board, Bay Area Stormwater Management Agencies Association, and the California Association of Stormwater Quality Agencies. Develop Implementation Plan annually consisting of permit compliance plans and projects for consideration and approval by cities.
- Implement Countywide Program measurable goals.
- Coordinate with Local Programs through the Management Committee. The Management Committee includes representatives from all NCSPPP Agencies who meet monthly to discuss common issues and identify solutions.
- Coordinate meetings between Local Program and Regional Water Board staff.
- Compile and organize the Annual Report.

Municipal Stormwater Coordinator Staff Duties

Specific roles and responsibilities of individual municipal Stormwater Coordinators are more particularly described in Exhibit C and include the following:

- Act as General MS4 permit implementation lead for municipal activities.
- Act as primary point of contact between municipality and the Stormwater Program Manager on stormwater-related matters.
- Be knowledgeable of the functions and activities of any and all municipal departments whose activities affect stormwater. Determine how the General MS4 permit will affect those departments and initiate and foster communication with departments in order to comply with permit requirements.
- Participate in monthly Management Committee meetings and cast votes on behalf of their respective municipality on action items.

Countywide Program Structure

The Countywide Program shall be responsible for facilitating compliance with the General MS4 Permit requirements on the countywide level as more particularly described in Exhibit A-1.

CITIES, TOWN, and COUNTY shall be responsible for implementing those tasks specifically required of them to comply with the General MS4 Permit requirements on the local level as more particularly described in Exhibit A-1.

Exhibit A-1

NCSPPP Implementation Plan for Fiscal Year 2015/2018, dated, December 10, 2014 (attached hereto)

EXHIBIT B

COST REIMBURSEMENT

CATEGORY 1 PROGRAM ADMINISTRATION COSTS

WATERSHED ASSESSMENT COST-SHARE DISTRICT shall contribute 50% of the actual costs of Category 1, Program Administration costs, from its Maintenance and Watershed Programs Project No. 96-1 fund. The City of American Canyon will in turn contribute 7.57% of the DISTRICT contribution to compensate for its share of assessments not collected for Maintenance and Watershed Programs Project No. 96-1. American Canyon's share toward the assessment fund is based upon it's percentage of Benefit Assessment Units (BAUs) in Napa County.

COST-SHARE FOR REMAINING BALANCE

CITIES, TOWN, and COUNTY shall each reimburse DISTRICT an equal share of the remaining Category 1, Program Administration, costs for DISTRICT'S administration of the NCSPPP based upon the following formula:

Cost Share = (Total Category 1 items – Total Share of Assessment Fund)/6.

CATEGORY 2 PROPORTIONAL PERMIT IMPLEMENTATION ACTIVITIES

CITIES, TOWN, and COUNTY shall each reimburse DISTRICT for a proportional percentage of the Category 2, Permit Implementation Activities, costs for DISTRICT'S administration of the NCSPPP based upon the following formula:

Cost share = (Total Cost of Category 2 Items)(Combined % population and BAU).

CATEGORY 3 OPTIONAL SERVICES

CITIES, TOWN, and COUNTY shall each reimburse DISTRICT for the actual costs of the Category 3, Optional Permit Implementation Services expressly requested in writing by a Party. Due to the unpredictable nature of outfall sampling and other permit provisions, actual costs of Category 3 items may be more or less than the figures shown in the table "Cost Share Toward Remaining Balance".

EXHIBIT C

ROLES AND RESPONSIBILITIES FOR STORMWATER PROGRAM MANAGER AND MUNICIPAL STORMWATER COORDINATORS

Stormwater Program Manager (SPM)

Overarching Roles:

- **Collaboration Lead** – Collaboration at the local, regional and statewide scales is the primary means municipalities have to save time and money implementing the General MS4 permit (permit). Collaboration involves working with NCSPPP permittees and stormwater agencies around the state to jointly implement certain permit provisions and leverage work of others to streamline and simplify permit implementation for municipalities. Collaboration requires one central person to act as liaison between the internal organization (municipal stormwater coordinators, Public Works' Directors and staff) and external organizations (BASMAA and CASQA). The SPM fills this role and serves as the hub through which information from outside the NCSPPP is filtered, condensed and disseminated to the internal organization.

- **Permit Implementation Lead for Countywide Activities** – SPM lays out a roadmap for implementation of the General MS4 permit with input and guidance from municipal stormwater coordinators. The roadmap consists of specific plans and projects designed to achieve compliance with the General MS4 permit. Municipal stormwater coordinators are in turn responsible for implementing items identified in the roadmap and for compliance on an internal municipal level. SPM will provide guidance and assistance as requested to meet this objective.

- **Permit Interpreter** – despite prescriptive nature of the new permit there remain many places where the requirements are unclear. This requires frequent, detailed communication between SPM and Water Board staff to translate written permit requirements into actionable items for permittees.

Specific Responsibilities:

- Develop and manage the Joint Powers Agreement including a scope of work describing tasks to be performed at a countywide level by the NCSPPP program vs. tasks to be performed on individual municipal level
- Develop and manage annual budgets and multi-year budget forecasts for work performed at the NCSPPP level

- Develop supporting scopes of work for activities performed at the countywide level by the NCSPPP
- Develop Implementation Plan (aka roadmap) consisting of permit compliance plans and projects for consideration and approval by cities
- Develop contracts for activities performed at the countywide level by outside contractors and consultants. Oversee contractors; facilitate review of deliverables by permittees; approve final deliverables; review and approve invoices
- Track NCSPPP expenditures throughout the year and provide mid-year and end of year actual expenditures' accounting
- Facilitate communication within the NCSPPP
- Facilitate NCSPPP meetings (Management Committee, Municipal Operations/New Development Focus Teams), prepare agendas and minutes
- Assist with preparation of Annual Reports and transmit to Water Board
- Coordinate responses to comments from Water Board
- Attend hearings on Water Board issues affecting permittees, e.g State Water Board Trash Policy. Prepare and deliver written and oral testimony and prepare comment letters on behalf of the NCSPPP
- Negotiate permit requirements such as TMDLs
- Website maintenance and upkeep
- On-call consultant for individual municipal stormwater issues, e.g. construction site inspections, Water Board consultations and audits, as requested by municipal stormwater coordinators
- Make presentations to municipal city councils, as requested by municipal stormwater coordinators

BASMAA - Bay Area Stormwater Management Agencies Association
CASQA – California Stormwater Quality Association

Municipal Stormwater Coordinator Roles and Responsibilities

Overarching Role:

- **Permit Implementation Lead for Municipal Activities** – Municipal stormwater coordinators are responsible for implementation of the General MS4 permit (permit) on an internal municipal level. NCSPPP Stormwater Program Manager will provide guidance and assistance to meet this objective.

Specific Responsibilities:

- Act as primary point of contact between the municipality and the NCSPPP on stormwater- related matters

- Be knowledgeable of the functions and activities of any and all municipal departments whose activities affect stormwater. Determine how regulations in the permit will affect different municipal departments. Initiate and foster communication with those departments in order to determine a means by which compliance with permit requirements can be achieved.

- Implement requirements in the existing Stormwater Management Plan (SWMP) and Implementation Plan.

- Participate in monthly NCSPPP Management Committee and Municipal Operations/New Development Focus Team meetings. Collaborate with the Stormwater Program Manager towards the development and implementation of plans and projects that address stormwater permit requirements in order to comply with the permit.

- Facilitate and ensure municipal implementation of plans and projects developed at the countywide level by the NCSPPP. For example, the NCSPPP will develop a Spill Response Plan (SRP) with input from the stormwater coordinators. Once complete, stormwater coordinators will ensure all affected parties within the city are aware of and follow the SRP.

- Be prepared to cast votes on behalf of their municipality on action items on the Management Committee agenda. For any particular item the Coordinator does not feel comfortable casting a vote, pro-actively seek the approval from appropriate personnel that can act on behalf of the city.

- For any items requiring approval of city council (e.g., Program Agreements), develop supporting staff reports and ensure that items are placed on council agendas in a timely fashion.

- Disseminate information (e.g., training or workshop announcements) and materials (e.g., BMP brochures) developed at the countywide level to any and all affected departments within the city.

Attachment 3

Napa Countywide Stormwater Pollution Prevention Program
Budget Allocation by Entity - Fiscal Year 2015/16

Fiscal Year	Total JPA Budget	FCD Watershed Contribution (50% of Category 1 costs)	American Canyon Watershed Contrib. (7.57% of FCD Watershed Contribution)	Remaining Balance to Cost Share	City of American Canyon Share	City of Napa Share	Town of Yountville Share	City of St. Helena Share	City of Calistoga Share	Napa County Share	Check sum/ Total	
					See Combined Population and BAU % Factors Below							
FY 15-16	$518,055	$99,836	$7,558	92,278	15,380	15,380	15,380	15,380	15,380	15,380	92,278	Cat 1 items
				233,624	25,489	114,747	4,063	10,775	7,919	70,632	233,624	Cat 2 items
				84,760	10,152	41,426	3,011	6,231	4,516	19,415	84,760	Cat 3 items
				410,662	51,030	171,552	22,453	32,385	27,816	105,426	410,662	TOTAL

Sub-accounting of Category 3 Items:

	E.9 IDDE Outfall Sampling	Pet Waste Bags	Car Wash Kits	Trash Reduction Planning	Direct Permittee Support	Total
Amer. Cyn	$3,107	$1,000	$0	$4,746	1,309	$10,162
Napa	$13,166	$1,000	$0	$21,365	5,894	$41,426
Yountville	$2,046	$0	$0	$756	209	$3,011
St. Helena	$1,471	$2,200	$0	$2,006	553	$6,231
Calistoga	$1,635	$1,000	$0	$1,475	407	$4,516
County	$1,635	$1,000	$0	$13,151	3,628	$19,415
	$23,060	$6,200	$0	$43,500	$12,000	$84,760

Basis of FY12-13 and Future Budgets

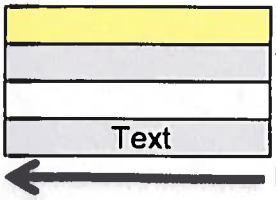
	Population 2010	Population %	BAU%	Combined %
Am Canyon	19,454	14.25%	7.57	10.9102
City of Napa	76,915	56.35%	41.88	49.1160
Town of Yountville	2,933	2.15%	1.33	1.7389
City of St. Helena	5,950	4.36%	4.86	4.6119
City of Calistoga	5,155	3.78%	3.00	3.3898
Napa County	26,077	19.11%	41.36	30.2331
Total	136,484	100.00	100.00	100.00

2015-2016 Fiscal Year Budget	Population 2010	Population %	BAU %	Combined %	FY15/16 Cost Category 1	FY15/16 Cost Category 2	FY15/16 Cost Category 3	TOTAL BY ENTITY
Am Canyon	19,454	14.25	7.57	10.9102	$15,380	$25,489	$10,162	$51,030
City of Napa	76,915	56.35	41.88	49.1160	$15,380	$114,747	$41,426	$171,552
Town of Yountville	2,933	2.15	1.33	1.7389	$15,380	$4,063	$3,011	$22,453
City of St. Helena	5,950	4.36	4.86	4.6119	$15,380	$10,775	$6,231	$32,385
City of Calistoga	5,155	3.78	3.00	3.3898	$15,380	$7,919	$4,516	$27,816
Napa County	26,077	19.11	41.36	30.2331	$15,380	$70,632	$19,415	$105,426
Total	136,484	100	100	100	$92,278	$233,624	$84,760	$410,662

Attachment 4

This file contains 11 additional tabs
Each tab represents a Phase II Permit section.

The columns to the right of the permit requirement descriptions explain local program (i.e permittee) vs. NCSPPP roles



Years in which activities are required to occur and will be implemented
Years in which no activity is required
Indicates activities are undertaken earlier than explicitly required in permit
Recommend we do the activity earlier than explicitly required

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.6.	PROGRAM MANAGEMENT ELEMENT										
	E.6.a.	Legal Authority										
	E.6.a.(i)	Obtain legal authority to implement and comply with permit.			Adopt changes to existing ordinance(s)	Provide model ordinance(s)						
		Have legal authority to do the following:										
	E.6.a.(ii)(a)	**Prohibit non-storm water discharges through MS4.** Exceptions include those listed in B.3 of Permit (e.g. individual residential car washing, water line flushing, uncontam. Groundwater, discharges from potable water sources, AC condensate, dechlorinated pool discharges etc) . only if considered non-significant contributors of pollution.			Adopt changes to existing ordinance(s)	Incorporate into model ordinance as needed						
	E.6.a.(ii)(b)	Detect and eliminate illicit discharges (including those from organized car washes, mobile cleaning and pressure wash operations) and illegal connections (pipes, drains, open channels, or other conveyances...) to MS4.			Adopt changes to existing ordinance(s)	Incorporate into model ordinance as needed						
	E.6.a.(ii).(c)	Respond to discharge of spills and prohibt dumping or disposal of materials other than storm water into MS4.			Adopt changes to existing ordinance(s)	Existing ordinances cover this but consider if changes are necessary and incorp into new model ordinance if needed						
	E.6.a.(ii)(d)	Require parties responsible for runoff in excess of indicental runoff to implement disharge prohibition B.4.a.- d.			Adopt changes to existing ordinance(s)	Incorporate into model ordinance as needed						
	E.6.a.(ii)(e)	Require operators of construction sites, new or redeveloped land, and industrial/commercial facilities to minimize discharge of pollutants to MS4 through installation, implementation or maintenacne of BMPs consistent with CASQA BMPs or equivalent.			Adopt changes to existing ordinance(s)	Incorporate into model ordinance as needed						
	E.6.a.(ii)(f)	Require information deemed necessary to assess compliance with this Order. The Permittee shall only require information in compliance with the Homeland Security Act or any other federal law that concerns security in the United States. The Permittee shall also have the authority to review designs and proposals for new development and redevelopment to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization (post-construction).			Adopt changes to existing ordinance(s)	Incorporate into model ordinance as needed						
	E.6.a.(ii)(g)	Enter private property to inspect, at reasonable times, any facility, equipment, practice, or operation for active or potential storm water discharges, or non-compliance with local ordinances/standards or requirement in this Order.			Adopt changes to existing ordinance(s)	Incorporate into model ordinance as needed						

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.6.	**PROGRAM MANAGEMENT ELEMENT**										
	E.6.a.(ii)(h)	Require discharges to promptly cease and desist and/or require them to cleanup and abate. Have ability to: • require discharge be abated and cleaned up within 72 hours of notification - high risk spills ASAP; • require abatement within 30 days of notification for uncontrolled sources of pollutants that could pose and environmental threat; • perform cleanup/abatement and bill responsible party if necessary; • have option to order cessation of activities until problems are adequately addressed if sources or activities are not are not abated; • if the original timeframe for cleanup activities cannot be met, require a new timeframe and notify the RB in writing within 5 bus. days			Adopt changes to existing ordinance(s)	Incorporate into model ordinance as needed						
	E.6.a.(ii)(i)	When warranted, be able to levy citations or administrative fines either immediately at the site or within a few days; and, be able to recover and remediate costs from responsible party			Adopt changes to existing ordinance(s)	Incorporate into model ordinance as needed						
	E.6.a.(ii)(j)	Impose more substantial civic or criminal sanctions (including referral to city or D.A.) and escalate corrective response consistent with Enforcement Response Plan developed pursuant to Section E 6.c. for persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm.			Adopt changes to existing ordinance(s)	Incorporate into model ordinance as needed						
	E.6.b.	**Certification**										
	E.6.b.(i),(ii)&(iii)	Principal Executive Officer, Ranking Elected Official, or Duly Authorized Representative as described in 40 Code of FR Section 122.22(b) certifies that Permittee has and will maintain full legal authority to implement and enforce each requirement in the Order. See permit for details of what should be included in certification statement. Submit a statement in Year 2 Annual Report, signed by an authorized signatory certifying Permittee has adequate legal authority to comply with all Order requirements.			Certify legal authority in yr 2 Annual Report	Provide Guidance						
	E.6.c.	**Enforcement Measures and Tracking**										
	E.6.c.(ii)(a) -(c)	**Develop and implement Enforcement Response Plan (ERP)** that describes how Permittee will use each of the following types of enforcement responses based on the type of violation: verbal warnings, written notices, escalated enforcement measures such as citations with fines, stop work orders, withholding plan approvals or other authorizations, and other additional measures.			←	←	Review, approve and begin implementing ERP	Develop ERP	Implement ERP		Implement ERP	

2013 Phase II Permit Implementation
Section E.6 Program Management

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.6.	PROGRAM MANAGEMENT ELEMENT										
IDDE 1D/ CONST 1C/ POST CONST 1D		ERP Training - train staff on the policies and procedures to implement the ERP			←		1. Participate in development of training 2. Send staff to training	Develop and conduct training on newly updated ERP.	Continue to implement as per Provision E.7.b.1			
	E.6.c.(ii)(d)	**For projects subject to the NPDES Construction General Permit or the Industrial General Permit,** Permittee shall refer non-filers to Regional Water Quality Control Board (RWB) within 30 days of making determination or file complaint on State Board website; refer ongoing violations to the RWB.					Refer CGP non-filers to Regional Waterboard		Refer CGP non-filers to Regional Waterboard		Refer CGP non-filers to Regional Waterboard	
	E.6.c.(iii)	**REPORTING** - Use SMARTS to submit summary of past year's activitiues, certify compliance, address relationship between program element activities and the Program Effectiveness (PEAIP)	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required

Phase II Permit Implementation Plan
Provision E.7
Public Outreach

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.7.	EDUCATION AND OUTREACH PROGRAM										
	E.7.a	Select one or more of the following options: 1. Contribute to a countywide stormwater program which will conduct outreach and educ. On behalf of members or 2. Contribute to a regional outreach and educ. Collaborative effort or 3. Fulfilling outreach and education requirements within the permittee's own individual jurisdiction or 4. a combination of the above	Select options 1 and 3 in Year 1 Annual Report in SMARTS	Recommend selection of options 1 and 3.								
	E.7.a.(ii)(a)	Develop/implement public education strategy based on water quality problems, target audiences, and anticipated task effectiveness as described below in E.7.a.(ii)(b-m): Identify responsible party for implementing specific tasks and a schedule; and, demonstrate high priority issues and local pollutants of concern are addressed.			Review and approve strategy	Develop and begin implementing strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy
	E.7.a.(ii)(b)	Implement surveys at least twice during permit term to gauge awareness in target audiences and effectiveness of education.					Review and approve 1st survey	Develop 1st survey and implement	Review results and provide strategy input	Review results - focus strategy based on results	Review and approve 2nd survey	Develop 2nd survey and implement
	E.7.a.(ii)(c)	Develop and convey message that focuses on: local pollutants of concern, target audiences; and, regional WQ issues			Review and approve strategy	Develop and begin implementing strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy
	E.7.a.(ii)(d)	Develop and disseminate appropriate educational materials to target audiences and translate into applicable languages when appropriate			Review and approve strategy	Develop and begin implementing strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy
PUB ED 2B/2C		Give Presentation at local council meetings and management meetings/annual progress reports	Continue updating city councils/ public officials	Continue updating city councils/ public officials	Continue updating city councils/ public officials	Continue updating city councils/ public officials	Continue updating city councils/ public officials	Continue updating city councils/ public officials	Continue updating city councils/ public officials	Continue updating city councils/ public officials	Continue updating city councils/ public officials	Continue updating city councils/ public officials
PUB ED 3B		Evaluate website - Receive feedback on website and continue development/updates	Update municipal websites as needed	Update NCSPPP website as needed	Update municipal websites as needed	Update NCSPPP website as needed	Update municipal websites as needed	Update NCSPPP website as needed	Update municipal websites as needed	Update NCSPPP website as needed	Update municipal websites as needed	Update NCSPPP website as needed
PUB ED 4B and 4C		Community Events - staff booth at events (at least 3/year e.g. Earth Day, Yountville Days, etc.). Evaluate booth and assess the need for updates/improvements and modify as needed	Provide support as needed	Contract with RCD to provide staffing at events including improvements to booth as needed	Provide support as needed	Contract with RCD to provide staffing at events including improvements to booth as needed	Provide support as needed	Contract with RCD to provide staffing at events including improvements to booth as needed	Provide support as needed	Contract with RCD to provide staffing at events including improvements to booth as needed	Provide support as needed	Contract with RCD to provide staffing at events including improvements to booth as needed
	E.7.a.(ii)(e)	Utilize public input during program development				Include Watershed Information Center & Conservancy (WICC) in development of strategy						
	E.7.a.(ii)(f)	Distribute educational materials by whatever means are deemed appropriate during development of strategy			Review outreach materials and distribute	Develop outreach materials and provide to permittees	Review outreach materials and distribute	Develop outreach materials and provide to permittees	Review outreach materials and distribute	Develop outreach materials and provide to permittees	Review outreach materials and distribute	Develop outreach materials and provide to permittees

Phase II Permit Implementation Plan
Provision E.7
Public Outreach

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.7.	EDUCATION AND OUTREACH PROGRAM										
	E.7.a.(ii)(g)	Convey messages about water efficient and stormwater friendly landscaping			Review and approve strategy	Develop and begin implementing strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy
PUB ED 5A		Yard Waste Reduction Workshops - Conduct a yard waste reduction/home composting workshop	Workshops are conducted annually in all jurisdictions, organized by Napa		Workshops are conducted annually in all jurisdictions, organized by Napa		Workshops are conducted annually in all jurisdictions, organized by Napa		Workshops are conducted annually in all jurisdictions, organized by Napa		Workshops are conducted annually in all jurisdictions, organized by Napa	
PUB ED 5C		Napa Vallejo Household Hazardous Waste Facility	City of Napa sponsors on behalf of permittees		City of Napa sponsors on behalf of permittees		City of Napa sponsors on behalf of permittees		City of Napa sponsors on behalf of permittees		City of Napa sponsors on behalf of permittees	
Pub Ed 5D		Upvalley Hazardous Waste Collection - hold haz waste collection days for the upvalley community	County organizes these on behalf of permittees		County organizes these on behalf of permittees		County organizes these on behalf of permittees		County organizes these on behalf of permittees		County organizes these on behalf of permittees	
PUB ED 5H thru 5M		Used oil recycling - purchase radio ads and place yellow pages ads about used oil recycling opportunities within the County. Provide point of purchase info at stores selling oil. Prioritize future outreach. Develop priority outreach materials and distribute	County manages on behalf of all permittees		County manages this on behalf of all permittees		County manages this on behalf of all permittees		County manages this on behalf of all permittees		County manages this on behalf of all permittees	
	E.7.a.(ii)(h)	Develop and convey messages to reduce illicit discharges by reporting incidents to the appropriate authorities. Permittees must promote and publicize public reporting of illicit discharges thru a central contact point.			Publicize stormwater hotline numbers on permittee websites; ID staff to respond to calls and maintain records	Continue to publicize stormwater hotline numbers on NCSPPP website	Publicize stormwater hotline numbers on permittee websites; ID staff to respond to calls and maintain records	Continue to publicize stormwater hotline numbers on NCSPPP website	Publicize stormwater hotline numbers on permittee websites; ID staff to respond to calls and maintain records	Continue to publicize stormwater hotline numbers on NCSPPP website	Publicize stormwater hotline numbers on permittee websites; ID staff to respond to calls and maintain records	Continue to publicize stormwater hotline numbers on NCSPPP website
IDDE 2F		Stormwater Hotline - establish a phone number to receive reports from the public about non-stormwater discharges. Identify staff to receive calls and initiate spill response plan.	Identify staff to receive and respond to calls	Publicize hotline numbers on NCSPPP website	Continue to implement under E.7.a.(ii)h							
IDDE 2G		Record Keeping - Identify staff to maintain and update database of non-stormwater discharges and generate reports as requested. Reports used to determine common pollutants, activities causing discharges, and repeat offenders. This information will be used to prioritize outreach efforts, business inspections and enforcement	Maintain records on illicit discharge incidents and city response		Continue to implement under E.7.a.(ii)h							
	E.7.a.(ii)(i)	Develop and convey messages about proper application of pesticides, herbicides and fertilizers			Review and approve strategy	Develop and begin implementing strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy
	E.7.a.(ii)(j)	Provide schools with educational materials to educate children about stormwater issues. Use place-based, experiential learning materials.			Review and approve strategy	Develop and begin implementing strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy

Phase II Permit Implementation Plan
Provision E.7
Public Outreach

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.7.	EDUCATION AND OUTREACH PROGRAM										
PUB ED 6C/D/E		Outreach to schools - Conduct presentations to school aged children. Conduct surveys before and after to asses understanding. Improve lesson plans based on surveys and feedback from teachers	Assist with making contact with schools in your jurisdiction, as needed.	Contract with RCD to provide outreach to schools including improvements as needed	Assist with making contact with schools in your jurisdiction, as needed.	Contract with RCD to provide outreach to schools including improvements as needed	Assist with making contact with schools in your jurisdiction, as needed.	Contract with RCD to provide outreach to schools including improvements as needed	Assist with making contact with schools in your jurisdiction, as needed.	Contract with RCD to provide outreach to schools including improvements as needed	Assist with making contact with schools in your jurisdiction, as needed.	Contract with RCD to provide outreach to schools including improvements as needed
	E.7.a.(ii)(k)	Develop and convey messages about reducing discharges from organized car washes, mobile cleaning and pressure washing and landscape irrigation			Review and approve strategy	Develop and begin implementing strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy
	E.7.a.(ii)(l)	Conduct education for organized car wash participants			Review and approve strategy	Develop and begin implementing strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy
	E.7.a.(ii)(m)	Develop and convey messages specific to mobile cleaning and pressure wash businesses			Review and approve strategy	Develop and begin implementing strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy	Implement elements of strategy	Implement strategy
	E.7.b.	Staff and Site Operator Training and Education										
	E.7.b.1.	Illicit Discharge Detection and Elimination Training										
	E.7.b.1.(ii) (a) - (b) and (g)	Devise and implement training program that: * identifies an illicit discharge or illegal connection; * focuses on education on illicit discharges and locations; and, * identifies proper procedures for reporting and responding to above.					Review/approve training; Send applicable staff	Develop and provide training (incl. topic of spill response plan)				
	E.7.b.1.(ii)(c-e)	Provide follow-up training as needed to address changes in procedures, techniques, or staffing.Provide annual assessment of trained staff's knowledge and refresher training as needed. Train new staff no later than six months after start of employment.							Assess staff; Provide refresher training as needed; train new staff within 6 months	Develop assessment test	Assess staff; Provide refresher training as needed; train new staff within 6 months	
	E.7.b.1.(ii)(f)	Keep contact info, including procedures for reporting illicit discharges, in vehicles used by field staff					Place in vehicles	Develop materials to be placed in vehicles	Replace materials as necessary		Replace materials as necessary	
	E.7.b.2.	Construction Outreach and Education										
CONST 2C/3D/4E & POST CONST 3C	E.7.b.2.(a)	Conduct annual training for the following types of municipal staff: * Plan Reviewers and Permitting Staff - QSD or supervised by QSD *Erosion Sediment Control/Stormwater Inspectors - QSD or QSP or supervised by QSP QSD can supervise Plan Review staff and a QSP can supervise inspection operations; If outside parties review plans and/or conduct inspections, Permittee shall ensure staff are trained.	Send appropriate staff to training	Provide training	Send appropriate staff to training	Provide training	Send appropriate staff to training	Provide training	Send appropriate staff to training	Provide training	Send appropriate staff to training	Provide training
	E.7.b.2.(b)	Construction Site Operator Education										

Phase II Permit Implementation Plan
Provision E.7
Public Outreach

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.7.	EDUCATION AND OUTREACH PROGRAM										
	E.7.b.2.(b)(ii)(a)	Provide information on training opportunities to construction operators					Direct construction operators to training opportunities		Direct construction operators to information		Direct construction operators to information	
	E.7.b.2.(b)(ii)(b) and (c)	* Develop - or utilize existing - tools aimed at educating on appropriate selection, installation, implementation and maintenance of stormwater BMPs and overall progam compliance. Distribute outreach materials to all construction operators who will disturb land within MS4 boundaries. Permittee's contact and web info shall be included in materials.					Distribute construction BMP brochures to operators working in jurisdiction	Develop construction BMP brochures with input from permittees	Distribute construction BMP brochures to operators working in jurisdiction	Update brochures as necessary	Distribute construction BMP brochures to operators working in jurisdiction	Update brochures as necessary
CONST 4B and 4F		Provide BMP fact sheets, guidance documents, and handbooks to contractors and developers. Revise materials as needed	Continue to provide educ. Outreach materials to the contractors		Continue to provide educ. Outreach materials to the contractors		Continue to implement as per above row, E.7.b.2(b)					
	E.7.b.2.(b)(ii)(d)	Update existing storm water website, as necessary, to include info on BMPs for construction site operators.						Update website as needed		Update website as needed		Update website as needed
	E.7.b.3.	Pollution Prevention and Good Housekeeping Staff Training										
	E.7.b.3.(i) and (ii)(a)	Develop biennial training for staff involved in pollution prevention and good housekeeping practices. Training to include stormwater education, any new technologies, operations or responsibilities that arise and the permit requirements that apply to staff being trained. Employees shall receive clear guidance on appropriate stormwater BMPs to use at municipal facilities and during typical O&M activities. * New hires must be trained within first year of hire date.			1. Participate in development of training 2. Send staff to training	Develop and conduct training			Send staff to training	Conduct trainings		
	E.7.b.3.(ii)(b)	Conduct biennial assessment of trained staff's knowledge of pollution prevention and good househkeeping. Revise training as needed.					Assess staff and provide refresher training as needed	Develop assessment test			Assess staff and provide refresher training as needed	
	E.7.b.3.(ii)(c) and (d)	Contractors hired to perform O & M activities shall contractually comply with storm water BMPs, good housekeeping practices, and standard operation procedures described in Permit. Permittes provide oversight of contractor activities.			Require contractors to comply with stormwater BMPs		Require contractors to comply with stormwater BMPs		Require contractors to comply with stormwater BMPs		Require contractors to comply with stormwater BMPs	
	E.7.	REPORTING - For all Permit requirements in this section, submit summary of past year's activitiues, certify compliance, address relationship between program element activities and the Program Effectiveness Assessment Improvement Plan.	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required

Table 5.1 Tasks and Schedule

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
			← FINAL						DRAFT →			
	E.8	Public Involvement and Participation Program										
	E.8.(ii)(a)	Develop public involvement and participation strategy that establishes who is responsible for specific tasks and goals			Review and approve strategy	Develop as part of overall Pub Outreach Strategy	Implement strategy	Review and implement strategy	Implement strategy	Review and implement strategy	Implement strategy	Review and implement strategy
	E.8.(ii)(b)	Consider developing citizen advisory group.			Utilize local citizen groups where they exist	Utilize existing WICC	Utilize local citizen groups where they exist	Utilize existing WICC	Utilize local citizen groups where they exist	Utilize existing WICC	Utilize local citizen groups where they exist	Utilize existing WICC
	E.8.(ii)(c)	Create opportunities for citizens to participate in implementation of BMPs (e.g. cleanups, storm drain stenciling, volunteer monitoring, educational activities)			Continue local efforts to involve citizens	Part of overall Pub Outreach strategy	Continue local efforts to involve citizens	Part of overall Pub Outreach strategy	Continue local efforts to involve citizens	Part of overall Pub Outreach strategy	Continue local efforts to involve citizens	Part of overall Pub Outreach strategy
	E.8.(ii)(d)	Ensure public can easily find info about Stormwater Program			Promote NCSPPP website	Update and maintain NCSPPP website	Promote NCSPPP website	Update and maintain NCSPPP website	Promote NCSPPP website	Update and maintain NCSPPP website	Promote NCSPPP website	Update and maintain NCSPPP website
	E.8.(ii)(e)	Engage in IRWMP or other watershed-level planning effort			Maintain involvement in regional planning	Maintain involvement in regional planning	Maintain involvement in regional planning	Maintain involvement in regional planning	Maintain involvement in regional planning	Maintain involvement in regional planning	Maintain involvement in regional planning	Maintain involvement in regional planning
PIP 2B		Storm drain stenciling - Provide materials and supplies to citizens and groups wishing to mark drains. One stenciling event per year minimum		Included in RCD contract. RCD identifies groups and organizes stenciling events		Included in RCD contract. RCD identifies groups and organizes stenciling events		Included in RCD contract. RCD identifies groups and organizes stenciling events		Included in RCD contract. RCD identifies groups and organizes stenciling events		Included in RCD contract. RCD identifies groups and organizes stenciling events
PIP 4		Coastal Cleanup Day (aka Creek Cleanup Day) - promote and facilitate event	Assist RCD in identifying creek reaches to be cleaned	Included in contract with RCD. RCD organizes cleanup at multiple locations around the County, as supported by local programs.	Assist RCD in identifying creek reaches to be cleaned	Included in contract with RCD. RCD organizes cleanup at multiple locations around the County, as supported by local programs.	Assist RCD in identifying creek reaches to be cleaned	Included in contract with RCD. RCD organizes cleanup at multiple locations around the County, as supported by local programs.	Assist RCD in identifying creek reaches to be cleaned	Included in contract with RCD. RCD organizes cleanup at multiple locations around the County, as supported by local programs.	Assist RCD in identifying creek reaches to be cleaned	Included in contract with RCD. RCD organizes cleanup at multiple locations around the County, as supported by local programs.
PIP 5B		Rutherford Dust Restoration - provide staff to support restoration efforts along the Napa River in Rutherford.	Support as requested by FCD	Flood Control District provides these services on behalf of permittees	Support as requested by FCD	Flood Control District provides these services on behalf of permittees	Support as requested by FCD	Flood Control District provides these services on behalf of permittees	Support as requested by FCD	Flood Control District provides these services on behalf of permittees	Support as requested by FCD	Flood Control District provides these services on behalf of permittees

Table 5.1 Tasks and Schedule

Attachment 4

	E.8.(iii)	**REPORTING** - For all Permit requirements in this section, submit summary of past year's activitiues, certify compliance, address relationship between program elemnt activities and the Program Effectiveness Assessment Improvement Plan.	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required

New Phase II Permit Implementation/Roles
E.9 IDDE

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
Illicit Discharge Detection and Elimination												
	E.9.a	**Develop map of outfalls.**	Provide existing mapping to Pacific Geodata	Manage work of Pacific Geodata to create outfall maps for permittees. Map shall contain items shown below in E.9.a(ii)(c-e)								
	E.9.a.(i) & (ii) (a)-(b)	**Visit all Permittee-owned outfalls and assess condition. Update outfall map to show contributing drainage areas and land uses,** location of water bodies receiving direct discharges from mapped outfalls. Obtain outfall GPS coordinates and assign and note on map individual alphanumeric identifier. Photograph outfalls			1. Assist RCD in obtaining access/permission to outfalls 2. Conduct source investigation and corrective actions as required in E.9.d(ii)(a-e) below, within 72 hours of notification of discharge	1. Manage work of RCD to Conduct Outfall Inventory and Dry Weather Monitoring						
	E.9.a.(ii) (a)	**Use photographs** or electronic database to provide baseline outfall condition information and to track outfall O&M needs over time.	Provide most recent photo if available		1. Maintain and update photo database. 2. Determine if outfalls need mainteance and if so, perform maintenance.	Create database of outfall photos and turn over to permittees	1. Maintain and update photo database. 2. Determine if outfalls need mainteance and if so, perform maintenance.		1. Maintain and update photo database. 2. Determine if outfalls need mainteance and if so, perform maintenance.		1. Maintain and update photo database. 2. Determine if outfalls need mainteance and if so, perform maintenance.	
	E.9.a.(ii) (c-e)	**Identify priority areas on Outfall maps** (areas of older infrastructure, industrial, commercial, or mixed use areas, areas with history of past illicit discharges, areas with a history of illegal dumping, areas with onsite sewage disposal systems, areas upstream of sensitive water bodies, Field sampling stations, permit boundary).			included as part of E.9.a, Outfall Mapping							
	E.9.c.(i) & (ii) (a)-(c)	**Dry Weather Outfall Monitoring - All Outfalls** **While visiting all outfalls (E.9.a), conduct dry weather flow sampling** from outfalls if flowing or ponding (>72 hrs after rain) and use field equipment to analyze samples for list of constituents in permit. Compare results to Action Level concentration. Conduct follow up investigations per Section E.9.d.			1. Assist RCD in obtaining access/permission to outfalls 2. Conduct source investigation and corrective actions as required in E.9.d(ii)(a-e) below, within 72 hours of notification of discharge	1. Manage work of RCD to Conduct Outfall Inventory and Dry Weather Monitoring 2. Evaluate results at the conclusion of the project to determine Priority Outfalls to be sampled in Years 3-5						

New Phase II Permit Implementation/Roles
E.9 IDDE

Attachment 4

	E.9.c.(i) & (ii) (a)-(c)	**Dry Weather Outfall Monitoring - Annually at Priority Area Outfalls** Conduct dry weather flow sampling in Priority Areas Annually from outfalls if flowing (>72 hrs after rain) and use field equipment to analyze samples for list of constituents in permit. Compare results to Action Level concentration. Conduct follow up investigations per Section E.9.d.(ii)					1. Assist RCD in obtaining access/permission to outfalls 2. Conduct source investigation and corrective actions as required in E.9.d(ii)(a-e) below, within 72 hours of notification of discharge	Manage work of RCD to Conduct Outfall Inventory and Dry Weather Monitoring at priority outfalls.	1. Assist RCD in obtaining access/permission to outfalls 2. Conduct source investigation and corrective actions as required in E.9.d(ii)(a-e) below, within 72 hours of notification of discharge	Manage work of RCD to Conduct Outfall Inventory and Dry Weather Monitoring at priority outfalls.	1. Assist RCD in obtaining access/permission to outfalls 2. Conduct source investigation and corrective actions as required in E.9.d(ii)(a-e) below, within 72 hours of notification of discharge	Manage work of RCD to Conduct Outfall Inventory and Dry Weather Monitoring at priority outfalls.
	E.9.d.(i)	Develop written procedures for investigations and corrective actions			Review and approve procedures and templates	Develop procedures and documentation templates (Start July 2014)	Review and approve as needed	Update as needed	Review and approve as needed	Update as needed	Review and approve as needed	Update as needed
	E.9.d.(ii)	**Investigate suspected illicit discharges within 72 hours** of becoming aware of them using procedures developed above.			Implement investigations starting with outfall sampling during Summer 2014. Pacific Geodata to assist, as needed.	Assist as requested by permittee	Continue to investigate and document	Assist as requested by permittee	Continue to investigate and document	Assist as requested by permittee	Continue to investigate and document	Assist as requested by permittee
	E.9.d.(ii)(e)	**Once source of discharge is identified, immediately notify the responsible party and require them to correct within 72 hours.** Verify with follow-up investigation. Track actions taken during 72-hr period. Enforcement actions shall follow the ERP. Cost recovery may be sought by city.			Implement investigations starting with outfall sampling during Summer 2014	Assist as requested by permittee	Continue to implement and document	~~Provide Guidance~~ Assist as requested by permittee	Continue to implement and document	Assist as requested by permittee	Continue to implement and document	Assist as requested by permittee
	E.9.d.(ii)(a)(b)	**Non-storm water discharges suspected of being sanitary sewage and/or significantly contaminated shall be investigated within 24 hours.** Prioritize them over invest. Of other types of discharges			Implement investigations starting with outfall sampling during Summer 2014	Assist as requested by permittee	Continue to implement and document	~~Provide Guidance~~ Assist as requested by permittee	Continue to implement and document	Assist as requested by permittee	Continue to implement and document	Assist as requested by permittee
	E.9.d.(ii)(c)	Report immediately any flows believed to be an immediate threat to human health or the environment to local Health Department.			Implement investigations starting with outfall sampling during Summer 2014	Assist as requested by permittee	Continue to implement and document	~~Provide Guidance~~ Assist as requested by permittee	Continue to implement and document	Assist as requested by permittee	Continue to implement and document	Assist as requested by permittee
	E.9.d.(ii)(d)	**Discover the source of discharges and document.** If the source is found to be a discharge authorized under this General Permit, or authorized under another NPDES permit, no further action is required.			Implement investigations starting with outfall sampling during Summer 2014	Assist as requested by permittee	Continue to implement and document	~~Provide Guidance~~ Assist as requested by permittee	Continue to implement and document	Assist as requested by permittee	Continue to implement and document	Assist as requested by permittee
	E.9.e	**Spill Response Plan**										
	E.9.e.(ii)	**Develop Spill Response Plan:** Incorporate the information from Section E.9.d. and outline the following: a. Agency roles and responsibilities b. Procedures for responding to complaints c. How investigations are to be conducted d. How clean up is initiated or conducted e. How reporting is completed and what information is required	Review and approve plan	Develop Spill Response Plan (Start April 2014)	Review and approve as needed	Update plan as needed	Review and approve as needed	Update plan as needed	Review and approve as needed	Update plan as needed	Review and approve as needed	Update plan as needed

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E.9 IDDE

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	E.9.e.	Implement Spill Response Plan	Implement plan (Start July 2014)		Continue to implement plan		Continue to implement plan		Continue to implement plan		Continue to implement plan	
IDDE 2E		Spill Response Plan - train staff			1. Participate in development of training 2. Send staff to training	Develop and conduct training.	Continue to implement as per E.7.b.1					
	E.9.b	**Illicit Discharge Source/Facility Inventory**										
	E.9.b.	**Develop inventory of all industrial/commercial facilities/sources within Permittee's jurisdiction (regardless of ownership) that could discharge pollutants to MS4.**			Review and provide input to inventory; approve final.	Work with DEM and Pacific Geodata to develop inventory based on criteria in E.9.b.(ii).(a) and (b)						
	E.9.b.(i)	Utilize the inventory to identify facilities for inspections of potential illicit discharges.			Review and approve	Work with DEM to use inventory as basis for inspections	Review and approve	Work with DEM to use inventory as basis for inspections	Review and approve	Work with DEM to use inventory as basis for inspections	Review and approve	Work with DEM to use inventory as basis for inspections
IDDE 4B		Business Inspections - Distribute BMP educational materials (e.g., restaurant brochures and laminated posters)	County DEM to distribute educational materials to restaurants during inspections	Work with County DEM to develop additional outreach materials, as needed	County DEM to distribute educational materials to restaurants during inspections	Work with County DEM to develop additional outreach materials, as needed	County DEM to distribute educational materials to restaurants during inspections	Work with County DEM to develop additional outreach materials, as needed	County DEM to distribute educational materials to restaurants during inspections	Work with County DEM to develop additional outreach materials, as needed	County DEM to distribute educational materials to restaurants during inspections	Work with County DEM to develop additional outreach materials, as needed
IDDE 4D		Training for business inspectors		Work with County DEM to ensure their inspectors are adequately trained and provide training opportunities, if needed.		Work with County DEM to ensure their inspectors are adequately trained and provide training opportunities, if needed.		Work with County DEM to ensure their inspectors are adequately trained and provide training opportunities, if needed.		Work with County DEM to ensure their inspectors are adequately trained and provide training opportunities, if needed.		Work with County DEM to ensure their inspectors are adequately trained and provide training opportunities, if needed.
IDDE 4E and 4G		Business Inspections - Conduct inspections of restaurants and businesses that handle haz materials	Via contracts with municipalities, County DEM will perform restaurant and business inspections		Via contracts with municipalities, County DEM will perform restaurant and business inspections	Work with DEM to use inventory developed under E.9.b (i) as basis for inspections	Via contracts with municipalities, County DEM will perform restaurant and business inspections	Work with DEM to use inventory developed under E.9.b (i) as basis for inspections	Via contracts with municipalities, County DEM will perform restaurant and business inspections	Work with DEM to use inventory developed under E.9.b (i) as basis for inspections	Via contracts with municipalities, County DEM will perform restaurant and business inspections	Work with DEM to use inventory developed under E.9.b (i) as basis for inspections
IDDE 4H		Business newsletter - Produce and mail newsletter (or similar) to businesses which includes a message about SW regulations and preventing SW pollution	City of Napa Materials Diversion Facility performs this on behalf of permittees		City of Napa Materials Diversion Facility performs this on behalf of permittees		City of Napa Materials Diversion Facility performs this on behalf of permittees		City of Napa Materials Diversion Facility performs this on behalf of permittees		City of Napa Materials Diversion Facility performs this on behalf of permittees	

New Phase II Permit Implementation/Roles
E.9 IDDE

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	E.9.b.(ii)(c)	Determine if facilities on the inventory are required to be covered by the NPDES Industrial General Permit and notify the RWQCB if non-filers are discovered.			Review and approve Waterboard notifications	Work with DEM to ID facilties negligent in getting Gen. Industrial Permit coverage. Notify Waterboard in writing.	Review and approve Waterboard notifications	Work with DEM to ID facilties negligent in getting Gen. Industrial Permit coverage. Notify Waterboard in writing.	Review and approve Waterboard notifications	Work with DEM to ID facilties negligent in getting Gen. Industrial Permit coverage. Notify Waterboard in writing.	Review and approve Waterboard notifications	Work with DEM to ID facilties negligent in getting Gen. Industrial Permit coverage. Notify Waterboard in writing.
	E.9.b.(ii)(d)	Update inventory annually. Update will be accomplished thru collection of new info found during inspections, contacts with facility owners/operators, or other intra-agency databases (e.g., business licenses, pretreatment permits, sewer hook-up permits, and SMARTS database).					Provide local input; Review and approve	Work with DEM and permittees to update inventory	Provide local input; Review and approve	Work with DEM and permittees to update inventory	Provide local input; Review and approve	Work with DEM and permittees to update inventory
	E.9.b.(ii)(e)	Develop procedures to proactively identify illicit discharges from priority areas identified in E.9.a.(ii).(c), Outfall Map. Procedures shall include: field observations/screening, inspections and any other approp survey methods.			NCSPPP and permittees to decide whether to develop procedures or establish a self-cert program. If the former, review and approve procedures.							
	E.9.b.(ii)(e)	Implement procedures at least once in permit term. Or establish self-certification program requiring reports from authorized parties demonstrating they are preventing/eliminating illicit discharges at their facilities. Leverage existing DEM inspection procedures and personnel.					Implement procedures or self certification program once during remainder of permit term.					
		REPORTING - summary of the past year activities and certify compliance with all requirements of this program element. How did activities relate to Program Effectiveness Assessment and Improvement Plan (annual and long-term).	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.10.	**Construction Site Stormwater Runoff Control Program**										
	E.10.a.	**Construction Site Inventory**										
	E.10.a.(i)	Develop and continuously update inventory of all projects (private and public) subject to local construction site stormwater ordinance.	Review and approve new inventory template (Complete June 2014). In the meantime, continue using existing construction inventories to track projects	Develop inventory template (Start April 2014)	Start using new inventory (July 1, 2014) to collect data on construction projects		Update and maintain inventory	Revise template as necessary	Update and maintain inventory	Revise template as necessary	Update and maintain inventory	Revise template as necessary
	E.10.a.(ii)	**Inventory shall include:** contact info for each project, basic info like location, project size, disturbed area, start/end dates, location of project with respect to water bodies, project threat to water quality, construction phase, required inspection frequency, erosion and sediment control plan (ESC) plan approval date, and water bodies impaired by sediment-related pollutants. **Until 6-30-14, provide inventory according to current SWMP and existing templates.**	Included in above row									
	E.10.a.(iii)	**REPORTING** - Be prepared to submit summary of past year's activities, certify compliance, address relationship between program element activities and the Program Effectiveness Assessment Improvement Plan.	Review summary. Compile inventory and all supporting documentation. Submit and certify in SMARTS	Provide summary of inventory process ~~and show relationship to PEAIP~~ (no PEAIP references in Years 1&2)	Review summary. Compile inventory and all supporting documentation. Submit and certify in SMARTS	Provide summary of inventory process ~~and show relationship to PEAIP~~ (no PEAIP references in Years 1&2)	Review summary. Compile inventory and all supporting documentation. Submit and certify in SMARTS	Provide summary of inventory process and show relationship to PEAIP	Review summary. Compile inventory and all supporting documentation. Submit and certify in SMARTS	Provide summary of inventory process and show relationship to PEAIP	Review summary. Compile inventory and all supporting documentation. Submit and certify in SMARTS	Provide summary of inventory process and show relationship to PEAIP
	E.10.b.	**Construction Plan Review and Approval Procedures**										
	E.10.b.(i)	Develop procedures to review and approve relevant construction site documents (Update Construction Site Runoff Control Requirements manual).	Develop procedures and guidelines and checklist working with Dan Cloak and LWA (Start April 2014)									
		Review procedures shall meet minimum requirements listed below:										
	E.10.b.(ii) (a)	**Each construction site operator must submit erosion and sediment control (ESC) plan to Permittee for approval before being issued a grading or building Permit.** ESC Plan must contain appropriate, site specific BMPs that meet the minimum requirements of stormwater ordinances. *Plan reviewers must be QSD or supervised by QSD (from E.7.b.2)			Implement new review procedures* (review and approve ESC Plans submitted by construction site operators)	Assist as requested by permittee	Continue to implement review procedures	Assist as requested by permittee	Continue to implement review procedures	Assist as requested by permittee	Continue to implement review procedures	Assist as requested by permittee
	E.10.b.(ii) (b)	Erosion and sediment control (ESC) plan must include rationale for selecting BMPs - including supporting soil loss calculations, if necessary.			Validate rationale was provided in ESC Plan	Assist as requested by permittee	Validate rationale was provided in ESC Plan	Assist as requested by permittee	Validate rationale was provided in ESC Plan	Assist as requested by permittee	Validate rationale was provided in ESC Plan	Assist as requested by permittee

Phase II Permit Implmentation
E.10 Construction

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OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.10.	**Construction Site Stormwater Runoff Control Program**										
	E.10.b.(ii)(c)	**Require ESC Plan to list permits directly associated with the grading activity, including CGP, 401 certification, 404 permit, and 1600 Agreement.** Before receiving a grading permit, operator must submit evidence to MS4 that all permits directly associated with grading activity have been obtained prior to commencing soil disturbing activities.			Review ESC Plan for additional outside agency permits	Assist as requested by permittee	Review ESC Plan for additional outside agency permits	Assist as requested by permittee	Review ESC Plan for additional outside agency permits	Assist as requested by permittee	Review ESC Plan for additional outside agency permits	Assist as requested by permittee
	E.10.b.(ii) (d)	Conduct and document review of each erosion and sediment control plan using a checklist or similar process.			Document review procedures were followed by completing checklist	Assist as requested by permittee	Document review procedures were followed by completing checklist	Assist as requested by permittee	Document review procedures were followed by completing checklist	Assist as requested by permittee	Document review procedures were followed by completing checklist	Assist as requested by permittee
CONST 2D		Implement construction plan review process	Continue to review construction plans to ensure projects < 1acre include ESC measures		Begin following new construction plan review procedures as per E.10.b.i	Continue to implement under E.10.b.i						
	E.10.b.(ii) (e)	SWPPP for CGP may substitute for erosion and sediment control plan for projects where SWPPP is developed. Permttee must review applicable portions of SWPPP for compliance with their ordinance.			For CGP projects, review SWPPP for compliance with permittee's ordinance		For CGP projects, review SWPPP for compliance with permittee's ordinance		For CGP projects, review SWPPP for compliance with permittee's ordinance		For CGP projects, review SWPPP for compliance with permittee's ordinance	
	E.10.b.(iii)	**REPORTING** - Submit summary of past year's activities, certify compliance, address relationship between program elemnt activities and the Program Effectiveness Assessment Improvement Plan.	Review summary. Compile all documentation showing procedures were followed on all projects. Submit and certify in SMARTS	Compile summary of plan review and approval procedures and show relationship with PEAIP	Review summary. Compile all documentation showing procedures were followed on all projects. Submit and certify in SMARTS	Compile summary of plan review and approval procedures and show relationship with PEAIP	Review summary. Compile all documentation showing procedures were followed on all projects. Submit and certify in SMARTS	Compile summary of plan review and approval procedures and show relationship with PEAIP	Review summary. Compile all documentation showing procedures were followed on all projects. Submit and certify in SMARTS	Compile summary of plan review and approval procedures and show relationship with PEAIP	Review summary. Compile all documentation showing procedures were followed on all projects. Submit and certify in SMARTS	Compile summary of plan review and approval procedures and show relationship with PEAIP
	E.10.c.	**Construction Site Inspection and Enforcement**										
	E.10.c.(i)	Use legal authority to implement procedures for inspecting public and private construction projects and conducting enforcement. May leverage existing procedures and personnel.			Adopt standard code language	Develop standard template code language. **Same as ordinance??**	Review and approve as needed	Update as needed	Review and approve as needed	Update as needed	Review and approve as needed	Update as needed
CONST 3E		Inspect construction sites prior to the onset of the wet season and after major storm events. Inspect 5 construction sites within 48 hours of a major storm (>0.25 inches).	Continue to inspect construction sites as per existing SWMP		Begin inspecting construction sites as per new schedule of insp. Frequencies (starting mid year)							

Phase II Permit Implementation
E.10 Construction

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.10.	**Construction Site Stormwater Runoff Control Program**										
	E.10.c.(ii)	**Develop schedule of inspection frequencies based on prioritization criteria including:** soil erosion potential, site slope, project type/size, receiving water body sensitivity, proximity to receiving waters, non-stormwater discharges, projects > 1 acre that are not subject to CGP (i.e., sites that have obtained an Erosivity Waiver) and past record of non-compliance by construction site operator.	←	←	Develop schedule of inspection frequencies based on prioritization criteria in permit							
	no specific reference. Implied language.	**(Inspect Non-Priority Sites according to schedule developed by the Program in Year 1]** * Inspections (priority and non-priority sites) must be conducted by a QSD or QSP or supervised by a QSP (from E.7.b.2).			Conduct inspections according to schedule developed in Year 1* (starting mid year)	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee
	E.10.c.(ii)	**Inspect Priority Sites**, before land disturbance, during the rainy season. Ensure all necessary controls are in place.			Conduct inspections according to schedule developed in Year 1* (starting mid year)	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee
	E.10.c.(ii)	**Inspect Priority Sites** during active construction, [at frequency based on schedule developed by Program]. Ensure all necessary controls are in place.			Conduct inspections according to schedule developed in Year 1* (starting mid year)	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee
	E.10.c.(ii)	**Inspect Priority Sites** after construction. At project conclusion, Permittee must inspect to ensure all disturbed areas have been stabilized, and unneeded temp. erosion and sediment control measures have been removed.			Conduct inspections according to schedule developed in Year 1* (starting mid year)	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee	Conduct inspections according to schedule developed in Year 1	Assist as requested by permittee
	E.10.c.(iii)	**REPORTING** - Submit summary of past year's activities, certify compliance, address relationship between program elemnt activities and the Program Effectiveness Assessment Improvement Plan.	Review summary. Compile all inspection documentation for all projects. Submit and certify in SMARTS	Compile summary of inspection frequencies and show relationship with PEAIP where required	Review summary. Compile all inspection documentation for all projects. Submit and certify in SMARTS	Compile summary of inspection frequencies and show relationship with PEAIP where required	Review summary. Compile all inspection documentation for all projects. Submit and certify in SMARTS	Compile summary of inspection frequencies and show relationship with PEAIP where required	Review summary. Compile all inspection documentation for all projects. Submit and certify in SMARTS	Compile summary of inspection frequencies and show relationship with PEAIP where required	Review summary. Compile all inspection documentation for all projects. Submit and certify in SMARTS	Compile summary of inspection frequencies and show relationship with PEAIP where required

Phase II Permit Implementation
E.11 Muni Ops

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.11	Pollution Prevention/Good Housekeeping for Permittee Ops.										
MUNI 1A		Street Sweeping according to schedule in Table 8 of SWMP	Continue st. sweeping		Continue st. sweeping	Revise sweeping program as part of E.11 g and/or E.14, to determine what actions to continue into Years 3-5 →	Continue st. sweeping	→	Continue st. sweeping		Continue st. sweeping	
MUNI 1C		Record and report miles swept, area covered, volume or weight of material collected	Continue record keeping		Continue record keeping	Revise sweeping program as part of E.11 g and/or E.14, to determine what actions to continue into Years 3-5 →	Continue st. sweeping	→	TBD			
MUNI 1D		Track maintenance of street sweeping equipment	Continue maintenance of sweeping equipment		Continue maintenance of sweeping equipment	Revise sweeping program as part of E.11.g and/or E.14, to determine what actions to continue into Years 3-5 →	Continue st. sweeping	→				
MUNI 1E and 1F		St. Sweeping program evaluation - evaluate effectiveness of program and modify if necessary	Continue evaluating program effectiveness		Continue evaluating program effectiveness	Revise sweeping program as part of E.11 g and/or E.14, to determine what actions to continue into Years 3-5 →	Continue st. sweeping	→				
MUNI 1G		Train municipal staff and contract sweepers on O&M standards, record keeping etc.	Continue training staff on sweeping standards and record keeping		Continue training staff on sweeping standards and record keeping	Revise sweeping program as part of E.11.g and/or E.14 to determine what actions to continue into Years 3-5 →	Continue st. sweeping	→				
	E.11.a.	Inventory of Permittee-Owned and Operated Facilities										
	E.11.a.(ii)	Develop and maintain inventory of ALL permittee owned or operated facilities that are a potential threat to water quality (see list in permit)			Each permittee to develop an inventory of facilities of the types listed in the permit and deliver to NCSPPP	NCSPPP and DEM to review and refine cities' inventories, adding facilities from DEM's records	Update facilities list as needed		Update facilities list as needed		Update facilities list as needed	
	E.11.b.	Map of Permittee-owned or Operated Facilities										

Phase II Permit Implementation
E.11 Muni Ops

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.11	Pollution Prevention/Good Housekeeping for Permittee Ops.										
	E.11.b.(ii)	Develop a map of inventoried facilities. Include stormwater drainage system, discharge point, and receiving water.			Review and approve map of facilities	Work with Pacific Geodata to develop map of permittee-owned facilities	Approve maps as necessary	Update maps as necessary	Approve maps as necessary	Update maps as necessary	Approve maps as necessary	Update maps as necessary
	E.11.c.	Facility Assessment										
	E.11.c.(ii)	Conduct comprehensive assessment & inspection of all inventoried facilities and identify list of "hot spot" facilities. Use CWP's "Restoration Manual Series guide on Urban Subwatershed and Site Reconnaissance" or equivalent. Annually review and update entire list. Document the assessment procedures and results.					Conduct assessment/inspections of ALL facilities to ID hotspot facilities	Develop procedures for conducting assessment/inspections	Conduct assessment/inspections of hotspot facilities	Update procedures if necessary	Conduct assessment/inspections	Update procedures if necessary
	E.11.d.	Stormwater Pollution Prevention Plans										
	E.11.d.(ii)	Develop site specific SWPPP for each facility "hot spot". If there is a Hazardous Materials Business Plan, Spill Prevention Plan, or existing SWPPP then developing a new SWPPP is not required.							Each permittee to prepare SWPPP's for each hotspot facility in their jurisdiction (Consultant support may be necessary)	Develop a SWPPP template	Update SWPPPs as necessary	
	E.11.e.	Hot spot Facility Inspections, Visual Monitoring and Remedial Action										
	E.11.e.(ii)(a)	Perform **Quarterly** visual hot spot inspections - Inspection reports tracked in a log and kept with the facility's SWPPP. Report shall include deficiencies and corrective actions.								Develop procedures for conducting inspections and inspection report templates	Approve procedures and templates. Perform quarterly inspections (Consultant assistance may be necessary)	Assist as requested by permittee
	E.11.e.(ii)(b)	Perform annual comprehensive hot spot inspections. Inspection reports tracked in a log and kept with the facility's SWPPP. Report shall include deficiencies and corrective actions.								Develop procedures for conducting inspections and inspection report templates	Approve procedures and templates. Perform annual inspections (Consultant assistance may be necessary)	Assist as requested by permittee
	E.11.e.(ii)(c)	Quarterly visual observation of stormwater and non-stormwater discharges at hot spots. Inspection reports tracked in a log and kept with the Facility's SWPPP. Report to include deficiencies and corrective actions								Develop procedures for conducting inspections and inspection report templates	Approve procedures and templates. Perform quarterly inspections (Consultant assistance may be necessary)	Assist as requested by permittee

Phase II Permit Implementation
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OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.11	Pollution Prevention/Good Housekeeping for Permittee Ops.										
	E.11.e.(ii)(d)	Non-hot spot facility visual inspections - once per permit term (done during assessment in year 3)					Complete inspections of all non-hot spot facilities as part of E.11.c.(ii)				Perform inspections at non-hot spots (only for new facilities not inspected in Year 3)	Assist as requested by permittee
	E.11.f.	Storm Drain System Assessment and Prioritization										
	E.11.f.(ii)	Develop and implement procedures to assess and prioritize maintenance of storm drain system infrastructure (incl. catch basins, pipe and pump infrastructure, above ground conveyances, detention basins). Assign a priority to each facility based on accumulation of sediment, trash and/or debris, volume of runoff, etc.			Review inventory. Develop a prioritized maint schedule for all storm drain infrastructure.	Work with Pacific Geodata to inventory infrastructure.						
	E.11.g.	Maintenance of Storm Drain System										
	E.11.g.(ii).a	Inspect storm drain system components based on assigned priorities. Inspect all high priority catch basins annually					Perform inspections as per new schedule	Assist as requested by permittee	Perform inspections as per new schedule	Assist as requested by permittee	Perform inspections as per new schedule	Assist as requested by permittee
	E.11.g.(ii).b	Develop and implement a schedule to clean high priority catch basins and other systems. Frequencies shall be based on assigned priorities.					Clean drainage system components as per new schedule	Assist as requested by permittee	Clean drainage system components as per new schedule	Assist as requested by permittee	Clean drainage system components as per new schedule	Assist as requested by permittee
MUNI 2B/3B/6C/7C/8C/9D		Training - train municipal staff on BMPs related to storm drain maintenance, pump station maint, road maint, creek/ditch maint, parks and rec maint	Send appropriate staff to training	Incorporate into Muni Ops training to be held March 2014		Incorporate into biennial Poll Prev training required under E.7.b.3						
MUNI 2C		Inspect and clean storm drains as per Table 8 of SWMP	Continue to clean SDs according to Table 8 of SWMP		Continue to clean SDs according to Table 8 of SWMP		Incorporate into E.11.f					
MUNI 3C		Pump Stations - Inspect wet wells and forebays for pollutant discharges; once in June and once in August, once/month from Oct-April	Continue to perform as per existing SWMP		Continue to perform as per existing SWMP		Incorporate into E.11.f					
MUNI 3D		Pump Stations - conduct comprehensive cleaning of wet wells annually, prior to wet season	Continue to perform as per existing SWMP		Continue to perform as per existing SWMP		Incorporate into E.11.f					
	E.11.g.(ii).c	Label all catch basins in high foot traffic areas. Replace illegible or missing labels within 30 days					Inspect and mark label as needed	Provide SD markers labels (or cities can pay for their own)	Inspect and label as needed	Provide labels (or cities can pay for their own)	Inspect and label as needed	Provide labels (or cities can pay for their own)
	E.11.g.(ii).d	Maintain surface drainage structures. Remove trash and debris from high priority areas annually before rainy season.					Clean and maintain structures as per new schedule	Assist as requested by permittee	Clean and maintain structures as per new schedule	Assist as requested by permittee	Clean and maintain structures as per new schedule	Assist as requested by permittee

Phase II Permit Implementation
E.11 Muni Ops

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OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.11	**Pollution Prevention/Good Housekeeping for Permittee Ops.**										
	E.11.g.(ii).e	Develop procedure to properly dispose of water/waste materials removed from catch basins.					Implement proper disposal BMPs	Assist as requested by permittee	Implement proper disposal BMPs	Assist as requested by permittee	Implement proper disposal BMPs	Assist as requested by permittee
	E.11.h.	**Permittee Operation & Maintenance Activities**										
	E.11.h.(ii)(a)	**Develop a program to assess O&M activities and subsequently develop applicable BMPs.** Includes these types of O&M activities: 1. Road/pkg lot maint, sidewalk/curb & gutter/pothole repair,pavement marking, sealing, re-paving 2. Bridge maintenance incl. re-chipping, grinding, saw cutting, and painting 3. Cold weather operations 4. ROW Maint incl. mowing, herbicide/pesticide appl, planting vegetation 5. Permittee sponsored events, fairs, festivals (e.g. Earth Day, Coastal Cleanup Day) 6. Green waste deposited in street 7. Graffiti removal 8. Hydrant flushing					Develop BMPs for each O&M activity		Review BMPs and update if needed		Review program and update as needed	
	E.11.h.(ii)(b)	Identify all materials that could be discharged from each of these O&M activities, and the types of pollutants from each material (i.e. sediment, metals, dried paint, trash, etc.)					Identify all potential pollutants		Review potential pollutants if needed		Review potential pollutants if needed	
	E.11.h.(ii)(c)	Develop a set of BMPs that, when applied during O&M activities, will reduce pollutants in stormwater and non-stormwater discharges.					Implement BMPs	Assist as requested by permittee	Implement BMPs	Assist as requested by permittee	Implement BMPs	Assist as requested by permittee
	E.11.h.(ii)(d)	Evaluate all BMPs implemented during O&M activities quarterly.					Evaluate BMPs quarterly	Assist as requested by permittee	Evaluate BMPs quarterly	Assist as requested by permittee	Evaluate BMPs quarterly	Assist as requested by permittee
	E.11.i.	**Incorporation of Water Quality and Habitat Enhancement Features in Flood Management Facilities**										
	E.11.i.(ii)	Develop and implement a process for incorporating WQ and habitat enhancement into new and rehabilitated flood management projects.					Review and approve narrative	Draft a narrative describing process by which Napa FCD incorporated WQ and habitat enhancement into the Flood Project	Ensure process is incorporated into future flood management projects		Ensure process is incorporated into future flood management projects	
MUNI 4A		Provide litter receptacles in litter source areas and empty regularly	Continue to implement as per SWMP		Continue to implement as per SWMP		Continue to implement as per SWMP		Continue to implement as per SWMP		Continue to implement as per SWMP	
MUNI 5C		Corporation Yards - implement corp yard SWPPPs	Continue to implement as per SWMP		Continue to implement as per SWMP		Continue to implement as per SWMP		Continue to implement as per SWMP		Continue to implement as per SWMP	
	E.11.j.	**Landscape Design and Maintenance**										
	E.11.j.(ii)(a)	Evaluate pesticides, herbicides and fertilizers and their application activities, and identify pollution prevention and source control opportunities.			Adapt model IPM ordinances and adopt	Provide guidance on adopting an IPM ordinance	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee
	E.11.j.(ii)(b)	Implement practices that reduce the discharge of pesticides, herbicides, and fertilizers. At a minimum:			Included in rows below							
	E.11.j.(ii)(b).1	Implement educational activities for municipal applicators and distributors.			Adapt model IPM ordinances and adopt	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee

Phase II Permit Implementation
E.11 Muni Ops

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OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.11	Pollution Prevention/Good Housekeeping for Permittee Ops.										
	E.11.j.(ii)(b).2	Implement landscape management measures that rely on non-chemical solutions.			Adapt model IPM ordinances and adopt	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee
	E.11.j.(ii)(b).3	Collect and properly dispose of unused pesticides, herbicides, and fertilizers.			Adapt model IPM ordinances and adopt	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee
	E.11.j.(ii)(b).4	Minimize irrigation runoff by using evapotranspiration based irrigation schedule and rain sensors.			Adapt model IPM ordinances and adopt	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee	Implement approach developed in Year 2 ~~IPM ordinance~~	Assist as requested by permittee
	E.11.j.(ii)©	Record the types and amounts of pesticide/herbicide, and fertilizer used in the permit area			Record and documents products used	Assist as requested by permittee	Assist as requested. ~~Record and documents products used~~	Gather data collected by County Ag. Commissioner and report to Waterboard ~~Assist as requested by permittee~~	Assist as requested. ~~Record and documents products used~~	Gather data collected by County Ag. Commissioner and report to Waterboard ~~Assist as requested by permittee~~	Assist as requested. ~~Record and documents products used~~	Gather data collected by County Ag. Commissioner and report to Waterboard ~~Assist as requested by permittee~~
	E.11.(iii)	REPORTING - submit summary of past year's activities, certify compliance, address relationship between program element activities and the Program Effectiveness Assessment Improvement Plan.	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required

Phase II Permit Implmentaition
E.12 Post-Construction

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.12.	**POST CONSTRUCTION STORM WATER MANAGEMENT PROGRAM**										
		Single Family Hillside Residences, 100,000 sf commercial developments, auto repair shops, gas outlets, restaurants, home subdividions with 10+ housing units, parking lots 5,000 sf or more or with 25 ore more spaces										
POST CONST 2B		Peak SW runoff discharge rates	Continue to perform as per existing SWMP.		Continue to perform as per existing SWMP through December 2014. As of January 2015, follow new Post Construction Manual							
POST CONST 2C		Conserve natural areas										
POST CONST 2D		Minimize SW pollutants of concern										
POST CONST 2E		Protect slopes and channels										
POST CONST 2F		Provide SD system stenciling and signage										
POST CONST 2G		Properly design outdoor material storage areas										
POST CONST 2H		Properly design trash storage areas										
POST CONST 2I		Provide proof of ongoing BMP maintenance										
POST CONST 2J		Design standards fo structural/treatment control BMPs										
		100,000 sq. ft. commercial										
POST CONST 2K		Properly design loading/unloading dock areas										
POST CONST 2L		Properly design repair/maintenance bays										
POST CONST 2M		Properly design vehicle/equip wash areas										
		Restaurants										
POST CONST 2N		Properly design equipment wash areas										
		Retail gas outlets										
POST CONST 2O		Properly design fueling areas										
		Auto repair shops										
POST CONST 2P		Properly design fueling areas										
POST CONST 2Q		Properly design maintenance bays										
POST CONST 2R		Properly design wash areas										
POST CONST 2S		Properly design loading/unloading dock areas										
		Parking Lots										
POST CONST 2T		Properly design parking areas										
POST CONST 2U		Properly design to limit oil comtamination										
POST CONST 2V		Consider other approp design standards										
POST CONST 2W		Adopt design standards										
	E.12.b.	**Site Design Measures**										
	E.12.b.(i)	**Implement site design measures for projects creating/replacing between 2,500 - 5,000 sf of impervious surface, including detached single family homes** that create and/or replace 2,500 sf or more of impervious surface and are not part of a larger development. Site design measures in this section are not applicable to linear utility projects.	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Stormwater coordinators to initiate communication with staff in all city departments (planning, building, PW etc) who will be affected by Post Const reg. Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed

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OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.12.	POST CONSTRUCTION STORM WATER MANAGEMENT PROGRAM										
	E.12.c.(ii)	**Regulated Projects** (RPs)- **Projects that create and/or replace 5,000 sf or more of impervious surface (Regulated Projects).** Require implementation measures for site design, source control, runoff reduction, sw treatment and baseline hydromodification management. Includes new and redevelopment projects both public or private.	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Stormwater coordinators to initiate communication with staff in all city departments (planning, building, PW etc) who will be affected by Post Const reg. Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.d.	**Source Control Measures**										
	E.12.d.(ii)	Regulated Projects with pollutant-generating activities shall be required to implement standard permanent and/or operation source control measures consistent with recommendations from CASQA SW BMP Handbook for New Development and Redevelopment. (section lists pollutant generating activities from a through r.)	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Stormwater coordinators to initiate communication with staff in all city departments (planning, building, PW etc) who will be affected by Post Const reg. Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.e.	**Low Impact Development (LID) Design Standards**										
	E.12.e.(i)	Require all RPs to implement LID standards designed to reduce runoff, treat sw, and provide baseline hydromodification managemnt ot the extent feasible, to meet the Numeric Sizing Criteria for SW Retentions and Treatment.	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.e.(ii)(a)	Site Assessment - At earliest planning stage, require RPs to assess and evaluate how site conditions will influence the placement of buildings and paved surfaces. RPs must consider optimizing site layout through 9 listed methods.	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed

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OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.12.	POST CONSTRUCTION STORM WATER MANAGEMENT PROGRAM										
	E.12.e.(ii)(b)	**Drainage Management Areas** - require RPs to provide a map or diagram dividing developed portions of project site into discrete Drainage Maintenance Areas, and to manage runoff from each DMA using Site Design Measures, Source Controls and/or SW Treatment and Basline Hydromodification Measures.	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.e.(ii)(c)	**Numeric Sizing Criteria for SW Retention and Treatment** - Require facilities designed to evapotranspire, infiltrate, harvest/use, and biotreat sw to base hydraulic sizing design criteria on Volumetric Criteria and/or Flow-based Criteria.	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.e.(ii)(d)	**Site Design Measures** - Implement site design measures as defined in Section E.12.b. and E.12.e(ii)(a). Use site design measures to reduce the amount of runoff, to the extent technically feasible, for which retention and runoff is required. Any remaining runoff from impervious DMAs may then be directed to a bioretention facility as specified in E.12.e.(ii)(f).	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.e.(ii)(e)	**Source Controls** - Implement Source Control Measures as defined in Section E.12.d.	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.e.(ii)(f)	**SW Treatment Measures and Basline Hydromodification Management Measures** - After implementing SDM, remaining runoff from impervious DMAs must be directed to one or more facilities designed to infiltrate, evapotranspire, and/or bioretain the amount of runoff specified in Section E.12.e.(ii)(c). Facilities msut be at lest as effective as a bioretention system with eight design parameters listed in this section.	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.e.(ii)(g)	**Alternative Designs** -Facilities of a different design than in Section E.12.e.(ii)(f) may be permitted if all four measures (listed in this section), of equivalent effectiveness are demonstrated.	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed

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OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.12.	**POST CONSTRUCTION STORM WATER MANAGEMENT PROGRAM**										
	E.12.e.(ii)(h)	**Allowed Variations for Special Site Conditions** - The bioretnetion system design parameters may be adjusted for four special site conditions. Refer to this section for a more complete explanation of what constitutes special site conditions.	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.e.(ii)(i)	**Exceptions to Requirements for Bioretention Facilities** - Contingent upon demonstrating that bioretention is infeasible, other types of biotreatment or media filters (e.g. tree box filters, in-vault media filters) may be used for three special categories of RPs (see section for list). Adopt or reference appropriate performance criteria for such biotreatment and media filters.	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.e.(ii)(j)	**Alternative Compliance to requirements for Bioretention and Biotreatment Facilities** - Smart growth projects that can effectively demonstrate a reduction in per capita runoff volume are exempt from Section E.12.e.(ii)(f).	Review Manual and provide comments	Using NBWA grant, work with Dan Cloak to write Guidance Manual and appurtenant documents	Send staff to training. Begin implementation Jan. 2015	Provide training for cities and development professionals thru NBWA Grant	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.e (iii)	**Reporting** - Use SMARTS to submit summary of past year's activities, certify compliance, address relationship between program elemnt activities and the Program Effectiveness Assessment Improvement Plan.	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required
	E.12.f.	**Hydromodification Management**										
	E.12.f.(i)	Develop and implement Hydromodification Management procedures					Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed
	E.12.f.(ii)	Permittee shall implement the following hydromodification standard: post-project runoff shall not exceed estimated pre-project flow rate for the 2-year, 24-hour storm.					Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed	Continue to implement	Update Guidance Manual and documents as needed

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E.12 Post-Construction

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OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.12.	**POST CONSTRUCTION STORM WATER MANAGEMENT PROGRAM**										
	E.12.f.(iii)	**Reporting** - Use SMARTS to submit summary of past year's activities, certify compliance, address relationship between program elemnt activities and the Program Effectiveness Assessment Improvement Plan.					Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required
	E.12.g	**Enforceable Mechanisms**										
	E.12.g.(ii)	**Develop and/or modify enforceable mechanisms that will effectively implement the requirements** in Section E.12.b. through E.12.f. and may include muncipal codes, regulations, standards, and specifications. Conduct an analysis of applicable codes/regs etc. to identify modifications necessary to fill **gaps and remove impediments** to effective implementation. Approve new or modified enforceable mechanisms and apply to new and redevelopment projects. Complete a 'tracking report' indicating accomplishments in education and outreach supporting implementation of LID requirements for new and redevelopment projects.			←	←	1. Review and approve model code language. 2. Adapt model codes for permittee use and adopt. 3. Review and approve tracking report.	1. Conduct gap analysis of current codes. 2. Develop new model code language as needed. 3. Prepare tracking report.	Review and approve updates, as needed	Update as needed	Review and approve updates, as needed	Update as needed
	E.12.h.	**Operation and Maintenance of Post-Construction Storm Water Management Measures**										
POST CONST 4E/4G		Implement long term maintenance schedule for all structural controls operated by the municipality	Inspect and maintain structural controls operated by the municipality		Inspect and maintain structural controls as per E.12.h requirements	Continue to implement O&M verification program as per E.12.h						
	E.12.h.(i)	**Implement an O&M Verification Program** for sw treatment and baseline hydromodification management structural control measures defined in Section E.12.e(ii)(f) on all Regulated Projects			Review and begin implementation Jan. 2015	Develop O&M Verification Program	Continue to implement	Assist as requested by permittee	Continue to implement	Assist as requested by permittee	Continue to implement	Assist as requested by permittee
	E.12.h.(ii)(a)	Require proof that the sw control measure will be managed for the life of the project or until responsibility is legally transferred to another entity. 4 options are provided in this section.			Review and begin implementation Jan. 2015	Develop O&M Verification Program	Continue to implement	Assist as requested by permittee	Continue to implement	Assist as requested by permittee	Continue to implement	Assist as requested by permittee
	E.12.h.(ii)(b)	**Coordinate with mosquito and vector control agency** in jurisdiction to establish protocol for notification of installed treatment systems and hydromodification management controls.			Review protocol. Notify RB and vector control agency of new projects	Establish protocol to notify RB and Vector Control agencies of new sw treatment systems	Notify RB and vector control agency of new projects		Notify RB and vector control agency of new projects		Notify RB and vector control agency of new projects	

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E.12 Post-Construction

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OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.12.	POST CONSTRUCTION STORM WATER MANAGEMENT PROGRAM										
	E.12.h.(ii)(c)	Establish conditions of approval or other legally enforceable agreement/mechanism for RPs that require granting site access to representatives of Permittee for sole purpose of performing O&M inspections of installed treatment systems and hyrdomodification control, if any.			Include as part of codes adopted in E.12.g(ii)	Incorporate language granting inspection access in perpetuity into codes developed in E.12.g(ii)	Review and approve updates, as needed	Update as needed	Review and approve updates, as needed	Update as needed	Review and approve updates, as needed	Update as needed
	E.12.h.(ii)(d)	**Develop written implementation plan** (including inspection) describing O&M of all regional projects and regional controls that are Permittee-owned and operated.			Review and implement Plan	Develop plan for municipally owned O&M certification	Conduct inspections of municipally owned projects	Update as needed	Conduct inspections of municipally owned projects	Update as needed	Conduct inspections of municipally owned projects	Update as needed
	E.12.h.(ii)(e)	**Develop a database of all RPs (public and private) that have installed treatment sytems.** It shall include, for each project: name and address, specific description of location of system or control used, dates installed, type and size of system and control, operator of each system and control, dates and findings of inspections, problems and corrective or enforcement actions taken, and maintenance approvals are obtained for operating and maintaing systems/controls for life of the project.			Review and approve format; Populate database	Develop database format	Populate database	Update as needed	Populate database	Update as needed	Populate database	Update as needed
	E.12.h.(iii)	**REPORTING** - Use SMARTS to submit summary of past year's activities, certify compliance, address relationship between program elemnt activities and the Program Effectiveness Assessment Improvement Plan.			Review summary. Submit and certify in SMARTS	Provide summary and show relationship to PEIP	Review summary. Submit and certify in SMARTS	Provide summary and show relationship to PEIP	Review summary. Submit and certify in SMARTS	Provide summary and show relationship to PEIP	Review summary. Submit and certify in SMARTS	Provide summary and show relationship to PEIP
	E.12.i.	**Post-Construction Best Management Practice Condition Assessment**										
	E.12.i.(ii)	**Develop and implement a plan to inventory, map and determine relative maintenance condition of structural post-construction BMPs.** The Plan includes inventory/map of post-construction BMPs, assessments of self-certification program annual reports, appropriate escalating enforcement, and self-certification annual reports that include field observations and a long-term plan for conducting regular maintenance of BMPs.					Review and approve plan. Populate inventory	Develop plan to compile, map, assess condition, and implement enforcement if neccesary	Continue to populate inventory	Update as needed	Continue to populate inventory	Update as needed
	E.12.i(iii)	**Reporting** - Use SMARTS to submit summary of past year's activities, certify compliance, address relationship between program element activities and the Program Effectiveness Assessment Improvement Plan.					Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required
	E.12.j	**Planning and Development Review Process**										

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OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.12.	POST CONSTRUCTION STORM WATER MANAGEMENT PROGRAM										
	E.12.j.(i)	Review planning and permitting process to **assess any gaps or impediments** impacting effective implementation of post-construction requirements specified in Section E.12. Seek solutions to any gaps found.	Review and approve analysis	Working with Dan Cloak, conduct gap analysis of landscape code (Start April 2014)	Adopt changes to landscape code	Suggest changes needed to landscape code						
	E.12.j.(ii)	Conduct review using exdsting guide or template developed for MS4s such as MRUAP.	Review and approve analysis	Working with Dan Cloak, conduct gap analysis of landscape code (Start April 2014)								
	E.12.j.(ii)	Changes to planning and permitting process to solve gaps or impedients impacting effective implementation of E.12. must be completed.							Review, approve, and implement	Complete list of all changes and develop guidance docs		
	E.12.j.(ii)(a)	Conduct an analysis of the landscape code to correct gaps and impediments to implementing post-construction requirements.	Review and approve analysis	Working with Dan Cloak, conduct gap analysis of landscape code (Start April 2014)								
	E.12.j.(ii)(b)	Complete any changes to landscape code to effectively administer post-construction requirements.			Complete changes to landscape code	Provide list of any changes to landscape code						
	E.12.j.(iii)	**REPORTING** - Complete and make available summary of review process and any proposed or completed changes to Permittee's program.	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required
	E.12.k.	Post Construction Stormwater Management Requirements Based on Assessment and Maintenance of Watershed Processes	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
	E.12.l	Alternative Post-Construction Storm Water Management Program	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	← FINAL → 2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	← DRAFT → 2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.13	WATER QUALITY MONITORING										
	E.13.a.	ASBS Monitoring - MS4s that discharge to ASBS and are covered by an Ocean Plan exception must comply with Attachment C	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	E.13.b.	TMDL Monitoring - MS4s with TMDLs must comply with Attachment G and consult with Regional Board within 1 year of effective date to determine monitoring requirements and schedule. And shall implement TMDL monitoring as specified by RB Executive Officer	Review monitoring requirements	Met with the RWQCB to determine requirements and develop program (March 14, 2014)	Review and approve monitoring program	Develop monitoring program. Start implementation TBD based on outcome of Year 1 consultation	Oversee monitoring program	Implement monitoring program	Oversee monitoring program	Implement monitoring program	Oversee monitoring program	Implement monitoring program
	E.13.c.	303(d) Monitoring - MS4s discharging to 303(d) listed waterbodies shall consult with Regional Board within 1 year of effective date to determine whether monitoring is necessary.	Review monitoring requirements	Met with the RWQCB to determine requirements and develop program (March 14, 2014) *	Review and approve monitoring program	Develop monitoring program. Start implementation TBD based on outcome of Year 1 consultation	Oversee monitoring program	Implement monitoring program	Oversee monitoring program	Implement monitoring program	Oversee monitoring program	Implement monitoring program
	E.13.d.	Receiving Water Monitoring and Special Studies (Select either Receiving Water Monitoring or Special Studies, if not already conducting E.13.a, b or c monitoring)	Not required if implementing E.13.a, b, or c	No action at this time	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	E.13.d.1	Receiving Water Monitoring										
		Select one urban/rural site and one urban area site to monitor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Monitor urban/rural and urban area sites	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Complete and have available a report that includes a summary of baseline data collections and discussion of monitoring program results	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Complete and have available a report that includes a comparison of data collection to baseline data and discussion of monitoring program results	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	E.13.d.2	Special Studies										
		Develop and implement special study monitoring program and submit to Regional Board for review and approval	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Implement approved special study plan	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Complete and have available a report that includes a summary of baseline data collections and discussion of monitoring program results	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Complete and have available a report that includes a comparison of data collection to baseline data and discussion of monitoring program results	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

* Should be N/A now that river was de-listed for nutrients

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
			← FINAL						← DRAFT			→
	E.14	PROGRAM EFFECTIVENESS ASSESSMENT AND IMPROVEMENT										
	E.14.a.	Program Effectiveness Assessment and Improvement Plan (PEAIP)										
	E.14.a.(i)	Plan will document annual and long-term effectiveness of sw program, document compliance with permit conditions, and make modifications for improvement. Plan shall identify strategy used to gauge effectiveness of prioritized BMPs and program implementations as a whole.	Participate in BASMAA Phase II and NBWA meetings, if desired	Made request for $30k grant funding from NBWA on behalf of all BASMAA Phase II agencies to fund PEAIP development. Contractor: Larry Walker Associates	Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Commence work with Larry Walker and Associates to develop PEAIP, collaborating with other BASMAA agencies.	Begin Implementation of PEAIP	Assist as requested by permittee	Continue PAEIP Implementation	Assist as requested by permittee	Continue PAEIP Implementation	Assist as requested by permittee
	E.14.a.(ii)(a) (1) through (9)	Plan can be modeled on CASQA's Municipal SW Program Effectiveness Assessment Guidance and shall include: 1) identification of overall program goals including pollutants of concern and prioritized BMPs; 2) documentation of level of implementationof sw program elements; 3) identifying target audience; 4) assessment of BMP performance for achieving outcome levels; 5) assessment of pollutant source reductions achieved by individual BMPs; 6) quantification of pollutant loads and load reductions achieved by program as a whole; 7) MS4 discharge quallity including analysis of data; 8) receiving water quality data and analysis; and 9) identification of long-term effectiveness assessment to be implemented beyond permit term			Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Incorporate assessments into draft PEAIP	Begin Implementation of PEAIP	Assist as requested by permittee	Continue PAEIP Implementation	Assist as requested by permittee	Continue PAEIP Implementation	Assist as requested by permittee
	E.14.a.(ii)(b)	PEAIP shall assess BMP and program effectiveness in terms of: 1) sw program activities; 2)awareness; 3) behavior; 4) pollutant load reductions; 5) MS4 discharge quality; and 6) receiving water conditions.			Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Incorporate assessments into draft PEAIP	Begin Implementation of PEAIP	Assist as requested by permittee	Continue PAEIP Implementation	Assist as requested by permittee	Continue PAEIP Implementation	Assist as requested by permittee
	E.14.a.(ii)(c)	PEAIP shall identify assessment methods for privately owned BMPs.			Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Incorporate assessments into draft PEAIP	Begin Implementation of PEAIP	Assist as requested by permittee	Continue PAEIP Implementation	Assist as requested by permittee	Continue PAEIP Implementation	Assist as requested by permittee
	E.14.a.(ii)(d)	Using the following or equivalent, the PEAIP will quantitatively assess BMP performance at reducing pollutant loads wherever feasible: 1) direct quantatative measurement of pollutant load removal for BMPs that can be measured; 2) sciene based estimates of pollutant load removal for BMPs where direct measurement is overly challenging; 3) direct quantitative measurement of behaviors that serve as proxies of pollutant removal or reduction; and 4) visual comparison.			Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Incorporate assessments into draft PEAIP	Begin Implementation of PEAIP	Assist as requested by permittee	Continue PAEIP Implementation	Assist as requested by permittee	Continue PAEIP Implementation	Assist as requested by permittee
	E.14.a.(iii) (e)	PEAIP shall ask and answer the questions:										

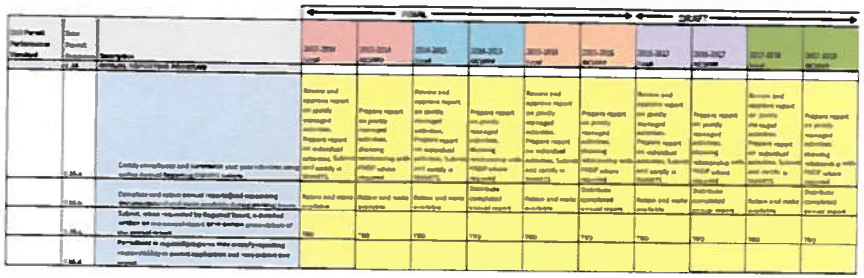
	E.14.a.(ii) (e) (1)	Were prioritized BMPs or group of BMPs implemented in accodance with permit requirements? Permittee shall develop quantitative data using confirmation or tabulation methods.			Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Consider questions when drafting PEAIP and incorporate, if appropriate						
	E.14.a.(ii) (e) (2)	To what extent did prioritized BMPs or group of BMPs change the target audience's behavior. Permittee shall develop quantitative data using surveys, interviews or inspections.			Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Consider questions when drafting PEAIP and incorporate, if appropriate						
	E.14.a.(ii) (e) (3)	To what extent did prioritized BMPs or group of BMPs reduce pollutant loads from their sources to the storm drain system.			Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Consider questions when drafting PEAIP and incorporate, if appropriate						
	E.14.a.(ii) (f)	PEAIP shall include documentation of the effectiveness of BMPs implemented to reduce discharge of pollutants to the MS4 to the MEP and protect water quality. Water quality monitoring data should answer the questions:			Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Consider questions when drafting PEAIP and incorporate, if appropriate						
	E.14.a.(ii) (f)(1)	To what extent did implementation of BMP, groups of BMPs, or storm water program enhance or change the urban runoff and discharge quality.			Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Consider questions when drafting PEAIP and incorporate, if appropriate						
	E.14.a.(ii) (f) (2)	To what extent did implementation of BMP, groups of BMPs, or storm water program enhance or change receiving water quality.			Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Consider questions when drafting PEAIP and incorporate, if appropriate						

	E.14.a.(ii) (f) (3)	Did exceedance(s) of water quality objectives or standards persist notwithstanding implementation of the sw program.			Participate in monthly PEAIP development meetings. Review and edit draft by 2/1/15 Approve final PEAIP 6/1/15	Consider questions when drafting PEAIP and incorporate, if appropriate						
	E.14.a.(iii)	Reporting - PEAIP must be submitted			Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required
	E.14.b.	**Storm Water Program Modifications**										
	E.14.b.(ii)	**Implementation Level** - Identify and summarize BMP and/or program modifications made in priority program areas. Improve underperforming BMPs; Continue and expand effective BMPs; Discontinue and replace less productive BMPs; Shift priorities to increase effective use of resources.									Review BMP or program modifications and implement	Identify and summarize BMP or program modifications
	E.14.b.(iii)	**Reporting** - Complete and submit list of BMP and/or program modifications.									Review and approve list, and implement modifications	Prepare list of BMP or program modifications

Attachment 4

OLD Permit Performance Standard	New Permit Provision	Description	← FINAL → 2013-2014 Local	2013-2014 NCSPPP	2014-2015 Local	2014-2015 NCSPPP	2015-2016 Local	2015-2016 NCSPPP	← DRAFT → 2016-2017 Local	2016-2017 NCSPPP	2017-2018 Local	2017-2018 NCSPPP
	E.15	TMDL REQUIREMENTS										
	E.15 a.	**Comply with all approved TMDLs (Attachment G).** TMDL waste load requirements are enforceable parts of the permit. Meet with Regional Waterboard within first yr. to determine monitoring requirements and schedule.	Review monitoring requirements	Met with the RWQCB to determine requirements and develop program (March 14, 2014)	Review and approve monitoring program	Develop monitoring program. Start implementation TBD based on outcome of Year 1 consultation	Oversee monitoring program	Implement monitoring program	Oversee monitoring program	Implement monitoring program	Oversee monitoring program	Implement monitoring program
	E.15.d.	Report compliance and status annually.	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required	Review and approve report on jointly managed activities. Prepare report on individual activities. Submit and certify in SMARTS.	Prepare report on jointly managed activities, showing relationship with PAEIP where required

Attachment 4



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Item No: 20

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **Consent Calendar**

Subject: Consideration and proposed approval of a resolution rejecting all bids for the 2015 Pavement Rehabilitation Project, CIP R-74

CEQA Status: **Categorically Exempt, Section 15301, Existing Facilities**

Prepared By: **Steven Palmer, PE, Director of Public Works/City Engineer**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

The Adopted 2015-2020 Capital Improvement Plan and 2015/2016 Annual Budget include the 2015 Pavement Rehabilitation Project to rehabilitate various roadways throughout the City.

On July 28, 2015 the City Council authorized Adoption of Resolution Approving the Project Manual; and Authorizing the Bid Request for the 2015 Pavement Rehabilitation Project, R-74, and made findings that the project is categorically exempt from the California Environmental Quality Act, pursuant to CEQA Guidelines section 15301, Existing Facilities Class 1 which exempts the operation, repair, maintenance, and permitting of existing facilities involving negligible or no expansion of use.

The 2015 Pavement Rehabilitation Project provides slurry seal and microsurfacing treatments to streets within the City.

The following streets are planned to receive slurry seal as part of this Project:

- Vineyard Avenue - Hillview Place to north end of street
- Doris Avenue
- Doris Court
- Hillview Place/Oak Avenue - Madrona Avenue to Spring Mountain Road
- Elmhurst Avenue - Main Street to Spring Mountain Road
- Quail Court
- North Crane Avenue - Southern end to Spring Street

This Project includes micosurfacing treatment for Railroad Avenue, and includes the angled parking stalls along Railroad Avenue as a bid alternate.

DISCUSSION

Contract Documents were sent to the following builders exchanges on July 21, 2015:

- Construction Billboard (eBidboard)
- McGraw-Hill Construction Dodge
- North Coast Builders Exchange
- Marin Builders Association
- Solano-Napa Builders Exchange
- Contra Costa Builders Exchange

The City Clerk received 2 bids on Thursday August 20, 2015 as follows:

Contractor Name	Bid Amount
Telfer Highway Technologies, McClellan, CA	$306,843.10
Pavement Coatings Company, Jurupa Valley, CA	$311,505.00

Telfer Highway Technologies holds a valid Class A General Contractor's License in the State of California, with no enforcement actions listed. Their license expires on June 30, 2017. Telfer Highway Technologies had the lowest, responsible, and responsive bid.

Telfer's bid price would increase the total project cost, including contingency and excluding the bid alternate that is to be funded by the Napa Valley Wine Train, from $231,800 to $356,628.77. This is $124,828.77 over the approved project budget.

Excluding the bid alternate that is to be funded by the Napa Valley Wine Train, the responsible and responsive low bid is approximately 70% higher than the construction cost estimate of $180,600. Analysis by City staff suggests that the higher than expected bid prices may be due to several factors, including: low number of contractor's bidding the project, contractor supply and demand, potential for inclement weather, higher unit prices due to size of project (ie. economies of scale).

Staff's recommendation is to reject all bids, restructure the project to include the overlay work planned for fiscal year 2016/2017, and bid the revised project in early 2016. The advantages to rejecting all bids and restructuring the project include:

- Economies of scale associated with a larger project
- Increased competition at the beginning of the 2016 construction season
- Reduced weather related uncertainty

As part of Project restructuring, staff is evaluating separating the concrete curb ramp replacement task from this project; and having this work performed in advance of the microsurfacing work. The concrete work is performed by a subcontractor, and the unit

price for this item of work is significantly higher than expected. By performing this work in advance of microsurfacing the City will likely get better pricing for the curb ramp replacement.

FISCAL IMPACT

The estimated Project expenditure summary is provided in the table below. This table excludes the costs of the bid alternate work to be funded by the Napa Valley Wine Train.

Description	Budget	Projected
Preliminary engineering and design	$ 11,540	$ 11,540.00
Construction management/inspection	$ 21,600	$ 21,600.00
Construction Contract	$ 180,600	$ 294,080.70
Contingency (10%)	$ 18,060	$ 29,408.07
Total	**$ 231,800**	**$ 356,628.77**

Based on the lowest responsible and responsive bid, the project would exceed the adopted budget by $124,828.77.

RECOMMENDED ACTION

Adopt attached resolution rejecting all bids for the 2015 Pavement Rehabilitation Project, R-74.

ALTERNATIVE OPTION

Direct staff to accept the lowest responsible responsive bidder and return to Council with a budget adjustment transferring gas tax funds from the FY 2016-17 pavement rehabilitation program to the FY 2015-16 budget to cover the added cost. This would result in fewer streets being repaired next year.

ATTACHMENTS

1. Resolution

Attachment 1

CITY OF ST. HELENA

RESOLUTION NO. 2015-

RESOLUTION REJECTING ALL BIDS FOR THE 2015 PAVEMENT REHABILITATION PROJECT

RECITALS

A. On July 28, 2015 the City Council authorized Adoption of Resolution Approving the Project Manual; and Authorizing the Bid Request for the 2015 Pavement Rehabilitation Project, R-74, and made findings that the project is categorically exempt from the California Environmental Quality Act; and

B. Pursuant to St. Helena Municipal Code Chapter 3.04; Article 3 Public Works Projects; Section 3.04.220 on July 21, 2015, a notice inviting bids was posted and mailed to contractors inviting bids for the 2015 Pavement Rehabilitation Project; and

C. Two bids were received and evaluated by the Director of Public Works; and

D. The lowest responsive and responsible bidder for the Project was G.D. Nielson Construction Inc., of Napa CA.

RESOLUTION

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

1. All the 2015 bids for Pavement Rehabilitation Project, R-74, are rejected.

Approved at a Regular Meeting of the St. Helena City Council on September 8, 2015 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

_____
Alan Galbraith, Mayor

ATTEST:

_____
Cindy Black, City Clerk

Item No: 21

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **Consent Calendar**

Subject: **Resolution approving a Professional Services Agreement with Springbrook for a one-time cost of $3,850 to create a Purchase Order Workflow Module and approval of ongoing annual maintenance cost of $847 associated with the module.**

CEQA Status: **Not a Project**

Prepared By: **April Mitts, Finance Director**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

The City of St. Helena has contracted with Springbrook for financial software since 2008. Currently the City utilizes the following Springbrook modules:

1. Finance Suite
2. Purchase Orders
3. Project Management
4. Payroll
5. Human Resources
6. Fixed Assets
7. Accounts Receivable
8. Central Cash/POS Maintenance
9. Utility Billing
10. Licenses and Permits
11. Web Based Utility Billing Payments

One-time costs for individual modules were incurred at the time the module was implemented and the City incurs annual maintenance costs for each module. The current contract between the City of St. Helena and Springbrook is $25,347 annually for ongoing Software Maintenance.

DISCUSSION

In an effort to streamline finance functions staff would like to incorporate a Purchase Order Work Flow process through Springbrook. This Work Flow process will allow department staff to enter Purchase Order Requisitions directly into Springbrook rather than utilizing the current manual process. The Work Flow process will allow Purchase

Order Requisitions to be electronically sent to the approving manager/director. It is anticipated this new process will reduce time spent by individual departments and finance staff in processing Purchase Orders as well as reduce errors and duplication.

FISCAL IMPACT

The fiscal impact to the City of St. Helena shall not exceed $3,850 for the installation and training and the fiscal impact for ongoing maintenance is $847.00 for fiscal year 2015/16. These funds have been budgeted in the adopted FY 2015/16 budget and will be paid through account # 101/561/571-4300-2145.

If approved, the total annual maintenance costs for Springbrook Software will now be $26,194.

RECOMMENDED ACTION

Staff recommends approval of the Resolution approving the Agreement with Springbrook Software for a total not to exceed the amount of $3,850.00 for the installation and training of the Purchase Order Workflow Module and approval of ongoing annual maintenance costs of $847 associated with this module and authorize the City Manager to execute the agreement on behalf of the City.

ATTACHMENTS

Attachment A – Resolution Approving a Professional Services Agreement with Springbrook Software
Attachment B – Professional Services Agreement with Springbrook Software

Attachment A

CITY OF ST. HELENA

RESOLUTION NO. _____

APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH SPRINGBROOK SOFTWARE

RECITALS

A. The City desires to hire Springbrook to create a Purchase Order Work Flow Process; and

B. The City has contracted with Springbrook since 2008 to provide financial software; and

C. Springbrook has represented that they have the necessary expertise, experience, and qualification to perform the required duties.

RESOLUTION

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

1. The City Council approves the Agreement with Springbrook for a total not to exceed amount of $3,850 to create a Purchase Order Workflow Process; and
2. The City Council approves the Agreement with Springbrook for annual Maintenance for Electronic Purchase Order Workflow process not to exceed the amount of $847.00 for fiscal year 2015/16; and
3. The City Council authorizes the City Manager to execute the agreement on behalf of the City.

Approved at a Regular Meeting of the St. Helena City Council on September 8, 2015 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

_____
Alan Galbraith, Mayor

ATTEST:

_____
Cindy Black, City Clerk

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT, made and entered into on September 8, 2015 by and between the City of St. Helena, located in the County of Napa, State of California (City), and Springbrook (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as Purchase Orders Electronic Approval Workflows.

B. Consultant has represented that Consultant has the necessary expertise, experience, and qualifications to perform the required duties.

NOW, THEREFORE, in consideration of the mutual premises, covenants, and conditions herein contained, the parties agree as follows:

SECTION 1 – BASIC SERVICES

Consultant agrees to perform the services set forth in **Exhibit A, "Scope of Services"** and made part of this Agreement.

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to or outside of those set forth in this Agreement or **Exhibit A, "Scope of Services"**, unless such additional services and compensation are authorized in advance and in writing by the City Council or City Manager of the City. For purpose of clarity, The City is required to reimburse Consultant for all travel expenses in accordance with the Springbrook Software Inc. travel policy.

SECTION 3 – Intentionally omitted

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in Exhibit A, "Product Breakdown and Financial Roll-Up", attached hereto and made a part hereof. Total compensation shall not exceed $3,850.00 and any travel fees, unless additional compensation is approved in accordance with Section 2.

B. Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month in accordance with Consultant's standard accounting practices. The invoice shall detail charges according to the Order Form. City shall independently review each invoice submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. If no charges or expenses are disputed, the invoice shall be approved and City will use its best efforts to cause Consultant to be paid within 30 days of receipt of invoice. If any charges or expenses are

disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission.

C. Payment to the Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

SECTION 5 – STANDARD OF PERFORMANCE

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

City may inspect and accept or reject any of Consultant's work under this Agreement in accordance with the Acceptance Terms of the Order Form. , either during performance or when completed. City shall reject or finally accept Consultant's work within sixty (60) days

SECTION 7 – INSURANCE REQUIRED

Verification of Coverage. Consultant shall furnish the City a Certificate of Insurance for evaluation by the City. Insurance shall not diminish for the duration of the contract.

SECTION 8 – Intentionally Omitted

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contactor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner, nor to incur an obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

B. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees or agents of City.

C. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

SECTION 10 – CONFLICTS OF INTEREST

A. Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of the City Manager. Consultant agrees to at all times avoid conflicts with the interests of City in the performance of this Agreement.

B. City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is aware of any stated position of City relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

SECTION 11 – Intentionally Omitted

SECTION 12 – Intentionally Omitted

SECTION 13 – SUSPENSION OF WORK

City may, at any time, by ten (10) days written notice suspend further performance by Consultant. All suspensions shall extend the time schedule for performance in a mutually satisfactory manner and Consultant shall be paid for services performed and reimbursable expenses incurred prior to the suspension date.

SECTION 14 – COMPLIANCE WITH LAW

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

During the performance of this contract, Consultant to adhere to The Springbrook Software Inc. Equal Employment Policy which is available upon request.

SECTION 16 – RECORDS

A. Records of Consultant's direct labor costs, payroll costs, and reimbursable expenses pertaining to this project covered by this Agreement will be kept on a generally recognized accounting basis and made available to City if and when required for a period of up to 3 years from the date of Consultant's final invoice.

SECTION 17 – COOPERATION BY CITY

All public information, data, reports, records, and maps as are existing and available to City as public records, and which are necessary for carrying out the work as outlined in the Exhibit A, "Scope of Services", shall be furnished to Consultant in every reasonable way to facilitate, without undue delay, the work to be performed under this Agreement.

SECTION 18 – NOTICES

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by facsimile or first class mail, addressed as follows:

To City:	City Manager 1480 Main Street St. Helena, California 94574
To Consultant:	Springbrook Software Attn: Tim Rosener 1000 SW Broadway, Suite 1900 Portland, OR 97202

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile, or, if mailed, three (3) days after deposit in the custody of the U.S. Postal Service.

SECTION 19 – TERMINATION

A. City may terminate this Agreement, with or without cause, at any time by giving ten (10) days written notice of termination to Consultant. If such notice is given, Consultant shall cease immediately all work in progress.

B. If either Consultant or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies specified in the Software License Agreement, either Consultant, or City may terminate this Agreement immediately upon written notice.

C. Upon termination of this Agreement by either Consultant or City, all property belonging to City which is in Consultant's possession shall be delivered to City. Consultant shall furnish to City a final invoice for work performed and expenses incurred by Consultant, prepared as set forth in this Agreement.

SECTION 20 – ATTORNEY FEES

If litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorneys' fees, costs and expenses, in addition to any other relief to which it may be entitled. In addition, any legal fees, costs and expenses incurred to enforce the provisions of this Agreement shall be reimbursed to the prevailing party.

SECTION 21 – Intentionally omitted

SECTION 22 – Intentionally omitted

SECTION 23 – CONTINUITY OF PERSONNEL

Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff assigned to perform the services required under this Agreement, prior to any such performance.

SECTION 24 – DEFAULT

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default and may terminate this Agreement immediately by written notice to Consultant.

SECTION 25 – WAIVER

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a wavier of any of the provisions of this Agreement.

SECTION 26 – LAW TO GOVERN; VENUE

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Napa. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Northern District of California, in San Francisco.

SECTION 27 – SEVERABILITY

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

SECTION 28 – SPECIAL PROVISIONS

This Agreement is subject to the following special provisions: none.

IN WITNESS WHEREOF, the parties hereto have accepted, made, and executed this Agreement upon the terms, conditions, and provisions above stated, the day and year first above written.

Consultant:

By: _____
Name: _____
Title: _____

City:

By: _____
Name: Jennifer Phillips
Title: City Manager

Approved as to Form:

By: _____
Name: Thomas B. Brown
Title: City Attorney

St Helena, CA - Purchase Orders Electronic Approval Workflows

12 Month Contract

City of St. Helena, CA

Proposed By:
Janet Peterson
Account Manager
janet.peterson@sprbrk.com

Proposal Date:
7/28/2015
Proposed By:
3/31/2015 7:00:00 AM

Licensed Products and Services

#	Item	Product Type	Qty.	Sales Price	Total Price
1	**Purchase Orders Electronic Approval Workflows** Electronic Workflows for Purchase Orders allow users to approve Purchases electronically. Working with a Springbrook Consultant, you will define rules for approval and escalation for each department in your organization. Once deployed, users will receive email notification when the have any outstanding approval or their item has been approved or rejected. This feature will be implemented after the Go-Live. ***Due to the nature of this feature and the time involved with implementing, a cost estimate will be provided but consulting and testing time above the estimate will be billed at actual hours at the current Consulting Rate.***	Premise; License	1	$3,850.00	$3,850.00
2	**Maintenance Purchase Orders Electronic Approval Workflows** Maintenance Purchase Orders Electronic Approval Workflows	Maintenance; License	1	$847.00	$847.00

Additional Information

Definitions

Masters: static information and data, based on a single individual or entity. An example of a Master file is Customer, Employee or Vendor contact information.
History: Information that is updated or added on a regular basis that is tied to a Master File. An example of History includes Checks, Billings or Receipts.

Client Requirements

Client must perform all data extraction from their legacy system and populate Springbrook Software, Inc. then current Standard Templates. Standard Templates and field listings are available for review by client upon request.
Client must validate the accuracy of data. Data in legacy system which is incorrect or does not balance will need to be altered by Client, or incorrect results will be carried through to new system.
Client must provide data according to the schedule mutually agreed upon with Project Manager, or project may incur changes to schedule or additional fees.
Client must provide field descriptions and/or definitions For data that is being extracted from the legacy system

Vendor Requirements

Vendor will evaluate data provided from client to ensure that all required fields have been populated, that the formats provided meet the necessary criteria, and the limitations of field ranges.
Vendor will provide consulting services to assist client in analyzing data inputs meet criteria specified, and assist in testing to validate inputs are converted correctly to the SSI System.
Vendor will provide a secure method for electronic data transmission.
Vendor will ensure that all data provided in finalized templates are converted correctly into the corresponding fields or tables within the Springbrook Software, Inc. applications.
Once Client has offered final approval of data sets, Vendor will provide three (3) data conversions into the Live UB System and one (1) data conversion into the Live system for all other Applicable as specified on table above.

Limitations of Conversions Services

Unless otherwise specified and agreed to, Vendor will not consult on or assist in the removal of data from Client legacy system.
Vendor cannot convert data from a legacy system which is not available in a corresponding field.
Vendor cannot convert data into fields which exceed the maximum database field limitations.
The services listed above do not include consulting or data manipulation for the purpose of supplying the Client with information the Client didn't previously have access to.
Data requested to be converted after agreed to live conversion will be considered out of scope, and will require a change order, and be subject to additional fees.
All current templates and field listings are available on the Springbrook Software, Inc. website, and included herein by reference.

Item No: 22

Report to the City Council
Council Meeting September 8, 2015

Agenda Section: **Consent Item**

Subject: **Consideration and proposed approval of a resolution approving the Super Community Agreement with San Francisco Super Bowl 50 Host Committee**

CEQA Status or Action: **Not a Project**

Prepared By: **Jennifer Phillips, City Manager**

Approved By: **Jennifer Phillips, City Manager**

DISCUSSION

Super Bowl 50 is coming to San Francisco in February 2016. As part of this internationally recognized event, the Super Bowl 50 Host Committee has created the Super Communities Program, which provides Bay Area communities with information and guidelines for hosting and promoting local events during Super Bowl Week. To become a Super Community a municipal agency must approve the Super Community Agreement.

Under this agreement and in collaboration with the St. Helena Chamber of Commerce, the City of St. Helena would become a participant in the Super Community Program and the City will be provided with promotional materials to assist the City in producing and promoting events to drive local engagement with the Super Bowl. The Chamber of Commerce will develop the Local Events and prepare any and all materials for the City to submit for the Host Committee's review.

FISCAL IMPACT

No funds are required.

RECOMMENDED ACTION

Approve the Resolution approving the Agreement with the San Francisco Super Bowl 50 Host Committee to become a Super Community.

ATTACHMENTS

Attachment A - Resolution 2015-__ Approving the Super Community Agreement with the San Francisco Super Bowl 50 Host Committee

Attachment B – Super Community Agreement with the San Francisco Super Bowl 50 Host Committee

Attachment A

CITY OF ST. HELENA

RESOLUTION NO. 2015-

Approving an agreement by and between the San Francisco Super Bowl 50 Host Committee and the City of St. Helena to be designated as a Super Community

RECITALS

A. Super Bowl 50 will be played February 7, 2016 at Levi's Stadium in Santa Clara, CA.

B. The Super Bowl 50 Host Committee has created the Super Communities Program, which provides Bay Area communities with information and guidelines for hosting and promoting local events during Super Bowl Week.

C. Under this agreement and in collaboration with the St. Helena Chamber of Commerce, the City of St. Helena would become a participant in the Super Community Program and the City will be provided with promotional materials to assist the City in producing and promoting events to drive local engagement with the Super Bowl.

D. The Chamber of Commerce will develop the Local Events and prepare any and all materials for the City to submit for the Host Committee's review.

RESOLUTION

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

1. The City Council approves the agreement by and between the San Francisco Super Bowl 50 Host Committee and the City of St. Helena to be designated as a Super Community; and
2. The City Council authorizes the City Manager to execute the agreement on behalf of the City.

Approved at a Regular Meeting of the St. Helena City Council on September 8, 2015, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED: ATTEST:

_____ _____

Alan Galbraith, Mayor Cindy Black, City Clerk

SAN FRANCISCO SUPER BOWL 50 HOST COMMITTEE

SUPER COMMUNITY AGREEMENT

This Super Community Agreement ("Agreement") is a legally binding contract between Community and SF SB Committee, Inc. ("Host Committee").

PLEASE READ THE FOLLOWING AGREEMENT CAREFULLY. BY SIGNING BELOW, YOU ACKNOWLEDGE THAT YOU HAVE READ, UNDERSTOOD, AND AGREE TO BE BOUND BY THE FOLLOWING AGREEMENT. If you do not agree to the terms of this Agreement, then you may not participate in the Super Community Program.

Agreed to By Authorized Official:

Name:
Title:
Date:

YOU REPRESENT AND WARRANT THAT (I) YOU ARE ENTERING INTO THIS AGREEMENT ON BEHALF OF THE MUNICIPALITY IDENTIFIED BY YOU IN YOUR SUPER COMMUNITY ACCOUNT REGISTRATION ("Community"), AND (II) YOU HAVE THE AUTHORITY TO BIND COMMUNITY TO THESE TERMS.

1. Super Community Program.

1.1 The Host Committee shall recognize Community as a participant in the Super Community Program and shall provide Community with promotion to assist Community in producing and promoting events ("Local Event(s)") to drive local engagement with the Super Bowl. This Agreement shall neither be deemed nor construed to create a joint venture or partnership between the Host Committee and Community, nor shall this Agreement be deemed or construed as making either party the agent or representative of the other party. Neither party shall have the authority to bind the other party in any respect. Community acknowledges and agrees that the rights and benefits granted by the Host Committee under this Agreement are non-exclusive. The Host Committee reserves the right, in its sole discretion, to seek sponsors to support the Super Community Program. Community agrees with respect to its participation in the Super Community Program that it will abide by the Guidelines available at www.sfbaysuperbowl.com/super-communities

1.2 Community agrees to submit a description of its plans for the Local Event at least 120 days prior to the Local Event. The Host Committee will exercise commercially reasonable efforts to provide a response to Community's request promptly within 30 days.

2. Restrictions.

2.1 Neither Community nor its affiliates, agents, representatives, employees, suppliers or subcontractors shall commercially exploit its status as a participant in the Super Community Program to imply that it is a sponsor of the Super Bowl, the National Football League (the "NFL") or the Host Committee including, without limitation, by referring to the NFL, Super Bowl or Host Committee in any promotional materials, advertisements, letters, press releases, brochures or other written, audio or visual materials.

2.2 In connection with this Agreement, Community shall not have any right to sell third parties the rights to use the marks set forth in Exhibit A, including for any advertising, commercial, promotion, publicity, marketing, sales materials or display materials (including any materials published on a commercial on-line service, the World Wide Web or successor media) ("Promotional Materials").

2.3 Community's Promotional Materials shall not in any way imply a relationship between NFL, the Host Committee and such company.

3. Term.

3.1 The term of this Agreement shall expire at the conclusion of Super Bowl 50 on February 7, 2016 (the "Term").

3.2 Host Committee may terminate this Agreement automatically upon notice to Community.

3.3 Upon the expiration or termination of this Agreement all rights and licenses granted to Community shall terminate except as expressly provided herein.

4. License of Host Committee Marks.

4.1 Subject to Community's compliance with the terms of this Agreement, Host Committee grants to Community a revocable, non-exclusive, non-transferable, non-assignable, non-sublicensable, royalty-free license to use the marks set forth in Exhibit A (the "Marks") solely in connection with Community's promotion and production of the Local Events.

4.2 Community's right to use the Marks is limited to its respective Community. For the sake of clarity, Community's use of the Mark through the Internet shall be restricted to use on its respective municipal website and the Community's designated Super Community page available at www.sfbaysuperbowl.com/super-communities.

4.3 Community acknowledges that Host Committee is the owner of the Marks and the goodwill associated therewith. Community agrees that it will do nothing inconsistent with such ownership. All use of the Marks by Community shall inure to the benefit of and be on behalf of Host Committee. Community agrees further that nothing in this Agreement shall be construed as granting to Community any right, title or interest in the Marks, other than the right to use the Marks in

accordance with this Agreement. Community agrees that it will not attack Host Committee's ownership of or title to the Marks or attack the validity of the Marks or this Agreement.

4.4 Community's use of the Marks shall not combine the Marks with any other terms, marks or design elements without prior written permission by Host Committee. Community shall not use the Marks in any way that is offensive to consumers or in conflict with the reputation associated with the Marks, as determined in the reasonable discretion of Host Committee.

5. Confidentiality. Community shall keep the terms of this Agreement confidential. Neither the terms of this Agreement nor a copy of this Agreement shall be disclosed to any third-party, in whole or in part, without the prior express written consent of Host Committee, unless required by operation of law. Should such disclosure be required by law, Community shall promptly notify Host Committee in writing upon learning of the request or demand for disclosure.

6. Indemnification.

6.1 Community shall indemnify and hold harmless the National Football League, its subsidiaries and affiliates and the NFL Member Clubs, the Host Committee and each of its affiliates, directors, officers, employees, shareholders, members, representatives and agents from any liability, obligation, claim, cost, demand, recovery, settlement, deficiency, loss, fines, penalties, damage or expense, including, without limitation, reasonable outside attorneys' fees, resulting from any acts or omissions of Community and/or its employees, agents, contractors or servants in connection with its participation in the Super Community Program;

6.2 Host Committee shall indemnify and hold Community harmless against any liability, damage, claim, or any litigation cost or expense arising out of any third party claim brought against Community alleging that the Marks, as provided by Host Committee and used in accordance with this Agreement, infringe any trademark of any third party. Company shall have no liability to the extent the alleged infringement arises from (a) alterations to the Marks made by Community or any third party, or (b) failure of Community to obtain Host Committee's written approval prior to using the Marks.

7. **DISCLAIMER OF WARRANTIES**.

EXCEPT AS OTHERWISE PROVIDED IN THIS AGREEMENT, HOST COMMITTEE MAKES NO WARRANTIES REGARDING THE MARKS, INCLUDING VALIDITY OF HOST COMMITTEE'S RIGHTS IN ANY COUNTRY, AND HEREBY DISCLAIMS ALL WARRANTIES THAT MIGHT OTHERWISE BE IMPLIED BY LAW, INCLUDING WARRANTIES AGAINST VIOLATION OR INFRINGEMENT OF TRADEMARK, LITERARY, OR PERSONAL RIGHTS, OR OTHER PROPRIETARY RIGHTS.

8. **LIMITATION OF LIABILITY**.

IN NO EVENT SHALL HOST COMMITTEE BE LIABLE FOR COMMUNITY'S OR ANY THIRD PARTY'S CONSEQUENTIAL, INDIRECT, INCIDENTIAL, PUNITIVE, OR SPECIAL DAMAGES (INCLUDING LOST PROFITS) ARISING FROM OR RELATED TO

COMMUNITY'S PARTICIPATION IN THE SUPER COMMUNITY PROGRAM OR USE OF THE MARKS, REGARDLESS OF LEGAL THEORY OR WHETHER HOST COMMITTEE HAS BEEN ADVISED IN ADVANCE OF THE POSSIBILITY OF SUCH DAMAGES.

9. Exculpation.

9.1 Community shall look solely to the assets of the Host Committee for any recourse, and not to the NFL.

9.2 Community agrees and acknowledges that the NFL has no obligation to provide any of the benefits outlined in this Agreement.

9.3 Community acknowledges that events or circumstances beyond Host Committee's reasonable control may occur that cause the Host Committee to not be able to provide a benefit or event. If any benefit or event to be provided or hosted by Host Committee is cancelled, postponed or modified, Host Committee's sole obligation shall be to use commercially reasonable efforts to replace or substitute another benefit or event of equal or greater value, to the extent commercially reasonable.

10. General Provisions.

10.1 Notices. Notices must be sent via first class, airmail, or overnight courier and are deemed given when received. Notices to Community may also be sent to the applicable account email address, and are deemed given when sent. Notices to Host Committee must be sent to:

Danielle DeLancey
SF SB Committee, Inc.
825 Battery Street, Third Floor
San Francisco, CA 94111
ddelancey@sfsuperbowl.com

With a copy to:

David J. Berger
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd.
Palo Alto CA 94306
dberger@wsgr.com

10.2 Non-Waiver of Rights and Breaches. No failure or delay of either party in the exercise of any right given to such party under this Agreement shall constitute a waiver of such right, nor shall any single or partial exercise of any such right preclude other or further exercise of or of any other right. The waiver by a party of any default of the other party under this Agreement shall not be deemed to be a waiver of any such subsequent default or other default of any party.

10.3 Captions. Section headings used in this Agreement are for convenience of reference only and shall not affect the construction of any provision of this Agreement.

10.4 Sustainability. The Host Committee is committed to responsible environmental stewardship and sustainability. As part of this commitment the Host Committee encourages Community and all of its partners to embrace and support these goals and the Host Committee's initiatives in this regard.

10.5 Successors and Assigns. Community may not assign this Agreement or any of its rights and obligations Agreement without the prior written consent of the Host Committee. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and authorized assigns.

10.6 Governing Law, Jurisdiction. This Agreement and any dispute arising under it will be governed by and construed in accordance with the laws of the State of California without regard to conflict of law principles. All disputes pertaining to this Agreement will be decided by a state or federal court located in the State of California and each party consents to personal jurisdiction in such courts. Each party further waives any defenses based upon lack of personal jurisdiction or venue, or inconvenient forum.

10.7 Default and Injunctive Relief. In the event that any of the provisions of this Agreement are violated, the Host Committee shall be entitled to seek, in addition to compensation for their damages and any other relief provided for below, immediate equitable relief, including an injunction requiring Community to cease using the Marks.

10.8 Force Majeure. Notwithstanding any other terms and conditions hereof, in the event that a party is materially unable to perform any of its obligations because of severe weather, natural disasters, Acts of God, riots, wars, governmental action, or other event of *force majeure* beyond such party's control, then such party shall, upon written notice to the other party thereof, be relieved from its performance of such obligations to the extent, and for the duration, that such performance is prevented by such events; provided that such party shall at all times uses its best efforts to resume such performance.

10.9 Survival. Except as expressly provided in this Agreement, the covenants, acknowledgments, representations, agreements and obligations contained in this Agreement shall survive the consummation or termination of the transactions contemplated by this Agreement.

10.10 Compliance with Law. Community agrees to comply with all laws, ordinances, orders, rules and regulations (state, federal, municipal or promulgated by other agencies or bodies having or claiming jurisdiction) applicable to its participation in the Super Community Program.

10.11 Entire Agreement. This Agreement, including all of its exhibits and schedules, is intended to be performed in accordance with, and only to the extent permitted by all applicable laws, ordinances, rules and regulations, and is intended, and shall for all purposes be deemed to be a single, integrated document setting forth all of the agreements and understandings of the parties, and

superseding all prior negotiations, understandings and agreements of the parties with respect to its subject matter. If any term or provision of this Agreement or its application to any person or circumstance shall for any reason and to any extent be held to be invalid or unenforceable, then such term or provision shall be ignored, and to the maximum extent possible, this Agreement shall continue in full force and effect, but without giving effect to such term or provision.

EXHIBIT A

Licensed Marks

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Item No: 23

Report to the City Council
Council Meeting of September 22, 2015

Agenda Section: **Consent Calendar**

Subject: **Resolution authorizing purchase of a new Live Scan digital fingerprinting machine from Morphotrust USA, for the Police Department, for an amount not to exceed $34,982.16.**

CEQA Status: **Not a CEQA project**

Prepared By: **William Imboden, Chief of Police**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

The St. Helena Police Department purchased a Live Scan digital fingerprinting machine in 2004. Live Scan digitally transmits fingerprints to the California State Department of Justice. The Police Department performs digital fingerprints for arrestees and the public. It is also a revenue source for the Department by charging the public a fee for the service.

The Live Scan machine stopped functioning in March of this year and is not repairable. The Police department is not able to fingerprint arrestees and if necessary officers have to transport arrestees to Napa County if fingerprints are needed. The Department is also losing revenue by sending the public away who are requesting Live Scan fingerprints.

The approved FY 2015-16 Operations Budget does not include funding to purchase a new Live Scan fingerprint machine.

DISCUSSION

In the past, the Department was able to obtain "ten print" fingerprints from all suspects who were arrested and booked into the City detention facility; whether they were subsequently transported to the County Jail in Napa, released from the Saint Helena Jail on a bond or citation, or if they were released without charges. Currently, only persons transported to the County Jail can be fingerprinted. Anyone issued a citation for Misdemeanor charges (D.U.I., theft, simple battery, etc.) is not being fingerprinted. Additionally, if the Department arrests someone who has no identification, refuses to identify themselves, or provides a false identity, officers can submit their fingerprints to the Department of Justice via the Live Scan machine, and obtain their true identity

within a matter of minutes or hours. Without this service the officers have to transport the subject to the County Jail to obtain the same results.

Furthermore, the Police department provided Live Scan fingerprinting services (for a fee) to anyone who needed to be fingerprinted for various other reasons; volunteering in the schools, coaching youth sports, operating a day care, and numerous City employee positions to name a few. These services were provided not only to city residents, but were available to anyone who needed them. Because there were only two Live Scan machines "up valley", people came to Saint Helena PD for Live Scan services from all over the greater upper valley and beyond. Currently the Police department has to send Live Scan applicants (including prospective City employees) to Calistoga PD, or to a private business in the city of Napa. In 2014, the last full year the Live Scan machine was operational, the Police department conducted 367 non-criminal Live Scan finger printings, bringing in roughly $14,000 in revenue through printing fees.

The Department participates in the Citizens Option for Public Safety (C.O.P.S.) grant program. The C.O.P.S. fund was created as a supplemental Law Enforcement grant, and is intended to be used for front line law enforcement services and equipment. These services and/or equipment must have the specific impact of making the day-to-day operations of the front line officers easier and more efficient. Providing fingerprinting abilities for the front line officers of Saint Helena PD will prevent them from having to transport arrestees to the County Jail any time they need to be fingerprinted, thus preventing the impact of having an officer out of town for one to two hours every time.

The C.O.P.S. funds are to be included in annual budgets as line items, for specific purposes, and depleted in their entirety each year. However, one of the provisions in the C.O.P.S. grant is that funds may be used for unexpected unbudgeted expenses, as long as the items to be purchased otherwise meet the intent of the C.O.P.S. grant.

FISCAL IMPACT

The purchase of the Live Scan machine will be funded by the C.O.P.S. grant fund (224-4900-2215) Special Department Supplies in the amount of $34,982.16. Although this item was not budgeted for in the FY 2015/16 budget the C.O.P.S. fund currently has an excess fund, above what was budgeted for the FY 2015/16 year, due to the fund not being depleted in previous fiscal years. These excess funds will cover the entire cost of the new Live Scan machine, to include: equipment, installation, training, warranty, tax and freight.

RECOMMENDED ACTION

Staff recommends that the City Council of the City of St. Helena adopt a resolution approving the purchase from MorphoTrust USA for new Live Scan fingerprinting machine.

ATTACHMENTS

1. Resolution
2. Purchase quote

ATTACHMENT 1

CITY OF ST. HELENA
RESOLUTION NO. 2015-____

Resolution authorizing purchase of a new Live Scan printing machine from Morphotrust USA, for the Police Department, for an amount not to exceed $34,982.16.

RECITALS

A. The City of St. Helena desires to purchase a new Live Scan fingerprint machine; and

B. This is an unexpected, unbudgeted expense not covered in the FY 2015/16 budget; and

C. The Citizens Option for Public Safety (C.O.P.S.) grant can be used for unexpected, unbudgeted items for front line officers; and

D. The C.O.P.S. grant has unexpended excess funds in it from previous fiscal years; and

E. The purchase will be entirely funded through the C.O.P.S. fund (224-4900-2630) Capital Equipment; and

F. No additional funds will be required from the General Fund for this purchase.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

1. The purchase of a new Live Scan fingerprinting machine from MorphoTrust USA is approved.
2. The City Manager is authorized to sign a purchase order agreement to MorphoTrust USA for the purchase amount of $34,982.16 to include equipment, installation, training, warranty, tax and freight.

Approved at a Regular Meeting of the St. Helena City Council on September 22, 2015, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

_____
Alan Galbraith, Mayor

ATTEST:

_____
Cindy Black, City Clerk

MorphoTrust USA
5705 W. Old Shakopee Road
Suite 100
Bloomington, MN 55437-3107
USA
Phone (800) 932-0890
FAX (952) 932-7181

Customer Quotation

QUOTE # : 12794-V3P6Y4 - 0
DATE: 08/21/2015
EXPIRES: 11/20/2015

Customer Information		Billing Information		Shipping Information		Sales Rep:	
ATTN:		ATTN:	Chief Bill Imboden	ATTN:	Chief Bill Imboden	Name::	Gary Newlin
CUST NAME:	ST HELENA POLICE DEPARTMENT	CUST NAME:	ST HELENA POLICE DEPARTMENT	CUST NAME:	ST HELENA POLICE DEPARTMENT	Phone::	952-442-8701
Phone:		Phone:	707-967-2855	Phone:	707-967-2855	Cell::	612-839-9639
Fax:		Fax:		Fax:		Fax::	952-945-3304
Email:		Email:	Wimboden@cityofsthelena.org	Email:	Wimboden@cityofsthelena.org	Email:	GNewlin@morphotrust.com
ADDR:	1480 MAIN STREET	ADDR:	1480 MAIN STREET	ADDR:	1480 MAIN STREET	PAY TERMS:	Net 30
	SAINT HELENA, CA 94574		SAINT HELENA, CA 94574		SAINT HELENA, CA 94574	CUST TYPE:	
	United States		United States		United States		

Product	Price Source	Units	Qty	Unit Price Selling (USD)	Extended Price (USD)
* TPE-5600-ED TouchPrint 5600 500ppi standard definition palm, slap, and roll live scan booking system. Includes: TP-5300 scanner, TouchPrintTM Enterprise application software with slap to roll matching, and PC running Windows in a ruggedized stand-alone cabinet with 24" deck. 1 year help desk warranty included.	CMAS-IT-70	EACH	1	$19,359.00	$19,359.00
5600-TPE-ED-W95 First year warranty upgrade to 9/5 coverage for the TPE-5600 500ppi enhanced definition live scan booking system	GSA-IT70	Year	1	$833.00	$833.00
* TPE-COMX-NECFTP NATMS AFIS Protocol Support w/ FTP: Compression Support Package with FTP Provides Support for NEC NATMS Protocol Communications Over TCP/IP/FTP Wide Area Network Connections w/ WSQ compression.	CMAS-IT-70	EACH	1	$171.00	$171.00
* TPE-CSTX-CA001 CALIFORNIA LIVE SCAN ENTERPRISE CUSTOMIZATION. TOTS: APP CRM IDN; CARDS: FD258-C/T FD249-C/T CA HAND-C/T; OTHER: TRANSMITS TO CADOJ NATMS; RETURN MSG: NO.	CMAS-IT-70	EACH	1	$171.00	$171.00
* TPE-PRT-DUP	CMAS-IT-70	EACH	1	$2,341.00	$2,341.00

	TouchPrint Duplex Fingerprint Card Printer - for printing double sided cards. Enterprise applications only. 1 yr. Help Desk Warranty included..					
	TP-IAT-2DAY Installation and Training; Two Day: Standard two day on-site installation and training services. Includes one day of installation and one day of training. Training day is for Operators (up to 6 people) and for System Managers (up to 4 people). Recommended for TP-3800 series livescan systems. Includes travel and all related expenses.	CMAS-IT-70	EACH	1	$2,081.00	$2,081.00
	PRT- DUP- W95 ANNUAL WARRANTY UPGRADE 9/5	CMAS-IT-70	Year	1	$145.00	$145.00
	47FRT FREIGHT CHARGE	CMAS-IT-70	EACH	1	$350.00	$350.00
*	TPE-CSTX-CAPALM California Touch Print Enterprise customization for palm capture on palm live scan systems. Must be quoted with the corresponding jurisdiction specific ten-print customization.	CMAS-IT-70	EACH	1	$4,624.00	$4,624.00
*	TPE-HWOX-DIGCAP DIGITAL CAPTURE COMPONENTS FOR TOUCHPRINT ENTERPRISE SOFTWARE. DIGITAL CAMERA WILL BE THE CANON POWERSHOT DIGITAL CAMERA 6' USB EXTENSION CABLE CANON POWERSHOT AC ADAPTER MODEL ACK500 WILL BE REQUIRED SOFTWARE CUSTOMIZATION FOR DIGITAL CAPTURE AND TP-HWOX-DIGCAPC OR TP-HWOX-DCTRNS.	CMAS-IT-70	EACH	1	$2,258.00	$2,258.00
*	TP-HWOX-DIGCAPC Monopod Mounting System for 3500/3800/5500/5600/5900 cabinets with tripodhead and backdrop for use with the digital capture system TP-HWOX-DIGCAP or TPE-HWOX-DIGCAP.	CMAS-IT-70	EACH	1	$278.00	$278.00
	HWOX- DIGCAP- W95 DIGITAL CAPTURE WARRANTY UPGRADE HELP DESK TO 9/5 SERVICE LEVEL	GSA-IT70	Year	1	$35.00	$35.00

	Subtotal Selling Price	$32,646.00
	Total for Extended Quantity System Configuration	$32,646.00
	Sales Tax	$ 2,336.16
	Total for Extended Quantity System Configuration w/ Sales Tax	$34,982.16

* DENOTES SALES TAX ITEM

(Total of items with sales tax: $29,202)

SAFRAN
MorphoTrust USA

Terms and Conditions

Quote #: 12794-V3P6Y4 - 0

Stated prices do not include any sales, use, value added, federal, state, local, or other taxes, or any custom duties. All such taxes or duties shall be paid by customer, or in lieu thereof, customer shall provide an appropriate tax exemption form. Customer shall in its purchase order specifically include the applicable sales tax amount or provide a current tax exemption certificate. Without the applicable tax amount or tax exemption certificate, MorphoTrust USA will not enter the purchase order. MorphoTrust USA reserves the right to invoice customer for sales tax calculation in customer's purchase order that is insufficient.

General Terms and Conditions:

1) This Quotation is valid for 90 days from the date of Quotation.
2) Purchase Order must reference correct Quotation Number and Date of Quotation.
3) Unless otherwise agreed to in writing by MorphoTrust USA, all sales of MorphoTrust USA hardware products, and all licenses of MorphoTrust USA software, are subject to MorphoTrust USA's standard terms and conditions of sale and license.
4) Unless otherwise agreed to in writing by MorphTrust USA, all products are subject to MorphoTrust USA's standard warranty, at the quoted Warranty Service Level, for a period of one year from the date of installation.
5) Unless otherwise agreed to in writing by MorphoTrust USA,, Products are sold FOB - MorphoTrust USA Factory, Bloomington, MN. Prices are exclusive of shipping, handling and freight charges, which are separately identified in the Quotation, and which are the sole responsibility of the purchaser.
6) Stated prices do not include any sales, use, value added, federal, state, local, or other taxes, or any custom duties. All such taxes or duties shall be paid by customer, or in lieu thereof, customer shall provide an appropriate tax exemption form. Customer shall in its purchase order specifically include the applicable sales tax amount or provide a current tax exemption certificate. Without the applicable tax amount or tax exemption certificate, MorphoTrust USA will not enter the purchase order. MorphoTrust USA reserves the right to invoice customer for sales tax calculation in customer's purchase order that is insufficient.
7) Subject to credit approval by MorphoTrust USA, all payments are due in full net thirty (30) days from date of invoice. In the event MorphoTrust USA does not approve such credit, other payment terms must be agreed upon by the parties.
8) Prices are exclusive of engineering or other labor service charges provided by MorphoTrust USA at the request of the purchaser, unless such engineering or other labor is expressly covered by warranty and otherwise required directly as a result of defects in materials or workmanship. Engineering and other labor services, as well as parts and materials, provided by MorphoTrust USA outside of applicable warranty shall be paid for by the purchaser at MorphoTrust USA's then current time and materials charges.
9) MorphoTrust USA provided maintenance support following the warranty period is recommended by MorphoTrust USA. Help Desk, On-Site and 24/7 maintenance support programs are available, subject to execution of MorphoTrust USA Standard Maintenance Agreement.
10) Where applicable, in sole judgment of MorphoTrust USA, this Quotation is subject to existing contract pricing between MorphoTrust USA and the purchaser. Current contract number must be identified on the Purchase Order.
11) Any discount prices are for like quantities ordered on the same Purchase Order. Quantities are not cumulative. Any change in the quantity ordered may affect price. Contact MorphoTrust USA for new quote with desired quantities.
12) This Quotation and these terms and conditions apply to domestic U.S. orders only.
13) This Quotation is MorphoTrust USA proprietary.

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Item No: 24

Report to the City Council
Council Meeting September 8, 2015

Agenda Section: **Consent Item**

Subject: **Consideration of Resolution approving an agreement with Municipal Resources Group to provide professional human resources services for a total not to exceed amount of $40,500**

CEQA Status or Action: **None**

Prepared By: **Jennifer Phillips, City Manager**

Approved By: **Jennifer Phillips, City Manager**

DISCUSSION
The City requires professional human resources consultant services to initiate and complete several complex human resources related projects to ensure the City remains up-to-date and compliant with federal and state labor laws and regulations.

FISCAL IMPACT
The contract with Municipal Resources Group (MRG) would be for a three (3) month period at a cost of $13,500 per month. Total amount of the agreement is $40,500 and funds will be appropriated from the General Fund Reserve.

RECOMMENDED ACTION
Approve the Resolution approving the Agreement with Municipal Resources Group for a total not to exceed amount of $40,500 and authorize the City Manager to execute the agreement on behalf of the City.

ATTACHMENTS
Attachment A - Resolution 2015-____ Approving a Consultant Services Agreement with Municipal Resources Group.
Attachment B - Consultant Services Agreement with Municipal Resources Group

Attachment A

CITY OF ST. HELENA

RESOLUTION NO. _____

APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH SPRINGBROOK SOFTWARE

RECITALS

A. The City desires to hire Municipal Resources Group to provide professional human resources services; and

B. The City has contracted with Municipal Resources Group in the past for other professional services; and

C. Municipal Resources Group has represented that they have the necessary expertise, experience, and qualification to perform the required duties.

RESOLUTION

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

1. The City Council approves the Agreement with Municipal Resources Group for a total not to exceed amount of $40,500 to provide professional human resources services; and
2. The City Council authorizes the City Manager to execute the agreement on behalf of the City.

Approved at a Regular Meeting of the St. Helena City Council on September 8, 2015 by the following vote:

Mayor Galbraith:

Vice Mayor White:

Councilmember Crull:

Councilmember Dohring:

Councilmember Pitts:

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into on September 8, 2015 by and between the City of St. Helena, located in the County of Napa, State of California (City), and Municipal Resources Group (MRG) (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as professional human resources services.

B. Consultant has represented that Consultant has the necessary expertise, experience, and qualifications to perform the required duties.

NOW, THEREFORE, in consideration of the mutual premises, covenants, and conditions herein contained, the parties agree as follows:

SECTION 1 – BASIC SERVICES

Consultant agrees to perform the services and work (together, "services") set forth in **Exhibit A, "Scope of Services"** and made part of this Agreement.

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to or outside of those set forth in this Agreement or **Attachment A, "Scope of Project"**, unless such additional services and compensation are authorized in advance and in writing by the City Council or City Manager of the City.

SECTION 3 – TIME FOR COMPLETION

The time for completion of services shall be as identified in **Attachment A, "Scope of Project"**.

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in **Exhibit B, "Option 1"**, attached hereto and made a part hereof. Total compensation shall not exceed $40,500, unless additional compensation is approved in accordance with Section 2.

B. Consultant shall furnish to City an original invoice for all services performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories if applicable: labor (by sub-category), travel, materials, equipment, supplies, subconsultant contracts, and miscellaneous expenses. City shall independently review each invoice submitted to determine whether the services performed and expenses incurred are in compliance with the provisions of this Agreement. If no charges or expenses are disputed, the invoice shall be approved and City will use its best efforts to cause Consultant to be paid within

30 days of receipt of invoice. If any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. If the City reasonably determines, in its sole judgment, that the invoiced charges and expenses exceed the value of the services performed to date and that it is probable that the Agreement will not be completed satisfactorily within the Agreement price, City may retain all or a portion of the invoiced charges and expenses. Within thirty (30) days of satisfactory completion of the project, City shall pay the retained amount, if any, to Consultant. In no event shall City be obligated to pay late fees or interest, whether or not such requirements are contained in Consultant's invoice.

C. Payment to the Consultant for services performed pursuant to this Agreement shall not be deemed to waive any defects in services performed by Consultant.

SECTION 5 – STANDARD OF PERFORMANCE

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

City may inspect and accept or reject any of Consultant's services under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's services within sixty (60) days after submitted to City, unless the parties mutually agree to extend such deadline. City shall reject services by a timely written explanation, otherwise Consultant's services shall be deemed to have been accepted. City's acceptance shall be conclusive as to such services except with respect to latent defects and fraud. Acceptance of any of Consultant's services by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, the sections pertaining to indemnification and insurance.

SECTION 7 – INSURANCE REQUIRED

Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the services hereunder by the Consultant, its agents, representatives, or employees, as indicated:

A. Minimum Scope of Insurance. Coverage shall be at least as broad as:
   1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
   2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
   3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

B. Minimum Limits of Insurance. Consultant shall maintain limits no less than:

1. General Liability: $2,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: $2,000,000 per accident for bodily injury and property damage.
3. Employer's Liability: $2,000,000 per accident for bodily injury or disease.

C. Professional Liability Insurance. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor ("design professional"), Consultant shall maintain at least $2,000,000 of professional liability insurance.

D. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions of $25,000 or greater must be declared to and approved by the City.

E. Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of services or operations performed by the Consultant or Consultant's subconsultants; or automobile owned, leased, hired or borrowed by the Consultant.
2. For any claims related to Consultant's conduct while performing the services of this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

F. Waiver of Subrogation. The workers compensation policy is to be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the services performed by the named insured for the City.

G. The Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.

H. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before services commence. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

SECTION 8 – INDEMNIFICATION

A. Consultant shall indemnify and hold harmless City, its agents, officers, officials, employees, and volunteers from any and all claims, demands, suits, loss, damages, injury, and/or liability (including any and all costs and expenses in connection therewith), incurred by reason of any negligent or otherwise wrongful act or omission of Consultant, its officers, agents, employees and subcontractors, or any of them, under or in connection with this Agreement; and Consultant agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against City, its agents, officers, officials, employees and volunteers, or any of them, arising out of such negligent or otherwise wrongful act or omission, and to pay and satisfy any resulting judgments.

B. When Consultant under this Agreement is a design professional, the provisions of this section regarding Consultant's duty to defend and indemnify apply only to claims that arise out of or relate to the negligence, recklessness, or willful misconduct of the design professional.

C. If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from City, shall defend Indemnitees at Consultant's expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. Indemnitees need not have first paid for any of the matters to which Indemnitees are entitled to Indemnification in order to be so indemnified. The insurance required to be maintained by Consultant shall ensure Consultant's obligations under this section, but the limits of such insurance shall not limit the liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

D. The provisions of this section do not apply to claims to the extent occurring as a result of the City's sole negligence or willful acts or misconduct.

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner, nor to incur an obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

B. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as

set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees or agents of City.

C. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

SECTION 10 – CONFLICTS OF INTEREST

A. Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of the City Manager. Consultant agrees to at all times avoid conflicts with the interests of City in the performance of this Agreement.

B. City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is aware of any stated position of City relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

SECTION 11 – OWNERSHIP OF DOCUMENTS

A. All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall become the sole property of City and may be used, reused or otherwise disposed of by City without the permission of the Consultant. When requested by City, but no later than three years after project completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

B. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, improvements, developments, works of authorship, or other products developed or created by Consultant during the course of providing services (collectively the "Work Product") shall belong exclusively to City. The Work Product shall be considered a "work made for hire" within the meaning of Title 17 of the United States Code. Without reservation, limitation, or condition, Consultant hereby assigns, at the time of creation of the Work Products, without any requirement of further consideration, exclusively and perpetually, any and all right, title, and interest Consultant may have in the Work Product throughout the world, including without limitation any copyrights, patents, trade secrets, or other intellectual property rights, all rights of reproduction, all rights to create derivative works, and the right to secure registrations, renewals, reissues, and extensions thereof.

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

A. All information gained or Work Product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or Work Product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

B. Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the services performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or Work Product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the services performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite such response.

SECTION 13 – SUSPENSION OF SERVICES

City may, at any time, by ten (10) days written notice suspend further performance by Consultant. All suspensions shall extend the time schedule for performance in a mutually satisfactory manner and Consultant shall be paid for services performed and reimbursable expenses incurred prior to the suspension date.

SECTION 14 – COMPLIANCE WITH LAW

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

During the performance of this Agreement, Consultant agrees as follows:

A. Equal Employment Opportunity. In connection with the execution of this Agreement, Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, ancestry, age, sexual orientation, physical handicap, medical condition, marital status, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, promotion, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training including apprenticeship.

B. Nondiscrimination Civil Rights Act of 1964. Consultant will comply with all federal regulations relative to nondiscrimination to federally-assisted programs.

C. Solicitations for Subcontractors including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations, made by Consultant for services to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by Consultant of Consultant's obligations under this Agreement and the regulations relative to nondiscrimination.

SECTION 16 – RECORDS

A. Records of Consultant's direct labor costs, payroll costs, and reimbursable expenses pertaining to this project covered by this Agreement will be kept on a generally recognized accounting basis and made available to City if and when required for a period of up to 3 years from the date of Consultant's final invoice.

B. Consultant's records and design calculations will be available for examination and audit if and as required. The cost of any reproductions shall be paid by City.

SECTION 17 – COOPERATION BY CITY

All public information, data, reports, records, and maps as are existing and available to City as public records, and which are necessary for carrying out the services as outlined in the Exhibit A, "Scope of Services", shall be furnished to Consultant in every reasonable way to facilitate, without undue delay, the services to be performed under this Agreement.

SECTION 18 – NOTICES

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by facsimile or first class mail, addressed as follows:

To City:
City Manager
1480 Main Street
St. Helena, California 94574

To Consultant:
Municipal Resources Group
Mary Egan
916-261-7547
egan@municipalresourcegroup.com

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile, or, if mailed, three (3) days after deposit in the custody of the U.S. Postal Service.

SECTION 19 – TERMINATION

A. City may terminate this Agreement, with or without cause, at any time by giving ten (10) days written notice of termination to Consultant. If such notice is given, Consultant shall cease immediately all services in progress.

B. If either Consultant or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or City may terminate this Agreement immediately upon written notice.

C. Upon termination of this Agreement by either Consultant or City, all property belonging to City which is in Consultant's possession shall be delivered to City. Consultant shall furnish to City a final invoice for services performed and expenses incurred by Consultant, prepared as set forth in this Agreement.

SECTION 20 – ATTORNEY FEES

If litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorneys' fees, costs and expenses, in addition to any other relief to which it may be entitled. In addition, any legal fees, costs and expenses incurred to enforce the provisions of this Agreement shall be reimbursed to the prevailing party.

SECTION 21 – ENTIRE AGREEMENT

This Agreement, including the attached Exhibits, is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and City prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 22 – SUCCESSORS AND ASSIGNS

This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties. However, this Agreement shall not be assigned by Consultant without written consent of the City.

SECTION 23 – CONTINUITY OF PERSONNEL

Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff assigned to perform the services required under this Agreement, prior to any such performance.

SECTION 24 – DEFAULT

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any services performed after the date of default and may terminate this Agreement immediately by written notice to Consultant.

SECTION 25 – WAIVER

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

SECTION 26 – LAW TO GOVERN; VENUE

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Napa. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Northern District of California, in San Francisco.

SECTION 27 – SEVERABILITY

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

SECTION 28 – SPECIAL PROVISIONS

This Agreement is subject to the following special provisions: none.

IN WITNESS WHEREOF, the parties hereto have accepted, made, and executed this Agreement upon the terms, conditions, and provisions above stated, the day and year first above written.

Consultant:

By: _____
Name: _____
Title: _____

City:

By: _____
Name: Jennifer Phillips
Title: City Manager

Approved as to Form:

By: _____
Name: Thomas B. Brown
Title: City Attorney

Attachment B

August 25, 2015

Jennifer Phillips
City Manager
23187 Connecticut St.
St. Helena, CA 94545-1605

RE: Proposal for Human Resources Services

Dear Ms. Phillips,

Thank you for allowing Municipal Resource Group LLC to provide a revised proposal for Human Resources services for the City of St. Helena. We are open to any number of tasks, hours, arrangements and payment structures that meet the City's immediate and ongoing needs.

We understand the City is interested in a variety of complex, hands-on Human Resources services on an ongoing basis, approximately 20 hours per week for approximately six months. You have spoken with Bronda Silva, and she would be available to be your professional Human Resources Consultant. We have a team of various subject matter experts to back her up, so we have capacity beyond a one person commitment. Her proposed scope of services is included as Attachment A.

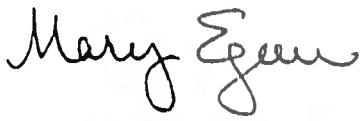
Bronda believes that she would need to be on site, working side by side with staff for the first month as outlined in the attached proposal and then will provide some of the project based services from her office in Sacramento, along with phone and email consultation services.

Option 1 – Monthly fixed fee cost (80 hours per month consultant and 10 hours research/policy/support to finalize products at lower rate of compensation - $13,500 per month) plus email and phone support for transactional issues and problems that occur included in that fixed rate. The City could call on Bronda as needed, any time during this engagement for real-time support. This includes all planned expenses.

Option 2 – Hourly rate of $155 per hour (estimated 20 hours per week consultant on-site and remote hours) and $65 per hour for analytic support (estimated approx. 5 hours per week, billing actual hours). Mileage will be reimbursed at the current IRS rate of $0.575 per mile. Travel time 1 way (approx. 1 hour per trip). If the City requires the consultant to attend any

evening meetings such as Council meetings, overnight accommodations will be reimbursable.

Thank you for this opportunity to provide Human Resources services.



Mary Egan, Partner
Human Resources Services
Municipal Resource Group, LLC
916-261-7547
egan@municipalresourcegroup.com

Attachment A

City of St. Helena Work Plan/Proposal

Overall Scope of Project

MRG understands that the City of St. Helena, with its recent employee changes, wishes to seize a timely opportunity to assist in upgrading its delivery of HR services by engaging an MRG consultant to work on specific high profile HR projects such as a policy handbook, coaching your Human Resources Manager, and providing expert advice and action on a variety of topics like ensuring employee files are in compliance. Other projects may come up that can also be assigned to Bronda Silva, if needed.

Timing/Schedule

Beginning on a mutually acceptable date, the assigned HR consultant, Bronda Silva, will initially work onsite for two days per week for four weeks from approximately 10 am to 3 pm or other hours as arranged that maximize commute related issues on Highway 12. Assuming that 20 hours per week for the overall project is needed, another 5-10 hours will be spent on City projects/issues remotely during the first month. She will triage issues as they arise and work on a specific set of projects to be identified in the first week by the City Manager and other City leadership.

After the first four weeks, Bronda Silva will review the work and project status to determine how much and the nature of further support is needed. A revised, mutually agreed-to schedule will be established to accomplish the necessary tasks.

If more time/projects are needed than the assigned consultant can handle, or to cover vacation plans or other absences, specific projects can be handled by the secondary consultant, Valerie Ruxton. The bios of both consultants are provided.

Consultant Bios

Bronda Silva provides support and human resources services to local government agencies in the areas of general human resources support, classification and compensation, recruitment and testing, policy development, executive search, negotiations preparations and support, performance management, organizational development, discipline, and other employee relations activities. She is a highly experienced and skilled human resources professional who is well known and respected in the human resources field.

Prior to joining Municipal Resource Group, Bronda held key positions with the City of American Canyon (Human Resources Director for eight years), Sacramento County (Personnel Manager for three years), CPS Human Resource Services (HR Consultant for over three years), and the City of Sacramento (Personnel Services Manager for 13 years). She has worked most of her career as an HR manager/director with about four years as an HR consultant. As a consultant with both MRG and CPS, Bronda has worked on a variety of HR projects for cities, counties, utilities, and special districts ranging from classification/pay to recruitment projects. In addition to her significant experience in the public sector human resources field, Bronda earned a Bachelor of Arts degree in Psychology from California State University, Stanislaus, where she graduated Magnum Cum Laude, and a Master's Degree in Industrial/Organizational Psychology from California State University, Sacramento, with honors.

Valerie Ruxton provides advice, counseling, and support in the area of human resources, with special emphasis on policy review and development, employee relations, labor relations preparation, performance management, grievance investigation and response, classification and compensation, and organizational development and training. She is a highly experienced and effective human resources professional who has earned an excellent reputation in the field.
As a Human Resources administrator in the public sector, Valerie regularly facilitated the resolution of complex issues and problems.

Prior to joining Municipal Resource Group, Valerie held key human resource management positions with the City of Benicia and the City of Napa. She served the City of Benicia as the Human Resources Manager for two years (2008-2010), and served in various professional human resource capacities during her 18 years (1990-2008) with the City of Napa, including Personnel Administrative Services Officer. Valerie also has private sector human resources experience, gained while serving as the Assistant Personnel Director and Personnel Director for John F. Kennedy University.

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Item No: 25

Report to the City Council
Council Meeting September 8, 2015

Agenda Section: **Public Hearing**

Subject: **Consideration and proposed approval of a resolution to approve the Annexation of Territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 118 (609 McCorkle Ave. St Helena, CA. APN. 009-010-014).**

CEQA Status: **Categorically Exempt, CEQA Guidelines Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities, and Section 15061(b)(3), No Possibility of Significant Effect on the Environment**

Prepared By: **Steven Palmer, PE, Director of Public Works/City Engineer**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

David Moody, the owner of 609 McCorkle Ave, Napa County Assessor Parcel Number (APN) 009-010-014, has applied to be annexed into the St. Helena Municipal Sewer District No. 1. A location map for the property is shown in Attachment 1. City Council approval of the connection is the formal administrative process to change the property's tax rate area code from septic to sanitary sewer for tax purposes.

DISCUSSION

The property is currently on a septic system and on May 19, 2015 received Planning Commission approval for a Demolition Permit and Design Review to (1) remodel and add on to the existing residence, and (2) demolish and reconstruct the existing guest house and garage. It is City policy that residential properties be connected to City sewer and, as a condition of approval of that Project the Applicant is required to connect to the City sewer. In addition the Applicant is responsible for: (1) extending the City sewer to their southern property line, and (2) paying fees for annexation, connection, and sewer impact. The sewer impact fee will be paid prior to the physical hook-up and is calculated on the livable area currently on file with the Napa County Assessor's office. At the time of connection to the City sewer, the existing septic system will be destroyed in accordance with Napa County Department of Environmental Management guidelines.

On July 28, 2015, in accordance with Health & Safety Code §§ 4641 et seq., the City Council adopted Resolution No. 2015-xx, to provide notice for this public hearing

regarding the proposed annexation. The purpose of the public hearing is to hear from persons interested in the proposed annexation, and consider approval of this second resolution to approve the annexation. This second resolution for annexation requires at least four affirmative votes. (Health & Saf. Code §§ 4645-47.)

If the City Council approves this resolution, City staff will then process the annexation with Napa County and the State Board of Equalization to change the tax rate area code for the property and record the resolution. Staff will work with the Applicant to obtain required encroachment and sewer connection permits.

FISCAL IMPACT

The Applicant is responsible to extend the City sewer along their property frontage, and pay annexation, connection, and impact fees.

RECOMMENDED ACTION

Adopt Resolution Approving the Annexation of Territory to the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 118 (609 McCorkle Ave. St Helena, CA. APN. 009-010-014).

ATTACHMENTS

1. Location Map
2. Resolution

CITY OF ST. HELENA RESOLUTION NO. 2015-

APPROVE THE ANNEXATION OF TERRITORY INTO THE ST. HELENA MUNICIPAL SEWER DISTRICT NO. 1

MSD ANNEXATION NO. 118

609 McCorkle Ave. St Helena, CA. APN. 009-010-014

RECITALS

A. The property at 609 McCorkle Avenue, St Helena, California, APN. 009-010-014 will benefit from annexation into the St. Helena Municipal Sewer District No. 1; and

B. The owners of 609 McCorkle Avenue have requested annexation into the St. Helena Municipal Sewer District No. 1; and

C. The legal description and boundary for the territory to be annexed is described in the attached Exhibit A – Annexation Description; and

D. A public hearing regarding this proposed annexation was ordered on July 28, 2015, and duly noticed and held on September 8, 2015 at a regular meeting of the City Council of the City of St. Helena; and

E. All annexation fees have been paid.

F. The City has complied with all laws applicable to these annexation proceedings, including without limitation Health & Safety Code sections 4641 et seq.

RESOLUTION

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

1. The territory described in the attached Exhibit A – Annexation Description, commonly known as 609 McCorkle Avenue, St. Helena, CA, APN. 009-010-014, is hereby ordered annexed; and

2. The City Clerk shall cause a certified copy of this Resolution to be recorded with the official records of the County of Napa, pursuant to section 4647 of the Health & Safety Code.

Approved at a Regular Meeting of the St. Helena City Council on September 8, 2015 by the following vote (at least four affirmative votes required):

AYES:

NOES:
ABSENT:
ABSTAIN:

APPROVED:

Alan Galbraith
Mayor

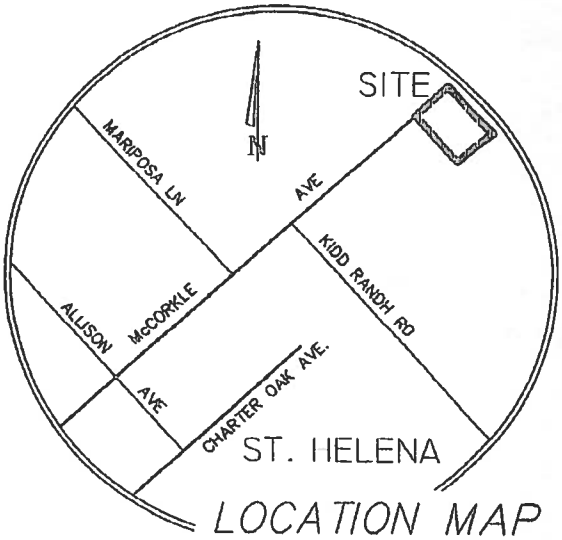
ATTEST:

Cindy Black
City Clerk

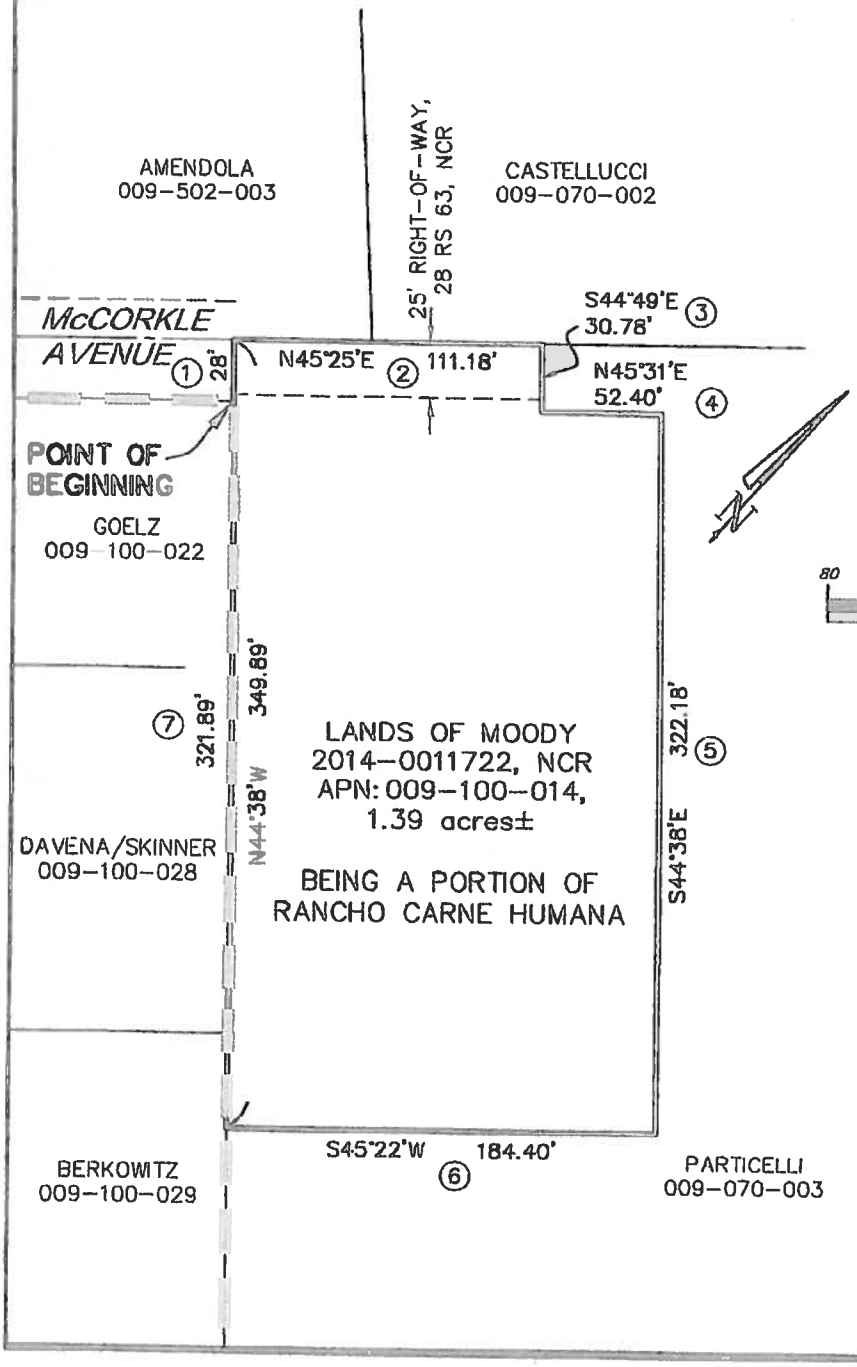
ATTACHMENT 1

MAP OF ANNEXATION TO CITY OF ST. HELENA

FOR THE LANDS OF
MOODY
City of Saint Helena, County of Napa,
CALIFORNIA
JUNE, 2015



LOCATION MAP
NOT TO SCALE



GRAPHIC SCALE

80 0 40 80 160

(IN FEET)
1 INCH = 80 FT.

LEGEND

NCR OR	NAPA COUNTY RECORDS OFFICIAL RECORDS
	PROPOSED ANNEXATION BOUNDARY
	EXISTING SEWER DISTRICT BOUNDARY
	AREA TO BE ANNEXED
①	COURSE NUMBER

PREPARED BY
NEW ALBION SURVEYS INC.

ALBION

JUNE, 2015

SHEET 1 OF 1
c3d PROJ 3532
3532-01 ANEX.dwg

EXHIBIT A

ANNEXATION DESCRIPTION

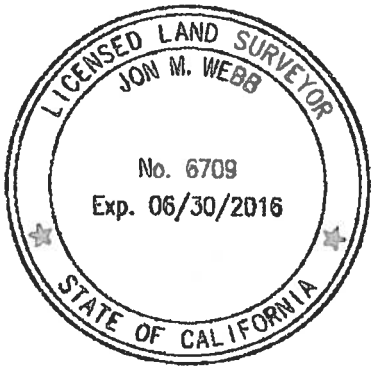
All that real property situated in the City of Saint Helena, County of Napa, State of California, being a portion of Rancho Carne Humana, and described in that certain Grant Deed recorded June 12, 2014 filed under Document Number 2014-0011722 in the office of the Recorder of said Napa County, being more particularly described as follows:

BEGINNING at the corner of the Existing Sewer District Boundary where southeasterly right of way line of McCorkle Avenue intersects the southwest line of said real property (2014-0011722); thence

1) northwesterly along said southwest line North 44°38' West 28 feet to approximate centerline of said McCorkle Avenue, thence
2) along said centerline North 45°25' 111.18 feet, thence
3) leaving said centerline South 44°49' East 30.78 feet, thence
4) North 45°31' East 52.40 feet, thence
5) South 44°38' East 322.18 feet, thence
6) South 45°22' West 184.40 feet to a point on said Existing Sewer District Boundary and thence
7) along said Existing Sewer District Boundary North 44°38' West 321.89 feet to the POINT OF BEGINNING of this description.

Containing 1.39 acres, more or less

Jon M. Webb
Professional Land Surveyor No. 6709
License Renewal: June 30, 2016



Item No: 26

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **New Business**

Subject: **Consideration and proposed approval of a resolution appointing applicants to various boards, commissions and committees:**

a. **Appointing and filling one expired term and one alternate term to the Active Transportation Committee**
b. **Appointing and filling one expired term to the Multi-Cultural Committee**
c. **Appointing and filling two alternate expired terms to the Sustainability Committee**

CEQA Status: **Not a CEQA Project**

Prepared By: **Cindy Black, City Clerk**

Approved By: **Jennifer Phillips City Manager**

BACKGROUND

Staff held a recruitment seeking applicants from the community to fill expired and/or vacant Boards, Committees and Commissions terms. Various expired terms were extended until the recruitment process was completed. The Boards, Committees and Commissions that have expired terms include the Sustainability Committee, Active Transportation, Napa County Mosquito Abatement District, Multi-Cultural, Library Board of Trustees, Parks and Recreation Commission, Planning Commission and the Tree Committee.

DISCUSSION

The City Clerk's office used various forms of communication reaching out to the community to publicize the recruitment. The following list details the available terms to fill.

Active Transportation Committee

Active Transportation Committee members terms have expired leaving one term and one alternate term available. Three applications were received for two available terms.

Multi-Cultural Committee
A Multi-Cultural Committee term has expired leaving one position available. One application was received for one available term.

Sustainability Committee
Sustainability Committee members terms have expired leaving two alternate positions available. Two applications were received for two available terms.

FISCAL IMPACT
There is no fiscal impact.

RECOMMENDED ACTION
Appointments are made by the Mayor and subject to the City Council's approval.

Active Transportation Committee (two terms available)
- Appoint one applicant to fill the vacant term expiring 6/30/2016 and appoint one alternate to a two year term expiring 6/30/17.

Multi-Cultural Committee (one term available)
- Appoint one applicant to a two year term expiring 6/30/17.

Sustainability Committee (two terms available)
- Appoint two applicants, one applicant as alternate for a one year term expiring 6/30/16 and one applicant as alternate for a two year term expiring 6/30/17.

ATTACHMENTS
Attachment 1 - Resolution Appointing Members to various boards, commissions and committees
Attachment 2 - Applications for appointment

CITY OF ST. HELENA

RESOLUTION NO. 2015-

APPOINTING MEMBERS TO THE ST. HELENA ACTIVE TRANSPORTATION COMMITTEE, MULTI-CULTURAL COMMITTEE, AND SUSTAINABILITY COMMITTEE

RECITALS

A. Existing vacancies exists on the Active Transportation Committee, Multi-Cultural Committee and Sustainability Committee.

B. Applications have been received from community members for the various openings. Protocol calls for appointments to be made by the Mayor and approval by the City Council.

RESOLUTION

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

Active Transportation Committee

1. The Mayor hereby appoints _____ filling a vacant term expiring on June 30, 2016; and
2. The Mayor hereby appoints _____ as an alternate for a two year term to the St. Helena Active Transportation Committee expiring on June 30, 2017.

Multi-Cultural Committee

1. The Mayor hereby appoints _____ to the Multi-Cultural Committee for a two year term expiring on June 30, 2017.

Sustainability Committee

1. The Mayor hereby appoints _____ as an alternate for a one year term expiring on June 30, 2016; and
2. The Mayor hereby appoints _____ to the Sustainability Committee for an alternate two year term expiring on June 30, 2017.

Approved at a Regular Meeting of the St. Helena City Council on September 8, 2015, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

_____
Alan Galbraith, Mayor

ATTEST:

_____
Cindy Black, City Clerk

Active Transportation Committee Applicants
(Two available positions)

	Name	Contact Numbers Home	Business	Comments
1.	Donna Hinds	[redacted]		
2.	Christine Talley			
3.	Maria Kalscheuer		[redacted]	

Action: Appoint one applicant to fill a vacant term expiring 6/30/2016 and appoint one applicant to an alternate term expiring 6/30/2017.

CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 968-2792
www.sthelenacity.com

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Committee/Commission to which you are applying:
~~Planning Commission~~ Active Transportation

Name: Donna Hinds

Home Address: 1352 Magnolia Ave., St. Helena 94574

Mailing Address: same

Occupation: retired

Business Address: _____

Home Telephone: 707-799-4844 Business Telephone: _____

E-mail:
dhinds@me.com

Please indicate if above numbers can be made available to the public upon request: yes

Are you a resident of St. Helena? yes If yes, how long have you lived in St. Helena? 1 year full time, more than 10 years part time

Current occupation (within last 12 months)
retired

Business interests in last 12 months:
None

Previous Committee/Commission Experience:

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application.

See attached

Professional and/or community service activities:

See attached

Local government related experience: See attached

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute

My primarily reason to serve on the planning commission is to help promote the best interest of St, Helena into the future. I believe I have the necessary background and experience to serve on the planning commission (see attached). Additionally I have attended the majority, if not all, of the planning commission meetings during the past year and believe I have an excellent understanding of the process and the issues.

Names, addresses, and phone numbers of three individuals familiar with your background:

Cyd Greer, [redacted]

Tracy Sweeny, current planning commissioner

Shannon Raggio, [redacted]

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.

[redacted]

Signature of Applicant Date

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 968-2742.

Please return the completed application to:
City of St. Helena
City Clerk
1480 Main Street
St. Helena, CA, 94574

DONNA HINDS

1352 Magnolia Ave, St. Helena CA 94574 • Cell: 707-799-4844 • dhinds@me.com

Education

Bachelor of Business Administration, University of Texas, Austin, 1982
Doctor of Jurisprudence, University of Houston, 1986

Work

Watt, White & Craig, Private Law Firm, Houston (1986-1990)
Crady, Jewett & McCulley, Private Law Firm, Houston (1990 – 1992)
Donna P. Hinds, Attorney at Law, Houston (1992-1994)
Exxon-Mobil, Attorney, Houston (1994 – 2000)

Boards/Committees

- Council, Secretary, Vice-President and President of the Oil and Gas Section of the Houston Bar Association. (1990-1994)
- Board Member, CBB Homeowners Association, Houston (1992-1995)
- Executive Committee, Hunter's Creek Elementary Parent Teacher Association (2002 - 2006)
- Board Member, President, Women's Association of Houston Racquet Club (1,000+ members) (2005 - 2010)
- Class Representative, Steering Committee, UC Master Gardeners of Napa County (current)
- St Helena Representative, Napa County Active Transportation & Planning/Active Transportation Committee (current)

Personal/Hobbies

Married to Rusty Hinds (22 years)
Two children (ages 18 and 20); One is Senior at St. Helena High
Master Gardener of UC Master Gardeners of Napa County
Hobbies: gardening, cycling, Tennis, yoga, cooking, reading

References:

Cyd Greer, St. Helena [redacted]
Shannon Raggio, St. Helena/San Francisco [redacted]
Patrice Ferguson, St. Helena/Houston [redacted]

June 18, 2015

Dear Mayor Galbraith,

I am submitting an application for the current opening on the Planning Commission.

The following are reasons I feel that I am very well qualified to serve on the planning commission:

1. I practiced law for 13 years (1986 - 1999) and feel capable of interpreting and assisting with drafting revisions and new provisions of the zoning ordinances, as necessary. My primary field of practice was oil and gas law, which is very closely related to, and includes, an understanding of real estate law.

2. I have an understanding of business. Bachelor of Business Administration, University of Texas (1982).

3. I have prior experience of serving on boards/committees:
    - Council, Secretary, Vice-President and President of the Oil and Gas Section of the Houston Bar Association. (1990-1994)
    - Board Member, CBB Homeowners Association, Houston (1992-1995)
    - Secretary, Hunter's Creek Elementary Parent Teacher Association (2002 - 2006)
    - Board Member, President, Women's Association of Houston Racquet Club (1,000+ members) (2005 - 2010)
    - Class Representative, Steering Committee, UC Master Gardeners of Napa County (current)
    - St Helena Representative, Napa County Active Transportation & Planning/Active Transportation Committee (current)

4. I have prior experience with serving on the Board of a Homeowner's Association (213 homes) and was instrumental in updating outdated deed restrictions.

5. I have designed and built several custom homes in the Houston area for my personal use, and am very familiar with reading building plans and the permitting process.

6. I am very familiar with the City of St. Helena zoning regulations as I have read them numerous times over the last several years while designing my personal home in St. Helena.

7. Over the past year I have attended the majority, if not all, of the planning commission meetings and have become very familiar with the meeting process, and the types of issues that come before the commission.

8. I attend the City Council meetings on a regular basis and am very familiar with the current issues before the City Council. I understand the current financial difficulties the city is facing and want to assist the city in finding ways to improve its financial position.

9. Although I have only been a full time resident of St. Helena for one year, I have been in St. Helena part time for over 10 years, and during this entire period I have consistently read the St. Helena Star and have great familiarity with the issues and history of the city.

10. I understand the importance of this position and the impact of the decisions made and will be fully dedicated to do the work necessary to understand the issues and make the correct decisions to the best of my ability.

11. I love St. Helena and plan to live here the rest of my life. My only motivation in serving on the planning commission is to help promote the best interest of St. Helena into the future.

I appreciate your careful consideration of my qualifications to serve on the planning commission and welcome the opportunity to meet with you to discuss this further.

Warm regards,

[redacted]

Donna Hinds
1352 Magnolia Ave
St. Helena, CA 94574
Cell: 707-799-4844
Email: dhinds@me.com

CITY OF ST. HELENA
MAR 31 2015
RECEIVED

CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 968-2792
www.sthelenacity.com

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Committee/Commission to which you are applying: Active Transportation Committee
~~PARKS AND RECREATION COMMISSION~~

Name: CHRISTINE F. TALLEY

Home Address: 18 LAGUNA SECA CT., ST. HELENA, CA 94574

Mailing Address: SAME AS ABOVE

Occupation: SELF EMPLOYED

Business Address: 18 LAGUNA SECA CT., ST. HELENA, CA 94574

CELL
~~Home~~ Telephone: 707-812-0770 Business Telephone: 707-812-0770

E-mail: TALLEYSAINT@AOL.COM

Please indicate if above numbers can be made available to the public upon request: YES

Are you a resident of St. Helena? YES If yes, how long have you lived in St. Helena? 11 YRS.

Current occupation (within last 12 months) SELF EMPLOYED.

Business interests in last 12 months: • COMMUNITY ORGANIZER- AARP,
• LEAGUE OF WOMEN VOTERS-NAPA; • FUND RAISER RIANDA HOUSE
• FUND RAISER CAMEO CINEMA

Previous Committee/Commission Experience:
• NAPA COUNTY GRAND JURY 2013, VARIOUS COMMITTEES
• HOMEOWNERS ASSOCIATION, VINEYARD VALLEY, ST. HELENA VARIOUS COMMITTEES.

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application.

- BS/BUSINESS ADMINISTRATION, SANFRANCISCO STATE UN.
- STATE OF CALIFORNIA - WORKERS COMPENSATION SPECIALIST
- NAPA COUNTY GRAND JURY.

Professional and/or community service activities:

- CAMEO CINEMA - AMBASSADOR - FUND RAISER
- COMMUNITY ORGANIZER - NAPA CHAPTER, AARP
- ORGANIZER - NAPA COUNTY FILM FESTIVAL

Local government related experience: NAPA COUNTY COMMISSION ON AGING.

- ORGANIZER FOR VARIOUS CANDIDATES IN ST. HELENA RUNNING FOR OFFICE.

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute • WISH TO PROVIDE BUS TRIPS TO CULTURAL, SPORTS, EDUCATIONAL, OUTDOOR EVENTS, INCLUDING LOCAL, STATE & REGIONAL PARKS FOR ENTIRE COMMUNITY.

- COORDINATE WITH CAMEO CINEMA, MOSIC, MOVIES & SPECIAL EVENTS AT LYMAN PARK.

Names, addresses, and phone numbers of three individuals familiar with your background:

- GRACE KISTNER, [redacted]
- CATHY BUCK, 1340 [redacted]
- LOWELL SMITH, 13 [redacted]

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.

[redacted]

Signature of Applicant Date

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 968-2742.

Please return the completed application to:
City of St. Helena
City Clerk
1480 Main Street
St. Helena, CA, 94574

CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 968-2792
www.sthelenacity.com

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Committee/Commission to which you are applying: Sustainability Committee ~~PARKS COMMITTEE~~ or Active Transportation Committee

Name: MARIA VAN SCHEUER

Home Address: 1144 EDWARDS ST., ST. HELENA, 94574

Mailing Address: SAME

Occupation: OFFICE MGR.

Business Address: 1508 MAIN ST., ST. HELENA, CA 94574

Home Telephone: [redacted] Business Telephone: [redacted]

E-mail: DURIA@COMCAST.NET [redacted]

Please indicate if above numbers can be made available to the public upon request: NO - ONLY COMC. EMAIL

Are you a resident of St. Helena? YES If yes, how long have you lived in St. Helena? 15 YRS

Current occupation (within last 12 months) OFF MGR - REAL ESTATE

Business interests in last 12 months: EDUCATION COORD. MEMBER OF COMMUNITY ACTION COMMITTEE HELD AT THE WOMEN'S CENTER

Previous Committee/Commission Experience:

* This is Maria's first preference. Her second is the Active Transportation Committee.

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application.

MOSTLY EDUCATED IN GERMANY - STRATSUNIV. KOELN
CORP. AMERICA = 14 YRS AS USER ANALYST
BUSIN. OWNER = 12 YRS // 5 SITE HOTELS IN EUROPE / USA = 4 YRS
RE REAL ESTATE = 12 YRS

Professional and/or community service activities:

Local government related experience: STAY INFORMED ON WHAT OUR LOCAL REPS. ARE VOTING ON IN CONGRESS -

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute

I THOUGHT IT WOULD BE INTERESTING TO BALANCE MY LOVE OF THE NATURAL WORLD WITH MY INCLINATION TO THINK RATIONALLY & LOGICALLY. MY GIFT FOR COMING UP WITH ALTERNATE SOLUTIONS WOULD BE MY CONTRIBUTION TO THE COMMITTEE

Names, addresses, and phone numbers of three individuals familiar with [illegible]

GINA ELLIOTT [redacted]
TIMOTHY HAYDEN
NASEEM HOEEL, [redacted]

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.

[redacted]

Signature of Applicant _____ Date _____

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 968-2742.

Please return the completed application to:
City of St. Helena
City Clerk
1480 Main Street
St. Helena, CA, 94574

Multi-Cultural Committee Applicants
(Two available Positions)

	Name	Contact Numbers Home	Business	Comments
1.	Janis Gay	[redacted]	[redacted]	

Action: Appoint one applicant to a term expiring June 30, 2017.

CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 968-2792
www.sthelenacity.com

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Committee/Commission to which you are applying: Multi-Cultural Committee

Name: Janis Hay

Home Address: 1541 Elmhurst Ave. St. Helena

Mailing Address: 1541 Elmhurst Ave., SH

Occupation: Retired HS teacher - Not sub + tutor + writer

Business Address: _____

Home Telephone: [redacted] cell Business Telephone: [redacted]

E-mail: [redacted]

Please indicate if above numbers can be made available to the public upon request: _____

Are you a resident of St. Helena? X If yes, how long have you lived in St. Helena? 44 yrs.

Current occupation (within last 12 months) Sub/substitute teacher w/ SHUSD; Tutor; writer

Business interests in last 12 months: N/A

Previous Committee/Commission Experience: Pls see attached resume

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application.

Yes. See resumé

Professional and/or community service activities:

See resumé

Local government related experience: Only appearing at meetings as a member of the audience.

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute

I have received a lot recently from the Latinos and hope to give voice to their ideas + concerns

Names, addresses, and phone numbers of three individuals familiar with your background:

Lorraine Stuart,
Lidia Rios Maldonado
Lorena Godinez

[redacted]

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.

[redacted]

Signature of Applicant Date

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 968-2742.

Please return the completed application to:
City of St. Helena
City Clerk
1480 Main Street
St. Helena, CA, 94574

JANIS GAY

1541 Elmhurst Ave.
St. Helena, CA 94574

[redacted]

EXPERIENCE

Tutoring **2012-Present**

- Work with middle and high school students in with their Humanities studies
- Meet with teachers and parents to discuss ways to improve their student work
- Help students develop their organizational skill as well as planning skills

Brown Holder Alfaro & Co. LLP
Receptionist & Administrative Assistant **2005-2011**

- Presented a welcoming atmosphere in the front office with professionalism, enthusiasm and client recognition
- Kept an Outlook appointment calendar for six partners
- Operated six standard phone lines initially, until company switched to an internet based system (Shoretel), which connected two other offices and had potentially over a dozen lines at our office alone
- Prepared, logged and copied correspondence
- Proofed and finalized partners' professional correspondences
- Tracked and maintained client information on data systems, several of which were introduced during my employment, including Document Management System
- Participated willingly in team operations, especially during the pressures of tax deadlines
- Instituted a whole office recycle program

St. Helena Unified School District (SHUSD)
Teacher at Robert Louis Stevenson Middle School **1971-2002**

- Taught many disciplines but mostly Sixth Grade Language Arts (English and Literature) and received county and state-wide recognition for creative curriculum
- Designated as Mentor Teacher for my school (three years) and district (two years)
- Facilitated articulation of district goals as well as curriculum alignment amongst our schools, ensured new textbook adoption and organized staff development
- Created and implemented an art and writing program designed to help students revise their written work with Napa Valley artist Miki Hsu Leavey for which we received the Golden Bell given by the California School Boards Foundation

- Instituted, then coached a Seventh and Eighth Grade girls' volleyball program that became the farm team for a state championship high school team
- Instituted with Eleanor Coppola the Coppola Family Writing Award for graduating RLS 8th graders
- Developed monthly agendas, led meetings and facilitated consensus for one year as facilitator for the SHUSD District Council, a governing body made up of representatives from the administrative, classified and certified staffs as well as the Superintendent and a SHUSD Board member

Conn Creek Winery & Sterling Vineyards **1974-1983**
Hospitality and Sales

- Set up and managed the tasting room, which included private tours and tastings as well and wine and wine related merchandise sales (Conn Creek)
- Increased sales at the winery as well as through local sales calls (Conn Creek)
- Worked with owners and winemakers to deliver the appropriate images and messages
- Educated myself through company programs as well as local college classes regarding wines and being a tour guide
- Welcomed VIP's for various activities the wineries offered

Murder Victims Families for Reconciliation (MVFR) **2005-2012**
Board of Directors

- Worked with a skeleton board to bring back our national organization from the brink of extinction caused by previous board in-fighting that had repercussions throughout the movement and which challenged our credibility
- Maintained a determined attitude during further challenging times by working with a team that stayed on course and message
- Brought on new board members that have added expertise and enthusiasm thereby enhancing our reputation and gravitas
- Served as an officer of the board for four years
- Write and speak for the abolition of the Death Penalty
- Acting liaison for MVFR in California project with Death Penalty Focus and ACLU Northern California.

Local Volunteer Positions **2012-2014**

- Napa Valley Community Foundation, Fund for St. Helena Advisory Committee
- Napa Valley Wine Library-edit text for quarterly report issues

Community Associations

- Former Board member - St. Helena Board for the Advancement of the Performing Arts

- Former Board member - Arts Council of Napa Valley
- Life membership - Friends of the Library, St. Helena Public Library
- Life membership - Napa Valley Wine Library
- Life membership-Steamboaters, North Umpqua River, Oregon

Education

2004 "Developing the Novel," UC Berkeley Extension
2003 Facilitating Group Creativity Program, Synectics,® Inc
The Innovation Team Workshop TM Program, Synectics,® Inc.
2002 Essential Facilitation Workshop, Interact Associates
2002 Private writing lessons
2002 Writing for Public Relation Professionals, UC Davis Extension
1994 Oxford University, U C B Campus, "Literature and the Unconscious"
1992 &1988 Area 3 Writers Workshop, UC Davis, Fellowship
1990 Napa Valley Writers Conference, Napa Community College
1971 Standard Elementary Credential, CSU Hayward
1970 B.A., UC Berkeley
1965-'67 Sacramento Community College

Sustainability Committee Applicants
(Two available positions)

	Name	Contact Numbers Home	Business	Comments
1.	Maria Kalscheuer	[redacted]	[redacted]	
2.	Glenn Smith	[redacted]	70[redacted]	

Action: Appoint one applicant to fill an alternate term expiring 6/30/2016 and appoint one applicant to an alternate term expiring 6/30/2017.

CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 968-2792
www.sthelenacity.com

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Committee/Commission to which you are applying: Sustainability Committee ~~PACE COMMITTEE~~ or Active Transportation Committee

Name: MARIA KM. SCHEUER

Home Address: 1144 EDWARDS ST., ST. HELENA, 94574

Mailing Address: SAME

Occupation: OFFICE MGR.

Business Address: 1508 MAIN ST., ST. HELENA CA 94574

Home Telephone: [redacted] Business Telephone: [redacted]

E-mail: URIA@COMCAST.NET [redacted]

Please indicate if above numbers can be made available to the public upon request: NO - ONLY COMC. EMAIL

Are you a resident of St. Helena? YES If yes, how long have you lived in St. Helena? 15 YES

Current occupation (within last 12 months)

OFF MGR - REAL ESTATE

Business interests in last 12 months: EDUCATION COORD. MEMBER OF COMMUNITY ACTION COMMITTEE HELD AT THE WOMEN'S CENTER.

Previous Committee/Commission Experience:

* This is Maria's first preference. 2nd is the Active Transportation Committee.

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application.

MASTERS EDUCATED IN GERMANY - STAATSWISS. HOTELS CORP. AMERICA = 14 YRS AS USER ANALYST BUSIN. OWNER = 12 YRS // 5 SMALL HOTELS IN EUROPE / US = 4 YRS RE REAL ESTATE = 12 YRS

Professional and/or community service activities:

Local government related experience: STAY INFORMED ON WHAT OUR COUNCIL REPS. ARE VOTING ON IN CONGRESS -

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute

I THOUGHT IT WOULD BE INTERESTING TO BALANCE MY LOVE OF THE NATURAL WORLD WITH MY INCLINATION TO THINK RATIONALLY + LOGICALLY. MY GIFT FOR COMING UP WITH ALTERNATE SOLUTIONS WOULD BE MY CONTRIBUTION TO THE COMMITTEE

Names, addresses, and phone numbers of three individuals familiar with your background:

GINA ELLIOTT [redacted]

TIMOTHY HAYDEN

MANAGER HOTEL, IL

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.

[redacted]

Signature of Applicant Date

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 968-2742.

Please return the completed application to:
City of St. Helena
City Clerk
1480 Main Street
St. Helena, CA, 94574

CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 968-2792
www.sthelenacity.com

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Committee/Commission to which you are applying:
Sustainability Committee - Reappointment

Name: Glenn D. Smith

Home Address: 1730 Dean York Ln.

Mailing Address: (same)

Occupation: Retired

Business Address: _____

Home Telephone: 707-244-5030 ~~Business Telephone:~~ Cell 707-320-7612

E-mail: glenn@smith-carr.com

Please indicate if above numbers can be made available to the public upon request: yes

Are you a resident of St. Helena? yes If yes, how long have you lived in St. Helena? 24 years

Current occupation (within last 12 months) Retired

Business interests in last 12 months: Retired

Previous Committee/Commission Experience:
Currently serving on this committee - 1 year

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application.

BS - UC Berkeley 1960; MBA - Ohio State 1979
Health Care consultant - Towers Watson

Professional and/or community service activities:

UC Master Gardeners (Marin and Napa) - over 2500 volunteer hours

Local government related experience: Sustainability Committee; consulting engagements with many public entities including CalPERS (lead health care consultant for 12 years)

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute

Interested in maintaining the livability of our community

Names, addresses, and phone numbers of three individuals familiar with your background:

Steve Patterson and Aaron Heycock

David Lewis - UCCE Director for Napa and Marin Counties

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.

[redacted]

Signature of Applicant Date

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 968-2742.

Please return the completed application to:
City of St. Helena
City Clerk
1480 Main Street
St. Helena, CA, 94574

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Item No: 27

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **New Business**

Subject: **Consideration and Proposed Approval of a Resolution Approving:**

a. **Budget Adjustment within Fund 380,**
b. **Repayment to Friends & Foundation of $325.00 from the General Fund, and**
c. **Budget Adjustment for Friends & Foundation, St. Helena Public Library Grant of $16,811.51 to Fund 380**

CEQA Status: **Not a project**

Prepared By: **Chris Kreiden, Acting Library Director**

April Mitts, Finance Director

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

The Friends of the St. Helena Public Library ("Friends") was established in 1968 as a member-supported non-profit organization and has been raising funds to enhance the Library's programs and services ever since. With the formation of the St. Helena Public Library Foundation ("Foundation") in 2008, the Friends and the Foundation worked in tandem for several years with the shared goal of supporting the Library and its services. In November 2013, these two groups merged and created Friends & Foundation, St. Helena Public Library ("Friends & Foundation"). Friends & Foundation enhances the resources and services of the St. Helena Public Library by providing grants to the Library which in fiscal year 2015/16 totaled $125,000.

DISCUSSION

Of the $125,000 that was granted to the Library for fiscal year 2015/16, the City of St. Helena received $111,031 for: (1) Salaries & Benefits (part-time staff), (2) Training & Conferences and (3) Library Materials. The remaining $13,969 was retained by Friends & Foundation to administer for various programs, as was past practice.

Budget Adjustment within Fund 380

On June 23, 2015 Council adopted the Fiscal Year 2015/16 Budget. The adopted budget for Fund 380 (Friends & Foundation) had the following allocations: (1) $60,051

for Salaries & Benefits (part-time staff), (2) $480 for Training & Conferences; and (3) $50,500 for Library Materials. After the Fiscal Year 2015/16 Budget was adopted, staff realized the amounts for Salaries & Benefits and Library Materials were incorrect in the budget document. The overall budget for Fund 380 (Friends & Foundation) will not increase or decrease; however, the amounts should be: (1) $85,051 for Salaries & Benefits (part-time staff), and (2) $25,500 for Library Materials.

Repayment to Friends & Foundation

It has recently come to the attention of Acting Library Director Kreiden and Finance Director Mitts that within the Library it had been past practice that money intended for the Friends & Foundation was utilized for Library programming purposes. Funds used were from a variety of sources including: direct book sales (books sold at the library), money from the proceeds of book sales (books sent to a third party vendor for sale), cash donations placed in a "piggy bank" at the circulation desk, and funds collected during events. Since this discovery Finance staff and Library staff have developed a process ensuring Friends & Foundation donations are properly given to Friends & Foundation and any Library expenditures are accounted for through the City's normal budgetary process (see below: *Budget Adjustment – Increase in Fund 380 Revenues and Expenditures*).

Acting Library Director Kreiden and Finance Director Mitts have been working with Maria Criscione Stel, Executive Director for Friend & Foundation, to review programming documentation to make a determination if additional funds need to be paid to Friends & Foundation by the City due to the utilization of the above mentioned funds for Library programming. After the review, all concluded that it would be best to move forward with the new process (as mentioned above) with the exception of $325.00 to be paid to the Friends & Foundation for the hiring of an independent contractor to garden, water, and upkeep the Library's Bee Demonstration Garden. From records reviewed, the best estimate of what was paid to the independent contractor was $825.00. $500.00 was paid from a donation to the Bee Demonstration Garden, and the additional $325.00 was paid from cash received from weekly book sales. $325.00 will be paid to the Friends & Foundation from the City's General Fund (101).

Budget Adjustment – Increase in Fund 380 Revenues and Expenditures

The remaining $13,969 retained by the Friends & Foundation, provides for youth programming, bilingual programming, adult programming, and Elsie the Library Cat. In the past, grants which funded programming were overseen by Library staff and payments for invoices were made by the Friends and Foundation. Since the Budget was adopted by Council on June 23, 2015, the St. Helena Library, the City's Finance Department, and Friends & Foundation have agreed that all funds granted to the Library by the Friends & Foundation should be administered by the City of St. Helena following the City's policies and procedures. Friends and Foundation would like the City to

administer the $13,969 it retained as well as a rollover amount of $2,842.51 that had not been spent from fiscal year 2014/15 for a total of $16,811.51.

Staff has prepared the necessary Budget Adjustment Form authorizing an increase in the budget of Fund 380.

FISCAL IMPACT

The fiscal impact to the St. Helena Library's budget is as follows:

Budget Adjustment within Fund 380

Correcting the allocation of funds for part-time staff and library materials within Fund 380 will have no fiscal impact.

Repayment to Friends & Foundation

The fiscal impact to the St. Helena Library's budget will be $325.00 from the General Fund.

Budget Adjustment – Increase in Fund 380 Revenues and Expenditures

The fiscal impact to the St. Helena Library Department budget is an increase in revenue for donations of $16,811.51 to Fund 380 as well as an increase in expenditures to Fund 380 for programming. This money was programmed to be used by the Library, however Friends & Foundation originally agreed to pay vendors directly for services rendered. If this resolution is approved these payments will now be made by the City of St. Helena instead of Friends & Foundation.

RECOMMENDED ACTION

It is recommended that the City Council approve Resolution No. 2015-_____ approving: (1) Reallocation of Salaries & Benefits (part-time staff) to $85,051 and Library Materials to $25,500 in Fund 380, (2) Repayment of $325.00 to the Friends & Foundation from the General Fund (101), and (3) Budget Adjustment in the amount of $16,811.51 to Fund 380 increasing revenue and increasing expenditures within the Fund.

ATTACHMENTS

Attachment A – Budget Adjustment Form
Attachment B – Resolution No. 2015-_____

Attachment A

City of St. Helena
Budget Adjustment Form

Budget Adjustment Number: 16-02

Descriptions Dept	Object Code	Account Number Fund	Dept	Obj Cd	Current Budget	Budget Adjustment	Adjusted Budget
Library	Temp/Part Time	380	4600	2020	53,963	22,275	76,238
Library	Holiday Pay	380	4600	2037	1,821	948	2,769
Library	FICA/Medicare	380	4600	2040	4,267	1,777	6,044
Library	Library Materials	380	4600	2216	50,500	(25,000)	25,500
Library	Other Contract Services	101	4600	2145	43,274	325	43,599
Library	Donations	380	3431	0000	-	16,812	16,812
							-
					$ 93,774	$ (7,863)	$ 85,911

Descriptions	Project Number	Current Budget	Budget Adjustment	Adjusted Budget
		$ -	$ -	$ -

Justification:
Fund 380 - Increase of $25,000 for Salary & Benefits. Re-allocation of funds from Library Materials
Fund 380 - Decrease of $25,000 for Library Materials. Re-allocation of funds to Salary & Benefits
Fund 101 - Increase of $325 to pay for contract services for Bee Demonstration Garden
Fund 380 - Increase of $16,811.51 to revenue and expenditures for programming. Additional funding from Friends & Foundation

Fund Sources:
Friends & Foundation (Fund 380)
General Fund (Fund 101)

APPROVED:

DEPARTMENT HEAD

FINANCE DIRECTOR

CITY MANAGER

Council Approval [X] Required [ ] Not Required Resolution No. 2015-

I certify that this budget adjustment was approved by the City Council on Tuesday, September 8, 2015

CITY CLERK

Attachment B

CITY OF ST. HELENA

RESOLUTION NO. 2015-

Approving the Following: (1) Budget Adjustment within Fund 380, (2) Repayment to Friends & Foundation of $325.00 from the General Fund, and (3) Budget Adjustment for Friends & Foundation, St. Helena Public Library Grant of $16,811.51 to Fund 380

RECITALS

A. The Fiscal Year 2015/16 adopted budget for the Friends & Foundation, Fund 380, had the incorrect allocations for Salary & Benefits and Library Materials; and

B. The City would like to repay from the General Fund (101) $325.00 to the Friends & Foundation for cash used for Library programming from sales of books designated for Friends & Family; and

C. The Fiscal Year 2015/16 adopted budget for the Library did not include programming grants from Friends & Foundation for a total of $16,811.51 to the Friends and Foundation Fund (380); and

D. The total appropriations in any fund may not be increased except by the City Council; and

E. All changes in appropriations will be authorized on a "Budget Adjustment Form"; and

F. All increases in appropriations will be authorized by Council.

RESOLUTION

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

1. Adopt resolution approving the correct allocations of $85,051 for Salaries & Benefits and $25,500 for Library Materials in the Friends & Foundation Fund 380; and
2. Adopt resolution approving a payment to Friends & Foundation from the General Fund (101) for the repayment of Friends & Foundation funds used to pay for Library programming; and
3. Adopt resolution approving a budget adjustment for Friends and Foundation programming grants in the amount of $16,811.51 to the Friends and Foundation Fund (380).

Approved at a Regular Meeting of the St. Helena City Council on September 8, 2015 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

_____
Alan Galbraith, Mayor

ATTEST:

_____
Cindy Black, City Clerk

Item No: 28

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **New Business**

Subject: **Council to review proposed resolutions to be considered at the 2014 Annual League of California Cities Conference and provide voting direction to Mayor Galbraith as the City of St. Helena's voting delegate**

CEQA Status: **Not a CEQA Project**

Prepared By: **Cindy Black, City Clerk**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

During the League of California Cities Annual Conference the League's Annual Business Meeting and General Assembly will take place on Friday, October 2, 2015. The delegates in attendance at the General Assembly will be asked to vote on resolutions developed for the Assembly's consideration. This year, four resolutions are being submitted to the Assembly for review and action. At the City Council Meeting of August 11, 2015, the Council designated Mayor Alan Galbraith as the City's voting delegate to represent the City of St. Helena.

DISCUSSION

The resolutions to be considered at the meeting are listed below and outlined in the attached packet.

1. RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS REGARDING SUCCESSION OF LEAGUE OFFICES TO FILL VACANCIES

Resolution 1 was referred to the Administrative Service Policy Committee for review.

This resolution seeks to streamline the succession process when filling a vacancy for the office of President of the Board of Directors. It would allow for the League bylaws to be amended, allowing the Immediate Past President to fill an unexpected vacancy in the office of President for the remainder of the vacating President's term. Changes to League bylaws require a 2/3 vote of the General Assembly.

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Resolution 2 was referred to the Housing, Community & Economic Development Policy Committee for review.

The City of Malibu is sponsoring this resolution as a way of highlighting an issue that continues to create zoning and land use problems in single-family neighborhoods. While this is not a new issue for the League and its cities, and the League has existing policy in this area, the sponsors view the passage of this resolution as helpful in restarting conversations with the Legislature and the Governor's Administration that can hopefully lead to productive solutions.

In summary, this Resolution calls for the Governor and the Legislature to work with the League and other stakeholders to explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities, avoid the creation of institutional settings when multiple facilities are concentrated in a single location, and determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

3. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS

Resolution 3 was referred to the Housing, Community & Economic Development and the Revenue & Taxation Policy Committees for review.

The City of West Hollywood and other cities are sponsoring the resolution in an effort to expand awareness of the issue among cities and encourage additional support for SB 593.

In summary, this Resolution seeks to highlight and increase support for SB 593 (McGuire), which is pending in the Legislature. SB 593, titled the Thriving Communities and Sharing Economy Act, seeks to bolster local efforts to regulate and collect transient occupancy taxes from the temporary rental of residential houses, condominiums, rooms, and apartments for tourists and transient use. The League is currently in support of this legislation.

In addition to the League, SB 593 has a broad range of support: Support: American Federation of State, County, and Municipal Employees, AFL-CIO; American Hotel and Lodging Association; Asian American Hotel Owners Association; American Insurance Association; Association of California Insurance Companies; Andaz West Hollywood General Manager Lin Schatz; Association for Los Angeles Deputy Sheriffs; City of Big Bear Lake; Borrego Springs Chamber of Commerce & Visitors Bureau; California Apartment Association; California Association of Boutique and Breakfast Inns; California Association of County Treasurers and Tax Collectors; California Apartment Association; California Association of Code Enforcement Officers; California College and University Police Chiefs Association; California Narcotics Officers Association; California Police Chiefs Association; California Hotel and Lodging Association; California Labor Federation; California Professional Firefighters; California State Association of Counties; California Teamsters Public Affairs Council; Contra Cost County Treasurer-Tax Collector Russell Watts; Paul Desterman, Mindy Desterman; El Dorado County Treasurer-Tax Collector C.L. Raffety; Douglas Engmann; Fairmont San Jose General Manager Kelley Cosgrove; Hilton Los Angeles/Universal City General Manager Mark Davis; Hotel Association of Los Angeles; Hotel Council of San Francisco; Humboldt County Convention and Visitors Bureau; International Faith Based Coalition; League of California Cities; Long Beach Firefighter Association; Los Angeles Alliance for a New Economy; Los Angeles Police Protective League; Town of Mammoth Lakes; Marin County Council of Mayors and Councilmembers; Marriot Courtyard in Larkspur General Manager Sam Pahlavan; Denise McNicol; Mendocino County Board of Supervisors; Mendocino County Treasurer-Tax Collector Shari Schapmire; Mono County Board of Supervisors; Ashok Mukherje; National Association of Mutual Insurance Companies; Neighbors for Overnight Oversight; Jenny Oaks; Pacific Association of Domestic Insurance Companies; Riverside Sheriffs Association; Rural County Representatives of California; Sacramento Hotel Association; San Diego County Hotel-Motel Association; San Franciscans for Reasonable Growth; San Luis Obispo County Auditor-Controller-Treasurer-Tax Collector James Erb; San Mateo County Central Labor Council; Santa Cruz County Convention and Visitors Council; Service Employees International Union; ShareBetter San Francisco; Sierra County Auditor-Treasurer-Tax Collector Van Maddox; Siskiyou County Treasurer-Tax Collector Wayne Hammar; Sonoma County Auditor-Controller-Tax Collector David Sundstrom; Sonoma County Board of Supervisors; City of Thousand Oaks; Tulare County Auditor-Controller-Treasurer-Tax Collector Rita Woodard; Tuolumne County Treasurer-Tax Collector Shelley Piech; UNITE-HERE, AFL-CIO; United Firefighter of Los Angeles City, Local #112; Natasha Yankoffski.

Opposition: Airbnb; Consumer Watchdog; Internet Association, TechNet.

4. RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO WORK WITH THE LEAGUE OF CALIFORNIA CITIES TO ENACT LEGISLATION OR TO OTHERWISE COMPEL SOUTHERN CALIFORNIA EDISON TO CREATE

Item No:

A PROGRAM TO AUTOMATICALLY PROVIDE DIRECT COMPENSATION TO ITS CUSTOMERS AFFECTED BY PROLONGED ELECTRICAL POWER OUTAGES UNDER SPECIFIED CIRCUMSTANCES.

Resolution 4 was referred to the Environmental Quality Policy Committee for review.

City of Rancho Palos Verdes asserts that the South Bay region of Los Angeles County has longstanding concern regarding the ineffective process by which SCE addresses residents' claims associated with 19 prolonged electrical power outages. The City believes that SCE's aged infrastructure has caused fires and repeated, prolonged electrical power outages. Prolonged electrical power outages can adversely affect residents who have physical challenges and rely on a constant source of power for medical devices; residents who are senior citizens and are particularly susceptible to injury if electrical power outages persist for a long period of time into the evening hours; and, residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged electrical power outages.

In summary, Resolution No. 4 calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison (SCE) to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage under specified circumstances.

FISCAL IMPACT

None

RECOMMENDED ACTION

It's recommended for Council to discuss and provide direction to the City's voting delegate regarding the 2015 League of California Cities Conference Resolutions to be considered at the League's 2015 117th Annual Conference September 30 – October 2 in San Jose.

Typically it is the practice to support the League's recommendations, though if the Council feels differently they are not required to do so.

ATTACHMENTS

1. League of California Cities Annual Conference Packet - 2015

LEAGUE OF CALIFORNIA CITIES

1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

August 17, 2015

TO: Mayors, City Managers and City Clerks
League Board of Directors

RE: Annual Conference Resolutions Packet
Notice of League Annual Meeting

Enclosed please find the 2015 Annual Conference Resolutions Packet.

Annual Conference in San Jose. This year's League Annual Conference will be held September 30 – October 2 in San Jose. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac. We look forward to welcoming city officials to the conference.

Closing Luncheon/General Assembly - Friday, October 2, 12:00 p.m. The League's General Assembly Meeting will be held at the San Jose Convention Center.

Resolutions Packet. At the Annual Conference, the League will consider four resolutions introduced by the deadline, Saturday, August 1, 2015, midnight. These resolutions are included in this packet. Resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. These letters of concurrence are included with this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider these resolutions and to determine a city position so that your voting delegate can represent your city's position on each resolution. A copy of the resolution packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

The resolutions packet contains additional information related to consideration of the resolution at the Annual Conference. This includes the date, time and location of the meetings at which the resolution will be considered.

Voting Delegates. Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the General Assembly Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. If your city has not yet appointed a voting delegate, please contact Meg Desmond at (916) 658-8224 or email: mdesmond@cacities.org.

Please Bring This Packet to the Annual Conference
September 30 – October 2, San Jose

LEAGUE OF CALIFORNIA CITIES

1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by July 31, 2015

May 29, 2015

TO: Mayors, City Managers and City Clerks

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 30 – October 2, San Jose

The League's 2015Annual Conference is scheduled for September 30 – October 2 in San Jose. An important part of the Annual Conference is the Annual Business Meeting *(at the General Assembly)*, scheduled for noon on Friday, October 2, at the San Jose Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 18, 2015. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

-over-

Annual Conference Voting Procedures
2015 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.

2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.

4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.

6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.

7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

LEAGUE OF CALIFORNIA CITIES

Attachment 1

CITY: St. Helena

2015 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, September 18, 2015. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: Alan Galbraith

Title: Mayor

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: Cindy Black E-mail cindyb@cityofsthelena.org

Mayor or City Clerk (circle one) Cindy Black (signature) Phone: 707-968-2742

Date: 8/6/15

Please complete and return by Friday, September 18, 2015

League of California Cities
ATTN: Kayla Gibson
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kgibson@cacities.org
(916) 658-8247

Attachment 1

Annual Conference Resolutions Packet

2015 Annual Conference Resolutions

San Jose

September 30 – October 2

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, four resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: Four policy committees will meet at the Annual Conference to consider and take action on the resolution referred to them. The committees are Administrative Services; Environmental Quality; Housing, Community and Economic Development; and Revenue and Taxation. These committees will meet on Wednesday, September 30, 2015, at the Hilton San Jose. The sponsors of the resolutions have been notified of the time and location of the meetings.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 1, at the San Jose Convention Center, to consider the reports of the four policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:00 p.m. on Friday, October 2, at the San Jose Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (47 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, October 1. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.

2. The issue is not of a purely local or regional concern.

3. The recommended policy should not simply restate existing League policy.

4. The resolution should be directed at achieving one of the following objectives:

   (a) Focus public or media attention on an issue of major importance to cities.

   (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.

   (c) Consider important issues not adequately addressed by the policy committees and board of directors.

   (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings
Wednesday, September 30
Hilton San Jose
300 Almaden Boulevard, San Jose

9:00 a.m. – 10:30 a.m.: Environmental Quality
Housing, Community & Economic Development

10:30 a.m. – Noon: Administrative Services
Revenue and Taxation

General Resolutions Committee
Thursday, October 1, 1:00 p.m.
San Jose Convention Center
150 West San Carlos Street, San Jose

Annual Business Meeting and General Assembly Luncheon
Friday, October 2, 12:00 p.m.
San Jose Convention Center
150 West San Carlos Street, San Jose

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

ADMINISTRATIVE SERVICES POLICY COMMITTEE

		1	2	3
1	League Bylaw Amendment			

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
4	Compensation for Prolonged Electrical Power Outages			

HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

		1	2	3
2	Overconcentration of Alcohol & Drug Treatment Facilities			
3	Residential Rentals, Support for SB 593 (McGuire)			

REVENUE AND TAXATION POLICY COMMITTEE

		1	2	3
3	Residential Rentals, Support for SB 593 (McGuire)			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

ACTION FOOTNOTES

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

KEY TO ACTIONS TAKEN

A	Approve
D	Disapprove
N	No Action
R	Refer to appropriate policy committee for study
a	Amend+
Aa	Approve as amended+
Aaa	Approve with additional amendment(s)+
Ra	Refer as amended to appropriate policy committee for study+
Raa	Additional amendments and refer+
Da	Amend (for clarity or brevity) and Disapprove+
Na	Amend (for clarity or brevity) and take No Action+
W	Withdrawn by Sponsor

Procedural Note:
The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: Resolution Process.

2015 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO ADMINISTRATIVE SERVICES POLICY COMMITTEE

1. RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS REGARDING SUCCESSION OF LEAGUE OFFICES TO FILL VACANCIES

Source: League Board of Directors
Referred to: Administrative Services Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, the League of California Cities® is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, on two occasions in recent years when vacancies arose in office of President of the Board of Directors after disappointing reelection results, the vacancy was filled in accordance with the League Bylaws by the First Vice President becoming President at the next Board meeting. This left a vacancy in the office of First Vice President that was filled by the Board by advancing the Second Vice President. This required recruiting a new Second Vice President that the Board chose, as provided in the Bylaws, from the ranks of the Board itself; and

WHEREAS, in September 2014 the Board chose a new Second Vice President as usual and also a new First Vice President who had not previously served as Second Vice President because the prior Second Vice President was elected to county office and was no longer eligible. When the President was not reelected in November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President; and

WHEREAS, the Board of Directors believe this confluence of events twice in recent years demonstrates a weakness in the succession of League offices required by the League Bylaws because the accelerated advancement of officers in the event of a vacancy in the office of President may deprive the junior officers and the League of adequate time to serve and develop expertise and relationships in the offices of Second and First Vice President; and

WHEREAS, it is the unanimous recommendation of the League Board that the League membership amend article VIII, section 4, of the League bylaws to allow the Immediate Past President to fill an unexpected vacancy in the office of President for the unexpired term if the Immediate Past President agrees. If not, the current succession process would occur; and now, therefore, be it,

RESOLVED, by the General Assembly of the League of California Cities assembled in Annual Conference in San Jose, October 2, 2015, that article VIII, section 4 of the League bylaws be amended to read as follows:

Article VIII: Officers

Section 1: Identity.

The officers of the League are a President, a First Vice-President, a Second Vice-President/Treasurer, an Immediate Past President, and an Executive Director.

Section 2: Duties of League Officers.

(a) President. The President presides at all League Board meetings and all General Assemblies. The President has such other powers and duties as may be prescribed by these bylaws or the League Board.

(b) First Vice-President. The First Vice-President carries on the duties of the President in the President's temporary absence or incapacity. The First Vice-President has such other powers and duties as may be prescribed by these bylaws or the League Board.

(c) Second Vice-President/Treasurer. The Second Vice-President/Treasurer carries on the duties of the President in the President's and First Vice-President's temporary absence or incapacity. The Second Vice-President/Treasurer has such other powers and duties as may be prescribed by these bylaws or the League Board.

Section 3: Election.

The League Board elects the League's President, First Vice-President and Second Vice-President for terms of one year. The election occurs at the League Board's meeting at the Annual Conference.

Section 4: Vacancies.

A vacancy in the office of President is filled ~~at the next meeting of the League Board~~ by the *Immediate Past President who shall serve for the unexpired term of office and, upon election of a new President at the next Annual Conference, shall subsequently serve a full term as Immediate Past President. In the event the Immediate Past President is not available to fill the vacancy in the office of the President, or declines in writing, it shall be filled by the* succession of the First Vice-President to that office. A vacancy in the office of First Vice-President, or Second Vice-President/Treasurer, is filled for the un-expired term by appointment *by the League Board* of a member of the League Board. A vacancy in the office of the Immediate Past President is filled for the un-expired term by the last Past President continuing to hold a city office.

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Background Information on Resolution No. 1

Source: League Board of Directors

Background:
In 2010 and again recently in 2014 the city official elected League President at the Annual Conference in September was not returned to office by the voters of their city. This development triggered a series of steps laid out in the order of succession in the League Bylaws that mandates that the First Vice President advance to the office of President at the next Board meeting and that the Board fill the vacancy in the office of First Vice President for the remainder of the term.

When the Board filled the League offices in September 2014, the Second Vice President could not advance to First Vice President since she had been elected to the office of county supervisor and was ineligible to serve. Consequently the Board selected two directors to fill both the offices of First Vice President and Second Vice President. Neither had previously served as a League officer.

When the vacancy in the office of President occurred after the November general election, the First Vice President advanced to the office of President after having served only two months as a League officer in contrast to the normal advancement process of twenty-four months. The Second Vice President was advanced to the office of First Vice President after having served only two months as a League officer. The Board also chose a new Second Vice President.

At the February, 2015 meeting of the League Board of Directors, the Executive Committee recommended unanimously an amendment to the order of succession in Art. VIII, Sec. 4 of the League Bylaws. The proposed amendment would allow the most experienced member of the Executive Committee, the Immediate Past President, to fill out the remainder of the term of office of a President who leaves the office before its term is completed if the Immediate Past President is willing and able to do so. This arrangement would allow the First Vice President to continue serving and to advance to the office of President on the schedule envisioned by the League Bylaws. If the Immediate Past President were unable or unwilling to serve, the existing order of succession would occur.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Alicia Lewis
Committee: Administrative Services Policy Committee

Summary:
This resolution seeks to streamline the succession process when filling a vacancy for the office of President of the Board of Directors. It would allow for the League bylaws to be amended, allowing the Immediate Past President to fill an unexpected vacancy in the office of President for the remainder of the vacating President's term. Changes to League bylaws require a 2/3 vote of the General Assembly.

Background:
The past few years have yielded several occasions where the succession line for Board of Directors leadership was disrupted due to disappointing election results and officers taking office outside of city government.

In September 2014 the Board chose a new First and Second Vice President. The First Vice President had not previously served as Second Vice President because the prior member was elected to county office and therefore no longer eligible. When the President was not reelected in the November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President. This transition far outpaced the normal process for advancing as an officer on the Board of Directors.

Fiscal Impact:
This impact of this resolution would have no fiscal impact.

Comments:
The nature of this resolution is to ensure that there is a smooth succession process in place and that current Vice-Presidents (First and Second) have ample time to prepare for their role as President. By

allowing the Immediate Past President to finish out the term of a vacated presidency the Board would ensure there is minimal disruption to the workflow and goals of the association.

RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Source: City of Malibu
Concurrence of five or more cities/city officials: Cities: Artesia; Duarte; La Canada Flintridge; Lakewood; Lomita; and Pico Rivera. City Officials: Los Angeles Council Member Mitchell Englander
Referred to: Housing, Community and Economic Development Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, residential group home facilities provide valuable rehabilitation and support services for those who live in them, which benefits the greater society; and

WHEREAS, state departments license these facilities through several state agencies, and operators are required to meet various state statutory requirements; and

WHEREAS, in addition to residents, these facilities often include live-in managers and other staff, who provide a variety of services to residents which may include meals, workshops, training, counseling and other services. These uses and services may also require frequent deliveries to be made to the facility, shuttle van service provided to residents, and additional automobile traffic due to shift changes, visiting hours, and other activities. Collectively, these uses often generate more noise and activity than expected from a traditional single-family home; and

WHEREAS, the overconcentration of residential group homes changes the character of neighborhoods as they become centers for the delivery of various services. This environment not only creates a disruption to long-time residents, it can also diminish the quality of the residential treatment experience for group home residents as the neighborhood assumes a more institutional setting; and

WHEREAS, the State and local governments operate in partnership regarding the location of these residential care facilities in residential neighborhoods in order to carry out the policy of the State to prevent overconcentration of such facilities in these neighborhoods; and

WHEREAS, the state has adopted a 300 foot separation requirement between facilities licensed by the Department of Social Services, [1] but these siting standards have not been extended to apply to facilities licensed by other state agencies such as the Department of Health Care Services or other licensed or unlicensed facilities; and

WHEREAS, it is the policy of the State that each county and city permit and encourage development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need;[2] and

[1] Health & Safety Code Section 1520.5
[2] Health & Safety Code Section 11834.20

WHEREAS, the California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law;[3] and

WHEREAS, the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability;[4] and

WHEREAS, there is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities; and

WHEREAS, many community concerns could be addressed if State agencies communicated and collaborated more with local governments; and

WHEREAS, the League of California Cities is committed to working in partnership with the Legislature and Administration to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations established by State and federal law.

RESOLVED, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to address the following issues:

1. Explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities.
2. Avoid the creation of institutional settings when multiple facilities are concentrated in a single location, while also reducing noise, congestion and other concerns often raised by residents in residential neighborhoods.
3. Determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

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Background Information on Resolution No. 2

Source: City of Malibu

Background:
State law preempts local zoning regulation for licensed drug and alcohol treatment facilities. State and federal anti-discrimination laws require cities to treat facilities that function as single housekeeping units the same as any other "family." In many areas of the state, these facilities are impacting residential neighborhoods because their concentration in certain neighborhoods tends to change the character of the area from a residential neighborhood to more like a hospital and institutional zone in terms of the land use impacts.

In order to avoid overconcentration in residential neighborhoods, most state-licensed group homes are required by state law to meet certain distancing requirements from other licensed group homes. Alcohol

[3] Government Code 12955(l)
[4] 42 U.S.C. Section 12134

and drug programs are treated differently under state law in this respect and no distancing requirements apply. In fact, the state licensing agency does not impose any restrictions on the number of facilities in the vicinity of one another and have been allowing licensees to obtain two licenses on one lot and to operate integrated multi-structure facilities under the guise of multiple single-family residential licenses. Similarly, state law currently requires private foster family agencies operating in residential zones to be organized and operated on a nonprofit basis, while drug and alcohol programs and sober living homes are permitted to operate as a for-profit business in residential zones. The addiction recovery industry has become big business. There are now thousands of treatment facilities and sober living homes in California and the number is rapidly increasing.

State policy sought integration of group homes into residential neighborhoods, not disintegration of the residential character of the neighborhoods. A course correction is required to advance state policy. Through zoning authority, cities can preserve the very neighborhoods that the community-care model depends on to provide the therapeutic environment of a residential neighborhood. Distancing requirements both respond to the biggest concern of local government (over concentration that impairs neighborhood character) and advances state policy. In addition, limiting the zoning preemption to non-profit programs will also assist in preserving the integrity of residential neighborhoods.

//////////

League of California Cities Staff Analysis on Resolution No. 2

Staff: Dan Carrigg
Committee: Housing, Community and Economic Development

Summary:
This Resolution calls for the Governor and the Legislature to work with the League and other stakeholders to explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities, avoid the creation of institutional settings when multiple facilities are concentrated in a single location, and determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

Background:
The City of Malibu is sponsoring this resolution as a way of highlighting an issue that continues to create zoning and land use problems in single-family neighborhoods. While this is not a new issue for the League and its cities, and the League has existing policy in this area, the sponsors view the passage of this resolution as helpful in restarting conversations with the Legislature and the Governor's Administration that can hopefully lead to productive solutions.

HCED Committee member and Malibu Council Member Lou La Monte raised this issue at the Committee's June meeting, where he presented a resolution that had recently been adopted by the California Contract Cities Association on May 15. The Committee encouraged him to work with League staff in his effort to draft a measure to be presented at the League's annual conference. League staff worked with Mr. La Monte in this regard, mostly in helping ensure that the various "whereas clauses" appropriately reflect the important legal rights of patients and obligations of public entities that Legislators will expect to be balanced in any solutions to local land use issues.

Resolved Clauses from Recent CCCA Resolution:

***NOW THEREFORE**, the Members of the California Contract Cities Association hereby re-affirms its commitment to cooperation among units of government that serve the people of California and urges the*

California state legislature to enact legislation that empowers local government to preserve the residential character of neighborhoods necessary to effect state policy regarding group homes as follows:

1. *Amend the state law to provide the same distancing and notice requirements for ADP facilities as it does for Community Care Act facilities;*
2. *Enact legislation providing standards that prevent overconcentration of unlicensed sober living homes to maintain residential character of neighborhoods which has therapeutic benefit for the occupants; and*
3. *Restrict the zoning preemption for licensed ADP facilities to those owned and operated by non-profit organizations.*

Fiscal Impact:
Minor, if any.

Comment:

1) The League has significant existing policy in this area. In the past the League has had internal task forces and sponsored and supported various legislative proposals.

2) Making significant progress in this area has been difficult in the Capitol. Federal and state fair housing and anti-discrimination laws and various court decisions have bearing on local authority in this area. Patient advocacy groups and sympathetic legislators have been suspicious of any solutions that they see as limiting patient access. Thus, any effort to develop solutions to address local land use concerns must also remain sensitive to these issues and the perspective of legislators that sit on committees with jurisdiction in these areas.

Existing League Policy:
Related to this Resolution, existing policy provides:

- The League supports permitting cities to exercise review and land use regulation of group home facilities and residential care facilities in residential neighborhoods including the application of zoning, building and safety standards. State and county licensing agencies should be required to confer with the city's planning agency in determining whether to grant a license to a community care facility. The League recognizes that better review and regulation of residential care facilities will protect both the community surrounding a facility and the residents within a facility from a poorly managed facility or the absence of state oversight.
- The League supports state legislation to require a minimum distance of 300 feet between all new and existing residential care facilities. The League supports notification of cities about conditional release participants residing in group homes.

RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT AND REVENUE & TAXATION POLICY COMMITTEES

3. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS

Source: City of West Hollywood
Concurrence of five or more cities/city officials: Cities of Healdsburg, Mammoth Lakes, Napa, Piedmont, Santa Cruz, Santa Monica, Sonoma
Referred to: Housing, Community & Economic Development; Revenue & Taxation Policy Committees
Recommendation to General Resolutions Committee:

WHEREAS, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use is a developing part of the sharing economy; and

WHEREAS, while these rentals provide additional options to the traveling public, and income to affected property owners or tenants, it is also important that such rentals comply with local laws, regulations and ordinances; and

WHEREAS, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use can present numerous challenges to neighborhoods and adjacent property owners and create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows; and

WHEREAS, where temporary rental of residential units for tourist or transient use is allowed in conformance with local laws, regulations and ordinances, the applicable transient occupancy tax (TOT) should also be collected. The temporary rental of residential units for tourist or transient use is in direct competition with hotels, motels and other accommodations where guests pay the local TOT, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor; and

WHEREAS, the Thriving Communities and Sharing Economy Act, introduced as SB 593 by Senator Mike McGuire (D-2, Healdsburg), prohibits the operators of transient residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law within the applicable city or county that opts into its provisions, and requires the confidential quarterly reporting to the city or county of the following information (if the City or County adopts an ordinance requiring the reporting of the data):

1. The address of each residential unit that was occupied for tourist or transient use during the quarterly period.
2. The total number of nights the residential unit was occupied for tourist or transient use.
3. The amounts paid for the occupancy of the residential unit for tourist or transient use.

WHEREAS, the provisions of SB 593 bolster existing local authority to enforce local ordinances and collect revenue associated with the temporary rental of residential units by allowing local agencies access to the data necessary to enforce their ordinances and requiring short-term rental hosting platforms to collect local TOT and remit it to the appropriate jurisdiction if short-term rentals are allowed in that jurisdiction; and

WHEREAS, the provisions of SB 593 provide a helpful regulatory framework that cities and counties may choose in lieu of exercising their existing authority; and

WHEREAS, the League of California Cities supports SB 593 because it recognizes and preserves local flexibility to address the temporary rental of residential units in the manner that best fits with the unique issues and conditions found in each local jurisdiction; and

WHEREAS, SB 593 provides local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; and

WHEREAS, SB 593 provides local jurisdictions with the data and framework necessary to enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals; and

WHEREAS, despite any existing challenges faced by cities in regulating or collecting revenue from the temporary rental of residential units, cities would oppose any effort to undermine their existing local authority to regulate land use or collect local TOT revenue.

RESOLVED, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, as follows:

1. Land use regulation and local tax collection are best overseen and implemented locally.

2. While temporary rental of residential units can offer innovative opportunities for travelers and property owners within the developing sharing economy, cities must retain flexibility to address any problems raised by such uses in a manner that reflects the unique issues and conditions in their communities.

3. Cities have existing legal authority and tools to regulate and collect revenue from the temporary rental of residential units, and SB 593 provides the data and framework that supports and bolsters such local efforts.

4. The League encourages cities to support SB 593.

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Background Information on Resolution No. 3

Source: City of West Hollywood

Background:
The sharing economy has quickly become common place in the everyday life of many individuals, whether they participate in ride-sharing, have rented a short-term residential unit, or live in a community were either is prevalent. The sharing economy has provided benefits to many, but also includes many issues that must be addressed in order to allow these sharing practices to effectively incorporate into our communities. Specifically, the short-term rental of residential units has grown exponentially within the last several years throughout the State, and its impacts need to be addressed.

Presently, many cities and counties prohibit the renting of residences for less than 30 days. However, these prohibitions are frequently ignored by Online Vacation Rental Businesses ("OVRBs"), causing unwanted burdens on cities while reducing TOT collection from sanctioned hotels. The short-term rental of residential properties presents numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows. The rentals facilitated by OVRB's in these cities and counties go against the expressed wishes of the residents.

For the cities and counties that do allow short-term residential rentals, most require hosts to register and that transient occupancy taxes be paid. However, registration and payment of TOT in these cities and counties are based on the owners of the short terms residential units voluntarily reporting their rental activity. However, there has been a severe under-registration of hosts and underpayment of TOT. Only 10% of hosts in San Francisco have followed the city ordinance to register. Sonoma County has had to spend in excess of $200,000 in an attempt to track down those rentals that are not paying the required TOT under the ordinance. And Los Angeles is currently experiencing a rental housing shortage due in part to the recent popularity of OVRBs.

Cities and counties have been unable to obtain this information due to the fact that OVRB's pass their responsibility to individual homeowners. This lack of oversight and enforcement presents a gap in accountability, and as a result, local laws and regulations are not being followed.

Sen. Mike McGuire's Thriving Communities and Sharing Economy Act (SB 593) will provide local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; or conversely, the data necessary to help cities enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals, if those rental are not allowed.

Specifically, SB 593 would: 1) Prohibit the operators of short-term residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law, within the applicable city that opts into the bill's provisions; 2) Require short-term rental housing platforms to collect and remit applicable transient occupancy tax (if short-term rentals are allowed in the city and the collection of TOT is required by the city); and 3) Require the confidential quarterly reporting of the address of each residential unit that was occupied for tourist or transient use during the quarterly period, the total number of nights the residential unit was occupied for tourist or transient use, and the amounts paid for the occupancy of the residential unit for tourist or transient use.

The premise of SB 593 is simple: reinforce local laws already on the books. Where vacation rentals are legal, the bill will assist local jurisdictions in their regulation and collection of Transient Occupancy Taxes, (TOT) as more than 430 cities and 56 counties impose a TOT. Where vacation rentals are illegal by local ordinance, the bill will prohibit online vacation rental businesses from making a rental.

The Thriving Communities and Sharing Economies Act will empower local control, provide desperately needed funding for parks, local roads, fire and police services, and promote safe neighborhoods. SB 593 will require online vacation rental businesses to disclose information to cities and counties and/or collect and disperse Transient Occupancy Tax dollars – projected to be in the hundreds of millions of dollars statewide.

The emerging short term rental industry is an important segment of the state economic fabric and an issue of statewide importance. SB 593 would assist in facilitating a shared economy that will be beneficial to California's cities and their residents.

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League of California Cities Staff Analysis on Resolution No. 3

Staff: Dan Carrigg
Committees: Housing, Community & Economic Development; Revenue & Taxation

Summary:
This Resolution seeks to highlight and increase support for SB 593 (McGuire), which is pending in the Legislature. SB 593, titled the Thriving Communities and Sharing Economy Act, seeks to bolster local efforts to regulate and collect transient occupancy taxes from the temporary rental of residential houses, condominiums, rooms, and apartments for tourists and transient use. The League is currently in support of this legislation.

Background:
The City of West Hollywood and other cities are sponsoring the resolution in an effort to expand awareness of the issue among cities and encourage additional support for SB 593. They view the

legislation as helpful in bolstering local efforts to appropriately regulate a growing vacation rental industry.

The author introduced SB 593 based upon his past experience as both former Mayor of Healdsburg and a Sonoma County Supervisor. These areas are popular with tourists, and the affected communities are facing increasing land use and revenue collection issues. SB 593 is currently on the Senate Floor and is considered a "two-year bill," meaning that it cannot move until January 2016.

In addition to the League, SB 593 has a broad range of support:

Support: American Federation of State, County, and Municipal Employees, AFL-CIO; American Hotel and Lodging Association; Asian American Hotel Owners Association; American Insurance Association; Association of California Insurance Companies; Andaz West Hollywood General Manager Lin Schatz; Association for Los Angeles Deputy Sheriffs; City of Big Bear Lake; Borrego Springs Chamber of Commerce & Visitors Bureau; California Apartment Association; California Association of Boutique and Breakfast Inns; California Association of County Treasurers and Tax Collectors; California Apartment Association; California Association of Code Enforcement Officers; California College and University Police Chiefs Association; California Narcotics Officers Association; California Police Chiefs Association; California Hotel and Lodging Association; California Labor Federation; California Professional Firefighters; California State Association of Counties; California Teamsters Public Affairs Council; Contra Cost County Treasurer-Tax Collector Russell Watts; Paul Desterman, Mindy Desterman; El Dorado County Treasurer-Tax Collector C.L. Raffety; Douglas Engmann; Fairmont San Jose General Manager Kelley Cosgrove; Hilton Los Angeles/Universal City General Manager Mark Davis; Hotel Association of Los Angeles; Hotel Council of San Francisco; Humboldt County Convention and Visitors Bureau; International Faith Based Coalition; League of California Cities; Long Beach Firefighter Association; Los Angeles Alliance for a New Economy; Los Angeles Police Protective League; Town of Mammoth Lakes; Marin County Council of Mayors and Councilmembers; Marriot Courtyard in Larkspur General Manager Sam Pahlavan; Denise McNicol; Mendocino County Board of Supervisors; Mendocino County Treasurer-Tax Collector Shari Schapmire; Mono County Board of Supervisors; Ashok Mukherje; National Association of Mutual Insurance Companies; Neighbors for Overnight Oversight; Jenny Oaks; Pacific Association of Domestic Insurance Companies; Riverside Sheriffs Association; Rural County Representatives of California; Sacramento Hotel Association; San Diego County Hotel-Motel Association; San Franciscans for Reasonable Growth; San Luis Obispo County Auditor-Controller-Treasurer-Tax Collector James Erb; San Mateo County Central Labor Council; Santa Cruz County Convention and Visitors Council; Service Employees International Union; ShareBetter San Francisco; Sierra County Auditor-Treasurer-Tax Collector Van Maddox; Siskiyou County Treasurer-Tax Collector Wayne Hammar; Sonoma County Auditor-Controller-Tax Collector David Sundstrom; Sonoma County Board of Supervisors; City of Thousand Oaks; Tulare County Auditor-Controller-Treasurer-Tax Collector Rita Woodard; Tuolumne County Treasurer-Tax Collector Shelley Piech; UNITE-HERE, AFL-CIO; United Firefighter of Los Angeles City, Local #112; Natasha Yankoffski.

Opposition: Airbnb; Consumer Watchdog; Internet Association, TechNet.

Fiscal Impact:
Transient Occupancy Taxes are a significant source of local revenue. Many cities and counties are encountering challenges identifying units in their community that are being used as vacation rentals and collecting associated revenue. Where vacation rentals are permitted by local ordinance, the passage of SB 593 can assist local efforts, thereby increasing local revenues to support local services.

Comment:

3) Earlier this year the League's Housing Community and Economic Development Committee and Revenue and Taxation Committee reviewed an earlier version of SB 593 and initially adopted a

Support, If Amended position, which was concurred with by the League board. The author later incorporated the League's amendments into the bill and the League issued a support letter on the current version of the bill.

4) Local governments already have extensive authority to regulate land use and collect local taxes. While vacation rentals may be an increasingly popular option for the traveling public, local ordinances are beginning to adjust. The League supports SB 593 because it is crafted in a way that supports local authority in dealing with this emerging issue. Local agencies can either opt in to its provisions or continue to address issues differently under their existing local authority.

Existing League Policy:
Related to this Resolution, existing policy provides:

HCED Policy: The League believes that local zoning is a primary function of cities and is an essential component of home rule.

Rev. & Tax Policy: Additional revenue is required in the state/local revenue structure. There is not enough money generated by the current system or allocated to the local level by the current system to meet the requirements of a growing population and deteriorating services and facilities.

RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

4. RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO WORK WITH THE LEAGUE OF CALIFORNIA CITIES TO ENACT LEGISLATION OR TO OTHERWISE COMPEL SOUTHERN CALIFORNIA EDISON TO CREATE A PROGRAM TO AUTOMATICALLY PROVIDE DIRECT COMPENSATION TO ITS CUSTOMERS AFFECTED BY PROLONGED ELECTRICAL POWER OUTAGES UNDER SPECIFIED CIRCUMSTANCES.

Source: City of Rancho Palos Verdes
Concurrence of five or more cities/city officials: Cities of Hermosa Beach, Lomita, Palos Verdes Estates, Rolling Hills and Rolling Hills Estates
Referred to: Environmental Quality Policy Committee
Recommendations to General Resolutions Committee:

WHEREAS, local governments in California are often reliant upon investor-owned private utility companies for the provision of electrical power to their citizens, businesses and institutions; and,

WHEREAS, the reliability and consistency of electrical supply and transmission is critically important to local governments to ensure the protection of the public safety, health and general welfare of communities; and,

WHEREAS, prolonged disruptions in electrical service can jeopardize the health of citizens who have a variety of physical challenges and rely on a constant source of power for medical devices; the safety of senior citizens who are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and the financial well-being of citizens, businesses and institutions that suffer from the loss of food, medication and other perishable items during prolonged power outages; and,

WHEREAS, Southern California Edison (SCE), an investor-owned utility serving 15 million customers in Southern and Central California, experiences frequent and prolonged service disruptions due to both planned and unplanned outages, equipment failures and weather-related events, which adversely affect local governments within its service area; and,

WHEREAS, SCE has been fined by the California Public Utilities Commission in the past due to prolonged service disruptions, most recently being levied a $24.5 million penalty as a result of a prolonged outage that resulted from a wind storm in 2011; and,

WHEREAS, although SCE provides a claim process by which its customers may seek compensation for financial losses incurred as a result of prolonged service disruptions, SCE appears to reject most such claims; which places an unreasonable burden upon its customers and creates a false impression that customers will be compensated for their losses; and,

WHEREAS, at least one other investor-owned utility in California, Pacific Gas and Electric (PG&E) in Northern and Central California, has existing programs and procedures in place ("Safety Net" and "Service Guarantee") that automatically and directly compensate its customers when they are affected by prolonged service disruptions, including disruptions due to weather events and other causes, without the need for customers to seek compensation through a claim process; and,

WHEREAS, these PG&E programs provide for "Storm Inconvenience Payments" of $25 to $100 for weather-related service disruptions of forty-eight (48) hours or more; as well as $30 service credits in instances of where the customer's electrical service is not restored within four (4) hours, or the customer is not provided with a time for service restoration within four (4) hours; the customer is without electrical service for twenty-four (24) hours or more in the event of unplanned service disruptions (unless the cause of the disruption is completely beyond the utility's control); and the customer is without electrical service as a result of a planned service interruption where less than seventy-two (72) hours' notice is provided to the customer; and,

WHEREAS, local governments within SCE's service area believe that requiring SCE to implement automatic and direct compensation programs for prolonged service disruptions, similar to those implemented by PG&E, will provide tangible relief to citizens, businesses and institutions that are adversely affected by prolonged outages, and will incentivize SCE to improve the reliability of its equipment and service; and now therefore let it be,

RESOLVED by the General Assembly of the League of California Cities, assembled in San Jose on October 2, 2015, that the League calls for the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances; and let it be,

FURTHER RESOLVED that such program shall be modeled upon PG&E's "Safety Net" and "Service Guarantee" programs, and shall cover weather-related events and planned and unplanned service disruptions.

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Background Information on Resolution No. 4

Source: City of Rancho Palos Verdes

Background:
The City of Rancho Palos Verdes and other cities in the South Bay region of Los Angeles County have longstanding concerns regarding the ineffective process by which Southern California Edison (SCE) addresses residents' claims, and desires to obtain the League's assistance in correcting that process. On the Palos Verdes Peninsula, SCE's aged infrastructure has caused fires and repeated, prolonged power

outages. The prolonged power outages are the focus of this request, because they adversely affect residents in a variety of ways, particularly:

- Residents who have a variety of physical challenges and rely on a constant source of power for medical devices;
- Residents who are senior citizens and are particularly susceptible to injury if power outages persist for a long period of time into the evening hours; and,
- Residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

The California Public Utilities Commission (CPUC) has the authority to impose penalties on utilities, including for prolonged power outages, and did so in connection with an extreme wind event that occurred in the Los Angeles area in 2011. However, the CPUC is not authorized to award claims to residents for prolonged electrical power outages. If a resident has a claim he or she wishes to pursue, the resident must file a claim with SCE, along with documentation of the financial loss that was incurred. If the claim is rejected, the resident then must file a lawsuit against SCE (probably in small claims court). Most residents will not want to spend the time and effort to pursue small claims for monetary damages arising from extended power outages.

SCE only awards claims for damages caused by its own negligence. This means that if an extended power outage is caused by a weather-related event, the claim will be denied. The SCE website also states that it will not cover claims for power surges. Since SCE often moves power from one line to another to enable repairs and maintenance, SCE can be the cause of the power surge, but residents still will not receive compensation for those claims.

Proposed Legislation
The proposed resolution calls upon the Governor and Legislature to enact legislation (or take other action) that will provide rebates in flat amounts to SCE customers for extended power outages under specified conditions. The proposed legislation could be modeled on the "Safety Net" and "Service Guarantee" programs offered by Pacific Gas and Electric (PG&E), another California-based investor-owned utility, which provides specific rebates to its customers based upon the type, cause and duration of service interruptions. These penalties are designed to provide direct compensation to SCE's customers who are adversely affected by prolonged power outages, and to incentivize SCE to restore the power as quickly as possible. They also will eliminate the frustration that SCE's customers experience as a result of SCE's existing claim process.

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League of California Cities Staff Analysis on Resolution No. 4

Staff: Jason Rhine
Committee: Environmental Quality

Summary:
Resolution No. 4 calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison (SCE) to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage under specified circumstances.

Background:
City of Rancho Palos Verdes asserts that the South Bay region of Los Angeles County has longstanding concern regarding the ineffective process by which SCE addresses residents' claims associated with

prolonged electrical power outages. The City believes that SCE's aged infrastructure has caused fires and repeated, prolonged electrical power outages. Prolonged electrical power outages can adversely affect residents who have physical challenges and rely on a constant source of power for medical devices; residents who are senior citizens and are particularly susceptible to injury if electrical power outages persist for a long period of time into the evening hours; and, residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged electrical power outages.

According to information provided by SCE, SCE has the following customer compensation program:

Service Guarantee Program
SCE shall provide the following four service guarantees to its electric customers and provide a $30 credit when these service guarantees are not met. Unless otherwise stated below, the four service standards apply only to active service accounts served under the Residential, General Service and Industrial, or Agricultural and Pumping rate schedules.

- **Restoration of Service Within 24 Hours:** SCE will restore electrical service within 24 hours of when SCE first becomes aware of a power outage. The first credit will be applied if the outage exceeds 24 hours. Additional credits will be applied for each succeeding 24-hour period that the customer is without service. Partial credits will not be paid for outage periods less than a full 24-hour increment. ***Power outages associated with a moderate, severe, or catastrophic storm condition are exempt from the program.***
- **Missed Appointments:** When an appointment for a field service visit is made with a customer for a specific appointment time, and the customer's presence is required for establishing new service, a billing inquiry, or meter installation, SCE will arrive at the agreed upon appointment within 30 minutes before or after the scheduled time.
- **Notification of Planned Outages:** SCE will provide customers with notification of a planned outage at least three calendar days prior to the event. SCE will notify customers either by US Postal Service mail, by phone, in-person or door-to-door through door hangers, or by e-mail if SCE has the customer's e-mail address on file. If a planned outage is rescheduled to a new date not specified in the original notice to the customer, SCE will provide a new notice at least three calendar days in advance of the rescheduled planned outage.
- **Timely and Accurate First Bill:** SCE will issue an accurate first bill to a new customer of record within 60 days of establishing service. The bill and bill accuracy is defined according to the terms and conditions of SCE's Rule 9 (Rendering and Payment of Bills) and Rule 17 Section A (Adjustment of Bills and Meter Tests Usage) and Section D (Adjustment of Bills for Billing Error). The service guarantee credit process will be initiated once SCE is aware that the first bill was either inaccurate or issued beyond sixty days of establishing service. The first bill for any given customer account is eligible for only one service guarantee credit regardless of whether the bill is late, inaccurate, or both.

According to PG&E's website, PG&E offers the following customer compensation programs:

Compensation for Extended Outages
STORMS MESSAGE: If you are a residential customer and have gone without power for at least 48 hours due to severe storm conditions, you may qualify for a payment under PG&E's Safety Net Program. This program provides for the automatic payment of $25 - $100, which is paid about 60 days following the storm outage. In some cases, processing may take 90-120 days (heavy storm season).

Safety Net Program
We understand how inconvenient it is for customers who go without power for 48 hours or longer due to severe events, such as a storm. That is why PG&E created the following:

- PG&E will provide payments to residential customers we determine were without power for more than 48 hours due to a severe storm.
- The payments will range from $25 up to $100, depending on the length of the outage.

Eligibility

- The Storm Inconvenience Payment provision of the Safety Net Program applies to residential customers only (rate schedules E-1, E-6, E-7, E-8, E-9, EM, ES, ESR, ET, and EV); customers also may be enrolled in programs such as CARE and medical baseline.
- Businesses, agricultural accounts, multi-family building common areas, streetlights, and all other customers other than residential customers are ineligible for Storm Inconvenience Payments.
- Storm Inconvenience Payments will not be issued to customers in areas where access to PG&E's electric facilities was blocked (mud slides, road closures or other access issues). Also, if customer equipment prevented restoral or extended customer outage (ex. weatherhead, service drop, etc.).
- The outage must have occurred during a major weather-related event that caused significant damage to PG&E's electric distribution system.
- The outage must have lasted more than 48 hours.
- Storm Inconvenience Payments are in increments of $25 ($100 maximum per event). Payment levels are based on the length of the customer's outage:
  - 48 to 72 hours $25
  - 72 to 96 hours $50
  - 96 to 120 hours $75
  - 120 hours or more $100
- Both bundled-service and direct-access residential customers qualify for Storm Inconvenience Payments.
- Storm Inconvenience Payments will be issued to the customer of record.
- A customer with multiple residential services such as a primary residence and a vacation home is eligible for Storm Inconvenience Payments at each location where there was a storm-related outage of more than 48 hours.
- Customers must have an open account (service agreement) in good standing at the time of the outage and at the time payment is issued (generally 45 to 60 days after the event).
- For master-metered accounts such as mobile home parks, the customer of record will receive the Storm Inconvenience Payment for the master meter only.

Service Guarantee Program

Gas and electricity are essential to keep your life running smoothly, safely and efficiently. When your service is interrupted or in need of repair, you expect a reasonable and timely response. To ensure that we provide this to you, PG&E has implemented service guarantees, which spell out our commitment to prompt customer service for our customers:

- **Guarantee 1: Missed Appointments:** PG&E will meet the agreed upon appointment time set with our customer during contact with our Call Center or automatically credit your account $30.
- **Guarantee 2: Non-Emergency Investigations:** PG&E will investigate non-emergency situations (check meter) and communicate results to a customer within seven days of a customer's request. Check-meter appointments between October 15 and December 15 of each year will be scheduled within 10 workdays. If an off-site meter test is required, PG&E will communicate the results to the customer within 30 days. If access is required to the customer's premises, then an appointment is necessary. Failure to meet the service guarantee will result in a $30 credit to the customer's account. An automatic credit to the customer's account would apply only if PG&E misses a scheduled appointment date. If

the appointment is scheduled beyond five workdays, the customer must notify PG&E to receive the credit. If PG&E's records show that such scheduling was at the customer's request, the credit does not apply.

- **Guarantee 3: Emergency:** The Emergency Service Guarantee is not currently in effect.
- **Guarantee 4: Complaint Resolution:** PG&E will decide on a course of action to resolve a complaint and communicate it to the customer within three working days. PG&E will communicate the complaints resolution to the customer within 10 working days, or 30 working days when an off-site meter test is required or an on-site home audit is requested. Failure to meet the service guarantee will result in a $30 credit to the customer's account.
- **Guarantee 5: New Meter Installations:** PG&E will meet the agreed upon date for new service meter installations and service turn-ons or automatically credit your account $50.
- **Guarantee 6: Electric Service Disruptions:** PG&E will respond to customer calls reporting electric service interruptions within four hours by restoring service; or by informing the customer, upon request, when service restoration is expected; or automatically credit your account $30.
- **Guarantee 7: Electric Service Restoration:** PG&E will restore electric service within 24 hours, unless the cause is absolutely beyond our control, or we will automatically credit your account $30 for each 24-hour period you are without service.
- **Guarantee 8: Commencing Bills:** PG&E will issue an accurate commencing bill to a new customer account within 60 days of service initiation, or we will automatically credit your account $30.
- **Guarantee 9: Planned Interruptions:** PG&E shall provide at least three days' notice of a planned interruption in service. Failure to meet the service guarantee will result in a $30 credit to the customer's account. This guarantee will require a customer call and PG&E investigation to determine if PG&E's commitment to notify customers 72 hours in advance of planned interruptions was missed. Customers notified of planned service interruptions 72 hours in advance may have their service interrupted on multiple occasions on the date(s).
- **Guarantee 10: Service Termination in Error:** Impacted customers will be eligible for a $100 credit adjustment if PG&E terminates service in error.

Fiscal Impact:
No Impact on City Funds. Compelling SCE to create automatic direct compensation programs modeled on PG&E's "Safety Net" and "Service Guarantee" programs would have no direct fiscal impact on cities because the "Safety Net" program is limited to residential customers and the "Service Guarantee" program is very similar to SCE's existing program. However, residential customers would receive direct payments in specified circumstances for prolonged electrical power outages.

Comment:

- The City of Rancho Palos Verdes, in sponsoring this resolution, does not believe that SCE has an effective process to address customer damage claims associated with prolonged electrical power outages. According to the resolution, the City of Rancho Palos Verdes would like to compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances. Additionally, the program would be modeled upon PG&E "Safety Net" and "Service Guarantee" programs, and shall cover weather-related events and planned and unplanned service disruptions.
- *What is SCE's process to provide relief to customers that have experienced a prolonged electrical power outage?* As part of SCE's four point service guarantee program, customers experiencing an electrical power outages exceeding 24 hours, may qualify for a $30 credit under specific conditions. However, prolonged electrical power outages

caused by a moderate, severe, or catastrophic storm condition are exempt from the program.

- *How does PG&E provide relief to customers that have experienced a prolonged electrical power outage?* Like SCE, PG&E has a multi-point service guarantee program that provides customer credits that range from $30 -$100 for a wide range of activities. In addition, PG&E has a specific, weather related program, the "Safety Net" program, which provides automatic, direct payment to customers experiencing electrical power outages, in excess of 48 hours.
- *What type of customer compensation program does the Resolution call for?* The Resolution calls for a customer compensation program that expands beyond PG&E's two existing programs. Under the Resolution, the City of Rancho Palos Verdes would like to compel SCE to adopt a program based on PG&E's "Safety Net" and "Service Guarantee" programs, and also cover weather-related events and planned and unplanned service disruptions.
- *Do these programs really provide funds to residential customers?* While the Resolution holds PG&E's programs in high esteem, after hearing from a number of city officials in PG&E's service territory, it seems that there is a great deal of skepticism around the effectiveness and utilization of their residential compensation programs. Is PG&E's program really working as described?
- *What about California's other Investor Owned Utilities (IOU) and municipal utilities?* The Resolution is directed at SCE. However, the committee may want to consider the implications of the Resolution on the other investor owned utilities and municipal utilities.
- *Is legislation the best approach?* The Resolution calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage. Given that the California Public Utilities Commission regulates all of the investor owned utilities, it may be more appropriate to seek a regulatory change rather than a legislative proposal.
- *More information to come.* The Resolution could have broader implications beyond SCE and PG&E. Prior to the Environmental Quality Policy Committee and General Resolutions Committee meeting at Annual Conference, League staff will provide additional background information on the following:
    - Other IOU electrical power outage compensation programs.
    - Municipal utility electrical power outage compensation programs.
    - Role of the California Public Utilities Commission.

Existing League Policy:

In response to the energy crisis of 2001, the League of California Cities established extensive policy and guiding principles related to the electric industry. However, there is no existing policy that pertains to prolonged power outages or compensating customers for damages incurred during a prolonged power outage.

LETTERS OF CONCURRENCE

Resolution No. 2

Overconcentration of Alcohol & Drug Treatment Facilities

Attachment 1

THE CITY OF ARTESIA, CALIFORNIA

"Service Builds Tomorrow's Progress"

18747 CLARKDALE AVENUE, ARTESIA, CALIFORNIA 90701
Telephone 562 / 865-6262
FAX 562 / 865-6240

July 15, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIALNEIGHBORHOODS

Dear President Aguilar,

I, Mayor Pro Tem Victor Manalo, City of Artesia wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Victor Manalo
Mayor Pro Tem
City of Artesia

Attachment 1

City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592
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Mayor
Tzeitel Paras-Caracci
Mayor Pro Tem
Samuel Kang
Councilmembers
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Margaret E. Finlay
Liz Reilly
City Manager
Darrell George

July 22, 2015

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Sacramento, CA 95814
Fax: (916) 658-8240

Re: A Resolution of the League of California Cities calling for legislation to preserve therapeutic environments for group homes, and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods

The City of Duarte wishes to support the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods, to be adopted on October 2, 2015, at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning, and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law. The Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods, or the overconcentration of these facilities, as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if State agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting, and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Tzeitel Paras-Caracci
Mayor

Attachment 1

City Council
David A. Spence, Mayor
Jonathan C. Curtis, Mayor Pro Tem
Michael T. Davitt
Leonard Pieroni
Terry Walker

July 15, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar:

I am a City Council member of the City of La Cañada Flintridge and wish to express my support of the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods. Said resolution is scheduled for consideration on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, I believe the Governor and Legislature should respect individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government.

Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Michael T. Davitt
Council Member
CCCA Executive Board Member

Attachment 1

Ron Piazza
Vice Mayor

Steve Croft
Council Member

CITY OF LAKEWOOD
CALIFORNIA

Todd Rogers
Council Member

Diane DuBois
Council Member

Jeff Wood
Mayor

July 21, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, California 95814

Re: Resolution for Legislation to Preserve Therapeutic Environments for Group Homes and Avoid Impacts of Overconcentration of Alcohol and Drug Abuse Recovery and Treatment Facilities in Residential Neighborhoods

Dear President Aguilar:

The City of Lakewood supports the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods. We support that this resolution be adopted at the Annual League of California Cities Conference on October 2, 2015 in San Jose, California.

Lakewood recognizes that residential group home facilities provide valuable services for those who live in them. However, we also recognize that these facilities often generate more noise and activity than expected from a traditional single-family home, and that overconcentration of these homes can change the character of the neighborhoods where they are situated. Overconcentration can occur because state agencies that oversee these homes have different siting standards (facilities licensed by the state Department of Social Services require a 300 foot separation between facilities, but those facilities licensed by other state agencies, such as the Department of Alcohol and Drugs Programs, do not have such a requirement). This resolution will seek to address, via legislation, overconcentration of alcohol and drug treatment prevention facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities.

Thank you for your consideration, support and adoption of this important resolution at the League Annual Conference.

Sincerely,

Jeff Wood
Mayor

Attachment 1

MITCHELL ENGLANDER
LOS ANGELES CITY COUNCILMEMBER, TWELFTH DISTRICT

July 24, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar,

I, Los Angeles City Councilmember Mitchell Englander, wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

MITCHELL ENGLANDER
President Pro Tempore,
Chair, City of Los Angeles Public Safety Committee

City Hall Office • 200 N. Spring Street, Room 405 • Los Angeles, CA 90012 • Phone (213) 473-7012 • Fax (213) 473-6925
Chatsworth Office • 9207 Oakdale Ave. • Chatsworth, CA 91311 • Phone (818) 882-1212 • Fax (818) 701-5254
www.cd12.org

CITY COUNCIL

HENRY SANCHEZ JR.
JIM GAZELEY
MICHAEL G. SAVIDAN
BEN TRAINA
MARK WARONEK

ADMINISTRATION

MICHAEL ROCK
CITY MANAGER

CITY OF LOMITA

July 23, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar:

I, Mayor Henry Sanchez, Jr., City of Lomita, wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Henry Sanchez, Jr.
Mayor, City of Lomita

cc: Kelli Lofing, California Contract Cities Association, kelli@contractcities.org

Attachment 1

City of Pico Rivera
OFFICE OF THE CITY COUNCIL
6615 Passons Boulevard · Pico Rivera, California 90660 · (562) 801-4371
web: www.pico-rivera.org · e-mail: spena@pico-rivera.org

GREGORY SALCIDO
Mayor

July 15, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar,

I, Gregory Salcido, Mayor of the City of Pico Rivera wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Gregory Salcido
Mayor

GS:BC:sp

LETTERS OF CONCURRENCE

Resolution No. 3

Residential Rentals, Support for SB 593 (McGuire)

CITY OF HEALDSBURG
ADMINISTRATION

401 Grove Street
Healdsburg, CA 95448-4723

Phone: (707) 431-3317
Fax: (707) 431-3321

Visit us at ***www.ci.healdsburg.ca.us***

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

Dear President Aguilar:

The City of Healdsburg supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Healdsburg believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, the City of Healdsburg supports the League's Resolution.

Sincerely,

Shaun P. McCaffery, Mayor
City of Healdsburg

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

Mammoth Lakes Town Council
P.O. Box 1609, Mammoth Lakes, CA, 93546
(760) 934-8989
www.townofmammothlakes.ca.gov

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: LETTER IN SUPPORT OF A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)

Dear President Aguilar:

The Town of Mammoth Lakes supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015. The Town of Mammoth Lakes is a small, rural community in the Eastern Sierra Region of about 8,000 full-time residents. Mammoth Lakes is a tourist destination, servicing hundreds of thousands of visitors each year. We are geographically isolated from populated areas by several hundred miles and are supported by our one primary industry – tourism.

The League's proposed resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, and decrease available housing stock. In Mammoth Lakes, with a limited police force that is not staffed 24-hours a day and a code enforcement staff of one, enforcement of these types of issues can be very challenging.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all transient rentals should be subject to the same tax. The revenues generated support local services, including but not limited to, public safety, snow removal, maintenance of public parks and facilities, road maintenance, and recreation programs, which directly affect local quality of life and the attraction of the community for a visitor.

This proposal will make it much easier for communities such as Mammoth Lakes that depend on revenue from TOT to enforce existing rules and regulations and collect TOT as specified in our Municipal Code. Mammoth Lakes relies heavily on TOT collection to operate the Town government; nearly 65% of the Town's operating budget is funded by the collection of TOT.

Collection of TOT is so important to the Town that we have three full-time employees dedicated its enforcement. This includes making sure that people remit their taxes on time, but more importantly it is tracking down violators who are renting their units without an approved permit, renting units in locations where the zoning does not permit it, and/or not remitting their taxes to the Town. Enforcement is made much more difficult by the use of online vacation rental business (OVRB) websites where unit numbers and addresses are typically not listed and often owners do not require the payment of TOT. The data proposed to be collected and provided to us by OVRBs will be of great value as we manage transient rentals in our community.

The Town of Mammoth Lakes believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For all of these reasons, the Town of Mammoth Lakes supports the League California Cities' Resolution.

Sincerely,

John Wentworth
Councilmember
Town of Mammoth Lakes

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

MAYOR AND CITY COUNCIL

July 27, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

RE: **A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)** AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

The City of Napa supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

The City of Napa's zoning ordinance defines a "Rental Housing Shortage" as a vacancy rate less than 5%. A vacancy rate of less than 2% is defined as "Severe". We are currently at severe levels. The City's vacancy rates have continued to decline from 4% in 2009 to less than 2% today. Our Housing Element recognizes the issue of rising housing costs in Napa and its impact on the goal of maintaining Napa's quality of life by balancing the availability of housing with other environmental considerations. Maintaining and protecting our housing stock is of utmost importance to the City of Napa.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Napa believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations

regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For the reasons as stated above, the City of Napa supports the proposed Resolution.

Sincerely,

Jill Techel

Jill Techel
Mayor
CITY OF NAPA

JT/dr

cc: City of Napa City Councilmembers
Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org
City Manager Mike Parness
Community Development Director Rick Tooker

CITY OF PIEDMONT

CALIFORNIA

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: **A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)** AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

Dear President Aguilar:

The City of Piedmont supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Piedmont believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and

a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, the City of Piedmont supports the Resolution.

Sincerely,

Paul Benoit
City Administrator
City of Piedmont

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

Attachment 1

CITY OF SANTA CRUZ

MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • citycouncil@cityofsantacruz.com

July 27, 2015

Ms. Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (McGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

Dear President Aguilar:

As Mayor of the City of Santa Cruz, I am writing in support of the proposed resolution related to the Thriving Communities and Sharing Economy Act and concur in the submission of the resolution for consideration by the League of California Cities (LOCC) General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy."

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. Such rental situations may create additional noise, traffic, parking, and privacy and public safety issues; subvert local rent control laws; decrease available housing stock; and, in some cases, turn residential neighborhoods into de facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated Transient Occupancy Tax (TOT) should also be collected. These units are in direct competition with hotels, motels, and other accommodations where guests pay the local TOT, so all such uses should be subject

to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash collection, park maintenance, and other local public services which directly affect local quality of life and make the community attractive to a visitor.

I believe SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, I support the proposed resolution and hope that the LOCC will consider adoption of this resolution at its October conference.

Sincerely,

Don Lane
Mayor

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

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Mayor **Kevin McKeown**
Mayor Pro Tempore **Tony Vazquez**

Councilmembers
Gleam Davis
Sue Himmelrich
Pam O'Connor
Terry O'Day
Ted Winterer

City of
Santa Monica®

July 24, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

RE: **A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)** AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

The City of Santa Monica supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Santa Monica believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

In Santa Monica, a city of just over 90,000 residents, passage of SB 593 in concurrence with our local ordinance, will generate estimated annual revenues of approximately $138,500 in Transient Occupancy Tax and would return approximately 1,000 units to the housing market.

For these reasons, the City of Santa Monica supports the City's Resolution.

Sincerely,

Kevin McKeown
Mayor

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

City of Sonoma

No. 1 The Plaza
Sonoma California 95476-6690
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org

July 27, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

RE: **A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)** AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

The City of Sonoma supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Sonoma believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

The City of Sonoma is a tourist destination and the proliferation of vacation rentals is a top priority for City staff. The workload in monitoring and attempting to ensure compliance with local

regulations is over-burdening our small staff. In addition, the sale of available housing has become a market for out of town investors to purchase and create new vacation rentals. Without legislative intervention, vacation rentals become an epidemic in a desirable destination location and the local residents "pay the price".

For these reasons, the City of Sonoma supports the League's Resolution.

Sincerely,

Carol E. Giovanatto
City Manager
For and on behalf of the City of Sonoma

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

LETTERS OF CONCURRENCE

Resolution No. 4

Compensation for Prolonged Electrical Power Outages

City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Hermosa Beach supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact Andrew Brozyna at (310) 318-0238 or abrozyna@hermosabch.org if you have any questions.

Sincerely,

Tom Bakaly
City Manager

Attachment 1

CITY COUNCIL

HENRY SANCHEZ JR.
JIM GAZELEY
MICHAEL G. SAVIDAN
BEN TRAINA
MARK WARONEK

CITY OF LOMITA

July 28, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Lomita supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact Laura Vander Neut, Management Analyst at (310) 325-7110, ext. 151 or l.vanderneut@lomitacity.com if you have any questions.

Sincerely,

Henry Sanchez Jr.

Henry Sanchez, Jr.
Mayor, City of Lomita

cc: Kit Fox, Senior Administrative Analyst, City of Rancho Palos Verdes, KitF@rpvca.gov

CITY OF
Palos Verdes Estates

OFFICE OF THE MAYOR

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' proposed resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
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- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

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As a member of the League, our City values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact City Manager Anton Dahlerbruch at 310.378.0383 or adahlerbruch@pvestates.org if you have any questions.

Sincerely,

James F. Goodhart
Mayor

Enclosure: Rancho Palos Verdes Proposed League Resolution

c: Palos Verdes Estates City Council
Rancho Palos Verdes City Council
Doug Willmore, Rancho Palos Verdes City Manager
Jeff Kiernan, League of California Cities Regional Public Affairs Manager (via email)

City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Aguilar,

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San Jose.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
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At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to me at (310) 377-1521 or rcruz@cityofrh.net if you have any questions.

Sincerely,

Raymond R. Cruz
City Manager

RC:hl *07-30-15RPV_League_ResolutionConcurrence_SCE*

c: Mayor and City Council

Printed on Recycled Paper

Attachment 1

JOHN C. ADDLEMAN
Mayor
STEVEN ZUCKERMAN
Mayor Pro Tem
BRITT HUFF
Council Member
JUDY MITCHELL
Council Member
FRANK ZERUNYAN
Council Member
DOUGLAS R. PRICHARD
City Manager

CITY OF
ROLLING HILLS ESTATES
4045 PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA 90274
TELEPHONE 310.377.1577 FAX 310.377.4468
www.ci.Rolling-Hills-Estates.ca.us

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Aguilar:

As Mayor of the City of Rolling Hills Estates, I support the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San Jose.

The proposed resolution seeks to require reasonable compensation to Southern California Edison (SCE) customers for losses incurred due to prolonged service disruptions which jeopardize the safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of these outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

I urge the League to place this matter before the General Assembly for consideration. Please feel free to contact me if you have any questions.

Sincerely,

John C. Addleman
Mayor

JCA:hn

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Item No: 29

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **New Business**

Subject: **Consideration and proposed approval of a resolution to form an Ad Hoc Revenue Source Task Force to evaluate possible additional revenue sources for the City.**

CEQA Status: **Not a Project**

Prepared By: **Jennifer Phillips, City Manager**

Approved By: **Jennifer Phillips, City Manager**

DISCUSSION

On August 11, 2015, the City Council directed staff to return with a staff report forming an Ad Hoc Revenue Source Task Force.

Pending final City Council discussion and direction, the general purpose of this ad hoc task force would be to study and discuss the City's current financial challenges including projected revenues and expenditures; and based on this information evaluate possible additional revenue sources for the City that can gain general consensus in the community and provide adequate revenue to help the City achieve a solid financial future.

The Task Force is proposed to be comprised of seven (7) members: two (2) Council Members, one (1) Planning Commissioner, and four (4) community members who would, in the discretion of the City Council, represent a variety of interests. All members must be residents of St. Helena. The Task Force would be subject to the requirements of the Brown Act, Government Code section 54950 et seq., and all meetings of the Task Force will be agendized and open to involvement and participation by the public.

The Task Force will provide a final report to the City Council by January 2016, to ensure the recommendations can be discussed at the annual goal setting and any required expenses incorporated into the FY 2016-17 Proposed Budget. This deadline would also be consistent with deadlines for revenue sources that would require a vote at the November 2016 general election. The Task Force will be dissolved upon submitting its final report to the City Council.

FISCAL IMPACT

No direct costs, but formation and support of an ad hoc task force will require staff resources.

RECOMMENDED ACTION

The City Council of the City of St. Helena approve the formation of an Ad Hoc Revenue Source Task Force and adopt the attached resolution.

ATTACHMENT

1. Resolution

CITY OF ST. HELENA

RESOLUTION NO. 2015-

AUTHORIZING THE ESTABLISHMENT OF AN AD HOC REVENUE SOURCE TASK FORCE

RECITALS

A. The City Council desires to create an ad hoc committee to function in an advisory capacity to the City Council to evaluate possible additional revenue sources for the City of St. Helena.

B. The general purpose of this ad hoc task force would be to study and discuss the City's current financial challenges including projected revenues and expenditures; and based on this information evaluate possible additional revenue sources for the City that can gain general consensus in the community and provide adequate revenue to help to support the City's solid financial future.

C. The Task Force will be comprised of seven (7) members: two (2) Council members, one (1) Planning Commissioner, and four community members who represent a variety of interests. All members must be residents of St. Helena. All meetings will be subject to the requirements of the Brown Act, Government Code section 54950 et seq., and as such will be agendized and open to involvement and participation by the public.

RESOLUTION

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

1. To establish an Ad Hoc Revenue Source Task Force consisting of seven members as appointed by the City Council. The Task Force will be comprised of seven (7) members as follows: two (2) Council members, one (1) Planning Commissioner, and four (4) community members who shall represent a variety of interests as determined in the discretion of the City Council. All members shall be residents of St. Helena.

2. All meetings of the Task Force will be subject to the requirements of the Brown Act, Government Code section 54950 et seq., and as such will be agendized and open to involvement and participation by the public.

3. The Task Force will provide a final report to the City Council by January 2016, to ensure the recommendations can be discussed at the annual goal setting and any required expenses incorporated into the FY 2016-17 Proposed Budget. The Task Force will be dissolved upon submitting its final report to the City Council.

Approved at a Regular Meeting of the St. Helena City Council on September 8, 2015, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

_____
Alan Galbraith, Mayor

ATTEST:

_____
Cindy Black, City Clerk

Item No: 30

Report to the City Council
Council Meeting of September 8, 2015

Agenda Section: **New Business**

Subject: **Exploration of City Charter and Real Property Transfer Tax.**

CEQA Status: **Not a Project**

Prepared By: **Jennifer Phillips, City Manager**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

At the February 27, 2015 Annual Goal Setting Session, the City Council met during a special public meeting to discuss and develop the Annual Strategic Objectives for the City. At the March 24, 2015 Council meeting, the City Council adopted the following six initiatives to focus on in the upcoming year, that all support the goal to Secure City's Financial Future. The Strategic Objectives are:

1. Long-term Revenue Options:
   Explore the adoption of a Property Transfer Tax, coupled with identifying the process to become a Charter City.
2. Fee Changes:
   Direct staff to review all current and potential City fee schedules, then identify options and areas where changes, increases or addition of new fees would help to close funding gaps. These options will be brought back and presented to Council for consideration.
3. Financial Assessment of Water & Waste Water:
   Conduct a financial assessment of the Water & Waste Water Enterprise Fund (similar to the Long Range Financial Forecast) and review options that may help to close funding gaps. These options will be brought back and presented to Council for consideration.
4. Infrastructure Needs:
   Identify infrastructure needs for all City facilities and assets, set priorities and identify the funding needs to make improvements and options for funding and implementation. These plans will be brought back and presented to Council for consideration.

5. Long Range Financial Forecast (LRFF)
   Implement a standard practice of reviewing the LRFF annually, and more often if applicable. This annual review should include updates on the hotel completion and inclusion of new and proposed projects.
6. Economic Manager/Assistant City Manager
   Identify ongoing revenue to hire a manager focused on economic development and special projects. This position could also be structured as an Assistant City Manager.

DISCUSSION

This staff report addresses Strategic Objective 1: Explore the adoption of a Property Transfer Tax, coupled with identifying the process to become a Charter City.

Currently, the City of St. Helena is a general law city and is considering the adoption of a city charter in order to have the ability to adopt a real estate transfer tax. General Law cities, such as St. Helena, do not have the legal authority to enact real estate transfer tax measures. A charter city, in comparison, does have the authority to place a measure before its electorate to obtain the authority to impose a tax on the transfer of real property. Accordingly, to achieve the desired result, two (2) measures would need to be presented to the City of St. Helena electorate: one to adopt a city charter and a second to adopt a transfer tax ordinance. Note the two measures can be presented to the electorate at the same election; however, the measure related to the transfer tax would only become effective if the city charter measure passed.

There are over 100 charter cities in the state of California. A charter serves as the constitution for the city. Charter cities are specifically authorized by the state Constitution to govern themselves, free of state legislative intrusion, as to those matters deemed "municipal affairs". Article XI, Section 5, of the Constitution represents an affirmative constitutional grant to charter cities of all powers appropriate for a municipality to possess, and so far as municipal affairs are concerned, charter cities are supreme and beyond the reach of legislative enactment.

The most direct and expedient way for a city to become a Charter is to have the City Council submit a charter to the voters directly. Attachment A is a timeline that has steps that would need to be taken if the City Council decides it wants to place a charter city measure, and presumably a companion real estate transfer tax measure, for consideration by the voters at the next statewide general election to be held on November 8, 2016. In sum, the timeline allots approximately 7-8 months to draft a proposed city charter. Thereafter, by the regular meeting of April 26, 2016, the City Council would need to have approved a proposed charter and set two (2) public hearing dates

If the City Council wanted to also submit a companion real estate transfer tax measure to the voters on November 8, 2016, that measure would also need to be finalized and ready for approval by the City Council for submission to the voters by August 9, 2016.

Accordingly, the City would need to simultaneously consider and arrive at a consensus on a few key issues in order to finalize the transfer tax measure for submission to the voters.

The primary issue will be what the desired transfer tax rate is. Currently, as provided by State law, the City receives $0.55 per $1,000 of valuation. As a charter city, St. Helena would be authorized to establish a higher rate in lieu of what it currently collects. Many Bay Area jurisdictions have rates in the range of $8.00 to $15.00 per $1,000 of valuation. The City could also consider a tiered rate, where the tax rate increases as the valuation increases. Finally, some jurisdictions provide for exemptions for certain types of transactions, such as those involving the purchase and sale of housing units subject to a covenant restricting the purchase to households of low and moderate income. Again, as there is no legally required public hearing process for adoption of a measure to be submitted to the voters for a real estate transfer tax, the only target date to be aware of is August 9, 2016. Nevertheless, the City will need to discuss and decide on the content of the transfer tax measure to be submitted to the voters, and there is nothing that precludes it from engaging in that discussion while it initially drafts the city charter and conducts the required public hearings on the proposed charter.

FISCAL IMPACT

Unknown at this time, but would include staff resources including the City Attorney's Office during the initial phase.

RECOMMENDED ACTION

The City Council of the City of St. Helena direct staff to initiate the process for the City of St Helena to become a charter city and explore a real property transfer tax.

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Report to the City Council Meeting
of September 8, 2015

Agenda Section: **General Plan Workshop**

Subject: **A City Council Workshop on the City's General Plan Update Process**

CEQA Status: **Review of environmental impacts associated with the approval of the General Plan is subject to CEQA. Impacts are being evaluated in an environmental impact report that the City Council will consider prior to approving the General Plan.**

Prepared By: **Victor Carniglia, Planning Consultant**

Approved By: **Jennifer Philips, City Manager**

BACKGROUND

The City Council last held a meeting concerning the City's General Plan update process on April 15, 2015. At that meeting, a "Workshop" was held at which the Council verified that the April 2015 version of the General Plan was the correct document for staff to utilize in moving forward with the update of the General Plan EIR. In addition, City Council also provided staff with direction concerning the need to create a new General Plan residential land use designation that better fits the density and character of the City's existing single family residential neighborhoods.

Since the April 15, 2015 General Plan Workshop, City staff has largely focused its efforts in updating the General Plan EIR (GPEIR). The GPEIR was last worked on by the City's CEQA consultant in late 2010. As part of this GPEIR update process, it became clear to City staff that there were corresponding sections of the General Plan document that also needed further work and updating. The primary purpose of the September 8, 2015 Workshop, from a staff perspective, is to get Council direction on these remaining issues before the updated GPEIR is finalized and published.

In the following "ANALYSIS" section of this staff report, the various issues and corresponding proposed changes to the General Plan are identified, and the rationale for considering each of the proposed changes is discussed. Upon completion of the September 8, 2015 workshop, the revised draft General Plan will be prepared based on the direction from Council on the various issues raised. This revised version of the General Plan will then be brought back to the Planning Commission and City Council, together with the updated General Plan EIR, as part of the formal public hearing

process for the adoption of the 2015 General Plan. The timing of the upcoming General Plan hearings at the Planning Commission and City Council is discussed in the "Schedule" section of this staff report.

ANALYSIS

Included in the Council packet is a "revised" version of the April 2015 General Plan, which is dated September 8, 2015. All text in the September 8, 2015 General Plan document that is new and/or revised as compared to the April 2015 version is shown in "red" colored text. In this section of the staff report, the various proposed changes to the April 2015 version of the General Plan are identified, and discussed.

It is important to note that the charts, tables, and maps in the General Plan are still in the process of being updated (they were originally prepared using a different software program). These charts and tables will be fully updated when the revised General Plan and GPEIR are released in late September. The one exception to this is the Land Use Map (Figure 2.1), which has been updated to include the new "Low/Medium Density" General Plan land use designation, as discussed in detail later in this report.

The various changes to the April 2015 version of the General Plan, as proposed in the September 8, 2015 document distributed with this staff report, can be organized into six distinct categories, as follows; 1) informational corrections needed to bring the General Plan up to date, 2) follow up changes to the General Plan from the April 15, 2015 General Plan Workshop, 3) the inclusion of EIR mitigation measures as new General Plan policies, 4) apparent omissions from the April 15 version of the General Plan, 5) proposed changes to address potential procedural concerns, and 6) new policies/concepts proposed by staff for consideration by Council.

These changes, broken out by the six preceding categories, are discussed below:

1. Informational Updates:

These are changes solely intended to update incorrect and outdated facts, or to add text to summarize events that have happened since the updated General Plan document was first prepared in 2010. These informational updates, which are scattered throughout the September 8, 2015 version of the General Plan, and are noted in red text, are considered by staff to be self-explanatory and non-controversial. As a result, they are not discussed individually in this staff report.

A typical example of an "Informational Update" is on page 1-15 of the September 8, 2015 General Plan document in which text has been added to describe the chronological events that transpired as part of the General Plan update process from 2010 to the present day. Other examples are the numerous modifications to the time frame of the General Plan, updating the previously intended twenty year time frame of 2010-2030 to the current 2015-2035 time frame.

Staff Request for Direction from City Council: Staff is requesting Council feedback as to whether the various informational updates contained in the enclosed September 8,

2015 document are factually correct, along with direction from Council on any other sections of the General Plan that may have been "missed" and still need updating. As previously noted, the various charts, tables, and maps (with the exception of Figure 2.1) still remain to be updated.

2. Draft EIR Mitigation Measures added as Policies:

As Council is aware, as part of the environmental review process of a given project, mitigation measures are typically required to address a project's environmental impacts. In most cases, these mitigation measures end up as conditions of approval of the project in question. However, in the case of a City sponsored project that involves a policy level document like a General Plan, it is appropriate for the project to be "self mitigating". In this context, "self mitigating" means any potential mitigation measures are incorporated into the General Plan itself as appropriately worded policies and/or implementation measures. So instead of the City in effect "conditioning itself" by requiring mitigation measures to be applied to the General Plan, the mitigation measure becomes part of the General Plan as policies and implementation measures, and those policies and implementation measures are then applied to all future development under the General Plan.

The Draft General Plan EIR that was prepared and circulated in August 2010, included a significant number of mitigation measures that were not included as policies in the updated General Plan. Over the ensuing four years from 2010 to 2014, the majority of the EIR mitigation measures were eventually added to the General Plan as either new policies or implementation measures. As part of the current EIR update process, staff noted a few instances where remaining EIR mitigation measures were not brought forward and added as policies to the General Plan. As a result, these remaining EIR "mitigation measures" are now proposed to be added as policies/implementation measures to the General Plan. There are a total of four instances where GPEIR Mitigation measures have been added to the April 2015 version of the General Plan, that now show as new policies in the September 8, 2015 General Plan document. These four added policies/implementation measures are noted below:

- Policy LU5.H located on page 2-44 in Chapter 2: Land use and Growth Management
- Policy OS1G located on page 8-22 in Chapter 8: Open Space and Conservation.
- Policy PF1.5 located on page 4-25 in Chapter 4: Public Facilities and Services.
- Implementing Action PF1.A on page 4-26 in Chapter 4: Public Facilities and Services.

The most notable of these four EIR mitigation measures added as policies is the first listed, Policy LU5.H. This proposed policy, which is currently listed as a mitigation measure in the GPEIR, addresses the issue of development being proposed on prime agricultural and other farmland as mapped by the State, and sets a preservation ratio if development of such prime agricultural land cannot be avoided.

Staff Request for Direction from City Council: Staff is seeking Council comments and concurrence on the concept of structuring the updated General Plan as "self

mitigating". Staff in particular is seeking comments on Policy LU5H, which is currently included as a mitigation measure in the GPEIR.

3. Follow up from April 15 Workshop:
At the April 15, 2015 General Plan Workshop, City Council directed that staff prepare a new lower density residential land use designation entitled, "Low/Medium Density Residential", and that this new designation apply to the City's existing single family home neighborhoods. Include in the September 8, 2015 version of the General Plan on pg 2-11 in Chapter 2 "Land Use and Growth Management" is the definition for this new land use designation, which has a proposed density range of 4.1 to 7.0 units acre. The following table compares the old and new designations:

	Current Density Ranges units/acre	Proposed Density Ranges units/acre
Low Density Residential	1.0 to 5.0	1.0 to 5.0
Low/Med Density Residential	Not applicable	4.1 to 7.0
Medium Density Residential	5.1 to 16.0	5.1 to 16.0

Included in the September 8, 2015 General Plan on page 2-7 is a revised "General Plan Land Use Table" Figure 2.1 that depicts the proposed geographic extent of the new "Low/Medium Density" land use designation". This new designation occupies approximately 60% of what was previously the "Medium Density" designation. The geographic boundaries of the "Low Density" and "High Density" residential designations have not been changed. In should be noted that as required under the recent 2015 to 2023 Housing Element update, all the 2015-2023 Housing Element "Housing Opportunity Sites" retain their preexisting "Medium Density Residential" designation, as required by the updated Housing Element.

As can be seen in the table, a density overlap exists between the proposed "Low/Medium" and "Medium" density ranges. This overlap is needed to avoid making a significant number of the existing homes in the proposed "Medium Density" category "non conforming" in the event their existing density being below the required minimum density. There is also a small overlap between the Low and the Low Medium density designation at the bottom of the density range due to the same concern about making existing homes "non conforming".

In conjunction with the addition of the new Low/Medium residential land use designation, a modification is being proposed by staff to Policy LU2.6, which as written in the April 2015 version of the General Plan, states that the City will consider allowing "high density housing in single family neighborhoods". Changes are proposed to this Policy, as noted in "red" text in the September 8, 2015 version of the General Plan, to limit such consideration of high density housing to the Medium and High Density Land Use Designations. Staff felt this wording change was in keeping with the "spirit" of creating the "Low/Medium" land use designation.

Staff Request for Direction from City Council: Staff is requesting comments from Council on the proposed wording and density parameters of the new Low/Medium Land

Use designation, as well as the proposed geographic extent of this new land use designation as depicted in Figure 2.1. Feedback is also requested on the proposed change to Policy LU2.6.

4. Apparent Omissions:
In updating the Public Services section of the Draft EIR, staff noticed that while Fire and Police services were mentioned in the updated General Plan under "Chapter 9: Public Health and Safety", there was no discussion in "Chapter 4: Public Facilities and Services" of City Police and Fire Services. Typically, the Public Services chapter of a General Plan includes a summary of current Police and Fire staffing, equipment levels, current response times, and target desired response times. While matters such as public safety staffing and response times can be established in City Codes and Ordinances, it is usually desirable to have these standards "memorialized" in a City's General Plan. Text and policies have been added on pages 4-22 to 4-34 to describe current Police and Fire staffing levels, and to identify standard staffing levels and response times.

For Police, policy PF5.7 page 4-34 proposes a staffing ratio of 2 sworn police officers per 1000 residents, and a target "Priority One Call" response time of 3 minutes. For Fire, as specified in policy PF5.6, pg 4-34, the target response time is 8 minutes.

It should be noted that the current 1993 General Plan does not contain a description or standard for Police and Fire Services.

Staff Request for Direction from City Council: Staff is requesting feedback from Council on 1) whether to include standards for Police/Fire in the updated General Plan, and 2) whether the staffing and response time standards included in the updated General Plan policies on the pages noted are appropriate.

5. Potential Policy Concerns:
As part of staff's updating of the General Plan EIR, concerns have arisen at the staff level with a number of the proposed General Plan policies. Some of these concerns are due to perceived ambiguity in the way the policies are worded, and in other more limited cases, the concerns involve potential procedural and legal issues raised by the policies themselves. In the September 8, 2015 version of the General Plan, staff proposes recommended wording changes to address these issues, which are presented in "red" text in the enclosed document.

The few General Plan policies that fall under this category are identified and discussed below:

- **Elimination of Level of Service (LOS) Standards**: The Circulation Element as proposed in the April 2015 version of the General Plan, does away with the approach of utilizing traditional LOS standards to measure traffic impacts. In effect, the LOS requirements have been replaced with standards that, for example, rely on changing the "mode split" of travelers to favor bike and pedestrian transportation,

while reducing greenhouse gas emissions. These mode split and greenhouse gas reduction "Goals" are listed on pages 5-12 and 5-13 of the updated General Plan.

Staff has concerns that completely eliminating the LOS standards would make it very difficult, if not impossible, for the City to accurately assess the traffic impacts of a given development project, or to require specific road or intersection improvements as conditions of a project. Further, the lack of requirements similar to LOS standards in the General Plan would make it infeasible for the City to deny a development project based on traffic impacts, as under the wording in the Circulation Element of the April 2015 version of the General Plan, the project proponent would simply pay the required transportation impact fee. In addition, calculating an impact fee for a development project based solely on improving mode split and reducing greenhouse gas emissions, would also be challenging in the context of State nexus requirements. For example, how would an impact fee be calculated to increase the bike ridership of a given residential or commercial development project by a specific amount or percentage?

Staff is proposing to retain the provisions in the Circulation Element based on mode split and greenhouse gas emissions, while adding to them the more traditional LOS standards. New wording is proposed in the September 8, 2015 General Plan document (see added text in red) under the first bullet item under "Goals 5.4" on pg 5-12 that adds LOS intersection standards to the Circulation Element. The specific wording proposed on pg 5-12 is consistent with language concerning LOS that is currently in the City's 1993 General Plan.

Staff Request for Direction from City Council: Staff is requesting feedback as to whether Council supports adding the use of Level of Service (LOS) traffic standards to the already included mode split and GHG requirements. If so, is Council supportive of the specific LOS levels proposed (see page 5-12)? Does Council want to have both types of standards (LOS and Mode Split/GHG) in the updated General Plan.

- **Increase of Park Acreage Standard:** The updated April 2015 version of the General Plan proposes a park acreage standard of 10.5 aces per 1000 population (see Policy PR1.1 and PR1.4, pg 12-13 of the General Plan). This is significantly higher than the current 1993 General Plan standard of 5.0 acres of park per 1000 population, and may run afoul of a State law known as the "Quimby Act". The Quimby Act is part of the State Subdivision Map Act and is found in Government Code section 66477. That section limits the ability of a City's or County's legislative body to require the dedication of parkland or impose payment of an in lieu fee as a condition of approval of a tentative map or parcel map by: "(1) requiring that the underlying parkland dedication/in lieu fee ordinance be adopted and in effect for at least 30 days prior to filing of tentative/parcel map; and (2) requiring that said ordinance include definite standards for determining the proportion of a subdivision to be dedicated and the amount of any in lieu fee and precluding any such proportionate amount from exceeding the proportionate amount needed to provide 3

acres of park area per 1,000 persons unless the existing amount of park area exceeds 3 acres/1,000 persons, in which case the ordinance's standards for determining the proportion of a subdivision to be dedicated and/or the amount of any in lieu fee may adopt a higher standard not to exceed 5 acres per 1,000 persons."

Therefore, while a City can have a park ratio that exceeds 5.0 acres per 1000 population, such as 10.5 acres per 1000 population, the funding used to achieve the amount of parkland over 5.0 acres per 1000 population, cannot come from land required to be dedicated, or fees imposed in lieu of such dedication as a condition of a subdivision approval.

Staff Request for Direction from City Council: Given the specificity of State law, staff recommends that the General Plan text be revised/clarified so as not to create a potential conflict with the Quimby Act (e.g., be revised to reflect 5 acres per 1,000 population as a maximum), or expressly indicate where land and/or funds used to achieve ratio above 5 acres per 1,000 population can and cannot come from.

Given the City's current population of approximately 5,900 people, the added increment of 5.5 acres/1000 would result in just over 32 acres of parkland to be funded by the City and other non-developer sources. Even a small portion of this would cost the City many millions of dollars.

- **Need to Clarify Growth Management Standards:** The April 2015 text of the General Plan concerning Growth Management states that the City's Growth Management Program limits the annual rate of growth in the City without specifying what the annual limit is. The actual numerical limits are currently spelled out in the City Growth Management Ordinance, which calls for an "approximately 2% maximum growth rate", with a specific maximum of 9 units per year, with exceptions given for affordable housing and second units. Ordinarily, having the General Plan wording be less detailed while the implementing ordinance is more specific, (containing the percent and rate of growth) would be appropriate. However, given the significant difference between the amount of development that could occur annually at the Zoning Ordinance limit of 2% annual growth rate (which works out to approximately 55 units/year) and the much smaller specific limit in the Zoning Ordinance of 9 units/year, it would be appropriate for the General Plan to clearly establish the desired growth rate. Wording has been added to the September 8, 2015 version of the General Plan to specifically call out 9 units/year as the controlling number, subject to the same exceptions for affordable housing etc.

  A related issue involves the wording that appears in a number of places in the April 15 Draft General Plan that suggests the City's annual growth limit should be tied to the State RHNA housing allocation. Staff has a concern that this would not be an "apples " to "apples" comparison, given that the State's RHNA number primarily involves allocating affordable housing units, while the City's annual growth management number exempts all affordable housing units from the City's growth management allocation process. In addition, tying the City's growth limit to the

State's RHNA number would indirectly, if not directly, put the State in the position of dictating the City's annual residential growth rate.

Staff Request for Direction from City Council: Staff requests feedback from the Council concerning the staff recommendation that the General Plan be used to clear up any ambiguity in the Growth Management Program by clearly specifying that the annual growth limit of 9 units/year is the controlling standard, as compared to the much higher approximate 2% annual maximum rate. In addition, staff is requesting direction from Council concerning the General Plan language that suggests the possibility of aligning the City's maximum annual growth rate with the State RHNA number.

6. New and/or Revised Policies for Council to Consider:

This last category of possible policies for Council to consider arose primarily out of internal staff discussions concerning the General Plan update. They are ideas staff considers to be appropriate and potentially beneficial to the City. Staff saw the September 8, 2015 General Plan workshop as an opportunity to present these ideas to Council for possible inclusion in the updated General Plan, as it moves forward through the process.

- **Increase Number of Potential Sites for Revenue Generating Hotel Uses**: It is clear that "hospitality" type uses can generate a significant amount of revenue for a local jurisdiction. Within the "Upper Napa Valley" market, local Transient Occupancy Tax (TOT) and property tax revenues from an established 50 to 75 room hotel can generate revenue to the host jurisdiction well in excess of $1 million/year. This revenue does not take into account the secondary fiscal benefits created by those hotel guests shopping and dining in town. A final point to note is that hotel guests staying in town tend to reduce the amount of traffic generated on local streets by walking or taking shuttles to shops, restaurants, wineries, and other activities in town, especially when those hotels are required to include transportation demand management components (such as shuttles or access to free bicycles), as compared to those same tourists/visitors driving to St Helena from a hotel located in a nearby community.

  Given this context, staff is proposing new wording in the September 8, 2015 version of the General Plan, particularly Implementation Action LU2F on pg 2-35, Policy ES1F on pg 3-11, and Implementing Action ES2B on pg 3-13, that taken together allow the Council to consider approving a hotel use through a Use Permit process in the "Medium Density" and "High Density" residential land use designations. The proposed wording in LU2F specifies that for such a hotel use to be considered, the site in question must be a minimum of 2 acres in size and must be located on a major roadway, specifically Main St/Hwy 29 or Pope St. The proposed wording also speaks to the need to provide affordable housing for the hotel workers.

  Staff Request for Direction from City Council: Staff is requesting feedback from Council as to the possibility of considering hotels on a case by case basis through a

Use Permit process in the Medium and High Density Land Use designations, and the proposed limitations on siting hotels in the Medium and High Density designations, such as a 2 acre minimum site size and the need for the property in question to have frontage on a major roadway.

- **Update the City's Growth Management Provisions:** The City's Growth Management provisions have been in place for over 30 years. The way the provisions are currently structured, the limited number of building permit allocations are distributed on a first come, first served basis beginning on January 1 of each year. In many communities with similar growth management programs, the building permit allocation process is "incentivized", with allocations typically granted to a given development project based on the relative benefits that project brings to the community. Wording has been added to the Growth Management section of the General Plan (Implementation Action LU1F page 2-32) which calls for the allocation provisions of the Growth Management Program to be studied for possible revision.

  Staff Request for Direction from City Council: Staff is requesting whether Council feels the existing Growth Management Building Permit allocation process needs to be updated, and whether wording providing direction concerning such an update should be added to the General Plan?

General Plan Update Schedule and EIR Recirculation:

Issue of Recirculation:

As noted in the BACKGROUND section of this report, staff is in the process of finalizing the update of the General Plan EIR and is striving to finish that work by the end of September 2015. When that work is done, the question arises as to whether the General Plan DEIR must or should be recirculated for public review. Pursuant to CEQA Guidelines Section 15088.5, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review, but before certification. In this context, new information added to an EIR is not "significant" unless the EIR has changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. As such, "significant new information" requiring recirculation is commonly considered to be information that discloses a new or more severe impact.

As Council is aware, the General Plan EIR was circulated for public comment in August/September of 2010, almost exactly 5 years ago. While it will not be possible to make a determination concerning recirculation on a technical basis until the update process of the DEIR is complete, it is permissible for the Council to direct staff that the updated General Plan Draft EIR be recirculated, if Council desires recirculation based solely on the significant changes that have been made to the proposed General Plan over the course of the almost 5 years since the original General Plan EIR was circulated. Based solely on the 5 years since the General Plan EIR was circulated, staff feels that recirculation of the DEIR is warranted.

General Plan Update Schedule:
Assuming a standard 45 day recirculation comment period for the General Plan EIR, and assuming a "moderate" number of comments received on the EIR, the General Plan and General Plan EIR will be in hearing at the Planning Commission in late November/early December 2015, with City Council hearings for consideration and adoption of the General Plan and EIR in late December 2015/early January 2016.

Staff Request for Direction from City Council: Staff is requesting that Council provide direction concerning recirculation of the updated Draft General Plan EIR, and direct staff as to whether whether the GPDEIR should be recirculated for a 45 day period (State law allows a jurisdiction to request from the State a shorter 30 review period in certain circumstances, including recirculation).

Correspondence Received from the Public Concerning General Plan:
Staff received recently correspondence from one party, "Citizens Voice St Helena", concerning the September 8, 2015 General Plan Workshop. A copy of this letter is attached to the staff report (see Attachment 1).

The attached letter from an attorney representing "Citizens Voice St Helena" proposes a number of changes/additions to General Plan policies that regulate wineries. Currently commercial wineries (as distinguished from "small" wineries) are allowed as a permitted use in the City's "Winery" Zoning District, and through a use permit process in the Service Commercial and Industrial Zoning Districts, irrespective of lot size. Based on preliminary review by staff, the changes to the General Plan language suggested by "Citizens Voice St Helena" appear to limit locating a winery in the City to only sites 20 acres or more in size irrespective of land use designation. In the case of a "small" winery, the site would have to be at least 5 acres in size. As a point of comparison, the existing Davies winery property located on Hwy 29 just north of Grayson, is approximately 2 acres in area, which is obviously much less than the 20 acre threshold.

The proposed wording also addresses what are termed as accessory uses, and proposes that such accessory uses may be considered with a winery on a case by case basis depending on the impact the accessory uses may have on surrounding uses and City services. In reviewing the list of accessory uses, an argument could be made that at least some of those uses/activities listed are integral to the winery operation itself, such as employee parking, storage tanks scales, as without them the winery could not be approved (ie employee parking) or the winery could not efficiently function (storage, repair facilities). In other words, a number of the activities listed as "accessory" appear to be inherently part of a typical winery operation, and prohibiting the "accessory" activity from occurring could prevent the winery from operating.

Staff Request for Direction from City Council: Staff requests Council provide direction concerning the changes to General Plan policies proposed by "Citizen's Voice St Helena". Staff suggests that if Council desires to follow up on the wording changes proposed, that the issue could be handled in the context of the follow up zoning changes, with Council proposing a new General Plan Policy, such as, *"Consider limiting*

commercial wineries to a specific minimum parcel size, such as 20 acres (or a lower or higher numerical limit) as well as determine and regulate appropriate accessory uses, and that these issue be fully analyzed and addressed as part of the General Plan related Zoning Ordinance update process, as there are currently no such numerical lot size limits in the zoning, other than the minimum parcel size for a property in a given zoning designation."

This approach would allow time for the necessary research work to be done by staff concerning existing wineries in the City, determine their parcel size, explore wine industry standards, compare how other jurisdictions regulate wineries etc, as well as investigate the question of accessory uses as to what are "integral" and what are "accessory", and how such uses should be regulated.

FISCAL IMPACTS:

There are no fiscal impacts to the City of holding the General Plan Workshop, other than the staff time involved.

OPTIONS:

City Council's option is to hold the General Plan workshop as scheduled. A continuance or delay would impact the General Plan schedule by the length of the continuance/delay.

Alternately, Council may decide to provide direction on only some of the issues addressed in the staff report at the September 8, 2015 Workshop, and defer providing direction on the remaining issues until such time as the General Plan and accompanying EIR are before the City Council for formal action later this year.

Attachments:

A. Copy of August 21, 2015 letter from "Citizens Voice St Helena" concerning locating winery uses in the City.

Enclosed September 8, 2015 version of General Plan

Attachment A

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August 21, 2015

CITY OF ST [illegible]
AUG 28 2015
OFFICE OF CITY CLERK

Via E-Mail and U.S. Mail

Members of the St. Helena City Council
and Planning Commission
City of St. Helena
1480 Main Street
St. Helena, California 94574

Re: St. Helena General Plan Update: Winery Issues

Dear Members of the City Council and Planning Commission:

This firm represents Citizens Voice St. Helena and submits these comments on its behalf. Citizens Voice has reviewed the draft General Plan currently under review by the City. Citizens Voice reserves the right to submit additional comments on the draft and to submit comments on the City's environmental review of the draft General Plan at a later date.

However, Citizens Voice would like to highlight its concern over proposed amendments that would allow more winery development without adequate protection for the small town character of the City. In particular, Citizens Voice objects to the addition of LU 5.6 which provides:

> Permit wineries and other agricultural related industry to locate in the city if their location does not adversely impact surrounding uses or city services (water, traffic, etc.) or the quality and character of the community. 2015 General Plan Update at 2-42.

This language would override current provisions in the General Plan and Zoning Ordinance that limit where wineries can be located. Moreover, the vague language concerning adverse impacts does not provide sufficient standards to ensure protection of "the quality and character of the community."

Although Citizens Voice supports vineyards and wineries, any accessory uses associated with these should be limited. The City's zoning code currently recognizes two types of wineries—small wineries that are accessory to a primary residence and large wineries that can have a greater range of uses, but must be located on parcels greater than 20 acres to ensure that impacts to the surrounding community can be mitigated. *See* St. Helena Municipal Code §§ 17.24 and 17.180. The General Plan should be revised to clarify that permitted wineries must meet one of these two definitions.

To that end, Citizens Voice suggests that the above-referenced language be modified as follows:

> Permit wineries ~~and other agricultural related industry~~ to locate in the city if they meet the definition of a winery or a small winery. Accessory uses, such as picnic areas, tasting rooms, winery offices, equipment maintenance shops, employees eating facilities; cooperage repair shops, wine storage tanks, scales, employee parking, winery waste treatment and/or disposal facilities may be permitted at a winery if ~~their~~ they ~~location does~~ do not adversely impact surrounding uses or city services (water, traffic, etc.) or the quality and character of the community.

We also request that the following language be inserted in the Land Use Element of the 2015 General Plan as a new implementing policy LU5.F:

> Amend the zoning ordinance to provide that a winery shall be sited on a parcel of twenty acres or greater in size, unless it meets the definition of a "small winery." A "winery" is defined as an agricultural processing facility used for the fermenting and processing of grape juice into wine, and the refermenting of still wine into sparkling wine. A "small winery" is defined as a winery on a parcel of five acres or greater in size where the winery is an accessory use to a residential use. The residential use shall be the primary residence of the winery owner or winery operator.

These definitions would clarify the City's definition of a winery or small winery, and would protect the small town quality and character of St. Helena. Please do not

hesitate to contact me if you have any questions or if I can provide any additional details about Citizens Voice's concerns.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Ellison Folk

cc: Susan Kenward
Geoff Ellsworth

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