



City of St. Helena Regular City Council

Meeting

Tuesday, October 25, 2016 @ 6:00 PM
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 do so, but please observe the time limit of three minutes.

Page

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
Mayor: Alan Galbraith
Vice Mayor: Peter White
City Council: Sharon Crull
Paul Dohring
Greg Pitts
4. 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.
5. 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.
6. PRESENTATIONS AND PUBLIC RECOGNITIONS
 - 6.1. Proclamation - Recognizing October as Breast Cancer Awareness Month presented to City of St. Helena 9 - 10
[6.1](#)
7. STAFF BRIEFING
 - 7.1. Council, Commission and Committees Agenda format and navigating the City website by Cindy Black, City Clerk 11 - 18
[7.1](#)

8. 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)

- 8.1. Consideration and proposed approval of minutes from: 19 - 22
1. Special Measure D Workshop minutes October 1, 2016
 2. Special Measure D Workshop minutes October 12, 2016
 3. Special Measure D Workshop minutes October 13, 2016

CEQA Determination: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Recommendation: Approve

[8.1](#)

- 8.2. Consideration and proposed approval of a resolution authorizing the transfer of ownership of the Fire Department's 1941 White Van Pelt Fire Engine to the St. Helena Volunteer Fire Department's Association 23 - 26

CEQA Determination: Not a CEQA project

Prepared By: Allison Mattioli, Management Analyst

John Sorensen, Fire Chief

Recommendation: Approve

[8.2](#)

- 8.3. Consideration and proposed approval of a resolution reappointing Brian Cramer to the Napa County Mosquito Abatement District for a 4 year term expiring December 31, 2021 27 - 30

CEQA Determination: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Recommendation: Adopt

[8.3](#)

- 8.4. Consideration and proposed approval of resolutions: 31 - 36
- a. Resolution authorizing the City Manager to accept \$3,666.25 in grant funds from the Bulletproof Vest Partnership Program and approving necessary budget adjustments to revenues and expenses of \$3,666.25
 - b. Resolution authorizing an expense budget adjustment of \$6,334 in the Asset Forfeiture Fund. Asset Forfeiture Funds will be used for the required 50% cash match of \$3,666.25 and supplemental expenditures of \$2,667.75, totaling \$6,334

CEQA Determination: Not a CEQA project

Prepared By: Tracey Perkosky, Grants & Finance Manager

Recommendation: Adopt

[8.4](#)

- 8.5. Consideration and proposed approval of a resolution to duly adopt the amended pay schedules for FY 2014-2015 and FY 2016-2017 to include the Public Works Supervisor – Parks & Government Buildings 37 - 52

Position

CEQA Determination: Not a CEQA project

Prepared By: Mandy Kellogg, Administrative Services Manager

Recommendation: Adopt

[8.5](#)

- 8.6. Consideration and proposed approval of a resolution setting a hearing to approve the annexation of territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 129 (1357 El Bonita Avenue, St Helena, CA. APN. 009-431-003) 53 - 60

CEQA Determination: Categorically Exempt, CEQA Guidelines Section 15319,

Annexations of Existing Facilities and Lots for Exempt Facilities, and Section 15061, No Possibility of Significant Effect on the Environment

Prepared By: Christina Cook, Public Works Administrative Assistant

Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Adopt

[8.6](#)

- 8.7. Consideration and proposed approval of resolutions to correct an administrative error related to sewer annexation: 61 - 66
- a. Resolution rescinding Resolution No. 2015-78 to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia Street, St Helena, CA. APN. 009-431-001 adopted on June 14, 2016
 - b. Resolution to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia Street, St Helena, CA. APN. 009-431-001

CEQA Determination: Not a CEQA project.

Prepared By: Christina Cook, Public Works Administrative Assistant

Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Adopt

[8.7](#)

- 8.8. Second Reading and proposed Adoption of Ordinance to Amend Chapter 13.32 Stormwater and Runoff Pollution Control of the St Helena Municipal Code to fulfill provisions E.6.A of the State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ, NPDES General permit No. CAS000004 67 - 74

CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 7 Categorical Exemption under Section 15307 as an action taken for protection of natural resources. In addition, this action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15308 as it is an action taken to protect the environment

Prepared By: Tobias Barr, Public Works Project Manager

Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Hold second reading, adopt by title only and waive further reading

[8.8](#)

- 8.9. Update of Pacific Gas & Electric's LED Street Lighting Program, Replacing Pacific Gas & Electric Owned High Pressure Sodium Vapor Streetlights with LED Streetlights 75 - 76

CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 1 Categorical Exemption under Section 15301

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

Recommendation: Information only

[8.9.v2](#)

- 8.10. Consideration and Proposed Adoption of a Resolution Finding an Exemption from CEQA for the 2016 Pavement Overlay Project; Approving and Adopting the Project Manual; and Authorizing the Bid Request for 2016 Pavement Overlay Project 77 - 82

CEQA Determination: Categorically Exempt Section 15301, Existing Facilities Class I

Prepared By: Erica Smithies, PE, Assistant Director of Public Works
Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Adopt

[8.10](#)

9.

PUBLIC HEARING

- 9.1. Introduce the first reading and read by title only, an Ordinance to Amend Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and 17.112.140 Water Efficient Landscaping 83 - 211

CEQA Determination: This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.

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

Jennifer Tuell, Water Conservation Coordinator

Recommendation: Conduct first reading, introduce by title only and waive further reading

[9.1](#)

[9.1Muni Code Amendments 10.25.16](#)

- 9.2. Consideration and proposed approval of a resolution to increase the Short-term Rental Permit Application and Renewal Fee from \$1,075 to \$2,250 to cover staff review costs 213 - 226

CEQA Determination: Not a CEQA project
Prepared By: Aaron Hecock, Senior Planner
Reviewed By: Noah Housh, Planning and Community Improvement Director
Recommendation: Adopt

[9.2](#)

- 9.3. Introduce the first reading by title only, an Ordinance to Amend Section 8.24.010 C. 2. of the St Helena Municipal Code (Noise Ordinance), to allow construction activities on Sundays and Holidays for owner-built, “self-help” affordable housing projects only 227 - 241

CEQA Determination: This project is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) under the “General Rule” given that City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3)

Prepared By: Noah Housh, Planning and Community Improvement Director

Recommendation: Conduct first reading, introduce by title only and waive further reading

[9.3](#)

[9.3. Public Health & Safety Code](#)

10. NEW BUSINESS

- 10.1. Consider request from Calistoga Affordable Housing for an additional \$140,000 from the Affordable Housing Trust Fund and authorization to begin drawdown or previous funds committed for permitting costs and fees 243 - 256

CEQA Determination: This item is exempt from CEQA pursuant to Guidelines Sections 15061(b)(1), 15061(b)(2), and specifically, the “General Rule” Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment.

Prepared By: Jennifer Phillips, City Manager

Recommendation: Approve

[10.1](#)

- 10.2. Provide Direction on Potential Leak Adjustment Policy for Water Customers 257 - 269

CEQA Determination: Not a CEQA project

Prepared By: Tracey Perkosky, Grants and Finance Manager
Jenn Weeks, Accounting Technician I

Recommendation: Provide direction

[10.2](#)

[10.2. Leak Adjustment Power Point](#)

- 10.3. Fiscal Year 2016/17 1st Quarter Finance Report 271 - 280

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation: Receive and file

[10.3](#)

11. ADJOURNMENT

The next Regular City Council meeting is scheduled for November 29, 2016 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 October 21, 2016.



Cindy Black, City Clerk

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 967-2792. Notification 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act will enable the City to make reasonable arrangements to ensure accessibility to this meeting

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 <https://sthelena.civicweb.net> and will be available for public review at the respective meeting.

CITY OF ST. HELENA PROCLAMATION

Recognizing October as Breast Cancer Awareness Month

WHEREAS, breast cancer is the second most commonly diagnosed form of cancer for women in the United States, expected to be detected in 232,670 American Women in 2014; and

WHEREAS, although men are not as susceptible to developing this form of cancer as women, 2,360 men are expected to be diagnosed with breast cancer this year. While survival rates for men and women with breast cancer are similar at parallel stages, men report symptoms less frequently, and are therefore at a greater risk of developing an advanced case of breast cancer before detection; and

WHEREAS, death rates from breast cancer have been declining, and this change is believed to be the result of earlier detection and improved treatment; and

WHEREAS, mammography, an "x-ray of the breast": is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt; and

WHEREAS, researchers, scientists, numerous nonprofit organizations, and breast cancer survivors are dedicated to discovering the cure for breast cancer. During the month of October, we acknowledge the extraordinary commitment and effort invested in this cause, and support those who are working towards a cure; and

WHEREAS, we recognize the breast cancer survivors among us and honor their faith and courage. Over two and a half million American breast cancer survivors today give us hope of a better future for those affected by breast cancer.

Now, therefore, be it resolved, that I, Alan Galbraith, Mayor of the City of St. Helena, do hereby proclaim **October 2016 as Breast Cancer Awareness Month** and encourage all Americans to learn the facts about breast cancer, invest in a healthy future by exercising regularly, maintaining a healthy diet and obtain regular breast cancer screenings.

Dated: October 11, 2016

Alan Galbraith, Mayor
City of St. Helena

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Council, Commission and Committees Agenda format and navigating the City website

By: Cindy Black, City Clerk

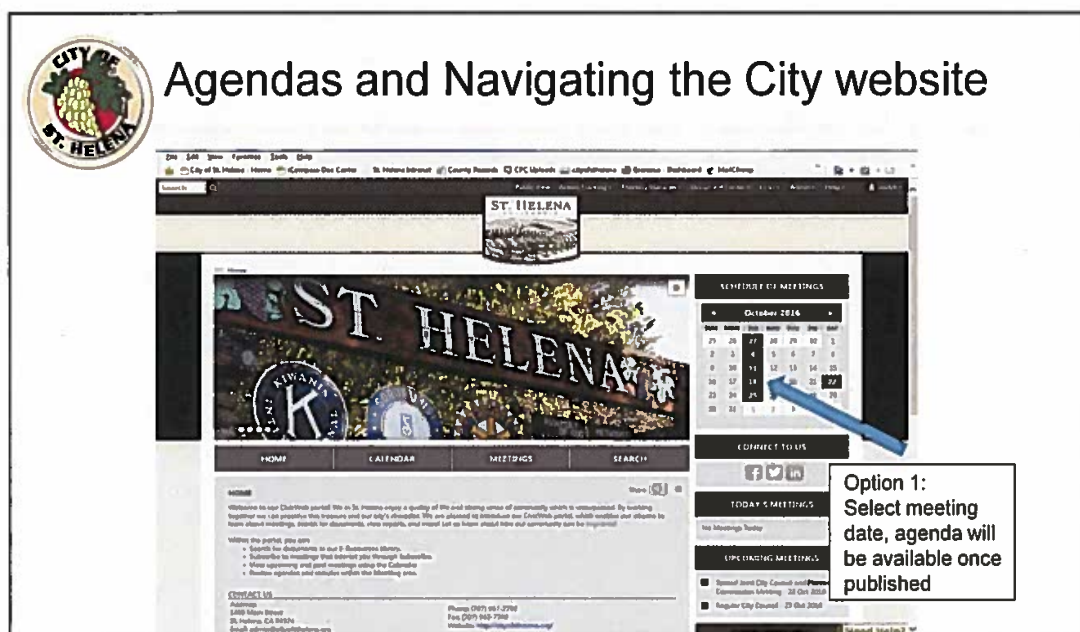
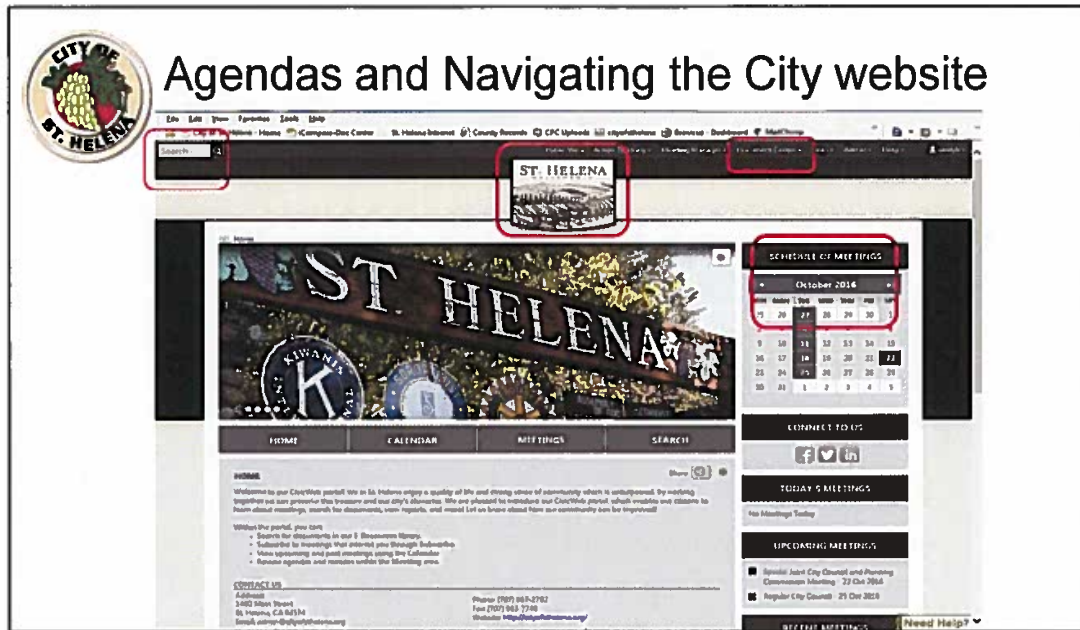
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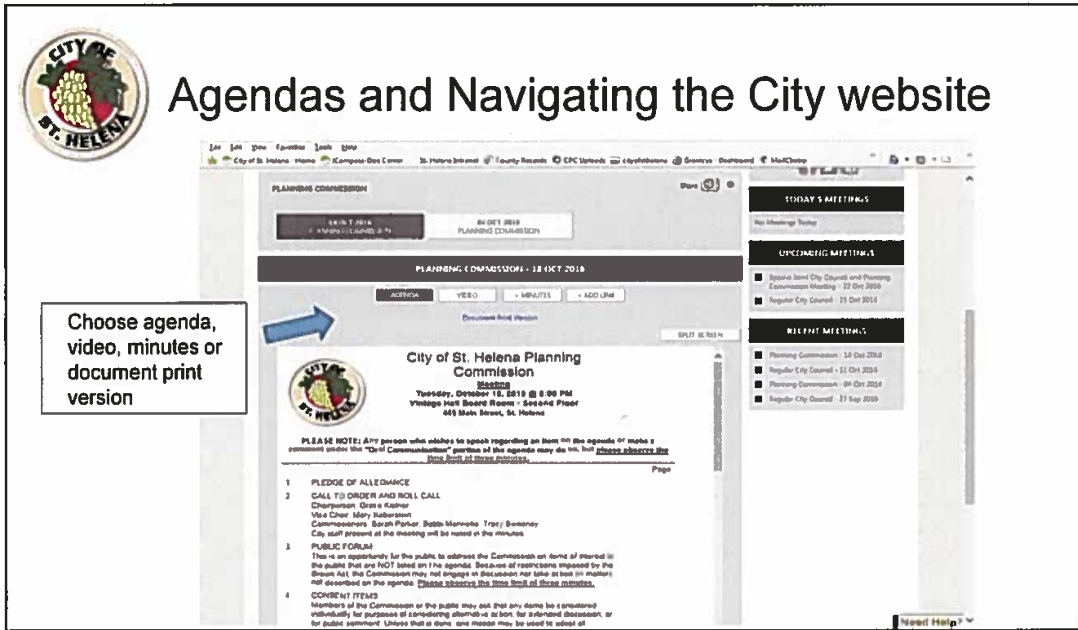
October 25, 2016 City Council Meeting



Agendas and Navigating the City website







Agendas and Navigating the City website

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City of St. Helena Planning Commission
Tuesday, October 18, 2016 @ 6:00 PM
Vintage Joint Board Room - Second Floor
405 Main Street, St. Helena

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

1. PLEDGE OF ALLEGIANCE
2. CALL TO ORDER AND ROLL CALL
Chairperson: Steve K. Kuhn
Vice Chair: Mary Subersant
Commissioners: Sarah Parker, Bobbi Murawski, Tracy Bonenwey
City staff present at this meeting will be noted in the minutes.
3. PUBLIC FORUM
This is an opportunity for the public to address the Commission on items of interest to the public that are NOT listed on the agenda. Because of restrictions imposed by the Brown Act, the Commission may not engage in discussion nor take action on matters not described on the agenda. Please observe the time limit of three minutes.
4. CONSENT ITEMS
Members of the Commission or the public may ask that any items be considered individually, for purposes of considering alternative action, for informed discussion, or for public comment. Unless that is done, and motion may be used to adopt all



Agendas and Navigating the City website

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ST. HELENA

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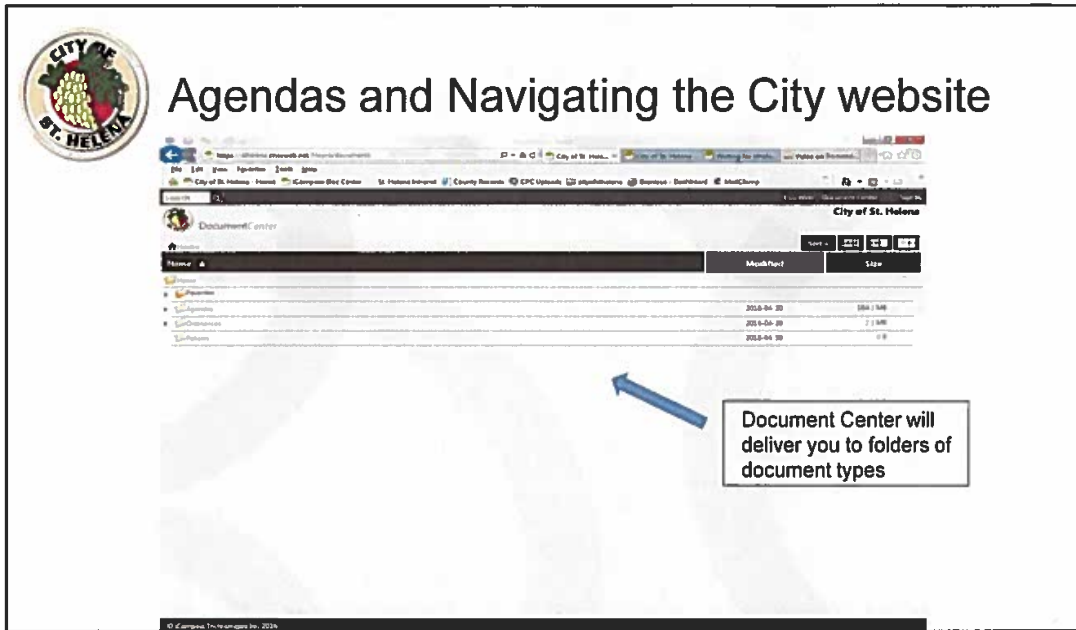
WELCOME
Welcome to our CityWeb portal. We at St. Helena enjoy a quality of life and strong sense of community which is nurtured by working together to care for the town and our city's direction. We are proud to introduce our CityWeb portal which enables and empowers to learn about meetings, events for businesses, news reports, and much, all in one central place for the community.

Within the portal, you can:

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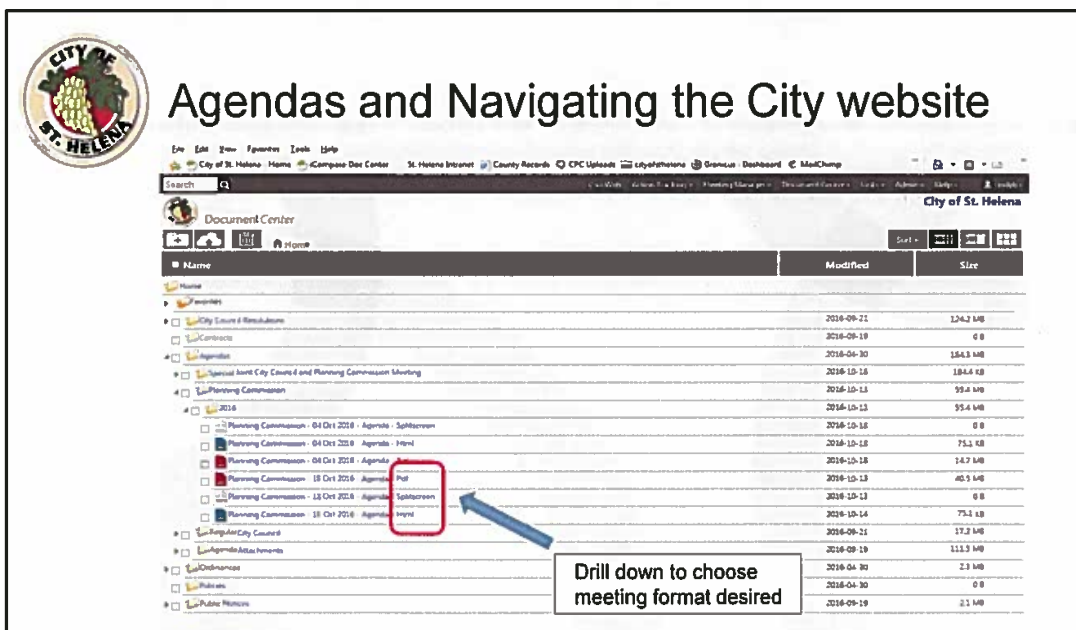
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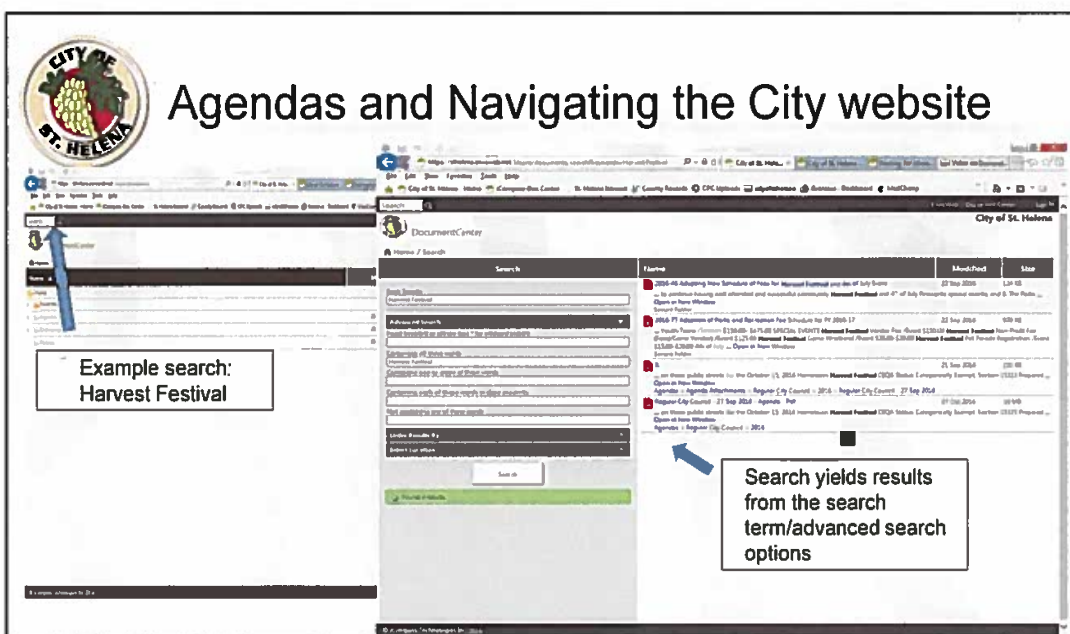
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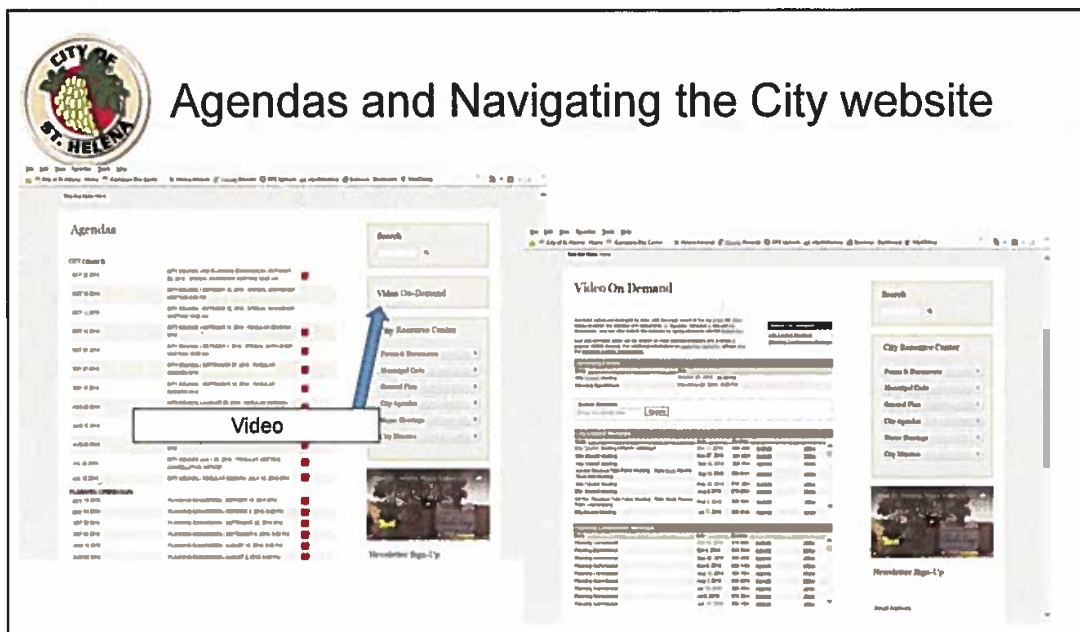


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Agendas and Navigating the City website

- The City Clerk is in the beginning implementation phase and will be updating the City Council at a later date.

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Minutes
St. Helena City Council Special Meeting
October 1, 2016

10:00 AM Special Meeting
St. Helena Fire House
1500 Main Street, St. Helena

1. Roll Call

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

2. State of the City and Measure D

City Manager Jennifer Phillips provided the state of the City.

Mayor Galbraith provided educational facts of Measure D.

3. Public Discussion

Public discussion ensued regarding the provided information.

4. Adjournment

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Minutes
St. Helena City Council Special Meeting
October 12, 2016

10:00 A.M. SPECIAL WORKSHOP MEETING
St. Helena Library
1492 Library Lane, St. Helena

1. Roll Call

Present: Councilmembers Crull, Dohring, Pitts and Mayor Galbraith

Absent: Councilmember White

2. State of the City and Measure D

City Manager Jennifer Phillips provided the state of the City.

Mayor Galbraith provided educational facts of Measure D.

3. Public Discussion

Public discussion ensued regarding the provided information.

4. Adjournment

Mayor Galbraith adjourned the meeting at 11:15 a.m.

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Minutes
St. Helena City Council Special Meeting
October 13, 2016

6:00 PM Special Workshop Meeting
City Hall Conference Room
1480 Main Street, St. Helena

The meeting was cancelled due to no public in attendance.

1. Roll Call
2. State of the City and Measure D
3. Public Discussion
4. Adjournment

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

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Item No: 8.2

Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution authorizing the transfer of ownership of the Fire Department's 1941 White Van Pelt Fire Engine to the St. Helena Volunteer Fire Department's Association

CEQA Determination: Not a project

Prepared By: Allison Mattioli, Management Analyst

John Sorensen, Fire Chief

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The 1941 White Van Pelt Fire Engine was purchased in 1941 by the City of St. Helena, and was used for fire suppression until 1985, at which time it was replaced by a new apparatus.

The Engine was sold at public auction to St. Helena's Harvest Inn Hotel, where it was used for private fire protection for three years. Following the three-year period, the Harvest Inn donated the Engine to the St. Helena Volunteer Fire Department's Association. The City of St. Helena assumed the insurance for the Engine.

In 1999 the St. Helena Volunteer Fire Department's Association undertook a two-year, ground-up restoration of the apparatus, including the \$45,000 restoration cost. Today the Engine is used for events such as the City's annual Open House, and the Association's fundraising events, such as the Calistoga Tractor Parade.

DISCUSSION

It was recently discovered that though the Engine was donated by the Inn to the Association, the City is the current legal owner of the apparatus. As the St. Helena Volunteer Fire Department's Association was the intended recipient of the Harvest Inn's donation, and has maintained and funded the restoration of the Engine, staff recommends the transfer of the Engine's title to the Association. The Association has agreed to obtain insurance and assume the legal and financial responsibility of the apparatus.

FISCAL IMPACT

The transfer of the title to the Fire Department's Association is financially beneficial to the City of St. Helena. Currently, the City is responsible for the insurance coverage and legal liability should an incident or accident occur. With the transfer of the title, the insurance and liability would be the responsibility of the St. Helena Fire Department's Association, relieving the City of the primary legal and financial burden of ownership.

RECOMMENDED ACTION

Approve.

ATTACHMENTS

A. Resolution

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA
AUTHORIZING THE TRANSFER OF OWNERSHIP OF THE FIRE DEPARTMENT'S
1941 WHITE VAN PELT FIRE ENGINE TO THE ST. HELENA VOLUNTEER FIRE
DEPARTMENT'S ASSOCIATION**

RECITALS

- A. The City of St. Helena owns the Fire Department's 1941 White Van Pelt Fire Engine; and
- B. The City of St. Helena wishes to transfer ownership of the Engine to the St. Helena Volunteer Fire Department's Association; and
- C. The St. Helena Volunteer Fire Department's Association wishes to assume ownership of the Engine.

RESOLUTION

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

- 1. The City Council approves the transfer of ownership of the Fire Department's 1941 White Van Pelt Fire Engine to the St. Helena Volunteer Fire Department's Association.

Approved at a Regular Meeting of the St. Helena City Council on October 25, 2016 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: 8.3

Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution reappointing Brian Cramer to the Napa County Mosquito Abatement District for a 4 year term expiring December 31, 2021

CEQA Determination: Not a CEQA Project

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

BACKGROUND

Napa County Mosquito Abatement District is governed by a Board of Trustees consisting of six members. One trustee is appointed by the city council for each of the five incorporated cities within the District and the Napa County Board of Supervisors appoints one trustee representing the County-at-large. Using best management practices its goal is to minimize environmental impact through monitoring and timely, effective applications of the safest materials and techniques.

The City Council appointed Brian Cramer to the Napa County Mosquito Abatement District on July 14, 2015 to fill a vacant term.

DISCUSSION

Brian Cramer's term expires on December 31, 2016.

Napa County Mosquito Abatement District Manager Wes Maffei has requested the City Council consider reappointing Brian Cramer to represent St. Helena for a four year term. Correspondence was provided by Mr. Maffei requesting the reappointment and noting Mr. Cramer's attendance and active participation has been exceptional to the Board of Trustees.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDED ACTION

Staff recommends the reappointment of Brian Cramer to the Napa County Mosquito Abatement District for an additional term.

ATTACHMENTS

Attachment 1 - Resolution Reappointing Brian Cramer to the Napa County Mosquito Abatement District

Attachment 2 – Correspondence from Napa County Mosquito Abatement District Manager Wes Maffei

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**Reappointing Brian Cramer to the Napa County Mosquito Abatement District
for a four year term expiring on December 31, 2021**

RECITALS

- A. Napa County Mosquito Abatement District is governed by a Board of Trustees consisting of six members. One trustee is appointed by the city council for each of the five incorporated cities within the District and the Napa County Board of Supervisors appoints one trustee representing the County-at-large.
- B. The City Council appointed Brian Cramer to the Napa County Mosquito Abatement District on July 14, 2015 to fill a vacant term.
- C. Napa County Mosquito Abatement District requested the City Council consider reappointing Brian Cramer to represent St. Helena for a four year term.

RESOLUTION

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

- 1. The Mayor hereby reappoints Brian Cramer as the St. Helena representative to the Napa County Mosquito Abatement District to a term expiring on December 31, 2021.

Approved at a Regular Meeting of the St. Helena City Council on October 25, 2016, by the following vote:

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Napa County Mosquito Abatement District

P.O. Box 10053, American Canyon, CA 94503

WESLEY A. MAFFEI
Manager

Phone (707) 553-9610
Fax (707) 553-9611
www.napamosquito.org

October 6, 2016

Ms. Jennifer Phillips, City Manager
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Dear Ms. Phillips:

Mr. Brian Cramer's term of office as representative for Napa County on the Napa County Mosquito Abatement District Board of Trustees will be expiring on December 31, 2016.

Mr. Cramer's business connections, innovative ideas, and fiscal acumen have been a valuable addition and asset to the District. His attendance and active participation at Board meetings has also been exceptional.

I would like to ask that Mr. Cramer be re-appointed to serve as your representative to the Napa County Mosquito Abatement District Board of Trustees for a four-year term starting January 1, 2017. Please be advised that appointed trustees serve without compensation (Health and Safety Code §2030(a)).

I would appreciate a response from you as to the action taken by the City Council by December 12, 2016.

Thank you for your cooperation on this matter.

Sincerely,



Wesley A. Maffei
Manager

cc: Brian Cramer

BOARD OF TRUSTEES

SHELBY VALENTINE
Calistoga
President

FRANK CABRAL
County of Napa
Acting President

PENELOPE JOHNSON
American Canyon
Secretary

CHARLES CARBONE
Napa
Acting Secretary

STEVEN ROSA
Town of Yountville

BRIAN CRAMER
St. Helena



Item No: 8.4

Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of:

- a. Resolution authorizing the City Manager to accept \$3,666.25 in grant funds from the Bulletproof Vest Partnership Program and approving necessary budget adjustments to revenues and expenses of \$3,666.25
- b. Resolution authorizing an expense budget adjustment of \$6,334 in the Asset Forfeiture Fund. Asset Forfeiture Funds will be used for the required 50% cash match of \$3,666.25 and supplemental expenditures of \$2,667.75, totaling \$6,334

CEQA Determination: Not a CEQA project

Prepared By: Tracey Perkosky, Grants & Finance Manager

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On May 24, 2016, the City Council approved Resolution 2016-61 authorizing the purchase of twelve new ballistic body armor vests using Asset Forfeiture Funds not to exceed \$12,000. Funds authorized were to cover a portion of the cost of 12 vests, vest covers and vest accessories. It was anticipated the remaining balance for the cost to purchase vests would be funded by the U.S. Department of Homeland Security's Bulletproof Vest Partnership Grant, which had been applied for as referenced in the May 24, 2016 staff report.

The grant award notification was anticipated in Fiscal Year (FY) 2015-16, however the award was announced in September 2016. Since the award was delayed, a purchase order could not be issued in FY 15-16. Without an approved purchase order, the budgeted Asset Forfeiture Funds could not be rolled over into the current FY for use to purchase vests.

DISCUSSION

After the notification of the grant award, staff sought more detailed pricing information from various vendors and also determined which items were necessary for the Police Department. The original projection of \$15,000 was reduced to \$10,000. The proposed

Item No: 8.4

vendor, ProForce Law Enforcement, has been checked through the System for Award Management and is not debarred or otherwise ineligible for federal expenditures.

Total costs to fully outfit all 12 sworn members of the Police Department is \$10,000.25 - \$7,332.50 for vests and \$2,667.75 for outfitting. The Bulletproof Vest Partnership Grant will cover the costs of vests and requires a non-Federal cash match of 50%, which would be \$3,666.25. The 50% match for the vests of \$3,666.25 and outfitting costs of \$2,667.75 would be paid for using Asset Forfeiture Funds. The procurement of ballistic body armor is an eligible use of Asset Forfeiture Funds. The total impact to the City's Asset Forfeiture Fund account would be \$6,334.

FISCAL IMPACT

The fiscal impact of the first resolution allows the City to expend \$3,666.25 in federal grant funds. A fund will be established for this grant, and all future Department of Homeland Security grants. A budget revenue and expense increase of \$3,666.25 is required for this fund.

The fiscal impact of the second resolution authorizes the required match and additional funds necessary for outfitting all 12 sworn members of the Police Department, totaling \$6,334. This resolution authorizes a budget increase for FY 2016/17 to Fund 279 of \$6,334. The available balance in Fund 279 is approximately \$55,000.

RECOMMENDED ACTION

Staff recommends the City Council:

1. Adopt the resolution authorizing the City Manager to accept the Bulletproof Vest Partnership Grant in the amount of \$3,666.25 and approving the necessary budget adjustments for revenues and expenses.
2. Adopt the resolution authorizing the budget adjustment of \$6,334 in Asset Forfeiture Funds in 279-4900-2215.

ATTACHMENTS

1. Resolution No. 2016-____ authorizing the City Manager to accept the Bulletproof Vest Partnership Grant in the amount of \$3,666.25 and approving the necessary budget adjustments for revenues and expenses
2. Resolution No. 2016-____ authorizing a budget adjustment of \$6,334 in Asset Forfeiture Funds

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Resolution Authorizing the City Manager to Accept the
Bulletproof Vest Partnership Grant for Fiscal Year 2016
in the Amount of \$3,666.25 and Approve Necessary
Budget Adjustments to Revenues and Expenses**

RECITALS

- A. The City of St. Helena has applied for a grant with the U.S. Department of Homeland Security's Bulletproof Vest Partnership Program (FY 2016) for the purchase of ballistic body armor; and
- B. The City of St. Helena was awarded \$3,666.25 which must be matched by \$3,666.25 in non-Federal funds; and
- C. Grant funds are available on a reimbursement basis until August 31, 2017.

RESOLUTION

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

- 1. Approves the City Manager to accept this grant award in the amount of \$3,666.25 from the Bulletproof Vest Partnership Program.
- 2. Approves the necessary revenue and expense budget adjustments to the Department of Homeland Security Fund.

Approved at a Regular Meeting of the St. Helena City Council on October 25, 2016, by the following vote:

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

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**Resolution Authorizing Budget Adjustment in the
Amount of \$6,334 to Asset Forfeiture 279-4900-2215 for
Ballistic Body Armor**

RECITALS

- A. The City of St. Helena recently was awarded a Bulletproof Vest Partnership Grant which requires a 50% non-federal cash match of the total grant project costs; and
- B. The procurement of ballistic body armor is an eligible expenditure of Asset Forfeiture Funds; and
- C. There is sufficient fund balance in the Asset Forfeiture Fund for the cash match and additional funds needed to complete the outfitting of the 12 sworn officers of the St. Helena Police Department, totaling \$6,334; and
- D. This was an unanticipated expense due to the timing and possible award amount from the Bulletproof Vest Partnership Program and was not included in the FY 16-17 Operating Budget.

RESOLUTION

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

- 1. Approves the budget adjustment of \$6,334 for Asset Forfeiture 279-4900-2215.

Approved at a Regular Meeting of the St. Helena City Council on October 25, 2016, by the following vote:

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

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk



**Report to the City Council
Council Meeting of October 25, 2016**

Item No: 8.5

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution to duly adopt the amended pay schedules for FY 2014-2015 and FY 2016-2017 to include the Public Works Supervisor – Parks & Government Buildings Position

CEQA Determination: Not a CEQA project

Prepared By: Mandy Kellogg, Administrative Services Manager

Approved By: Jennifer Phillips, City Manager

BACKGROUND

CalPERS conducts an audit of each newly retired member's reported compensation to verify and calculate the retirement benefit. As part of the audit CalPERS will select reported payroll for the retiree from multiple periods and request an explanation and copies of the salary schedules for the pay rates in the requested payroll periods. The pay rates in the selected payroll periods must match the salary schedule.

California Public Employees Retirement Law, Section 570.5: Requirement for a Publicly Available Pay Schedule, states that the pay schedule must be duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meeting laws; identifies the position title for every employee position; shows the pay rate for each identified position; indicates the time base for the pay rate; is posted at the office of the employer or immediately accessible and available for public review; indicates the effective date and date of any revisions; is retained by the employer and available for public inspections for not less than five years; and does not reference another document in lieu of disclosing the pay rate.

DISCUSSION

On November 25, 2014 a promotion was authorized for the Public Works Supervisor – Parks to Public Works Supervisor – Parks & Government Buildings for taking on additional duties specific to Government Buildings. The FY 2014-2015 salary schedule was not updated and brought to City Council to include the new position. The FY 2015-2016 included the new position, however when it was modified on December 17, 2015 the position was omitted. This omission was carried forward in the 2016-2017 salary schedule. In order for the salary increase that was granted on November 25, 2014 to be included in the calculation for the retirement benefit the FY 2014-2015 and FY 2016-2017 salary schedules must be amended to include the position of Public Works Supervisor – Park & Government Buildings and be duly adopted by the City Council.

FISCAL IMPACT

There is no net impact to the City.

RECOMMENDED ACTION

Staff recommends the City Council adopt the resolution and duly adopt the amended pay schedules.

ATTACHMENTS

1. Resolution 2016-
2. California Public Employees Retirement Law 570.5
3. Amended FY 2014-2015 Salary Schedule
4. Amended FY 2016-2017 Salary Schedule

CITY OF ST. HELENA

RESOLUTION No. 2016-

Resolution Authorizing amendment to the FY 2014-2015 and FY 2016-2017 pay schedules to include the Public Works Supervisor – Parks & Government Buildings Position and duly adopt the amended pay schedules

RECITALS

- A. On November 25, 2014 a promotion was authorized for the Public Works Supervisor – Parks to Public Works Supervisor – Parks & Government Buildings for taking on additional duties specific to Government Buildings; and
- B. The FY 2014-2015 salary schedule was not updated and brought to City Council to include the new position, and
- C. The FY 2016-2017 did not include the position due to an omission of the position in a previous version; and
- D. Per California Public Employees Retirement Law, Section 570.5, every employee position must be listed on a publicly available pay schedule that has been duly adopted by the City Council.

RESOLUTION

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

- 1. Approves the amendment to the FY 2014-2015 and FY 2016-2017 pay schedules to include the Public Works Supervisor – Parks & Government Buildings Position; and
- 2. Duly adopts and approves compensation schedule to reflect the amended pay schedules.

Approved at a Regular Meeting of the St. Helena City Council on October 25, 2016, by the following vote:

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

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

Circular Letter No. 200-056-11 Enclosure

**PUBLICLY AVAILABLE PAY SCHEDULE AND WRITTEN LABOR POLICY OR
AGREEMENT REGULATIONS**

California Code of Regulations, title 2, §§ 570.5 and 571

Title 2. Administration
Division 1. Administrative Personnel
Chapter 2. Board of Administration of Public Employees' Retirement System
Subchapter 1. Employees' Retirement System Regulations
Article 4. Contracts

ADD 2 CCR § 570.5

§ 570.5. Requirement for a Publicly Available Pay Schedule.

(a) For purposes of determining the amount of "compensation earnable" pursuant to Government Code Sections 20630, 20636, and 20636.1, payrate shall be limited to the amount listed on a pay schedule that meets all of the following requirements:

- (1) Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
- (2) Identifies the position title for every employee position;
- (3) Shows the payrate for each identified position, which may be stated as a single amount or as multiple amounts within a range;
- (4) Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;
- (5) Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
- (6) Indicates an effective date and date of any revisions;
- (7) Is retained by the employer and available for public inspection for not less than five years; and
- (8) Does not reference another document in lieu of disclosing the payrate.

(b) Whenever an employer fails to meet the requirements of subdivision (a) above, the Board, in its sole discretion, may determine an amount that will be considered to be payrate, taking into consideration all information it deems relevant including, but not limited to, the following:

- (1) Documents approved by the employer's governing body in accordance with requirements of public meetings laws and maintained by the employer;
- (2) Last payrate listed on a pay schedule that conforms to the requirements of subdivision (a) with the same employer for the position at issue;
- (3) Last payrate for the member that is listed on a pay schedule that conforms with the requirements of subdivision (a) with the same employer for a different position;
- (4) Last payrate for the member in a position that was held by the member and that is listed on a pay schedule that conforms with the requirements of subdivision (a) of a former CalPERS employer.

NOTE: Authority cited: Sections 20120 and 20121, Government Code. Reference: Sections 20630, 20636 and 20636.1, Government Code.

AMEND §571(b)

§ 571. Definition of Special Compensation.

(a) – (No changes).

(b) The Board has determined that all items of special compensation listed in subsection (a) are:

(1) Contained in a written labor policy or agreement as defined at Government Code section 20049, provided that the document:

(A) Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;

(B) Indicates the conditions for payment of the item of special compensation, including, but not limited to, eligibility for, and amount of, the special compensation;

(C) Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;

(D) Indicates an effective date and date of any revisions;

(E) Is retained by the employer and available for public inspection for not less than five years; and

(F) Does not reference another document in lieu of disclosing the item of special compensation;

(2) Available to all members in the group or class;

(3) Part of normally required duties;

(4) Performed during normal hours of employment;

(5) Paid periodically as earned;

(6) Historically consistent with prior payments for the job classification;

(7) Not paid exclusively in the final compensation period;

(8) Not final settlement pay; and

(9) Not creating an unfunded liability over and above PERS' actuarial assumptions.

(c) – (No changes).

(d) – (No changes).

NOTE: Authority cited: Sections 20636(c)(6), 20636.1(c)(6), 20120 and 20121, Government Code; Calif. Const. Art. XVI, Section 17. Reference: Sections 20630, 20636, 20636.1 and 20691, Government Code.

Research Note: - (No changes).

**City of St. Helena
SHEA Salary Schedule
FY 2014-2015**

Position			Steps				
			A	B	C	D	E
Office Assistant (75%)	31.3	ANNUAL	37,599	39,479	41,453	43,525	45,702
Accounting Assistant I		MONTHLY	3,133	3,290	3,454	3,627	3,808
Office Assistant		PAY PERIOD	1,566.62	1,644.95	1,727.20	1,813.56	1,904.24
Library Assistant I *		HOURLY	18.076	18.980	19.929	20.926	21.972
Maintenance Worker I	32.1	ANNUAL	38,357	40,275	42,289	44,404	46,624
		MONTHLY	3,196	3,356	3,524	3,700	3,885
		PAY PERIOD	1,598.23	1,678.14	1,762.05	1,850.15	1,942.66
		HOURLY	18.441	19.363	20.331	21.348	22.415
Library Assistant II *	32.8	ANNUAL	39,034	40,986	43,035	45,187	47,446
		MONTHLY	3,253	3,415	3,586	3,766	3,954
		PAY PERIOD	1,626.41	1,707.73	1,793.12	1,882.77	1,976.91
		HOURLY	18.766	19.705	20.690	21.724	22.811
Plant Operator in Training *	33.6	ANNUAL	39,821	41,812	43,903	46,098	48,403
Maintenance Worker I-Water Dist *		MONTHLY	3,318	3,484	3,659	3,842	4,034
		PAY PERIOD	1,659.22	1,742.18	1,829.29	1,920.76	2,016.80
		HOURLY	19.145	20.102	21.107	22.163	23.271
Building Permit Technician I *	36.2	ANNUAL	42,492	44,617	46,848	49,190	51,650
		MONTHLY	3,541	3,718	3,904	4,099	4,304
		PAY PERIOD	1,770.51	1,859.04	1,951.99	2,049.59	2,152.07
		HOURLY	20.429	21.450	22.523	23.649	24.832
Accounting Assistant II	37.0	ANNUAL	43,350	45,517	47,793	50,183	52,692
		MONTHLY	3,612	3,793	3,983	4,182	4,391
		PAY PERIOD	1,806.23	1,896.54	1,991.37	2,090.94	2,195.49
		HOURLY	20.841	21.883	22.977	24.126	25.333
Senior Library Assistant	37.9	ANNUAL	44,335	46,552	48,879	51,323	53,889
		MONTHLY	3,695	3,879	4,073	4,277	4,491
		PAY PERIOD	1,847.28	1,939.65	2,036.63	2,138.46	2,245.38
		HOURLY	21.315	22.381	23.500	24.675	25.908
Plant Operator I - Wastewater*	38.5	ANNUAL	45,004	47,254	49,617	52,098	54,703
Plant Operator I - Water *		MONTHLY	3,750	3,938	4,135	4,341	4,559
		PAY PERIOD	1,875.16	1,968.92	2,067.37	2,170.74	2,279.27
		HOURLY	21.637	22.718	23.854	25.047	26.299
Accounting Assistant III	39.0	ANNUAL	45,569	47,848	50,240	52,752	55,390
		MONTHLY	3,797	3,987	4,187	4,396	4,616
		PAY PERIOD	1,898.72	1,993.66	2,093.34	2,198.01	2,307.91
		HOURLY	21.908	23.004	24.154	25.362	26.630
Librarian I	39.1	ANNUAL	45,683	47,967	50,366	52,884	55,528
		MONTHLY	3,807	3,997	4,197	4,407	4,627
		PAY PERIOD	1,903.47	1,998.64	2,098.57	2,203.50	2,313.68
		HOURLY	21.963	23.061	24.214	25.425	26.696
Administrative Assistant	39.3	ANNUAL	45,912	48,208	50,618	53,149	55,806
		MONTHLY	3,826	4,017	4,218	4,429	4,651
		PAY PERIOD	1,913.00	2,008.65	2,109.08	2,214.53	2,325.26
		HOURLY	22.073	23.177	24.336	25.552	26.830
Maintenance Worker II	40.0	ANNUAL	46,721	49,058	51,510	54,086	56,790
		MONTHLY	3,893	4,088	4,293	4,507	4,733
		PAY PERIOD	1,946.73	2,044.06	2,146.27	2,253.58	2,366.26
		HOURLY	22.462	23.585	24.765	26.003	27.303

Attachment 3

Building Permit Technician II	40.5	ANNUAL	47,308	49,674	52,158	54,765	57,504
		MONTHLY	3,942	4,139	4,346	4,564	4,792
		PAY PERIOD	1,971.18	2,069.74	2,173.23	2,281.89	2,395.99
		HOURLY	22.744	23.882	25.076	26.330	27.646
Maintenance Lead Worker	40.8	ANNUAL	47,664	50,047	52,550	55,177	57,936
Accounting Assistant/Building Tech *		MONTHLY	3,972	4,171	4,379	4,598	4,828
		PAY PERIOD	1,986.00	2,085.30	2,189.57	2,299.05	2,414.00
		HOURLY	22.915	24.061	25.264	26.527	27.854
Maintenance Worker II-Water Dist	41.6	ANNUAL	48,626	51,057	53,610	56,290	59,105
		MONTHLY	4,052	4,255	4,467	4,691	4,925
		PAY PERIOD	2,026.07	2,127.38	2,233.75	2,345.43	2,462.71
		HOURLY	23.378	24.547	25.774	27.063	28.416
Plant Operator II - WW	42.4	ANNUAL	49,607	52,087	54,692	57,426	60,297
Plant Operator II - Water		MONTHLY	4,134	4,341	4,558	4,786	5,025
Maintenance Lead Worker-Water Dist		PAY PERIOD	2,066.95	2,170.30	2,278.81	2,392.75	2,512.39
		HOURLY	23.849	25.042	26.294	27.609	28.989
Librarian II	42.6	ANNUAL	49,855	52,348	54,965	57,714	60,599
		MONTHLY	4,155	4,362	4,580	4,809	5,050
		PAY PERIOD	2,077.30	2,181.16	2,290.22	2,404.73	2,524.97
		HOURLY	23.969	25.167	26.426	27.747	29.134
Project Coordinator/Admin Asst. *	43.2	ANNUAL	50,608	53,138	55,795	58,585	61,514
Building Permit Technician III *		MONTHLY	4,217	4,428	4,650	4,882	5,126
		PAY PERIOD	2,108.65	2,214.09	2,324.79	2,441.03	2,563.08
		HOURLY	24.331	25.547	26.825	28.166	29.574
Plant Operator III - Water	43.3	ANNUAL	50,734	53,271	55,934	58,731	61,668
		MONTHLY	4,228	4,439	4,661	4,894	5,139
		PAY PERIOD	2,113.93	2,219.62	2,330.60	2,447.13	2,569.49
		HOURLY	24.391	25.611	26.892	28.236	29.648
Recreation Supervisor	43.5	ANNUAL	50,988	53,538	56,214	59,025	61,976
		MONTHLY	4,249	4,461	4,685	4,919	5,165
		PAY PERIOD	2,124.51	2,230.73	2,342.27	2,459.38	2,582.35
		HOURLY	24.514	25.739	27.026	28.378	29.796
Accounting Technician	43.8	ANNUAL	51,372	53,940	56,637	59,469	62,442
		MONTHLY	4,281	4,495	4,720	4,956	5,204
		PAY PERIOD	2,140.48	2,247.51	2,359.88	2,477.88	2,601.77
		HOURLY	24.698	25.933	27.229	28.591	30.020
Senior Librarian	44.2	ANNUAL	51,887	54,482	57,206	60,066	63,069
		MONTHLY	4,324	4,540	4,767	5,005	5,256
		PAY PERIOD	2,161.97	2,270.07	2,383.57	2,502.75	2,627.89
		HOURLY	24.946	26.193	27.503	28.878	30.322
Equipment Mechanic	44.7	ANNUAL	52,539	55,166	57,924	60,821	63,862
		MONTHLY	4,378	4,597	4,827	5,068	5,322
		PAY PERIOD	2,189.13	2,298.58	2,413.51	2,534.19	2,660.90
		HOURLY	25.259	26.522	27.848	29.241	30.703
Plant Operator III - Water & WW	47.4	ANNUAL	56,203	59,013	61,964	65,062	68,315
Building Technician III/Office Manager *		MONTHLY	4,684	4,918	5,164	5,422	5,693
		PAY PERIOD	2,341.80	2,458.89	2,581.83	2,710.92	2,846.47
		HOURLY	27.021	28.372	29.790	31.280	32.844
Jr. Engineer	49.0	ANNUAL	58,494	61,419	64,490	67,714	71,100
Assistant Planner		MONTHLY	4,874	5,118	5,374	5,643	5,925

Attachment 3

HR Manager / Acctg Technician II		PAY PERIOD	2,437.25	2,559.11	2,687.06	2,821.42	2,962.49
		HOURLY	28.122	29.528	31.005	32.555	34.183
Public Works Supervisor	49.9	ANNUAL	59,823	62,814	65,955	69,253	72,716
		MONTHLY	4,985	5,235	5,496	5,771	6,060
		PAY PERIOD	2,492.64	2,617.27	2,748.13	2,885.54	3,029.81
		HOURLY	28.761	30.199	31.709	33.295	34.959
Public Works Supervisor-Parks	51.9	ANNUAL	62,887	66,031	69,332	72,799	76,439
		MONTHLY	5,241	5,503	5,778	6,067	6,370
		PAY PERIOD	2,620.27	2,751.29	2,888.85	3,033.29	3,184.96
		HOURLY	30.234	31.746	33.333	35.000	36.750
Associate Planner*	52.0	ANNUAL	63,044	66,196	69,506	72,981	76,630
		MONTHLY	5,254	5,516	5,792	6,082	6,386
		PAY PERIOD	2,626.82	2,758.16	2,896.07	3,040.88	3,192.92
		HOURLY	30.310	31.825	33.416	35.087	36.841
Chief Plant Operator - Water	53.4	ANNUAL	65,287	68,551	71,978	75,577	79,356
Chief Plant Operator - Wastewater		MONTHLY	5,441	5,713	5,998	6,298	6,613
Chief Water Distribution Operator		PAY PERIOD	2,720.27	2,856.29	2,999.10	3,149.05	3,306.51
Public Works Supervisor-Parks/Gov Bldgs		HOURLY	31.388	32.957	34.605	36.335	38.152
Project Coordinator*	53.7	ANNUAL	65,777	69,066	72,520	76,146	79,953
		MONTHLY	5,481	5,756	6,043	6,345	6,663
		PAY PERIOD	2,740.72	2,877.76	3,021.65	3,172.73	3,331.37
		HOURLY	31.624	33.205	34.865	36.608	38.439

City of St. Helena
Publicly Available Salary Schedule
FY 2016-2017

Position		Steps				
		A	B	C	D	E
<u>St. Helena Employee Association - Miscellaneous Group</u>						
Accounting Assistant I	Annual	40,667.00	42,700.00	44,835.00	47,077.00	49,431.00
Accounting & HR Assistant I ⁽⁶⁾	Monthly	3,389.00	3,558.00	3,736.00	3,923.00	4,119.00
Office Assistant 75%	Pay Period	1,694.44	1,779.17	1,868.12	1,961.53	2,059.61
Office Assistant	Hourly	19.55	20.53	21.56	22.63	23.77
Library Assistant I						
Maintenance Worker I	Annual	41,487.00	43,561.00	45,740.00	48,027.00	50,428.00
	Monthly	3,457.00	3,630.00	3,812.00	4,002.00	4,202.00
	Pay Period	1,728.63	1,815.06	1,905.81	2,001.11	2,101.16
	Hourly	19.95	20.94	21.99	23.09	24.24
Library Assistant II	Annual	42,219.00	44,330.00	46,546.00	48,873.00	51,317.00
	Monthly	3,518.00	3,694.00	3,879.00	4,073.00	4,276.00
	Pay Period	1,759.11	1,847.06	1,939.42	2,036.39	2,138.21
	Hourly	20.30	21.31	22.38	23.50	24.67
Plant Operator in Training	Annual	43,070.00	45,224.00	47,485.00	49,859.00	52,352.00
Maintenance Worker I-Water Dist.	Monthly	3,589.00	3,769.00	3,957.00	4,155.00	4,363.00
	Pay Period	1,794.60	1,884.33	1,978.55	2,077.47	2,181.35
	Hourly	20.71	21.74	22.83	23.97	25.17
Building Permit Technician I	Annual	45,959.00	48,257.00	50,670.00	53,204.00	55,864.00
Recreation Coordinator	Monthly	3,830.00	4,021.00	4,223.00	4,434.00	4,655.00
	Pay Period	1,914.97	2,010.72	2,111.25	2,216.82	2,327.66
	Hourly	22.10	23.20	24.36	25.58	26.86
Accounting Assistant II	Annual	46,887.00	49,231.00	51,692.00	54,277.00	56,991.00
Accounting & HR Assistant II ⁽⁶⁾	Monthly	3,907.00	4,103.00	4,308.00	4,523.00	4,749.00
	Pay Period	1,953.60	2,051.28	2,153.85	2,261.54	2,374.62
	Hourly	22.54	23.67	24.85	26.10	27.40
Senior Library Assistant	Annual	47,952.00	50,350.00	52,867.00	55,511.00	58,286.00
	Monthly	3,996.00	4,196.00	4,406.00	4,626.00	4,857.00
	Pay Period	1,998.00	2,097.90	2,202.80	2,312.94	2,428.58
	Hourly	23.05	24.21	25.42	26.69	28.02
Plant Operator I - Wastewater	Annual	48,676.00	51,110.00	53,665.00	56,348.00	59,166.00
Plant Operator I - Water	Monthly	4,056.00	4,259.00	4,472.00	4,696.00	4,930.00
	Pay Period	2,028.16	2,129.57	2,236.05	2,347.85	2,465.24
	Hourly	23.40	24.57	25.80	27.09	28.45
Accounting Assistant III	Annual	49,287.00	51,752.00	54,339.00	57,056.00	59,909.00
Accounting & HR Assistant III ⁽⁶⁾	Monthly	4,107.00	4,313.00	4,528.00	4,755.00	4,992.00
	Pay Period	2,053.64	2,156.32	2,264.14	2,377.34	2,496.21
	Hourly	23.70	24.88	26.13	27.43	28.80
Librarian I	Annual	49,411.00	51,881.00	54,475.00	57,199.00	60,059.00
Lib Assoc Bilingual Services	Monthly	4,118.00	4,323.00	4,540.00	4,767.00	5,005.00
	Pay Period	2,058.77	2,161.71	2,269.80	2,383.29	2,502.45
	Hourly	23.76	24.94	26.19	27.50	28.87
Administrative Assistant	Annual	49,658.00	52,141.00	54,748.00	57,485.00	60,360.00
	Monthly	4,138.00	4,345.00	4,562.00	4,790.00	5,030.00
	Pay Period	2,069.08	2,172.53	2,281.16	2,395.22	2,514.98
	Hourly	23.87	25.07	26.32	27.64	29.02
Maintenance Worker II	Annual	50,533.00	53,060.00	55,713.00	58,499.00	61,424.00
	Monthly	4,211.00	4,422.00	4,643.00	4,875.00	5,119.00
	Pay Period	2,105.56	2,210.84	2,321.38	2,437.45	2,559.32
	Hourly	24.30	25.51	26.79	28.12	29.53

Position		Steps				
		A	B	C	D	E
Equipment Operator/Maint Worker III	Annual	51,041.00	53,593.00	56,272.00	59,086.00	62,040.00
	Monthly	4,253.00	4,466.00	4,689.00	4,924.00	5,170.00
	Pay Period	2,126.70	2,233.03	2,344.68	2,461.92	2,585.01
	Hourly	24.54	25.77	27.05	28.41	29.83
Building Permit Technician II	Annual	51,168.00	53,727.00	56,413.00	59,234.00	62,195.00
	Monthly	4,264.00	4,477.00	4,701.00	4,936.00	5,183.00
	Pay Period	2,132.01	2,238.61	2,350.55	2,468.07	2,591.48
	Hourly	24.60	25.83	27.12	28.48	29.90
Maintenance Lead Worker Accounting Assistant/Building Tech	Annual	51,553.00	54,131.00	56,837.00	59,679.00	62,663.00
	Monthly	4,296.00	4,511.00	4,736.00	4,973.00	5,222.00
	Pay Period	2,148.04	2,255.45	2,368.22	2,486.63	2,610.96
	Hourly	24.79	26.02	27.33	28.69	30.13
Maintenance Worker II-Water Dist.	Annual	52,593.00	55,223.00	57,984.00	60,883.00	63,927.00
	Monthly	4,383.00	4,602.00	4,832.00	5,074.00	5,327.00
	Pay Period	2,191.38	2,300.95	2,416.00	2,536.80	2,663.64
	Hourly	25.29	26.55	27.88	29.27	30.73
Plant Operator II - WW Plant Operator II - Water Maintenance Lead Worker-Water Dist.	Annual	53,654.00	56,337.00	59,154.00	62,112.00	65,217.00
	Monthly	4,471.00	4,695.00	4,929.00	5,176.00	5,435.00
	Pay Period	2,235.60	2,347.38	2,464.74	2,587.98	2,717.38
	Hourly	25.80	27.09	28.44	29.86	31.35
Librarian II	Annual	53,923.00	56,619.00	59,450.00	62,423.00	65,544.00
	Monthly	4,494.00	4,718.00	4,954.00	5,202.00	5,462.00
	Pay Period	2,246.79	2,359.13	2,477.08	2,600.94	2,730.98
	Hourly	25.92	27.22	28.58	30.01	31.51
Project Coordinator/Admin Asst. Building Permit Technician III	Annual	54,737.00	57,474.00	60,347.00	63,365.00	66,533.00
	Monthly	4,561.00	4,789.00	5,029.00	5,280.00	5,544.00
	Pay Period	2,280.70	2,394.74	2,514.47	2,640.20	2,772.21
	Hourly	26.32	27.63	29.01	30.46	31.99
Plant Operator III - Water	Annual	54,874.00	57,617.00	60,498.00	63,523.00	66,699.00
	Monthly	4,573.00	4,801.00	5,042.00	5,294.00	5,558.00
	Pay Period	2,286.40	2,400.72	2,520.76	2,646.80	2,779.14
	Hourly	26.38	27.70	29.09	30.54	32.07
Recreation Supervisor	Annual	55,148.00	57,906.00	60,801.00	63,841.00	67,033.00
	Monthly	4,596.00	4,825.00	5,067.00	5,320.00	5,586.00
	Pay Period	2,297.85	2,412.74	2,533.38	2,660.05	2,793.05
	Hourly	26.51	27.84	29.23	30.69	32.23
Accounting Technician	Annual	55,563.00	58,341.00	61,258.00	64,321.00	67,537.00
	Monthly	4,630.00	4,862.00	5,105.00	5,360.00	5,628.00
	Pay Period	2,315.13	2,430.88	2,552.43	2,680.05	2,814.05
	Hourly	26.71	28.05	29.45	30.92	32.47
Senior Librarian	Annual	56,121.00	58,927.00	61,873.00	64,967.00	68,215.00
	Monthly	4,677.00	4,911.00	5,156.00	5,414.00	5,685.00
	Pay Period	2,338.36	2,455.28	2,578.05	2,706.95	2,842.30
	Hourly	26.98	28.33	29.75	31.23	32.80
Equipment Mechanic	Annual	56,826.00	59,667.00	62,650.00	65,783.00	69,072.00
	Monthly	4,735.00	4,972.00	5,221.00	5,482.00	5,756.00
	Pay Period	2,367.74	2,486.13	2,610.43	2,740.98	2,878.00
	Hourly	27.32	28.69	30.12	31.63	33.21
Plant Operator III - Water & WW Building Technician III/Office Manager	Annual	60,789.00	63,828.00	67,020.00	70,371.00	73,889.00
	Monthly	5,066.00	5,319.00	5,585.00	5,864.00	6,157.00
	Pay Period	2,532.87	2,659.51	2,792.49	2,932.11	3,078.72
	Hourly	29.23	30.69	32.22	33.83	35.52

Position		Steps				
		A	B	C	D	E
Jr. Engineer	Annual	63,266.00	66,430.00	69,751.00	73,239.00	76,901.00
Assistant Planner	Monthly	5,272.00	5,536.00	5,813.00	6,103.00	6,408.00
HR Manager / Acctg Technician II	Pay Period	2,636.10	2,767.91	2,906.30	3,051.62	3,204.20
	Hourly	30.42	31.94	33.53	35.21	36.97
Public Works Supervisor	Annual	64,704.00	67,940.00	71,336.00	74,903.00	78,648.00
	Monthly	5,392.00	5,662.00	5,945.00	6,242.00	6,554.00
	Pay Period	2,696.01	2,830.81	2,972.35	3,120.97	3,277.02
	Hourly	31.11	32.66	34.30	36.01	37.81
Public Works Supervisor-Parks	Annual	68,018.00	71,418.00	74,989.00	78,739.00	82,676.00
	Monthly	5,668.00	5,952.00	6,249.00	6,562.00	6,890.00
	Pay Period	2,834.06	2,975.77	3,124.55	3,280.78	3,444.82
	Hourly	32.70	34.34	36.05	37.86	39.75
Associate Planner*	Annual	68,188.00	71,597.00	75,177.00	78,936.00	82,882.00
	Monthly	5,682.00	5,966.00	6,265.00	6,578.00	6,907.00
	Pay Period	2,841.15	2,983.21	3,132.37	3,288.98	3,453.43
	Hourly	32.78	34.42	36.14	37.95	39.85
Chief Plant Operator - Water	Annual	70,613.00	74,144.00	77,851.00	81,744.00	85,831.00
Chief Plant Operator - Wastewater	Monthly	5,884.00	6,179.00	6,488.00	6,812.00	7,153.00
Chief Water Distribution Operator	Pay Period	2,942.22	3,089.33	3,243.80	3,405.99	3,576.29
PW Supervisor - Parks & Govt Bldgs	Hourly	33.95	35.65	37.43	39.30	41.27

(1) Longevity Pay - Employees are eligible to receive longevity based on continuous years of employment according to the dates and rates below:

- 5 years - 2.5% of base salary
- 10 years - 5.0% of base salary
- 15 years - 7.5% of base salary
- 20 years - 10% of base salary

(2) Bilingual Pay - Employees who are certified as fluent in both written and verbal Spanish language will receive a 5% pay differential that is added to the employee's base salary. Employees who are certified as fluent only in verbal Spanish language will receive a 2.5% pay differential that is added to the employee's base salary.

(3) Standby Pay - Shall be paid at a rate of \$75.00 per weekend to those employees in the Public Works Department who are required to be on Standby on weekends (3:30 p.m. Friday to 7:00 a.m. Monday), \$75.00 per week for those employees who are required to Standby for the week (Monday - Friday) and \$75.00 for those employees who are required to Standby on holidays (3:30 p.m. to 7:00 a.m. of the next regular work day)

(4) Certification Pay - \$50.00 per month for each governmental certificate or licensing as follow:

- "Operator Cross-certification" (Class I or above) for employees assigned to the Water Treatment Plant or Waste Water Treatment Plant, enabling those employees to perform duties at the other plant
- A necessary pesticide certificate, for Public Works employees responsible for pesticide applications programs for the city
- Certification for back-flow prevention devices for Public Works employees
- Playground Inspection Certification for employees working in the Parks Division
- Arborist Certificate for employees working in the Parks Division

(5) Uniform Allowance - The city will provide uniforms to employees in the following Public Works positions: Public Works Supervisor, Maintenance Worker I, Maintenance Worker II, Maintenance Lead Worker, Chief Water Distribution Operator, Plant Operator in Training, Plant Operator I, Planter Operator II, Planter Operator III, Chief Operator. The City will provide and pay for cleaning services for the uniforms of employees. These costs will be reported each pay period as follows:

- Employees assigned to Water Distribution and Public Works - \$35.49 per pay period
- Employees assigned to Parks-Trees-Buildings - \$33.06 per pay period
- Employees assigned to the Wastewater Treatment Plant (Chief Plant Operator and Plant Operator III) - \$9.29 per pay period
- Employees assigned to the Wastewater Treatment Plant (Plant Operator III) - \$5.79 per pay period
- Employees assigned to the Water Treatment Plant - \$11.49 per pay period

(6) Confidential Positions receive a 3% pay differential that is added to the employee's base salary

Police Officers Association

Dispatcher	Annual	52,287.00	54,901.00	57,646.00	60,528.00	63,555.00
	Monthly	4,358.00	4,575.00	4,804.00	5,044.00	5,296.00
	Pay Period	2,178.61	2,287.54	2,401.91	2,522.01	2,648.11
	Hourly	25.14	26.40	27.71	29.10	30.56
Dispatch Supervisor	Annual	62,764.00	65,903.00	69,198.00	72,657.00	76,290.00
	Monthly	5,231.00	5,492.00	5,766.00	6,055.00	6,358.00
	Pay Period	2,615.18	2,746.00	2,883.26	3,027.39	3,178.76
	Hourly	30.18	31.68	33.27	34.94	36.67
Police Officer	Annual	60,984.00	64,033.00	67,235.00	70,597.00	74,127.00
	Monthly	5,082.00	5,336.00	5,603.00	5,883.00	6,177.00
	Pay Period	2,541.00	2,668.05	2,801.46	2,941.53	3,088.61
	Hourly	29.32	30.79	32.32	33.94	35.63
Corporal	Annual	65,927.00	69,223.00	72,684.00	76,318.00	80,134.00
	Monthly	5,494.00	5,768.00	6,057.00	6,360.00	6,678.00
	Pay Period	2,746.96	2,884.28	3,028.50	3,179.92	3,338.92
	Hourly	31.69	33.28	34.94	36.68	38.53
Sergeant	Annual	72,684.00	76,318.00	80,134.00	84,141.00	88,348.00
	Monthly	6,057.00	6,360.00	6,678.00	7,012.00	7,362.00
	Pay Period	3,028.50	3,179.92	3,338.92	3,505.87	3,681.17
	Hourly	34.94	36.68	38.53	40.45	42.48

(1) Longevity Pay - Employees are eligible to receive longevity based on continuous years of employment according to the dates and rates below:

5 years - 2.5% of base salary

10 years - 5.0% of base salary

15 years - 7.5% of base salary

20 years - 10% of base salary

(2) Bilingual Pay - Employees who are certified as fluent in both written and verbal Spanish language will receive a 5% pay differential that is added to the employee's base salary. Employees determined to be able to communicate in Spanish at a level adequate for law enforcement purposes will receive incentive pay of an additional \$150.00 per month.

(3) POST Certificates - Additional monthly salary compensation shall be received by an employee attaining certificates, as follows:

POST Intermediate Certificate - \$100.00

POST Advanced Certificate - \$200.00

POST Records Supervisor Certificate - \$100.00

(4) Special Assignment Pay:

Motorcycle Officer, Range Master or Reserve Coordinator - \$100.00 per month

Field Training Officers or Communication Training Officers - 7% of their daily salary, per day, while assigned to the trainee

Records Coordinator - 5% of regular salary

Investigator Position - 2 1/2% of base salary

Police Service Dog Handler - \$228.13 per pay period

(5) Holiday Accrual - Full-time employees will accrue 3.833 hours per pay period, which will be paid out twice a year (in June and December) at the employee's current hourly rate.

(6) Uniform Allowance - Employees shall receive an annual uniform allowance as follows:

Sworn Personnel - \$750.00

Dispatch and CSO Personnel - \$750.00

Motorcycle Officers - 1 pair of Police motorcycle boots, 2 pairs of Police motorcycle pants, 1 Police motorcycle leather jacket, 2 sets of riding gloves

(1 cold weather and 1 warm set) and Protective eyeglasses (not to exceed \$150.00)

Bicycle Patrol - Gloves, Helmet, Padded Shorts, Padded Pants, Protective Eyeglasses, Pedal Retention Devices, and Inclement Weather Clothing

City of St. Helena
Publicly Available Salary Schedule
FY 2016-2017⁽¹⁾

Position		Steps				
		A	B	C	D	E
<u>Mid-Management Exempt</u>						
Assistant Public Works Director	Annual	105,315.00	110,581.00	116,110.00	121,915.00	128,010.00
	Monthly	8,776.00	9,215.00	9,676.00	10,160.00	10,668.00
	Pay Period	4,388.45	4,607.62	4,837.90	5,079.29	5,333.81
	Hourly	50.63	53.17	55.82	58.61	61.54
Chief Building Official	Annual	91,659.00	96,242.00	101,054.00	106,107.00	111,411.00
	Monthly	7,638.00	8,020.00	8,421.00	8,842.00	9,284.00
	Pay Period	3,819.00	4,010.00	4,211.00	4,421.00	4,642.00
	Hourly	44.07	46.27	48.58	51.01	53.56
Grants and Finance Manager	Annual	79,874.00	83,867.00	88,061.00	92,463.00	97,087.00
Public Works Project Manager	Monthly	6,656.00	6,989.00	7,338.00	7,705.00	8,091.00
Senior Management Analyst	Pay Period	3,328.00	3,494.00	3,669.00	3,853.00	4,045.00
Water Conservation Coordinator	Hourly	38.40	40.32	42.34	44.45	46.68
Library Manager	Annual	88,704.00	93,139.00	97,796.00	102,687.00	107,821.00
	Monthly	7,392.00	7,762.00	8,150.00	8,557.00	8,985.00
	Pay Period	3,696.00	3,881.00	4,075.00	4,279.00	4,493.00
	Hourly	42.65	44.78	47.02	49.37	51.84
Lieutenant	Annual	87,504.00	91,880.00	96,473.00	101,297.00	106,362.00
	Monthly	7,292.00	7,657.00	8,040.00	8,442.00	8,864.00
	Pay Period	3,646.00	3,828.00	4,020.00	4,221.00	4,432.00
	Hourly	42.07	44.18	46.38	48.70	51.14
Management Analyst	Annual	73,047.00	76,699.00	80,534.00	84,561.00	88,789.00
Public Works Maintenance Manager	Monthly	6,087.00	6,392.00	6,711.00	7,047.00	7,399.00
	Pay Period	3,044.00	3,196.00	3,356.00	3,523.00	3,700.00
	Hourly	35.12	36.88	38.72	40.65	42.69
Senior Planner	Annual	84,867.00	89,110.00	93,566.00	98,245.00	103,156.00
	Monthly	7,072.00	7,426.00	7,797.00	8,187.00	8,596.00
	Pay Period	3,536.00	3,713.00	3,898.00	4,094.00	4,298.00
	Hourly	40.80	42.84	44.98	47.23	49.59
<u>Confidential Positions</u>						
Administrative Services Manager ⁽⁴⁾	Annual	93,139.00	97,796.00	102,686.00	107,821.00	113,211.00
	Monthly	7,762.00	8,150.00	8,557.00	8,985.00	9,434.00
	Pay Period	3,880.42	4,074.34	4,278.36	4,492.48	4,716.70
	Hourly	44.78	47.02	49.37	51.83	54.43
<u>Executive Management</u>						
City Manager ⁽²⁾	Annual					189,880.00
	Monthly					15,823.00
	Pay Period					7,912.00
	Hourly					91.29
City Clerk	Annual	95,524.00	100,300.00	105,315.00	110,581.00	116,110.00
	Monthly	7,960.00	83.58	8,776.00	9,215.00	9,676.00
	Pay Period	3,980.00	4,179.00	4,388.00	4,608.00	4,838.00
	Hourly	45.93	48.23	50.64	53.17	55.83
Fire Chief ^{(2) (3)}	Annual					31,000.00
Finance Director	Annual	110,157.00	115,664.00	121,447.00	127,521.00	133,897.00
	Monthly	9,180.00	9,638.00	10,120.00	10,626.00	11,158.00
	Pay Period	4,589.44	4,819.72	5,060.10	5,313.61	5,579.24
	Hourly	52.96	55.61	58.39	61.31	64.38

Position		Steps				
		A	B	C	D	E
Human Resources/IT Director	Annual	110,157.00	115,664.00	121,447.00	127,521.00	133,897.00
	Monthly	9,180.00	9,638.00	10,120.00	10,626.00	11,158.00
	Pay Period	4,589.44	4,819.72	5,060.10	5,313.61	5,579.24
	Hourly	52.96	55.61	58.39	61.31	64.38
Library Director	Annual	99,915.00	104,911.00	110,157.00	115,664.00	121,447.00
	Monthly	8,326.00	8,743.00	9,180.00	9,639.00	10,121.00
	Pay Period	4,163.00	4,371.00	4,590.00	4,819.00	5,060.00
	Hourly	48.04	50.44	52.96	55.61	58.39
Planning/Community Services Director	Annual	128,668.00	135,102.00	141,857.00	148,949.00	156,397.00
	Monthly	10,722.00	11,258.00	11,821.00	12,413.00	13,033.00
	Pay Period	5,361.08	5,629.00	5,910.52	6,206.45	6,516.52
	Hourly	61.86	64.95	68.20	71.61	75.19
Police Chief	Annual	132,528.00	139,154.00	146,112.00	153,417.00	161,088.00
	Monthly	11,044.00	11,596.00	12,176.00	12,785.00	13,424.00
	Pay Period	5,522.00	5,798.00	6,088.00	6,392.00	6,712.00
	Hourly	63.71	66.90	70.25	73.76	77.45
Public Works Director	Annual	139,596.00	146,576.00	153,905.00	161,600.00	169,680.00
	Monthly	11,633.00	12,215.00	12,825.00	13,467.00	14,140.00
	Pay Period	5,817.00	6,107.00	6,413.00	6,733.00	7,070.00
	Hourly	67.11	70.47	73.99	77.69	81.58
Recreation Director	Annual	105,315.00	110,581.00	116,110.00	121,915.00	128,010.00
	Monthly	8,776.00	9,215.00	9,676.00	10,160.00	10,668.00
	Pay Period	4,388.45	4,607.62	4,837.90	5,079.29	5,333.81
	Hourly	50.63	53.17	55.82	58.61	61.54

(1) Mid-Management, Confidential and Executive salary ranges include a 1% salary increase that is expressly contingent upon the implementation of the pension cost sharing arrangement, and will not be implemented unless and until the cost sharing arrangement is implemented.

(2) Positions do not have a pay range

(3) 1% Increase was not applied to Safety Fire Position, Fire Chief

(4) Confidential Positions receive a 3% pay differential that is added to the employee's base salary

(5) Bilingual Pay - Employees who are certified as fluent in both written and verbal Spanish language will receive a 5% pay differential that is added to the employee's base salary. Employees who are certified as fluent only in verbal Spanish language will receive a 2.5% pay differential that is added to the employee's base salary.

Position		Steps				
		A	B	C	D	E
<u>Part-time Positions</u>						
Casual Worker I	Hourly	10.00	10.51	11.03	11.58	12.16
Casual Worker II	Hourly	12.78	13.43	14.10	14.79	15.54
Casual Worker III	Hourly	16.31	17.14	17.99	18.88	19.83
Casual Worker IV	Hourly	20.80	21.86	22.95	24.09	25.30
Casual Worker V	Hourly	26.54	27.90	29.28	30.73	32.27
Firefighter ^{(1) (2) (3)}	Hourly					25.00
Fire Marshal ⁽¹⁾	Hourly					45.00
<u>Elected Positions</u>						
Mayor ⁽¹⁾	Annual					3,600.00
Vice Mayor ⁽¹⁾						
Council Member ⁽¹⁾						
Planning Chairperson ⁽¹⁾	Annual					1,200.00
Planning Vice Chairperson ⁽¹⁾						
Planning Commissioner ⁽¹⁾						

(1) Positions do not have a pay range

(2) Standby Pay - Shall be paid at a rate of \$50.00 per 24 hour period

(3) Classification Pay - Additional monthly salary compensation shall be received as follows:

1st and 2nd Assistant Chief Classification - \$315.00

Captain Classification - \$210.00

Engineer Classification - \$105.00

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Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution setting a hearing to approve the annexation of territory into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 129 (1357 El Bonita Avenue, St Helena, CA. APN. 009-431-003)

CEQA Determination: **Categorically Exempt, CEQA Guidelines Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities, and Section 15061, No Possibility of Significant Effect on the Environment**

Prepared By: Christina Cook, Public Works Administrative Assistant 
Steven Palmer, PE, Director of Public Works/City Engineer

Approved By: Jennifer Phillips, City Manager 

BACKGROUND

Laurie B. Daw, owner of 1357 El Bonita Avenue, St Helena, CA, Napa County Assessor Parcel Number (APN) 009-431-003, has applied to be annexed into the St. Helena Municipal Sewer District No. 1 (District). A location map & description 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.

City Council previously adopted a resolution setting the hearing date for September 27, 2016. The public hearing was not noticed or held on September 27, 2016 so a new public hearing needs to be ordered by City Council, scheduled, and noticed.

DISCUSSION

The property is currently on a septic system. The Magnolia Oaks Subdivision recently completed construction of a public sewer main in El Bonita Avenue, which now provides this property with access to the City sewer system. The Property owner is responsible for: (1) constructing a sewer lateral from their residence to the City sewer, 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.

This resolution ordering the public hearing is the first step of the process to annex the property into the District. The resolution requires a vote of at least two-thirds of all the

Item No: 8.6

members of the City Council (at least four affirmative votes) to order the public hearing. (Health & Saf. Code § 4643.)

The next step will be to notice and hold a public hearing for objections, if any, from persons interested in the proposed annexation during a regularly scheduled City Council meeting November 29, 2016. At that time, the City Council will consider a resolution approving the property annexation (which will also require at least four affirmative votes). (Health & Safety Code § 4645-47.)

If the City Council approves the second 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. Staff will work with the applicant to obtain required encroachment and building permits.

FISCAL IMPACT

The Applicant is responsible for all costs for annexation and connection. The Applicant will construct a sewer lateral from their residence to the sewer lateral in the street and connect to the City sewer; and pay annexation, connection, and impact fees.

RECOMMENDED ACTION

Staff recommends the City Council adopt Resolution Setting a Hearing to Approve the Annexation of Territory to the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 129 (1357 El Bonita Avenue, St Helena, CA. APN. 009-431-003).

ATTACHMENTS

1. Description & Location Map
2. Resolution

Written Description
for the
Annexation of the Lands of Laurie B. Daw
to the
St. Helena Municipal Sewer District

Napa County APN 009-431-003
1357 El Bonita Avenue, St. Helena CA 94574

The real property located in the City of St. Helena, Rancho Carne Humana, County of Napa, State of California, described as follows:

Beginning at the centerline of El Bonita Avenue at a point that bears South 47°44'00" West 275.00 feet from the centerline intersection of El Bonita Avenue with Rosebud Lane; thence South 42°16'00" East for 107.00 feet to the center of a cul-de-sac as shown on the Map entitled "El Bonita Park Unit No. 1" filed September 7, 1956 in Book 6 of Maps at pages 52 and 53 in the Office of the Napa County Recorder; thence continuing South 42°16'00" East for 57.00 feet to the northeasterly corner of Lot 1 in Block 1 as shown on said map, said corner being the TRUE POINT OF BEGINNING; thence along the perimeter of said Lot 1 the following courses:

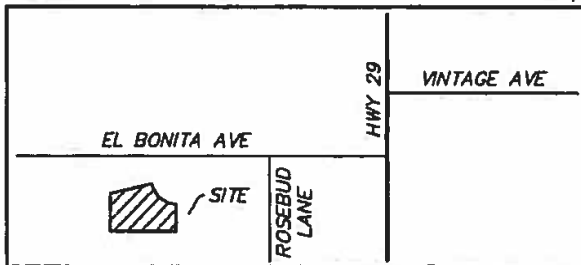
1. South 42°16'00" East for 59.00 feet;
2. thence South 47°44'00" West for 150.00 feet;
3. thence North 42°16'00" West for 82.75 feet;
4. thence North 35°14'00" East for 96.64 feet to a point of cusp with a curve concave to the north to which a radial line bears South 35° 14' 15" East;
5. thence easterly along said curve having a radius of 57.00 feet and a central angle of 77°30' 15" an arc length of 77.10 feet to the True Point of Beginning;

Containing 0.3 acres of land.



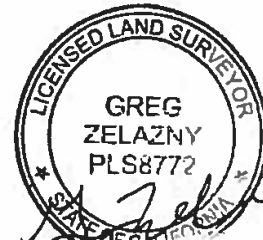
ANNEXATION
OF THE LANDS OF LAURIE B. DAW
TO THE ST. HELENA MUNICIPAL SEWER DISTRICT

APN 009-431-003
 1357 EL BONITA AVE
 ST HELENA, CALIFORNIA
 RANCHO CARNE HUMANA
 NAPA COUNTY, CALIFORNIA

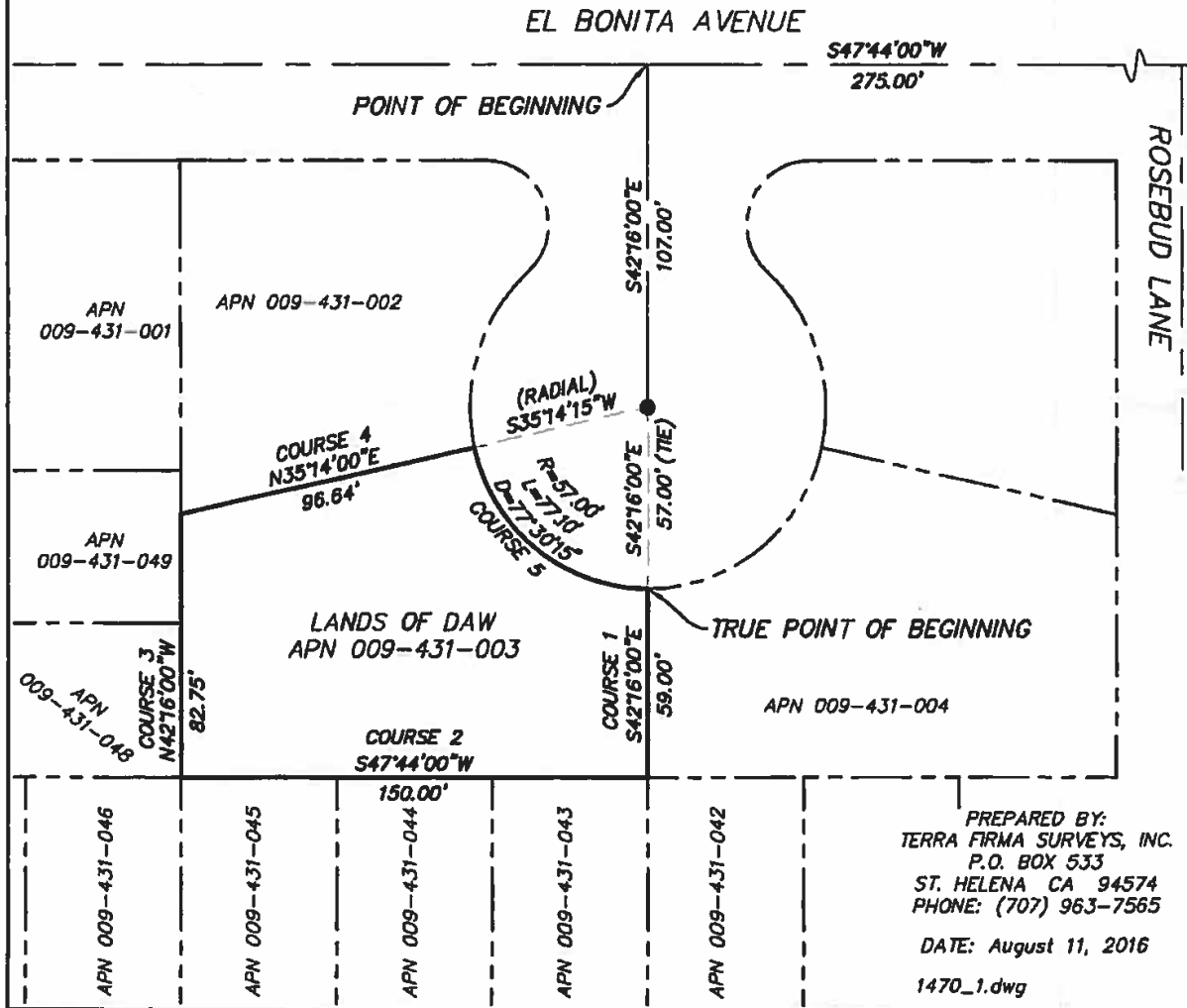


VICINITY MAP
 NO SCALE

SCALE 1"=50'



Exp 12/31/16



PREPARED BY:
 TERRA FIRMA SURVEYS, INC.
 P.O. BOX 533
 ST. HELENA CA 94574
 PHONE: (707) 963-7565

DATE: August 11, 2016

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CITY OF ST. HELENA

RESOLUTION NO. 2016-

**Resolution Setting a Hearing to Approve the Annexation of Territory into the St
Helena Municipal Sewer District No. 1 MSD ANNEXATION NO. 129
1357 El Bonita Avenue, St Helena, CA (APN) 009-431-003**

RECITALS

- A. The property at 1357 El Bonita Avenue, St Helena, CA, (APN) 009-431-003 will benefit from annexation into the St. Helena Municipal Sewer District No. 1; and
- B. The owner of 1357 El Bonita Avenue has 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. All annexation fees have been paid.

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 1357 El Bonita Avenue, St Helena, CA, (APN) 009-431-003, is hereby ordered for a hearing set; and
- 2. A hearing for objections, if any, by any person interested in the proposed annexation shall be held during the regular meeting of the City Council at 6:00 on November 29, 2016.

Approved at a Regular Meeting of the St. Helena City Council on October 25, 2016 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

Written Description
for the
Annexation of the Lands of Laurie B. Daw
to the
St. Helena Municipal Sewer District

Napa County APN 009-431-003
1357 El Bonita Avenue, St. Helena CA 94574

The real property located in the City of St. Helena, Rancho Carne Humana, County of Napa, State of California, described as follows:

Beginning at the centerline of El Bonita Avenue at a point that bears South 47°44'00" West 275.00 feet from the centerline intersection of El Bonita Avenue with Rosebud Lane; thence South 42°16'00" East for 107.00 feet to the center of a cul-de-sac as shown on the Map entitled "El Bonita Park Unit No. 1" filed September 7, 1956 in Book 6 of Maps at pages 52 and 53 in the Office of the Napa County Recorder; thence continuing South 42°16'00" East for 57.00 feet to the northeasterly corner of Lot 1 in Block 1 as shown on said map, said corner being the TRUE POINT OF BEGINNING; thence along the perimeter of said Lot 1 the following courses:

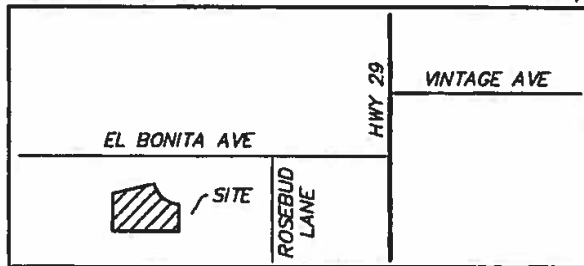
1. South 42°16'00" East for 59.00 feet;
2. thence South 47°44'00" West for 150.00 feet;
3. thence North 42°16'00" West for 82.75 feet;
4. thence North 35°14'00" East for 96.64 feet to a point of cusp with a curve concave to the north to which a radial line bears South 35° 14' 15" East;
5. thence easterly along said curve having a radius of 57.00 feet and a central angle of 77°30' 15" an arc length of 77.10 feet to the True Point of Beginning;

Containing 0.3 acres of land.

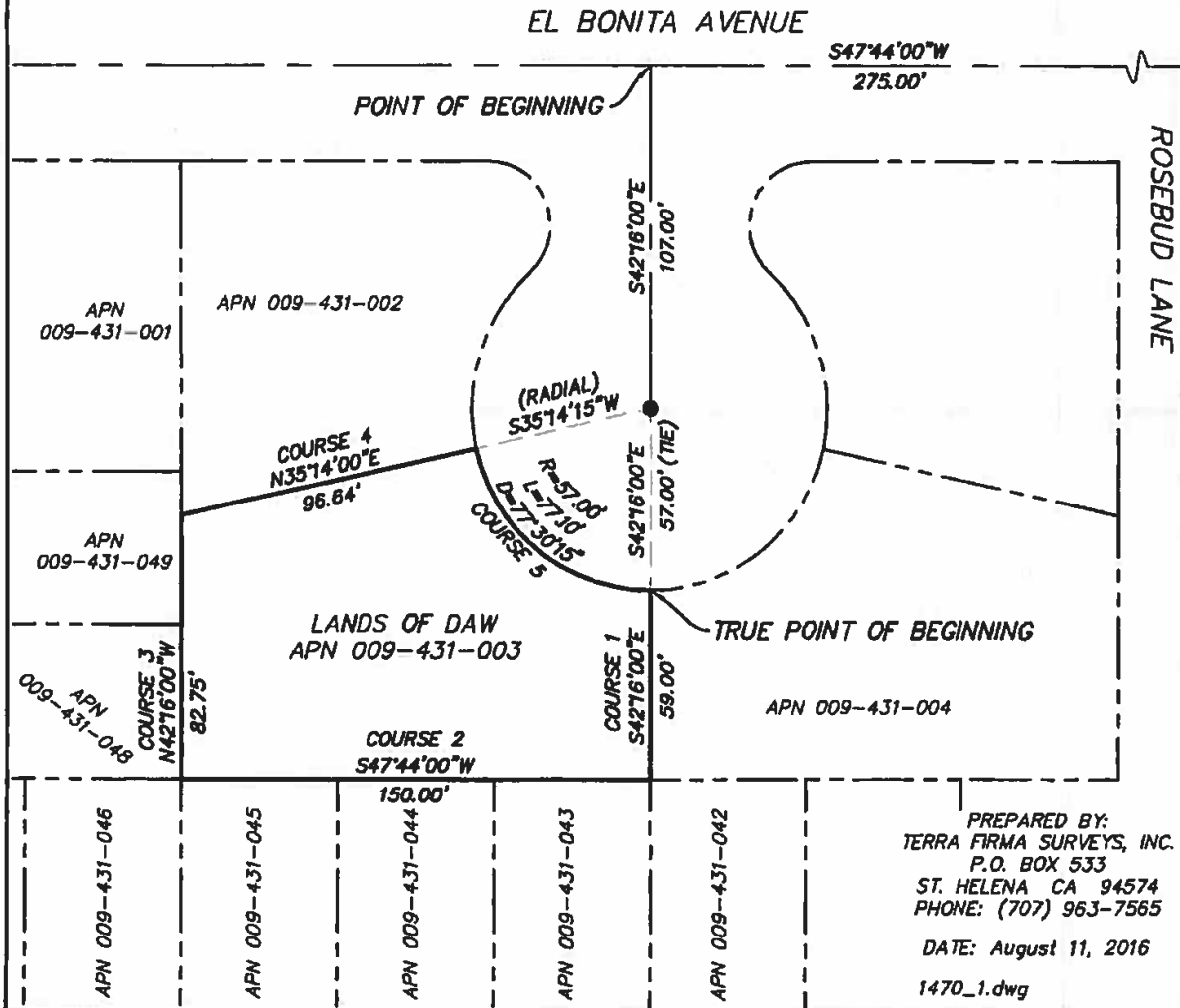
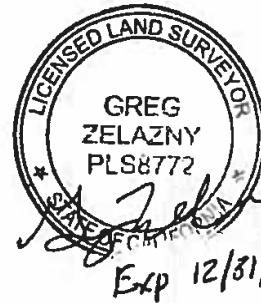
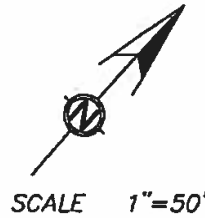


ANNEXATION
OF THE LANDS OF LAURIE B. DAW
TO THE ST. HELENA MUNICIPAL SEWER DISTRICT

APN 009-431-003
 1357 EL BONITA AVE
 ST HELENA, CALIFORNIA
 RANCHO CARNE HUMANA
 NAPA COUNTY, CALIFORNIA



VICINITY MAP
 NO SCALE



PREPARED BY:
 TERRA FIRMA SURVEYS, INC.
 P.O. BOX 533
 ST. HELENA CA 94574
 PHONE: (707) 963-7565
 DATE: August 11, 2016
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Item No: 8.7

Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of resolutions to correct an administrative error related to sewer annexation:

- a. Resolution rescinding Resolution No. 2015-78 to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia Street, St Helena, CA. APN. 009-431-001 adopted on June 14, 2016
- b. Resolution to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia Street, St Helena, CA. APN. 009-431-001

CEQA Determination: Not a CEQA project.

Prepared By: Christina Cook, Public Works Administrative Assistant Steven Palmer, PE, Director of Public Works/City Engineer 

Approved By: Jennifer Phillips, City Manager 

BACKGROUND

On June 14, 2016 the City Council approved resolution 2015-78 – Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia Street, St Helena, CA. APN. 009-431-001. Due to an administrative error Resolution No. 2015-78 was previously assigned to another resolution.

DISCUSSION

In order to correct this administrative error, the City Council needs to rescind Resolution No. 2015-78 Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia Street, St Helena, CA. APN. 009-431-001 approved June 14, 2016, and re-adopt the resolution with a new number. There are no other changes to the content of this resolution.

FISCAL IMPACT

There are no fiscal impacts to the City.

RECOMMENDED ACTION

Staff recommends the City Council adopt the attached resolution rescinding Resolution No. 2015-78 to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia Street, St Helena, CA. APN. 009-431-001 approved June 14, 2016 and re-adopt the resolution with a new number.

ATTACHMENTS

1. Resolution rescinding Resolution 2015-78 approved on June 14, 2016
2. Re-Numbered Resolution

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Resolution to Rescind Resolution No. 2015-78 Approve
the Annexation of Territory into the St Helena Municipal
Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia
Street, St Helena, CA. APN. 009-431-001 approved on
June 14, 2016**

RECITALS

- A. The City of St. Helena adopted Resolution No. 2015-78 - Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia Street, St Helena, CA. APN. 009-431-001 on June 14, 2016; and
- B. Resolution number 2015-78 had already been assigned to another resolution; and
- C. Resolution No. 2015-78 to Approve the Annexation of Territory into the St Helena Municipal Sewer District No. 1 MSD Annexation No. 128. 90 Dahlia Street, St Helena, CA. APN. 009-431-001 approved June 14, 2016 needs to be rescinded and re-adopted with a new number.

RESOLUTION

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

- 1. Approves the rescinding of Resolution No. 2015-78 dated June 14, 2016.

Approved at a Regular Meeting of the St. Helena City Council on October 25, 2016, by the following vote:

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Approve the Annexation of Territory into the St. Helena
Municipal Sewer District No. 1**

MSD Annexation No. 128

90 Dahlia Street, St. Helena, CA. APN. 009-431-001

RECITALS

- A. The property at 90 Dahlia Street, St Helena, California, APN. 009-431-001 will benefit from annexation into the St. Helena Municipal Sewer District No. 1; and
- B. The owners of 90 Dahlia Street 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 May 24, 2016, and duly noticed and held on June 14, 2016 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

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

1. The territory described in the attached Exhibit A – Annexation Description, commonly known as 90 Dahlia Street, St. Helena, CA, APN. 009-431-001, 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 October 25, 2016, by the following vote (at least four affirmative votes required):

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

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

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Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: Consent

Subject: Second Reading and proposed Adoption of Ordinance to Amend Chapter 13.32 Stormwater and Runoff Pollution Control of the St Helena Municipal Code to fulfill provisions E.6.A of the State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ, NPDES General permit No. CAS000004

CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 7 Categorical Exemption under Section 15307 as an action taken for protection of natural resources. In addition, this action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15308 as it is an action taken to protect the environment

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

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The City's storm drain system is regulated by the State Water Resources Control Board (SWRCB) Water Quality Order No. 2013-0001-DWQ, Phase II Small Municipal Separate Storm Sewer System (MS4) National Pollution Discharge Elimination (NPDES) Permit, General Permit No. CAS000004 (Stormwater Permit). This Stormwater Permit became effective on July 1, 2013 and expires on June 30, 2018. Various requirements phase in over the term of the Permit. The City is required by the SWRCB to comply with the Permit requirements in order to operate a storm drain system. If the City does not comply with the Permit requirements, the SWRCB could issue citations, fines, or other enforcement actions.

DISCUSSION

The introduction and first reading of this Ordinance was heard by the City Council on October 11, 2016

Item No: 8.8

The Ordinance is being presented to Council a second time for adoption. It will take effect and be in force 30 days after its adoption.

This action is exempt from the requirements of CEQA as it qualifies for a Class 7 Categorical Exemption under Section 15307 as an action taken for protection of natural resources. In addition, this action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15308 as it is an action taken to protect the environment.

FISCAL IMPACT

These ordinance changes as well as the other requirements of the Stormwater Permit will require increased level of effort by City Staff. This ordinance will streamline enforcement by allowing direct administrative fines for citations, rather than requiring processing every stormwater violation as a misdemeanor Staff can directly apply the appropriate administrative fine. The City does not have a dedicated funding source for Stormwater Permit compliance. The cost to comply with the Stormwater Permit will need to be funded from the City's General Fund.

RECOMMENDED ACTION

Waive Further Reading, and Adopt an Ordinance to Amend Chapter 13.32 Stormwater and Runoff Pollution Control of the St Helena Municipal Code

ATTACHMENTS

1. Ordinance

CITY OF ST. HELENA

ORDINANCE NO. 2016-_____

AMENDING SECTIONS 13.32.120 and 13.32.140 OF THE ST. HELENA MUNICIPAL CODE (PART OF CHAPTER 13.32 - STORMWATER AND RUNOFF POLLUTION CONTROL) TO FULFILL PROVISIONS E.6.A OF THE STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER NO. 2013-0001-DWQ, NPDES GENERAL PERMIT NO. CAS000004

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

SECTION 1: Sections 13.32.120 and 13.130.140 of the St. Helena Municipal Code (part of Chapter 13.32 – Stormwater and Runoff Pollution Control – of the St. Helena Municipal Code) are each hereby amended to read as follows (deletions indicated by strike-through and additions indicated by underline):

13.32.120 Enforcement authority.

The enforcement official is authorized to enforce the provisions of this chapter and to exercise any enforcement powers authorized or provided in this chapter, including without limitation the imposition of administrative requirements, orders and penalties pursuant to this chapter, as may be necessary to effectively implement and enforce this chapter. Without limitation on the enforcement authority set forth in this section, the enforcement official is authorized to exercise any and all of the following supplemental enforcement powers as he or she determines may be necessary or appropriate in the enforcement official's judgment under the circumstances:

A. Administrative Actions. In addition to any other enforcement powers and/or remedies provided in this chapter, an authorized enforcement official may issue an order to a person to cease and desist from the discharge, practice, operation or other activity causing or likely to cause a violation of this chapter. Such order shall be directed to those persons in violation of the chapter stating clearly and concisely the nature of the violation, the requirements for compliance, a timetable for compliance and such other remedial and/or preventive action as may be necessary. Upon the violator's failure to comply with such an order, the city shall take further enforcement action as specified in this chapter, or in accordance with any other appropriate provision of local, state or federal law. At the discretion of the authorized enforcement official, enforcement may take the following forms:

1. Verbal Warnings, as may be issued during inspections;
2. Warning Letters and Orders to Abate Pollution;
3. Warning Letters with requirements to submit written reports;

4. Administrative Citations: the following penalty schedule applies to the Administrative Citation process for violations within a 12-month period. First offense: \$250 per violation; Second offense: \$500 per violation; each additional offense: \$1000 per violation.

5. Civil Actions or Criminal Enforcement actions as authorized by the City Municipal Code.

B. Notice of Violation (NOV). Whenever the enforcement official determines that any person owning or occupying a premises has violated or is violating this chapter or order issued hereunder, the enforcement official may serve, by personal service, or by registered or certified mail, upon the person a written NOV. Within thirty (30) days of the receipt of this notice, or shorter period as may be prescribed in the NOV, the person to whom the NOV has been issued shall provide the enforcement official a written explanation or denial of the violation and, if the person does not deny the violation, a plan for the satisfactory correction and prevention thereof, which shall include without limitation specific actions or mitigations required by the enforcement official in the NOV. Submission of this plan shall in no way relieve the person of liability for any violation before or after receipt of the NOV.

C. Cease and Desist Orders. The enforcement official may require any person owning or occupying a premises to cease and desist all activities that may cause or contribute to discharge in violation of this chapter. This order may also require such person to: (i) comply with the applicable provisions of this chapter within a designated period of time or; (ii) take such other appropriate remedial or preventative action the enforcement official determines to be necessary to prevent the violation from recurring.

D. Notice to Clean and Abate. The enforcement official may require any person owning or occupying a premises to clean up and abate any release of one or more pollutants on those premises, which otherwise would result in a violation of this chapter. The enforcement official may also order abatement of activities or practices, which otherwise reasonably would result in such a violation.

E. Mitigation. The enforcement official shall have authority to order the mitigation of any condition, activity or circumstance which otherwise would result in or contribute to illicit discharges.

F. Stormwater Pollution Prevention Plan. The enforcement official shall have the authority to establish elements of a stormwater pollution prevention plan, and to require any business or person to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this chapter.

G. Best Management Practices. The enforcement official may establish and impose the requirements of best management practices for any premises.

H. Seasonal and Recurrent Nuisance. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the enforcement official shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

I. Emergency Orders and Abatements. The enforcement official may order the abatement and cleanup of any discharge from any source to the stormwater conveyance system when, in the opinion of the enforcement official, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety, or welfare, or the environment. Discharges in violation of this Chapter are considered as presenting an imminent danger to the environment. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, or welfare, or the environment or a violation of a NPDES permit, the city may perform or cause to be performed such work as shall be necessary to abate the threat or danger. The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of this chapter.

J. Contents of Notice. Any NOV, cease and desist order, or other civil notice or civil order issued by the enforcement official pursuant to this chapter shall include a copy of Section 13.32.130 of this chapter outlining appeal rights.

K. The city is authorized to file a citizen suit pursuant to CWA Section 505(a), seeking penalties, damages and orders compelling compliance and other appropriate relief.

L. The city may notify EPA Region IX, the regional board, or any other appropriate state or local agency, or any alleged violation of this chapter, including without limitation regarding notices and orders issued by the city, the timeframe for cleanup, and, if the parties agree that cleanup activities cannot be completed within the original timeframe, notification to such state or local agency within five business days that such timeframe requires revision.

13.32.140 Violations constituting misdemeanors.

In addition to any enforcement authority under this code, Any violation of this chapter may be punishable as a misdemeanor.

SECTION 2: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: The City Council hereby finds that the action to adopt this Ordinance to amend Chapter 13.32 of the St. Helena Municipal Code is exempt from the California

Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA). The action not a project within the meaning of Section 15378 of the CEQA Guidelines (Title 14 of the California Code of Regulations §§ 15000 – 15387) because it has no potential for resulting in physical change to the environment, directly or ultimately. In addition, the action to adopt this Ordinance is exempt from CEQA because there is no possibility that the adoption of the Ordinance may have a significant effect on the environment. (Cal. Code Regs., tit. 14, §15061(b)(3)). Further, the action to adopt this Ordinance is exempt from CEQA because it is action taken to benefit natural resources and the environment. (Cal. Code Regs., tit. 14, §§15307, 15308.)

SECTION 4: It is the intention of the St. Helena City Council that the text of the amended sections of Chapter 13.32 of the St. Helena Municipal Code, which are set forth in Section 1 above, be made a part of the St. Helena Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

SECTION 5: This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 11th day of October 2016, and was adopted at a regular meeting of the St. Helena City Council on the 25th day of October, 2016, 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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Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: Consent

Subject: Update of Pacific Gas & Electric's LED Street Lighting Program, Replacing Pacific Gas & Electric Owned High Pressure Sodium Vapor Streetlights with LED Streetlights

CEQA Status: This action is exempt from the requirements of CEQA as it qualifies for a Class 1 Categorical Exemption under Section 15301

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

Approved By: Jennifer Phillips, City Manager

BACKGROUND

At the City Council meeting on October 11, 2016, Staff presented Pacific Gas & Electric's (PG&E) LED streetlight replacement program to City Council and provided a recommended strategy for replacing streetlights in St. Helena. PG&E was not available to attend that meeting and City Council had additional questions that staff could not answer. At the October 11, 2016 City Council meeting, City Council did not approve the recommendation and requested that Staff bring the item back for discussion at a meeting when PG&E could be present.

DISCUSSION

Based on Council direction, Staff continues to work with PG&E to develop responses to questions raised. Staff anticipates bringing this item back for Council consideration in early 2017.

FISCAL IMPACT

There are no fiscal impacts to the City related to this action.

RECOMMENDED ACTION

This item is informational only and no action is required.

ATTACHMENTS

None



Item No: 8.10

Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: Consent

Subject: Consideration and Proposed Adoption of a Resolution Finding an Exemption from CEQA for the 2016 Pavement Overlay Project; Approving and Adopting the Project Manual; and Authorizing the Bid Request for 2016 Pavement Overlay Project

CEQA Determination: Categorically Exempt Section 15301, Existing Facilities Class I

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

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The Adopted 2016-2021 Capital Improvement Plan and 2016/2017 Annual Budget include the 2016 Pavement Overlay Project to overlay Charter Oak Avenue and Allison Avenue. In 2015/2016, Interwest Consulting Group, Inc. (Interwest) was tasked to complete a two-year pavement rehabilitation plan for the City. Year 1 of the resurfacing plan identified streets for slurry seal and microsurfacing, and Year 2 identified streets for overlay.

Interwest completed design for the Year 1 Project (2015 Pavement Rehabilitation Project); and it was originally bid during August 2015. Bids were opened on August 20, 2015. On September 8, 2015 the City Council rejected all bids because the responsive high bid was 70% higher than the engineer's construction cost estimate. Staff revised the 2015 Pavement Rehabilitation Project (Year 1 Project) to bifurcate the microsurfacing and curb ramps from the rest of the Year 1 Project and include only slurry seal at this time. Interwest revised the 2015 Pavement Rehabilitation Project design and bid documents accordingly; and the Year 1 Project was advertised for bidding during March 2016. The construction contract for the 2015 Pavement Rehabilitation Project (Year 1) was awarded by City Council on April 12, 2016.

Design of the Year 2 Project (2016 Pavement Overlay Project) was put on hold until construction of the 2015 Pavement Rehabilitation Project was awarded on April 12, 2016. Interwest has since completed the 2016 Pavement Overlay Project Manual and the Year 2 Project is now ready for bidding.

DISCUSSION

The 2014 Pavement Management Program Update (PMP) was used as the starting point for selecting street segments for the overlay, followed by a visual evaluation by Interwest. Selection for inclusion in this year's 2016 Pavement Overlay Project (Project) was based on the PMP, visual evaluation, geographic location, and available funding.

The Project includes full depth asphalt concrete repairs, an asphalt concrete overlay, traffic striping, and ADA compliant curb ramp improvements on Charter Oak Avenue and Allison Avenue. The limits of the project are Charter Oak Avenue from approximately 25 feet east of the railroad track paralleling Main Street to Allison Avenue and on Allison Avenue from Charter Oak Avenue to Pope Street.

A Project Map is included as Attachment 2, and the Project Manual is available for review at City Hall, and at www.blueprintexpress.com/sthelenas.

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

FISCAL IMPACT

The current engineer's estimate for the construction contract is \$300,000. The estimated Project expenditure summary is provided in the table below.

Description	Amount
Preliminary engineering and design	\$ 18,000
Construction management/inspection	\$ 36,000
Construction Contract	\$ 300,000
Contingency (10%)	\$ 30,000
Total	\$ 384,000

The Fiscal Year 2016/2017 budget includes \$384,000 for Capital Improvement Project R-78 2016 Pavement Overlay. There is no need for budget adjustments at this time.

RECOMMENDED ACTION

Adopt Resolution Finding an Exemption from CEQA; Approving and Adopting the Project Manual; and Authorizing the Bid Request for the 2016 Pavement Overlay Project.

ATTACHMENTS

1. Resolution
2. Project Map

CITY OF ST. HELENA

RESOLUTION NO. 2016-

Finding the 2016 Pavement Overlay Project Exempt from CEQA; Approving and Adopting the Project Manual; and Authorizing the Bid Request for 2016 Pavement Overlay Project

RECITALS

- A. The City of St. Helena is responsible for maintenance of public streets within the City limits; and
- B. The 2016 Pavement Overlay Project includes maintenance of existing streets by placing an asphalt overlay and making curb ramps ADA compliant, which does not expand or increase the existing street capacity; and
- C. The Project Manual for R-78 2016 Pavement Overlay Project has been prepared by Interwest Consulting Group, Inc., reviewed by the City Engineer, and presented for approval and authorization to bid.

RESOLUTION

The City Council of the City of St. Helena hereby 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 October 25, 2016, by the following vote:

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

APPROVED:

Alan Galbraith, Mayor

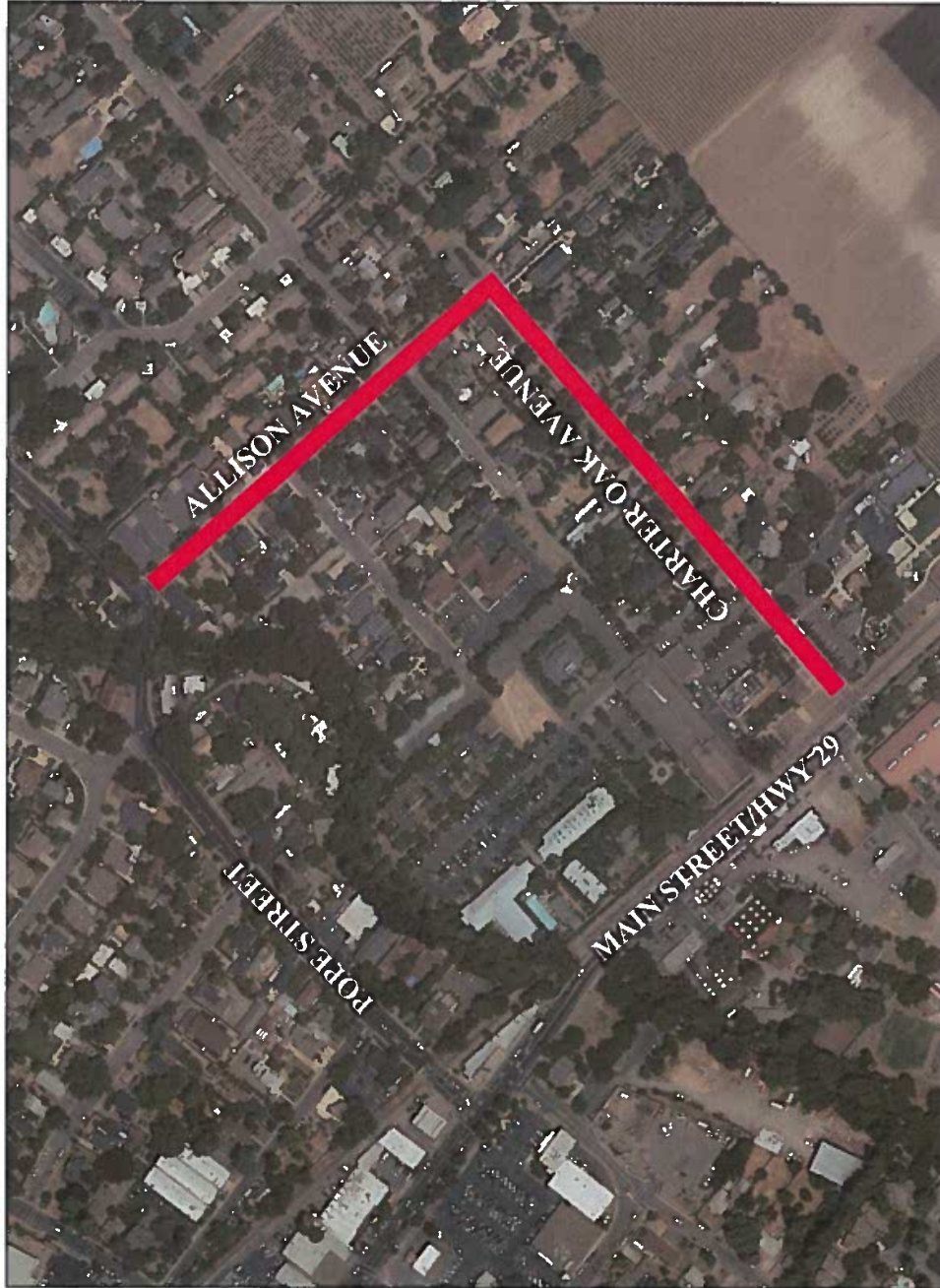
ATTEST:

Cindy Black, City Clerk



City of St. Helena
R78 - 2016 Pavement Overlay Project

Attachment 2



Legend

 Project Limits

Notes

Disclaimer: This map was prepared for informational purposes only.
No liability is assumed for the accuracy of the data delineated hereon.

This map was printed on 10/12/2016



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Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: Public Hearing

Subject: Introduce the first reading and read by title only, an Ordinance to Amend Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and 17.112.140 Water Efficient Landscaping

CEQA Determination: This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.

Prepared By: Steven Palmer, PE, Director of Public Works/City Engineer
Jennifer Tuell, Water Conservation Coordinator

Approved By: Jennifer Phillips, City Manager

BACKGROUND

City Staff has been working on a rate study to update water and wastewater rates. On September 27, 2016, City Council accepted the draft rate study and authorized Staff to begin the Proposition 218 process. The City mailed the Notice of Public Hearing for Proposed Water and Wastewater Rate increases on October 4, 2016 to begin the Proposition 218 notification for utility rates.

During this process, Staff identified many municipal code changes required to clean-up the code and prepare for adoption of the updated rate study and rates. The primary purpose of these municipal code updates is to ensure consistency within the municipal code, update out-of-date references, align the municipal code with best practices on how utility rates are adopted, administrative clean-up, update titles, elimination of duplications, update flow rates for fixtures, and clarify existing water conservation measures.

DISCUSSION

The Public Works Department and the Finance Department have reviewed the following municipal code sections: Chapter 13.04 Water Service System, Chapter 13.12 Water Use Efficiency and Use Guidelines, Chapter 13.20 Sewer Service System, and Section 17.112.140 Water Efficient Landscaping. A thorough review of these chapters and

sections resulted in several updates and clarifications. A redline version of the municipal code sections is attached, and the major proposed changes are as follows:

- Updated terms and titles throughout the chapters to match current City titles and staffing structure
- Removed specific fees or rates and replaced with authorization for fees and rates to be set by Council resolution. This change will align the municipal code with best practices for fee and rate adoption. If adopted, the fees removed from the municipal code will be updated by the water and wastewater rate study scheduled for November 29, 2016, or the user fee study that is currently underway.
- **13.04 Water Service System**
 - 13.04.010 Definitions
 - Added definitions for residential and non-residential, removed the definition for superintendent.
 - 13.04.020 Applicability—Shutting off water for violations
 - Updated the California Public Utilities Code section reference.
 - 13.04.030 – Application for water service
 - Sections A and D have been combined.
 - Section C requiring special pumping cost deposits for special reservoirs and pumping facilities, has been deleted. These fees will be adopted by resolution if they are part of the approved water rates.
 - 13.04.040 Water Service Connections – Costs
 - Updated Section B to meet current City permit requirements and standards.
 - Eliminated Section C; this work is currently performed by the applicant.
 - Eliminated connection charges outside the city; 13.04.050.H states that the city does not provide new connections outside the city limits.
 - 13.04.060 Meters generally
 - Clarified City responsibility and owner/occupant responsibility. The owner is responsible for installing new service laterals, including trenching and backfilling. The City is responsible for providing and connecting the meter assembly.
 - Revised Section C to remove the \$2.00 per meter test fee and state that the meter test fee will be established by City Council resolution. This fee is not included in the water rate study and is part of a separate user fee study.
 - 13.04.080 Water Rates
 - General updates of this section to have all associated rates adopted by Council resolution

Item No. 9.1

- Eliminated language for fees associated with special reservoir and pumping facilities (Meadowood), if applicable this will be set by Council resolution.
- Removed water rates and charges. Water rates and charges will be adopted by Council resolution.
- Added language to clarify that no water shall be furnished to any consumer free of charge or at a reduced rate.
- Eliminated language identifying the rate structure, and automatic rate increases, water rates and rate structure will be adopted by Council resolution.
- Added definition of non-treated (raw) water from Lower Reservoir and applicable uses.
- 13.01.100 Rules and regulations generally
 - Deleted Section A that allowed for temporary, unmetered service. All services, even temporary connections, require metering
- 13.04.130 Enforcement—Discontinuance of service upon delinquency
 - Revised language to state that bills will be delinquent after 21 days; current code states that bills are not delinquent until 30 days. The 30-day delinquency established was never updated when the City changed billing from bi-monthly to monthly. Best practice for utility billing is to utilize a 19-21 day delinquency when providing monthly billing.
 - Added Section 13.04.150.D.5 regarding the customer's right to appeal and reference to the code section regarding appeals.
 - Added a section allowing for Hardship Agreements to allow a payment plan for customers subject to approval of the Director of Finance. It is current City practice to offer Hardship Agreements to residents and businesses for utility billing. Under the current process the Hardship Agreement creates payment plans for the balance due. All Hardship Agreements are currently submitted in writing and approved at the discretion of the Director of Finance director based on the amount owed and payment history.
- 13.04.140 When water charges become effective—Discontinuance of service at consumer's request
 - Code currently requires that the consumer request discontinuance at least two days prior to requested date of discontinuance. Revised ordinance changes this requirement to two business days and clarifies that water service will be turned off during normal business hours.
 - The \$2.50 monthly charge for "Standby" is eliminated, if standby customers are charged a separate fee, it will be established by Council resolution. The draft rate study is proposing that all customers pay the applicable base fee.
- 13.04.150 Water Shortages
 - Change title from Water Shortages to Service Interruptions
- 13.04.160 Duties of superintendent, city clerk and city treasurer

Item No. 9.1

- Change title from Duties of superintendent, city clerk and city treasurer to Duties to Director of Public Works and Director of Finance.
- Updated titles.
- 13.04.170 Disposition of moneys—Funds
 - Eliminated reference to Resolution No. 398 – Providing for the Issuance of \$650,000 Principal Amount of City of St. Helena 1958 Water Revenue Bonds. The term of these bonds has expired.
- 13.04.180 Appeals
 - Changed title from superintendent to Director of Public Works and added Director of Finance.
- 13.04.200 Private fire service—Requirements—Rates
 - Fire service rates eliminated from municipal code and will be set by Council resolution.
- 13.04.210 Public fire hydrants—Operation and maintenance—Rates.
 - Eliminated Section D which stated that the City would not charge itself for public hydrants within City limits. This section is redundant as City does not charge a monthly rate for public hydrants within City limits.
 - Eliminated rates for public fire hydrants outside city limits.
- Article 2 Water Shortage Emergencies and Drought
 - Changed title from Water Shortage Emergencies and Drought to Water Shortage Emergencies, Drought and Water Conservation.
- New Section: 13.04.221 Water Conservation
 - Added new section that is now the primary section for water conservation measures. Previously, water conservation measures were in both 13.04 Article 2 and 13.12 Water Use Efficiency and Use Guidelines. All water conservation measures are now in 13.04 Article 2. Revised to more clearly define and separate recommended and mandatory water conservation measures. Many of the state mandated conservation measures are now included as an everyday part of life, and are required all the time regardless of drought or water supply.
 - The following water conservation measures are currently mandatory per existing Chapter 13.12 Water Use Efficiency and will continue as mandatory:
 1. The application of potable water to any driveway or sidewalk is prohibited, unless conditions of public health hazard are documented.
 2. Using a hose that dispenses potable water to wash a motor vehicle is prohibited, unless the hose is fitted with a shut-off nozzle
 3. Customers shall install new landscaping in existing or new development that is water efficient within the meaning of the state's water efficient landscape ordinance.

Item No. 9.1

4. Using potable water to water outdoor landscapes in a manner that causes runoff to adjacent property, nonirrigated areas, private and public walkways, roadways, parking lots or structures is prohibited.
 5. Using potable water in a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system.
 6. Withdrawing water from fire hydrants, except for firefighting, firefighting training, and water system maintenance purposes, is prohibited.
 7. Use of potable water for grading, dust control, street, pipeline or similar construction is prohibited.
 8. All projects for which the planning department requires approved landscape plans must adhere to the city's xeriscape standards or the State's Model Water Efficient Landscape Ordinance, whichever is stricter in order to obtain plan approval.
 9. All new development must offset new demand by an amount of water equal to the new demand on the city water system using the methodology defined in Section 13.12.050. The offset must be clearly demonstrated, to the satisfaction of the director of public works.
- The following water conservation measures are currently mandatory only during a Phase 1 water emergency or State emergency are proposed to become mandatory all the time. These conservation measures are becoming standard practice and widespread throughout the State of California:
 1. The application of potable water to outdoor landscapes during and up to forty-eight (48) hours after measurable rainfall is prohibited.
 2. No person shall use potable water to irrigate ornamental turf on public street medians.
 3. Restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and/or purchased shall supply water to patrons only upon request.
 4. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.
 5. The city will provide prompt notice to a customer whenever information is obtained that indicates that a leak may exist within the end-user or customer's exclusive control.
 - 13.04.230 Phase I Water Regulations
 - When the state declared a drought in 2015, the City adopted the state mandated drought regulations and continued with the Phase I water emergency, even though the City's water supply was stable.

Since that time the state has lifted some of the requirements, but others still remain in effect. Much of the language has been removed from this section and is now placed in 13.04.221 Water Conservation, to become everyday requirements regardless of water supply. Also included general clean-up in this section.

- Section B-3 requiring new development offset its increase in water use is redundant and has been eliminated. The requirement for new development to offset increased water use is specified in Section 13.04.221.
- The limitation on watering to two days per week will remain in Phase I.
- The limitation on use of potable water to irrigate landscaping between the hours of eight (8) a.m. and eight (8) p.m. will remain.
- Fines for water waste remain in Phase I.
- 13.04.290 Noncompliance with mandatory water conservation measures and 13.04.300 Violation hearings
 - Eliminated these two sections because current case law has shown that the City cannot charge a separate rate for excessive water consumption unless that rate is reasonably related to the cost of providing the service.
- **13.12 Water Use Efficiency and Use Guidelines**
 - Changed title of this chapter from Water Use Efficiency and Use Guidelines to Water Use Efficiency and New Development, to reflect all water use efficiency guidelines related to new development. Other regulations were moved to 13.04 Article 2, allowing all water conservation measures to be in the same place. Updated flow rates to reference California Building code minimum requirements.
- **13.20 Sewer Service System**
 - 13.20.010 Definitions
 - Redefined "Church" as "Religious Place/Community Center"
 - Defined "Non-residential"
 - Eliminated the definition for "Multifamily dwelling"
 - 13.20.020 Sewer Charges
 - Sewer (Wastewater) rates will be adopted by resolution.
 - Eliminate language identifying the rate structure, and state that automatic rate increases, water rates and rate structure will be adopted by Council resolution.
 - Revised language to state that bills will be delinquent after 21 days; current code states that bills are not delinquent until 30 days. The 30-day delinquency established was never updated when the City changed billing from bi-monthly to monthly. Best practice for utility billing is to utilize a 19-21 day delinquency when providing monthly billing.

- Added Section 13.04.150.D.5 regarding the customer's right to appeal and reference to the code section regarding appeals.
- **17.112 General Site Design and Development Standards**
 - **17.112.140 Water efficient landscaping**
 - In 2015 the State updated the Model Water Efficient Landscape Ordinance; changes to this section reflect the state mandated changes. This proposed change states that the City will follow the state's requirements.

The ordinance will be presented to Council for a second reading and adoption on November 29, 2016. This coincides with the date of the Public Hearing for City Council adoption of the rate study and updated rates. Typically, an ordinance goes into effect 30 days after the second reading. The timing of the effective date of this ordinance is proposed to be delayed to align with the timing of the implementation of the proposed water and wastewater rates.

Per the Proposition 218 Notice sent to customers "If adopted, the new water and wastewater rates will be effective for the February 2017 billing cycle (inclusive of service provided in January 2017) and thereafter the approved schedule of rate increases will go into effect for each November billing cycle." If approved, the proposed changes to 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and section 17.112.140 Water Efficient Landscaping will become effective on January 9, 2017, to coincide with the effective date of the new rates, if approved.

FISCAL IMPACT

There will be no fiscal impacts with this ordinance update.

Many of these ordinance changes and updates will allow Council to update rates and fees by resolution, rather than by updating the municipal code. Staff has scheduled the proposed updates to the municipal code to become effective at the same time as the new water and wastewater rates. These municipal code changes remove reference to some minor fees that are not included in the rate study update. These fees will be determined by the fee study currently being worked on by City Staff and adopted by Council when the study is complete.

RECOMMENDED ACTION

It is recommended that the City Council conduct the first reading of the ordinance, introduce by title only and waive further reading of an ordinance to amend chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and section 17.112.140 Water Efficient Landscaping.

ATTACHMENTS

1. Ordinance
2. 13.04 Water Service System - Redline
3. 13.12 Water Use Efficiency and Use Guidelines - Redline
4. 13.20 Sewer Service System - Redline
5. 17.112.140 Water Efficient Landscaping – Redline
6. Chapter 13.04, 13.12, 13.20 and Section 17.112.140 Update (no redline)

CITY OF ST. HELENA

ORDINANCE NO. 2016-

**ORDINANCE OF THE CITY OF ST. HELENA AMENDING CHAPTERS
13.04 WATER SERVICE SYSTEM, 13.12 WATER USE EFFICIENCY AND
USE GUIDELINES, 13.20 SEWER SERVICE SYSTEM, AND SECTION
17.112.140 WATER EFFICIENT LANDSCAPING OF THE ST HELENA
MUNICIPAL CODE**

The City Council of the City of St. Helena ordains as follows:

SECTION 1: The City of St. Helena has conducted a water and wastewater (sewer) rate study (Rate Study). As part of the Rate Study the following municipal code sections were evaluated closely: Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and Section 17.112.140 Water Efficient Landscaping. During this review it was determined that sections of the municipal code were inconsistent, did not align with best practices, included duplications, and needed general updating to current standards.

SECTION 2: The Public Works Department and the Finance Department conducted a thorough review of the chapters and sections listed above resulting in several updates and clarifications. Changes to the municipal code include updated terms and titles throughout the chapters to match current City titles and staffing structure, updated several sections that identified specific fees or rates to now have fees and rates adopted by Council resolution, aligning City practices for fee and rate adoption with best practices.

SECTION 3: Typically, an ordinance is adopted 30 days after the second reading. The timing of this ordinance is proposed to be extended to align with the timing of the proposed adoption of the water and wastewater rates. Per the Proposition 218 Notice sent to customers "If adopted, the new water and wastewater rates will be effective for the February 2017 billing cycle (inclusive of service provided in January 2017) and thereafter the approved schedule of rate increases will go into effect for each November billing cycle."

SECTION 4: A portion of these ordinance changes and updates will allow Council to update rates and fees by resolution, rather than by updating rates and fees by the municipal code. Staff has scheduled the proposed adoptions of the water and wastewater (sewer) rates to be effective at the same time as the updates to the municipal code. There will be a period of time that the City will have unidentified fees associated with water and wastewater (excluding water and wastewater rates), that were previously established in the municipal code, these fees will be determined by the fee study currently being evaluated by the Finance Department and adopted by Council when the study is complete.

Attachment 1

SECTION 5: Sections 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and Section 17.112.140 Water Efficient Landscaping of the St Helena Municipal Code are hereby amended to read as shown in the attached (deletions indicated by strike-through and additions indicated by underline).

SECTION 6: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 7: The City Council hereby finds that the action to adopt this Ordinance to amend Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and Section 17.112.140 Water Efficient Landscaping of the St. Helena Municipal Code is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.

SECTION 8: It is the intention of the St. Helena City Council that the text of the amended sections of Chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and Section 17.112.140 Water Efficient Landscaping of the St. Helena Municipal Code, which are attached as a separate redline document, be made a part of the St. Helena Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

SECTION 9: This ordinance shall take effect January 9, 2017. A summary of this ordinance shall be published once with the names of the members of the Council voting for and against the same in the St. Helena Star, a newspaper of general circulation published in the City of St. Helena.

The foregoing ordinance was introduced at a meeting of the City Council of the City of St. Helena held on October 25, 2016, and adopted at a meeting held on November 29, 2016, by the following vote:

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

Attachment 1

Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Chapter 13.04
WATER SERVICE SYSTEM

Article 1
General Provisions

Sections:

- 13.04.010 Definitions.
- 13.04.020 Applicability—Shutting off water for violations.
- 13.04.030 Application for water service—Deposit.
- 13.04.040 Water service connections—Costs.
- 13.04.050 Water service connections—Installation generally.
- 13.04.055 Conditions when connection to public water main required.
- 13.04.060 Meters generally.
- 13.04.070 Water main extensions.
- 13.04.080 Water rates.
- 13.04.090 Right of city to contract for water.
- 13.04.100 Rules and regulations generally.
- 13.04.110 Responsibility for payment of charges.
- 13.04.120 Notices.
- 13.04.130 Enforcement—Discontinuance of service upon delinquency.
- 13.04.140 When water charges become effective—Discontinuance of service at consumer's request.
- 13.04.150 Water shortages. Service Interruptions.
- 13.04.160 Duties of superintendent, city clerk and city treasurer, director of public works and director of finance.
- 13.04.170 Disposition of moneys—Funds.
- 13.04.180 Appeals.
- 13.04.190 Pollution of city reservoirs—Wading, swimming and cutting wood.
- 13.04.200 Private fire service—Requirements—Rates.
- 13.04.221 Water Conservation
- 13.04.210 Public fire hydrants—Operation and maintenance—Rates.

Article 2
Water Shortage Emergencies and Drought

Sections:

- 13.04.220 Procedure for establishing water emergency phases.
- 13.04.230 Phase I water regulations.
- 13.04.240 Phase II water regulations.
- 13.04.250 Phase III water regulations.
- 13.04.270 Termination of water emergency phases.
- 13.04.280 Exception permits.
- 13.04.290 Reserved Noncompliance with mandatory water conservation measures.
- 13.04.300 Reserved Violation hearings.
- 13.04.310 Violation—Misdemeanor.

Article 1
General Provisions

13.04.010 Definitions.

For the purposes of this chapter and Chapters [13.08](#) (Cross-Connection Control Program) and [13.12](#) (Water Use Efficiency and Use Guidelines), the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Agricultural purpose” means the breeding, raising, pasturing, and grazing of livestock for the production of food and fiber and the planting, raising, harvesting and producing of viticultural crops, food crops, fiber crops, horticultural crops, and forestry crops.

“Customer” means the person responsible for paying each water service account on the water distribution system, both inside and outside city limits, of the water enterprise owned by the city of St. Helena.

“Department” means the municipal water department of the city.

“Director of public works” means the individual filling the position of director of public works/city engineer for the city, or his or her designee.

“New development” means any of the following construction projects that have not received a certificate of occupancy from the city or county building department prior to May 24, 2011, or that was issued a building permit and did not construct a foundation prior to May 24, 2011:

1. Any freestanding building that contains water-using fixtures;
2. Any floor area additions to existing nonresidential structures;
3. Any residential additions or remodeling that increases overall water usage at the water meter.

“New water connection” means a water connection for the benefit of any user or use of water, whether industrial, commercial, residential, institutional, who or which was not currently receiving water from the department at the time a water shortage phase was formally established. All new construction shall be deemed a new water connection, notwithstanding the fact that such new construction may have received all permits and consents required of it by any governmental agency, including the city, and notwithstanding the fact that the applicable fees for water connection may have been prepaid by the applicant.

[“Non-residential” means properties in which the primary use is not residential Hotel and motels are considered non-residential.](#)

“Premises” is a lot or parcel under one ownership, except that portions thereof having well-defined boundaries such as fences or hedges which prevent the common use of the property by all occupants shall be deemed separate premises.

“Residential” means all living or dwelling units (as defined by the Uniform Building Code) of a permanent, rather than a transient, nature, including but not limited to single-family residences, apartments, mobile homes/manufactured homes, duplexes, townhouses, apartment buildings and condominiums. A dwelling unit shall be defined as any structure containing sleeping, eating, cooking, and sanitation facilities.

“Safe annual yield” of the St. Helena water supply system is that quantity of water which can be reliably delivered on an annual basis through most rainfall years, including a dry year (rainfall at twenty-two (22) inches to twenty-five and nine-tenths (25.9) inches) without undue hardship on water customers through water shortage restrictions. It is recognized that the safe annual yield, as so defined, could place significant hardship on water customers in a critically dry year (rainfall at twenty-one and nine-tenths (21.9) inches or less) or in periods of two or more consecutive dry years. “Undue hardship” is defined to mean Phase II or Phase III restrictions at any time, as these phases are set forth in this amended code. The safe annual yield shall be determined pursuant to the analytical methodology used by the safe yield committee, as identified in its report dated March 17, 2011. The safe annual yield shall be re-determined any time there is a material change in the city’s water supply.

~~“Superintendent” means the superintendent of the water department of the city.~~

“Supply/usage balance” is the difference between the safe annual yield and total current usage.

“Total current usage” is average usage as determined by taking total metered potable water supply entering the water system’s distribution system over the last five fiscal years, divided by five. The city shall calculate the supply/usage balance as soon after the end of each fiscal year as is practicable, as well as at any time that there is a material change in potable water supply. The balance is positive when the safe annual yield exceeds total current usage. The balance is negative, or in deficit, when the safe annual yield is less than total current usage.

“Water advisory board” is the board as may be constituted in Section 13.04.230(C)(8). (Ord. 12-1 § 2; Ord. 11-7 (part); prior code § 18.1)

13.04.020 Applicability—Shutting off water for violations.

The rules and regulations set forth in this chapter and Chapters 13.08 and 13.12 for the management, control and use of the municipal water department, and penalties for the violation thereof, and rates to be charged for water or services furnished to consumers, are prescribed and established and are applicable to all consumers, whether inside or outside the city limits, in the absence of express limitations hereinafter set forth.

Every person taking water shall be considered as having expressed his or her consent to be bound by the provisions of this chapter, and whenever any one of such rules and regulations is

violated the city may shut off the water to the user with proper notice as set forth in [Section 10010 Division 5, Article 1, Chapter 1](#) of the California Public Utilities Code and the water shall not be turned on again until all unpaid rents and charges are paid and other requirements of this chapter and Chapters [13.08](#) and [13.12](#) are met. (Ord. 02-5 § 18 (part): prior code § 18.2)

13.04.030 Application for water service—Deposit.

A. To Be Signed and in Writing. Every person desiring a water supply from the department shall make written application at the office of the department. Such application shall be signed by the applicant. [The application shall contain the stipulations, terms and provisions applicable to all water accounts as defined by resolution or the code. A printed application form shall be provided by the department, when requested. Water service will be turned on by a city representative during normal working hours, defined as after 8:00 a.m. and prior to 3:30 p.m., Monday through Friday excluding legal holidays. Water service turn-on shall not be made after 3:30 p.m. or prior to 8:00 a.m., Monday through Friday, nor on Saturday, Sunday or legal holidays unless the customer agrees to pay the appropriate fee as set by resolution for such after-hours service.](#)

B. Nonowner's Deposit. Whenever an application is made for the furnishing of water to premises and the applicant is not the owner in fee of such premises, a deposit shall be made with the department at the time such application is made in the amount prescribed by resolution of the city council. Such deposit shall be held by the department as a guarantee for the payment of all water consumed, and payment of all other charges owing from the applicant to the department. Whenever any applicant removes from such premises owing nothing for water by him or her used, or any other charges of the department, or whenever the applicant shall become the owner in fee of such premises, the deposit shall be returned to the applicant making the same. Otherwise, the deposit shall be returned to the applicant less all charges owing by the applicant to the department.

~~C.—Special Pumping Cost Deposit. Whenever an application is made for the furnishing of water to premises served with special reservoir and pumping facilities as defined in Section 13.04.080(B) of this code, a deposit, in addition to any other deposits required by this section, shall be made with the department at the time such application is made in the amount of fifteen dollars (\$15.00). Such deposit shall be held by the department as a guarantee for the payment of the special pumping cost charges and payment of all other charges owing from the applicant to the department. Whenever any applicant removes from such premises owing nothing for water by him or her used, or any other charges of the department the deposit shall be returned to the applicant making the same. Otherwise the deposit shall be returned to the applicant less all charges owing by the applicant to the department.~~

~~D.—Form for Applications. The application for the furnishing of water to an applicant shall be made in writing and shall be in such form and shall contain such stipulations, terms and~~

~~provisions as may from time to time be fixed and provided by resolution of the city council and printed on an application form provided by the department. (Prior code § 18.3)~~

13.04.040 Water service connections—Costs.

A. Generally. When the premises to which water is to be furnished under the application made in writing has no connection already installed for use on the premises, the applicant shall pay all costs of the installation and service connection. The costs which shall be included as charges for making service installations shall be: All materials costs, including fittings, valves, pipes, meter, meter box and other costs incurred by reason of peculiarities of the installation.

~~B. Cost of Digging and Drilling. Whenever it is required that a trench be dug to install any water service, the digging and filling of the same shall be done by the department at the cost of the applicant.~~
Cost of Installation. The applicant shall be responsible for installation and cost of the water lateral both within the city right of way and on private property. All work within the city right of way shall require a city issued encroachment permit, and the work shall be performed by an appropriately licensed contractor. Installation shall be performed in accordance with all applicable city standards including but not limited to trench backfill and pavement restoration.

~~C. Cost of Replacing Pavement. Whenever the service is installed on a paved street, the applicant shall pay the cost of replacing the pavement. Such costs of digging and refilling trenches and of replacing the pavement to be in addition to all other charges provided for installation of water service.~~

~~D. Superintendent to Fix Charges. The superintendent of the water department~~
Director of Public Works to Fix Charges. The director of public works is empowered to estimate and fix the charges to be made for all service connections, subject to the approval of the city council.

~~E. When Due and Payable.~~ All such sums herein provided for to be paid by the applicant shall be due and actually paid before any of the work is commenced and in no event shall the work of installing any water service be commenced until all sums required to be paid have been actually paid by the applicant. None of such sums so paid, nor any portion thereof, shall be refundable to the applicant.

~~F. Schedule of Water Connection Charges.~~ Every person making a connection to the city water system shall, immediately prior to making such connection, pay to the city a connection charge in accordance with the following schedule: as established by city council resolution.
~~In addition to the above costs, there~~

There shall also be one of the following water connection charges:

1. Standard Service Connection (Complete). Minimum charges for standard complete service connections are shown below. A “standard” complete connection is defined as

one where the service pipe is tapped into a water main of eight-inch diameter or less, where open trench excavation can be used and where the distance from the main to the meter is not over forty (40) feet. The service connection is complete in that it includes service pipe, meter box, meter and necessary fittings. Extraordinary costs, as determined by the city engineer, shall be billed and paid by the applicant.

Minimum Connection Charge

Size of Meter	Inside City	Outside City
3/4 <u>or 5/8</u> inch meter	\$1,000.00	\$1,025.00
1 inch meter	\$1,200.00	\$1,225.00
1 1/2 inch meter	\$1,625.00	1,650.00

2. Standard Service Connection (Partial). A “standard” partial connection applies to those cases where a copper service pipe has been stubbed in during the development of the subdivision and only the setting of the meter box and meter remains to be done by the water department.

Minimum Connection Charge

Size of Meter	Inside City	Outside City
3/4 <u>or 5/8</u> inch meter	\$150.00	\$200.00
1 inch meter	\$275.00	325.00
1 1/2 inch meter	\$550.00	650.00

(Prior code § 18.4)

13.04.050 Water service connections—Installation generally.

A. When Connection May be Made. The applicant having complied with the requirements of this chapter and Chapters [13.08](#) and [13.12](#) relating to the application for service, and having paid all charges incurred, the property described in the application shall be connected with the water mains and water furnished to the applicant.

B. Extension of Mains. No service shall be installed by the department on any private property, or extended beyond the curb of the street in which the department’s mains are installed, except where the city owns or controls water pipe line rights-of-way over private property and has water mains installed therein. The applicant for water service shall, at his or her own expense, extend service lines to the nearest open and accepted public street or place where service will be installed by the department, subject to all other terms and provisions set

forth in this chapter and Chapters [13.08](#) and [13.12](#), except that the department may, at its option, allow water service connections to its water mains installed in the rights-of-way above described; provided, that the applicant at his or her own expense extends service lines to the water mains.

C. Multiple Connections Prohibited Generally. No one service connection shall supply water to more than one premises.

D. Exceptions to Multiple Connection Requirements. If under particular circumstances it be determined by the city council that it be impracticable to install one service connection for every premises and advantageous to the department to furnish water to more than one premises through one service connection, then water may be so furnished by the department. After any such installation of water service for more than one premises through one service connection, the city council may, if it determines that by reason of changed circumstances, it has become practicable to install one service connection for each of the premises, then the city council may elect to install a separate service connection and meter for each of such premises at the cost and expense of the owner of the premises, to be paid for by the owner of the premises.

E. Service to More Than One Consumer Through One Connection and Meter. Where there is more than one consumer supplied through one service connection and one meter, the department shall hold the applicant or other person agreed upon responsible for payment of all water furnished through the one service connection or one meter; provided, that where practicable to serve each consumer through a separate service connection, the city council may at its election install a separate service connection and meter for each such consumer at the cost and expense of the property owner or consumer, to be paid for by the property owner or consumer, and thereafter collected at the established meter rates for water supplied through each meter.

F. Extension Along Frontage of Premises Served. In no event shall a water service connection be installed unless a water main of adequate capacity and delivery pressure extends in a public street or public right-of-way across the entire frontage of the premises to be served; provided, however, that if, under particular circumstances, it is determined by the city council that no public purpose would be served to require the water main to extend across the entire frontage, such as, without limitation, those cases involving dead-end streets or cul-de-sacs, the council may determine a lesser distance to which it is necessary to extend the water main across the frontage to serve the public purpose.

G. Prohibitions. No service connection shall be given or made from which any consumer service line shall run lengthwise on any public street, nor shall any service connection be given or made from which two or more consumer service lines shall run lengthwise on any private road.

H. Service Outside City Limits. No water service connection or water main extension shall be made or given to premises located outside the city limits except (1) to provide private fire service in accordance with Section [13.04.200](#) and (2) to provide reclaimed water in accordance with city policies and procedures. (Ord. 03-5 § 1; prior code § 18.5)

13.04.055 Conditions when connection to public water main required.

A. The owner of any structure located within the city in which plumbing is to be installed shall, at the owner's sole expense, connect the plumbing of such structure directly to the proper public water main in accordance with the provisions of this chapter. The provisions of this section shall not apply to wells installed pursuant to Chapter [13.16](#).

B. If the closest water main is located more than one thousand (1,000) feet from the property line of a residential lot, the property owner of the residential lot may request an exception to this requirement for existing lots of record.

C. The following procedures shall be followed for the consideration of applications for exceptions to the requirements of this section:

1. Applications for exceptions shall be filed by the property owner with the public works department on forms provided by the public works department. The application shall be accompanied by materials and information outlined on the application requirements list available in the public works department.
2. The application shall be considered by the city council prior to the determination of completeness (pursuant to Section [65943](#) of the Government Code) of a development application for the property.
3. Applications for exceptions shall be considered during a public hearing.

D. The following criteria shall be considered by the city council in the evaluation of applications for exceptions to the requirements of this section:

1. The proximity of existing public water mains to the subject lot;
2. The ability to provide public water to the site at pressures adequate for domestic and emergency purposes by unmechanically augmented municipal systems;
3. The likelihood of adjoining lot(s) to develop, and the need for the extension of public water facilities to accommodate such development;
4. The potential environmental effects resulting from the installation of public facilities given the physical conditions and improvements present at the site including, but not limited to: slope, soil conditions, tree cover, existing features and structures, etc., which might present constraints to the extension of the public water facilities;
5. The physical conditions and improvements present at the site including, but not limited to: slope, soil conditions, tree cover, existing features and structures, etc. which might present significant ongoing costs for maintenance of the public facilities;
6. The ability to provide public water service to the frontage of adjoining lots(s);

7. The adequacy of the proposed private system to provide adequate water flow rates, pressure, and facilities to address domestic and emergency needs as determined by the director of public works and the fire chief;
8. The adequacy of the proposed private system to satisfy the requirements of the Napa County department of environmental management.

E. The city council may impose conditions or requirements upon the granting of an application for an exception to the requirements of this section. Said conditions or requirements may include, but shall not be limited to, the following:

1. The property owner requesting the exception shall design and install the public water main across the frontage of the subject property including the extension, if any, of the public facilities from their existing closest point. Appropriate dedication of right-of-way shall be made to accommodate said installation. Said design, installation and dedication shall occur prior to the occupancy of the new development and shall not be subject to reimbursement or other credit by the city of St. Helena. An agreement for reimbursement from private development may be executed.
2. A home owners association (HOA) or other entity or binding agreement, acceptable to the city attorney, shall be created and maintained in perpetuity to ensure the long-term maintenance of the common and/or private facilities (wells, water lines, pressure tanks, holding tanks, back flow prevention devices, etc.). The HOA shall maintain a sufficient fund reserve as determined by the director of public works at all times to ensure that maintenance of the private facilities will occur as necessary. Duties and obligations of the HOA shall be stipulated in covenants, codes and restrictions (CC&Rs) which shall govern the private property. The city of St. Helena shall be a party to the CC&Rs, but shall not be responsible for the enforcement of the document.
3. The property owner requesting the exception shall record a notice which shall run with the deed on the property, and all subsequent parcels resulting from a subdivision of the property, advising subsequent property owners of the lack of public facilities and of the potential for failure of the private system(s). The deed notice shall further advise successor property owners that the city of St. Helena has no obligation to provide public facilities to the property even in the event of the failure of the private system(s).
4. The property owner requesting the exception shall execute and record a hold harmless agreement with the deed of the property, and all subsequent parcels resulting from a subdivision of the property. Said agreement shall relieve the city of St. Helena of any and all liability which might arise from the use and/or failure of the private system(s). Said hold harmless agreement shall be in a form acceptable to the city attorney and shall be recorded prior to occupancy of any new development on the subject lot. (Ord. 12-1 § 3)

13.04.060 Meters generally.

A. Location, Size, Etc. A water service meter shall be installed by the department for each service connection. Water service meters shall be installed only in public streets or places. It shall be unlawful for any consumer to obstruct access to water service meters. On every meter

installation the size and exact location of the meter shall be determined by the ~~superintendent~~ subject to approval of the city council director of public works or designee.

B. To Remain City Property—Maintenance. All water meters installed by the department shall remain at all times the property of the city and shall be maintained, repaired and renewed by the department ~~when~~. The department will be responsible for the cost to replace and/or repair meters that are rendered unserviceable through ordinary wear and tear and damage by the elements; ~~provided, that where replacements, repairs or adjustments for any meter are necessary. The property owner shall be responsible for the cost to replace and/or repair meters that are rendered unserviceable~~ as a result of the negligence of the owner ~~or~~ occupant ~~of any premises, any expense caused to the department thereby shall be charged against and collected from the owner, agent, contractor or other person working on behalf~~ of the ~~premises owner or occupant~~. The department shall have sole discretion in determining if a meter requires repair or replacement; and sole discretion in determining if the cause for repair or replacement is ordinary wear and tear or the result of negligence.

C. Tests. Upon the deposit of the sum ~~of two dollars (\$2.00)~~ as established by council resolution with the finance department by any consumer, the ~~superintendent~~ director of public works or designee shall test the meter at the premises of the consumer. The consumer shall be notified ~~in writing~~ by the ~~superintendent~~ director of public works at least twenty-four (24) hours in advance and may be represented at such test. ~~If, upon examination and test, the meter is found to over-register more than two percent, an accurate meter will be substituted for it, the fee of two dollars (\$2.00) will be refunded to the depositor and the water bill adjusted to correct the error discovered. If it be determined that the meter over-registers less than two percent, the fee of two dollars (\$2.00) will be retained by the department.~~ (Prior code § 18.6)

13.04.070 Water main extensions.

A. Application. The provisions of this section shall apply to water main extensions, both within and without the boundaries of the city, except that they shall not apply to any water main extensions within the boundaries of any subdivision.

B. Duties of Applicants—Materials—Payments. Applicants for water main extensions to service premises where such extensions are necessary, which necessity shall be at the sole and absolute discretion of the city council shall be required: (1) to pay to the department the estimated reasonable cost of the necessary facilities before construction is commenced; and (2) to transfer and convey to the city all water mains, pipes and necessary easements therefor. The size, type and quality of the materials and the location of lines shall be specified by the city council in its sole and absolute discretion. All such sums herein provided for to be paid by the applicant for water main extensions shall be due and actually paid before any of the work is commenced and in no event shall the work of installing any water service be commenced until all sums required to be paid have been actually paid by the applicant. Any excess of the amount so paid in by the applicant over the actual cost shall be refunded to the applicant, and in the

event the actual costs thereof exceed the amount actually paid by the applicant, the water service shall not be turned on until the differential is paid to the department.

C. Additional Connections. Additional water service connections to any such extended water mains shall be permitted only at the sole and absolute discretion of the department.

D. Size. All water main extensions shall be of size and shall be connected to the city water system at a point where there is an adequate water supply under proper pressure as determined by the city council.

E. Special Extension Prorate Charge—Determination, Etc. In addition to the usual costs of a water service connection as provided in Section 13.04.040, a special extension prorate charge shall be required and collected from applicants for water service in those instances where the present or past owners of the premises to be served have not participated in the cost of installing the main fronting their premises and which main was installed within a period of twenty (20) years prior to the date of granting the application for the water service connection but after the effective date of this section, September 12, 1961. The charge shall be determined by multiplying the footage of the premises lying along and which may be served directly from the main extension by one-half of the lineal per foot cost of the main extension, but not to exceed the costs of a six-inch main if installed by the department. The charge shall not be applied more than once to any premises. The charge shall be estimated and fixed by the ~~superintendent~~director of ~~the water department~~public works, subject to the approval of the council and shall be payable prior to the installation of water service. Except in unusual circumstances, as determined by the city council, premises already served by the department at the date of installation of the main extension will be exempt from the payment of the special extension prorate charge.

F. Special Extension Prorate Charge—When Effective. The special extension prorate charge shall be in effect for a period of twenty (20) years from:

1. The date of execution of the main-extension agreement, if the main extension is financed by property owners; or
2. The date of official completion of the main extension, if financed by the city.

G. Special Extension Prorate Charge—Rights of Applicant Financing Main Extension. The applicant who has financed the main extension shall be entitled to the special extension prorate charges collected by the department as a part of the service connection costs. The amounts collected shall be refunded to the applicant in accordance with the terms of the main-extension agreement between the city and the applicant. The refunds shall be made within ninety (90) days following the date of collection thereof by the city. No refunds of the extension prorate charges shall be made after twenty (20) years from the date of execution of the main-extension agreement.

H. Subdivision Off-Tract Facilities. If the city council determines that there is not a sufficient off-tract water main from a point where there is an adequate water supply under proper

pressure to a point of connecting to in-tract subdivision water mains, the city shall have no obligation to make a connection or extension unless and until the applicant shall finance and make a special agreement with the city for the construction and installation of required off-tract water mains. It is found and determined that at the time no uniform rule can be laid down with respect to the sharing of the cost of such off-tract water main, but that each case must be evaluated on its own merits. Such special agreement need not provide for refunds according to subsection G of this section but may provide for refund or reimbursement to the applicant in such manner as the council determines to be in the best interests of the city. If such an off-tract water main shall be constructed, it shall be a limited purpose through line not designed or intended to serve the properties through which it passes and the city shall not be deemed to have "assumed to serve" any such area through which it passes unless and until the city council shall expressly so declare by later motion or resolution. (Prior code § 18.7)

13.04.080 Water rates.

A. Charges Imposed. ~~Owners of property shall pay the city a charge for water service on a monthly basis, as set forth in the schedule below (see Table 1). Water charges shall be used for the purpose of providing funds: (1) for the payment at or before maturity of the principal of and interest on all water revenue bonds heretofore or hereafter issued by the city for the purpose of the acquisition, construction, improvement or financing assessed upon all premises connected with the water system, the cost of improving the water system or for the purpose of acquiring, constructing or improving extensions, additions or betterments to the water system; and (2) for payment of the cost of maintenance and operation of the water system, including administrative costs, the water rates and charges hereinafter are set forth for water furnished or available to such premises by the water system.~~

B. ~~Premises served with special reservoir and pumping facilities means those premises requiring reservoir and pumping facilities to furnish water service thereto, which facilities are not for the general benefit of the city's entire water system but are for the special benefit of the premises served. Premises in the Meadowood service area shall be subject to additional water surcharges, as specified in Table 2. Premises subject to the Meadowood water surcharges are those premises served with special reservoir and pumping facilities, which facilities are not for the general benefit of the city's entire water system but are for the special benefit of the premises served.~~

C. ~~All property provided water service by the city's water system shall pay for service on a monthly basis. No water and no services or facilities of the water system shall be furnished to any consumer or to any person free of charge or in amounts less than those established by resolution of the City Council. The city shall pay for all water furnished or made available by the water system for municipal purposes purpose of the city. No Customers shall pay for water and no services or facilities of service on a monthly basis. In the event a customer is undercharged for water system service, the city shall be furnished backbill the customer to any consumer or recover the amounts due to any person free of charge the city.~~

D. In any case in which the water meter is inoperative for a particular month, the person being served by such meter shall pay for the water received for that month an amount equal to the amount paid by such person for the same month of the immediately preceding year.

E. Effective Dates for Rate Adjustment. Rates shall be effective for the billing cycle that begins after July 1, 2011.

F. Automatic Adjustment of Water Rates. Beginning on or after January 1st of each respective year (beginning in 2013), water rates shall be increased by the higher amount of (1) the percentage increase of the Consumer Price Index as calculated by the United States Department of Labor for the San Francisco Oakland San Jose area (Series CUURA422SAO) for the twelve (12) month period from August of the year prior to the increase to August of the year of the increase or (2) the increase (if any) to the rate charged by the city of Napa for purchased water (outside customer rates). Annual adjustments would occur each January from 2013 through 2016; provided, however, in no event shall such rates increase by more than the cost of providing water service.

Table 1
City of St. Helena Water Rates and Charges

	Current to 12/31/2014	CPI Increase= 2.6% (4)	January 2015
Monthly Fixed Service Charges	-	-	-
5/8" meter	\$ 26.14	\$ 0.68	\$ 26.82
1" meter	\$ 60.60	\$ 1.58	\$ 62.18
1 1/2" meter	\$ 117.90	\$ 3.07	\$ 120.97
2" meter	\$ 186.67	\$ 4.85	\$ 191.52
3" meter	\$ 347.22	\$ 9.03	\$ 356.25
4" meter	\$ 576.64	\$ 14.99	\$ 591.63
6" meter	\$ 1,149.62	\$ 29.89	\$ 1,179.51
8" meter	\$ 1,838.66	\$ 47.81	\$ 1,886.47
Residential Water Usage Rates (\$/HCF) (1)	-	-	-
Tier 1	\$ 4.26	\$ 0.11	\$ 4.37
Tier 2	\$ 6.40	\$ 0.17	\$ 6.57
Nonresidential Water Usage Rates (\$/HCF) (2)	-	-	-
Tier 1	\$ 4.26	\$ 0.11	\$ 4.37

Table 1
City of St. Helena Water Rates and Charges

	Current to 12/31/2014	CPI Increase= 2.6% (4)	January 2015
Tier 2	\$ 6.40	\$ 0.17	\$ 6.57
Landscape Irrigation Rate (\$/HCF) (3)	-	-	-
All Usage	\$ 4.96	\$ 0.13	\$ 5.09

Notes:

(1) Monthly residential tier allocations are as follows:

Single family: Tier 1 = 0 – 14 HCF, Tier 2 = 15+ HCF

Multifamily: Tier 1 = 0 – 5 HCF, Tier 2 = 6+ HCF

(2) Monthly nonresidential tier allocations are as follows:

5/8" and 1" meters: Tier 1 = 0 – 36 HCF, Tier 2 = 37+ HCF

1 1/2" meters: Tier 1 = 0 – 120 HCF, Tier 2 = 121+ HCF

2" meters: Tier 1 = 0 – 192 HCF, Tier 2 = 193+ HCF

3" meters: Tier 1 = 0 – 360 HCF, Tier 2 = 361+ HCF

4" meters: Tier 1 = 0 – 600 HCF, Tier 2 = 601+ HCF

6" meters: Tier 1 = 0 – 1,250 HCF, Tier 2 = 1,251+ HCF

8" meters: Tier 1 = 0 – 1,920 HCF, Tier 2 = 1,921+ HCF

(3) Rate applies to customers meeting the following criteria:

—Service must be for landscape irrigation of public space (e.g., park, school, or residential common area).

—Customer must implement water conservation best management practices, as determined by the city.

—Customer must accept more stringent water use cutbacks during periods of water shortage, as determined by the city.

(4) Water rate increase is based on the percentage increase of the Consumer Price Index as calculated by the United States Department of Labor for the San Francisco-Oakland-San Jose area (Series CUURA422SAO) for a twelve (12) month period from August of the year prior to the increase to August of the year of the increase. *Based on the period outlined, the current average CPI is 2.6%.

Table 2
City of St. Helena Meadowood Water Surcharges

-	-	July 2011
Monthly Meadowood Pumping Surcharges	-	-
Total Water Consumption in HCF used by all accounts served by same special reservoirs and pumping stations	-	-
0—150	\$	1.635
151—200	\$	1.310
201—250	\$	1.127
251—300	\$	0.967
301—350	\$	0.797
351—400	\$	0.725
401—450	\$	0.666
451—500	\$	0.584
501—550	\$	0.504
551—600	\$	0.452
1,201—1,250	\$	0.446
1,251—1,500	\$	0.430
1,501—1,750	\$	0.421
1,751—2,000	\$	0.391
2,001—2,250	\$	0.365
2,251—2,500	\$	0.349
2,501—2,750	\$	0.332
2,751—3,000	\$	0.323
3,001—3,250	\$	0.308
3,251—3,500	\$	0.299
3,501—3,750	\$	0.291
3,751 and above	\$	0.276
Monthly Meadowood Maintenance Surcharge		
Per Residential Unit	\$	25.19
Meadowood Complex (99 units + clubhouse)	\$	2,518.56

~~Beginning on or after January 1st of each respective year (beginning in 2013), Meadowood water surcharges shall be increased by the percentage increase of the Consumer Price Index as calculated by the United States Department of Labor for the San Francisco Oakland San Jose area (Series CUURA422SAO) for the twelve (12) month period from August of the year prior to the increase. Annual adjustments would occur each January from 2013 through 2016; provided, however, in no event shall such rates increase by more than the cost of providing water service. Rates for future years shall be effective for the billing cycle that begins on or after January 1st of each respective year~~

~~BD. Non-treated (Raw) Water from Lower Reservoir. City in its discretion may provide non-treated (raw) water from its Lower Reservoir to be used for grading, dust control, street, pipeline, or similar construction activities, as well as for irrigation. Non-treated (raw) water shall only be used within the St. Helena city limits, except for users of non-treated (raw) water pursuant to agreements with the City entered into prior to November 2016. A permit fee as established by council resolution is required for all persons utilizing non-treated water (raw), unless otherwise stated under a separate water agreement. All persons utilizing non-treated water through the permit process are also required to pay the use fee as identified by council resolution.~~

~~(Ord. 11-4 § 2; Ord. 08-1 § 1; Ord. 05-5 § 1; Ord. 04-9 § 1; Ord. 04-1 § 1; Ord. 01-1 § 1; prior code § 18.8)~~

13.04.090 Right of city to contract for water.

Under special circumstances, the city council reserves the right and power to contract separately with any person for the sale and delivery of water within or outside the corporate limits of the city at wholesale rates to be fixed and agreed upon by resolution of the council. (Prior code § 18.9)

13.04.100 Rules and regulations generally.

~~A.—Unmetered Service. At its option, the department may furnish unmetered water service to applicants for temporary purposes at rates set forth in a schedule of rates established by resolution of the city council. Applicants for such unmetered service shall pay in advance for all costs of connecting such service and shall deposit an amount equal to the estimated maximum bills for the service to be rendered as determined by the superintendent.~~

~~B~~

~~A.~~ Right of Access. Duly authorized representatives of the department shall have the right of access at all reasonable hours to any premises where water from the department's water system is used for the purpose of inspection and examination.

~~CB.~~ Persons Authorized to Make Connections. No person other than the duly authorized representatives of the department shall connect the consumer's service to or disconnect the same from the water mains of the department.

DC. Shutoff Valves. Every water consumer shall install and maintain at his or her own expense a shutoff valve inside the property line at a location accessible in event of emergency.

ED. Permission to Supply Additional Premises. No person, whose premises are supplied with water shall furnish water to other premises, unless he or she shall first make application in writing to the department and secure approval in writing.

FE. Agricultural Use. Water purchased from the department pursuant to the provisions of this chapter and Chapters [13.08](#) and [13.12](#) may not be used for any agricultural purpose except in one of the following conditions:

1. The products or results of such agricultural purpose are consumed or enjoyed solely by or on the premises of the water customer;
2. The water used for an agricultural purpose is recycled from some nonagricultural use by the water customer;
3. The city council has expressly granted permission to the water customer to use water for the agricultural purpose;
4. Water serving the premises has been used for an agricultural purpose during the six months preceding August 9, 1994, in which case only that particular agricultural use may continue and may not be expanded; or
5. Parcels are less than one-half acre in size.

GF. Bills for Charges. All bills for water charges will be rendered by the city monthly. All bills shall become due and payable upon presentation and shall be paid at the office of the [finance](#) department.

HG. Supplemental Rules. The city council may, by resolution, provide such supplementary rules and regulations as it deems necessary or advisable to accomplish the interest and purposes of this chapter and Chapters [13.08](#) and [13.12](#).

IH. Previous Agreements. None of the provisions of this chapter and Chapters [13.08](#) and [13.12](#) shall apply to or in any manner affect any agreement for furnishing water, for extension of water mains or installation or maintenance of water service made before June 10, 1952, and to which the city is a party, but as to such agreements, the provisions and requirements of ordinances and resolutions in force at date of such agreement shall apply and any and all such agreements so made are ratified and confirmed. (Amended by city 4/17/13; Ord. 02-5 § 18 (part): prior code § 18.10)

13.04.110 Responsibility for payment of charges.

All water charges shall be billed to the person making application for water service per Section [13.04.030](#) of this chapter, unless requested by the owner to be billed differently. ~~All~~[Where allowed by law, all](#) water charges shall be the responsibility of the owner of the

premises upon which the charges fixed are levied and assessed or his or her successor in interest. (Prior code § 18.11)

13.04.120 Notices.

A. Notices from the city to any consumer will be given in writing, either delivered to the consumer or mailed or emailed to his or her last known address or contact, except that where conditions warrant or in any emergency the city may give verbal notice by telephone or in person.

B. Notices from a consumer to the city may be given by the consumer or his or her authorized representative verbally or in writing at the office of the finance department ~~or~~, to the city clerk, or ~~may be sent by mail~~ to the superintendent's/director of public works' office. (Prior code § 18.12)

13.04.130 Enforcement—Discontinuance of service upon delinquency.

A. Discontinuance of Service to Abate Dangerous Conditions, Waste, etc. The city may refuse to furnish water and may discontinue service to any premises where apparatus, appliances or equipment using water is found by the superintendent/director of public works or designee to be dangerous or unsafe or where the use of water on such premises is found by the superintendent/director of public works or designee to be detrimental or injurious to the water service furnished by the city to other consumers, or where the superintendent/director of public works or designee finds that negligent or wasteful use of water exists on any premises which affects the city's water service. The city shall have the right to refuse or discontinue water service to any premises if necessary to protect itself against fraud or abuse.

B. Enforcement by ~~Superintendent. The superintendent~~ Director of Public Works. The director of public works is charged with the enforcement of all the provisions of this chapter and Chapters 13.08 and 13.12.

C. Discontinuance for Certain Violations. In the event of violation, other than nonpayment of water service charges, of any terms of this chapter and Chapters 13.08 and 13.12, the superintendent/director of public works may disconnect any premises from the water system after first notifying in writing the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which, upon the failure of such person to prevent or rectify the violation, the superintendent/director of public works will exercise his or her authority to disconnect the premises from the water system; provided, that such time shall not be less than five days after the deposit of such notice in the United States Post Office at St. Helena, Napa County, California, addressed to the person to whom notice is given; provided, however, that in the event such violation results in a public hazard or menace, then the superintendent/director of public works may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the

reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person so in violation.

D. Failure to Pay Bill. Bills are due and payable upon presentation and delinquent after ~~thirty~~ twenty-one (21) days. Upon failure of any consumer billed or the owner of any premises to pay any water service charge prior to the delinquency, the following action or actions shall be taken by the city to enforce such payment after such bill becomes delinquent:

1. Impose a penalty for delinquency of ten percent (10%) of the amount then delinquent;
 2. Assess interest in the amount of one percent per month or fraction thereof on the amount delinquent from the date on which the bill remittance first became delinquent until paid;
 3. Disconnect the premises from the water system for nonpayment of water bills with proper notice as set forth in Division 5, Chapter 1, Article 1 of the California Public Utilities Code;
 4. Cause an action at law to be brought on behalf of the city against the person responsible for payment of such bill to recover the amount of such bill and the cost of such action including reasonable attorney fees incurred in an amount fixed by the court.
- §5. Any person wishing to appeal penalties and interest imposed in this section shall adhere to provisions in accordance with Section 13.04.180 Appeals.

E. Hardship Agreements. City finance department may in its discretion offer hardship agreements which create payment plans for delinquent bills. All requests for hardship agreements and payment plans must be submitted in writing. Hardship agreements are approved at the discretion of the finance director based on amount owed and payment history.

F. Reconnection Fee. Whenever any premises have been disconnected from the water system for any violation of this chapter or Chapters 13.08 and 13.12, such premises shall not be reconnected to the water system until all delinquent fees, charges, penalties and interest have been paid, together with a reconnection charge as may be set by resolution of the city council.

~~F~~G. Lien for Delinquencies. In addition and as an alternative to any other remedy for enforcement and collection, all delinquent water service charges, including late charges and interest for nonresidential properties, shall become a lien upon the nonresidential real property upon which water is furnished prior to all other liens, encumbrances or exemptions, other than state and county taxes, and shall have the force and effect of a tax lien. The lien shall continue until it is paid together with the penalties and interest set forth in this section. The lien shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All acts applicable to levy, collection and enforcement of municipal taxes apply to this lien. (Ord. 02-5 § 18 (part): prior code § 18.13)

13.04.140 When water charges become effective—Discontinuance of service at consumer's request.

A. Water charges shall become effective against all premises immediately upon connection to the water system.

B. Any consumer may have his or her water service discontinued by giving notice requesting discontinuance at least two (2) business days prior to the requested date of discontinuance. Each such consumer shall pay all water charges up to and including the date of discontinuance stated in such notice. In any case where such notice is not given, the consumer shall be required to pay for water service until two (2) business days after the city has knowledge that the consumer has vacated the premises or otherwise discontinued water service. The city shall ~~make set~~ a charge ~~of one dollar (\$1.00) per council resolution~~ for restoring water service to any consumer whose water service has been discontinued at his or her request. Water service will be turned off by a city representative during normal working hours, defined as after 8:00 a.m. and prior to 3:30 p.m., Monday through Friday excluding legal holidays. Water service turn-off shall not be made after 3:30 p.m. or prior to 8:00 a.m., Monday through Friday, nor on Saturday, Sunday or legal holidays unless the customer agrees to pay the appropriate fee as set by resolution for such after-hours service.

C. If the discontinuance of a water service under subsection B of this section continues more than thirty (30) days, the consumer may request that the water service be placed on a standby basis. While on a standby basis, the water service rates ~~during each bimonthly billing period for which no water is utilized shall be two dollars fifty cents (\$2.50) per month inside the city limits and six dollars seventy five cents (\$6.75) per month outside the city limits established by council resolution will apply. In order to reestablish water service, the customer will be responsible for the fee associated with restoring water service and must pay any delinquent charges for which the customer is legally liable before service will be reconnected.~~ (Prior code § 18.14)

13.04.150 ~~Water shortages~~Service Interruptions.

A. Temporary Suspension of Service. The city will exercise reasonable diligence to provide continuous and adequate water service to consumers and to avoid any shortage or interruption of delivery of water, but cannot guarantee complete freedom from interruption. The city shall have the right to suspend water service temporarily to make necessary repairs or improvements to the water system. In each case of temporary suspension of service, the city will notify the consumers affected as soon as circumstances permit and will prosecute the work of repair or improvement with due diligence and with the least possible inconvenience to consumers.

B. Apportionment Among Consumers. During any period of threatened or actual water shortage the city shall have the right to apportion its available water supply among consumers in such manner as appears most suitable under the circumstances then prevailing and with due regard to public health and safety.

C. City's Responsibility. The city shall not be liable for interruption, shortage or insufficiency of water supply or water pressure or any loss or damage occasioned thereby. (Prior code § 18.15)

13.04.160 Duties of ~~superintendent, city clerk and city treasurer~~ director of public works and director of finance.

It shall be the duty of the ~~superintendent~~ director of public works to supervise all connections to the water system, to fix all connection charges and to enforce all provisions of this chapter. It shall be the duty of the ~~city clerk~~ director of finance to collect all water bills and charges and all connection and other fees herein provided for, and to deposit the same with the ~~city treasurer~~. ~~The city clerk and the city treasurer~~ appropriate account. The director of finance shall keep an accurate accounting and records showing the source, amount and disposition of all monies received by them hereunder. The city will carry fidelity insurance with respect to all city officers and employees who respectively receive, collect or have in their care or custody any moneys referred to in this section, such insurance to be in an amount at least equal in the aggregate to the maximum amount of such moneys at any one time in the care or custody of all such officers or employees. (Prior code § 18.16)

13.04.170 Disposition of moneys—Funds.

All moneys received by the city under this chapter, excepting only all connection charges and portions of water bills refundable to consumers in respect of water main extensions pursuant to Section 13.04.070, shall be deposited by the ~~city treasurer on or before the fifth business day of~~ director of finance in a timely manner each month in the manner and for the purposes provided and with the fiscal agent designated ~~in or pursuant to that certain resolution and/or adopted by the city council on July 22, 1958, entitled as best practices.~~

RESOLUTION NO. 398

~~Providing for the Issuance of \$650,000 Principal Amount of "City Of St. Helena 1958 Water Revenue Bonds"; Prescribing The Terms, Conditions, Date And Form Of Said Bonds And Of The Coupons To Be Attached Thereto; Fixing The Maximum Rate Of Interest On Said Bonds And Prescribing The Maturities Thereof; Authorizing The Execution Of Said Bonds And Coupons; Providing For The Security Of Said Bonds; And Appointing A Fiscal Agent Therefore.~~

All connection charges collected by the city under this chapter and Chapters 13.08 and 13.12 shall be deposited in a separate fund account entitled "water connection fund", which is created and shall be applied in the manner and for the purposes provided for in this chapter and Chapters 13.08 and 13.12.

All portions of water bills refundable to consumers in respect of water main extensions pursuant to Section 13.04.070 shall be deposited in a separate fund account entitled "water main extension refund fund," which is created and shall be applied in the manner and for the purposes provided for in Section 13.04.070.

(Prior code § 18.17)

13.04.180 Appeals.

A. Procedure Generally. Any person who shall have a right to appeal as provided in any section of this chapter or Chapters 13.08 and 13.12 or who shall be dissatisfied with any determination hereafter made by the ~~superintendent~~director of public works or director of finance may, at any time within thirty (30) days after such determination, appeal to the city council by giving written notice to the ~~superintendent~~director of public works and to the city clerk, setting forth the determination with which such person is dissatisfied. The city council may, at any time, upon its own motion, appeal from any determination made by the ~~superintendent~~director of public works hereunder. In the event of any such appeal, the ~~superintendent~~director of public works shall transmit to the city council a report upon the matter appealed. The city council shall cause notice to be given, at least ten (10) days prior to the time fixed for such hearing to all persons affected by such appeal, of the time and place fixed by the city council for hearing such appeal. The city council shall direct the city clerk to mail a written notice, postage prepaid, to all such persons whose addresses are known to the city council.

B. Refunds. Pending decisions upon any appeal relative to the amount of any charge under this chapter or Chapters 13.08 and 13.12, the person making such appeal shall pay such charge. After the appeal is heard, the city council shall order refunded to the person making such appeal such amount, if any, as the city council shall determine should be refunded. (Prior code § 18.18)

13.04.190 Pollution of city reservoirs—Wading, swimming and cutting wood.

No person shall wade or bathe in or otherwise pollute the waters of the reservoirs supplying drinking water to the inhabitants of the city or the watercourses supplying such reservoirs. No person shall cut wood or shrubbery on the property on which such reservoirs are situated and which property is now or hereafter owned and used by the city for the purpose of its municipal water supply. No person shall fish in the reservoirs or picnic on such property, without a permit to do so, issued and conditioned as prescribed by the city manager or his or her designee. (Prior code § 18.19)

13.04.200 Private fire service—Requirements—Rates.

The department may install a private fire service; provided that the applicant complies with the general requirements governing water services set forth in this chapter or Chapters 13.08 and 13.12, together with the following special requirements:

A. The applicant shall enter into a private fire service agreement with the department, the terms of which shall be satisfactory to the department.

B. The services shall be satisfactory to the head of the public agency responsible for fire protection on the premises involved and to the Pacific Fire Rating Bureau. Each private fire service shall have installed therein a detector check valve of pattern and design approved by

the ~~superintendent~~director of public works. A “detector check valve” is defined as a spring-loaded or weight-loaded swing check valve equipped with a metered bypass.

C. The private fire service shall be used only for fighting fires and testing the fire protection system. The charge for the service shall be ~~on a flat basis as provided below set by council resolution~~. The charge shall include the cost of water used to fight fires and for authorized testing of the fire protection system. Any other use of water from the private fire service shall constitute a breach of the private fire service agreement.

~~D. The rates for inside the city limits shall be as follows:~~

4-inch line and smaller	\$ 4.00 per month
6-inch line	6.00 per month
8-inch line	8.00 per month
10-inch line	10.00 per month
12-inch line	12.00 per month

~~E. The rates for outside the city limits shall be as follows:~~

4-inch line and smaller	\$ 8.00 per month
6-inch line	12.00 per month
8-inch line	16.00 per month
10-inch line	20.00 per month
12-inch line	24.00 per month

~~(Prior code § 18.21)~~

13.04.210 Public fire hydrants—Operation and maintenance—Rates.

The department shall install, relocate or remove a public fire hydrant when the following requirements are met:

A. A written request has been submitted to the department by the public agency responsible for fire protection setting forth the location and type of hydrant.

B. The estimated charges for the installation, relocation or removal as determined by the ~~superintendent~~director of public works have been paid by such public agency or by a duly authorized private person.

C. Public fire hydrants shall belong to the city and be maintained by the water department. Public fire hydrants shall be operated only by authorized firefighting personnel, department personnel and such other persons as are granted specific permission to do so by the ~~superintendent~~director of public works. Public fire hydrants shall be used only for fire

suppression, testing of the fire protection system, fire drills and flushing and cleaning of mains, except where specific permission to use the hydrants for other purposes has been granted by the ~~superintendent~~director of public works.

~~D.—No monthly rate for such public hydrants within the city limits shall be charged to the city in addition to the flat monthly charge provided for in Section 13.04.080.~~

~~E.—In territory outside the city limits there shall be a charge for water service to public fire hydrants to be paid by the public agency responsible for fire protection in the area on the following basis:~~

Hydrants:				\$3.50 per month.		
	3-1/2-			2-1/2-		1-1/2-
Wharf	4-Inch	Inch	3-Inch	Inch	2-Inch	Inch
Valves:	Riser	Riser	Riser	Riser	Riser	Riser
2-1/2-	\$3.00	\$2.50	\$2.00	\$1.50	\$1.00	\$0.50
inch						
outlet:						
2-inch	2.50	2.00	1.50	1.00	0.50	0.50
outlet:						
1-1/2-	2.00	1.50	1.00	0.50	0.50	0.50
inch						
outlet:						
(Prior code § 18.22)						

Article 2

Water Shortage Emergencies ~~and~~, Drought and Water Conservation

13.04.220 Procedure for establishing water emergency phases.

At any time that the city council finds and determines that a water shortage emergency condition exists within the criteria of Sections [13.04.230](#) through [13.04.250](#), and that it is necessary to limit usage by the customers of the municipal water department, the city council shall adopt a resolution setting forth the applicable phase. As soon as is practicable after adoption of such resolution, the city clerk shall cause to be published at least once, in a newspaper of general circulation published and circulated in the city, a notice declaring the establishment of such regulatory phase. Such notice shall set forth the limitations of water use applicable to the particular phase being established and shall further declare that violations of such limitations are punishable in accordance with the provisions of Sections [13.04.230](#) ~~13.04.290 and 13.04.310~~. The establishment of a particular phase shall be completed and effective ~~at midnight of as described in the day on which~~ resolution adopting the newspaper containing such notice is distributed water shortage phase.

Whenever the cumulative rainfall for the current water year (beginning November 1st) is less than the median amount for the same time period, the director of public works or designee shall report at least monthly to the city council and recommend whether the city should enter into a water shortage phase, and if so, which phase is recommended.

At any time the state of California may require the city to conform with emergency drought regulations. Notwithstanding any other provisions of this article, the city council may, at the recommendation of the director of public works, activate a water shortage phase as a means of compliance with emergency drought regulations adopted by the state. (Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.23)

13.04.221 Water Conservation

St. Helena has limited water resources and has adopted both required and encouraged conservations measures. All customers shall comply with all mandatory water use efficiency requirements within this chapter for water conservation. Any customer who fails to comply with the mandatory water conservation measures shall immediately stop the water waste by installing the appropriate water-saving devices in their plumbing, appliances, or improvements, or take other such actions as directed by the City to bring about full compliance.

A. All persons are encouraged to use the following water use efficiency guidelines to minimize water waste:

1. Establish procedures in the home and business to recycle water;

2. Install water-saving devices in existing facilities including low flow showerheads, faucet aerators, ULF (ultra low flush) toilets, and WaterSense certified (or successor certification) appliances;
3. Refrain from additional irrigation and unnecessary use of water, such as car washing, when the temperature exceeds ninety (90) degrees Fahrenheit
4. Limit the expansion or installation of new water-using appliances, plumbing or improvements, such as lawns, landscaping, pools, sprinkler irrigation systems, wash-down equipment, larger washing machines or garbage disposal units. In the event that a new water-using appliance is necessary, installation of water efficient devices are encouraged; and
5. All schools, social and professional groups, churches, etc., should discuss water conservation as a regular agenda item and forward worthwhile suggestions to the department for consideration and implementation.
6. Limit irrigation of potable water to landscaping between the hours of eight (8) a.m. and eight (8) p.m.
7. All sites with irrigated landscapes or gardens are encouraged to establish the following irrigation practices:
 - A. Turn off irrigation systems during the off-peak season (November-April) as defined in Section 13.04.080
 - B. Reduce the amount of time for all outdoor irrigation. (Ord. 15-5 § 1 (part); Ord. 14-11 § 3 (Exh. A); Ord. 14-9 § 5 (Exh. A); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.23.1)

B. Mandatory Conservation Measures: The following water conservation prohibitions and limitations are required by all persons.

1. The application of potable water to any driveway or sidewalk is prohibited, unless the person proposing such application of potable water documents to the director of public work's satisfaction that application is necessary to abate a condition constituting a public health hazard.
2. Using a hose that dispenses potable water to wash a motor vehicle is prohibited, unless the hose is fitted with a shut-off nozzle
3. Customers shall install new landscaping in existing or new development that is water efficient within the meaning of the state's water efficient landscape ordinance.
4. Using potable water to water outdoor landscapes in a manner that causes runoff to adjacent property, nonirrigated areas, private and public walkways, roadways, parking lots or structures is prohibited.

5. Using potable water in a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system.
6. Withdrawing water from fire hydrants, except for fire fighting, fire fighting training, and water system maintenance purposes, is prohibited.
7. Use of potable water for grading, dust control, street, pipeline or similar construction is prohibited.
8. The application of potable water to outdoor landscapes during and up to forty-eight (48) hours after measurable rainfall is prohibited.
9. No person shall use potable water to irrigate ornamental turf on public street medians.
10. Restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and/or purchased shall supply water to patrons only upon request.
11. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.
12. All projects for which the planning department requires approved landscape plans must adhere to the city's xeriscape standards or the State's Model Water Efficient Landscape Ordinance, which ever is stricter in order to obtain plan approval.
13. Any new water connection for new development must offset new demand by an amount of water equal to the new demand on the city water system using the methodology defined in Section 13.12.050. The offset must be clearly demonstrated, to the satisfaction of the director of public works.

Prior code 13.12.030

13.04.230 Phase I water regulations.

- A. The criteria for establishing Phase I shall be any or all of the following:
 1. The supply/usage balance, as calculated at the beginning of the fiscal year, is in deficit;
 2. The volume of water to be delivered by the city of Napa in any fiscal year will not exceed four hundred (400) AF;

3. The volume of water anticipated to be available prior to the next November 1st, as determined by the director of public works, is not sufficient to meet projected demand through November 1st without demand reduction measures being implemented; or
4. Conditions requiring the establishment of a Phase II water emergency, as determined by the director of public works, appear to be imminent.

B. During the Phase I water emergency, the following mandatory conservation measures by customers of the department shall be enforced by the department and publicized by the city:

1. ~~1.~~ All customers must be in compliance with all water ~~use efficiency~~ conservation requirements of Chapter ~~13.12.04.221~~, paragraph B (Water ~~Use Efficiency and Use Guidelines~~ Conservation). If a customer is found to be out of compliance with any part of Chapter ~~13.12.04.221~~ or provisions of these water shortage emergency requirements, the customer must immediately ~~install~~ stop the water waste by installing the appropriate water-saving devices in their plumbing, appliances, or improvements, or take other such actions to bring about full compliance.
2. ~~2.~~ All customers are prohibited from expanding or installing ~~new water using appliances, plumbing or improvements, such as lawns, gardens, landscaping, pools, sprinkler irrigation systems, wash-down equipment, larger washing machines or garbage disposal units where the installation may result in an or appliances that will~~ increase ~~in the overall~~ water use of the property. Replacement of existing appliances, landscaping, plumbing, or improvements shall be allowed only if the change can be documented to the satisfaction of the director of public works to result in more efficient water using fixtures or systems.
3. ~~3.~~
 - ~~Any new water connection for new development must offset new demand by an amount of water equal to the new demand on the city water system using the methodology defined in Section 13.12.050. The offset must be clearly demonstrated, to the satisfaction of the director of public works.~~
 - ~~4. The application of potable water to any driveway or sidewalk is prohibited, unless conditions of public health hazard are documented.~~
 - ~~5. Using a hose that dispenses potable water to wash a motor vehicle is prohibited, unless the hose is fitted with a shut-off nozzle.~~
 - ~~6. Customers shall install new landscaping in existing or new development that is water efficient within the meaning of the water efficient landscape ordinance.~~
3. ~~7.~~ Customers shall cease the operation of air-cooling outdoor misting systems using treated water supplied by the city, unless on a timer.
- ~~8. Using potable water to water outdoor landscapes in a manner that causes runoff to adjacent property, nonirrigated areas, private and public walkways, roadways, parking lots or structures is prohibited.~~
- ~~9. Using potable water in a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system.~~
- ~~10. Withdrawing water from fire hydrants, except for fire fighting, fire fighting training, and water system maintenance purposes, is prohibited.~~

- ~~11. Use of water for cleaning streets during or following construction activities; flushing storm drains; and flow testing for fire sprinkler design is prohibited, except as approved by city director of public works.~~
- ~~12. Use of potable water for grading, dust control, street, pipeline or similar construction is prohibited.~~
- ~~13. The application of potable water to outdoor landscapes during and up to forty eight (48) hours after measurable rainfall is prohibited.~~
4. ~~14.~~ Outdoor irrigation of ornamental landscapes or turf with potable water is limited to no more than two days a week. The director of public works shall specify the two days per week in accordance with the needs of any geographical area within the city.
5. ~~15.~~ No person shall use potable water to irrigate landscaping between the hours of eight a.m. and eight p.m.
- ~~16. No person shall use potable water to irrigate ornamental turf on public street medians.~~
- ~~17. Restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and/or purchased shall supply water to patrons only upon request.~~
- ~~18. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.~~
6. ~~19.~~ Irrigation with potable water of landscapes outside of newly constructed homes and buildings shall be in a manner consistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development. If irrigation systems are installed as a part of new development, they shall be drip or microspray irrigation systems or a system determined by the director of public works or designee to be more efficient.
7. ~~20.~~ Draining and refilling of swimming pools shall be permitted only as needed for the purpose of pool repair or to correct a severe chemical imbalance. Draining and refilling of decorative ponds and lakes shall be permitted only as needed for the purpose of lining the bottom to prevent absorption.
8. All new or replacement industrial and commercial clothes washers shall be high efficiency as defined by the U.S. Environmental Protection Agency. All new or expanded car washing facilities shall include water-saving methods. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.42)
9. In accordance with Section 864 of Title 23 of the California Code of Regulations or any successor regulation, the taking of any action prohibited in this subsection B, in addition to any other applicable civil or criminal penalties (including the penalties set forth in Sections ~~13.04.230~~~~13.04.290~~ and ~~13.04.310~~), is an infraction, punishable by a fine of up to five hundred dollars (\$500.00) for each day in which the violation occurs.

- C. During the Phase I water emergency, the following actions shall be carried out by the city:
1. The city shall notify customers that one or more of the criteria for Phase I has been met, and shall identify and explain in sufficient detail each criterion that forms a basis for establishing a Phase I water emergency.
 2. The city shall notify customers of the water usage allocation for each account that would be allowed under a Phase II water emergency if a Phase II water emergency appears to be imminent.
 3. The city shall advise customers of the Phase I water shortage and of restrictions and opportunities for exception permits that are available under Section [13.04.280](#) if a Phase II water emergency appears to be imminent.
 4. Any applicant for, or holder of, a building permit for construction that may be affected by the existence of this or future water emergency phases shall be informed of the impact of such phases, but lack of such notice shall not permit a new water connection that is otherwise prohibited.
 5. The city shall not issue permits for construction of any new swimming pool unless the pool is to be supplied with water other than treated water supplied by the city. Customers are encouraged to fill existing pools from water other than treated water.
 6. ~~When~~ [If a Phase II water emergency appears to be imminent, the](#) city shall make plans for implementation of a water shortage disaster plan, which shall include provisions for:
 - a. Emergency water stations;
 - b. Acquisition of private property under the right of eminent domain, with immediate possession to alleviate the emergency; and
 - c. Application for relief assistance from county, state, and federal sources.
 7. The city council shall give notice to any customer that has a terminable contract with the department (whereby the department is the supplier) that such contract will be terminated upon implementation of Phase III by the city council.
 8. If the declaration of a Phase II emergency appears reasonably imminent, the city council shall cause a water advisory board to be formed consisting of one city council member, one planning commissioner, one winery customer, and two public members, one of whom shall be solely a residential customer. The director of public works shall be an ex officio member of this board. Unless the city council otherwise directs, the board will disband when the water emergency is no longer in effect. The water advisory board shall have access to all records in the possession of the water enterprise necessary in its judgment to perform its duties, including customer records. The board shall maintain the confidentiality of individual customer records unless the board determines by resolution that release of such information is necessary in the pursuit of its duties.
- D. In addition to the mandatory measures defined in subsection [6B](#) of this section, customers of the department and members of the community are encouraged to do the following:
1. Reduce all indoor water use to not more than an average of seventy-five (75) gallons per person per day within the residence, including single-family residences, apartments, condominiums, townhomes, and mobile [home/manufactured](#) homes.
 2. Reduce indoor water use in the work places and commercial establishments by a minimum of ten percent (10%) from customary consumption.

3. Eliminate or defer all nonessential water use such as topping off swimming pools.
4. All schools, social and professional groups, churches, etc., are encouraged to discuss water conservation as a regular agenda item and to forward worthwhile suggestions to the department for consideration.
 - ~~5. All sites with irrigated landscapes or gardens are encouraged to establish the following irrigation practices:~~
 - ~~a. Turn off irrigation systems during the nonirrigation season.~~
 - ~~b. Encourage customers to invest in SMART controllers or equivalent water-saving devices to control the operation of outdoor sprinkler systems. (Ord. 15-5 § 1 (part); Ord. 14-11 § 3 (Exh. A); Ord. 14-9 § 5 (Exh. A); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.23.1)~~

13.04.240 Phase II water regulations.

- A. The criteria for establishing Phase II shall be:
 1. The volume of water anticipated to be available prior to the next November 1st from all potable water sources is not sufficient to meet the projected demands through November 1st without demand reduction measures beyond the Phase I reductions being implemented; or
 2. Conditions requiring the establishment of a Phase III water emergency appear imminent.
 3. In assessing the need to impose Phase II restrictions due weight shall be accorded to the trigger system developed by the safe yield committee for use by the director of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time. Details of the system can be obtained from the director of public works.
- B. All mandatory and voluntary measures established by [Section 13.04.221, Water Conservation](#), and Phase I, Section 13.04.230(B), (C) and (D) shall be included in Phase II and publicized by the city except insofar as they are inconsistent with subsections C and D of this section.
- C. The following mandatory conservation measures by customers of the department shall be enforced by the department:
 - ~~1. The mandatory conservation measures in Section 13.04.230(B) shall be enforced by the city, except insofar as they are inconsistent with this subsection C.~~
 - ~~2. Commercial, industrial, and institutional users other than dedicated irrigation accounts will receive an allocation per billing period which will be ten percent (10%) less than the average use during the four winter months of the preceding nonshortage year; provided, that no commercial, industrial, or institutional user will be required to reduce usage to less than sixty (60) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the department. Commercial, industrial, and institutional customers with irrigation and domestic use~~

provided by the same water meter may receive an additional landscape allocation of up to seventy (70) gallons per day per thousand (1,000) square feet of landscaped area during April through October by documenting the landscaped square footage served by city water to the satisfaction of the director of public works. For purposes of landscape allocation, the April allocation period will begin on the date the water meter is read in April, and the October allocation period will end on the date the water meter is read in November.

32. Residential users in the single-family residential, multifamily residential, and mobile home/[manufactured homes](#) customer classes will receive an allocation per billing period which will be limited to sixty-five (65) gallons per person per day. Single-family residences will receive an additional twenty-five hundred (2,500) gallons per month from April through October for landscape irrigation. Multifamily residential and mobile home/[manufactured homes](#) customers may receive a landscape allocation of up to seventy (70) gallons per day per thousand (1,000) square feet of landscaped area during April through October by documenting the landscaped square footage served by city water to the satisfaction of the director of public works. For purposes of landscape allocation, the April allocation period will begin on the date the water meter is read in April, and the October allocation period will end on the date the water meter is read in November.

43. For a lawn, landscaping, vineyard or field watered or irrigated through a meter dedicated to that use, usage shall be limited to sixty percent (60%) of current reference evapotranspiration as [measured at California Irrigation Management Information Systems \(CIMIS\) Station No. 77 \(in Oakville\), established in the California Model Water Efficient Landscape Ordinance \(MWELO\) or successor regulations.](#) .

54. No new water connections shall be permitted during a Phase II water emergency.

- D. During the Phase II water emergency, the following actions shall be carried out by the city:
1. The city shall notify customers of the water usage allocation for each account that would be allowed under a Phase III water emergency.
 2. The department of public works shall make available, or arrange to have delivered, nonpotable water from either lower reservoir or, if permitted and available, tertiary treated wastewater to city-owned properties for irrigation purposes.
 3. Nothing herein shall restrict the authority of the director of public works from imposing more severe usage restrictions on each class of water customer if circumstances so warrant. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part))

13.04.250 Phase III water regulations.

- A. The criteria for establishing Phase III shall be:
1. The volume of water anticipated to be available prior to the next November 1st from all potable water sources is not sufficient to meet the projected demands through November 1st without demand reduction measures beyond the Phase II reductions being implemented.

2. In assessing the need to impose Phase III restrictions due weight shall be accorded the trigger system developed and defined by the safe yield committee for use by the director of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time. Details of the system can be obtained from the director of public works.

B. All mandatory and voluntary measures established by Section 13.04.221, Water Conservation, and Phases I and II, Sections 13.04.230(B), (C) and (D) and 13.04.240(B), (C) and (D), shall be included in Phase III and publicized by the city, except insofar as they are inconsistent with subsections C and D of this section.

C. The following mandatory conservation measures by customers of the department shall be enforced by the department:

1. ~~The mandatory conservation measures in Sections 13.04.230 and 13.04.240 shall be enforced by the city, except insofar as they are inconsistent with this subsection C.~~

~~2.~~ Commercial, industrial, and institutional users other than dedicated irrigation accounts will receive an allocation per billing period which will be twenty percent (20%) less than the average use during the four winter months of the preceding nonshortage year; provided, that no commercial, industrial, or institutional user will be required to reduce usage to less than fifty (50) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the department. The allocation for landscape irrigation will be fifty percent (50%) of the allocation in Phase II and will be based on the same meter reading period as for Phase II. Landscape allocations are provided for established nonturf plants only.

~~32.~~ Residential users in single-family residential, multifamily residential, and mobile home/manufactured homes customer classes will receive an allocation per billing period which will be limited to sixty (60) gallons per person per day. The allocation for landscape irrigation will be fifty percent (50%) of the allocation in Phase II and will be based on the same meter reading period as for Phase II. Landscape allocations are provided for established nonturf plants only.

~~43.~~ For a vineyard or approved field (as approved by the water advisory board) watered or irrigated through a meter dedicated to that use, the allocation shall be limited to thirty percent (30%) of current reference evapotranspiration as ~~measured at California Irrigation Management Information Systems (CIMIS) Station No. 77—Oakville, established in the California Model Water Efficient Landscape Ordinance (MWELO) or successor regulations.~~, and irrigation will be allowed for established nonturf plants only.

~~54.~~ All nonessential uses of water shall be prohibited. Nonessential uses shall include, but not be limited to, the following:

- a. The use of water for irrigation of turf, lawns, or ornamental landscaping;
- b. The refilling of swimming pools, hot tubs and spas, except as required by the fire chief for use as standby neighborhood fire protection. The fire chief shall cause maintain a list of such pools to be on file at the fire department.

~~65.~~ No new water connections for new development shall be permitted.

- D. During the Phase III water emergency, the following actions shall be carried out by the city:
1. The department shall terminate all nonessential contracts which are terminable. (Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.25)

13.04.270 Termination of water emergency phases.

Water emergency phases shall be terminated or changed to a less critical phase in the same manner as they are established in accordance with criteria set forth in the preceding sections and at the discretion of the city council. (Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.28)

13.04.280 Exception permits.

A. Under a Phase II or Phase III water emergency, the director of public works shall, with such conditions as seem to him or her to be reasonable, grant exception permits in addition to any basic allocation, on application of a water customer submitted under penalty of perjury, based on the conditions defined in this section. The city may provide a process for certification of efficiency, lot size, medical condition, or efficient and essential use prior to declaration of a water shortage emergency condition which could result in a customer being prequalified for exception.

1. For any customer with an allocation based on previous water use, if it can be demonstrated to the satisfaction of the director of public works that water conservation measures beyond those required in Chapter 13.12 were in place prior to the preceding nonshortage year, an additional quantity of water may be allocated to recognize the higher efficiency in place prior to the water emergency condition.
2. For single-family residential parcels exceeding seven thousand (7,000) square feet in area, the quantity of up to twenty (20) gallons per day for each one thousand (1,000) square feet that the property area exceeds seven thousand (7,000) square feet for the purpose of maintaining mature landscape or orchard plants. For purposes of this subsection, multiple parcels maintained and fully landscaped as one property may be computed as being one parcel. An exception granted based on this subsection shall allow the use of no more than an additional two hundred fifty (250) gallons per day for this purpose.
3. For medical conditions of a resident, a quantity as required to maintain health standards.
4. For any customer with an allocation based on previous winter water use, if it can be demonstrated to the satisfaction of the director of public works that efficient and essential water uses are not represented in average winter water use, an additional quantity of water may be allocated to provide for these efficient and essential needs.

B. The water advisory board shall meet at least monthly and may grant permits for uses of water or for exceptions to water conservation measures or for water connections otherwise

prohibited by Sections 13.04.230, 13.04.240, and 13.04.250 if it finds and determines that such regulations would:

1. Cause an unnecessary and undue hardship to the applicant or to the public;
2. Cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or public; or
3. Promote water conservation by providing for the establishment of water efficient landscaping meeting the standards of Section 17.112.140 and such policies and regulations as have been adopted to implement the provisions of that chapter, replacing more water-intensive landscaping.

C. The water advisory board of the city shall prescribe necessary procedures for application for and use of exception permits.

D. Any decision of the director of public works in granting or denying exceptions may be appealed by the applicant or any other person to the water advisory board by filing a written appeal with the city clerk within ten (10) calendar days after the date of mailing of written notice to the applicant of the decision rendered. The water advisory board shall use its best efforts to hear and determine such appeal within twenty (20) days, and shall affirm, reverse, or modify the decision.

E. Any decision of the water advisory board may be appealed by the applicant to the city council according to the provisions of Chapter 1.16. (Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.28.1)

~~13.04.290 Noncompliance with mandatory water conservation measures.~~

~~In addition to the provisions of Section 13.04.310, any person who fails to comply with any of the mandatory water conservation measures imposed by the implementation of this article, including the allocations assigned in Phases II and III, shall be subject to an improper water user's fee or charge as hereinafter set forth. Absence of a customer from the city, existence of an undetected leak, or other circumstance does not relieve the customer of the responsibility for ensuring that mandatory water conservation measures are observed and complied with and shall not serve as a basis for reversal of any action or the imposition of any fee or charge.~~

~~A. The following charges are not imposed as a penalty but as a charge for excessive or improper use of water. The charges are necessary in order to recover the reasonable cost of enforcement of the mandatory water provisions and in order to obtain the goals of the water conservation measures contained in this section:~~

- ~~1. First Violation. The city shall issue a written warning to the customer for the first violation.~~
- ~~2. Second Violation. The city shall issue a written notice and assess an improper water use fee of fifty cents (\$0.50) for each gallon by which the customer's usage exceeded the amount allowed per billing period. If the fee is not paid in full within fifteen (15) days of issuance of the notice, the amount will be added to the customer's water bill.~~

3. ~~Third Violation. The city shall issue a written notice, charge an improper water use fee of one dollar (\$1.00) for each gallon by which the customer's usage exceeded the amount allowed per billing period and install a flow-restricting device on the customer's water service, or otherwise restrict the flow of water through a meter, for a period of not less than seventy-two (72) hours. Such flow-restricting device or other means shall reduce water flow to one gallon per minute for metered services one and one-half inches or under. Similar devices or restrictions will be placed on larger meters. The fee shall be paid prior to the resumption of normal water service.~~

4. ~~Fourth Violation. The city shall issue a written notice, charge an improper water use fee of one dollar and twenty-five cents (\$1.25) for each gallon by which the customer's usage exceeded the amount allowed per billing period, and install a flow-restricting device on the customer's water service, or otherwise restrict the flow of water through a meter, for a period of not less than five days. Such flow-restriction device or other means shall reduce water flow to one gallon per minute for the metered services one and one-half inches or under. Similar devices or restrictions will be placed on larger meters. The fee shall be paid prior to resumption of normal water service.~~

5. ~~Fifth or Subsequent Violation. The city shall issue a written notice, charge an improper water use fee of one dollar and fifty cents (\$1.50) for each gallon by which the customer's usage exceeded the amount allowed per billing period, and may either install a water-flow-restricting device on the customer's water service, or otherwise restrict the flow of water through a meter, for an indefinite period or discontinue water service under the provisions of Section 13.04.130. Such flow-restricting device or other means shall reduce water flow to one gallon per minute for metered services one and one-half inches or under. The fee shall be paid prior to restoration of unrestricted water service.~~

B. ~~Notification of Violation. Notification shall include a description of the facts in regard to the violation, a statement of the possible penalties for each violation and the statement of the customer's rights to hearing on the merits of the violation as stated in Section 13.04.300.~~

1. ~~Notice of violation shall be given in writing by personal delivery of the notice to the customer at the service address and by first-class mail to the billing address, excepting that notice of a first violation may be by first-class mail to the billing address only.~~

2. ~~If the customer is absent from or unavailable at the service address, the notice can be left with a responsible person at the premises.~~

3. ~~If a responsible person is not available at the service address, then the notice can be left in a conspicuous place on the premises.~~

4. ~~Failure of any notice to so state shall not constitute a defense to the validity of any written notice. A copy of all written notices of violation shall be delivered to the water advisory board. All written notices of violation shall state that a copy is being provided to the water advisory board. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.29)~~

~~13.04.300 Violation hearings.~~

~~Any customer receiving a second or subsequent violation notice shall be entitled to file an appeal with the city council according to the provisions of Chapter 1.16. The following shall apply in the case of such appeal:~~

~~A.—All such appeals shall be automatically referred by the city council to the water advisory board (if in existence) for review and disposition. Any person dissatisfied with the disposition as determined by the water advisory board may seek review of the board's disposition by the city council by filing a petition for review with the city clerk no later than ten (10) calendar days following disposition by the board. The city council shall not entertain evidence not first presented to the water advisory board, and shall give due deference to the disposition of the board in resolving any petition seeking review of the board's disposition.~~

~~B.—An appeal shall automatically stay installation of a flow-restricting device or shutoff on the customer's water service until the decision is final. The appeal must be filed prior to installation of the restricting device or before shutoff has occurred.~~

~~C.—The customer's appeal shall not stay the imposition of a fee. If it is determined that a fee is wrongly assessed, the city will refund any fee paid by the customer. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.29.1)~~

13.04.310 Violation—Misdemeanor.

Notwithstanding any provision of this code to the contrary, the provisions of Section 377 of the California Water Code shall be applicable to any violation of this article. Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by imprisonment in the county jail and/or fined in accordance with the penalties as set forth in the provisions of Section 377 of the California Water Code. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.30)

Chapter 13.12

WATER USE EFFICIENCY AND ~~USE GUIDELINES~~ NEW DEVELOPMENT

Sections:

- 13.12.010 Purpose and scope.**
- 13.12.020 Definitions.**
- ~~13.12.030 Prohibitions and limitations.~~
- ~~13.12.040 Water use guidelines.~~
- ~~13.12.050 New development.~~
- ~~13.12.060 Residential remodeling.~~
- ~~13.12.070 Appeals.~~
- ~~13.12.080 Responsibility of customers, employers, property managers and contractors.~~
- ~~13.12.090 Civil fines authorized.~~
- ~~13.12.100 Violations—Penalties.~~
- ~~13.12.110 Remedies not exclusive.~~
- 13.12.030 New development.
- 13.12.040 Residential remodeling.
- 13.12.050 Appeals.
- 13.12.060 Responsibility of customers, employers, property managers and contractors.
- 13.12.070 Violations—Penalties.
- 13.12.080 Remedies not exclusive.

13.12.010 Purpose and scope.

This chapter adopts regulations to deal with the limited supply of water which the city council has found to exist. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.40)

13.12.020 Definitions.

The following terms are defined for the purpose of this chapter:

“Customer” means the person responsible for paying for each water service account on the water enterprise’s water distribution system, both inside and outside the city limits.

“Domestic use” means any treated water used by a person for cooking, cleaning, bathing, washing clothes, drinking and sanitation.

“Efficient” means performing or conducting effectively with a minimum of waste, expense, or water use as set forth by the U.S. Environmental Protection Agency.

“New development” means any of the following construction projects that have not received a certificate of occupancy from the city or county building department prior to September 13, 1994, or that was issued a building permit and did not construct a foundation prior to September 13, 1994:

1. Any freestanding building that contains water-using fixtures;

2. Any floor area additions to existing nonresidential structures;
3. Any residential additions or remodeling that increases the number of independent living units.

“Person” means any individual, firm, partnership, association, corporation, company, organization or governmental agency.

“Retrofit” means to replace all toilets, showerheads and faucet aerators in the building not complying with the flow regulations as stated in this chapter.

“Ultra-low flush (ULF) toilet” means any toilet which ~~uses no more than 1.6 gallons per flush and meets performance standards established by the American Society of Mechanical Engineers Standard A112.19.2.M.~~ meets or exceeds the current California Green Building Standards Code.

“Water” means any treated potable water that is supplied by the city’s water enterprise water distribution system unless otherwise indicated. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.41)

13.12.030 Prohibitions and limitations.

~~A. No customer or person shall waste water. As used in this chapter, the term “waste” means:~~

- ~~1. Use of water for decorative fountains where the water is not recirculated and including use of fountains during Phases II through V water shortage emergencies as described in Section 13.04.220 and following;~~
- ~~2. Washing cars, boats, trailers, aircraft or other vehicles by hose without a shutoff nozzle except commercial or fleet vehicle washing facilities operated at fixed locations;~~
- ~~3. Watering lawns or gardens in a manner which results in runoff in gutter or other waterway, or excessive overspray of patio, driveway, walk or street;~~
- ~~4. Withdrawing water from fire hydrants, except for fire fighting, fire fighting training, and water system maintenance purposes;~~
- ~~5. Use of water for cleaning streets during or following construction activities; flushing storm drains; and flow testing for fire sprinkler design except as approved by city director of public works;~~
- ~~6. Washing sidewalks, walkways, driveways, parking lots, and other hard-surfaced areas by direct hosing when runoff directly flows into a gutter or storm drain;~~
- ~~7. Use of potable water for grading, dust control, street, pipeline or similar construction.~~

~~B. In emergency situations only, water for hauling may be supplied at a city designated location upon prior approval from the water department. Tanker trucks hauling for domestic use must be certified to carry potable water. Hauled water may be supplied to existing customers only.~~

~~C.—All projects for which the planning department requires approved landscape plans must adhere to the city's xeriscape standards in order to obtain plan approval.~~

~~—D.—Draining and refilling of swimming pools shall be permitted only as needed for the purpose of pool repair or to correct a severe chemical imbalance. Draining and refilling of decorative ponds and lakes shall be permitted only as needed for the purpose of lining the bottom to prevent absorption.~~

~~—E.—All new or replacement industrial and commercial clothes washers shall be high efficiency as defined by the U.S. Environmental Protection Agency. All new or expanded car washing facilities shall include water saving methods. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.42)~~

~~13.12.040 Water use guidelines.~~

~~All persons are encouraged to use the following water use efficiency guidelines:~~

~~A.—Establish procedures in the home and business to recycle water where possible;~~

~~B.—Install water saving devices in existing facilities including low flow showerheads, faucet aerators, ULF toilets, and appliances;~~

~~—C.—Refrain from additional irrigation and unnecessary use of water, such as car washing, when the temperature exceeds ninety (90) degrees Fahrenheit;~~

~~D.—All customers are encouraged to limit the expansion or installation of new water using appliances, plumbing or improvements, such as lawns, landscaping, pools, sprinkler irrigation systems, wash down equipment, larger washing machines or garbage disposal units. In the event that a new water using appliance is necessary, installation of water efficient automatic dishwashers and clothes washers is encouraged;~~

~~E.—All persons are encouraged to place an increased emphasis on fire protection;~~

~~F.—All schools, social and professional groups, churches, etc., are encouraged to discuss water conservation as a regular agenda item and to forward worthwhile suggestions to the department for consideration and implementation;~~

~~G.—All public facilities are encouraged to establish the following water program: hand watering for all plants and shrubs, shutoff nozzle on hoses used for hand watering, maintenance watering of lawns and fields a maximum of forty (40) minutes per week, night watering of fields and lawns between seven p.m. and eight a.m.;~~

~~H.—Restaurants shall be encouraged to supply water to patrons only upon request. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.43)~~

13.12.030 New development.

- A. All new development shall apply the following water use efficiency measures, as applicable:
1. Installation of ultra-low flush (ULF) toilets, low flow showerheads and faucet aerators;
 2. Installation of water efficient hot water instantaneous dispensing systems;
 3. Installation of swimming pool covers.

Except as allowed in subsections B ~~and C~~ in this section, new development shall completely offset its water requirement by installing city-approved ULF toilets and associated water-efficient hardware in a sufficient number of existing homes or nonresidential properties having toilets that use ~~greater than 1.6 gallons per flush~~ 1.6 gallons per flush or greater. The required retrofits shall be calculated as specified in the City's Water Neutrality Policy as adopted by council resolution and approved by the director of public works/city engineer.

B. If the city council determines that ~~actual~~ retrofitting of existing residential or nonresidential buildings is impractical or constitutes an unusual hardship on an applicant, it may authorize the payment to the city of an in-lieu retrofit fee equivalent to in lieu of complying with the requirements of subsection A of this section. The in lieu fee shall be the equivalent of the cost of retrofitting a sufficient number of existing homes with the ULF toilets and other required water-saving devices as described in subsection ~~E~~ A of this section. The in-lieu fee shall also include the cost of staff time to accomplish the required retrofitting using the fees collected. The in-lieu fee may will be established by resolution. The public works department is authorized to require retrofitting and not accept in-lieu retrofit fee, regardless of hardship, if it appears likely that existing home retrofitting prior to the expected occupancy by the new development can be completed. In the event that an in-lieu fee is accepted, the city will administer a rebate program to retrofit existing homes using the fees collected or may use the fees for another water use efficiency purpose as approved by the council. In-lieu fees must be paid upon issuance of a building permit.

~~C. In place of or in combination with retrofitting and/or payment of an in-lieu retrofit fee as allowed in subsections A and B of this section, an~~ An applicant may petition the city council to allow an alternative innovative method of mitigating water use for new development.

~~D.~~ C. All ~~structures~~ new development that ~~are~~ is retrofitted with toilets shall also be retrofitted with the following water-saving devices, that meet or exceed the current California Green Building Standards Code or successor regulations as applicable: showerheads ~~emitting no more than 2.5 gallons per minute~~, interior faucet aerators ~~that emit no more than 2.2 gallons per minute~~, urinals . Existing fixtures that use no more than 1.0 gallon per flush.

~~E. If a developer of residential units elects to retrofit existing residential units, the number (rounded to currently meet the next unit) a developer will be~~ California Green Building Standards Code or successor regulations are not required to ~~retrofit per single family unit is as follows:~~ be replaced.

1. Single family detached	5.0 per unit
2. Condominium/townhouse/duplex	4.0 per unit
3. Apartment (three units or more)	3.5 per unit
4. Mobilehome	3.5 per unit
5. Guest homes/second dwelling unit	3.5 per unit

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D. The developer shall be responsible for identifying residential or nonresidential properties eligible for retrofitting and verify to the department of public works that the required number of retrofits have been completed prior to the issuance of a certificate of occupancy. If the certificate of occupancy has been issued without completion of the retrofit requirement, in-lieu fees will be retained by the city. In-lieu fees will be maintained in a separate account and administered by the director of public works for water use efficiency program elements.

GE. Nonresidential projects will have their water demand evaluated during the project review or use permit review stage by the director of public works. They will be required to mitigate their water demand through off-site retrofitting according to a schedule of water use factors.

HF. All new development shall use toilets ~~and~~ associated flush-o-meter valves and urinals, if any, ~~which use no more than 1.6 gallons per flush and which meet performance standards established by the American Society of Mechanical Engineers Standard A112.19.2.M. and urinals and associated flush o meter valves, if any, which use no more than 1.0 gallon per flush and which also meet the above performance standards~~ or exceed current California Green Building Standards Code or successor regulations.

IG. In the city, building permits, certificates of occupancy and/or water connections can be withheld pending compliance with these regulations. In the county, water service from the city of St. Helena water enterprise shall require a water agreement limiting water use and can be withheld pending compliance. (Ord. 04-2 (part): Ord. 02-5 § 18 (part): Ord. 01-11 § 2 (part): prior code § 18.44)

13.12.060040 Residential remodeling.

Residential remodeling will trigger a retrofit of the remodeled residence only if the remodeling involves work that would increase water use (determined by the director of public works), such as adding or remodeling a bathroom, adding a bedroom, granny unit, hot tub, spa, pool, or laundry. Remodeling that does not increase water use, such as reroofing, adding a family room, or increasing the size of a room would not trigger a retrofit unless the remodel exceeds twenty-five percent (25%) of the total valuation of the building as determined by the building official. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.45)

13.12.079050 Appeals.

Exceptions to the above allocations and prohibitions may be made for the protection of public health or safety or undue hardship. Any exceptions are subject to the following requirements and procedures:

- A. Any person who wishes to make an appeal shall do so in writing by using the form provided by the water department.
- B. The appeal shall be reviewed by the director of public works or his or her designee or designees.
- C. It must be shown that there are no alternatives to the use of city water and that all appropriate conservation measures are being used.
- D. Verification may be required of any condition/situation listed on the application for exception.
- E. The decision of the director of public works may be appealed to the city council within ten (10) days.
- F. The decision of the city council will be final.
(Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.46)

13.12.089060 Responsibility of customers, employers, property managers and contractors.

- A. Every customer who has requested city water service is responsible for civil penalties for water waste whether or not the acts of water waste are committed by that person or third parties. The civil penalty may be reduced or discharged if the water waste was beyond the control of the customer and if all reasonable means had been previously taken to prevent water waste. All reasonable means includes, but is not limited to, securing hose bibs, written warnings to tenants or other water users, and amendments to rental agreements where permitted by the lease.
- B. Every employer is responsible for civil penalties for acts of water waste committed by employees if the employer shows gross negligence.
- C. Every property manager is responsible for civil penalties for acts of water waste resulting from irrigation prohibited by this chapter if the property manager shows gross negligence.
- D. Every licensed contractor or development owner is liable for acts of water waste committed on the job site. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.47)

13.12.090 Civil fines authorized.

A. ~~Acts of water waste and other acts prohibited by this chapter are subject to civil fines as prescribed in this section. Any person receiving an administrative citation may appeal it within ten (10) business days from the date the citation was issued. The notice of appeal for administrative citations must be made in writing and filed in the public works department.~~

B. ~~Civil fines are payable at City Hall. Fines must be paid within ten (10) business days. If an appeal is filed, the bail for the fine must be paid within the ten (10) days.~~

C. ~~The finance department is authorized to collect all unpaid civil fines. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.48)~~

13.12.100070 Violations—Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 04-2 (part); Ord. 02-5 § 18 (part); Ord. 01-11 § 2 (part); prior code § 18.50)

13.12.110 Remedies not exclusive.

Remedies herein are not exclusive. In addition to the remedies set forth in this chapter, the remedies established by Section 18.04.130 are also available to the city. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.51)

Chapter 13.20
SEWER SERVICE SYSTEM

Sections:

- 13.20.010 Definitions.**
- 13.20.020 Sewer charges.**
- 13.20.030 Use of funds.**
- 13.20.040 Annexation to Municipal Sewer District No. 1.**
- 13.20.050 Special extension prorate charge.**
- 13.20.060 Connection to sewer main of adequate capacity.**
- 13.20.070 Compulsory connection.**
- 13.20.080 Details and specifications adopted by resolution.**

13.20.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Car wash” means a business whose principal activity involves motor vehicle washing, including automatic and self-service washing.

“~~Church~~“Religious Place/Community Center” means establishments of religious organizations operated for worship, religious training or study. Other establishments maintained by religious organizations, such as educational institutions, hospitals, social services, and secondhand stores are classified according to their primary activity.

“Garage and repair shop facilities” means any garage/repair facility that performs minor or major repairs on automobiles, recreational vehicles, motorcycles, and/or boats. These establishments may be combined with automotive dealers or gasoline service stations. Gasoline stations and gasoline stations combined with other activities, such as convenience stores, are considered general commercial unless there is on-site food preparation; then it is classified as mixed retail with food.

“General commercial and office” means all businesses, offices, and similar users not otherwise included in another user category.

“Grocery” means all businesses whose principal activity involves retail sale of groceries and which have on-site preparation of fresh fruits and vegetables; fresh and prepared meats, fish, and/or poultry; baked goods; and similar items.

“Hotel/motel with food” means a full service facility having rooms, restaurant(s), and/or a bar serving food attached to the same water meter. Also included in this category are bed and breakfasts serving food prepared on site, and any visitor-serving structure, which contains facilities for cooking and eating.

“Hotel/motel without food” means all living units of a transient nature, including hotel and motel rental room units, which do not contain any kitchen facilities, and bed and breakfast units that only serve continental breakfasts where baked goods and similar items are prepared off site. Excluded from this category are full service hotels.

“Laundromat/laundry” means all self-service clothes washing establishments or an establishment which is primarily engaged in supplying residences and/or businesses with laundered shirts, pants, household linens, and similar items on an over-the-counter basis. This does not include commercial or industrial laundries. Dry cleaners without on-site cleaning facilities are general commercial.

“Mixed retail with food” means all establishments where more than one retail business is attached to a water meter and the primary water use on that meter is from a business or businesses as defined in the restaurant category.

~~“Multifamily dwelling” means a two-family, three-family, or multifamily structure as defined in Section 17.04.160.~~

“Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

“Residential” refers to all living or dwelling units (as defined by the Uniform Building Code) of a permanent, rather than a transient nature, including [but not limited to](#) single-family residences, apartments, ~~mobile homes~~ [mobile homes/manufactured homes](#), duplexes, townhouses, [apartment buildings](#) and condominiums. A dwelling unit shall be defined as any structure containing sleeping, eating, cooking, and sanitation facilities.

[“Non-residential properties” means, for the purposes of the wastewater service system and wastewater rates, all properties in which the primary purpose is not residential. Hotels and motels are considered non-residential.](#)

“Restaurant” means all establishments whose principal activity involves on-premises preparation of meals and food, including fast food restaurants, coffee shops, cafes, juice bars, delicatessens, and bakeries. Excluded from this category are establishments serving food prepared off site (general commercial category), bars without on-site food preparation (general commercial category), restaurants on the same water meter as a hotel/motel (hotel/motel with restaurant category), and restaurants that are on the same water meter as other general commercial users (mixed retail with food category).

“Sanitation facilities and sewage facilities” means all devices and structures for collecting, pumping, treating and disposing of sewage.

“School” means an educational facility in which instruction takes place, including public, private and religious schools and colleges.

“Sewage” means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present, may also be called wastewater

“Sewer” means a pipe or conduit for carrying sewage.

~~“Special user” means any establishment which cannot be classified in any other category. (Ord. 00-6 § 1; prior code § 12.1)~~

13.20.020 Sewer charges.

A. Charges Imposed. Owners of property shall pay to the city a charge based on user categories for the connection of the property to the public sewage system in the amounts set forth ~~in Table 3~~ by council resolution for every month or any fraction thereof. Properties which are susceptible to classification under two or more user categories shall be subject to charges ~~which allow for a reasonable usage allocation as determined by the public works director. Customers shall not be charged a sewer charge based on water used for landscape purposes when the water is metered through a dedicated landscape meter of the higher classification.~~

~~B. Automatic Adjustment of Sewer Rates. Beginning on or after January 1st of each respective year (beginning in 2013), sewer rates shall be indexed by the Consumer Price Index as calculated by the United States Department of Labor for the San Francisco-Oakland-San Jose area (Series CUURA422SAO) for the time period from August to August each year. Annual adjustments would occur each January from 2013 through 2016; provided, however, in no event shall such rates increase by more than the cost of providing wastewater service.~~

~~C. Single-Family Residential Users. Each single-family residential user shall pay a monthly sewer charge as provided in the chart below. In addition to the monthly sewer charge, single-family residential users shall pay a monthly usage charge based on the average winter water use, determined as the average monthly usage from billing cycles with read dates from January through March in one hundred (100) cubic feet units (HCFWWU). Months of zero usage are to be excluded from the averaging. The usage charge is to be adjusted annually, in April, based on the newest winter average. Where the winter average does not reasonably reflect an estimate of wastewater flow for a customer, the director of public works shall determine an appropriate usage to use for billing purposes.~~

~~D. Multifamily Residential and Commercial Users. Each multifamily residential and commercial user shall pay a monthly sewer charge based on size of water meter as provided in Table 3—City of St. Helena Wastewater Rates. In addition to the monthly sewer charge, multifamily residential and commercial users shall pay a variable monthly commodity charge based on the sewage strength of each user category per one hundred (100) cubic feet of water used (HCFWWU) as listed:~~

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Table 3
City of St. Helena Wastewater Rates

	Current to 12/31/14	CPI Increase = 2.6% (2)	January 2015
Single Family Residential	-	-	-
Monthly Service Charge	\$ 44.98	\$ 1.17	\$ 46.15
Usage Rate (\$/HCF of winter water use) (1)	\$ 3.74	\$ 0.10	\$ 3.84
Multifamily and Nonresidential	-	-	-
Monthly Service Charge	-	-	-
5/8" meter	\$ 40.01	\$ 1.04	\$ 41.05
1" meter	\$ 97.29	\$ 2.53	\$ 99.82
1 1/2" meter	\$ 192.77	\$ 5.01	\$ 197.78
2" meter	\$ 307.34	\$ 7.99	\$ 315.33
3" meter	\$ 574.67	\$ 14.94	\$ 589.61
4" meter	\$ 956.57	\$ 24.87	\$ 981.44
6" meter	\$ 1,911.32	\$ 49.69	\$ 1,961.01
Usage Rate (\$/HCF of water usage)	-	-	-
Multifamily Residential	\$ 3.74	\$ 0.10	\$ 3.84
Car Wash	\$ 2.71	\$ 0.07	\$ 2.78
Schools	\$ 3.01	\$ 0.08	\$ 3.09
Laundry/Laundromat	\$ 3.18	\$ 0.08	\$ 3.26
Churches	\$ 3.46	\$ 0.09	\$ 3.55
City Buildings	\$ 3.46	\$ 0.09	\$ 3.55
Commercial—General	\$ 3.46	\$ 0.09	\$ 3.55
Winery—Sutter Home	\$ 4.05	\$ 0.11	\$ 4.16
Motels w/o Food	\$ 4.13	\$ 0.11	\$ 4.24
Service Station/Auto Repair	\$ 4.46	\$ 0.12	\$ 4.58
Mixed Retail w/Food	\$ 6.45	\$ 0.17	\$ 6.62
Motels w/Food	\$ 8.31	\$ 0.22	\$ 8.53
Restaurant	\$ 11.09	\$ 0.29	\$ 11.38
Grocery	\$ 11.28	\$ 0.29	\$ 11.57

Table 3
City of St. Helena Wastewater Rates

		Current to 12/31/14	CPI Increase = 2.6% (2)	January 2015
Mortuary	\$	11.28	\$ 0.29	\$ 11.57
Winery—Merryvale	\$	19.89	\$ 0.52	\$ 20.41
Winery—Spottswode	\$	19.89	\$ 0.52	\$ 20.41

Notes:

(1) Single family usage charge based on average winter water use, determined as average monthly usage for billing cycles with read dates from January through March. Months with zero usage are to be excluded from the averaging. Usage charges to be adjusted annually in April, based on the newest winter average.

(2) Wastewater rate increase is based on the percentage increase of the Consumer Price Index as calculated by the United States Department of Labor for the San Francisco-Oakland-San Jose area (Series CUURA422SAO) for a twelve (12) month period from August of the year prior to the increase to August of the year of the increase. *Based on the period outlined, the current average CPI is 2.6%.

E. Special Users. Each special user shall pay a monthly sewer charge based upon the size of its water meter and volume and type of sewage discharged and the costs of operating the public sewer system as follows:

$$\text{Total charge per period} = A(V) + B(\text{BOD}) + C(\text{SS}) + D$$

Where:

V is volume of water in millions of gallons

BOD is biochemical oxygen demand in pounds

SS is total suspended solids in pounds

A is allocated cost for each million gallons of flow

B is allocated cost per pound for biochemical oxygen demand

C is allocated cost per pound of total suspended solids

D is charge for water meter size contained in subsection C of this section

The values for A, B, and C are set forth in Table 4 below:

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Table 4
City of St. Helena Wastewater Special User Rate Factors

-	- July 2011
Special Users (factors for formula in Section <u>13.20.020(E)</u>)	
A (per million gallons of flow)	\$ 2,107.21
B (per pound of BOD)	\$ 1.02
C (per pound of SS)	\$ 1.17

Values for V, BOD and SS will be determined at the entry point to the public sewage system, utilizing sampling, analysis, and flow measurement procedures established by the public works director for determining the respective characteristics of the discharge. Should the public works director determine a special user's water meter is oversized for production, fire flow, or other such purposes where the water as registered by the water meter is not returning to the municipal sewer system, the public works director may make an adjustment to the size of meter for billing purposes based on estimated flow.

Values for A, B, and C will be allocated unit costs of operations, maintenance, administration and depreciation, determined in accordance with the Revenue Guidelines for Wastewater Agencies (State Water Resources Control Board: April 1983), including any amendments or revisions, and based on respective actual costs of the preceding fiscal year. Rates for special users shall be computed by the director of public works annually.

~~F. Effective Dates for Rate Adjustments. Rates for fiscal year 2011 shall be effective for the billing cycle that begins after July 1, 2011. Rates for future years shall be effective for the billing cycle that begins on or after January 1st of each respective year.~~

BG. Collection and Billing Generally.

1. Sewer charges to occupants of property not billed for water service by the municipal water department shall be billed directly for such sewer charges.
2. All other sewer charges shall be collected from the occupants with the charges for water of the municipal water department of the city and shall be billed upon the same bill. ~~The collection officer or collection agency of the city shall not accept payment of such combined bills unless the total amount of charges for water and sewer is paid in full.~~

CH. Failure to Pay Bill. Bills are due and payable upon presentation and delinquent after ~~thirty~~ (30)twenty-one (21) days. Upon failure of any consumer billed or the owner of any premises to pay a sewer charge prior to the delinquency, the following action or actions shall be taken by the city to enforce such payment after such bill becomes delinquent:

1. Impose a penalty for delinquency of ten percent (10%) of the amount then delinquent;
2. Assess interest in the amount of one percent per month or fraction thereof on the amount delinquent from the date on which the bill first became delinquent until paid;

3. At the city's election, cause an action at law to be brought on behalf of the city against the person responsible for payment of such bill to recover the amount of such bill and the cost of such action, including reasonable attorney fees incurred in an amount fixed by the court.

4. Any person wishing to appeal penalties and interest imposed in this section shall adhere to provisions in accordance with Section 13.04.180 Appeals.

D. Delinquencies. In addition and as an alternative to any other remedy for the enforcement and collection of sewer charges, all delinquent sewer charges shall become a lien upon the real property upon which sewage is furnished or supplied, prior to all other liens, encumbrances or exemptions, other than state and county taxes, and shall have the force and effect of a tax lien, and shall be enforced as follows: on or about September 1st of each year the city clerk shall note the amount of all delinquent sewer charges upon the assessment of such real property as shown upon the assessment roll of the city for the current fiscal year, and shall add the amount of such delinquent sewer charges to the tax assessed against such real property and the amount shall be collected with such taxes in the same manner and at the same time as city taxes, and if not so paid, the same penalties shall be added as are now, or may thereafter be added to delinquent taxes, and thereafter the real property upon which it is a lien, shall be sold and be subject to redemption in the same manner as real property is now, or may hereafter be sold for delinquent taxes. (Ord. 11-4 § 3; Ord. 08-1 § 1; Ord. 04-9 § 2; Ord. 00-6 § 2: prior code § 12.3)

E. Hardship Agreements. City finance department may in its discretion offer hardship agreements which create payment plans for delinquent bills. Such agreements are available at the finance department. All requests for hardship agreements and payment plans must be submitted in writing. Hardship agreements may be approved at the discretion of the finance director based on amount owed and payment history

13.20.030 Use of funds.

A. Revenues derived under the provisions of this chapter, shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such sanitary or sewage facilities and to repay federal or state loans or advances made to the city for the construction or reconstruction of sanitary or sewage facilities; provided, however, such revenues shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

B. There is established and created a fund of the city entitled "~~sewer~~wastewater fund" and all revenues derived under this chapter shall be deposited in such fund, subject to withdrawal as allowed by the provisions hereof. (Prior code § 12.4)

13.20.040 Annexation to Municipal Sewer District No. 1.

A. The owner(s) of any property to be annexed to the St. Helena Municipal Sewer District No. 1 shall pay to the city at the time of initiating the annexation proceedings a filing fee in an amount set by resolution, the amount of the fee that the city is required to pay to the State Board of Equalization to file statements pursuant to Government Code Section 54900 and following, and the amount of the fee that the city is required to pay to the Napa County assessor's office for mapping services.

B. All applications for annexations shall be approved by the city council pursuant to the requirements of state law. (Ord. 00-9: prior code § 12.5)

13.20.050 Special extension prorate charge.

A. In addition to the usual costs of a sewer service connection as provided in this chapter, a special extension prorate charge shall be required and collected from applicants for sewer service and those property owners compelled to connect pursuant to Section 13.20.070 in those instances where the present or past owners of the premises to be served have not participated in the cost of installing the main fronting their premises and which main was installed within a period of ten (10) years prior to the date of granting the application for the sewer service connection or compelling connection under Section 13.20.070 of this chapter, but after the effective date of this section. The charge shall be determined by multiplying the footage of the premises lying along and which may be served directly from the main extension by one-half of the lineal per-foot cost of the main extension, but not to exceed the cost of an eight-inch main if installed by the department. The charge shall not be applied more than once to any premises. The charge shall be estimated and fixed by the director of public works subject to the approval of the city council and shall be payable prior to the installation of sewer service. The charge against each premises shall be reduced by ten percent (10%) of the total charge fixed for each full calendar year that passes after the effective date specified in subsection C of this section in which the subject premises have not obtained approval of an application for sewer connection nor qualified for compulsory connection to the city sewer under Section 13.20.070 of this chapter.

B. Exemptions. Except in unusual circumstances as determined by the city council, premises already served by the department at the date of installation of the main extension will be exempt from the payment of the special extension prorate charge.

C. When Effective. The special extension prorate charge shall be in effect for a period of twenty (20) years from:

1. The date of execution of the main-extension agreement, if the main extension is financed by property owners; or
2. The date of official completion of the main extension, if financed by the city.

D. Rights of Applicant Financing Main Extension. The applicant who has financed the main extension shall be entitled to the special extension prorate charges collected by the department

as a part of the service connection costs. The amounts collected shall be refunded to the applicant in accordance with the terms of the main-extension agreement between the city and the applicant. The refunds shall be made within ninety (90) days following the date of collection thereof by the city. No refunds of the extension prorated charges shall be made after ten (10) years from the date of execution of the main-extension agreement.

E. **Effective Date.** All provisions of this section as effective prior to the effective date of the amending ordinance codified in this section shall remain in effect unmodified with respect to all sewer main extensions installed and main-extension agreements executed prior to the effective date of such amending ordinance.

F. **Public Hearing.** A public hearing shall be held by the city council prior to fixing and approving the special extension prorated charge in the manner described in subsection A of this section and prior to executing any sewer main extension refund agreement. Written notice of such hearings and of the charges estimated and fixed by the director of public works shall be mailed by certified mail to all owners of all properties upon which the charges are or could be prorated at least thirty (30) days prior to such hearings. The written notice shall be mailed to the property owners as determined by the latest county assessor's records at the property owner's address shown on the latest county assessor's records, and if any owner's address is different than the address of the property to which charges are or could be prorated, a further copy shall be mailed to the owner at such address of the property subject to the proration charges. The director of public works shall maintain his or her papers and calculations supporting his or her estimation and fixing of charges in a file available for public inspection in the city offices during the city's regular business hours from the time of mailing such public hearing notices until conclusion of the public hearings. (Prior code § 12.6)

13.20.060 Connection to sewer main of adequate capacity.

In no event shall a sewer service connection be installed unless a sewer main of adequate capacity extends in a public street or public right-of-way across the entire frontage of the premises to be served; provided, however, that if, under particular circumstances, it is determined by the city council that no public purpose would be served to require the sewer main to extend across the entire frontage, such as, without limitation, those cases involving dead-end streets or cul-de-sacs, the council may determine a lesser distance to which it is necessary to extend the sewer main across the frontage to serve the public purpose. (Prior code § 12.7)

13.20.070 Compulsory connection.

When the city's public sewer is available, every building or other permanent structure which has plumbing fixtures shall connect to the city's public sewer at the time of the occurrence of any one or more of the following events:

Attachment 4

- A. Approval by the city of any use permit or variance applied for by or with the consent of the owner of the parcel on which the building or structure is located;
- B. Approval by the city for recordation of any final parcel map, subdivision map or lot line adjustment effecting any portion of the parcel upon which said building or structure is located, in which case the prorated charge under Section [13.20.050](#) of this chapter shall be paid for the entire parcel as constituted prior to recordation of any such parcel or subdivision map or documents effecting the lot adjustment;
- C. Issuance of a building permit or permits for any parcel on which the building or improvements are located for improvements totaling more than twenty thousand dollars (\$20,000.00) in value within any continuous sixty (60) month period or for improvements which comprise replacement, relocation, or substantial reconstruction of an existing discrete sewage disposal system serving the parcel;
- D. Determination by the city's health officer or city engineer that the existing discrete sewage disposal system serving a parcel on which the building or structure is located, or the nonexistence of such a discrete disposal system, constitutes a public health hazard. (Prior code § 12.8)

13.20.080 Details and specifications adopted by resolution.

Standard sewer construction details and specifications shall be adopted by resolution by the city council and made a part of this chapter by reference. (Prior code § 12.18)

Chapter 17.112
GENERAL SITE DESIGN AND DEVELOPMENT STANDARDS*

17.112.140 Water efficient landscaping.

A. Purpose. [The city adheres to the state of California's Model Water Efficient Landscape Ordinance \(MWELO\) or successor regulations.](#) The purpose of this section is to establish minimum standards for the provision, installation and maintenance of landscape areas by the following means:

1. Water conservation through xeriscape principles: promote the conservation of potable and nonpotable water by encouraging the preservation of existing plant communities, encouraging the planting of natural or uncultivated areas, encouraging the use of site-specific plant materials, and establishing techniques for the installation and maintenance of landscape materials and irrigation systems.
2. Aesthetics: improve the appearance of all areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.
3. Environmental quality: improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 - a. Improving air and water quality through such natural processes as photosynthesis and mineral uptake;
 - b. Maintaining permeable land areas essential to surface water management and aquifer recharge;
 - c. Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capabilities of trees and other vegetation;
 - d. Promoting energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas;
 - e. Reducing the temperature of the microclimate through the process of evapotranspiration;
 - f. Encouraging the conservation of limited fresh resources through the use of site-specific plants and various planting and maintenance techniques.
4. Land values: maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.
5. Human values: provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce heat and glare, and to break up the monotony and soften the harsher aspects of urban development.
6. Preservation of vegetation: preserve existing natural vegetation and the incorporation of native plants, plant communities, and ecosystems into landscape design, where possible.
7. Improved design: promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping, encouraging water and energy conservation.

8. Improved administration and enforcement: establish procedures and standards for the administration and enforcement of this section.

B. Xeriscape Principles. It is the intent of this section to assist the city in achieving water conservation through proper plant selection, installation, and maintenance practices. The following xeriscape principles service as the primary means of achieving water conservation:

1. Design of the landscape by dividing it into high-, moderate- and low-water use zones and by taking advantage of microclimates caused by the different conditions of sun, slope, moisture and air movement (hydrozones);
2. Efficient irrigation systems;
3. The use of soil amendments to improve the water-holding capacity of the soil;
4. Limiting turf to locations where it provides functional benefits;
5. The use of mulches, where appropriate;
6. Selection of appropriate plants;
7. Maintaining the landscape appropriately (monitor the irrigation system and water according to needs).

C. Applicability of Section. ~~The requirements of this section shall apply to all new and replacement landscaping for public agency projects, new and replacement landscaping in nonresidential and multifamily residential projects, and new landscaping on single-family lots within subdivisions when the final map is recorded after January 1, 1993. Replacement landscaping on single-family lots which existed prior to January 1, 1993, shall not be required to comply with the requirements of this section but are encouraged to comply on a voluntary basis.~~ The requirements of this section shall apply to all projects that fall under the State MWELo guidelines.

D. Landscape Documentation Package. For any project subject to this section, a landscape documentation package shall be submitted to, reviewed by, and approved by the planning department prior to the issuance of any building permit or the replacement of landscaping. The landscape documentation package shall include ~~the following information:~~ all required information as established in the State MWELo guidelines or successor regulations.

- ~~1. Water conservation concept statement;~~
- ~~2. Required calculations;~~
- ~~3. Landscape design plan;~~
- ~~4. Irrigation design plan;~~
- ~~5. Irrigation schedules;~~
- ~~6. Grading design plan;~~
- ~~7. Soil analysis;~~
- ~~8. Certificate of substantial completion;~~
- ~~9. Landscape irrigation audit schedules.~~

E. Amendment of Approved Plan. Any significant change of plant material or design from that contained in an approved landscaping plan shall require the approval of a revised landscaping plan reviewed in the same manner as the original plan.

Attachment 5

F. Regulations and Procedures. The city council is authorized and directed to adopt by resolution regulations and procedures for the implementation of this section and a schedule of fees. (Ord. 05-4 § 1 (part))

Chapter 13.04
WATER SERVICE SYSTEM

Article 1
General Provisions

Sections:

- 13.04.010** Definitions.
- 13.04.020** Applicability—Shutting off water for violations.
- 13.04.030** Application for water service—Deposit.
- 13.04.040** Water service connections—Costs.
- 13.04.050** Water service connections—Installation generally.
- 13.04.055** Conditions when connection to public water main required.
- 13.04.060** Meters generally.
- 13.04.070** Water main extensions.
- 13.04.080** Water rates.
- 13.04.090** Right of city to contract for water.
- 13.04.100** Rules and regulations generally.
- 13.04.110** Responsibility for payment of charges.
- 13.04.120** Notices.
- 13.04.130** Enforcement—Discontinuance of service upon delinquency.
- 13.04.140** When water charges become effective—Discontinuance of service at consumer's request.
- 13.04.150** Service Interruptions.
- 13.04.160** Duties of director of public works and director of finance.
- 13.04.170** Disposition of moneys—Funds.
- 13.04.180** Appeals.
- 13.04.190** Pollution of city reservoirs—Wading, swimming and cutting wood.
- 13.04.200** Private fire service—Requirements—Rates.
- 13.04.221** Water Conservation
- 13.04.210** Public fire hydrants—Operation and maintenance—Rates.

Article 2
Water Shortage Emergencies and Drought

Sections:

- 13.04.220** Procedure for establishing water emergency phases.
- 13.04.230** Phase I water regulations.
- 13.04.240** Phase II water regulations.
- 13.04.250** Phase III water regulations.
- 13.04.270** Termination of water emergency phases.
- 13.04.280** Exception permits.
- 13.04.290** Reserved
- 13.04.300** Reserved
- 13.04.310** Violation—Misdemeanor.

Article 1
General Provisions

13.04.010 Definitions.

For the purposes of this chapter and Chapters 13.08 (Cross-Connection Control Program) and 13.12 (Water Use Efficiency and Use Guidelines), the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Agricultural purpose” means the breeding, raising, pasturing, and grazing of livestock for the production of food and fiber and the planting, raising, harvesting and producing of viticultural crops, food crops, fiber crops, horticultural crops, and forestry crops.

“Customer” means the person responsible for paying each water service account on the water distribution system, both inside and outside city limits, of the water enterprise owned by the city of St. Helena.

“Department” means the municipal water department of the city.

“Director of public works” means the individual filling the position of director of public works/city engineer for the city, or his or her designee.

“New development” means any of the following construction projects that have not received a certificate of occupancy from the city or county building department prior to May 24, 2011, or that was issued a building permit and did not construct a foundation prior to May 24, 2011:

1. Any freestanding building that contains water-using fixtures;
2. Any floor area additions to existing nonresidential structures;
3. Any residential additions or remodeling that increases overall water usage at the water meter.

“New water connection” means a water connection for the benefit of any user or use of water, whether industrial, commercial, residential, institutional, who or which was not currently receiving water from the department at the time a water shortage phase was formally established. All new construction shall be deemed a new water connection, notwithstanding the fact that such new construction may have received all permits and consents required of it by any governmental agency, including the city, and notwithstanding the fact that the applicable fees for water connection may have been prepaid by the applicant.

“Non-residential” means properties in which the primary use is not residential. Hotel and motels are considered non-residential.

“Premises” is a lot or parcel under one ownership, except that portions thereof having well-defined boundaries such as fences or hedges which prevent the common use of the property by all occupants shall be deemed separate premises.

“Residential” means all living or dwelling units (as defined by the Uniform Building Code) of a permanent, rather than a transient, nature, including but not limited to single-family residences, apartments, mobile homes/manufactured homes, duplexes, townhouses, apartment buildings and condominiums. A dwelling unit shall be defined as any structure containing sleeping, eating, cooking, and sanitation facilities.

“Safe annual yield” of the St. Helena water supply system is that quantity of water which can be reliably delivered on an annual basis through most rainfall years, including a dry year (rainfall at twenty-two (22) inches to twenty-five and nine-tenths (25.9) inches) without undue hardship on water customers through water shortage restrictions. It is recognized that the safe annual yield, as so defined, could place significant hardship on water customers in a critically dry year (rainfall at twenty-one and nine-tenths (21.9) inches or less) or in periods of two or more consecutive dry years. “Undue hardship” is defined to mean Phase II or Phase III restrictions at any time, as these phases are set forth in this amended code. The safe annual yield shall be determined pursuant to the analytical methodology used by the safe yield committee, as identified in its report dated March 17, 2011. The safe annual yield shall be re-determined any time there is a material change in the city’s water supply.

“Supply/usage balance” is the difference between the safe annual yield and total current usage.

“Total current usage” is average usage as determined by taking total metered potable water supply entering the water system’s distribution system over the last five fiscal years, divided by five. The city shall calculate the supply/usage balance as soon after the end of each fiscal year as is practicable, as well as at any time that there is a material change in potable water supply. The balance is positive when the safe annual yield exceeds total current usage. The balance is negative, or in deficit, when the safe annual yield is less than total current usage.

“Water advisory board” is the board as may be constituted in Section 13.04.230(C)(8). (Ord. 12-1 § 2; Ord. 11-7 (part): prior code § 18.1)

13.04.020 Applicability—Shutting off water for violations.

The rules and regulations set forth in this chapter and Chapters 13.08 and 13.12 for the management, control and use of the municipal water department, and penalties for the violation thereof, and rates to be charged for water or services furnished to consumers, are prescribed and established and are applicable to all consumers, whether inside or outside the city limits, in the absence of express limitations hereinafter set forth.

Every person taking water shall be considered as having expressed his or her consent to be bound by the provisions of this chapter, and whenever any one of such rules and regulations is violated the city may shut off the water to the user with proper notice as set forth in Division 5, Article 1, Chapter 1 of the California Public Utilities Code and the water shall not be turned on

again until all unpaid rents and charges are paid and other requirements of this chapter and Chapters 13.08 and 13.12 are met. (Ord. 02-5 § 18 (part); prior code § 18.2)

13.04.030 Application for water service—Deposit.

A. To Be Signed and in Writing. Every person desiring a water supply from the department shall make written application at the office of the department. Such application shall be signed by the applicant. The application shall contain the stipulations, terms and provisions applicable to all water accounts as defined by resolution or the code. A printed application form shall be provided by the department, when requested. Water service will be turned on by a city representative during normal working hours, defined as after 8:00 a.m. and prior to 3:30 p.m., Monday through Friday excluding legal holidays. Water service turn-on shall not be made after 3:30 p.m. or prior to 8:00 a.m., Monday through Friday, nor on Saturday, Sunday or legal holidays unless the customer agrees to pay the appropriate fee as set by resolution for such after-hours service.

B. Nonowner's Deposit. Whenever an application is made for the furnishing of water to premises and the applicant is not the owner in fee of such premises, a deposit shall be made with the department at the time such application is made in the amount prescribed by resolution of the city council. Such deposit shall be held by the department as a guarantee for the payment of all water consumed, and payment of all other charges owing from the applicant to the department. Whenever any applicant removes from such premises owing nothing for water by him or her used, or any other charges of the department, or whenever the applicant shall become the owner in fee of such premises, the deposit shall be returned to the applicant making the same. Otherwise, the deposit shall be returned to the applicant less all charges owing by the applicant to the department.

13.04.040 Water service connections—Costs.

A. Generally. When the premises to which water is to be furnished under the application made in writing has no connection already installed for use on the premises, the applicant shall pay all costs of the installation and service connection. The costs which shall be included as charges for making service installations shall be: All materials costs, including fittings, valves, pipes, meter, meter box and other costs incurred by reason of peculiarities of the installation.

B. Cost of Installation. The applicant shall be responsible for installation and cost of the water lateral both within the city right of way and on private property. All work within the city right of way shall require a city issued encroachment permit, and the work shall be performed by an appropriately licensed contractor. Installation shall be performed in accordance with all applicable city standards including but not limited to trench backfill and pavement restoration. Director of Public Works to Fix Charges. The director of public works is empowered to estimate and fix the charges to be made for all service connections, subject to the approval of the city council.

D. When Due and Payable. All such sums herein provided for to be paid by the applicant shall be due and actually paid before any of the work is commenced and in no event shall the work of installing any water service be commenced until all sums required to be paid have been actually paid by the applicant. None of such sums so paid, nor any portion thereof, shall be refundable to the applicant.

E. Schedule of Water Connection Charges. Every person making a connection to the city water system shall, immediately prior to making such connection, pay to the city a connection charge in as established by city council resolution.

There shall also be one of the following water connection charges:

1. Standard Service Connection (Complete). Minimum charges for standard complete service connections are shown below. A “standard” complete connection is defined as one where the service pipe is tapped into a water main of eight-inch diameter or less, where open trench excavation can be used and where the distance from the main to the meter is not over forty (40) feet. The service connection is complete in that it includes service pipe, meter box, meter and necessary fittings. Extraordinary costs, as determined by the city engineer, shall be billed and paid by the applicant.

Minimum Connection Charge

Size of Meter

3/4 or 5/8 inch meter	\$1,000.00
1 inch meter	\$1,200.00
1 1/2 inch meter	\$1,625.00

2. Standard Service Connection (Partial). A “standard” partial connection applies to those cases where a copper service pipe has been stubbed in during the development of the subdivision and only the setting of the meter box and meter remains to be done by the water department.

Minimum Connection Charge

Size of Meter

3/4 or 5/8 inch meter	\$150.00
1 inch meter	\$275.00
1 1/2 inch meter	\$550.00

(Prior code § 18.4)

13.04.050 Water service connections—Installation generally.

A. When Connection May be Made. The applicant having complied with the requirements of this chapter and Chapters 13.08 and 13.12 relating to the application for service, and having paid all charges incurred, the property described in the application shall be connected with the water mains and water furnished to the applicant.

B. Extension of Mains. No service shall be installed by the department on any private property, or extended beyond the curb of the street in which the department's mains are installed, except where the city owns or controls water pipe line rights-of-way over private property and has water mains installed therein. The applicant for water service shall, at his or her own expense, extend service lines to the nearest open and accepted public street or place where service will be installed by the department, subject to all other terms and provisions set forth in this chapter and Chapters 13.08 and 13.12, except that the department may, at its option, allow water service connections to its water mains installed in the rights-of-way above described; provided, that the applicant at his or her own expense extends service lines to the water mains.

C. Multiple Connections Prohibited Generally. No one service connection shall supply water to more than one premises.

D. Exceptions to Multiple Connection Requirements. If under particular circumstances it be determined by the city council that it be impracticable to install one service connection for every premises and advantageous to the department to furnish water to more than one premises through one service connection, then water may be so furnished by the department. After any such installation of water service for more than one premises through one service connection, the city council may, if it determines that by reason of changed circumstances, it has become practicable to install one service connection for each of the premises, then the city council may elect to install a separate service connection and meter for each of such premises at the cost and expense of the owner of the premises, to be paid for by the owner of the premises.

E. Service to More Than One Consumer Through One Connection and Meter. Where there is more than one consumer supplied through one service connection and one meter, the department shall hold the applicant or other person agreed upon responsible for payment of all water furnished through the one service connection or one meter; provided, that where practicable to serve each consumer through a separate service connection, the city council may at its election install a separate service connection and meter for each such consumer at the cost and expense of the property owner or consumer, to be paid for by the property owner or consumer, and thereafter collected at the established meter rates for water supplied through each meter.

F. Extension Along Frontage of Premises Served. In no event shall a water service connection be installed unless a water main of adequate capacity and delivery pressure extends in a public street or public right-of-way across the entire frontage of the premises to be served; provided, however, that if, under particular circumstances, it is determined by the city council that no public purpose would be served to require the water main to extend across the entire frontage, such as, without limitation, those cases involving dead-end streets or cul-de-sacs, the council may determine a lesser distance to which it is necessary to extend the water main across the frontage to serve the public purpose.

G. Prohibitions. No service connection shall be given or made from which any consumer service line shall run lengthwise on any public street, nor shall any service connection be given or made from which two or more consumer service lines shall run lengthwise on any private road.

H. Service Outside City Limits. No water service connection or water main extension shall be made or given to premises located outside the city limits except (1) to provide private fire service in accordance with Section 13.04.200 and (2) to provide reclaimed water in accordance with city policies and procedures. (Ord. 03-5 § 1; prior code § 18.5)

13.04.055 Conditions when connection to public water main required.

A. The owner of any structure located within the city in which plumbing is to be installed shall, at the owner's sole expense, connect the plumbing of such structure directly to the proper public water main in accordance with the provisions of this chapter. The provisions of this section shall not apply to wells installed pursuant to Chapter 13.16.

B. If the closest water main is located more than one thousand (1,000) feet from the property line of a residential lot, the property owner of the residential lot may request an exception to this requirement for existing lots of record.

C. The following procedures shall be followed for the consideration of applications for exceptions to the requirements of this section:

1. Applications for exceptions shall be filed by the property owner with the public works department on forms provided by the public works department. The application shall be accompanied by materials and information outlined on the application requirements list available in the public works department.
2. The application shall be considered by the city council prior to the determination of completeness (pursuant to Section 65943 of the Government Code) of a development application for the property.
3. Applications for exceptions shall be considered during a public hearing.

D. The following criteria shall be considered by the city council in the evaluation of applications for exceptions to the requirements of this section:

1. The proximity of existing public water mains to the subject lot;

2. The ability to provide public water to the site at pressures adequate for domestic and emergency purposes by unmechanically augmented municipal systems;
3. The likelihood of adjoining lot(s) to develop, and the need for the extension of public water facilities to accommodate such development;
4. The potential environmental effects resulting from the installation of public facilities given the physical conditions and improvements present at the site including, but not limited to: slope, soil conditions, tree cover, existing features and structures, etc., which might present constraints to the extension of the public water facilities;
5. The physical conditions and improvements present at the site including, but not limited to: slope, soil conditions, tree cover, existing features and structures, etc. which might present significant ongoing costs for maintenance of the public facilities;
6. The ability to provide public water service to the frontage of adjoining lots(s);
7. The adequacy of the proposed private system to provide adequate water flow rates, pressure, and facilities to address domestic and emergency needs as determined by the director of public works and the fire chief;
8. The adequacy of the proposed private system to satisfy the requirements of the Napa County department of environmental management.

E. The city council may impose conditions or requirements upon the granting of an application for an exception to the requirements of this section. Said conditions or requirements may include, but shall not be limited to, the following:

1. The property owner requesting the exception shall design and install the public water main across the frontage of the subject property including the extension, if any, of the public facilities from their existing closest point. Appropriate dedication of right-of-way shall be made to accommodate said installation. Said design, installation and dedication shall occur prior to the occupancy of the new development and shall not be subject to reimbursement or other credit by the city of St. Helena. An agreement for reimbursement from private development may be executed.
2. A home owners association (HOA) or other entity or binding agreement, acceptable to the city attorney, shall be created and maintained in perpetuity to ensure the long-term maintenance of the common and/or private facilities (wells, water lines, pressure tanks, holding tanks, back flow prevention devices, etc.). The HOA shall maintain a sufficient fund reserve as determined by the director of public works at all times to ensure that maintenance of the private facilities will occur as necessary. Duties and obligations of the HOA shall be stipulated in covenants, codes and restrictions (CC&Rs) which shall govern the private property. The city of St. Helena shall be a party to the CC&Rs, but shall not be responsible for the enforcement of the document.
3. The property owner requesting the exception shall record a notice which shall run with the deed on the property, and all subsequent parcels resulting from a subdivision of the property, advising subsequent property owners of the lack of public facilities and of the potential for failure of the private system(s). The deed notice shall further advise successor property owners that the city of St. Helena has no obligation to provide public facilities to the property even in the event of the failure of the private system(s).

4. The property owner requesting the exception shall execute and record a hold harmless agreement with the deed of the property, and all subsequent parcels resulting from a subdivision of the property. Said agreement shall relieve the city of St. Helena of any and all liability which might arise from the use and/or failure of the private system(s). Said hold harmless agreement shall be in a form acceptable to the city attorney and shall be recorded prior to occupancy of any new development on the subject lot. (Ord. 12-1 § 3)

13.04.060 Meters generally.

A. Location, Size, Etc. A water service meter shall be installed by the department for each service connection. Water service meters shall be installed only in public streets or places. It shall be unlawful for any consumer to obstruct access to water service meters. On every meter installation the size and exact location of the meter shall be determined by the director of public works or designee.

B. To Remain City Property—Maintenance. All water meters installed by the department shall remain at all times the property of the city and shall be maintained, repaired and renewed by the department. The department will be responsible for the cost to replace and/or repair meters that are rendered unserviceable through ordinary wear and tear and damage by the elements. The property owner shall be responsible for the cost to replace and/or repair meters that are rendered unserviceable as a result of the negligence of the owner , occupant , agent, contractor or other person working on behalf of the owner or occupant. The department shall have sole discretion in determining if a meter requires repair or replacement; and sole discretion in determining if the cause for repair or replacement is ordinary wear and tear or the result of negligence.

C. Tests. Upon the deposit of the sum as established by council resolution with the finance department by any consumer, the director of public works or designee shall test the meter at the premises of the consumer. The consumer shall be notified by the director of public works at least twenty-four (24) hours in advance and may be represented at such test. (Prior code § 18.6)

13.04.070 Water main extensions.

A. Application. The provisions of this section shall apply to water main extensions, both within and without the boundaries of the city, except that they shall not apply to any water main extensions within the boundaries of any subdivision.

B. Duties of Applicants—Materials—Payments. Applicants for water main extensions to service premises where such extensions are necessary, which necessity shall be at the sole and absolute discretion of the city council shall be required: (1) to pay to the department the estimated reasonable cost of the necessary facilities before construction is commenced; and (2) to transfer and convey to the city all water mains, pipes and necessary easements therefor. The

size, type and quality of the materials and the location of lines shall be specified by the city council in its sole and absolute discretion. All such sums herein provided for to be paid by the applicant for water main extensions shall be due and actually paid before any of the work is commenced and in no event shall the work of installing any water service be commenced until all sums required to be paid have been actually paid by the applicant. Any excess of the amount so paid in by the applicant over the actual cost shall be refunded to the applicant, and in the event the actual costs thereof exceed the amount actually paid by the applicant, the water service shall not be turned on until the differential is paid to the department.

C. Additional Connections. Additional water service connections to any such extended water mains shall be permitted only at the sole and absolute discretion of the department.

D. Size. All water main extensions shall be of size and shall be connected to the city water system at a point where there is an adequate water supply under proper pressure as determined by the city council.

E. Special Extension Prorate Charge—Determination, Etc. In addition to the usual costs of a water service connection as provided in Section 13.04.040, a special extension prorate charge shall be required and collected from applicants for water service in those instances where the present or past owners of the premises to be served have not participated in the cost of installing the main fronting their premises and which main was installed within a period of twenty (20) years prior to the date of granting the application for the water service connection but after the effective date of this section, September 12, 1961. The charge shall be determined by multiplying the footage of the premises lying along and which may be served directly from the main extension by one-half of the lineal per foot cost of the main extension, but not to exceed the costs of a six-inch main if installed by the department. The charge shall not be applied more than once to any premises. The charge shall be estimated and fixed by the director of public works, subject to the approval of the council and shall be payable prior to the installation of water service. Except in unusual circumstances, as determined by the city council, premises already served by the department at the date of installation of the main extension will be exempt from the payment of the special extension prorate charge.

F. Special Extension Prorate Charge—When Effective. The special extension prorate charge shall be in effect for a period of twenty (20) years from:

1. The date of execution of the main-extension agreement, if the main extension is financed by property owners; or
2. The date of official completion of the main extension, if financed by the city.

G. Special Extension Prorate Charge—Rights of Applicant Financing Main Extension. The applicant who has financed the main extension shall be entitled to the special extension prorate charges collected by the department as a part of the service connection costs. The amounts collected shall be refunded to the applicant in accordance with the terms of the main-extension agreement between the city and the applicant. The refunds shall be made within ninety (90) days following the date of collection thereof by the city. No refunds of the extension

prorate charges shall be made after twenty (20) years from the date of execution of the main-extension agreement.

H. Subdivision Off-Tract Facilities. If the city council determines that there is not a sufficient off-tract water main from a point where there is an adequate water supply under proper pressure to a point of connecting to in-tract subdivision water mains, the city shall have no obligation to make a connection or extension unless and until the applicant shall finance and make a special agreement with the city for the construction and installation of required off-tract water mains. It is found and determined that at the time no uniform rule can be laid down with respect to the sharing of the cost of such off-tract water main, but that each case must be evaluated on its own merits. Such special agreement need not provide for refunds according to subsection G of this section but may provide for refund or reimbursement to the applicant in such manner as the council determines to be in the best interests of the city. If such an off-tract water main shall be constructed, it shall be a limited purpose through line not designed or intended to serve the properties through which it passes and the city shall not be deemed to have "assumed to serve" any such area through which it passes unless and until the city council shall expressly so declare by later motion or resolution. (Prior code § 18.7)

13.04.080 Water rates.

A. Charges Imposed. No water and no services of facilities of the water system shall be furnished to any consumer or to any person free of charge or in amounts less than those established by resolution of the City Council. The city shall pay for all water furnished or made available by the water system for municipal purpose of the city. Customers shall pay for water service on a monthly basis. In the event a customer is undercharged for water service, the city shall backbill the customer to recover the amounts due to the city.

B. Non-treated (Raw) Water from Lower Reservoir. City in its discretion may provide non-treated (raw) water from its Lower Reservoir to be used for grading, dust control, street, pipeline, or similar construction activities, as well as for irrigation. Non-treated (raw) water shall only be used within the St. Helena city limits, except for users of non-treated (raw) water pursuant to agreements with the City entered into prior to November 2016. A permit fee as established by council resolution is required for all persons utilizing non-treated water (raw), unless otherwise stated under a separate water agreement. All persons utilizing non-treated water through the permit process are also required to pay the use fee as identified by council resolution.

13.04.090 Right of city to contract for water.

Under special circumstances, the city council reserves the right and power to contract separately with any person for the sale and delivery of water within or outside the corporate

limits of the city at wholesale rates to be fixed and agreed upon by resolution of the council.
(Prior code § 18.9)

13.04.100 Rules and regulations generally.

- A. Right of Access. Duly authorized representatives of the department shall have the right of access at all reasonable hours to any premises where water from the department's water system is used for the purpose of inspection and examination.
- B. Persons Authorized to Make Connections. No person other than the duly authorized representatives of the department shall connect the consumer's service to or disconnect the same from the water mains of the department.
- C. Shutoff Valves. Every water consumer shall install and maintain at his or her own expense a shutoff valve inside the property line at a location accessible in event of emergency.
- D. Permission to Supply Additional Premises. No person, whose premises are supplied with water shall furnish water to other premises, unless he or she shall first make application in writing to the department and secure approval in writing.
- E. Agricultural Use. Water purchased from the department pursuant to the provisions of this chapter and Chapters 13.08 and 13.12 may not be used for any agricultural purpose except in one of the following conditions:
 - 1. The products or results of such agricultural purpose are consumed or enjoyed solely by or on the premises of the water customer;
 - 2. The water used for an agricultural purpose is recycled from some nonagricultural use by the water customer;
 - 3. The city council has expressly granted permission to the water customer to use water for the agricultural purpose;
 - 4. Water serving the premises has been used for an agricultural purpose during the six months preceding August 9, 1994, in which case only that particular agricultural use may continue and may not be expanded; or
 - 5. Parcels are less than one-half acre in size.
- F. Bills for Charges. All bills for water charges will be rendered by the city monthly. All bills shall become due and payable upon presentation and shall be paid at the office of the finance department.
- G. Supplemental Rules. The city council may, by resolution, provide such supplementary rules and regulations as it deems necessary or advisable to accomplish the interest and purposes of this chapter and Chapters 13.08 and 13.12.

H. Previous Agreements. None of the provisions of this chapter and Chapters 13.08 and 13.12 shall apply to or in any manner affect any agreement for furnishing water, for extension of water mains or installation or maintenance of water service made before June 10, 1952, and to which the city is a party, but as to such agreements, the provisions and requirements of ordinances and resolutions in force at date of such agreement shall apply and any and all such agreements so made are ratified and confirmed. (Amended by city 4/17/13; Ord. 02-5 § 18 (part): prior code § 18.10)

13.04.110 Responsibility for payment of charges.

All water charges shall be billed to the person making application for water service per Section 13.04.030 of this chapter, unless requested by the owner to be billed differently. Where allowed by law, all water charges shall be the responsibility of the owner of the premises upon which the charges fixed are levied and assessed or his or her successor in interest. (Prior code § 18.11)

13.04.120 Notices.

A. Notices from the city to any consumer will be given in writing, either delivered to the consumer or mailed or emailed to his or her last known address or contact, except that where conditions warrant or in any emergency the city may give verbal notice by telephone or in person.

B. Notices from a consumer to the city may be given by the consumer or his or her authorized representative verbally or in writing at the office of the finance department, to the city clerk, or to the director of public works' office. (Prior code § 18.12)

13.04.130 Enforcement—Discontinuance of service upon delinquency.

A. Discontinuance of Service to Abate Dangerous Conditions, Waste, etc. The city may refuse to furnish water and may discontinue service to any premises where apparatus, appliances or equipment using water is found by the director of public works or designee to be dangerous or unsafe or where the use of water on such premises is found by the director of public works or designee to be detrimental or injurious to the water service furnished by the city to other consumers, or where the director of public works or designee finds that negligent or wasteful use of water exists on any premises which affects the city's water service. The city shall have the right to refuse or discontinue water service to any premises if necessary to protect itself against fraud or abuse.

B. Enforcement by Director of Public Works. The director of public works is charged with the enforcement of all the provisions of this chapter and Chapters 13.08 and 13.12.

C. Discontinuance for Certain Violations. In the event of violation, other than nonpayment of water service charges, of any terms of this chapter and Chapters 13.08 and 13.12, the director

of public works may disconnect any premises from the water system after first notifying in writing the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which, upon the failure of such person to prevent or rectify the violation, the director of public works will exercise his or her authority to disconnect the premises from the water system; provided, that such time shall not be less than five days after the deposit of such notice in the United States Post Office at St. Helena, Napa County, California, addressed to the person to whom notice is given; provided, however, that in the event such violation results in a public hazard or menace, then the director of public works may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person so in violation.

D. Failure to Pay Bill. Bills are due and payable upon presentation and delinquent after twenty-one (21) days. Upon failure of any consumer billed or the owner of any premises to pay any water service charge prior to the delinquency, the following action or actions shall be taken by the city to enforce such payment after such bill becomes delinquent:

1. Impose a penalty for delinquency of ten percent (10%) of the amount then delinquent;
 2. Assess interest in the amount of one percent per month or fraction thereof on the amount delinquent from the date on which the bill remittance first became delinquent until paid;
 3. Disconnect the premises from the water system for nonpayment of water bills with proper notice as set forth in Division 5, Chapter 1, Article 1 of the California Public Utilities Code;
 4. Cause an action at law to be brought on behalf of the city against the person responsible for payment of such bill to recover the amount of such bill and the cost of such action including reasonable attorney fees incurred in an amount fixed by the court.
5. Any person wishing to appeal penalties and interest imposed in this section shall adhere to provisions in accordance with Section 13.04.180 Appeals.

E. Hardship Agreements. City finance department may in its discretion offer hardship agreements which create payment plans for delinquent bills. All requests for hardship agreements and payment plans must be submitted in writing. Hardship agreements are approved at the discretion of the finance director based on amount owed and payment history.

F. Reconnection Fee. Whenever any premises have been disconnected from the water system for any violation of this chapter or Chapters 13.08 and 13.12, such premises shall not be reconnected to the water system until all delinquent fees, charges, penalties and interest have been paid, together with a reconnection charge as may be set by resolution of the city council.

G. Lien for Delinquencies. In addition and as an alternative to any other remedy for enforcement and collection, all delinquent water service charges, including late charges and interest for nonresidential properties, shall become a lien upon the nonresidential real property upon which water is furnished prior to all other liens, encumbrances or exemptions, other than

state and county taxes, and shall have the force and effect of a tax lien. The lien shall continue until it is paid together with the penalties and interest set forth in this section. The lien shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All acts applicable to levy, collection and enforcement of municipal taxes apply to this lien. (Ord. 02-5 § 18 (part); prior code § 18.13)

13.04.140 When water charges become effective—Discontinuance of service at consumer's request.

A. Water charges shall become effective against all premises immediately upon connection to the water system.

B. Any consumer may have his or her water service discontinued by giving notice requesting discontinuance at least two (2) business days prior to the requested date of discontinuance. Each such consumer shall pay all water charges up to and including the date of discontinuance stated in such notice. In any case where such notice is not given, the consumer shall be required to pay for water service until two (2) business days after the city has knowledge that the consumer has vacated the premises or otherwise discontinued water service. The city shall set a charge per council resolution for restoring water service to any consumer whose water service has been discontinued at his or her request. Water service will be turned off by a city representative during normal working hours, defined as after 8:00 a.m. and prior to 3:30 p.m., Monday through Friday excluding legal holidays. Water service turn-off shall not be made after 3:30 p.m. or prior to 8:00 a.m., Monday through Friday, nor on Saturday, Sunday or legal holidays unless the customer agrees to pay the appropriate fee as set by resolution for such after-hours service.

C. If the discontinuance of a water service under subsection B of this section continues more than thirty (30) days, the consumer may request that the water service be placed on a standby basis. While on a standby basis, the water service rates established by council resolution will apply. In order to reestablish water service, the customer will be responsible for the fee associated with restoring water service and must pay any delinquent charges for which the customer is legally liable before service will be reconnected. (Prior code § 18.14)

13.04.150 Service Interruptions.

A. Temporary Suspension of Service. The city will exercise reasonable diligence to provide continuous and adequate water service to consumers and to avoid any shortage or interruption of delivery of water, but cannot guarantee complete freedom from interruption. The city shall have the right to suspend water service temporarily to make necessary repairs or improvements to the water system. In each case of temporary suspension of service, the city will notify the consumers affected as soon as circumstances permit and will prosecute the work of repair or improvement with due diligence and with the least possible inconvenience to consumers.

B. Apportionment Among Consumers. During any period of threatened or actual water shortage the city shall have the right to apportion its available water supply among consumers in such manner as appears most suitable under the circumstances then prevailing and with due regard to public health and safety.

C. City's Responsibility. The city shall not be liable for interruption, shortage or insufficiency of water supply or water pressure or any loss or damage occasioned thereby. (Prior code § 18.15)

13.04.160 Duties of director of public works and director of finance.

It shall be the duty of the director of public works to supervise all connections to the water system, to fix all connection charges and to enforce all provisions of this chapter. It shall be the duty of the director of finance to collect all water bills and charges and all connection and other fees herein provided for, and to deposit the same with the appropriate account. The director of finance shall keep an accurate accounting and records showing the source, amount and disposition of all monies received by them hereunder. The city will carry fidelity insurance with respect to all city officers and employees who respectively receive, collect or have in their care or custody any moneys referred to in this section, such insurance to be in an amount at least equal in the aggregate to the maximum amount of such moneys at any one time in the care or custody of all such officers or employees. (Prior code § 18.16)

13.04.170 Disposition of moneys—Funds.

All moneys received by the city under this chapter, excepting only all connection charges and portions of water bills refundable to consumers in respect of water main extensions pursuant to Section 13.04.070, shall be deposited by the director of finance in a timely manner each month in the manner and for the purposes provided and with the fiscal agent designated and/or adopted as best practices.

All connection charges collected by the city under this chapter and Chapters 13.08 and 13.12 shall be deposited in a separate account entitled "water connection fund", which is created and shall be applied in the manner and for the purposes provided for in this chapter and Chapters 13.08 and 13.12.

All portions of water bills refundable to consumers in respect of water main extensions pursuant to Section 13.04.070 shall be deposited in a separate account entitled "water main extension refund fund," which is created and shall be applied in the manner and for the purposes provided for in Section 13.04.070.

(Prior code § 18.17)

13.04.180 Appeals.

A. Procedure Generally. Any person who shall have a right to appeal as provided in any section of this chapter or Chapters 13.08 and 13.12 or who shall be dissatisfied with any determination hereafter made by the director of public works or director of finance may, at any time within thirty (30) days after such determination, appeal to the city council by giving written notice to the director of public works and to the city clerk, setting forth the determination with which such person is dissatisfied. The city council may, at any time, upon its own motion, appeal from any determination made by the director of public works hereunder. In the event of any such appeal, the director of public works shall transmit to the city council a report upon the matter appealed. The city council shall cause notice to be given, at least ten (10) days prior to the time fixed for such hearing to all persons affected by such appeal, of the time and place fixed by the city council for hearing such appeal. The city council shall direct the city clerk to mail a written notice, postage prepaid, to all such persons whose addresses are known to the city council.

B. Refunds. Pending decisions upon any appeal relative to the amount of any charge under this chapter or Chapters 13.08 and 13.12, the person making such appeal shall pay such charge. After the appeal is heard, the city council shall order refunded to the person making such appeal such amount, if any, as the city council shall determine should be refunded. (Prior code § 18.18)

13.04.190 Pollution of city reservoirs—Wading, swimming and cutting wood.

No person shall wade or bathe in or otherwise pollute the waters of the reservoirs supplying drinking water to the inhabitants of the city or the watercourses supplying such reservoirs. No person shall cut wood or shrubbery on the property on which such reservoirs are situated and which property is now or hereafter owned and used by the city for the purpose of its municipal water supply. No person shall fish in the reservoirs or picnic on such property, without a permit to do so, issued and conditioned as prescribed by the city manager or his or her designee. (Prior code § 18.19)

13.04.200 Private fire service—Requirements—Rates.

The department may install a private fire service; provided that the applicant complies with the general requirements governing water services set forth in this chapter or Chapters 13.08 and 13.12, together with the following special requirements:

A. The applicant shall enter into a private fire service agreement with the department, the terms of which shall be satisfactory to the department.

B. The services shall be satisfactory to the head of the public agency responsible for fire protection on the premises involved and to the Pacific Fire Rating Bureau. Each private fire service shall have installed therein a detector check valve of pattern and design approved by the director of public works. A “detector check valve” is defined as a spring-loaded or weight-loaded swing check valve equipped with a metered bypass.

C. The private fire service shall be used only for fighting fires and testing the fire protection system. The charge for the service shall be set by council resolution. The charge shall include the cost of water used to fight fires and for authorized testing of the fire protection system. Any other use of water from the private fire service shall constitute a breach of the private fire service agreement.

D

13.04.210 Public fire hydrants—Operation and maintenance—Rates.

The department shall install, relocate or remove a public fire hydrant when the following requirements are met:

A. A written request has been submitted to the department by the public agency responsible for fire protection setting forth the location and type of hydrant.

B. The estimated charges for the installation, relocation or removal as determined by the director of public works have been paid by such public agency or by a duly authorized private person.

C. Public fire hydrants shall belong to the city and be maintained by the water department. Public fire hydrants shall be operated only by authorized firefighting personnel, department personnel and such other persons as are granted specific permission to do so by the director of public works. Public fire hydrants shall be used only for fire suppression, testing of the fire protection system, fire drills and flushing and cleaning of mains, except where specific permission to use the hydrants for other purposes has been granted by the director of public works.

Article 2

Water Shortage Emergencies, Drought and Water Conservation

13.04.220 Procedure for establishing water emergency phases.

At any time that the city council finds and determines that a water shortage emergency condition exists within the criteria of Sections 13.04.230 through 13.04.250, and that it is necessary to limit usage by the customers of the municipal water department, the city council shall adopt a resolution setting forth the applicable phase. As soon as is practicable after adoption of such resolution, the city clerk shall cause to be published at least once, in a newspaper of general circulation published and circulated in the city, a notice declaring the establishment of such regulatory phase. Such notice shall set forth the limitations of water use applicable to the particular phase being established and shall further declare that violations of such limitations are punishable in accordance with the provisions of

Sections **13.04.230** 13.04.310. The establishment of a particular phase shall be completed and effective as described in the resolution adopting the water shortage phase.

Whenever the cumulative rainfall for the current water year (beginning November 1st) is less than the median amount for the same time period, the director of public works or designee shall report at least monthly to the city council and recommend whether the city should enter into a water shortage phase, and if so, which phase is recommended.

At any time the state of California may require the city to conform with emergency drought regulations. Notwithstanding any other provisions of this article, the city council may, at the recommendation of the director of public works, activate a water shortage phase as a means of compliance with emergency drought regulations adopted by the state. (Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.23)

13.04.221 Water Conservation

St. Helena has limited water resources and has adopted both required and encouraged conservations measures. All customers shall comply with all mandatory water use efficiency requirements within this chapter for water conservation. Any customer who fails to comply with the mandatory water conservation measures shall immediately stop the water waste by installing the appropriate water-saving devices in their plumbing, appliances, or improvements, or take other such actions as directed by the City to bring about full compliance.

- A. All persons are encouraged to use the following water use efficiency guidelines to minimize water waste:
1. Establish procedures in the home and business to recycle water;
 2. Install water-saving devices in existing facilities including low flow showerheads, faucet aerators, ULF (ultra low flush) toilets, and WaterSense certified (or successor certification) appliances;
 3. Refrain from additional irrigation and unnecessary use of water, such as car washing, when the temperature exceeds ninety (90) degrees Fahrenheit
 4. Limit the expansion or installation of new water-using appliances, plumbing or improvements, such as lawns, landscaping, pools, sprinkler irrigation systems, wash-down equipment, larger washing machines or garbage disposal units. In the event that a new water-using appliance is necessary, installation of water efficient devices are encouraged; and
 5. All schools, social and professional groups, churches, etc., should discuss water conservation as a regular agenda item and forward worthwhile suggestions to the department for consideration and implementation.
 6. Limit irrigation of potable water to landscaping between the hours of eight (8) a.m. and eight (8) p.m.

7. All sites with irrigated landscapes or gardens are encouraged to establish the following irrigation practices:
 - A. Turn off irrigation systems during the off-peak season (November-April) as defined in Section 13.04.080
 - B. Reduce the amount of time for all outdoor irrigation. (Ord. 15-5 § 1 (part); Ord. 14-11 § 3 (Exh. A); Ord. 14-9 § 5 (Exh. A); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.23.1)
- B. Mandatory Conservation Measures: The following water conservation prohibitions and limitations are required by all persons.
 1. The application of potable water to any driveway or sidewalk is prohibited, unless the person proposing such application of potable water documents to the director of public work's satisfaction that application is necessary to abate a condition constituting a public health hazard.
 2. Using a hose that dispenses potable water to wash a motor vehicle is prohibited, unless the hose is fitted with a shut-off nozzle
 3. Customers shall install new landscaping in existing or new development that is water efficient within the meaning of the state's water efficient landscape ordinance.
 4. Using potable water to water outdoor landscapes in a manner that causes runoff to adjacent property, nonirrigated areas, private and public walkways, roadways, parking lots or structures is prohibited.
 5. Using potable water in a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system.
 6. Withdrawing water from fire hydrants, except for fire fighting, fire fighting training, and water system maintenance purposes, is prohibited.
 7. Use of potable water for grading, dust control, street, pipeline or similar construction is prohibited.
 8. The application of potable water to outdoor landscapes during and up to forty-eight (48) hours after measurable rainfall is prohibited.
 9. No person shall use potable water to irrigate ornamental turf on public street medians.

10. Restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and/or purchased shall supply water to patrons only upon request.
11. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.
12. All projects for which the planning department requires approved landscape plans must adhere to the city's xeriscape standards or the State's Model Water Efficient Landscape Ordinance, whichever is stricter in order to obtain plan approval.
13. Any new water connection for new development must offset new demand by an amount of water equal to the new demand on the city water system using the methodology defined in Section 13.12.050. The offset must be clearly demonstrated, to the satisfaction of the director of public works.

13.04.230 Phase I water regulations.

- A. The criteria for establishing Phase I shall be any or all of the following:
 1. The supply/usage balance, as calculated at the beginning of the fiscal year, is in deficit;
 2. The volume of water to be delivered by the city of Napa in any fiscal year will not exceed four hundred (400) AF;
 3. The volume of water anticipated to be available prior to the next November 1st, as determined by the director of public works, is not sufficient to meet projected demand through November 1st without demand reduction measures being implemented; or
 4. Conditions requiring the establishment of a Phase II water emergency, as determined by the director of public works, appear to be imminent.
- B. During the Phase I water emergency, the following mandatory conservation measures by customers of the department shall be enforced by the department and publicized by the city:
 1. All customers must be in compliance with all water conservation requirements of Chapter 13.04.221, paragraph B (Water Conservation). If a customer is found to be out of compliance with any part of Chapter 13.04.221 or provisions of these water shortage emergency requirements, the customer must immediately stop the water waste by installing the appropriate water-saving devices in their plumbing, appliances, or improvements, or take other such actions to bring about full compliance.
 2. All customers are prohibited from expanding or installing landscaping or appliances that will increase the overall water use of the property. Replacement of

existing appliances, landscaping, plumbing, or improvements shall be allowed only if the change can be documented to the satisfaction of the director of public works to result in more efficient water using fixtures or systems.

3. Customers shall cease the operation of air-cooling outdoor misting systems using treated water supplied by the city, unless on a timer.
 4. Outdoor irrigation of ornamental landscapes or turf with potable water is limited to no more than two days a week. The director of public works shall specify the two days per week in accordance with the needs of any geographical area within the city.
 5. No person shall use potable water to irrigate landscaping between the hours of eight a.m. and eight p.m.
 6. Irrigation with potable water of landscapes outside of newly constructed homes and buildings shall be in a manner consistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development. If irrigation systems are installed as a part of new development, they shall be drip or microspray irrigation systems or a system determined by the director of public works or designee to be more efficient.
 7. Draining and refilling of swimming pools shall be permitted only as needed for the purpose of pool repair or to correct a severe chemical imbalance. Draining and refilling of decorative ponds and lakes shall be permitted only as needed for the purpose of lining the bottom to prevent absorption.
 8. All new or replacement industrial and commercial clothes washers shall be high efficiency as defined by the U.S. Environmental Protection Agency. All new or expanded car washing facilities shall include water-saving methods. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.42)
 9. In accordance with Section 864 of Title 23 of the California Code of Regulations or any successor regulation, the taking of any action prohibited in this subsection B, in addition to any other applicable civil or criminal penalties (including the penalties set forth in Sections **13.04.230** and 13.04.310), is an infraction, punishable by a fine of up to five hundred dollars (\$500.00) for each day in which the violation occurs.
- C. During the Phase I water emergency, the following actions shall be carried out by the city:
1. The city shall notify customers that one or more of the criteria for Phase I has been met, and shall identify and explain in sufficient detail each criterion that forms a basis for establishing a Phase I water emergency.
 2. The city shall notify customers of the water usage allocation for each account that would be allowed under a Phase II water emergency if a Phase II water emergency appears to be imminent.
 3. The city shall advise customers of the Phase I water shortage and of restrictions and opportunities for exception permits that are available under Section 13.04.280 if a Phase II water emergency appears to be imminent.

4. Any applicant for, or holder of, a building permit for construction that may be affected by the existence of this or future water emergency phases shall be informed of the impact of such phases, but lack of such notice shall not permit a new water connection that is otherwise prohibited.
 5. The city shall not issue permits for construction of any new swimming pool unless the pool is to be supplied with water other than treated water supplied by the city. Customers are encouraged to fill existing pools from water other than treated water.
 6. If a Phase II water emergency appears to be imminent, the city shall make plans for implementation of a water shortage disaster plan, which shall include provisions for:
 - a. Emergency water stations;
 - b. Acquisition of private property under the right of eminent domain, with immediate possession to alleviate the emergency; and
 - c. Application for relief assistance from county, state, and federal sources.
 7. The city council shall give notice to any customer that has a terminable contract with the department (whereby the department is the supplier) that such contract will be terminated upon implementation of Phase III by the city council.
 8. If the declaration of a Phase II emergency appears reasonably imminent, the city council shall cause a water advisory board to be formed consisting of one city council member, one planning commissioner, one winery customer, and two public members, one of whom shall be solely a residential customer. The director of public works shall be an ex officio member of this board. Unless the city council otherwise directs, the board will disband when the water emergency is no longer in effect. The water advisory board shall have access to all records in the possession of the water enterprise necessary in its judgment to perform its duties, including customer records. The board shall maintain the confidentiality of individual customer records unless the board determines by resolution that release of such information is necessary in the pursuit of its duties.
- D. In addition to the mandatory measures defined in subsection B of this section, customers of the department and members of the community are encouraged to do the following:
1. Reduce all indoor water use to not more than an average of seventy-five (75) gallons per person per day within the residence, including single-family residences, apartments, condominiums, townhomes, and mobile home/manufactured homes.
 2. Reduce indoor water use in the work places and commercial establishments by a minimum of ten percent (10%) from customary consumption.
 3. Eliminate or defer all nonessential water use such as topping off swimming pools.
 4. All schools, social and professional groups, churches, etc., are encouraged to discuss water conservation as a regular agenda item and to forward worthwhile suggestions to the department for consideration.

13.04.240 Phase II water regulations.

- A. The criteria for establishing Phase II shall be:
1. The volume of water anticipated to be available prior to the next November 1st from all potable water sources is not sufficient to meet the projected demands through

November 1st without demand reduction measures beyond the Phase I reductions being implemented; or

2. Conditions requiring the establishment of a Phase III water emergency appear imminent.

3. In assessing the need to impose Phase II restrictions due weight shall be accorded to the trigger system developed by the safe yield committee for use by the director of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time. Details of the system can be obtained from the director of public works.

B. All mandatory and voluntary measures established by Section 13.04.221, Water Conservation, and Phase I, Section 13.04.230(B), (C) and (D) shall be included in Phase II and publicized by the city except insofar as they are inconsistent with subsections C and D of this section.

C. The following mandatory conservation measures by customers of the department shall be enforced by the department:

1. Commercial, industrial, and institutional users other than dedicated irrigation accounts will receive an allocation per billing period which will be ten percent (10%) less than the average use during the four winter months of the preceding nonshortage year; provided, that no commercial, industrial, or institutional user will be required to reduce usage to less than sixty (60) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the department. Commercial, industrial, and institutional customers with irrigation and domestic use provided by the same water meter may receive an additional landscape allocation of up to seventy (70) gallons per day per thousand (1,000) square feet of landscaped area during April through October by documenting the landscaped square footage served by city water to the satisfaction of the director of public works. For purposes of landscape allocation, the April allocation period will begin on the date the water meter is read in April, and the October allocation period will end on the date the water meter is read in November.

2. Residential users in the single-family residential, multifamily residential, and mobile home/manufactured homes customer classes will receive an allocation per billing period which will be limited to sixty-five (65) gallons per person per day. Single-family residences will receive an additional twenty-five hundred (2,500) gallons per month from April through October for landscape irrigation. Multifamily residential and mobile home/manufactured homes customers may receive a landscape allocation of up to seventy (70) gallons per day per thousand (1,000) square feet of landscaped area during April through October by documenting the landscaped square footage served by city water to the satisfaction of the director of public works. For purposes of landscape allocation, the April allocation period will begin on the date the water meter is read in April, and the October allocation period will end on the date the water meter is read in November.

3. For a lawn, landscaping, vineyard or field watered or irrigated through a meter dedicated to that use, usage shall be limited to sixty percent (60%) of current reference evapotranspiration as established in the California Model Water Efficient Landscape Ordinance (MWELO) or successor regulations. .
 4. No new water connections shall be permitted during a Phase II water emergency.
- D. During the Phase II water emergency, the following actions shall be carried out by the city:
1. The city shall notify customers of the water usage allocation for each account that would be allowed under a Phase III water emergency.
 2. The department of public works shall make available, or arrange to have delivered, nonpotable water from either lower reservoir or, if permitted and available, tertiary treated wastewater to city-owned properties for irrigation purposes.
 3. Nothing herein shall restrict the authority of the director of public works from imposing more severe usage restrictions on each class of water customer if circumstances so warrant. (Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part))

13.04.250 Phase III water regulations.

- A. The criteria for establishing Phase III shall be:
1. The volume of water anticipated to be available prior to the next November 1st from all potable water sources is not sufficient to meet the projected demands through November 1st without demand reduction measures beyond the Phase II reductions being implemented.
 2. In assessing the need to impose Phase III restrictions due weight shall be accorded the trigger system developed and defined by the safe yield committee for use by the director of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time. Details of the system can be obtained from the director of public works.
- B. All mandatory and voluntary measures established by Section 13.04.221, Water Conservation, and Phases I and II, Sections 13.04.230(B), (C) and (D) and 13.04.240(B), (C) and (D), shall be included in Phase III and publicized by the city, except insofar as they are inconsistent with subsections C and D of this section.
- C. The following mandatory conservation measures by customers of the department shall be enforced by the department:
1. Commercial, industrial, and institutional users other than dedicated irrigation accounts will receive an allocation per billing period which will be twenty percent (20%) less than the average use during the four winter months of the preceding nonshortage year; provided, that no commercial, industrial, or institutional user will be required to reduce usage to less than fifty (50) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the department. The allocation for landscape irrigation will be fifty percent (50%) of the allocation in Phase

II and will be based on the same meter reading period as for Phase II. Landscape allocations are provided for established nonturf plants only.

2. Residential users in single-family residential, multifamily residential, and mobile home/manufactured homes customer classes will receive an allocation per billing period which will be limited to sixty (60) gallons per person per day. The allocation for landscape irrigation will be fifty percent (50%) of the allocation in Phase II and will be based on the same meter reading period as for Phase II. Landscape allocations are provided for established nonturf plants only.

3. For a vineyard or approved field (as approved by the water advisory board) watered or irrigated through a meter dedicated to that use, the allocation shall be limited to thirty percent (30%) of current reference evapotranspiration as established in the California Model Water Efficient Landscape Ordinance (MWELO) or successor regulations., and irrigation will be allowed for established nonturf plants only.

4. All nonessential uses of water shall be prohibited. Nonessential uses shall include, but not be limited to, the following:

- a. The use of water for irrigation of turf, lawns, or ornamental landscaping;
- b. The refilling of swimming pools, hot tubs and spas, except as required by the fire chief for use as standby neighborhood fire protection. The fire chief shall maintain a list of such pools to be on file at the fire department.

5. No new water connections for new development shall be permitted.

D. During the Phase III water emergency, the following actions shall be carried out by the city:

1. The department shall terminate all nonessential contracts which are terminable. (Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.25)

13.04.270 Termination of water emergency phases.

Water emergency phases shall be terminated or changed to a less critical phase in the same manner as they are established in accordance with criteria set forth in the preceding sections and at the discretion of the city council. (Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.28)

13.04.280 Exception permits.

A. Under a Phase II or Phase III water emergency, the director of public works shall, with such conditions as seem to him or her to be reasonable, grant exception permits in addition to any basic allocation, on application of a water customer submitted under penalty of perjury, based on the conditions defined in this section. The city may provide a process for certification of efficiency, lot size, medical condition, or efficient and essential use prior to declaration of a water shortage emergency condition which could result in a customer being prequalified for exception.

1. For any customer with an allocation based on previous water use, if it can be demonstrated to the satisfaction of the director of public works that water conservation measures beyond those required in Chapter 13.12 were in place prior to the preceding

nonshortage year, an additional quantity of water may be allocated to recognize the higher efficiency in place prior to the water emergency condition.

2. For single-family residential parcels exceeding seven thousand (7,000) square feet in area, the quantity of up to twenty (20) gallons per day for each one thousand (1,000) square feet that the property area exceeds seven thousand (7,000) square feet for the purpose of maintaining mature landscape or orchard plants. For purposes of this subsection, multiple parcels maintained and fully landscaped as one property may be computed as being one parcel. An exception granted based on this subsection shall allow the use of no more than an additional two hundred fifty (250) gallons per day for this purpose.

3. For medical conditions of a resident, a quantity as required to maintain health standards.

4. For any customer with an allocation based on previous winter water use, if it can be demonstrated to the satisfaction of the director of public works that efficient and essential water uses are not represented in average winter water use, an additional quantity of water may be allocated to provide for these efficient and essential needs.

B. The water advisory board shall meet at least monthly and may grant permits for uses of water or for exceptions to water conservation measures or for water connections otherwise prohibited by Sections 13.04.230, 13.04.240, and 13.04.250 if it finds and determines that such regulations would:

1. Cause an unnecessary and undue hardship to the applicant or to the public;
2. Cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or public; or
3. Promote water conservation by providing for the establishment of water efficient landscaping meeting the standards of Section 17.112.140 and such policies and regulations as have been adopted to implement the provisions of that chapter, replacing more water-intensive landscaping.

C. The water advisory board of the city shall prescribe necessary procedures for application for and use of exception permits.

D. Any decision of the director of public works in granting or denying exceptions may be appealed by the applicant or any other person to the water advisory board by filing a written appeal with the city clerk within ten (10) calendar days after the date of mailing of written notice to the applicant of the decision rendered. The water advisory board shall use its best efforts to hear and determine such appeal within twenty (20) days, and shall affirm, reverse, or modify the decision.

E. Any decision of the water advisory board may be appealed by the applicant to the city council according to the provisions of Chapter 1.16. (Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.28.1)

13.04.310 Violation—Misdemeanor.

Notwithstanding any provision of this code to the contrary, the provisions of Section 377 of the California Water Code shall be applicable to any violation of this article. Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by imprisonment in the county jail and/or fined in accordance with the penalties as set forth in the provisions of Section 377 of the California Water Code. (Ord. 15-5 § 1 (part); Ord. 11-7 (part); Ord. 02-7A § 1 (part); prior code § 18.30)

Chapter 13.12
WATER USE EFFICIENCY AND NEW DEVELOPMENT

Sections:

- 13.12.010 Purpose and scope.**
- 13.12.020 Definitions.**
- 13.12.030 New development.**
- 13.12.040 Residential remodeling.**
- 13.12.050 Appeals.**
- 13.12.060 Responsibility of customers, employers, property managers and contractors.**
- 13.12.070 Violations—Penalties.**
- 13.12.080 Remedies not exclusive.**

13.12.010 Purpose and scope.

This chapter adopts regulations to deal with the limited supply of water which the city council has found to exist. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.40)

13.12.020 Definitions.

The following terms are defined for the purpose of this chapter:

“Customer” means the person responsible for paying for each water service account on the water enterprise’s water distribution system, both inside and outside the city limits.

“Domestic use” means any treated water used by a person for cooking, cleaning, bathing, washing clothes, drinking and sanitation.

“Efficient” means performing or conducting effectively with a minimum of waste, expense, or water use as set forth by the U.S. Environmental Protection Agency.

“New development” means any of the following construction projects that have not received a certificate of occupancy from the city or county building department prior to September 13, 1994, or that was issued a building permit and did not construct a foundation prior to September 13, 1994:

1. Any freestanding building that contains water-using fixtures;
2. Any floor area additions to existing nonresidential structures;
3. Any residential additions or remodeling that increases the number of independent living units.

“Person” means any individual, firm, partnership, association, corporation, company, organization or governmental agency.

“Retrofit” means to replace all toilets, showerheads and faucet aerators in the building not complying with the flow regulations as stated in this chapter.

“Ultra-low flush (ULF) toilet” means any toilet which meets or exceeds the current California Green Building Standards Code.

“Water” means any potable water that is supplied by the city’s water enterprise water distribution system unless otherwise indicated. (Ord. 04-2 (part); Ord. 01-11 § 2 (part); prior code § 18.41)

13.12.030 New development.

- A. All new development shall apply the following water use efficiency measures, as applicable:
1. Installation of ultra-low flush (ULF) toilets, low flow showerheads and faucet aerators;
 2. Installation of water efficient hot water instantaneous dispensing systems;
 3. Installation of swimming pool covers.

Except as allowed in subsections B in this section, new development shall completely offset its water requirement by installing city-approved ULF toilets and associated water-efficient hardware in a sufficient number of existing homes or nonresidential properties having toilets that use 1.6 gallons per flush or greater. The required retrofits shall be calculated as specified in the City’s Water Neutrality Policy as adopted by council resolution and approved by the director of public works/city engineer.

B. If the city council determines that retrofitting of existing residential or nonresidential buildings is impractical or constitutes an unusual hardship on an applicant, it may authorize the payment to the city of an in-lieu retrofit fee in lieu of complying with the requirements of subsection A of this section. The in lieu fee shall be the equivalent of the cost of retrofitting a sufficient number of existing homes with the ULF toilets and other required water-saving devices as described in subsection A of this section. The in-lieu fee shall also include the cost of staff time to accomplish the required retrofitting using the fees collected. The in-lieu fee will be established by resolution. The public works department is authorized to require retrofitting and not accept in-lieu retrofit fee, regardless of hardship, if it appears likely that existing home retrofitting prior to the expected occupancy by the new development can be completed. In the event that an in-lieu fee is accepted, the city will administer a rebate program to retrofit existing homes using the fees collected or may use the fees for another water use efficiency purpose as approved by the council. In-lieu fees must be paid upon issuance of a building permit. An applicant may petition the city council to allow an alternative innovative method of mitigating water use for new development.

C. All new development that is retrofitted with toilets shall also be retrofitted with the following water-saving devices, that meet or exceed the current California Green Building Standards Code or successor regulations as applicable: showerheads, interior faucet aerators, urinals . Existing fixtures that currently meet the California Green Building Standards Code or successor regulations are not required to be replaced.

D. The developer shall be responsible for identifying residential or nonresidential properties eligible for retrofitting and verify to the department of public works that the required number of retrofits have been completed prior to the issuance of a certificate of occupancy. If the certificate of occupancy has been issued without completion of the retrofit requirement, in-lieu fees will be retained by the city. In-lieu fees will be maintained in a separate account and administered by the director of public works for water use efficiency program elements.

E. Nonresidential projects will have their water demand evaluated during the project review or use permit review stage by the director of public works. They will be required to mitigate their water demand through off-site retrofitting according to a schedule of water use factors.

F. All new development shall use toilets, associated flush-o-meter valves and urinals, if any, meet or exceed current California Green Building Standards Code or successor regulations .

G. In the city, building permits, certificates of occupancy and/or water connections can be withheld pending compliance with these regulations. In the county, water service from the city of St. Helena water enterprise shall require a water agreement limiting water use and can be withheld pending compliance. (Ord. 04-2 (part): Ord. 02-5 § 18 (part): Ord. 01-11 § 2 (part): prior code § 18.44)

13.12.040 Residential remodeling.

Residential remodeling will trigger a retrofit of the remodeled residence only if the remodeling involves work that would increase water use (determined by the director of public works), such as adding or remodeling a bathroom, adding a bedroom, granny unit, hot tub, spa, pool, or laundry. Remodeling that does not increase water use, such as reroofing, adding a family room, or increasing the size of a room would not trigger a retrofit unless the remodel exceeds twenty-five percent (25%) of the total valuation of the building as determined by the building official. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.45)

13.12.050 Appeals.

Exceptions to the above allocations and prohibitions may be made for the protection of public health or safety or undue hardship. Any exceptions are subject to the following requirements and procedures:

A. Any person who wishes to make an appeal shall do so in writing by using the form provided by the water department.

B. The appeal shall be reviewed by the director of public works or his or her designee or designees.

C. It must be shown that there are no alternatives to the use of city water and that all appropriate conservation measures are being used.

D. Verification may be required of any condition/situation listed on the application for exception.

E. The decision of the director of public works may be appealed to the city council within ten (10) days.

F. The decision of the city council will be final.
(Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.46)

13.12.060 Responsibility of customers, employers, property managers and contractors.

A. Every customer who has requested city water service is responsible for civil penalties for water waste whether or not the acts of water waste are committed by that person or third parties. The civil penalty may be reduced or discharged if the water waste was beyond the control of the customer and if all reasonable means had been previously taken to prevent water waste. All reasonable means includes, but is not limited to, securing hose bibs, written warnings to tenants or other water users, and amendments to rental agreements where permitted by the lease.

B. Every employer is responsible for civil penalties for acts of water waste committed by employees if the employer shows gross negligence.

C. Every property manager is responsible for civil penalties for acts of water waste resulting from irrigation prohibited by this chapter if the property manager shows gross negligence.

D. Every licensed contractor or development owner is liable for acts of water waste committed on the job site. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.47)

13.12.070 Violations—Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 04-2 (part): Ord. 02-5 § 18 (part): Ord. 01-11 § 2 (part): prior code § 18.50)

13.12.110 Remedies not exclusive.

Remedies herein are not exclusive. In addition to the remedies set forth in this chapter, the remedies established by Section 18.04.130 are also available to the city. (Ord. 04-2 (part): Ord. 01-11 § 2 (part): prior code § 18.51)

**Chapter 13.20
SEWER SERVICE SYSTEM**

Sections:

- 13.20.010 Definitions.**
- 13.20.020 Sewer charges.**
- 13.20.030 Use of funds.**
- 13.20.040 Annexation to Municipal Sewer District No. 1.**
- 13.20.050 Special extension prorate charge.**
- 13.20.060 Connection to sewer main of adequate capacity.**
- 13.20.070 Compulsory connection.**
- 13.20.080 Details and specifications adopted by resolution.**

13.20.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Car wash” means a business whose principal activity involves motor vehicle washing, including automatic and self-service washing.

“Religious Place/Community Center” means establishments of religious organizations operated for worship, religious training or study. Other establishments maintained by religious organizations, such as educational institutions, hospitals, social services, and secondhand stores are classified according to their primary activity.

“Garage and repair shop facilities” means any garage/repair facility that performs minor or major repairs on automobiles, recreational vehicles, motorcycles, and/or boats. These establishments may be combined with automotive dealers or gasoline service stations. Gasoline stations and gasoline stations combined with other activities, such as convenience stores, are considered general commercial unless there is on-site food preparation; then it is classified as mixed retail with food.

“General commercial and office” means all businesses, offices, and similar users not otherwise included in another user category.

“Grocery” means all businesses whose principal activity involves retail sale of groceries and which have on-site preparation of fresh fruits and vegetables; fresh and prepared meats, fish, and/or poultry; baked goods; and similar items.

“Hotel/motel with food” means a full service facility having rooms, restaurant(s), and/or a bar serving food attached to the same water meter. Also included in this category are bed and breakfasts serving food prepared on site, and any visitor-serving structure, which contains facilities for cooking and eating.

“Hotel/motel without food” means all living units of a transient nature, including hotel and motel rental room units, which do not contain any kitchen facilities, and bed and breakfast units that only serve continental breakfasts where baked goods and similar items are prepared off site. Excluded from this category are full service hotels.

“Laundromat/laundry” means all self-service clothes washing establishments or an establishment which is primarily engaged in supplying residences and/or businesses with laundered shirts, pants, household linens, and similar items on an over-the-counter basis. This does not include commercial or industrial laundries. Dry cleaners without on-site cleaning facilities are general commercial.

“Mixed retail with food” means all establishments where more than one retail business is attached to a water meter and the primary water use on that meter is from a business or businesses as defined in the restaurant category.

“Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

“Residential” refers to all living or dwelling units (as defined by the Uniform Building Code) of a permanent, rather than a transient nature, including but not limited to single-family residences, apartments, mobile homes/manufactured homes, duplexes, townhouses, apartment buildings and condominiums. A dwelling unit shall be defined as any structure containing sleeping, eating, cooking, and sanitation facilities.

“Non-residential properties” means, for the purposes of the wastewater service system and wastewater rates, all properties in which the primary purpose is not residential. Hotels and motels are considered non-residential.

“Restaurant” means all establishments whose principal activity involves on-premises preparation of meals and food, including fast food restaurants, coffee shops, cafes, juice bars, delicatessens, and bakeries. Excluded from this category are establishments serving food prepared off site (general commercial category), bars without on-site food preparation (general commercial category), restaurants on the same water meter as a hotel/motel (hotel/motel with restaurant category), and restaurants that are on the same water meter as other general commercial users (mixed retail with food category).

“Sanitation facilities and sewage facilities” means all devices and structures for collecting, pumping, treating and disposing of sewage.

“School” means an educational facility in which instruction takes place, including public, private and religious schools and colleges.

“Sewage” means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present, may also be called wastewater

“Sewer” means a pipe or conduit for carrying sewage.

13.20.020 Sewer charges.

A. Charges Imposed. Owners of property shall pay to the city a charge based on user categories for the connection of the property to the public sewage system in the amounts set forth by council resolution for every month or any fraction thereof. Properties which are susceptible to classification under two or more user categories shall be subject to charges of the higher classification.

B. Collection and Billing Generally.

1. Sewer charges to occupants of property not billed for water service by the municipal water department shall be billed directly for such sewer charges.
2. All other sewer charges shall be collected from the occupants with the charges for water of the municipal water department of the city and shall be billed upon the same bill.

C. Failure to Pay Bill. Bills are due and payable upon presentation and delinquent after twenty-one (21) days. Upon failure of any consumer billed or the owner of any premises to pay a sewer charge prior to the delinquency, the following action or actions shall be taken by the city to enforce such payment after such bill becomes delinquent:

1. Impose a penalty for delinquency of ten percent (10%) of the amount then delinquent;
2. Assess interest in the amount of one percent per month or fraction thereof on the amount delinquent from the date on which the bill first became delinquent until paid;
3. At the city’s election, cause an action at law to be brought on behalf of the city against the person responsible for payment of such bill to recover the amount of such bill and the cost of such action, including reasonable attorney fees incurred in an amount fixed by the court.
4. Any person wishing to appeal penalties and interest imposed in this section shall adhere to provisions in accordance with Section 13.04.180 Appeals.

D. Delinquencies. In addition and as an alternative to any other remedy for the enforcement and collection of sewer charges, all delinquent sewer charges shall become a lien upon the real property upon which sewage is furnished or supplied, prior to all other liens, encumbrances or exemptions, other than state and county taxes, and shall have the force and effect of a tax lien,

and shall be enforced as follows: on or about September 1st of each year the city clerk shall note the amount of all delinquent sewer charges upon the assessment of such real property as shown upon the assessment roll of the city for the current fiscal year, and shall add the amount of such delinquent sewer charges to the tax assessed against such real property and the amount shall be collected with such taxes in the same manner and at the same time as city taxes, and if not so paid, the same penalties shall be added as are now, or may thereafter be added to delinquent taxes, and thereafter the real property upon which it is a lien, shall be sold and be subject to redemption in the same manner as real property is now, or may hereafter be sold for delinquent taxes. (Ord. 11-4 § 3; Ord. 08-1 § 1; Ord. 04-9 § 2; Ord. 00-6 § 2: prior code § 12.3)

E. Hardship Agreements. City finance department may in its discretion offer hardship agreements which create payment plans for delinquent bills. Such agreements are available at the finance department. All requests for hardship agreements and payment plans must be submitted in writing. Hardship agreements may be approved at the discretion of the finance director based on amount owed and payment history

13.20.030 Use of funds.

A. Revenues derived under the provisions of this chapter, shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such sanitary or sewage facilities and to repay federal or state loans or advances made to the city for the construction or reconstruction of sanitary or sewage facilities; provided, however, such revenues shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

B. There is established and created a fund of the city entitled "wastewater fund" and all revenues derived under this chapter shall be deposited in such fund, subject to withdrawal as allowed by the provisions hereof. (Prior code § 12.4)

13.20.040 Annexation to Municipal Sewer District No. 1.

A. The owner(s) of any property to be annexed to the St. Helena Municipal Sewer District No. 1 shall pay to the city at the time of initiating the annexation proceedings a filing fee in an amount set by resolution, the amount of the fee that the city is required to pay to the State Board of Equalization to file statements pursuant to Government Code Section 54900 and following, and the amount of the fee that the city is required to pay to the Napa County assessor's office for mapping services.

B. All applications for annexations shall be approved by the city council pursuant to the requirements of state law. (Ord. 00-9: prior code § 12.5)

13.20.050 Special extension prorated charge.

A. In addition to the usual costs of a sewer service connection as provided in this chapter, a special extension prorate charge shall be required and collected from applicants for sewer service and those property owners compelled to connect pursuant to Section 13.20.070 in those instances where the present or past owners of the premises to be served have not participated in the cost of installing the main fronting their premises and which main was installed within a period of ten (10) years prior to the date of granting the application for the sewer service connection or compelling connection under Section 13.20.070 of this chapter, but after the effective date of this section. The charge shall be determined by multiplying the footage of the premises lying along and which may be served directly from the main extension by one-half of the lineal per-foot cost of the main extension, but not to exceed the cost of an eight-inch main if installed by the department. The charge shall not be applied more than once to any premises. The charge shall be estimated and fixed by the director of public works subject to the approval of the city council and shall be payable prior to the installation of sewer service. The charge against each premises shall be reduced by ten percent (10%) of the total charge fixed for each full calendar year that passes after the effective date specified in subsection C of this section in which the subject premises have not obtained approval of an application for sewer connection nor qualified for compulsory connection to the city sewer under Section 13.20.070 of this chapter.

B. Exemptions. Except in unusual circumstances as determined by the city council, premises already served by the department at the date of installation of the main extension will be exempt from the payment of the special extension prorate charge.

C. When Effective. The special extension prorate charge shall be in effect for a period of twenty (20) years from:

1. The date of execution of the main-extension agreement, if the main extension is financed by property owners; or
2. The date of official completion of the main extension, if financed by the city.

D. Rights of Applicant Financing Main Extension. The applicant who has financed the main extension shall be entitled to the special extension prorate charges collected by the department as a part of the service connection costs. The amounts collected shall be refunded to the applicant in accordance with the terms of the main-extension agreement between the city and the applicant. The refunds shall be made within ninety (90) days following the date of collection thereof by the city. No refunds of the extension prorate charges shall be made after ten (10) years from the date of execution of the main-extension agreement.

E. Effective Date. All provisions of this section as effective prior to the effective date of the amending ordinance codified in this section shall remain in effect unmodified with respect to all sewer main extensions installed and main-extension agreements executed prior to the effective date of such amending ordinance.

F. Public Hearing. A public hearing shall be held by the city council prior to fixing and approving the special extension prorate charge in the manner described in subsection A of this section and prior to executing any sewer main extension refund agreement. Written notice of such hearings and of the charges estimated and fixed by the director of public works shall be mailed by certified mail to all owners of all properties upon which the charges are or could be prorated at least thirty (30) days prior to such hearings. The written notice shall be mailed to the property owners as determined by the latest county assessor's records at the property owner's address shown on the latest county assessor's records, and if any owner's address is different than the address of the property to which charges are or could be prorated, a further copy shall be mailed to the owner at such address of the property subject to the proration charges. The director of public works shall maintain his or her papers and calculations supporting his or her estimation and fixing of charges in a file available for public inspection in the city offices during the city's regular business hours from the time of mailing such public hearing notices until conclusion of the public hearings. (Prior code § 12.6)

13.20.060 Connection to sewer main of adequate capacity.

In no event shall a sewer service connection be installed unless a sewer main of adequate capacity extends in a public street or public right-of-way across the entire frontage of the premises to be served; provided, however, that if, under particular circumstances, it is determined by the city council that no public purpose would be served to require the sewer main to extend across the entire frontage, such as, without limitation, those cases involving dead-end streets or cul-de-sacs, the council may determine a lesser distance to which it is necessary to extend the sewer main across the frontage to serve the public purpose. (Prior code § 12.7)

13.20.070 Compulsory connection.

When the city's public sewer is available, every building or other permanent structure which has plumbing fixtures shall connect to the city's public sewer at the time of the occurrence of any one or more of the following events:

- A. Approval by the city of any use permit or variance applied for by or with the consent of the owner of the parcel on which the building or structure is located;
- B. Approval by the city for recordation of any final parcel map, subdivision map or lot line adjustment effecting any portion of the parcel upon which said building or structure is located, in which case the prorated charge under Section 13.20.050 of this chapter shall be paid for the entire parcel as constituted prior to recordation of any such parcel or subdivision map or documents effecting the lot adjustment;
- C. Issuance of a building permit or permits for any parcel on which the building or improvements are located for improvements totaling more than twenty thousand dollars (\$20,000.00) in value within any continuous sixty (60) month period or for improvements which

comprise replacement, relocation, or substantial reconstruction of an existing discrete sewage disposal system serving the parcel;

D. Determination by the city's health officer or city engineer that the existing discrete sewage disposal system serving a parcel on which the building or structure is located, or the nonexistence of such a discrete disposal system, constitutes a public health hazard. (Prior code § 12.8)

13.20.080 Details and specifications adopted by resolution.

Standard sewer construction details and specifications shall be adopted by resolution by the city council and made a part of this chapter by reference. (Prior code § 12.18)

Chapter 17.112
GENERAL SITE DESIGN AND DEVELOPMENT STANDARDS*

17.112.140 Water efficient landscaping.

A. Purpose. The city adheres to the state of California's Model Water Efficient Landscape Ordinance (MWELO) or successor regulations. The purpose of this section is to establish minimum standards for the provision, installation and maintenance of landscape areas by the following means:

1. Water conservation through xeriscape principles: promote the conservation of potable and nonpotable water by encouraging the preservation of existing plant communities, encouraging the planting of natural or uncultivated areas, encouraging the use of site-specific plant materials, and establishing techniques for the installation and maintenance of landscape materials and irrigation systems.
2. Aesthetics: improve the appearance of all areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.
3. Environmental quality: improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 - a. Improving air and water quality through such natural processes as photosynthesis and mineral uptake;
 - b. Maintaining permeable land areas essential to surface water management and aquifer recharge;
 - c. Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capabilities of trees and other vegetation;
 - d. Promoting energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas;
 - e. Reducing the temperature of the microclimate through the process of evapotranspiration;
 - f. Encouraging the conservation of limited fresh resources through the use of site-specific plants and various planting and maintenance techniques.
4. Land values: maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.
5. Human values: provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce heat and glare, and to break up the monotony and soften the harsher aspects of urban development.
6. Preservation of vegetation: preserve existing natural vegetation and the incorporation of native plants, plant communities, and ecosystems into landscape design, where possible.
7. Improved design: promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping, encouraging water and energy conservation.

8. Improved administration and enforcement: establish procedures and standards for the administration and enforcement of this section.

B. Xeriscape Principles. It is the intent of this section to assist the city in achieving water conservation through proper plant selection, installation, and maintenance practices. The following xeriscape principles service as the primary means of achieving water conservation:

1. Design of the landscape by dividing it into high-, moderate- and low-water use zones and by taking advantage of microclimates caused by the different conditions of sun, slope, moisture and air movement (hydrozones);
2. Efficient irrigation systems;
3. The use of soil amendments to improve the water-holding capacity of the soil;
4. Limiting turf to locations where it provides functional benefits;
5. The use of mulches, where appropriate;
6. Selection of appropriate plants;
7. Maintaining the landscape appropriately (monitor the irrigation system and water according to needs).

C. Applicability of Section. The requirements of this section shall apply to all projects that fall under the State MWELo guidelines.

D. Landscape Documentation Package. For any project subject to this section, a landscape documentation package shall be submitted to, reviewed by, and approved by the planning department prior to the issuance of any building permit or the replacement of landscaping. The landscape documentation package shall include all required information as established in the State MWELo guidelines or successor regulations.

E. Amendment of Approved Plan. Any significant change of plant material or design from that contained in an approved landscaping plan shall require the approval of a revised landscaping plan reviewed in the same manner as the original plan.

F. Regulations and Procedures. The city council is authorized and directed to adopt by resolution regulations and procedures for the implementation of this section and a schedule of fees. (Ord. 05-4 § 1 (part))

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First reading of an ordinance to amend Chapters 13.04, 13.12, 13.20, and Section 17.112.140

By: Jennifer Tuell, Water Conservation Coordinator



Background

A thorough review by the Public Works and Finance Departments resulted in proposed changes to:

- Chapter 13.04 Water Service System
- Chapter 13.12 Water Use Efficiency and Use Guidelines
- Chapter 13.20 Sewer Service System
- Section 17.112.140 Water Efficient Landscaping





Purpose

- Align the municipal code with best practices
- Administrative clean-up
- Update titles
- Eliminate duplications
- Update flow rates for fixtures
- Clarify water conservation measures



13.04 Water Service System

13.04.060 Meters Generally

- Clarified City and owner/occupant responsibility
- Removed the \$2.00 per meter test fee
- State that the fee will be established by Council resolution
- Fee is not included in the water rate study and will be part of the user fee study





13.04 Water Service System

13.04.080 Water Rates

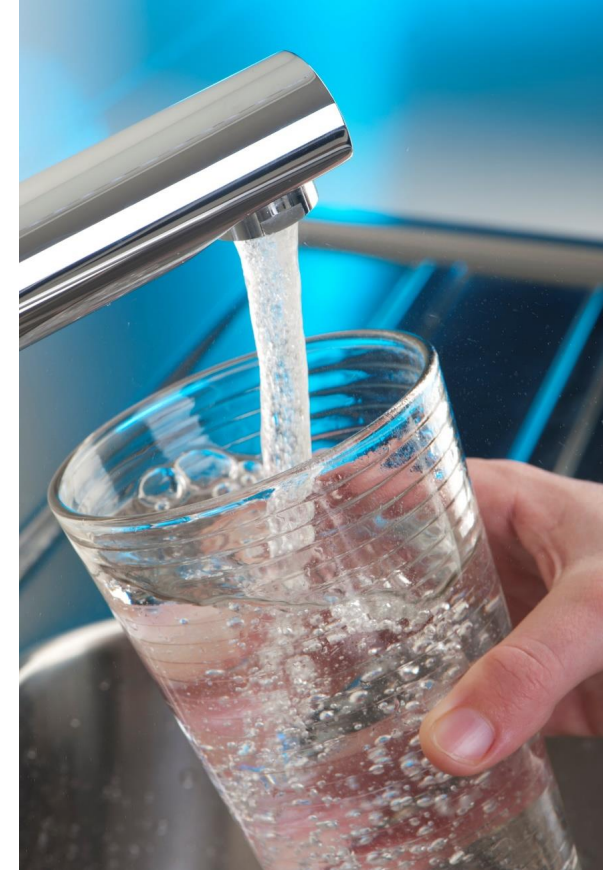
- All rates adopted by Council resolution
- Eliminated language for special pumping and reservoirs fees (Meadowood)
 - If applicable this fee will be set by Council resolution
- Clarify that no water shall be furnished to any consumer free of charge or at a reduced rate
- Defined non-treated (raw) water from Lower Reservoir and allowed uses



13.04 Water Service System

13.04.130 Enforcement — Discontinuance of service upon delinquency

- Bills will be delinquent after 21 days; formerly 30 days
- Added customer's right to appeal
- Added hardship agreements
 - Payment plans for the balance due
 - Approved by Director of Finance

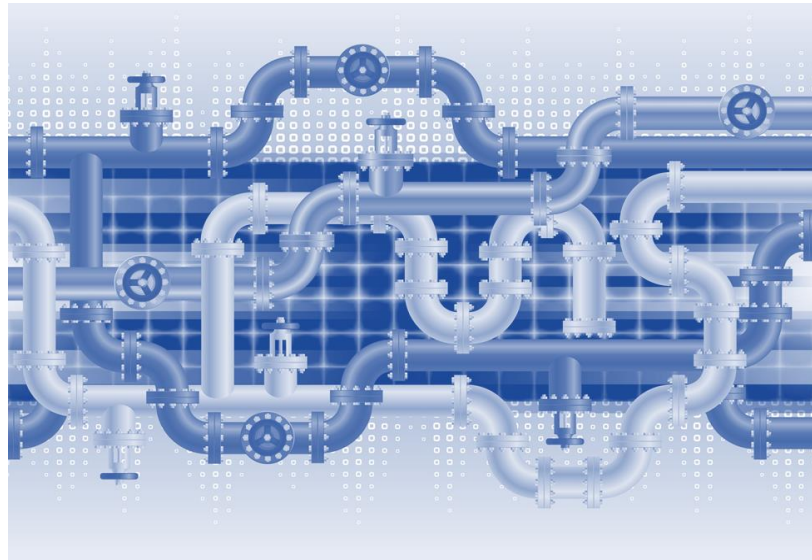




13.04 Water Service System

13.04.140 When water charges become effective

- Discontinuance request revised to two **business** days
- Clarifies that water service will be turned off during normal business hours
- Eliminate language for \$2.50 monthly “Standby” charge
 - If applicable this fee will be set by Council resolution
 - The draft rate study is proposing that all customers pay the applicable base rate





13.04 Water Service System

New Section: 13.04.221 Water Conservation

- Consolidated water conservation measures from 13.04 Article 2 and 13.12 Water Use Efficiency and Use Guidelines
- Clarified and separated water conservation measures into recommended vs. mandatory





13.04 Water Service System

Conservation measures that are currently mandatory and will continue as mandatory:



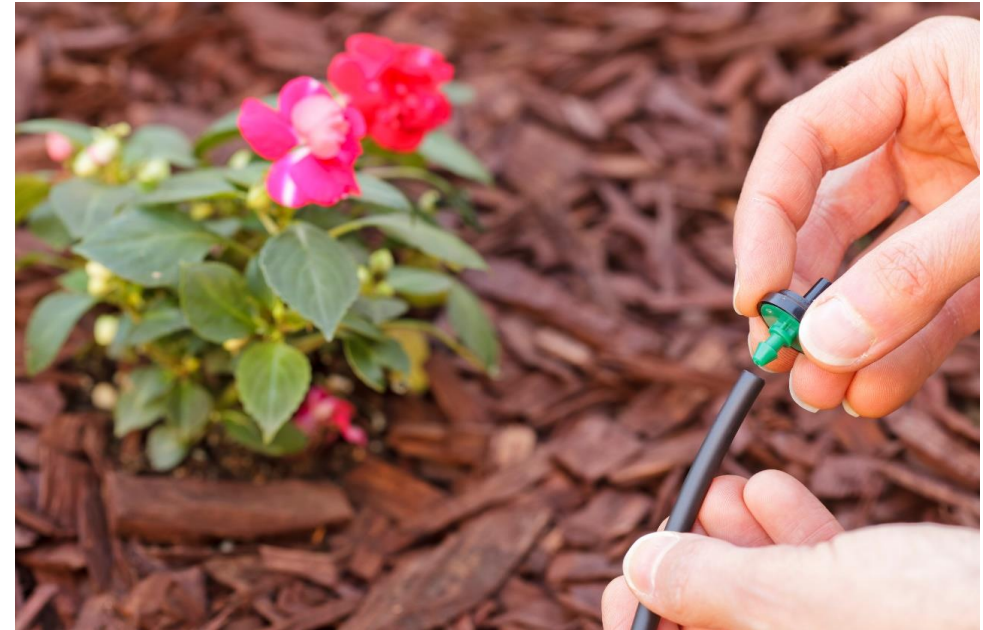
- Withdrawing water from fire hydrants, except for firefighting and system maintenance purposes, is prohibited
- Use of potable water for grading, dust control, street, pipeline or similar construction is prohibited
- All projects for which the planning department requires approved landscape plans must adhere to MWELO
- All new development must offset new water demand



13.04 Water Service System

Conservation measures that are currently mandatory and will continue as mandatory:

- Water can only be used on driveways and sidewalks for sanitation or public health/safety
- A hose must have a shutoff nozzle when washing vehicles
- Outdoor landscapes must be watered to avoid runoff
- Decorative fountains can only be used with recirculating water





13.04 Water Service System

Conservation measures currently mandatory under PHASE 1 and to become mandatory all the time:

- The application of potable water to outdoor landscapes during and up to forty-eight (48) hours after measurable rainfall is prohibited
- No person shall use potable water to irrigate ornamental turf on public street medians
- Restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and/or purchased shall supply water to patrons only upon request
- Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option
- NEW - The city will provide prompt notice to a customer whenever information is obtained that indicates that a leak may exist within the end-user or customer's exclusive control



13.04 Water Service System

Conservation measures remaining mandatory under PHASE 1:

- Landscape irrigation limited to two days per week
- Limit landscape irrigation to between the hours of eight (8) a.m. and eight (8) p.m.
- Fines for water waste are implemented





13.04 Water Service System



Removed sections 13.04.290 and 13.04.300

- City is not allowed to charge a separate rate for excessive water consumption unless that rate is reasonably related to the cost of providing the service



13.12 Water Use Efficiency and Use Guidelines

- Changed title to Water Use Efficiency and New Development, to reflect all water use efficiency guidelines related to new development
- Other regulations were moved to 13.04 Article 2, allowing all water conservation measures to be in the same place
- Updated flow rates to reference California Building code minimum requirements





13.20 Sewer Service System

13.20.020 Sewer Charges

- All associated rates adopted by Council resolution
- Bills will be delinquent after 21 days; formerly 30 days
- Added customer's right to appeal
- Added hardship agreements
 - Payment plans for the balance due
 - Approved by Director of Finance





17.112.140 Water Efficient Landscaping

- In 2015 the State updated the Model Water Efficient Landscape Ordinance (MWELO)
- Changes to this section reflect the state mandated changes
- This proposed change states that the City will follow the state's requirements





Summary

- Second reading of ordinance and adoption is scheduled for November 29, 2016
- Public Hearing for rate study is scheduled for November 29, 2016
- If approved, the proposed municipal code changes will become effective on January 9, 2017, to coincide with the effective date of the new rates, if approved



Fiscal Impact

- Allows Council to update rates and fees by resolution, rather than updating municipal code
- Will become effective at the same time as the new water and wastewater rates, if approved
- Removes reference to some minor fees that are not included in the rate study update, these fees will be determined by the user fee study currently being developed



Recommended Action

It is recommended that the City Council conduct the first reading of the ordinance, introduce by title only and waive further reading of an ordinance to amend chapters 13.04 Water Service System, 13.12 Water Use Efficiency and Use Guidelines, 13.20 Sewer Service System, and section 17.112.140 Water Efficient Landscaping.





Item No: 9.2

Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: Public Hearing

Subject: Consideration and proposed approval of a resolution to increase the Short-term Rental Permit Application and Renewal Fee from \$1,075 to \$2,250 to cover staff review costs

CEQA Determination: Not a CEQA project

Prepared By: Aaron Hecock, Senior Planner

Reviewed By: Noah Housh, Planning and Community Improvement Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On May 10, 2016 the City Council adopted amendments to Chapter 17.134 of the St. Helena Municipal Code to revise and enhance the City's regulations of short-term rentals (Ordinance No. 2016-9). These amendments included modifications to the ordinance focused on strengthening administrative procedures and revising permit requirements to limit impact on surrounding neighborhoods. The addition of new administrative procedures for the issuance of new short-term rental (STR) permits will increase the amount of staff time required in order to process new permits.

DISCUSSION

Section 17.134.050(B) of the Short-term Rental Ordinance states that an STR application shall be accompanied by a fee in an amount to be fixed from time to time by resolution to cover the administrative costs of issuing a short-term rental permit and, but not limited to, inspecting the short-term rental dwelling. The current STR permit application fee of \$1,075 does not accurately reflect the staff time required to review and process an average STR application even before the recent amendments to the ordinance. Before the recent amendments, it was possible for staff to administratively approve new STR permits should the 30% opposition threshold not be met. Now, all new STR permit applications are required to go before the Planning Commission at a noticed public hearing. Further the revised Ordinance increases the potential for the Planning Commission to review the STR Renewal applications as well.

Staff time dedicated to the processing of a new STR permit will typically include, but is not limited to: a pre-application meeting to discuss permit eligibility; an inspection of the

subject property; neighbor noticing of application and public hearing; communications with interested citizens; referrals to and review of application materials by the Police, Finance and Fire Departments; research regarding applicant/property eligibility and code compliance; staff report and resolution writing; and a public hearing presentation. Many of these steps are also required for the review of an STR Permit renewal application.

It should be noted that short-term rentals often generate significant public interest from neighbors as well as members of the community who both support and oppose STRs in general. This interest results in increased demands on staff to respond to community comments, questions, and concerns.

As the hourly billing rate for blended staff time established in the Fee Schedule is \$150/hr, the current fee of \$1,075 only covers approximately 7 hours of staff time for the processing of a STR permit. The actual time required is approximately 12-15 hours. In addition, these applications are accepted by front counter staff, routed by Permit Technicians and reviewed by the Finance and Police Departments for their review and comment (to audit TOT payment information and complaint calls).

For these reasons, staff is recommending that the STR permit application and STR Renewal fees be increased from \$1,075 to \$2,250 per application, and included in the formal Fee Schedule in order to more accurately reflect the staff time and costs required to process these applications. In addition to the STR Permit/Renewal fee, a public hearing and noticing fee shall be assessed to cover the cost of any application or renewal which requires review by the Planning Commission at a notice public hearing.

FISCAL IMPACT

Each new short-term rental permit application processed by the City will generate an additional \$1,175 above the current fee to cover staff time dedicated to the processing of the application. These fees will be deposited into the General Fund.

RECOMMENDED ACTION

Staff recommends the City Council adopt the resolution authorizing an increase in short-term rental permit and renewal application fees from \$1,075 to \$2,250 per application.

ATTACHMENTS

1. Resolution
2. Ordinance No. 2016-9

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**Resolution Authorizing an Increase in the Short-term
Rental Permit Application and Renewal Fees from \$1,075
to \$2,250.**

RECITALS

- A. On May 10, 2016 the City Council adopted amendments to Chapter 17.134 of the St. Helena Municipal Code to revise and enhance the City's regulations of short-term rentals (Ordinance No. 2016-9).; and
- B. The current STR permit application fee of \$1,075 does not accurately reflect the amount of staff time required to process an average STR application as staff has calculated the overall time frame for STR permit and renewal review to be approximately 12-15 hours; and
- C. Staff is recommending that the STR permit application fee be increased from \$1,075 to \$2,250 per application in order to more accurately reflect the staff time required to process the application. This fee is based on the overall staff blended rate of \$150/hour identified in the fee schedule.

RESOLUTION

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

- 1. Authorizes an Increase in the Short-term Rental Permit Application Fee from \$1,075 to \$2,250.

Approved at a Regular Meeting of the St. Helena City Council on October 25, 2016, by the following vote:

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

**Chapter 17.134
SHORT-TERM RENTALS**

Sections:

- 17.134.010 Purpose and findings.**
- 17.134.020 Short-term rental permit required.**
- 17.134.030 Districts in which permitted.**
- 17.134.040 Restrictions and standards.**
- 17.134.050 Procedures for application and public notice.**
- 17.134.060 Permit processing.**
- 17.134.065 Renewals.**
- 17.134.070 Appeals.**
- 17.134.080 Inspections.**
- 17.134.090 Revocation.**
- 17.134.100 Violations, enforcement and civil penalties.**

17.134.010 Purpose and findings.

A. The city council hereby finds that unregulated transient occupancy uses in residential and agricultural district present a threat to the public welfare.

B. The purposes of this chapter are to establish a permitting process and appropriate restrictions and standards for short-term rental of single-family dwellings; to provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city; to ensure the collection and payment of transient occupancy taxes; to minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods; and to retain the character of the neighborhoods in which any such use occurs.

C. This chapter is not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals.

D. This chapter is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may

prohibit the use of such owner's residential property for short-term rental purposes as defined in this chapter.

E. The city council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to short-term rental permits is necessary to protect the public health, safety and welfare. The purposes of this chapter are: to provide a permit system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density; to ensure the health, safety and welfare of renters and guests patronizing short-term rentals; to impose limitations on the total number of permits issued in order to ensure the long-term availability of the affordable housing stock; and to provide for robust enforcement remedies and penalties to prevent and deter violations of this chapter and unjust enrichment by those who violate this chapter.

F. The city council hereby finds that the city's regulation of short-term rental uses in accordance with this chapter, including the establishment of the nontransferability provisions, is a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this chapter. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.020 Short-term rental permit required.

No person shall use or maintain, nor shall any person authorize, aid, facilitate or advertise the use of, any single-family dwelling on any parcel in any zoning district for short-term rental without a short-term rental permit. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.030 Districts in which permitted.

Short-term rentals shall be permitted in accordance with the provisions established in each zoning district and as provided in this chapter. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.040 Restrictions and standards.

Short-term rentals shall be subject to the following restrictions and standards:

- A. The short-term rental use shall be permitted in no more than one single-family dwelling per lot.
- B. The short-term rental permit shall be in the name of the owner-applicant, who shall be an owner of the real property upon which the short-term rental use is to be permitted. One person may hold no more than one short-term rental permit. The permit shall not be transferable.
- C. Short-term rental uses shall be limited to single-family dwellings existing and constructed as of the date of application for the short-term rental permit.
- D. The total number of permits for short-term rental dwellings shall not exceed twenty-five (25) at any time.

E. The maximum number of bedrooms used for short-term rental use in the short-term rental dwelling shall be no greater than five. The total number of guests staying in the short-term rental dwelling at any one time shall be no greater than two times the number of bedrooms plus two persons, up to a maximum of twelve (12) persons.

F. Short-term rental dwellings shall meet all applicable building, health, fire and related safety codes at all times and shall be inspected by the fire department before any short-term rental activity can occur.

G. A minimum of two on-site parking spaces shall be provided for use by the short-term rental occupants.

H. The owner-applicant shall keep on file with the city the name, telephone number, cell phone number, and e-mail address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information shall be posted in a conspicuous location within the short-term rental dwelling. The local contact person shall be available twenty-four (24) hours a day to accept telephone calls and respond physically to the short-term rental within thirty (30) minutes when the short-term rental is rented and occupied. The city shall post the name and contact information of the local contact person associated with each short-term rental on the city's webpage.

I. The owner-applicant shall post "house policies" within each guest bedroom. The house policies shall be included in the rental agreement, which must be signed by the renter and shall be enforced by the owner-applicant or the owner-applicant's designated contact person. The house policies at a minimum shall include the following provisions:

1. Quiet hours shall be maintained from ten p.m. to seven a.m., during which noise within or outside the short-term rental dwelling shall not disturb anyone on a neighboring property.
2. Amplified sound that is audible beyond the property boundaries of the short-term rental dwelling is prohibited.
3. Except as permitted by the planning director, vehicles shall be parked in the designated on-site parking area and shall not be parked on the street overnight.
4. Parties or group gatherings which exceed the maximum number of allowed guests and/or which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.

J. Auctions, weddings, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.

K. The owner-applicant shall ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.

L. The owner-applicant, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this code or state law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.

M. All advertising for any short-term rental, including electronic advertising on short-term rental websites, shall include the number of the short-term rental permit granted to the owner-applicant.

N. The owner-applicant shall maintain city business licenses and pay all transient occupancy taxes in accordance with Chapter 3.28 as required.

O. Preference for the review and issuance of new short-term rental permits shall be given to current residents of St. Helena over nonresident applicants. Applicants whose primary residence is within the city of St. Helena shall be reviewed and acted on ahead of other nonresident applications to implement the local preference policy for short-term rental permits.

P. Applicants for short-term rental permits are required to have owned their homes for a minimum of three years prior to applying for and being issued a short-term rental permit.

Q. Short-term rental permit holders are required to rent their properties on a short-term basis a minimum (average) of sixty (60) days per year. Individual permit holders who do not meet this minimum rental activity may (at the determination of the director) have their renewal denied and/or reviewed by the planning commission at a noticed public hearing. Short-term rental permit holders who utilize their primary residence for short-term rental activities are exempted from this requirement. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.050 Procedures for application and public notice.

A. Prospective owner-applicants of a short-term rental use shall apply for a permit with the planning director in accordance with the provisions of this chapter and on a form provided by the city.

B. The application shall be accompanied by a fee in an amount to be fixed from time to time by resolution to cover the administrative costs of issuing a short-term rental permit and, but not limited to, inspecting the short-term rental dwelling.

C. The application shall include the following information:

1. The name, address and phone number of the applicant, and verification that the applicant is the owner of the property.
2. The assessor's parcel number of the lot on which the short-term rental use is proposed.
3. Certification that the permit will be nontransferable.
4. Certification that the local contact person is available twenty-four (24) hours a day to accept telephone calls and respond physically to the short-term rental within thirty (30) minutes when the short-term rental is rented and occupied.
5. A site and floor plan identifying the location of parking on the site and the location of any bedrooms to be used for short-term rental use.
6. A list of the names and addresses of the property owners within a three hundred (300) foot distance from the lot on which the short-term rental use is proposed, and a map, drawn to scale, that clearly identifies the lots and the assessor parcel numbers of the lots identified pursuant to this section.
7. Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a short-term rental use.
8. Additional information as may be requested by the planning director to determine impact and mitigation measures.

D. Notice of Application.

1. The planning director shall provide a notice of application for a short-term rental permit to the property owners and residents located within a three hundred (300) foot distance from the lot on which the short-term rental use is proposed.
2. The notice of application shall contain a description of the proposed short-term rental operation, parking on the site, and number of bedrooms to be used for short-term rental use, together with a location map identifying the short-term rental dwelling lot in relationship to all other lots within a three hundred (300) foot distance.
3. The notice of application shall state that the noticed owners may file a written protest against the proposed short-term rental use with the planning director; provided, that all protests must be postmarked or received within thirty (30) days of the mailing of the notice of application. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.060 Permit processing.

A. Short-term rental permit applications shall be submitted to the planning commission at a noticed public hearing pursuant to the requirements of this chapter.

The planning commission shall review and either approve or deny the application pursuant to the requirements of this chapter after considering the effects the proposed use would have on surrounding uses and the cumulative impacts within the community. In approving a short-term rental (STR) application, the planning commission must make the following findings:

1. The establishment of a short-term rental at the subject property is consistent with the purpose of the general plan, including policies regarding the displacement of rental units in the housing stock.

2. The establishment of a short-term rental at the subject property will not be detrimental to a building, structure or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature.

3. The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.

4. The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city and will help to ensure the collection and payment of transient occupancy taxes.

C. If no short-term rental permits are available pursuant to the limitation on short-term rentals described in Section 17.134.040(D), the planning director shall place interested property owners on a waiting list in the order in which they were received. If a permit becomes available, applications shall be accepted and reviewed in the order that they are listed on the waiting list, subject to the local preference policy established in Section 17.134.040(P).

D. The planning director or planning commission may impose conditions on the granting of an application for a short-term rental permit to mitigate the impacts of the proposed land use.

E. Short-term rental permits shall be valid for a period of two years. In reviewing subsequent requests for a short-term rental permit, the planning director shall require evidence of compliance with conditions of the short-term rental permit and this chapter. No subsequent permit shall be approved without written verification of tax payments, and no permit shall be approved if the operation of the short-term rental has created adverse impacts on the neighborhood in which it is situated or has otherwise caused the loss of the character of that neighborhood.

F. Substantial evidence identifying operation of an unpermitted short-term rental within the city of St. Helena shall prohibit approval and/or issuance of a short-term rental permit to the property owner and/or agent conducting the unpermitted rental activity.

G. Short-term rental permits shall be subject to any changes to this chapter that the city council may make and conditions that the council may impose subsequent to the issuance of the permit. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.065 Renewals.

A. A minimum of thirty (30) days prior to the expiration of a current short-term rental permit, the permit holder shall submit a short-term rental permit renewal application and pay applicable fees to the city.

B. Upon receipt of a renewal application, the planning department will confirm with the finance department that the applicant's business license is current and that all required transient occupancy taxes (TOT) have been reported and paid (see Chapter 5.08 for addressing lack of payment/business license).

C. The planning department will refer the application to the St. Helena police department to request all police calls for services and/or complaints lodged against the property over the course of the two-year permit.

D. If the permit holder has a current business license, has rented their property on a short-term basis for an average of sixty (60) days per year (as applicable), has been properly reporting and paying TOT, and has fewer than three STR related complaints filed over the two years, the planning department may administratively approve the renewal which shall be good for an additional two years. If all of these provisions are not met, the renewal shall be referred to the planning commission for action at a public hearing. The planning department also has discretion to refer the renewal application to the planning commission for a decision pursuant to the process and standards set forth in Section 17.134.060.

E. The planning director may deny the renewal if the applicant has violated any provision of this chapter. (Ord. 16-9 § 1 (Exh. A) (part))

17.134.070 Appeals.

Any person whose application for a short-term rental permit (including a renewal application) has been denied by the planning director, or whose permit has been suspended or revoked by the planning director, may appeal to the city council pursuant to Section 17.08.180. The appeal shall be accompanied by a filing fee, if any, as established by city council resolution. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.080 Inspections.

A. The planning director or his or her designee shall have the right to enter upon any property at any reasonable time to make inspections and examinations for the purpose of enforcement of this chapter, subject to the provisions of Code of Civil Procedure Section 1822.50 et seq.

B. The fire department shall annually inspect the short-term rental dwelling.

C. The planning director shall have the right to inspect any records related to the use and occupancy of the short-term rental to determine that the objectives and conditions of this chapter are being fulfilled. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.090 Revocation.

A. The planning director may revoke a short-term rental permit pursuant to Section 17.04.140 if the planning director determines that:

1. The owner-applicant gave false or misleading information during the application process;
2. There has been a violation of any of the terms, conditions and restrictions on the use of the dwelling unit for short-term rental use;
3. The owner-applicant has violated any provision of this chapter;
4. The owner-applicant has failed to timely pay the transient occupancy tax as required by this code.

B. If an owner-applicant's short-term rental permit is revoked, the owner-applicant may not reapply for another permit for two years after the date of revocation. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.100 Violations, enforcement and civil penalties.

A. Any property owner or responsible person who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way, the availability of residential property in violation of this chapter is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this chapter. Such violation shall be punishable pursuant to Chapter 1.20. For purposes of this chapter, "responsible person" shall mean and include any manager or other person responsible for allowing property to be used for short-term rental in violation of this chapter.

B. Short-term rental use, and/or advertisement for use, of a residential property in violation of this chapter is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated and/or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, except that the civil penalty for a violation shall be one thousand dollars (\$1,000.00). Each day the violation occurs shall constitute a separate offense.

C. Any property owner or responsible person who violates this chapter shall be liable and responsible for a civil penalty of one thousand dollars (\$1,000.00) per violation per day such violation occurs. The city may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the city, including without limitation the city's staff time, investigation expenses and attorney's fees.

1. Where the city proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this chapter. In any such civil action the city also may abate and/or enjoin any violation of this chapter.

2. Where the city proceeds by administrative citation, the city shall provide the property owner or responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.

a. The property owner or responsible person shall have the right to request the administrative hearing within forty-five (45) days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the property owner or responsible person shall notify the city clerk in writing within forty-five (45) days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances and arguments upon which the appeal is based.

b. The city manager is hereby authorized to designate a hearing officer to hear such appeal. The city hearing officer shall conduct a hearing on the appeal within ninety (90) days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall only consider those facts, circumstances or arguments that the property owner or responsible person has presented in the appeal notification.

c. The hearing officer shall render a decision in writing within thirty (30) days of the conclusion of the hearing. The hearing officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the hearing officer should consider the purpose of this chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this chapter.

d. Any aggrieved party to the hearing officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County superior court in accordance with the timelines and provisions set forth in Government Code Section 53069.4.

e. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this section, such penalty, if unpaid within forty-five (45) days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to Chapter 1.12. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.

D. Any violation of this chapter may also be abated and/or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, except that the civil penalty under Chapter 1.12 for a violation shall be one thousand dollars (\$1,000.00).

E. Each day the violation of this chapter occurs shall constitute a separate offense.

F. Any property owner who uses, or allows the use of, residential property as a short-term rental without a permit shall be liable for the transit occupancy tax that would have been owed under Chapter 3.28 had the use been legal, including the penalty and interest provisions of Section 3.28.070.

G. The remedies under this chapter are cumulative and in addition to any and all other remedies available at law and equity. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

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Item No: 9.3

Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: Public Hearing

Subject: Introduce the first reading by title only, an Ordinance to amend Section 8.24.010 C. 2. of the St Helena Municipal Code (Noise Ordinance), to allow construction activities on Sundays and Holidays for owner-built, "self-help" affordable housing projects only

CEQA Determination: This project is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) under the "General Rule" given that City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3)

Prepared By: Noah Housh, Planning and Community Improvement Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On August 8, 2016, the Planning Director received a letter from Our Town St Helena (OTSH) requesting authorization to allow work on Sundays and Holidays for their "self-help" affordable housing project proposed at 684 McCorkle in the High Density Residential Zoning District. OTSH has identified that the construction and financing requirements of their project necessitate residents both hold full-time employment, and spend a significant number of hours building their homes. This requirement for both full employment and a contribution of approximately 35-hours per week limits the ability for (future) residents to complete their required contribution of "sweat equity", during the construction days and times currently allowed under the Noise Ordinance.

Specifically, the Noise Ordinance prohibits any construction "...which generate noise that can be heard at the property line or any parcel...", on Sundays and Holidays and provides no mechanism for an exception to this prohibition. OTSH indicates that while some work is done on weekday evenings, a majority of the work is completed on Saturdays and Sundays.

DISCUSSION

The City of St. Helena Planning and Community Improvement Department is requesting an amendment to the current Noise Ordinance (Municipal Code Section 8.24.010) to allow exceptions to the prohibition of Sunday and Holiday construction, in response to the request from OTSH. Given the challenges of constructing affordable housing units in St Helena (and in general), the “self-help” model seems to be a beneficial mechanism to allow affordable housing units to be constructed. This assertion is supported by the general success of affordable housing developers such as Habitat for Humanity, who rely almost exclusively on “self-help” and volunteer labor to construct their projects. Further, OTSH has provided information indicating that the Rural Development Mutual Self-Help Homeownership program has built 50,000 residential units throughout the nation using this model and relies on weekend hours to facilitate the “self-help” and volunteer labor.

The necessity for full time income to purchase an affordable housing unit in St Helena, combined with the limitation on Sunday and Holiday construction severely limits options for “self-help” affordable housing projects to be successful. While Saturdays and week nights are options for constructing these units, the inability to make significant construction progress on a Sunday or holidays will significantly extend the construction time frame for these types of projects. This is a common issue for construction projects in general in that longer construction hours allow a shorter over-all construction schedule, and cities often seek to balance this with the Sunday and holiday limitation.

FISCAL IMPACT

There are no identified fiscal impacts to the City associated with amending the Noise Ordinance to grant an exemption to the weekend and holiday construction noise prohibition, specifically for self-help affordable housing projects.

RECOMMENDED ACTION

Staff recommends the City Council:

1. Conduct first reading, introduce by title only and waive further reading and find the proposal exempt from further review under CEQA Section 15061 (b) (3) the “General Rule”, finding that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment; and
2. Support the request from OTSH to amend the noise Ordinance to allow self-help affordable housing projects to work on Sundays and holidays.

ATTACHMENTS

1. Ordinance Adopting Amendment
2. OTSH Letter Requesting Amendment
3. Redline Version of the Noise Ordinance Incorporating Exception

CITY OF ST. HELENA

ORDINANCE NO. _____

**AMENDING SECTION 8.24.010 C.2 OF THE ST. HELENA MUNICIPAL CODE TO
ALLOW SELF-HELP CONSTRUCTION ACTIVITIES FOR AFFORDABLE HOUSING
PROJECTS WITHIN THE CITY OF ST. HELENA.**

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

SECTION 1. Amending Section 8.24.010 C.2. St. Helena Municipal Code Section 8.24.010 C.2 is hereby amended to read as follows:

Sundays and Holidays (Federal and Local). No construction activities allowed which generate noise that can be heard at the property line of any parcel of real property within the city limits.

Exception: This subsection shall not apply to self-help affordable housing construction activities that take place between the hours of 8 am and 5 pm for residential projects containing units that the Planning Director determines will be affordable to very low, lower or moderate income households pursuant to an agreement with the City of St. Helena. All such self-help construction activities shall otherwise comply with the hourly and decibel limitations contained in subdivision C.1 and Tables 8-3 through 8-5 in the Noise section of the Public Health & Safety Element of the 1993 General Plan, respectively.

SECTION 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Section 8.24.010 C.2 of the St. Helena Municipal Code is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) under the "General Rule" given that City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3).

SECTION 3. Compliance with General Plan. The City Council hereby finds that the action to adopt this Ordinance to amend Section 8.24.010 C.2 of the St. Helena Municipal Code is consistent with the General Plan.

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

SECTION 5: Inclusion in the St. Helena Municipal Code. It is the intention of the St. Helena City Council that the amended text of Section 8.24.010 C. 2 in Section 1 of this ordinance be

made a part of the St. Helena Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

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

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 25th day of October 2016, and was adopted at a regular meeting of the St. Helena City Council on the 29th day of November, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Alan Galbraith, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Black, City Clerk

I, CINDY BLACK, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 25th day of October, 2016. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 29th day of November, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Cindy Black, City Clerk

APPROVED AS TO FORM:

Thomas B. Brown, City Attorney



August 8, 2016

Mr. Noah Housh
Planning Department
City of St. Helena
Sent via email

Dear Noah,

Our Town St. Helena (OTSH) is developing Brenkle Court, eight self-help houses on a lot donated by the City of St. Helena located at 684 McCorkle Street. We have received grants, loans and technical support from USDA Rural Development (RD), Rural Community Assistance Corporation (RCAC), the County of Napa and the City of St. Helena to execute this project. Out of the 48 original applicants, eight families and one alternate family have been selected to participate and OTSH is now preparing their loan applications for submittal to RD for approval.

Meanwhile, the project is winding its way through the planning process with the hopes of having full approval in Quarter Four 2016. City staff has identified two areas where our plan does not reconcile with current codes. In order to complete this project, OTSH will need to obtain variances, which require approval of the City Council:

1. Relief from the Water Neutrality Requirement
2. Ability to do construction work on Sundays

This letter will serve as our formal request to the City Council to provide the variances needed. Please note that the project meets all other building code and city regulations.

1. Water Neutrality

OTSH has applied the following water use efficiency measures outlined in 13.12.050 of the code Municipal Code:

1. Installation of ultra-low flush (ULF) toilets, low flow showerheads and faucet aerators.
2. Installation of water efficient hot water instantaneous dispensing systems
3. Adhering to the WELO landscape ordinance to minimize irrigation

8/8/16

1

Our Domestic Water Estimate, prepared by Stillwater Civil Design in Napa, illustrates an increase water use of 23,830 gallons per month or a 50% increase over baseline. To meet the retrofit requirements to gain water neutrality for an 8-unit building, OTSH would need to retrofit 24 homes (3.5 per unit x 8 units x \$550) at an estimated cost of \$13,200. Needless to say, it makes little sense for a non-profit building affordable housing to divert its funds for this purpose.

We feel that going from 22,083 gallons per month for a single house to 45,223 gallons per month for eight houses is a reasonable increase when weighed against the possibility of gaining 8 Low Income and Very Low Income homes in our town. Therefore, we ask that the City Council wave the water neutrality requirement for this project.

2. Sunday Work Hours

Planning Director Noah Housh has stated that, although the City can provide a variance for the homeowners to work later on weekdays and Saturdays, he is not aware of any way that work can be approved on Sundays. Here are our concerns:

- Integral Component of Program
 - The participants are all working families yet they commit to putting in an average of 30 hours per week after their regular jobs to build their houses
 - Although some of the work is done in the evenings, the majority of the work has been done on Saturday and Sunday
 - Cutting the weekend time by 50% will delay the progress of the build and increase the cost of the project substantially
 - The RD Mutual Self-Help Homeownership program has built 50,000 houses over the last 50 years all over the country and they have not had a problem with this issue
- This is Not New News
 - All of the printed literature on the RD Mutual Self-Help Program provided to the City states that the work will be done in the evening and on weekends
 - In the informational meeting conducted by RCAC, which representatives from both city staff and council members attended, it was clearly stated that work on Saturday and Sunday would be required

- At the required neighborhood meeting, which was also attended by a city staff member, OTSH made it clear to the neighbors that work would be required on Saturday and Sunday

- Precedent:

- For the Marietta 10-home self-help project that was completed in 1999-2000 the City of St. Helena did allow Sunday work hours for the homeowners

OTSH realizes that construction noise on Sunday could be unpleasant for the neighbors. Here is what we have committed to them:

- Communication through email of the construction schedule so they know what to expect when
- No loud music or other unnecessary noise on the construction site at any time
- Participants cars will be park at the end of the street on Antonio Castellucci's property so the street will not be crowded during work hours
- All efforts will be made not to schedule "loud" construction work on Sundays and, if it is necessary, neighbors will be notified in advance via the email distribution list
- If a neighbor is holding an event at their home that could be impacted by the work being done on Brenkle Court, OTSH will make every effort to cooperate with their timing and needs

Based on the fact the Sunday work is an integral component of the Self-Help program, that there is precedent for allowing such work in our town, and the fact that OTSH has a plan to work with the neighbors on all construction issues, we request the City Council find a way to allow Sunday work on this project.

We appreciate the support provided by the City of St Helena for the Brenkle Court project and we look forward to celebrating the project's housewarming with you in early 2018.

Sincerely,

Mary Stephenson
OTSH Board President

8/8/16

3

Chapter 8.24

NOISE*

Sections:

8.24.005 Definitions.

8.24.010 Unnecessary noises generally.

8.24.020 Exemption—Garbage and trash collection.

8.24.030 Abatement of nuisance.

8.24.040 Exemptions.

* Editor's Note: As to barking and howling dogs, see Section 6.04.050 of this code.

8.24.005 Definitions.

"Leaf blower" means a portable machine, powered by a gasoline or electric motor, used to blow, displace or vacuum leaves, dirt and debris. (Ord. 12-9 § 2)

8.24.010 Unnecessary noises generally.

A. It is unlawful for any person to cause or produce any unnecessary noise which can be heard outside of any building by attaching any noise-producing attachment to any vehicle; or blowing or ringing any horn, whistle or bell; by operating a loudspeaker, public address system or sound amplification system; or by making any other loud or unusual noise which disturbs the peace of any other persons, unless a permit to cause or produce the noise shall be first obtained from the chief of police.

B. Between the hours of ten p.m. and seven a.m. next ensuing, no commercial or other activity shall be conducted upon any privately owned real property within the city which activity creates noise which can be heard at the property line of any parcel of real property within the city, unless a permit shall first have been secured from the chief of police.

C. Notwithstanding the provisions of subsection B of this section, activities associated with commercial and residential construction projects by contracted services shall be regulated as follows:

1. Monday through Saturday. Construction activities which generate noise that can be heard at the property line of any parcel of real property within the city limits shall be limited to eight a.m. to five p.m. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to seven a.m. to six p.m. Exceptions to these time restrictions may be granted by the public works director for one of the following reasons: (a) inclement weather affecting work; (b) emergency work; or (c) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The city engineer must be notified and give approval in advance of such work.

2. Sundays and Holidays (Federal and Local). No construction activities allowed which generate noise that can be heard at the property line of any parcel of real property within the city limits.

Exception: This subsection shall not apply to self-help affordable housing construction activities that take place between the hours of 8 am and 5 pm for residential projects containing units that the Planning Director determines will be affordable to very low, lower or moderate income households pursuant to an agreement with the City of St. Helena. All such self-help construction activities shall otherwise comply with the hourly and decibel limitations contained in subdivision C.1 and Tables 8-3 through 8-5 in the Noise section of the Public Health & Safety Element of the 1993 General Plan, respectively.

D. Notwithstanding the provisions of subsections B and C of this section, activities associated with landscape maintenance by contracted services which generate noise that can be heard at the property line of any parcel of real property within the city limits shall only be allowed Monday through Saturday from eight a.m. to five p.m. and are prohibited on Sundays and holidays (federal and local).

E. Leaf Blowers.

1. Effective July 1, 2013, it shall be unlawful for any person to operate any gas-powered leaf blower other than a gas-powered leaf blower that bears a manufacturer's label indicating a noise level designation not exceeding sixty-five (65) dB(A) at a distance of fifty (50) feet utilizing American National Standard Institute ("ANSI") B175.2 methodology. All such leaf blowers shall be operated with all mufflers, full extension tubes, shrouds and sound-attenuating devices supplied by the manufacturer for that leaf blower and shall be maintained in sound operating condition. This paragraph shall not apply to electric leaf blowers.

2. The operation of lawful gas-powered and electric leaf blowers on all streets and parcels within the city, except for those areas designated in subsection (E)(3) of this section, shall be allowed between nine a.m. and four p.m. Monday through Friday, between ten a.m. and three p.m. on Saturdays, and between ten a.m. and twelve p.m. on Sundays.

3. The operation of lawful gas-powered and electric leaf blowers on all parcels on Main Street between Pine Street and Grayson Avenue shall be allowed between five a.m. and three p.m. Monday through Friday, between ten a.m. and three p.m. on Saturdays, and between ten a.m. and twelve p.m. on Sundays.

4. It shall be unlawful to operate gas-powered and electric leaf blowers on federal and local holidays.

5. The operation of gas-powered and electric leaf blowers shall be exempt from the permit requirement of subsection A of this section.

F. Any person desiring to obtain a permit under this section shall file a written application stating the permit desired, the name and address of the applicant, the reason why he or she desires the same and the place where and the particular time when he or she desires to exercise the same.

G. The chief of police shall grant such permit if it reasonably appears that: (1) the activity is otherwise permitted under this code; and (2) the benefit to be derived by the applicant from conducting such

activity at the time and place specified in the application outweighs the detriment to be suffered by the neighborhood, by neighboring residents, and by the city's residents generally.

H. Violation of this section shall constitute a public nuisance and an infraction. (Ord. 12-9 § 3: Ord. 02-7 § 1; prior code § 11.11)

8.24.020 Exemption—Garbage and trash collection.

The collection of garbage and trash pursuant to Chapter 8.04 of this code is expressly exempted from the provisions of Section 8.24.010. (Prior code § 11.12)

8.24.030 Abatement of nuisance.

Whenever the existence of any nuisance, as provided by Section 8.24.010, comes to the attention of the chief of police or any sworn police officer of the city, it shall be their duty to promptly notify in writing the person(s) producing or causing the nuisance and the occupant of the premises upon which such nuisance exists, specifying the measures necessary to abate such nuisance, and unless the nuisance is thereafter immediately abated, the persons so notified shall be guilty of an infraction and the chief of police or the sworn police officer shall summarily abate such nuisance. (Prior code § 11.13)

8.24.040 Exemptions.

Nothing in Sections 8.24.010 to 8.24.030 shall apply to the playing of music by a band or the blowing of a bugle or the announcing of any show, entertainment or event upon the public streets for which band music, bugle blowing or privilege of announcing the chief of police has granted a special permit specifying the time and place when and where such music may be played or such bugle be blown; nor shall apply to the blowing of any whistle or horn or the ringing of any bell or other noise necessary as a vehicular traffic warning or signal; nor to any public celebration or public function on a public holiday or other public occasions generally celebrated. (Prior code § 11.14)

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TABLE 8-5: STANDARD AND ADJUSTMENTS FOR DETERMINING IMPACT OF INTRUSIVE NOISE FOR RESIDENTIAL RECEPTORS

STANDARD

The L_{eq} over a 10 minute period of time at the relevant time of day (or night) of maximum potential impact shall be the noise level descriptor used to determine the impact of intrusive, continuous or intermittent noise. The L_{eq} of the noise source of concern shall be compared with a similar L_{eq} of the ambient noise alone at the same time. Measurements are to be taken at the nearest receiver property line or at the nearest affected exterior location which is deemed appropriate. The ambient noise level shall be a measure of the composite of noises which occur normally at the given location.

Once the L_{eq} of the potentially intrusive source is determined, it shall be corrected as indicated below.

If, after the corrections are made, the potentially intrusive noise source would cause the exterior noise levels at the receiver position to exceed the measured ambient noise levels by more than 5 dBA, mitigation measures shall be developed to reduce the projected noise increase to be less than 5 dBA above ambient levels.

In addition to the above, the maximum noise level (L_{max}) of any impulsive noise shall not exceed the ambient by more than 10 dBA.

<u>Corrections for Intrusive or Intermittent Noise</u>		
<u>Type of Correction</u>	<u>Circumstances of Correction</u>	<u>Correction¹</u>
Seasonal	Summer or year around operation	0 dBA
	Winter Only (or windows always closed)	-5 dBA
Tone or Impulse Characteristics	No Pure Tone or Impulsive Character	0 dBA
	Pure Tones ² Present	+5 dBA
	Impulsive Tones ³	+5 dBA

Notes:

¹ Correction to be added to the measured or predicted 10 minute L_{eq} of the potentially intrusive noise source.

² Tonal element exists when the 1/3 octave noise level of the tone is 5 dB greater than the average level of the two adjacent 1/3 octave noise bands.

³ Repetitions of noise with a period of less than 2 seconds or for a series of events with a duration less than 2 seconds.

TABLE 8-3: NOISE/LAND USE COMPATIBILITY GUIDELINES

<u>Land Use Category</u>	<u>Community Noise Exposure (dBA, Ldn or CNEL)</u>			
	<u>/a/ Completely Compatible</u>	<u>/b/ Tentatively Compatible</u>	<u>/c/ Normally Incompatible</u>	<u>/d/ Completely Incompatible</u>
Residential	less than 55	55 to 60	60 to 75	greater than 75
Commercial/Office	less than 65	65 to 75	75 to 80	greater than 80
Industrial/Agricultural	less than 70	70 to 80	80 to 85	greater than 85
Public Use:				
Schools, libraries, churches, hospitals	less than 65	65 to 70	70 to 80	greater than 80
Playground, neighborhood park	less than 67	67 to 70	70 to 75	greater than 75

/a/ Completely Compatible: the noise exposure is such that both the indoor and outdoor environments are pleasant, as long as noise sources do not cause the ambient noise to increase more than 5 dBA, and in the absence of intrusive and intermittent noise.

/b/ Tentatively Compatible: the noise exposure is great enough to be of concern, but common building construction practices will make the living indoor environment acceptable, even for sleeping quarters, and the outdoor environment will be reasonably pleasant for recreation and play.

/c/ Normally Incompatible: the noise exposure is so severe that unusual and costly building construction is necessary to ensure some tranquillity inside one's home, and barriers must be erected between the site and prominent noise sources to make the outdoor environment tolerable.

/d/ Completely Incompatible: the noise exposure at the site is so severe that construction costs to make the indoor living environment acceptable would be prohibitive and the outdoor environment would still be intolerable.

SOURCE: Napa County, amended 1990, Napa County General Plan; Office of Planning and Research, 1987, General Plan Guidelines.

TABLE 8-4: RECOMMENDED MAXIMUM INTERIOR NOISE LEVEL CRITERIA
FOR INTERMITTENT NOISE FOR NON-RESIDENTIAL RECEPTORS

<u>Land Use</u>	<u>Maximum Intermittent Noise Level (dBA)</u>	<u>Basis for Criteria</u>
Public Use/Educational Facilities:		
Concert Hall	25	Intrusion of noise may spoil artistic effect
Theater	30	Intrusion of noise may spoil artistic effect
School Auditorium	35	Minimize Intrusion into artistic performance
School Classroom	55	Speech communication - 20 feet - raised voice
School Laboratory	60	Speech communication - 6 ft. - normal voice
Church Sanctuaries	45	Speech communication - 50 ft. - raised voice
Library	55	Speech communication - 3 ft. - normal voice

SOURCE: Adapted from Table 2 in "Noise Insulation Problems in Buildings," Paul S. Veneklasen & Associates, 1973; Napa County, 1982, Noise Element of the Napa County General Plan.



Item No: 10.1

Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: New Business

Subject: Consider request from Calistoga Affordable Housing for an additional \$140,000 from the Affordable Housing Trust Fund for a not to exceed total of \$640,000 and authorization to begin drawdown of previous funds committed for permitting costs and fees

CEQA

Determination: This item is exempt from CEQA pursuant to Guidelines Sections 15061(b)(1), 15061(b)(2), and specifically, the "General Rule" Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment.

Prepared By: Jennifer Phillips, City Manager

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On October 23, 2012, the City Council adopted Resolution 2012-87 which provided Calistoga Affordable Housing (CAH) with a fee waiver for the 8-units of affordable housing at 1105 Pope Street (Turley Flats Apartment) in the amount not to exceed \$150,000. This Impact Fee "waiver" must be provided through a supplement of the impact fees from the Affordable Housing Trust Fund. Attached as Attachment B. The approval was based the facts that the project is: a) 100% affordable housing project; b) "city-center" complex proximate to commercial and public transportation, the Council waived the traffic mitigation fee; c) a livable community, the Council waived the public safety fee. The City Council also agreed to contribute the impact fees of approximately \$33,000 on behalf of CAH to water impact, sewer impact and storm drain impact.

On July 9, 2013, the City Council adopted Resolution 2013-49 waiving all application fees for Turley Flats, estimated to be up to \$8,500. Attached as Attachment C.

On October 14, 2014, the City Council adopted Resolution 2014-101 approving a total allocation of \$500,000 from the City's Affordable Housing Impact Fund for the Turley Flats projects. Use of these funds includes the authorized \$158,500 in fee waivers and contributions outlined in Resolutions 2012-87 and 2013-49. The remaining amount of

\$341,500 is a housing loan that will be governed by loan agreements. Attached as Attachment D.

DISCUSSION

CAH has been working over the past two years on both the construction bids and financing for this project. The City has worked diligently with CAH to prepare the loan documents and will return to the City Council for approval when CAH is ready. Unfortunately, construction costs have increased significantly over this time frame and the project has identified a budget shortfall under the current financing structure.

In response, on October 14, 2016, CAH representatives met with City staff to provide a project update and request an additional \$140,000 in City funding for this project. The County of Napa has agreed to provide matching funds in the amount of \$140,000 should the City agree to this additional funding. The letter from CAH requesting the additional funds attached as Attachment E. CAH also requests that a portion of the funding committed to by the City be made available immediately to cover initial permit submittal, review and issuance costs. The additional funding will be provided as needed to assist with construction costs.

The Affordable Housing Trust Fund balance is currently \$1,305,706. However, \$500,000 has been committed to this project and an additional \$165,000 has been committed to Our Town St. Helena for the Brenkle Court Affordable Housing project. The estimated remaining amount in the Affordable Housing Impact Fund is \$640,706. This request would reduce the Affordable Housing Trust Fund balance to approximately \$500,706.

FISCAL IMPACT

If approved, an additional \$140,000 would be allotted from the Affordable Housing Trust Fund to CAH leaving an approximate balance of \$500,706.

RECOMMENDED ACTION

It is recommended by the City Manager's Office that the City Council approve the request by Calistoga Affordable Housing for an additional \$140,000 in Affordable Housing Trust funds to assist the project with a budget deficit as well as serve as matching funds for the grant application to the County of Napa, and authorize the release of previously authorized funds in the amount of \$158,500 for project expenses.

ATTACHMENTS

Attachment A – Resolution

Attachment B – Resolution No. 2012-87

Attachment C – Resolution No. 2013-49

Attachment D – October 14, 2014 staff report

Attachment E – Cover Letter from Calistoga Affordable Housing

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Resolution Authorizing a Request from Calistoga
Affordable Housing for an Additional \$140,000
from the Affordable Housing Trust Fund for
a Not to Exceed Total of \$640,000 and Authorization
to Begin Drawdown of Previous Funds Committed for
Permitting Costs and Fees**

RECITALS

- A. On October 9, 2012 Calistoga Affordable Housing (CAH), developer for Turley Apartments, submitted a written request asking City Council for a fee adjustment; and
- B. On October 23, 2012 the City Council adopted Resolution 2012-87 approving a fee waiver up to \$150,000 for an 8-unit 100% affordable housing project; and
- C. On July 3, 2013 CAH, developer for Turley Flats (Turley Apartments), submitted a written request asking City Council for a waiver of application processing fees; and
- D. On July 9, 2013 the City Council adopted Resolution 2013-49 approving a waiver of application processing fees up to \$8,500; and
- E. On August 13, 2014, CAH met with the Mayor and City Manager to discuss the Turley Flats project and funding options; and
- F. On October 14, 2014 the City Council adopted Resolution 2014-101 approving a total contribution to CAH of \$500,000; and
- G. The source of funds is the Affordable Housing Trust Fund; and
- H. The funds will be allocated as follows: \$341,500 in the form of a housing loan that will be governed by loan agreements and \$158,500 in fee waivers as established in Resolutions 2012-87 and 2013-49; and
- I. CAH has been working over the past two years on both construction bids and financing for this project; and
- J. The City has worked diligently with CAH to prepare the housing loan documents and will return to City Council for approval when CAH is ready; and
- K. On October 14, 2016, CAH representatives met with City staff to provide a project update and request an additional \$140,000 in City funding for this project; and
- L. The County of Napa has agreed to provide matching funds in the amount of \$140,000 should the City agree to this additional funding; and
- M. The additional funding will be provided as needed to assist with construction costs.

RESOLUTION

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

1. Approve CAH's request for an additional \$140,000 to assist with construction costs. Source of funds for CAH is from the Affordable Housing Trust Fund and will total \$640,000 which consists of the additional \$140,000 as previously stated, \$158,500 in fee contributions as outlined in Resolutions 2012-87 and 2013-49, and a \$341,500 housing loan agreement as outlined in Resolution 2014-101.
2. Authorize the release of previously authorized funds in the amount of \$158,500 for project expenses.

Approved at a Regular Meeting of the St. Helena City Council on October 25, 2016, by the following vote:

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

CITY OF ST. HELENA

RESOLUTION No. 2012-87

**APPROVING CALISTOGA AFFORDABLE HOUSING
(CAH) REQUEST FOR IMPACT FEE WAIVER FOR 8-
UNITS OF AFFORDABLE HOUSING AT 1105 POPE
STREET (TURLEY APARTMENTS)**

RECITALS

- A. On October 9, 2012 Calistoga Affordable Housing (CAH), developer for Turley Apartments, submitted a written request asking City Council for fee adjustment; and
- B. Pursuant to St. Helena Municipal Code 3.32.120 Fee Adjustment, the City Council may grant request for fee adjustment to a developer who applies in written form, and the letter states the factual basis for the claim; and
- C. Pursuant to Implementing Action HE 4.C of the certified 2009 Housing Element, the City of St. Helena may reduce, defer, or waive fees for affordable housing developments.
- D. CAH has made a request in written form and has stated the factual basis for the claim, including that they propose to develop an 8-unit 100% affordable housing project; and
- E. Based on examination of the letter, staff supports the factual basis for the claim and recommends that the City Council grant the request for fee waiver.

RESOLUTION

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

- 1. While Turley Apartments will be subject to City project approval, the Council hereby approves CAH fee waiver request of up to \$150,000 for an 8-unit 100% affordable housing project. In approving this waiver, the Council specifically resolves as follows: a) because this will be an 100% affordable housing project, the Council waives the projected housing impact fee; b) because the project will be a "city-center" complex proximate to commercial and public transportation, the Council waives the traffic mitigation fee; c) because the Council views the provision of affordable housing as

more livable community and the council therefore waives the public safety fees; and e) the city council agrees to contribute the impact fees of approximately \$33,000 on behalf of CAH to water impact, sewer impact and storm drain impact.

Approved at a regular meeting of the St. Helena City Council on October 23, 2012 by the following vote:

AYES: Councilmembers White, Crull, Sanchez, Nevero, Mayor Britton

NOES: None

ABSENT: None

APPROVED:



Delford Britton
Mayor

ATTEST:



Delia Guijosa
City Clerk



CITY OF ST. HELENA

RESOLUTION No. 2013-49

**APPROVING REQUEST FROM CALISTOGA
AFFORDABLE HOUSING (CAH) FOR WAIVER OF ALL
APPLICATION PROCESSING FEES FOR TURLEY
FLATS, AN 8-UNIT 100% AFFORDABLE HOUSING AT
1105 POPE STREET**

RECITALS

- A. On July 3, 2013 Calistoga Affordable Housing (CAH), developer for Turley Flats, an 8-unit 100% affordable housing project, submitted a written request asking City Council for a waiver of application processing fees; and
- B. Whereas, pursuant to St. Helena Municipal Code 17.08.190(D.)(1.) requires all development projects to file an amount estimated to cover processing costs "unless payment of fees have been waived by action of the Council; and
- C. Whereas, pursuant to Implementing Action HE 4.C of the certified 2009 Housing Element, the City of St. Helena may reduce, defer, or waive fees for affordable housing developments; and
- D. Whereas, CAH has made a request in written form and proposes to develop an 8-unit 100% affordable housing project; and
- E. Whereas, staff supports the factual basis for the claim and recommends that the City Council grant the request for fee waiver; and
- F. Whereas, the City of St. Helena and the City Council support opportunities to develop small, in-fill housing development projects in character with the neighborhood and community; and

RESOLUTION

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

1. While the Turley Flats application will be subject to City discretionary project approval, the Council hereby approves CAH request for a waiver of all application processing fees for an 8-unit 100% affordable housing project.

Approved at a regular meeting of the St. Helena City Council on July 9, 2013 by the following vote:

AYES: Councilmembers White, Sculatti, Pitts, Vice Mayor Crull

NOES: None

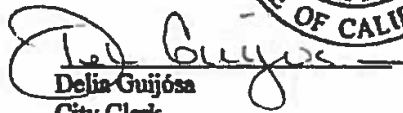
ABSENT: Mayor Nevero

APPROVED:



Sharon Crull
Vice Mayor

ATTEST:



Delia Gujjosa
City Clerk



July 3, 2013

To The City of St. Helena

Calistoga Affordable Housing requests
that the City Council waive all application
processing fees associated with the
applications for entitlement of the Turkey
Flats project at 1105 Pope Street, St. Helena.

Calistoga Affordable Housing

L. Kromann

Larry G. Kromann, President

STAFF REPORT



DATE: October 14, 2014

TO: Mayor and City Council

Item No: _____

FROM: Jennifer Phillips, City Manager

RE: Consideration of resolution approving the allocation of \$500,00 from the Affordable Housing Impact Fund for 8-units of affordable housing at 1105 Pope Street (Turley Apartments) and direct the City Manager to negotiate a funding agreement.

BACKGROUND

Calistoga Affordable Housing (CAH) was deeded property located at 1105 Pope Street for the sole purpose of building an affordable housing complex. CAH proposes to demolish the existing dilapidated single family use and construct Turley Flats, an eight unit apartment building for low income residents. As part of that effort, CAH will relocate the existing residents and they will be eligible to participate in the lottery used to select the eight new tenants. Turley Flats is proposed to be a 3-story complex with parking and storage on the ground floor and residential units on the top two floors. The complex is proposed for an area of offices and residential uses, and is designed to blend into its existing surroundings. Turley Flats is also deemed consistent with the City's General Plan Housing Element's goal of facilitating the development of a range of housing to meet the needs of all incomes.

On October 9, 2012, CAH made a formal request to the City of St. Helena to waive between \$180,000 and \$200,000 of development impact fees. The rationale for this request was to enhance CAH's ability to secure outside funding by minimizing the amount needed to meet its funding liability. In response to the October 9, 2014 request, the City Council adopted Resolution No. 2012-87, approving the fee waiver request for up to \$150,000 for Turley Flats. The action was taken in light of the General Plan Housing Element's Implementing Action HE4.C: *Reduce, defer or waive fees for affordable housing developments. The City will establish a set of criteria for project eligibility to have fees reduced, deferred or waived. The City will explore higher incentives for affordable housing developments with units affordable to extremely low- and very low-income households.*

The Council's action included the following items totaling a maximum amount of \$150,000:

- Waive Housing Impact Fee: because the project is 100% affordable
- Waive Traffic Impact Fee: because the project is located in an area of the City proximate to pedestrian and transit facilities
- Waive Civic Improvement Impact Fee: because the project is a desirable civic improvement
- Waive Public Safety Fee: because of the provision of safe, healthy and secure affordable housing that contributes to a more livable community

*Turley Flats Apartment Project
Page 1*

CITY OF ST. HELENA

RESOLUTION NO. 2014-~~80~~ 101

**APPROVING AN ALLOCATION OF \$478,000 FROM THE AFFORDABLE HOUSING
IMPACT FUND FOR 8-UNITS OF AFFORDABLE HOUSING AT 1105 POPE STREET
(TURLEY APARTMENTS)**

RECITALS

- A. Calistoga Affordable Housing (CAH) was deeded property located at 1105 Pope Street for the sole purpose of building an affordable housing complex.
- B. On July 9, 2013, the City Council adopted Resolution No. 2013-49 waiving all application fees for Turley Flats. Estimated City fees associated with the project are \$175,000 reducing the overall project cost to nearly \$2 million.
- C. CAH should increase their funding efforts with the goal of raising the \$345,000.
- D. CAH has confirmed they have secured a construction loan of \$1.3 million through First Community Bank.
- E. To stay within the spirit of the \$478,417 housing grant originally requested by CAH, the City will contribute \$500,000 to the Turley Flats projects.
- F. The funds would be allocated as follows: \$341,500 in housing grant and \$158,500 in fee waivers. Based on this contribution, the project funding gap totals \$143,294.

RESOLUTION

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

- 1. Approve CAH's request for \$500,000 in funding participation for the Turley Apartments. Use of these funds would include the authorized \$158,500 in fee waivers and contributions as outlined in Resolutions 2012-87 and 2013-49. Source of funds is the Affordable Housing Trust Fund.
- 2. Authorize the City Manager to negotiate a funding agreement with CAH and return to the City Council for final approval.

Approved at a Regular Meeting of the St. Helena City Council on October 14, 2014 by the following vote:

Ayes: Councilmembers Pitts, White, Sculatti, Crull and Mayor Nevero
Noes: None
Absent: None
Abstain: None

APPROVED:


Ann Nevero, Mayor



ATTEST:


Cindy Black, City Clerk



CALISTOGA AFFORDABLE HOUSING

A Non-Profit Tax Exempt Corporation
1332 Lincoln Avenue
Calistoga, CA 94515

Cover Letter

Ms. Jennifer Phillips, City Manager
Noah Housh, Director
Planning and Community Improvement
City of St. Helena
1480 Main St.
St. Helena, CA 94574

RE: Turley project financing

Dear Jennifer and Noah,

The following insert is the Cover Letter that was attached to the Napa County Housing Grant requested by CAH for the Turley project.

CAH is providing a copy of the Matching Grant Application as an informational item regarding the most current update on the Turley project as well as to officially request that the City increase its subsidy of the project from \$500,000 to \$640,000. The County grant opportunity was presented to CAH as a matching grant to complete the project. The county is interested in the project and is willing to participate financially if its funds can encourage other donors/funders to fund the large gap of the project.

CAH is diligently working with all of its partners to immediately proceed with the State and City Building Permits, obtain final City Council approval on the City/CAH agreement, and finalize the details of the construction loan.

Please make CAH aware of any further information or items that may be required for this additional loan/grant request.

.....
Cover Letter to Napa County

The Turley project was begun as a community project by vintner Larry Turley when he purchased the Pope St. parcel after becoming aware of the eviction of seven families from the property. Mr. Turley's donation of the property inspired CAH to make this project not only an affordable housing project but also provide a pilot example of a totally community based project without usage of

Federal/State funding that has proven to greatly increase the overall costs of the project with expensive overhead costs such as "prevailing wages."

After three years of working through the rigorous pre-development process leading to a building permit, CAH finds itself with a large financial gap of over \$1 million. This shocking revelation comes within weeks of submitting the plans to the State (modular factory units) and City (non-factory construction).

To overcome this new obstacle, CAH must continue to seek community support as the timeframe for State/Federal funding is quite lengthy. CAH's application to the Napa County's Housing matching grant application not only fits within its original financing plan, it provides needed leverage to encourage other institutions/individuals to maximize their contributions. The following is CAH's plan to quickly obtain the large gap funding and keep the project on track to begin construction before the end of 2016:

- Obtain a county matching grant of \$650,000 with the following entities providing matching funds/ or reduced costs:
 - City of St. Helena—\$640,000 grant/loans (City has already stated they would provide grant/loan of \$500,000. County grant provisions would increase that grant/loan to \$640,000.
 - First Community Bank—\$100,000 increase of construction loan to be converted to long term mortgage. CAH's has requested bank to reduce interest rate and increase the 30 yr. amortized loan to 35 yrs. for a \$1.4 million loan.(original approved loan of \$1,3 million.
 - CAH has contacted several community individuals such as Mr. Larry Turley regarding additional funding as part of the matching program. The response has been that local donors who have demonstrated they are committed to providing work force housing believe they have already provided over \$500,000 in land donation, and pre-development funding and believe the City and County should now make their contribution. CAH's interpretation of their comments is that they believe they started the Turley project with their money and it is now time for the other community entities to provide their matching funds. Their comments were provided after CAH provided them with over 50 pages of project documentation of the project's activities and progress (or lack of progress). They also expressed their frustration with the current time consuming construction approval process. To date no funds have been offered.
 - CAH has been able to reduce over \$300,000 in the overall construction bid costs by personally meeting with each bidder and reviewing their bid numbers regarding clarity of scope of work as well as accuracy of the numbers. CAH has also met with the

engineers and architects to discuss cost reducing options. Options that have already been included in the final bid numbers include replacing plastered sections with fax look alike Hardiboard, constructing the roof on site instead on at factory. Other options still being worked on include revised Storm water management and drainage that could reduce costs by \$75,000-\$100,000. If additional cost reduction can be achieved before/during the Building Permit process, CAH will reduce the gap funding request for the County and City grants accordingly.

Project timeline

- Building Permit
 - State (factory cores) already in process
 - City (all non-factory items) October 27
- CAH/City of Calistoga agreement final presentation to City Council sometime in November
- Napa County Grant—acceptance of grant is needed before final presentation to City Council for agreement approval.
- Site work will begin as soon as City Permit is issued. Construction crew has penciled in preliminary beginning dates in Nov. subject to weather.
- Bank Construction loan—waiting for final approval of revised loan figures and signing. Is needed before final City Council agreement approval.

Basically, the County and City grant opportunity is THE salvation plan for this project. And in view of the recent interest throughout the county in the affordable housing question, the success of the Turley project can be a beginning demonstration of a county wide collaborative effort that will make a difference for the hundreds of working families in need of adequate, safe, and affordable housing.



Larry Kromann, Ed.D.
President



Item No: 10.2

Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: New Business

Subject: **Provide Direction on Potential Leak Adjustment Policy for Water Customers**

CEQA Status: **Not a CEQA project**

Prepared By: Tracey Perkosky, Grants & Finance Manager
Jenn Weeks, Accounting Technician I

Approved By: Jennifer Phillips, City Manager

BACKGROUND

Many cities provide a bill credit for water customers who experience a larger than normal water bill due to a leak. This is because leak adjustment credits are not considered to be a subsidy which are borne by all users when there is a public benefit. There is a public benefit to encouraging water conservation which includes the prompt repair of leaks. This reduces the overall demand on the water system and saves water to be used for all customers throughout the system. In addition, customers do not receive the excess water at no cost, but rather at a lower rate.

The rate study performed by Hansford Consulting is proposing a non-tiered rate structure for all St. Helena water customers. The new rates will be based on a base rate and a usage rate, where the usage rate does not increase based on consumption. If approved, this is a change from the City's current tiered rate structure and would require a change in the current process for granting leak adjustments which offers a billing credit so that excess water usage is charged at the Tier 1 rate.

DISCUSSION

Every month, the Water Department sends out a leak letter to all customers whose meter shows that the leak alarm has been triggered when water has gone through the meter for the last 24 consecutive hours. This is to help account holders identify and fix slow or hidden leaks before they turn into larger leaks.

However, unanticipated leaks do occur and when excess water has been used, St. Helena historically has had a leak adjustment policy to provide some relief from higher water rates (tiers) while still paying for the cost of producing the water used. Here are the general guidelines:

Item No: 10.2

- Circumstances are beyond customer control, neither negligent nor willful;
- Adjustment policy shall not apply if under water shortage conditions as defined by ordinance or if a local natural disaster has been declared;
- Usage must be at least 50% higher than normal use based on the same billing period for prior 3 years or available history;
- Adjustment is a bill credit of the difference between the cost of the higher tier water usage and Tier 1;
- Credit is for one billing cycle only;
- Hardship agreement may be used to pay the higher bill;
- One leak adjustment permitted for the life of the water account;
- The leak adjustment is for water only, not wastewater;
- Proof that the leak was repaired required;
- Low flow fixtures are installed on property or on retrofit list;
- If insurance reimbursement is received, customer must notify City so adjustment can be made;
- Leak adjustments are granted by the Finance Director or designee; and
- Decisions can be appealed to the City Council.

With the change to a non-tiered rate structure, the existing process of an adjustment to the lowest tier is not possible. Staff is seeking direction on which elements, if any, should be added, changed or eliminated in the creation of a new leak adjustment policy which would go into effect with the new rates in 2017. In addition, because the current rate study does not break out water production costs as a separate calculation, any future credit adjustment could be considered a subsidy since staff can't determine at which dollar amount a customer is paying for, at a minimum, the production of water used in the leak. Customers can't be required to subsidize other customers who experience leaks; therefore, should a leak adjustment policy continue a General Fund contribution is required to the Water Fund for all leak adjustments granted.

Using the last four years of leak adjustments, the average total annual amount for all customers was \$2,258. One year had a low of 6 adjustments but more typically 15 adjustments were made. Four years ago, the average adjustment was \$191 per customer, and it is currently \$237. The median adjustment was \$165 per customer.

A survey of nearby water providers (Attachment 1) showed some common themes among leak adjustment policies. These are:

- Credits are offered for residential customers for water only (not wastewater);
- Excess water usage must have been beyond customer, agent, or tenants control and neither willful, negligent nor neglectful;
- Credit is calculated using the lowest tier available to the customer;
- Credit is calculated using same billing month as previous 3 years;

Item No: 10.2

- Excess usage is defined; however, the definition varied among the agencies; and
- Proof of repairs is required.

Some possible revisions to the leak adjustment policy are listed as scenarios.

Scenario 1:

Maintain the current requirements of the City's Leak Adjustment Policy and determine a percentage to offer as a credit, such as 30% or 50%. Using historical data, a 50% credit requires about a \$1,129 contribution from the General Fund.

Scenario 2:

Modify the current policy so that it is similar to the policies of neighboring agencies:

- Circumstances are beyond customer control, neither negligent, willful nor neglectful;
- Adjustment policy shall not apply if under water shortage conditions as defined by ordinance or if a local natural disaster has been declared;
- Outdoor irrigation leaks are not eligible for adjustment;
- Usage must be at least 100% higher than normal use based on the same billing period during prior 3 years or available history;
- Adjustment is a bill credit based on a percentage, such as 30% or 50%;
- Credit is for one billing cycle only;
- Hardship agreements or a payment plan may be used to pay the higher bill;
- One leak adjustment every 36 months;
- The leak adjustment is for water only, not wastewater;
- Proof that the leak was repaired required;
- Low flow fixtures are installed on property or on retrofit list;
- If insurance reimbursement is received, customer must notify City so adjustment can be made;
- Leak adjustments are granted by the Finance Director or designee;
- Decisions can be appealed to the City Council; and
- Policy is for residential customers only.

Scenario 3:

- Maximum credit limit of \$250;
- One leak adjustment every 5 years; and
- Remainder is the same as Scenario 2

Scenario 4:

Eliminate the leak adjustment policy which provided a credit for the cost of increased water use from tiers with the elimination of tiered rates.

Item No: 10.2

These are a few possible options for a revised policy. Staff is seeking direction on whether to continue the leak adjustment policy and if it is to be continued to provide direction on key elements to be contained in the policy.

FISCAL IMPACT

There are no fiscal impacts to providing direction to staff on a potential leak adjustment policy. However, should Council approve a policy at a future meeting, funds will need to be transferred from the General Fund to cover all subsidies for leak adjustments under a new policy.

RECOMMENDED ACTION

Staff recommends the City Council provide direction on a potential leak adjustment policy for water customers.

ATTACHMENTS

1. Summary Table of Other Agencies Leak Adjustment Policies

Agency	Frequency	Credit Details	Prohibitions	Proof of	
				Repairs	Appeal
City of Santa Rosa	1 adjustment every 36 months	Usage must exceed Tier 2 and be at least 50% higher usage than same period in previous years. Excess usage will be billed at Tier 2 rate.	Excessive use cannot be used to the customer, his/her agents, or tenant's willful acts or neglectful acts	Yes	Yes
City of Yountville		Water usage must be at least 50% higher than normal usage for subject billing period for the most recent three years, or history available. Property must have low-flow fixtures or be registered to be retrofitted by a developer. Excess usage will be charged at lowest rate in effect that applies to customer. Underground leaks only such as leaks in slabs, walls, crawl spaces, or underground. Will not credit for any item in view such as exposed pipes, fittings, toilets, fixtures, valves & unattended faucets. Excessive usage must be for more than 5,000 gallons (6.68 units of water). Will credit up to 50% of the cost of the water in access of average use.	Excessive water use must be beyond customer control, neither willful nor negligent. No adjustments if Stage 2 or above or a natural disaster	yes	
City of Napa	1 adjustment every 5 years		Irrigation systems are not eligible for a credit adjustment	yes	
City of American Canyon		Excess consumption is due to fixture leaks, pipe breaks, vandalism or similar occurrence(s). Maximum of \$500 and is calculated at 60% of the excess use over a two month period based on the Tier 1 water rate applied to the excess use. Excessive water use is greater than 10 units over the average monthly use (calculated from the three prior years for the same month using previous customer history if needed).	Excessive use cannot be as a result of a willful or negligent act on the part of the customer. Policy does not apply to new landscaping irrigation, pool/spa filling or other similar uses of water. One leak check at no charge; subsequent visits have service charge	yes	

Agency	Frequency	Credit Details	Prohibitions	Proof of Repairs	Appeal
City of Calistoga	Once per customer or address including all prior relief programs. Additional adjustments require Council approval	Excess consumption must be in excess of 50% of the normal usage for one billing period. Leak must be from unusual circumstances such as frozen and/or broken pipe lines, mechanical malfunction or other causes beyond the reasonable control of the customer. Customers receive a 30% reduction of the excessive water use charge. Commercial accounts may also be eligible for a reduction on corresponding sewer charge. Relief may also be provided in a "declared emergency".	Bottling company accounts are not eligible.	yes	yes
Valley of the Moon Water District (Sonoma)	1 adjustment every 36 months	Calculated using same month from prior 3 years (or whatever usage history is available. Credit only available for tiered rates in excess of uniform commodity rate	No credit for faucet, toilet or irrigation leaks or mechanical leaks. No credit for any subsequent leaks on the same piping system. Evidence required that excessive water use was not due to the customer's willful or neglectful acts, or failure of due diligence on the part of the customer.	Yes	No
City of Sonoma	1 credit every three years	Credits limited to \$200. Water usage must be 200% or more of the normal usage based on the customer's consumption over the previous 12 months (if less than 12 months based on consumption history of property or of similar residences in neighborhood or other relevant factors). Leak credits computed at the Tier 1 rate.	Water leak must not have occurred as a result of the willful or negligent act on the part of the customer	yes	No



Direction on Leak Adjustment Policy

By: April Mitts, Finance Director

Finance Department

October 25, 2016 City Council Meeting



Background

- Many cities provide a bill credit for customers who experience a larger than normal water bill due to a leak
- St. Helena currently offers a one-time leak adjustment
 - Based on two-tiers
 - Adjustment is a credit for the difference between the cost of Tier 1 and Tier 2 – usage only



Background

- The rate study performed by Hansford Consulting is proposing a non-tiered rate structure
- If approved, the change to a non-tiered rate structure would require a change in the current leak adjustment policy
- Under the new rate structure any leak adjustments would need to come from a contribution from the General Fund



Discussion – Current Guidelines

- Circumstances are beyond customer control
- Does not apply if under water shortage or disaster conditions
- Usage must be 50% higher than normal use (3 years)
- Adjustment is a bill credit
- One leak adjustment permitted for the life of the water account
- Does not apply to wastewater
- Proof the leak was repaired
- Low flow fixtures are installed or property is on the retrofit list
- Granted by the Finance Director



Discussion – Historical Information

- Annual Average - \$2,258
- Between 6 and 15 adjustments per year
- 2013 average adjustment - \$191 per customer
- 2016 average adjustment - \$237 per customer
- Median adjustment - \$165 per customer



Discussion – Scenarios

- Scenario 1:
 - Maintain current policy and determine a percentage to offer as a credit
- Scenario 2:
 - Modify the current policy so it is similar to policies of neighboring cities
- Scenario 3:
 - Offer a maximum credit amount
 - Establish how often a leak adjustment can be done
- Scenario 4:
 - Eliminate the Leak Adjustment Policy



Discussion

- Staff is seeking direction on the current leak adjustment policy
 - Any leak adjustments would need to come from a contribution from the General Fund



Item No: 10.3

Report to the City Council
Council Meeting of October 25, 2016

Agenda Section: New Business

Subject: Fiscal Year 2016/17 1st Quarter Finance Report

CEQA Determination: Not a CEQA Project

Prepared By: April Mitts, Finance Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

Municipal Code Title 2, §2.24.030 states the Director of Finance shall deliver to the City Manager and to the Council at a regularly scheduled Council meeting a budget report showing the budget status at the end of the preceding quarter.

Staff has prepared the following for Council:

1. First quarter (Q1) staff report for Fiscal Year (FY) 2016-17. This report is a summary of transactions from July 1, 2016 to September 30, 2016.
2. FY 2016/17 Q1 List of Checks over \$100,000

DISCUSSION

General Fund

General Fund revenue received from July 1, 2016 through September 30, 2016 for Fiscal Year (FY) 2016/17 is \$1,060,465. General Fund revenue is divided into the following categories: (1) Property Tax, (2) Sales Tax, (3) Transient Occupancy Tax (TOT), (4) Other Taxes, (5) Licenses and Permits, (6) Fines and Forfeits, (7) Intergovernmental, (8) Interest and Rents, and (9) Charges for Services and Miscellaneous. The primary contributors to General Fund revenues are Property Tax, Sales Tax, and TOT. Chart 1 shows revenues collected in FY 2016/17 Q1 compared to collection in FY 2015/16 Q1. During both FY 2016/17 Q1 and FY 2015/16 Q1 10% of General Fund revenues has been collected.

While the 10% collected for FY 2016-17 Q1 seems low, this figure is normal due to timing of property tax payments.

Chart 1

Revenue Source	Revenue 2016/17 Adopted Budget	2015/16 Q1	2016/17 Q1
Property Tax	\$ 3,843,537	\$ -	\$ -
Sales Tax	\$ 2,821,674	\$ 252,362	\$ 281,381
TOT	\$ 2,264,285	\$ 301,816	\$ 316,488
Other Taxes	\$ 288,660	\$ -	\$ -
Licenses & Permits	\$ 581,935	\$ 133,894	\$ 177,527
Fines & Forfeits	\$ 55,500	\$ 17,111	\$ 11,016
Intergovernmental	\$ 58,755	\$ 66,407	\$ 82,520
Interest & Rents	\$ 191,200	\$ 41,322	\$ 39,588
Charges for Services & Misc.	\$ 485,485	\$ 182,339	\$ 151,945
TOTALS	\$ 10,591,030	\$ 995,252	\$ 1,060,465

General Fund expenses are \$2,406,162 for FY 2016/17 Q1. Overall General Fund spending is at 25% when compared to the current budget. Chart 2 shows General Fund spending by department and shows what percentage of their annual budget is available, at the end of Q1 departments should show an available balance of around 75%.

Chart 2

DEPARTMENT	BUDGET	ENCUMBERED	YTD SPENT	AVAILABLE BUDGET	% OF BUDGET AVAILABLE
Non-Departmental	\$ 1,288,081	\$ 19,387	\$ 166,876	\$ 1,101,818	86%
Council	\$ 172,179	\$ -	\$ 17,198	\$ 154,981	90%
City Manager	\$ 723,027	\$ -	\$ 186,563	\$ 536,464	74%
Finance	\$ 414,854	\$ 75,388	\$ 72,147	\$ 267,319	64%
Attorney	\$ 582,037	\$ -	\$ 73,953	\$ 508,084	87%
Planning & Building	\$ 1,010,021	\$ 64,774	\$ 199,119	\$ 746,128	74%
Library	\$ 842,177	\$ -	\$ 206,473	\$ 635,704	75%
Parks & Recreation	\$ 175,264	\$ -	\$ 27,774	\$ 147,490	84%
Fire	\$ 786,623	\$ 14,025	\$ 253,127	\$ 519,471	66%
Police	\$ 3,083,531	\$ -	\$ 856,493	\$ 2,227,038	72%
Public Works	\$ 1,822,221	\$ 145,298	\$ 346,439	\$ 1,330,483	73%
TOTAL	\$ 10,900,015	\$ 318,872	\$ 2,406,162	\$ 8,174,982	75%

Although Chart 2 shows the Fire Department and Finance Department percentage of budget available below 75%, both departments are on track with their spending. The

Item No: 10.3

increase in Fire Department spending is due to Strike Teams responding to recent wildland fires. A budget adjustment will be brought before City Council to request an increase in revenues and expenses for the Fire Department as a result of the Strike Team responses.

Finance Department spending is also on track for Q1 of FY 2016/17. The lower percentage available is primarily due to encumbrances for Professional Contracts and Other Contract Services which is for the entire fiscal year.

All departments are on track with their spending.

Water Enterprise Funds

Water Enterprise revenue received for FY 2016/17 Q1 total \$1,087,582 or 29% of the estimated total revenues for FY 2016/17. Revenues are on-track with estimates.

Water expenditures are \$1,613,640 for Q1 FY 2016/17. Overall Water Fund spending is at 31% when compared to the current budget. Water Fund expenditures are in line with previous years, the higher amount of expenditures compared to other funds is due to water bond payments due in FY 2016/17 Q1.

Wastewater Enterprise Funds

Wastewater Enterprise revenue received for FY 2016/17 Q1 total \$433,036 or 21% of the estimated total revenues for FY 2016/17. The amount collected in FY 2016/17 Q1 is lower than the amount collected for FY 2015/16 Q1 which was \$461,280. Wastewater Fund revenues for FY 2015/16 Q1 were higher due to backbilling which occurred in FY 2015/16.

Wastewater expenditures are \$644,757 for FY 2016/17 Q1. Overall Wastewater Fund spending is at 30% when compared to the current budget. Wastewater Fund expenditures are in line with previous years, the higher amount of expenditures compared to other funds is due to wastewater bond payments due in FY 2016/17 Q1.

FY 2016/17 Q1 Checks over \$100,000

Per staff recommendations on April 10, 2015, the Chart 3 is a list of checks over \$100,000 paid in FY2016/17 Q1.

Item No: 10.3**Chart 3**

Check #	Vendor	Check Date	Check Amount	Notes
95123	DRS Marine	7/7/16	\$133,823.65	CIP W-84 Bell Canyon Reservoir Sluice Gate Replacement \$91,507.80 (FY 15-16) CIP W-108 Lower Reservoir Outlet Tower Repair \$42,315.85 (FY 15-16)
95145	City of Napa	7/7/16	\$141,416.90	Monthly Water Agreement – May 2016 (FY 15/16)
95292	PERS	7/19/16	\$328,242	Annual payment unfunded liability – Public Safety
95354	City of Napa	7/28/16	\$115,514.70	Monthly Water Agreement – June 2016 (FY 15/16)
95437	PERS	8/4/16	\$399,286	Annual payment unfunded liability
95440	REMIF	8/4/16	\$138,397	Liability, property, auto, and pollution FY 2016/17 Premiums
95622	American Asphalt	8/24/16	\$119,851.98	CIP R-74 Pavement Rehabilitation
95656	City of Napa	8/24/16	\$126,283.80	Monthly Water Agreement – July 2015
95769	Wilmington Trust NA	9/8/16	\$404,124.31	Water and Wastewater Bond 2012B
95773	MUFG Union Bank NA	9/8/16	\$107,667.09	Water and Wastewater Bond 2005B
95774	MUFG Union Bank NA	9/8/16	\$445,773.61	Water and Wastewater Bond 2005B
95884	City of Napa	9/20/16	\$135,778.20	Monthly Water Agreement – August 2016

FISCAL IMPACT

None

RECOMMENDED ACTION

Receive and File

ATTACHMENTS

None



FY 2016/17 Q1 Finance Update

By: April Mitts, Finance Director

Finance Department

October 25, 2016 City Council Meeting



General Fund - Revenue

- Through September 30, 2016:
 - \$1,060,465
 - 10% Collected to-date
 - On-Track with estimated revenues and in line with previous fiscal years



General Fund - Revenue

- General Fund Revenue Categories:
 - Property Tax
 - Sales Tax
 - Transient Occupancy Tax (TOT)
 - Other Taxes
 - Licenses and Permits
 - Fines & Forfeits
 - Intergovernmental
 - Interest & Rents
 - Charges for Services and Misc.



General Fund - Revenue

Revenue Source	Revenue 2016/17 Adopted Budget	2015/16 Q1	2016/17 Q1
Property Tax	\$ 3,843,537	\$ -	\$ -
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Charges for Services & Misc.	\$ 485,485	\$ 182,339	\$ 151,945
TOTALS	\$ 10,591,030	\$ 995,252	\$ 1,060,465



General Fund - Expenses

- Through September 30, 2016:
 - \$2,406,162
 - 25% Spent to-date
 - On-Track with adopted budget



General Fund - Expenses

DEPARTMENT	BUDGET	YTD SPENT	AVAILABLE BUDGET	% OF BUDGET AVAILABLE
Non-Departmental	\$ 1,288,081	\$ 166,876	\$ 1,101,818	86%
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Police	\$ 3,083,531	\$ 856,493	\$ 2,227,038	72%
Public Works	\$ 1,822,221	\$ 346,439	\$ 1,330,483	73%
TOTAL	\$ 10,900,015	\$ 2,406,162	\$ 8,174,982	75%



Water Fund – Through September 30, 2016

- Revenues:
 - \$1,087,582
 - 29% collected to-date
 - On-Track with revenue estimates and in line with previous fiscal years
- Expenditures:
 - \$1,613,640
 - 31% expended to-date
 - On-track with adopted budget



Wastewater Fund – Through September 30, 2016

- Revenues:
 - \$433,036
 - 21% collected to-date
 - On-Track with revenue estimates and in line with previous fiscal years
- Expenditures:
 - \$644,757
 - 30% expended to-date
 - On-track with adopted budget



FY 2016/17 Q1 Checks over \$100,000

Check #	Vendor	Check Date	Check Amount	Notes
95123	DRS Marine	7/7/16	\$133,823.65	CIP W-84 Bell Canyon Reservoir Sluice Gate Replacement \$91,507.80 (FY 15-16) CIP W-108 Lower Reservoir Outlet Tower Repair \$42,315.85 (FY 15-16)
95145	City of Napa	7/7/16	\$141,416.90	Monthly Water Agreement -- May 2016 (FY 15/16)
95292	PERS	7/19/16	\$328,242	Annual payment unfunded liability -- Public Safety
95354	City of Napa	7/28/16	\$115,514.70	Monthly Water Agreement - June 2016 (FY 15/16)
95437	PERS	8/4/16	\$399,286	Annual payment unfunded liability
95440	REMIF	8/4/16	\$138,397	Liability, property, auto, and pollution FY 2016/17 Premiums
95622	American Asphalt	8/24/16	\$119,851.98	CIP R-74 Pavement Rehabilitation
95656	City of Napa	8/24/16	\$126,283.80	Monthly Water Agreement -- July 2016
95769	Wilmington Trust NA	9/8/16	\$404,124.31	Water and Wastewater Bond 2012B
95773	MUFG Union Bank NA	9/8/16	\$107,667.09	Water and Wastewater Bond 2005B
95774	MUFG Union Bank NA	9/8/16	\$445,773.61	Water and Wastewater Bond 2005B
95884	City of Napa	9/20/16	\$135,778.20	Monthly Water Agreement - August 2016

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