



**City of St. Helena
Regular City Council Meeting
Tuesday, April 26, 2022 @ 6:00 PM**

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

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

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

The City Council meeting will be live-streamed on Comcast Channel 28 and on the City's website, barring technical difficulties. Those members of the public wishing to participate must do so remotely via Zoom electronic meetings in the following ways; by either logging onto the Zoom link located on the meeting agenda (please download the app to your computer or mobile device) and enter the meeting ID or by calling a listed number and enter the meeting ID. Public comment for City Council meetings will be accepted via email to publiccomment@cityofsthelena.org. All public comments must be emailed by 4:00 PM prior to the meeting. Emailed public comments will not be read out loud but will be publicly available and attached to the on-line City Council agenda.

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

Simultaneous Spanish interpretation services during meetings can be scheduled upon request. To ensure interpreters are available, requests must be made at least 72 hours in advance by calling the Office of the City Clerk at (707) 968-2640 or emailing cityclerk@cityofsthelena.org. The schedule of upcoming meetings and published meeting agendas can be found on the City of St. Helena website at <https://sthelena.civicweb.net/portal/>.

Please click the link below to join the meeting:

<https://us02web.zoom.us/j/83077438427>

Or One tap mobile :

US: +16699006833,,83077438427# or +13462487799,,83077438427#

Or Telephone:

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

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

Meeting ID: 830 7743 8427

International numbers available: <https://us02web.zoom.us/j/83077438427>

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Esta reunión será realizada conforme a las provisiones del Código de Gobierno Sección 54953 (modificada por AB 361) la cual autoriza las reuniones de teleconferencia bajo el Acta Brown durante ciertos Estados de Emergencia. El gobernador de California proclamó Estado de Emergencia relacionado con el COVID-19 el 4 de marzo del 2020. Esta reunión por teleconferencia es necesaria para que la Ciudad pueda realizar deberes esenciales y es permitido bajo el Código de Gobierno 54953 en orden de proteger la salud pública y seguridad de los asistentes.

Consistente con el Código de Gobierno Sección 54953, esta reunión del Consejo de la Ciudad será realizada vía teleconferencia y no será físicamente abierta al público. Miembros del Consejo de la Ciudad y personal atenderán la reunión por audio y/ o video. La reunión será transmitida vía Zoom.

La reunión del Consejo de la Ciudad se transmitirá en vivo por el Canal 28 de Comcast y en el sitio web de la Ciudad, salvo dificultades técnicas. Aquellos miembros del público que deseen participar deben hacerlo de forma virtual a través de las reuniones electrónicas de Zoom de las siguientes maneras; iniciando sesión en el enlace Zoom ubicado en la agenda de la reunión (descargue la aplicación en su computadora o dispositivo móvil) e ingrese el ID de la reunión o llamando al número ubicado en la agenda e ingrese el ID de la reunión. Se aceptarán comentarios públicos para la reunión del Consejo de la Ciudad por correo electrónico a [publiccomment@cityofsthelena.org](mailto:publiccomment@cityofsthelena.org). Todos los comentarios públicos se harán públicos y se adjuntarán a la agenda, pero no se leerán en voz alta. Todos los comentarios públicos que se reciban después de las 4:00 PM se adjuntarán a la agenda del Consejo de la Ciudad al día siguiente.

**Servicios de interpretación en español durante la reunión pueden ser solicitados por el público. Para asegurar que los intérpretes estén disponibles, los servicios tienen que ser solicitados al menos 72 horas antes de la reunión llamando a la oficina de la Secretaria de la Ciudad al (707) 968-2640 o por correo electrónico a [cityclerk@cityofsthelena.org](mailto:cityclerk@cityofsthelena.org) .**

**El horario de las reuniones publicadas y próximas puede ser localizado en el sitio de web de la Ciudad en <https://sthelena.civicweb.net/portal/> .**

Habrà traducción en español durante la junta

Haga clic en el enlace a continuación para participar en la reunión:

<https://us02web.zoom.us/j/83077438427>

O por iPhone one-tap:

US: +16699006833,,83077438427# or +13462487799,,83077438427#

O por Teléfono: Marque(para mejor calidad, marque número basado en su ubicación actual):

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

ID de la Reunión: ID: 830 7743 8427

International numbers available: <https://us02web.zoom.us/j/83077438427>

Consulte el final de la agenda para obtener instrucciones detalladas de PARTICIPACIÓN PÚBLICA.

1. CALL TO ORDER
2. ROLL CALL  
Mayor: Geoff Ellsworth, Vice Mayor: Paul Dohring, City Council Members: Anna Chouteau, Eric Hall and Lester Hardy
3. PLEDGE OF ALLEGIANCE
4. ADOPTION OF THE AGENDA
5. 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 4 minutes. Each person is entitled to speak on any non-agendized item only once at any meeting. Brief questions by Council Members for clarifications may be posed and answered, and Council Members 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.
  - 5.1. [Public Comment.Luke Myers](#) 17
6. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, AND AB 1234 REPORTS:  
Reports by staff and/or Council Members on items of general interest. Brief questions for clarification may be posed and answered, and Council Members may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the City Council.
7. STAFF BRIEFING
  - 7.1. Waste Water Treatment Plant Construction Project Update by Eric Janzen, Asst. Public Works Director
8. PRESENTATIONS AND PUBLIC RECOGNITIONS
  - 8.1. PG&E Presentation of downtown gas line replacement project by Mark Van Gorder, PG&E Local Government Affairs, North Bay  
[Presentation](#) 19 - 25
  - 8.2. St. Helena Fire Chief John Sorensen and St. Helena Fire Council Representative Chris Warner will Provide a Fire Season Overview and Fire Prevention Presentation.  
[Fire prevention Powerpoint](#)  
[St Helena FSC Presentation to St Helena City Council Apr 26 2022](#) 27 - 35
  - 8.3. Monarch & Pollinator Month May 2022 Proclamation St. Helena Presented to Erin Arnsteen, Western Monarch Society of Napa County  
[Monarch & Pollinator Month May 2022 Proclamation](#) 37
9. CONSENT ITEMS  
Members of the Council or the public may ask that any items be considered individually for purposes of considering alternative action, for extended

discussion, or for public comment. Unless that is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)

- 9.1. Consideration and proposed approval of Special Meeting Minutes of March 25, 2022 and Regular Meeting Minutes of April 12, 2022. 39 - 51  
Prepared By: Cindy Tzaopoulos, City Clerk  
Recommendation:  
Approve  
[03-25-2022 Special City Council - Minutes](#)  
[04-12-2022 Regular City Council - Minutes](#)
- 9.2. Consideration and proposed adoption of a resolution authorizing the City Manager to execute Amendment No. 2 to STH Contract: FY 2019-028 in the amount of \$42,140, to the Professional Services Agreement with Oscar Larson and Associates for designing CIP Projects: Tank 2 Rehabilitation W-101, Pump Station Upgrades W-106, and Rutherford Pump Station Upgrades W-110 for a total not-to-exceed amount of \$239,830. 53 - 65  
  
CEQA Determination: Exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which exempts the operation, leasing, or minor alteration of existing facilities  
Prepared By: Martin Beltran, Management Analyst  
Recommendation:  
Staff recommends City Council adopt the attached resolution.  
[Staff Report - Pdf](#)
- 9.3. Review and consideration of the 2021 St. Helena Annual Housing Element Progress Report. 67 - 81  
  
CEQA Determination: Not a CEQA project  
Prepared By: Aaron Hecock, Senior Planner  
Recommendation:  
It is recommended that the City Council review, consider and file this report recognizing that staff submitted the information to HCD and OPR in keeping with the April 1, 2022 mandate.  
[Staff Report - Pdf](#)
- 9.4. Adoption of Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings. 83 - 87  
  
CEQA Determination: Not a CEQA project  
Prepared By: Ethan Walsh, City Attorney  
Recommendation:  
Approve the Attached Resolution Making Findings and Determinations Under AB 361.  
[Staff Report - Pdf](#)
- 9.5. Consideration and proposed approval of a resolution authorizing a ceremonial flag recognizing LGBTQ Pride and Transgender Month during the month of June 2022 89 - 96  
  
CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzaopoulos, City Clerk

Recommendation:

Approve a resolution authorizing the Progress Pride flag and the Transgender flag to be flown on the City's ceremonial flag pole during the month of June 2022.

[Staff Report - Pdf](#)

- 9.6. Quarterly Grant Report for FY 2022 Q2 for the period ending December 31, 2021 and Q3, for the period ending March 31, 2022. 97 - 104

CEQA Determination: Not a CEQA project

Prepared By: Mandy Kellogg, Asst. Administrative Services Director

Recommendation:

Receive and file report.

[Staff Report - Pdf](#)

- 9.7. March 2022 Review and Forecasting of City Water Supply Availability 105 - 109

CEQA Determination: Exempt

Prepared By: Martin Beltran, Management Analyst

Recommendation:

Receive and file.

[Staff Report - Pdf](#)

- 9.8. Consideration and proposed approval of a resolution authorizing: 111 - 187
- 1) An agreement with the Housing Authority of the City of Napa (HACN) to administer the HOME Grant funded owner-occupied rehabilitation program; and
  - 2) Adoption of the updated Housing Rehabilitation Program Guidelines.

CEQA Determination: Exempt from the requirements of CEQA under the "General Rule", Section 15061 (b)(3), in that it can be seen with certainty that the proposed action will have no impact on the environment.

Prepared By: Mandy Kellogg, Asst. Administrative Services Director

Recommendation:

It is recommended the City Council adopt a resolution authorizing:

- 1) The City Manager to execute the Intergovernmental Agreement for Services with the Housing Authority of the City of Napa (HACN) to administer the HOME Grant funded owner-occupied rehabilitation program; and
- 2) Adoption of the updated Housing Rehabilitation Program Guidelines.

[Staff Report - Pdf](#)

## 10. PUBLIC HEARINGS

- 10.1. Consideration and proposed adoption of the following:

Adopt a resolution recommending that the City Council approve the Mitigated Negative Declaration / Mitigation Monitoring and Reporting Program for the project, make the required findings; and Adopt a resolution making specific findings and recommending City Council approve the proposed Mills Lane Storm Drain Improvements Project.

This item was noticed to be heard at the November 9, 2021 regular City Council meeting and was subsequently continued to the December 14, 2021, January 11, 2022, January 25, 2022, February 8, 2022, February 22, 2022, March 8, 2022, April 12, 2022 and April 26, 2022 regular City Council meetings.

***\*This item will not be heard at the April 26, 2022 regular City Council meeting. In the event this item is ready for consideration it will be re-noticed as a public hearing.***

11. OLD BUSINESS

- 11.1. Discussion and proposed approval of a resolution rescinding Resolution 2019-66 and amending Policy P-CC-0001 Outdoor Display of Governmental and Non-Governmental Flags on City Property 189 - 201

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzaopoulos, City Clerk

Recommendation:

Staff recommends adopting a resolution rescinding resolution 2019-66 and amending Policy P-CC-0001 Outdoor Display of Governmental and Commemorative or other Governmental Flags on City Property.

[Staff Report - Pdf](#)

- 11.2. In-person City Council, Boards, Commissions, and Committee Meetings Discussion 203 - 207

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzaopoulos, City Clerk

Recommendation:

Staff is seeking City Council discussion and direction and recommends option #3.

[Staff Report - Pdf](#)

- 11.3. Discussion and direction regarding criteria to be considered in selection of Mayor if Measure G is approved by the voters 209 - 231

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzaopoulos, City Clerk

Recommendation:

Form an Ad Hoc Committee and provide direction.

[Staff Report - Pdf](#)

12. NEW BUSINESS

- 12.1. Formula Business Zoning Policy Discussion 233 - 260

CEQA Determination: Not a CEQA project

Prepared By: Maya DeRosa, Planning & Building Director

Recommendation:

Provide policy direction to staff regarding:

- Definition of formula business

- Regulation of formula retail and restaurants
- Adding use permit findings for formula businesses as suggested

[Staff Report - Pdf](#)

[Formula policy- PPT - CC 4-26-2022](#)

13. ITEMS LIKELY TO BE PLACED ON THE NEXT OR FUTURE MEETING AGENDA:

13.1.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>May City Council Meetings:</b><br><b>5/10 (Staff reports due 4/22)</b><br><b>5/24 (Staff reports due 5/6)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Presentation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 5/10 Napa County Landmarks (NCL) May is Historic Preservation Month Proclamation                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>STAFF BRIEFING:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5/24 WWTP construction project regular progress/status reports.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 5/10 Utility rate study update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>CONSENT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 5/24 Consideration and action on a Resolution to amend the existing two year agreement with Housing Authority of the City of Napa to provide contract housing authority services (originally approved for an amount not to exceed \$88,114 for the two year period) for an increased overall contract amount of \$9,347 to cover anticipated increased costs over the remaining term of the contract.                                                                                                                                                 |
| 5/10 Amendment No. 5 to Water Supply Agreement Between City of Napa and City of St Helena                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>PH or OLD / NEW BUSINESS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5/24 Gun Safe Storage Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 5/10 Utility rate study ad hoc appointments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PH 5/24 The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).                                                                                                                                                                                                                                                                                                                                 |
| PH Mills Lane                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| OB Water Penalty Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| OB Financial Policy Update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| formula business policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| OB Discussion, direction, and proposed approval of a resolution (1) rescinding Resolution 2017-75 and amending Policy P-CC-0001 Outdoor Display of Governmental and Non-Governmental Flags on City Property and (2) authorizing a ceremonial flag recognizing LGBTQ Pride Month during the month of June.                                                                                                                                                                                                                                             |
| Consideration and proposed approval of a resolution: (1) approving Revision No. 3 to City Council Policy P-FI-0016 Financial Policy related to: (a) compliance with GASB Statement No. 98 updating the name, "Comprehensive Annual Financial Report" to "Annual Comprehensive Financial Report", (b) update language related to financing Capital Improvement Projects and (2) repealing and rescinding any previous policies or administrative memoranda which are inconsistent with City Council Policy P-FI-0016 Financial Policy, Revision No. 3. |

|                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5/10 Raftelis contract amendment and Utility Rate Study Council discussion                                                                                                                   |
| 5/10 Water Supply report                                                                                                                                                                     |
| 5/26 Chamber PSA and presentation                                                                                                                                                            |
| Consideration and Proposed Approval of a Resolution adding a Utility Manager Position to Oversee both Water and Wastewater Operation Plants Public Works - Water/Wastewater Treatment Plants |
| <b><u>June City Council Meetings:</u></b><br><b>6/14 (Staff reports due 5/27)</b><br><b>6/28 (Staff reports due 6/10)</b>                                                                    |
| <b><u>PH or OLD / NEW BUSINESS:</u></b><br>6/14 Consideration and Proposed Approval of a Resolution Temporarily Waiving Sign Fees for Business Recovery for Additional Twelve Months.        |

14. ADJOURNMENT

The next Regular City Council meeting is scheduled for May 10, 2022, at 6:00 p.m.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on April 21, 2022.



Cindy Tzaferopoulos, City Clerk

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 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 1572 Railroad Avenue, St. Helena, California, during normal business hours and by appointment. 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.

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

St. Helena, CA— The City of St. Helena is committed to public participation in City government in a manner that is consistent with guidance provided by the Napa County Public Health Official and AB361. These guidelines relate to social distancing, and are intended to protect everyone by limiting the spread of COVID-19 in our community. In adherence to these guidelines, the St. Helena City Council will host a Virtual Council Meeting on Zoom; a free teleconferencing tool that enables users to watch and/or call into the meeting from their computers or phones. This meeting will be open to public and allows for live public comment. The meeting will also be recorded, livestreamed, and posted on the City's website after the adjournment of the meeting if technical difficulties occur: <https://sthelena.civicweb.net/Portal/>

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

#### **How to Watch or Listen to Council Meetings:**

1. Watch on Comcast Channel 28
2. Watch the livestreaming video on the City's website
3. Watch and Listen on Zoom.us by clicking on the link in the Council Agenda
4. Listen only by calling the Zoom number listed on the Council Agenda

#### **Watch Council Meeting by Joining the Zoom Meeting:**

##### **1. By Computer, Tablet, or Smart Phone:**

1. Before joining the virtual City Council Meeting, it is highly encouraged that you download the Zoom App. To sign up for your own free account, visit [zoom.us/signup](https://zoom.us/signup) and enter your email address. You will receive an email from Zoom (no-reply@zoom.us). In this email, click Activate Account.
2. If you are logged into your account, Enter the **Meeting ID** listed on the City Council Agenda. If you have not created an account go to: <https://zoom.us/join> and enter the **Meeting ID**
3. Select if you would like to connect audio and/or video and tap **Join Meeting**.
4. For specific instructions for your device, go to: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

##### **1. Listen Only by Telephone:**

1. **Dial** the number listed on the Council Agenda.

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

#### **Ways to Provide Public Comment:**

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

1. **Send a Public Comment in by 4:00 PM Prior to the Meeting to:**  
[publiccomment@cityofsthelena.org](mailto:publiccomment@cityofsthelena.org)

The easiest way to provide public comment is to email your public comment. Public comments may be emailed to [publiccomment@cityofsthelena.org](mailto:publiccomment@cityofsthelena.org). Please include in the subject line "COMMENT TO COUNCIL and the AGENDA ITEM". Any public comment is required to be submitted no later than 2 hours before the scheduled meeting and will be included as an attachment to the agenda. All public comments will be made publicly available and attached to the agenda item and will not be read out loud. All public comments that are received after 4:00 PM will be attached to the agenda the following day.

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

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

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

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

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

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

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

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

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

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

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

4. **Alternative Public Comment Via Telephone by Reservation**

If you would like to provide comments via telephone (not using Zoom) during the Council meeting, you can request a reservation from the City Clerk prior to 12:00 p.m. on the meeting day. The reservation request may be submitted to the City Clerk by emailing [publiccomment@cityofsthelena.org](mailto:publiccomment@cityofsthelena.org), or by calling (707) 968-2752. When submitting the request, please identify your name, your telephone number (including the area code first), and the agenda item number you would like to comment on. During the Council meeting, a representative from the City Clerk's Office will call you when public comment is called for the requested item. You will then be able to provide your comments to the Council via telephone.

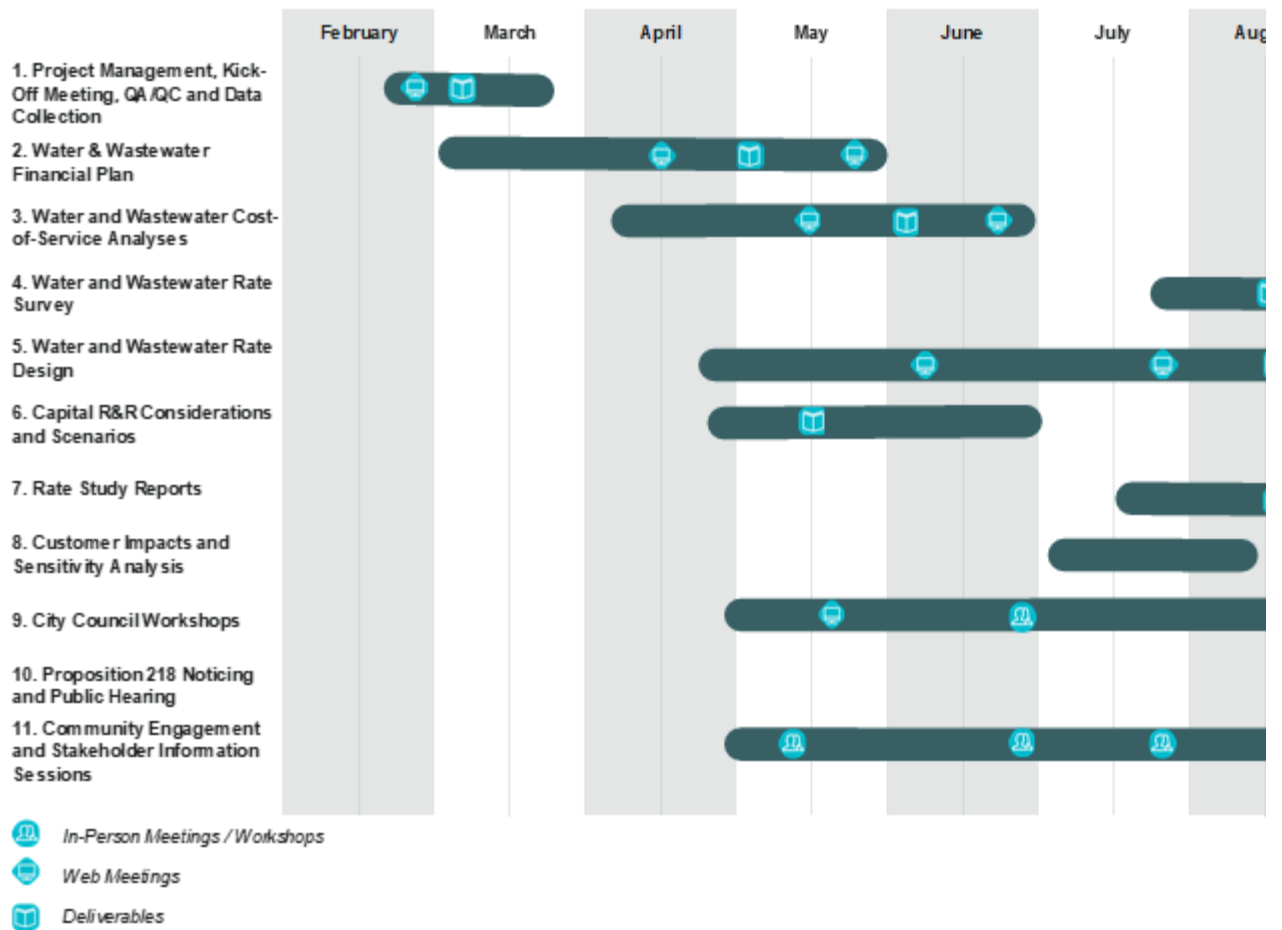
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En cumplimiento de la Ley de Estadounidenses con Discapacidades, si necesita asistencia especial para participar en esta reunión, llame a la Oficina del Secretaría de la Ciudad (707) 967-2792. La notificación 72 horas antes de la reunión, como lo requiere la Sección 202 de la Ley de Estadounidenses con Discapacidades, permitirá a la Ciudad hacer arreglos razonables para garantizar la accesibilidad a esta reunión.

LA CIUDAD DE ST. HELENA ALIENTA LA PARTICIPACIÓN PÚBLICA EN LÍNEA EN REUNIONES VIRTUALES DEL CONSEJO DE LA CIUDAD

St. Helena, CA– La Ciudad de St. Helena está comprometida con la participación pública en el gobierno de la Ciudad de manera que sea consistente con la guía proporcionada por el Oficial de Salud Pública del Condado de Napa y la Orden Ejecutiva N-25-20 del Gobernador Newsom. Estas pautas se relacionan con el distanciamiento social y están destinadas a proteger a todos al limitar la propagación de COVID-19 en nuestra comunidad. En cumplimiento de estas pautas, el Ayuntamiento de St. Helena organizará una Reunión del Consejo Virtual sobre Zoom; Una herramienta de teleconferencia gratuita que permite a los usuarios mirar y / o llamar a la reunión desde sus computadoras o teléfonos. Esta reunión estará abierta al público y permite comentarios públicos en vivo. La reunión también se grabará, se transmitirá en vivo y se publicará en el sitio web de la Ciudad después de la clausura de la reunión si se presentan dificultades técnicas: <https://sthelena.civicweb.net/Portal/>

El enlace web de ZOOM, la identificación de la reunión y el número de teléfono se enumerarán en la parte superior de la Agenda de la reunión del Ayuntamiento. Se le pedirá que ingrese la ID de la reunión, pero no habrá contraseña ni ID de participante.





1. En los controles de la reunión, toque ... Más.



2. Toque **Interpretación de idiomas**.

3. Toque el idioma que desee escuchar.



4. (Opcional) Toque el botón de alternancia **Silenciar audio original**.



5. Haga clic en **Finalizado**.

Cómo ver o escuchar las reuniones del Consejo:

1. Veala a través del canal 28 de Comcast
2. Vea el video de transmisión en vivo en el sitio web de la ciudad
3. Mire y escuche en Zoom.us haciendo clic en el enlace en la Agenda del Consejo
4. Escuche llamando al número de Zoom listado en la Agenda del Consejo

Vea la reunión del Consejo uniéndose a la reunión Zoom:

1. **Por computadora, tableta o teléfono:**
 - a. Antes de unirse a la reunión virtual del Ayuntamiento, le recomendamos que descargue la aplicación Zoom. Para registrarse en su propia cuenta gratuita, visite zoom.us/signup e ingrese su dirección de correo electrónico. Recibirá un correo electrónico de Zoom (no-reply@zoom.us) . En este correo electrónico, haga clic en Activar cuenta.
 - b. Si ha iniciado sesión en su cuenta, ingrese la ID de la reunión que figura en la Agenda del Ayuntamiento. Si no ha creado una cuenta, vaya a: <https://zoom.us/join> e ingrese la ID de la reunión

- c. Seleccione si desea conectar audio y / o video y toque Unirse a la reunión. re. Para obtener instrucciones específicas para su dispositivo, vaya a: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

2. Escuche solo por teléfono:

- a. **Marque** el número que figura en la Agenda del Consejo.
- b. Cuando se le solicite, ingrese la **ID de la reunión** provista en la parte superior de la Agenda de la reunión del Concejo Municipal **y presione #. No se requiere una identificación de participación.**
- c. Para desconectarse de la reunión, cuelgue el teléfono

Formas de proporcionar comentarios públicos:

Mientras asiste a la reunión virtual del Ayuntamiento, el público tendrá la oportunidad de proporcionar comentarios públicos en vivo durante el Foro Público y después de cada tema de la agenda. Cuando sea el momento apropiado para comentarios públicos, el Alcalde abrirá verbalmente los comentarios públicos. En este momento, cada individuo tiene permitido 4 minutos parahablar.

1. Envíe un comentario público por adelantado a publiccomment@cityofsthelena.org

La forma más fácil de proporcionar comentarios públicos es enviar su comentario público por correo electrónico. Los comentarios públicos pueden enviarse por correo electrónico a publiccomment@cityofsthelena.org. Incluya en la línea de asunto "COMENTARIO AL CONSEJO y el PUNTO DEL PROGRAMA". Cualquier comentario público debe presentarse a más tardar 2 horas antes de la reunión programada y se incluirá como un archivo adjunto a la agenda. Todos los comentarios públicos se harán públicos y se adjuntarán al artículo de la agenda y no se leerán en voz alta. Todos los comentarios públicos que se reciban después de las 4:00 PM se adjuntarán a la agenda al día siguiente.

- 2. Proporcione comentarios a través de la reunión Zoom desde una computadora, tableta o teléfono inteligente

Esta opción permite que el público asista virtualmente a la reunión como un "asistente" silenciado sin capacidades de video o pantalla compartida. Podrá ver y escuchar a los participantes en la reunión, pero no podrán escucharlo hasta que el anfitrión de permiso.

Si desea proporcionar comentarios públicos durante un elemento específico de la agenda o durante un foro público, puede usar la función "levantar la mano" ubicada en el panel de control en la parte inferior de la pantalla. El icono es una pequeña mano azul. En Windows también puede usar el atajo de teclado Alt + Y para subir o bajar la mano. En Mac también puedes usar el atajo de teclado Alt + Y para subir o bajar la mano.

Se le notificará al anfitrión que ha levantado la mano y se lo colocará en fila con todas las solicitudes entrantes

Cuando sea su turno de hablar, se le notificará que el anfitrión le ha dado permiso de hablar. Para ser retirado de la fila, simplemente haga clic de nuevo el botón "levantar la mano".

3. Llame a la reunión de ZOOM desde un teléfono fijo o móvil solamente

Esta opción le permite al miembro del público la oportunidad de participar verbalmente en comentarios públicos.

Si desea hablar durante el tiempo de comentarios públicos, marque * 9 en su teléfono.

Se le notificará al anfitrión que le gustaría hablar y se colocará en fila con todas las solicitudes entrantes.

Cuando sea su turno de hablar, se le notificará que el anfitrión le ha dado permiso de hablar. Puede presionar * 9 nuevamente si desea ser eliminado de la fila.

Cindy Tzafopoulos

From: Luke Myers <lukemyers@me.com>
Sent: Monday, April 25, 2022 2:48 PM
To: Public Comment
Cc: Geoff Ellsworth; Paul Dohring; Anna Chouteau; Lester Hardy; Eric Hall
Subject: [External] Public Comment for 4/26 City Council mtg

Dear Council,

As a St. Helena resident passionate about finding creative solutions to the climate crisis, I want to sincerely congratulate and thank you for your recent action regarding the climate emergency resolution for the city. This action reflects the city's updated mission and the values of a majority of our residents.

The language of "emergency" implies implementing *immediate* climate mitigation strategies. It also implies that *every single* municipal action taken henceforth must consider the potential impacts on the climate, and thus the health and wellbeing of our community. These future actions must not only consider the impact, but intentionally be as climate-positive as possible.

It is because of this hope that you have engendered that I am equally heartbroken to learn about the city's consideration of building a new parking lot on Mitchell Drive.

I believe we need bold reimagining of the city of St. Helena that does not reinforce reliance on the city's drivability. Increased parking (without strengthening public transport, denser housing, and accessible sidewalks, for example) will paradoxically increase traffic congestion, making our city and nearby roadways less safe while increasing greenhouse gas emissions per capita. I also believe it will act as a deterrence against pursuing the previous climate solutions mentioned, if potential revenue from visitors driving in from out of town is prioritized over making St. Helena a greener city.

I sympathize with particularly Main Street merchants who have been impacted by Covid-19, and understand the desire for parking access near their businesses. This is why I believe that bold reimagining of public transport and increasing the city's walkability is essential, so that we maintain revenue while also maintaining the small town character of the beautiful St. Helena that we all love.

Another of the myriad negative impacts that would come with a new parking lot is an acceleration of the [heat island effect](#), in which infrastructure such as exposed pavement drastically increases temperatures in urban areas. The last thing any of us want is a St. Helena that becomes so hot that even our essential visitors are deterred from coming.

I do not have all the answers of what positive alternatives to a new parking lot can be, but I expect that your ATSC does. I support pursuing those positive changes, and I oppose strategies that result in a new parking lot.

I implore you to stay the course on your bold new vision, and to include deep environmental consideration in every municipal decision, especially in light of this most recent resolution. Passing the resolution is one thing; truly using it as a beacon of how St. Helena can be a leader for climate justice in our region and state is another. You said this is an emergency, and so many of us agree. Let us see how you act in an emergency.

Many thanks,

Luke Myers
 Chablis Ct.
 St. Helena

Saint Helena Gas Pipeline Strength Test



St. Helena to Calistoga
State Route 29 | Napa County | Post Miles 27.4-35.5





T-1448A Strength Test – Saint Helena

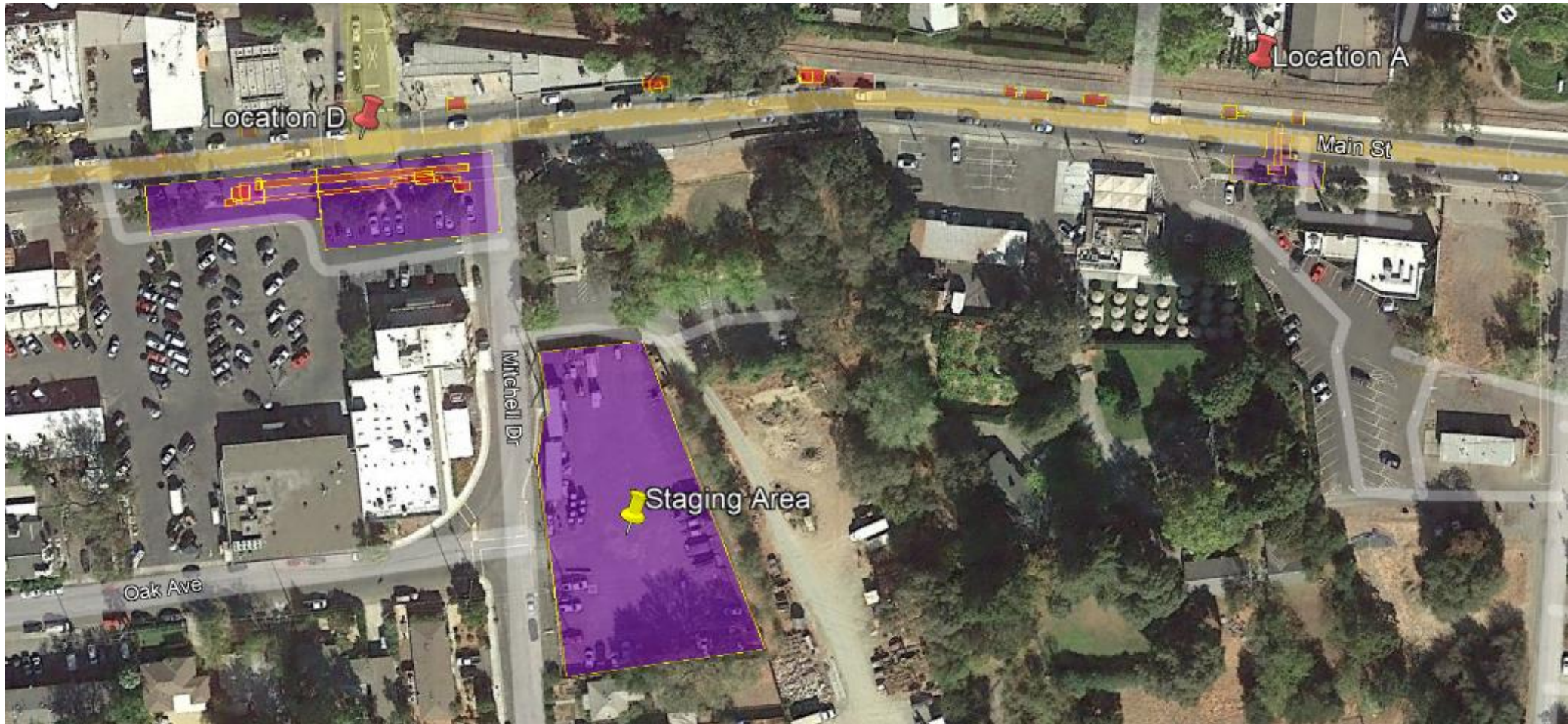
May 2022– September 2022

- **Location:** Saint Helena
 - Excavate at 6 locations between Gotts Roadside and Pratt Lane
- **Project Activities:**
 - Replace small sections of pipeline to enable testing
 - Replace pipeline under Sulphur Creek (trenchless installation)
 - Remove the gas from the pipeline, then fill with water and pressurize it
 - Utilize large tanks to handle water
 - Utilize trucks and heavy equipment





Strength Test – Saint Helena Southern Section



PG&E Napa Bundle Northern Corridor Gas Pipeline Maintenance Program

3



Strength Test – Saint Helena Northern Section



Strength Test – Saint Helena Additional Work areas





Strength Test – Saint Helena – Schedule/Permits

CONSTRUCTION SCHEDULE MAY 2022– OCTOBER 2022

- **Caltrans Permit**
 - Work Hours: 9 pm to 6 am Sunday Night to Friday Morning
 - No Day time traffic control.
 - Mitchel Lane close between Oak and Main St. –Nighttime
 - Sidewalk between Sunshine Market and Mitchel closed 24 hr. per day.
 - Moratorium on work 1 day before, during and 1 day after holiday periods.
 - CEQA Requirements
- **City of St. Helena Encroachment Permit.**
- **City of St. Helena Noise Permit.**
- **City of St. Helena Discharge Permit. Fountain Street**



Strength Test – Saint Helena – Public Outreach

Outreach Conducted for the Strength Test

- PG&E project website: pge.com/upvalleyproject
- Letter sent on 4/6 to 511 customers along Main St
- Canvassed half of downtown Saint Helena, will finish other half this week
- On-site meeting with particularly impacted hotel on 4/12
- Automated phone calls to go out this week to 783 customers

Fire Safe Council Letter



Be Prepared for Wildfire Season Expert Tips for Protecting Your Family, Home and Property During Wildfire Emergencies

After the Glass Fire and the 2017 wildfires, all of us in St. Helena know all too well how frightening and dangerous wildfires can be in Napa Valley. We know that wind-driven embers not only endanger those of us in the hills, but also can travel across the valley, threatening all of us. We also know that the best time for preparing for wildfire emergencies is in the springtime, before the wildfire season begins.

Here are three simple tips and other tools from wildfire experts to help you prepare yourself, your family, your home, your business and your neighbors for the 2022 wildfire season here in Saint Helena:

1. Clean Up Debris, Vegetation and Flammable Plants to Create Defensible Space Around Your Home and Property.

Before wildfire season, clean the debris from your roof and gutters, and create defensible space by removing flammable vegetation 30 feet to 100 feet from your structures. See the following suggestions and take the CalFire survey on how to create "defensible space" to protect your home, you family, and your neighbors – including eligibility for financial assistance to help you pay for your "defensible space" projects and potentially reduce your insurance premiums by doing so.

[Defensible Space \(ca.gov\)](#)
[Defensible Space / PRC 4291 \(ca.gov\)](#)
[DSpace - Self-Assessment Survey Rebuild \(arcgis.com\)](#)
[Insurers Currently Offering Discounts \(ca.gov\)](#)
<https://napafirewise.org/>

2. Get Your "Go Bag" Ready and Updated, and Know Your Emergency Evacuation Orders and Escape Routes.

In the event of a wildfire or other community emergency, you and your family need an updated "go bag" so you can leave on a moment's notice when ordered to do so. You also need to know your evacuation zones and routes, and the communications channels that will keep you informed of emergency warnings and orders in real time. Here are the links to information on what to include in your "Go Bag" and on the "Zonehaven" evacuation map that identifies the evacuation zones in your St. Helena neighborhood. Also, here are links to the Nixle and City of St. Helena emergency warning and evacuation communications systems which will provide real-time information to protect you during a wildfire emergency.

[Emergency Preparedness | City of St. Helena](#)
[Wildfires | Ready.gov](#)
[Stay Informed | City of St. Helena](#)
[Know your Zone / Zonehaven](#)

3. Know and Help Your Neighbors and Community Members Who May Need Extra Help During a Wildfire Emergency.

It is not enough to protect and defend ourselves and our families against wildfires – it is also essential that we help our neighbors and community members who may need extra help during wildfire emergencies, including help to keep in touch during an emergency, help in preserving food and medicines if the power goes out, help in evacuating during an emergency, and help in finding temporary accommodations when evacuated. Saint Helena's social service agencies and Napa County's Community Organizations Active in Disaster (COAD) have established a "one-stop" source of information and resources to help community members who may need extra help during an emergency, including local plans for community residents to "Map My Neighborhood" to help neighbors identify other neighbors who may need extra help during an emergency.

COAD community agencies are active in St. Helena and available to help you prepare to provide extra help to your neighbors during wildfire and other emergencies. You can find help and resources at the following link for Napa Valley COAD: <https://napavalleycoad.org>

BOTTOM LINE: BE PREPARED NOW FOR THE WILDFIRE SEASON! DON'T WAIT UNTIL THE FIRST "RED FLAG" WARNING!

All of us representing your City of Saint Helena local government, emergency responders and community agencies are united in our commitment to protect and defend you and your community against catastrophic wildfires in Napa Valley. But the first and best "line of defense" is you and being prepared ahead of time.

Help us all keep our Saint Helena community safe and prosperous. Feel free to contact any of us if you need any further information or support for your wildfire protection and preparation.


John Sorensen
SAINT HELENA FIRE CHIEF


Chris Warner
SAINT HELENA FIRE SAFE COUNCIL


Chris Hanley
SAINT HELENA POLICE CHIEF


Geoff Ellsworth
CITY OF SAINT HELENA MAYOR

Weed Abatement

Public Awareness:

- Weed abatement insert included in the May 15th water bill
- Reminders posted on Social Media (Facebook & Instagram)
- Ad placed in St. Helena Star
- Public education booth at Farmer's Market
- Information Campaign with electronic sign boards
- City attorney working on new City ordinance to enforce non-compliance

Water Bill Insert



WEED ABATEMENT

To keep St. Helena safe, the St. Helena Fire Department reminds you that it's time to trim the hedges, cut the grass, and keep the fields clear. In complying with St. Helena's Municipal Code Section 8.08.010, the following must occur on or before June 1st:

Dead, decayed, diseased or hazardous trees, weeds and overgrown, uncultivated vegetation, which are hazardous, or may cause a danger to public safety, must be disked, cut and/or removed to a maximum of 4" in height.

ST. HELENA FIRE DEPARTMENT
1480 Main Street | St. Helena, CA 94574
(707) 967-2880 | avidler@cityofsthelelena.org



Social Media Post



WEED ABATEMENT

THE FOLLOWING MUST OCCUR BY JUNE 1ST:
Dead, decayed, diseased or hazardous trees, weeds and overgrown, uncultivated vegetation, which are hazardous, or may cause a danger to public safety, must be disked, cut and/or removed to a maximum of 4" in height.

ST. HELENA FIRE DEPARTMENT
(707) 967-2880 | avidler@cityofsthelelena.org



St. Helena Star Ad



WEED ABATEMENT

The St. Helena Fire Department reminds you that the following must occur on or before June 1st:

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ST. HELENA FIRE DEPARTMENT
(707) 967-2880 | avidler@cityofsthelelena.org



FEMA Grant – Fuel Reduction

Pratt Avenue



Water Shed



Flood Project



B. TOTAL PROJECT COST ESTIMATE:

Enter total cost formulated on the
[HMGP Cost Estimate Spreadsheet](#)

\$2,488,906

ENTER \$ IN BOX ABOVE

FEDERAL SHARE (75% MAXIMUM)	REQUESTED AMOUNT:	\$1,866,679.50
		ENTER \$ IN BOX ABOVE
	PERCENTAGE AMOUNT:	75.0%
		ENTER % IN BOX ABOVE

NON-FEDERAL SHARE (25% MINIMUM)	REQUESTED AMOUNT:	\$622,226.50
		ENTER \$ IN BOX ABOVE
	PERCENTAGE AMOUNT:	25.0%
		ENTER % IN BOX ABOVE

Napa County Measure L

Ordinance No. 2022-01

To enhance local fire protection and reduce wildfire risk in Napa County by:

- Ensuring defensible space around homes, neighborhoods, and businesses; creating fuel breaks; reducing vegetation and flammable brush; improving early wildfire detection and suppression systems; and, clearing emergency access roads for first responders and residents.
- Napa County shall establish a ¼ cent sales tax for 10 years, providing approximately \$10,000,000 annually, with citizen oversight, independent annual audits, and all revenue staying local .

Glass Fire After Action Report

- 85% or recommendations have been completed
- 15% percent are scheduled

California Fire Season Outlook

California continues to experience longer wildfire seasons as a direct result of climate change. Extended dryness originating from January is expected to continue into the spring with little precipitation, leaving most of the state in moderate to extreme drought conditions prior to summer. These continued dry conditions, with above normal temperatures through spring, will leave fuel moisture levels lower than normal, increasing the potential for wildland fire activity.

Source: <https://www.fire.ca.gov/incidents/>

Prevention & Public Awareness

Hotels:

- Wydown Hotel
- Hotel St. Helena
- Vineyard Country Inn
- Harvest Inn
- Alila Napa Valley

Public and Private Schools:

- High School & District Offices
- Middle School
- Elementary School
- Primary School
- Montessori School



Short Term Rental Inspections: Performed at various times throughout the year when a permit is renewed

Business Inspections: In progress. Projected completion in Fall of 2022

Police Department Outreach: Remind residents about "ZoneHaven" & work with St. Helena Firewise to organize more evacuation drills in the city



St. Helena Fire Safe Council 2022 Fire Season Update

Presentation to St. Helena City Council
April 26, 2022

Chris Warner chrisjwarner52@gmail.com

Jeff Farmer jfarmer@seedgrain.com

[Home - Napa Communities Firewise Foundation \(napafirewise.org\)](http://napafirewise.org)

St. Helena Fire Safe Council

Contact Info

- Chris Warner chrisjwarner52@gmail.com 415-309-9572
- Jeff Farmer jfarmer@seedgrain.com 707-227-8371

2022 Fire Season Priorities

- Support Fire Department and Police Department evacuation drills and outreach, especially on east side of City
- Begin implementing St. Helena-specific fire break projects on west side, helping protect Sylvaner subdivision and Spring Street residents, as part of Napa Communities Firewise Foundation (NCFF) fuel mitigation and evacuation route projects
- Support and promote community outreach on defensible space by property owners, including City of St. Helena letter and upcoming NCFF \$2,000 per property owner cost sharing assistance
- Strongly support community and social services organizations outreach and education, such as COAD, Rianda House
- Support additional funding sources for wildfire prevention and community wildfire safety-related projects, including Measure L (County) and Measure H (St Helena) on June ballot

***Thank you for allowing us to speak to you today.
Please feel free to ask any questions and follow up
with us with suggestions and comments. We need
your help!***

Chris and Jeff

St. Helena Fire Safe Council

chrisjwarner52@gmail.com

jfarmer@seedgrain.com

City of St. Helena PROCLAMATION

Monarch and Pollinator Awareness Month May 2022

- WHEREAS, more than eighty-five percent of flowering plants on Earth, including wild and cultivated species, require the assistance of animal pollinators in order to produce seeds; and
- WHEREAS, pollinators play a vital role in maintaining a healthy ecosystem. Local plant species, wildlife, and urban agriculture all depend on pollination from bees, butterflies, and other animals; and
- WHEREAS, globally, pollinators are in great decline due to pressures including habitat loss, climate change and increased use of pesticides; and
- WHEREAS, the western monarch butterfly is an iconic North American species whose multigenerational migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and
- WHEREAS the western monarch butterfly population has been reduced by 95% since the 1980's with only 247,000 migratory western monarch butterflies counted in January 2022; and
- WHEREAS, the United States Department of Agriculture and the U.S. Fish and Wildlife Service have declared the monarch to be a priority species for conservation because healthy monarch habitat benefits a wide variety of other species; and
- WHEREAS, the Xerces Society has declared Napa County a Priority 1 Action Zone in the conservation of western monarch butterflies; and
- WHEREAS, St. Helena is home to many native pollinator species such as birds, bats, and insects which keep our environment healthy and biodiverse; and
- WHEREAS, St. Helena recognizes that human health ultimately depends on well-functioning ecosystems and that biodiverse regions can better support food production, healthy soil and air quality and can foster healthy connections between humans and wildlife; and
- WHEREAS, St. Helena is working to build a healthy, sustainable and wildlife-friendly community that brings the many benefits of nature to all corners of our community; and
- WHEREAS, every resident in St. Helena can help make a difference for the western monarch butterfly and other native pollinators by planting native host plants, including native milkweed, and other nectar plants in pesticide free zones and taking other steps to provide healthy habitat in back yards, rights-of-way, and open spaces; and
- WHEREAS, the Western Monarch Society of Napa County will give out a limited number of native milkweed plants to community members in the Spring of 2022; and
- WHEREAS, St. Helena will continue to support local, state and national efforts that protect, restore, and conserve habitat for pollinators, as well as foster a greater connection between residents and wildlife; and
- WHEREAS, Cities, towns and counties have a critical role to play to help save the monarch butterfly and other native pollinators, and St. Helena is striving to become a leader; and

NOW THEREFORE BE IT RESOLVED that I, Geoff Ellsworth, Mayor of St. Helena, and the City Council Members of the City of St. Helena do hereby proclaim the month of May as "Monarch and Pollinator Awareness Month" in the City of St. Helena and encourages all residents to participate in community activities that support and celebrate monarch and pollinator protection and conservation, especially planting native milkweed and other native nectar flowers in pesticide free zones on their properties.

April 26, 2022

Geoff Ellsworth, Mayor

MINUTES
City of St. Helena
Special City Council Meeting
Friday, March 25, 2022 @ 1:30 PM

A complete video recording of this meeting, except for closed session, can be found at <https://sthelena.civicweb.net/Portal/> or by calling the City Clerk at (707) 968-2742. The City Council video is the official record of the Council meeting.

Present: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

Absent: None

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ADOPTION OF THE AGENDA**

- 3.1 Adoption of the agenda

City Clerk Cindy Tzaopoulos noted no changes to the agenda.

Council Member Anna Chouteau moved to adopt the agenda as presented. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall
 NOES: None
 ABSENT: None
 ABSTAIN: None
 RECUSE: None

- 4. PUBLIC COMMENT:**

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

- 5. CONSENT CALENDAR:**

- 5.1 *NEW ITEM 3-24-2022 at 1:00 p.m.
 Consideration of a request from Council Member Chouteau approving a resolution authorizing the Ukrainian flag to be flown on the ceremonial flag

Special City Council
March 25, 2022

pole.

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Discuss and provide direction on the duration of time that the flag will be flown.

City Clerk Cindy Tzafopoulos reported on the item.

It was the consensus of the City Council to fly the flag until June 1st.

No public comment was received.

Council Member Anna Chouteau moved to approve the recommended action.
The motion was seconded by Council Member Lester Hardy and on roll call
carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member
Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

6. OLD BUSINESS:

6.1 Consideration and recommended approval of:

1. Resolution approving a Professional Services Agreement with Raftelis Financial Consultants to provide services associated with a Water and Wastewater Rate Study for a total not to exceed amount of \$146,310 and a budget increase to 561-43-00-21-45 in the amount of \$73,155 utilizing water enterprise fund balance and a budget increase to 571-43-00-21-45 in the amount of \$73,155 utilizing wastewater enterprise fund balance; and
2. Provide preliminary direction on rate study approach

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Asst. Administrative Services Director
Recommendation:
Adopt the attached resolution and provide preliminary Council direction on certain aspects of the rate study approach.

Administrative Services Director April Mitts reported on the item.

Consultants Kevin Kostiuk and Jim Armstrong addressed the City Council.

Special City Council
March 25, 2022

Vice Mayor Dohring requested the City look into having a long term Oversight Water Commission, Mayor Ellsworth agreed.

Kelly W., Garry Rose, Nancy Dervin addressed the City Council for public comment.

It was the consensus of the City Council to look into tiered rates and recruit for a Water Advisory Committee.

Council Member Lester Hardy moved to adopt the resolution. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

7. ADJOURNMENT

Mayor Ellsworth adjourned the meeting at 2:30 p.m.

The special City Council meeting minutes of March 25, 2022 were adopted at the regular City Council meeting of April 26, 2022.

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, April 12, 2022 @ 6:00 PM

A complete video recording of this meeting, except for closed session, can be found at <https://sthelena.civicweb.net/Portal/> or by calling the City Clerk at (707) 968-2742. The City Council video is the official record of the Council meeting.

Present: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

Absent: None

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADOPTION OF THE AGENDA**

3.1 Adoption of the agenda

City Clerk Cindy Tzaopoulos noted no changes to the agenda.

Council Member Eric Hall moved to adopt the agenda as presented. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

- 4. ROLL CALL**
- 5. PUBLIC FORUM:**

Elaine de Man and Leslie Stanton addressed the City Council.

- 6. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, and AB 1234 REPORTS:**

Reports were made by staff and City Council.

Regular City Council
April 12, 2022

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

- 7.1 Proclamation Recognizing the Outstanding Contributions of our Local Healthcare Professionals and Volunteers in Response to COVID-19 Pandemic Presented to Dr. Steve Herber

Dr. Steve Herber addressed the City Council.

- 7.2 Proclamation Declaring St. Helena Stands in Solidarity with Ukraine

Council Member Chouteau addressed the City Council.

- 7.3 Sexual Assault Awareness Month Proclamation Presented to Heather Bailie, Sexual Assault Victim Services Program Manager

Heather Bailie addressed the City Council.

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 Regular Meeting Minutes of November 23, 2021 and March 22, 2022 and Special Meeting Minutes of October 2, 2020, December 3, 2020, December 7, 2020, April 1, 2021, June 22, 2021, June 29, 2021, November 15, 2021, March 15, 2022 and March 17, 2022.

Prepared By: Cindy Tzafopoulos, City Clerk

- 8.2 Consideration and Proposed Adoption of a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Artemis Habitat, in an amount not-to-exceed \$54,000 for non-native invasive species removal for the Upper York Creek Ecosystem Restoration, City Project No. W-26.

CEQA Determination: Environmental Impact Report (SCH. No. 2006092096)

Prepared By: Martin Beltran, Management Analyst

Recommendation:

Staff recommends City Council adopt the attached Resolution.

Item 8.3 was pulled from consent.

- 8.3 ~~Consideration of Second Reading and Proposed Adoption of a Ordinance Adding Chapter 17.138 "Time Share Uses" and Sections 17.138.060 to Title 17, Zoning of the St. Helena Municipal Code, amending sections 17.48.030 (Central Business) and 17.52.030 (Service Commercial) and Deleting Section 17.112.130 of the St. Helena Municipal Code~~

Regular City Council
April 12, 2022

- 8.4 Consideration and Proposed Approval of a Resolution approving an Employment Agreement with David Jahns and Ratifying the City Manager's Appointment to serve as the Parks & Recreation Director; and in accordance with California Code Section 54953(c)(3) the recommended final action for Recreation Director beginning April 25, 2022 provides for an annual base salary of \$126,426 (Step A) with the following benefits, vehicle allowance of \$200 per pay period, Deferred Compensation City match of up to \$200 per month, health benefits consistent with the benefits offered to other employees of the City, and will receive retirement benefits at a Classic Tier 1 formula of 2% at 60, final compensation based on highest 12-month period

CEQA Determination: Not a CEQA project

Prepared By: Angela Cotton, Human Resources Manager

Recommendation:

Staff recommends the City Council adopt the attached resolution.

- 8.5 Consideration and Proposed Approval of a Resolution Approving the Hiring of Napa Valley Community Housing (NVCH) by Our Town St. Helena to be the Property Manager for the Affordable Housing Projects located at 963 Pope Street and 723 Hunt Avenue in the City of St. Helena, California

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Administrative Services Director

Recommendation:

Staff recommends City Council approve the attached resolution.

Item 8.6 was pulled from consent.

- 8.6 ~~Consideration and Proposed Approval of a Resolution Declaring a Climate Emergency~~

Council Member Anna Chouteau moved to approve Consent items 8.1, 8.2, 8.4 and 8.5. The motion was seconded by Council Member Eric Hall and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

Council Member Hall abstained himself from the minutes noted in item 8.1 that occurred before his swearing in as a Council Member.

- 8.3 Consideration of Second Reading and Proposed Adoption of a Ordinance

Regular City Council
April 12, 2022

Adding Chapter 17.138 "Time Share Uses" and Sections 17.138.060 to Title 17, Zoning of the St. Helena Municipal Code, amending sections 17.48.030 (Central Business) and 17.52.030 (Service Commercial) and Deleting Section 17.112.130 of the St. Helena Municipal Code

CEQA Determination: Exempt

Prepared By: Ethan Walsh, City Attorney

Recommendation:

Staff recommends that the City Council conduct the second reading by [title only and waive further reading and adopt the](#) Ordinance Adding Chapter 17.138 "Time Share Uses" and Sections 17.138.010-17.138.060 to Title 17, Zoning, of the St. Helena Municipal Code, amending sections 17.48 (Central Business) and 17.52 (Service Commercial) and Deleting Section 17.112.130 of the St. Helena Municipal Code.

Ike Kwon, Shelley Hubner, Leslie Stanton, Simon Bull, Taylor Lopez, Connie Wilson, Michael Semay, Citizen, Andres Villaquiran, Elaine de Man and Nancy Dervin addressed the City Council for public comment.

Vice Mayor Paul Dohring moved to approve item 8.3 by title only, waiving further reading. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

After item 8.3, Interim City Manager Jim McCann introduced recently appointed Parks and Recreation Director David Jahns.

David Jahns addressed the City Council.

8.6 Consideration and Proposed Approval of a Resolution Declaring a Climate Emergency

CEQA Determination: Not a CEQA project

Prepared By: Preya Nixon, Asst. to the City Manager

Recommendation:

It is recommended that City Council consider the proposed resolution with the ATSC recommendations declaring a climate emergency.

Interim City Manager Jim McCann reported on the item.

Regular City Council
April 12, 2022

Elaine de Man, Jim Wilson, Lori Stelling addressed the City Council for public comment.

Council Member Hardy proposed a change to number two of the Resolution to read as “That the scientific evidence indicates that the urgency of mobilizing a global effort to reverse global warming as quickly as possible with a goal of achieving zero net emissions by 2030.”

Interim City Manager McCann proposed a change to number four of the Resolution to add a clause stating “balanced against other municipal demands and available financial and staff resources.”

Vice Mayor Paul Dohring moved to approve with Council Member Hardy and Interim City Manager Jim McCann’s amendments. The motion was seconded by Council Member Eric Hall and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, and Council Member Lester Hardy

NOES: Council Member Eric Hall

ABSENT: None

ABSTAIN: None

RECUSE: None

9. PUBLIC HEARINGS

9.1 Consideration and proposed adoption of the following:

Adopt a resolution recommending that the City Council approve the Mitigated Negative Declaration / Mitigation Monitoring and Reporting Program for the project, make the required findings; and Adopt a resolution making specific findings and recommending City Council approve the proposed Mills Lane Storm Drain Improvements Project.

***This item was noticed to be heard at the November 9, 2021 regular City Council meeting and was subsequently continued to the December 14, 2021, January 11, 2022, January 25, 2022, February 8, 2022, February 22, 2022, March 8, 2022, April 12, 2022 regular City Council meetings. This item is being continued again to the April 26, 2022 regular City Council meeting.**

10. OLD BUSINESS

10.1 Consideration of Recommended Alignment of the Napa Valley Vine Trail Corridor Through the City of St. Helena (Staff report forthcoming **Provided 4-8-2022**)

Regular City Council
April 12, 2022

CEQA Determination: Not a CEQA project
Prepared By: James C. McCann, Interim City Manager
Recommendation:
Discussion and consideration of a Preferred Alignment of the Napa Valley Vine Trail through the City of St. Helena.

Interim City Manager Jim McCann reported on the item.

Executive Director of the Napa Valley Vine Trail Shawn Casey-White and Consultant Chuck McMinn addressed the City Council.

Lee Philipson, Kim Phinney, Ronald Arata addressed the City Council.

Vice Mayor Paul Dohring moved to adopt the staff recommended action and alignment. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

Vice Mayor Dohring called for a 4-minute break at 8:32 p.m., Mayor Ellsworth reconvened the meeting at 8:36 p.m.

11. NEW BUSINESS

11.1 Discussion and Direction regarding Parking Impact Overlay District Potential Policy Changes to Incorporate into Comprehensive Zoning Code Update

CEQA Determination: Exempt
Prepared By: Maya DeRosa, Planning & Building Director
Recommendation:
Provide direction to staff.

Planning and Building Director Maya DeRosa reported on the item.

Council Member Lester Hardy moved to continue the meeting beyond 9:00 p.m. to 9:30 p.m. The motion was seconded by Council Member Eric Hall and on roll call carried by the following vote:

AYES: Mayor Geoff Ellsworth, Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Eric Hall
NOES: None

Regular City Council
April 12, 2022

ABSENT: None
ABSTAIN: None
RECUSE: None

Chamber of Commerce Representative Stephanie Iacobacci and Tony Leonardini addressed the City Council for public comment.

It was the consensus of the City Council to concur with the staff recommendation moving forward with Option 4: Implement Option 2 with goal to fund and complete a downtown parking study and parking in-lieu fee study, and partner with the Chamber of Commerce for further engagement. Then bring back a Resolution to a future meeting regarding fees and parking consultants.

12. ITEMS LIKELY TO BE PLACED ON THE NEXT OR FUTURE MEETING AGENDA:

12.1	<u>April City Council Meetings:</u> 4/26 (Staff reports due 4/8)
	<i>Presentation</i>
	4/26 PG&E Presentation of downtown gas line replacement project
	4/26 May as Monarch & Pollinator Awareness Month
	4/26 Chief Sorensen's Fire Season Overview and Fire Prevention reminder. Presentation by Chris Warner, St Helena Fire Council.
	4/26 NVC City Hall move update
	<i>STAFF BRIEFING:</i>
	4/26 WWTP construction project regular progress/status reports.
	<i>CONSENT:</i>
	4/26 Award of Contract for MarinIT for IT improvements at the NVC
	4/26 Amendment No. 5 to Water Supply Agreement Between City of Napa and City of St Helena
	4/26 Review and consideration of the 2021 St. Helena Annual Housing Element Progress Report.
	4/26 Quarterly Grant Report FY22 3RD Quarter
	4/26 Consideration and proposed adoption of a resolution (1) authorizing the City Manager to execute Amendment No. 2 to STH Contract: FY 2019-028 in the amount of \$48,340, to the Professional Services Agreement with Oscar Larson and Associates for designing CIP Projects: Tank 2 Rehabilitation W-101, Pump Station Upgrades W-106, and Rutherford Pump Station Upgrades W-110 for a total not-to-exceed amount of \$246,030, and (2) authorize the transfer of \$31,200 from Project W-101 Contingency to Project W-101 Design.
	4/26 Mural Donation
	<i>PH or OLD / NEW BUSINESS:</i>
	4/26 Consideration and Proposed Approval of a Resolution adding a

Regular City Council
April 12, 2022

Utility Manager Position to Oversee both Water and Wastewater Operation Plants Public Works - Water/Wastewater Treatment Plants
4/26 Chamber annual update
4/26 in person meetings discussion
OB 4/26 Discussion and direction regarding criteria to be considered in selection of Mayor if measure G is approved by the voters
May City Council Meetings:
5/10 (Staff reports due 4/22)
5/24 (Staff reports due 5/6)
Presentation
5/10 May as Preservation Month
STAFF BRIEFING:
5/24 WWTP construction project regular progress/status reports.
5/10 Utility rate study update
CONSENT:
5/24 Consideration and action on a Resolution to amend the existing two year agreement with Housing Authority of the City of Napa to provide contract housing authority services (originally approved for an amount not to exceed \$88,114 for the two year period) for an increased overall contract amount of \$9,347 to cover anticipated increased costs over the remaining term of the contract.
PH or OLD / NEW BUSINESS:
5/24 Gun Safe Storage Ordinance
5/10 Utility rate study ad hoc appointments
PH 5/24 The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).
PH Mills Lane
OB Water Penalty Discussion
OB Financial Policy Update
formula business policy
OB Discussion, direction, and proposed approval of a resolution (1) rescinding Resolution 2017-75 and amending Policy P-CC-0001 Outdoor Display of Governmental and Non-Governmental Flags on City Property and (2) authorizing a ceremonial flag recognizing LGBTQ Pride Month during the month of June.
Consideration and proposed approval of a resolution: (1) approving Revision No. 3 to City Council Policy P-FI-0016 Financial Policy related to: (a) compliance with GASB Statement No. 98 updating the name, "Comprehensive Annual Financial Report" to "Annual Comprehensive Financial Report", (b) update language related to financing Capital Improvement Projects and (2) repealing an

Regular City Council
April 12, 2022

rescinding any previous policies or administrative memoranda which are inconsistent with City Council Policy P-FI-0016 Financial Policy, Revision No. 3.
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<u>June City Council Meetings:</u>

6/14 (Staff reports due 5/27)

6/28 (Staff reports due 6/10)

<u>PH or OLD / NEW BUSINESS:</u>

6/14 Consideration and Proposed Approval of a Resolution Temporarily Waiving Sign Fees for Business Recovery for Additional Twelve Months.
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13. ADJOURNMENT

Mayor Ellsworth adjourned the meeting at 9:29 p.m.

The regular City Council meeting minutes of April 12, 2022 were adopted at the regular City Council meeting of April 26, 2022.

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk



Report to the City Council
Regular City Council - 26 Apr 2022

Agenda Section: CONSENT ITEMS

Subject: Consideration and proposed adoption of a resolution authorizing the City Manager to execute Amendment No. 2 to STH Contract: FY 2019-028 in the amount of \$42,140, to the Professional Services Agreement with Oscar Larson and Associates for designing CIP Projects: Tank 2 Rehabilitation W-101, Pump Station Upgrades W-106, and Rutherford Pump Station Upgrades W-110 for a total not-to-exceed amount of \$239,830.

CEQA Determination: Exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which exempts the operation, leasing, or minor alteration of existing facilities

Prepared By: Martin Beltran, Management Analyst

Reviewed By: Mark Rincon-Ibarra, Public Works Director and City Engineer

Approved By: James C. McCann, Interim City Manager

BACKGROUND

City Staff released a Request for Proposals (RFP) for multiple Capital Improvement Program (CIP) Water Projects in February 2018. Due to the number of similar water projects, the Public Works Department determined it would be beneficial and cost effective to coordinate through one design consultant and streamline project delivery. The CIP projects included in the RFP were the Tank 2 Rehabilitation W-101, Pump Station Upgrades W-106, and the Rutherford Pump Station Upgrades W-110.

Following the release of the RFP, staff received three proposals for the work. The three consulting firms who submitted proposals were GEI Consultants, Bennett Engineering, and Oscar Larson and Associates. The selection committee, comprised of former Public Works Director Erica Ahmann Smithies, former Utilities & Operations Manager Felix Hernandez, and former Project Manager Tobias Barr, evaluated each proposal and determined that Bennett Engineering and Oscar Larson should be interviewed for the

work based on experience. Interviews were conducted by staff and, following the interviews, staff determined that Oscar Larson and Associates had the most applicable experience and would be the best fit for the projects. Oscar Larson and Associates has extensive experience with municipalities, has experience on similar sized projects within the area, and is the most knowledgeable with pump stations.

On September 25, 2018, City Council adopted Resolution 2018-128 authorizing the City Manager to execute a Professional Services Agreement with Oscar Larson and Associates for design services in the amount of \$145,190.

On January 26, 2021, City Council adopted Resolution 2021-9 authorizing Amendment No. 1 to STH Contract: FY 2019-028 in the amount of \$52,500, to the Professional Services Agreement with Oscar Larson and Associates for designing CIP Projects: Tank 2 Rehabilitation W-101, Pump Station Upgrades W-106, and Rutherford Pump Station Upgrades W-110 for a total not-to-exceed amount of \$197,690.

DISCUSSION

The Agreement's current Scope of Services does not include the funds for additional work identified during City staff's review for each of the respective projects listed below. Staff recommends an amendment to the current contract that will allow for additional work to complete design plans and specifications, as well as assist with bid and construction support services. Amendment No. 2 will allow Oscar Larson and Associates to complete final design plans and bid documents in order to advertise and bid CIP project W-101 Tank #2 Rehabilitation. The Consultant will also prepare, assemble, and forward to the City all Plans, Technical Specifications and Construction Cost Estimate (PS&E) documents prepared to date for the W-110 Rutherford Pump Station project. The following services will be included in Amendment No. 2 for each of the projects.

W-101 Tank #2 Rehabilitation - \$31,200

Consultant was previously contracted to prepare PS&E for the project to Recoat Tank #2. The City had intended to use the documents to develop its own Bid Package for City to proceed with a bid process of advertising, receiving bids, and award to a construction contractor.

Due to limited staff availability, staff recommends Oscar Larson be authorized complete the bidder's book documents, publish the project for bid, respond to RFIs, evaluate bids, and issue a recommendation to award. Amendment No. 2 will allow the Consultant to prepare the entire Bid Package suitable for City to advertise for bids and award for construction bids. The complete Bid Package will consist of all City standard draft documents and Consultant's previously prepared PS&E's for the Water Tank #2 Project.

Consultant will assist City during the bidding process through the day of City award to a contractor. Consultant will organize and attend one scheduled onsite pre-bid meeting and project site visit for contractors attendance. Consultant's estimated time is based on a 30 day advertisement and bidding timeframe, plus a two-week period for City to award the

bid. During the bidding period, Consultant will assist City to answer contractor questions, and Consultant will prepare and transmit Requests for Information (RFI) and responses to bidder's questions. Consultant will evaluate the bidders bids and will prepare a report with recommendations to City.

W-110 Rutherford Pump Station \$10,940

Consultant was contracted to prepare PS&E for the project. The original Project definition was to construct a new water pump station with an installed emergency generator in a building at the site. Due to operational changes related to the Napa Water Intertie this project no longer serves the City's immediate needs.

City now seeks to consider a revised and final project description and develop an updated design scope for the project and the facility. Staff recommends the project be closed and all documents/PS&E's created be delivered to the City in electronic format. Staff will re-evaluate this project after City of Napa completes improvements to the Dwyer Pump Station.

Original Agreement Amount	\$145,190
Amendment No. 1	\$52,500
Amendment No. 2	\$42,140

Total Compensation Not to Exceed \$239,830

FISCAL IMPACT

Amendment No. 2 is for an additional \$42,140, for a total not-to-exceed amount of \$239,830. Sufficient funding for design is available in the total approved budget for each of the projects. Below is a breakdown of the budgeted/available amounts for each of the CIP Projects and Attachments 3 and 4 are the adopted CIP budgets for W-101 and W-110.

Table 1 - W-101 Amendment #2 - \$31,200

CIP Project	Total Budget	Actual Spent To-Date	Encumbered	Available
Design	35,204	(55,939)		(20,735)
Contingency	63,000			63,000
TOTAL	98,204	(55,939)		42,265

Table 2 - W-110 Amendment #2 - \$10,940

CIP Project	Total Budget	Actual Spent To-Date	Encumbered	Available
Design	80,000	(78,103)	(1,897)	
Contingency	52,500	(125)		52,375
TOTAL	132,500	(78,528)	(2,022)	52,375

RECOMMENDED ACTION

Staff recommends City Council adopt the attached resolution.

ATTACHMENTS

[Attachment 1: Resolution](#)

[Attachment 2: Amendment No. 2 OLA](#)

[Attachment 3: W-101 CIP Budget Sheet](#)

[Attachment 4: W-110 CIP Budget Sheet](#)

CITY OF ST. HELENA

RESOLUTION No. 2022-

Authorizing (1) the City Manager to execute Amendment No. 2 to STH Contract: FY 2019-028 in the amount of \$42,140, to the Professional Services Agreement with Oscar Larson and Associates for designing CIP Projects: Tank 2 Rehabilitation W-101 and Rutherford Pump Station Upgrades W-110 for a total not-to-exceed amount of \$239,830.

RECITALS

- A. City Staff released a Request for Proposals (RFP) for multiple Capital Improvement Program (CIP) Water Projects in February 2018; and
- B. Due to the number of similar water projects, the Public Works Department determined it would be beneficial and cost effective to coordinate through one design consultant and streamline project delivery. The CIP projects included in the RFP were the Tank 2 Rehabilitation W-101, Pump Station Upgrades W-106, and the Rutherford Pump Station Upgrades W-110; and
- C. City staff selected Oscar Larson and Associates through a Request for Proposals process, and determined that Oscar Larson and Associates is highly qualified and has the best applicable experience for the projects; and
- D. On September 25, 2018, City Council authorized resolution number 2018-128 authorizing the City Manager to execute a Professional Services Agreement with Oscar Larson for design services in the amount of \$145,190; and
- E. On January 26, 2021, City Council authorized Amendment No. 1 to STH Contract: FY 2019-028 in the amount of \$52,500, to the Professional Services Agreement with Oscar Larson and Associates for designing CIP Projects: Tank 2 Rehabilitation W-101, Pump Station Upgrades W-106, and Rutherford Pump Station Upgrades W-110 for a total not-to-exceed amount of \$197,690; and
- F. The Agreement's current Scope of Services does not include the funds, or the additional work needed to allow Oscar Larson and Associates to complete final design plans and bid documents in order to advertise and bid CIP project W-101 Tank #2 Rehabilitation and prepare, assemble, and forward all PS&E documents prepared to date to the City for CIP Project W-110 Rutherford Pump Station Upgrades; and

- G. Amendment No. 2 is for an additional \$42,140, for a total not-to-exceed amount of \$239,830; and
- H. Sufficient funding for design is available in the total approved budget for each of the projects.

RESOLUTION

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

1. Authorizes the City Manager to execute Amendment No. 2 to STH Contract: FY 2019-028 in the amount of \$42,140, to the Professional Services Agreement with Oscar Larson and Associates for designing CIP Projects: Tank 2 Rehabilitation W-101 and Rutherford Pump Station Upgrades W-110 for a total not-to-exceed amount of \$239,830.

Approved at a Regular Meeting of the St. Helena City Council on April 26, 2022, by the following vote:

Mayor Ellsworth:	_____
Vice Mayor Dohring:	_____
Councilmember Chouteau:	_____
Councilmember Hall:	_____
Councilmember Hardy:	_____

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk

**AMENDMENT NO. 2
TO PROFESSIONAL SERVICES AGREEMENT WITH OSCAR LARSON AND
ASSOCIATES; STH CONTRACT NO: 2019-028 FOR DESIGN SERVICES ON THE
FOLLOWING CAPITAL IMPROVEMENT PROJECTS: W-101 TANK 2 REHABILITATION,
W-106 PUMP STATION UPGRADES, AND W-110 RUTHERFORD PUMP STATION
UPGRADES**

This Amendment No. 2 to Professional Services Agreement STH Contract: 2019-028 dated September 25, 2018 ("Agreement") is made as of this ____ day of _____, 2022, by and between the City of St. Helena, a municipal corporation ("City"), and Oscar Larson and Associates ("Consultant").

RECITALS

- A. City staff selected Oscar Larson and Associates through a Request for Proposals process, and determined that Oscar Larson and Associates is highly qualified and has the best applicable experience for the projects; and
- B. On September 25, 2018, the City and Oscar Larson and Associates entered into the Agreement for Consultant to provide professional design services in connection with the project described as CIP Projects: W-101 Tank 2 Rehabilitation, W-106 Pump Station Upgrades, and W-110 Rutherford Pump Station Upgrades; and
- C. On January 26, 2021, City Council authorized Amendment No. 1 to STH Contract: FY 2019-028 in the amount of \$52,500, to the Professional Services Agreement with Oscar Larson and Associates for designing CIP Projects: Tank 2 Rehabilitation W-101, Pump Station Upgrades W-106, and Rutherford Pump Station Upgrades W-110 for a total not-to-exceed amount of \$197,690; and
- D. The Agreement's current Scope of Services does not include the funds or the additional work needed to allow Oscar Larson and Associates to complete final design plans and bid documents in order to advertise and bid CIP project W-101 Tank #2 Rehabilitation, and prepare, assemble, and forward all PS&E documents prepared to date to the City for CIP Project W-110 Rutherford Pump Station Upgrades; and
- E. The City of St. Helena and Oscar Larson and Associates now desire to amend the Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and of the mutual covenants and agreements herein contained, for good and valuable consideration, the adequacy of which is hereby acknowledged, the parties agree to amend the Agreement as follows:

- 1. Section 1. Basic Services
Parties agree to amend Exhibit A "Scope of Services" of the Agreement to provide additional services, as outlined in Exhibit A-1, "Scope of Services" attached hereto.

Page 1 of 5

Amendment No. 2 to Professional Services Agreement STH Contract: 2019-028
Consultant: Oscar Larson and Associates

2. Section 4.A Compensation, is amended to read as follows:

Original Agreement Amount	\$145,190
Amendment No. 1	\$52,500
Amendment No. 2	\$42,140
Total Compensation Not-to-Exceed	\$239,830

Exhibit B-1, "Compensation" detailing the compensation modification is attached hereto.

All other terms of the Agreement shall remain in full force and effect.

Entered as of the day and year first above stated.

CONSULTANT:

Oscar Larson & Associates
Consulting Engineers, Inc.

Signatures of Authorized Persons:

By: _____

Print Name: _____

Title: _____

CITY OF ST. HELENA

a Municipal Corporation

By: _____

Print Name: James C. McMann

Title: Interim City Manager

APPROVED AS TO FORM:

Ethan Walsh, City Attorney

ATTEST:

City Clerk

Attachments:

Exhibit A-1: "Scope of Services"

Exhibit B-1: "Compensation"

Page 2 of 5

Amendment No. 2 to Professional Services Agreement STH Contract: 2019-028
Consultant: Oscar Larson and Associates

Exhibit A-1
“Scope of Services”

Design Services for the following Capital Improvement Projects: W-101 Tank 2 Rehabilitation and W-110 Rutherford Pump Station Upgrades

W-101 Tank 2 Rehabilitation

Deliverables:

1. Consultant was previously contracted to prepare completed Plans, Technical Specifications and Construction Cost Estimate (PS&E) for the project to Recoat Tank #2. The City had intended to use the documents to develop its own Bid Package for City to proceed with a bid process of advertising, receiving bids and award to a construction contractor. City now requests Consultant, and not the City, to prepare the entire Bid Package suitable for City to advertise for bids and award for construction bids. The complete Bid Package will consist of all City standard draft documents and Consultant's previously prepared PS&E's for the Water Tank #2 Project.
2. Consultant agrees to prepare a Bid Package for City to advertise for bids and assist City during the bidding process, to evaluate bidders bids, and recommend apparent low bidder to City. City agrees to make final payment for Consultant's previous work to prepare the PS&E's.
3. Consultant will prepare, and submit to City, the Draft Bid Package suitable for bidding within an estimated five weeks after Consultant's receipt of a Notice to Proceed (NTP) and the City's draft documents.
4. Consultant will prepare a Final Bid Package incorporating City review comments of the Draft Bid Package. The Final Bid Package will be submitted to City within three weeks after Consultant's receipt of City comments on the Draft Bid Package. City will use the final Bid Package in its advertising, and award processes in accordance with City standard practice. City agrees to pay Consultant for the preparation of the Bid Package an amount of \$20,500. Time to complete is dependent upon time for City staff and legal staff review and response to submissions by Consultant.
5. Consultant will assist City during the bidding process through the day of City award to a contractor. Consultant will organize and attend one scheduled onsite pre-bid meeting and project site visit for contractors attendance. City agrees to have a City representative at that meeting. Consultant will prepare a report of that meeting for City. Consultant's estimated time is based on a 30 day advertisement and bidding timeframe, plus a two-week period for City to award the bid or an estimated 44 days. During the bidding period, Consultant will assist City to answer contractor questions, and Consultant will prepare and transmit Requests for Information (RFI) and responses to bidder's questions. The work does not include change orders. Consultant will evaluate the bidders bids and will prepare a report with recommendations to City. Consultant's estimated cost of these services is \$10,700 plus travel costs and expenses.

Page 3 of 5

Amendment No. 2 to Professional Services Agreement STH Contract: 2019-028
 Consultant: Oscar Larson and Associates

6. Additional work to this Amendment is Consultant's services during the construction period, including but not limited to construction management, construction Inspection, and other field and project site work during construction.
7. City agrees to pay an additional \$31,200.00 to Consultant for the revised and additional work requested for Project W-101.

W-110 Rutherford Pump Station Upgrades

Deliverables:

1. Consultant was contracted to prepare project Plans for construction, Technical Specifications, and Construction Cost Estimate (PS&E) for the project. The original Project definition was to construct a new water pump station with an installed emergency generator in a building at the site. During the project the City changed the scope of the project to one where the site facility would not have a permanently installed emergency generator, but would provide construction to support a truck-towed emergency generator. City now seeks to consider a revised and final project description and develop an updated design scope for the project and the facility. Consultant by this work scope is requested to cease work on the project, to assemble all of Consultant's PS&E's in their current state of completion and forward electronically to City. City intends to re-evaluate a revised scope for the project.
2. Consultant is now requested, by this work scope, to assemble Consultant's partially completed PS&E's, and forward electronic copies of the documents to City. Consultant agrees to perform the work within five weeks of receipt of a Notice to Proceed (NTP) which will consist of a fully executed Amendment No. 2, and payment of previous Consultant invoice(s).
3. City agrees to pay Consultant for the work requested the amount of \$10,940.00 for Project W-110.

**Exhibit B-1
“Compensation”**

A summary of the expected budget by project is as follows:

Amendment No. 2 Design Services

W-101 Tank Rehabilitation	\$31,200
<u>W-110 Rutherford Pump Station</u>	<u>\$10,940</u>

Amendment No. 2 Total Not-to-Exceed:	\$42,140
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All work will be performed in accordance with the professional services agreement between the City and the Consultant. Compensation is to be made on a time and materials basis utilizing the fee schedule in effect at the time the services are provided.

Tank 2 Rehabilitation

Project No: W-101

Category: Water

Project Location: APN 022-420-019

Responsible Department:



PROJECT PURPOSE & DESCRIPTION: Rehabilitate Tank 2 at Lower Reservoir.

EXPENDITURE ACCOUNTS:

Fund: 763 **Dept:** 5030

EXPENDITURES								PROJECT TOTAL
	Total YTD 05/11/21		2021-22	2022-23	2023-24	2024-25	2025-26	
3110 - Design	22,904		12,300					35,204
3150 - Construction Management			55,704					55,704
3160 - Construction Contract	15,282		582,454					597,736
3170 - Contingency			63,000					63,000
EXPENDITURE TOTALS	38,186		713,458					751,644
FUNDING SOURCES								
763-Water Capital Improvement	38,186		713,458					751,644
FUNDING TOTALS	38,186		713,458					751,644

Rutherford Pump Upgrade

Project No: W-110

Category: Water

Project Location: 1851 St Helena Hwy.

Responsible Department:



PROJECT PURPOSE & DESCRIPTION: Upgrade electrical equipment and install permanent structure.

FY 21 Design and FY 22 Construction

EXPENDITURE ACCOUNTS:

Fund: 763 **Dept:** 5030

EXPENDITURES								PROJECT TOTAL
	Total YTD 05/11/21		2021-22	2022-23	2023-24	2024-25	2025-26	
3110 - Design	48,805		31,195					80,000
3150 - Construction Management			52,500					52,500
3160 - Construction Contract	12,055		354,842					366,897
3170 - Contingency			52,500					52,500
EXPENDITURE TOTALS	60,860		491,037					551,897
FUNDING SOURCES								
763-Water Capital Improvement	60,860							60,860
763-Water Capital Improvement - Debt			491,037					491,037
FUNDING TOTALS	60,860		491,037					551,897



Report to the City Council
Regular City Council - 26 Apr 2022

Agenda Section: CONSENT ITEMS

Subject: Review and consideration of the 2021 St. Helena Annual Housing Element Progress Report.

CEQA Determination: Not a CEQA project

Prepared By: Aaron Hecock, Senior Planner

Reviewed By: Maya DeRosa, Planning & Building Director

Approved By: James C. McCann, Interim City Manager

BACKGROUND

In 1969, the state mandated that all California cities, towns and counties must plan for the housing needs of residents regardless of income. This state mandate is called the Housing Element (HE) and Regional Housing Needs Allocation (RHNA). The California Department of Housing and Community Development (HCD) determines the total number of new homes the Bay Area needs to build and how affordable those homes need to be in order to meet the housing needs of people at all income levels. The numbers are provided to the Association of Bay Area Governments (ABAG) who then divides them up between all Bay Area jurisdictions.

Pursuant to Government Code Section 65400, by April 1st of each year, Cities are required to submit an annual report to the Office of Planning and Research (OPR) and HCD outlining the progress made towards implementing the City's HE. Specifically, the Annual Progress Report (APR) is required to detail local efforts to remove governmental constraints to the maintenance, improvement, and development of housing. In addition, the APR must detail the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its HE.

On May 26, 2015, the City of St. Helena adopted its 5th cycle state-mandated Housing Element update, spanning the years 2015-2023. This Housing Element details how the City plans to accommodate a total of 31 RHNA units within this time frame. The Planning

Department is providing this annual update to inform the Council and public on the progress being made to implement the Housing Element policy priorities.

The City is currently in the process of updating the Housing Element for the 6th RHNA cycle (2023-2031) with adoption anticipated in 2023.

DISCUSSION

The current HE details goals, policies, quantified objectives, and implementing actions for the development, rehabilitation, and preservation of housing, based upon the findings of the Housing Needs Assessment and input received through the public outreach. The HE is divided into two elements, the Housing Needs Assessment and the Housing Element Update, which includes six goals, policies and an eight-year action plan. These six overarching goals (listed below) endeavor to facilitate housing development:

1. A Diversity of Housing to Meet Local Needs
2. Efficient Land Use and High Quality Neighborhoods
3. Conservation of Existing Housing
4. Assistance to Support Affordable Housing
5. Resource Conservation
6. Equal Housing Opportunities

The implementation of these goals is supported by a number of Policies, Implementing Actions and Quantified Objectives. As reported in the 2021 APR, the City Council and staff have implemented and met several of the Housing Element goals and programs, including some of the quantified objectives and implementing actions of several goals of the City's adopted Housing Element.

HCD requires a report to the City Council at a public meeting. Given this, staff has attached APR worksheets to supplement the information provided in this report. For an implementation progress update on the policies being implemented, or anticipated timeline for their implementation (from the staff perspective) the Council and community should refer to attached Table D from the APR worksheet. The required APR was submitted to OPR and HCD prior to the April 1, 2022 deadline.

As identified in Table B of the APR, the City has issued building permits for 110 new residential units (including ADUs) during this 2015-2023 RHNA Cycle, while the RHNA allocation from HCD was 31. However, the City has not yet met the individual affordable housing goals for very-low and moderate income categories identified in the RHNA allocations. It should be noted that one deed restricted moderate income unit (in addition to 4 low income units) was approved as part of the 963 Pope Street affordable housing project. Once building permits are issued those units will count toward our RHNA numbers.

Additional housing element and supporting information can be found at the following link:

<http://www.cityofsthelena.org/planning/page/2015-2023-housing-element>

FISCAL IMPACT

Given that the adopted Housing Element is an eight-year policy document, the fiscal impacts of implementing and meeting the goals of the 2015-2023 Housing Element are dependent on which of these goals are chosen to be addressed within a given budget year, and how the individual tasks are assigned (City staff vs consulting staff). As specific elements of the policy direction are brought forward, staff will provide individual costs and staff resources needed to accommodate each.

RECOMMENDED ACTION

It is recommended that the City Council review, consider and file this report recognizing that staff submitted the information to HCD and OPR in keeping with the April 1, 2022 mandate.

ATTACHMENTS

[Table B](#)

[Table D](#)

[LEAP Summary](#)

Jurisdiction	St. Helena	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	8	-	5	-	-	2	-	-	-	-	7	1
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-		
Low	Deed Restricted	5	-	3	-	-	6	-	-	-	-	9	
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-		
Moderate	Deed Restricted	5	-	-	-	-	-	-	-	-	-	4	1
	Non-Deed Restricted		4	-	-	-	-	-	-	-	-		
Above Moderate		13	23	6	11	10	4	17	19	-	-	90	-
Total RHNA		31											
Total Units			27	14	11	10	12	17	19	-	-	110	2

Note: units serving extremely low-income households are included in the very low-income permitted units totals and must be reported as very low-income units.

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will include units that were permitted since the start of the planning period.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction		St. Helena	
Reporting Year		2021	(Jan. 1 - Dec. 31)
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
HE1.A	Continue to exempt permits for regulated affordable units as well as second units from Growth Management System	Ongoing	The City currently exempts all units, including affordable housing units and Accessory Dwelling Units from the Growth Management system in compliance with current state law.
HE1.F	Fast-track housing developments that meet lower income and special housing needs.	Ongoing	The City is committed to expediting any affordable housing applications that are submitted for review and action. Eight owner-occupied affordable housing units were approved by the City in Dec. 2016 (Self-Help Affordable Housing Project called the Brenkle Ct. Project from Our Town St. Helena (OTSH)). Building permits for each unit were issued in 2019. An additional 5 deed restricted affordable units were approved in 2020 however building permits have not yet been issued.
HE2.A	Provide incentives for higher density housing. Explore possible incentives for building attached market rate housing units for rent and for sale.	Ongoing	In an effort to implement this Goal, the City has removed the Use Permit requirement for multi-family housing in the High Density Residential land use designation and all of the Housing Opportunity Sites located within other land use designations (Medium Density Residenital). In addition, the City has created an SB 330 Checklist to further streamline the design and approval of by-right multi-family units within the community.

HE3.E	Review housing needs, achievements and challenges as part of the City's regular General Plan review. As required by State law, submit a progress report to the State Department of Housing and Community Development and Governor's Office of Planning and Research by April 1st of each year.	Annually	This report is being done as a part of this Goal and as of 2021 reporting year, the City of St. Helena is up to date on its reporting requirements regarding Housing Element implementation with the Office and HCD.
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 and adopt as appropriate higher incentives for affordable housing developments with units affordable to extremely low and very low income households.	Ongoing	Since 2010, the City has made significant efforts to provide financial incentives, including reducing the application and impact fees for affordable housing projects and will continue to do so into the foreseeable future. Since 2016, the City committed substantial amounts of Affordable Housing Trust Fund monies (approximately \$2,450,000) to three different affordable housing projects, anticipated to result in the construction and/or occupancy of 21 new affordable housing units in St. Helena through 2021. Since 2015, the City has fully funded all funding requests made by an affordable housing developers to assist with the design and construction of affordable housing units within St. Helena.
HE4.F	Pursue additional funding for affordable housing. Explore other options for affordable housing funding, including a real property transfer tax and Housing Trust Fund contributions from the wine and hospitality industry in Napa Valley.	2018 and ongoing	Since 2010, the City has made significant efforts to provide financial incentives, including reducing the application and impact fees for affordable housing projects and will continue to do so into the foreseeable future. In 2018, the City joined wioth all municipalities in Napa County, put Measure E on the ballot, requesting voter approval of a special tax to increase Transit Occupancy Taxes on hotels by one-percent, with these additional funds being for the sole purpose of housing. This measure was approved and went into effect January 1, 2019. Estimated annual revenue from this measure is approximately \$280,000.
HE4.G	Continue Section 8 rent subsidy certificates. Work with the City of Napa Housing Authority to provide continued rental assistance to low, very low and extremely low income households.	Ongoing	The City continues to contract with the City of Napa for Housing Authority services, including Section 8.

HE4.L	Explore the potential of using Housing Trust Fund money to purchase existing housing for conversion to restricted affordable housing and commit funding as appropriate. Priority use of Housing Trust Fund monies will be given to the creation of housing affordable to extremely low income households.	Ongoing	Since 2010, the City has made significant efforts to utilize Affordable Housing Trust Fund monies to support the development and preservation of affordable housing projects and will continue to do so into the foreseeable future.
HE5.B	Encourage use of alternative energy technologies. Create incentives for the use of solar energy in new and rehabilitated housing. Incentives to adopt as appropriate include, but are not restricted to, ensuring a streamlined review process for applications, deferred fees, and reduced applicable city standards.	Ongoing	The City currently issues building permits for solar panel installation, backup battery installation, and electric vehicle charging infrastructure under the "Rapid Permit" category and will continue to do so into the foreseeable future. The City has extended services for Solar Permits to be submitted via email and paid over the phone to expedite further the process and reduce the number of trips into City Hall to get the permit.
HE5.F	Provide public information on alternative energy technologies for residential developers, contractors, and property owners. The City will provide information on its website and/or City Hall regarding alternative energy technology options, possible sources of financing, and any applicable information regarding necessary local permits.	Ongoing	The City currently provides Green Building Code information upon request and has recently updated the City website, allowing additional information to be provided on an on-going basis. In 2018, the City added information regarding solar panel installation, backup battery installation, and electric vehicle charging infrastructure to the City's website to ease access to the requirements and incentives available.

HE5.D	Require cost-effective energy conservation measures in all new and rehabilitated housing to promote long-term affordability for occupants. The City will adopt the State's new Energy Efficiency Standards as part of any update to the California Building Standards Code and ensure that all new housing units constructed in the City meet or exceed these standards.	Tri-Annually	The City continues to work toward concurrent building code adoption along with standard building code updates. The last update being January 1, 2020 with adoption of the 2019 Code Standards.
HE5.H	Continue to apply Municipal Code provisions pertaining to water resources. City will continue to require water-efficient landscaping for new residential and commercial construction, as well as implementing the Water Use Efficiency and Use Guidelines.	Ongoing	The City has adopted a "Water Neutral" policy for all new development (Municipal Code Chapter 13.12) and continues to implement a Water Efficient Landscape Ordinance (MWELO) in keeping with anticipated State requirements.
HE1.J	Encourage development of co-housing, ecohousing, 'green' manufactured homes and other 'nontraditional' forms of housing. Ensure these housing types are addressed in the development of design guidelines to streamline to approval process.	Ongoing	The City Council has expressed an interest in reviewing housing needs Citywide now that the 2040 St Helena General Plan has been adopted. In addition, staff and the City Council are committed to creation and adoption of Design Guidelines, consistent with the adoption of the 2015 Housing Element and 2040 General Plan.

HE2.D	Modify section 17.100 of the Zoning Ordinance to rename the Mobilehome Park Overlay District to "Manufactured Housing Overlay District". Develop policies to streamline the review process for this overlay district on residential land for projects that create land-ownership opportunities for residents. Support giving residents the right of first refusal if an existing park is to be sold.	Ongoing	No revisions to the current zoning code have been made yet as the comprehensive zoning code update is currently underway. However, all City actions are made in keeping with California State law and any request to implement a Manufactured Housing Overlay District would be reviewed as such.
HE2.I	Review and revise development standards pertaining to second units. Ensure that the development of second units is physically and financially feasible in targeted areas. Give particular attention to parking standards, setbacks, and impact fees.	Ongoing	In 2020, the City adopted updated ADU regulations which streamlined the review process for ADU construction and conversion, in keeping with the requirements of State law. The St Helena 2040 General Plan update was adopted in May 2019. A comprehensive zoning code has begun and will include additional direction regarding the development of Accessory Dwelling Units.
HE2.J	Provide financial assistance for second unit development. Incentives might include low interest loans or fee waivers.	2020	The City of St. Helena has amended its zoning ordinance to be compliant with state law with regards to ADUs, their permitting, and reduced impact fees. A comprehensive zoning code update has begun will include additional direction regarding the development of Accessory Dwelling Units (ADUs). A component of this review will include the ability of the City to provide financial assistance for ADU development. In the mean time, City staff has been working with non-profit organizations and grant providers to find other mechanisms to encourage ADU development.
HE2.K	Target specific areas for second unit incentives. Create incentives to construct second units in the medium density areas near downtown. Incentives to adopt as appropriate include, but are not restricted to, fast tracking development applications, deferred development fees, and reduced parking and/or other city standards.	Ongoing	The City of St. Helena has amended its zoning ordinance to be compliant with state law with regards to ADUs, their permitting, and reduced impact fees. A comprehensive zoning code update has begun will include additional direction regarding the development of Accessory Dwelling Units (ADUs).

HE2.M	Link financial incentives and development standard variances to affordability requirements for second units. Require that either the main house or the second unit is used as a rental unit that is affordable to moderate or below moderate households whenever the City assists in development through financial incentives or by granting a variance	Ongoing	The City Council has expressed an interest in reviewing housing needs Citywide which is expected to occur along with the comprehensive zoning code update. Financial incentives and potential variance from development standards will be included as a part of this review. The City has also begun its 6th Cycle Housing Element Update which will identify Key Housing Opportunity Sites and potential rezoning opportunities within the City.
HE2.N	Respond to complaints regarding illegal units. The City will work with the property owners to help bring illegal units up to code and to abate the use of non-habitable buildings as living units	Ongoing	While the City does not have a dedicated Code Enforcement Department, Planning and Community Improvement Department staff is responsible for responding to Code Enforcement complaints and prioritize life and safety issues, such as substandard housing, in these efforts. Additional Code Enforcement improvements have been identified as an element of the adopted City Council goals.
HE2.O	Identify appropriate 'target' areas for conversion of single family homes to multi-unit dwellings, Identify areas, zoning districts, or specific sites where conversion would be appropriate or desirable.	Ongoing	The City Council has expressed an interest in reviewing housing needs Citywide which is expected to occur along with the comprehensive zoning code update. Financial incentives and potential variance from development standards will be included as a part of this review. Further, a majority of the City's residential land is designated as Medium Density Residential, allowing conversion of existing SFD to MFD at a density of 5.1-16 units per acre. The City has also begun its 6th Cycle Housing Element Update which will identify Key Housing Opportunity Sites and potential rezoning opportunities within the City.

HE2.P	Develop a program to encourage affordable housing in clusters of 4-6 units on Infill parcels on west side of town. The City will post an inventory of available sites on the City's website. City will explore and adopt as appropriate incentives to encourage affordable housing clusters, including, but not limited to priority permitting processing, reduced or waived development fees, reduced parking and/or other city standards, and an additional density bonus.	Ongoing	The City Council has expressed an interest in reviewing housing needs Citywide and have prioritized creation of a Citywide Housing Strategy as one of the Council Goals. This is expected to occur along with the comprehensive zoning code update. Incentives for the development of these units including parking ratio reductions, will be included as a part of this review. Further, a majority of the City's residential land is designated as Medium Density Residential, allowing conversion of existing SFD to MFD at a density of 5.1-16 units per acre. The City has also begun its 6th Cycle Housing Element Update which will identify Key Housing Opportunity Sites and potential rezoning opportunities within the City.
HE3.A	Restrict conversion of rental units to condominiums. Current policy allows conversion to condominiums under certain circumstances when the vacancy rate is high. The presence of second homes results in an inflated vacancy rate. The policy should be further studied to reflect a general guiding principle of preserving the affordable housing stock while eliminating the current linkage to vacancy rates.	Ongoing	The City Council has expressed an interest in reviewing housing needs Citywide and have prioritized creation of a Citywide Housing Strategy as one of the Council Goals. This is expected to occur along with the comprehensive zoning code update. Restrictions on condominium conversions of existing apartment units will be included as a part of this review.
HE3.B	Charge an affordable housing impact fee whenever housing units are converted to other uses. Exempt conversion projects that create affordable for-sale housing from this impact fee.	Ongoing	The City currently charges an Housing Impact Fee. Further, the City Council has expressed an interest in reviewing housing needs Citywide and have prioritized creation of a Citywide Housing Strategy as one of the Council Goals. This is expected to occur concurrently with the comprehensive zoning code update. Restrictions on conversions of existing housing units to non-housing uses will be included as a part of this review.
HE3.D.	Continue to limit the conversion of market rate housing to vacation rentals. Abate the use of illegal vacation rentals, including time shares and fractional interests.	Ongoing	The City strictly limits the use of residential units for short-term rental (STR) use to a maximum of 25 STR units within the City. Funds collected from these units are utilized to assist with active and aggressive enforcement of these limitations. This enforcement continued to be a priority in 2020.

	Review and possibly amend the inclusionary housing ordinance to: (1) adjust the inclusionary housing ordinance to require further distribution of affordable units with the various income categories. (2) Balance collecting housing impact fees with the requirement to construct affordable housing, either on or off site depending on the size of the site and other site conditions, for larger commercial developments. Evaluate increasing the housing impact fees to reflect the increasing cost of housing in the community. Collect housing impact fees for small commercial development where requiring residential construction would not be feasible. (3) Increase appropriate residential construction in-lieu fees and/or create a sliding scale for larger homes. (4) Add an above moderate-income workforce housing component to the Inclusionary Housing Ordinance requirements	Ongoing	The City Council has expressed an interest in reviewing housing needs Citywide and have prioritized creation of a Citywide Housing Strategy as one of the Council Goals. This is expected to occur concurrently with the comprehensive zoning code update. Potential revisions to the inclusionary housing requirements will be included as a part of this review. In preparing for this process, the City commissioned a "White Paper" on housing issues to further highlight the housing needs and opportunities available within the community. The City has also begun its 6th Cycle Housing Element Update which will identify Key Housing Opportunity Sites and potential rezoning opportunities within the City.
Goal 3 Quantified Objective:	Assist in the acquisition of low-interest loans for rehabilitation, including energy conservation, of 10 lower-income housing units by January 31, 2023 of the end of the Housing Element planning period (2 extremely low income, 2 very low income, 3 low income, and 3 moderate income households).	12/31/2022	City was awarded \$500,000 HOME funds grant in 2017 and initiated implementation of a program to make 0-interest, 0-payment 30-year loans for rehabilitation work to owners of deed restricted homes. To date, the City has expended or committed approximately \$448,000 of these funds to assist 18 low income home owners and continues to roll out funds as loans are repaid. The City was awarded another \$500,000 in HOME funds in 2020 however the City is waiting for approval from HCD to begin processing loan requests as they review the updated guidelines and environmental documentation.

[illegible]

Jurisdiction	St. Helena
Reporting Year	2021 (Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT Local Early Action Planning (LEAP) Reporting (CCR Title 25 §6202) <i>Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.</i>					
Total Award Amount	\$ 65,000.00 Total award amount is auto-populated based on amounts entered in rows 15-26.				
Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes
Issue Request for Proposals	\$0.00	\$0.00	Completed	Local General Fund	
Select Consultant	\$0.00	\$0.00	Completed	Local General Fund	
Execute Contract	\$0.00	\$0.00	Completed	Local General Fund	
Public Workshop	\$5,000.00	\$0.00	Completed	Local General Fund	
Study Session with Planning Commission	\$5,000.00	\$0.00	Completed	Local General Fund	
Study Session with City Council	\$5,000.00	\$0.00	Completed	Local General Fund	
Prepare Administrative Draft Housing Element	\$19,500.00	\$0.00	In Progress	Local General Fund	
Prepare Draft CEQA Document	\$19,500.00	\$0.00	In Progress	Local General Fund	
Public Review CEQA Document	\$5,000.00	\$0.00	In Progress	Local General Fund	
Submit Draft Housing Element to HCD for Review	\$0.00	\$0.00	In Progress	Local General Fund	
Planning Commission Hearing	\$3,000.00	\$0.00	In Progress	Local General Fund	
City Council Adoption	\$3,000.00	\$0.00	In Progress	Local General Fund	

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0

very Low	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units		0

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		19
Total Units		19

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units		0



Report to the City Council
Regular City Council - 26 Apr 2022

Agenda Section: CONSENT ITEMS

Subject: Adoption of Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings.

CEQA Not a CEQA project
Determination:

Prepared By: Ethan Walsh, City Attorney

Reviewed By: April Mitts, Administrative Services Director

Approved By: James C. McCann, Interim City Manager

BACKGROUND

On March 17, 2020, in the face of the COVID-19 pandemic, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means.

The provisions in the Brown Act that were suspended by the Governor's Executive Order are contained at Government Code Section 54953(b)(3) and require that when teleconferencing is used, outside of a statewide emergency, that the following occur:

- An agenda is required to be posted at all locations, including any teleconference locations
- Each teleconference location must be identified on the actual agenda
- Each teleconference location shall be accessible to the public
- A quorum of the legislative body must be in the jurisdiction

With the Governor's Executive Order, the four above requirements were suspended. This allowed City Council and all other meetings of legislative bodies of the City to be conducted by Zoom with councilmembers, commission members, committee members, and staff all joining from remote locations.

The suspension of certain Brown Act provisions was further extended by the Governor on June 11, 2021 through the issuance of Executive Order N-08-21, which continued to allow for complete virtual meetings until September 30, 2021.

With the Governor's Executive Order expiring at the end of September 2021, the State Legislature adopted Assembly Bill 361. On September 16, 2021, the Governor signed AB 361, which allowed legislative bodies to meet virtually provided there was a state of emergency declared by the Governor, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees, subject to certain ongoing findings by the legislative body.

AB 361 also preserves many of the provisions of the earlier executive orders, including the suspension of the four teleconferencing requirements noted above, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of transparency that the Brown Act demands. Specifically, AB 361 imposes two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference, and must leave open the opportunity for public comment until the comment period for a given item is closed during the ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation. The City already complies with this requirement, so it presents no change to our current practice.
2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency, or prevents members of the public from offering public comment, the agency must cease all action on the meeting agenda until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

The City Council held its first virtual meeting based on the conditions set forth in AB 361 on October 12, 2021. In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the City Council must, within every 30 days of its first meeting under AB 361, make findings that (a) state or local officials recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees. State officials at Cal-OSHA have, through the adoption of certain regulations, recommended measures to promote social distancing throughout the State. Additionally, Napa County Public Health Officer Dr. Karen Relucio has, through a memo dated September 27, 2021, recommended the continuance of virtual meetings at the present time as a means of promoting social distancing in order to minimize the spread and transmission of COVID-19 in Napa County.

It is important to note that AB 361 does not require the City to continue with virtual meetings, but simply gives the Council that option. If at any time the City Council desires to return to in-person meetings, the Council can agendaize that topic for discussion and direct staff to initiate the transition back to in-person or hybrid meetings; however, at this time City staff is recommending adoption of the resolution to allow City Council and all other Commission, Committee, and other Brown Act meetings to continue to be held remotely in order to ensure social distancing consistent with the recommendations of State and local officials.

At the September 28, 2021 regular City Council meeting, the City Council had a discussion item and considered whether to meet in person or continue virtual meetings. It was the consensus of the City Council to continue with the Zoom meeting platform until staff is relocated to Napa Valley College.

DISCUSSION

The City Council held its first virtual meeting based on the conditions set forth in AB 361 on October 12, 2021. The City Council reconsidered and adopted findings by resolution to continue meeting virtually on November 23, 2021, December 14, 2021, January 11, 2022, February 8, 2022 and March 8, 2022, March 22, 2022. This is being reconsidered on April 26, 2022.

The enclosed resolution makes the necessary findings for the City Council and all subordinate legislative bodies of the City that are subject to the Brown Act to continue with virtual meetings for the time being. City staff will return to the City Council with a resolution every 30 days to allow for the continuance of virtual meetings for so long as Council and staff believes that virtual meetings are necessary.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDED ACTION

Approve the Attached Resolution Making Findings and Determinations Under AB 361.

ATTACHMENTS

[Resolution AB361](#)

CITY OF ST. HELENA

RESOLUTION NO. 2022-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ST. HELENA MAKING FINDINGS AND
DETERMINATIONS UNDER AB 361 FOR THE
CONTINUATION OF VIRTUAL MEETINGS**

WHEREAS, the Ralph M. Brown Act (Gov. Code § 54950 *et seq.*) generally requires local agencies meeting via teleconference, including through other virtual or electronic means to, among other things, provide public access at each location in which members of the legislative body are teleconferencing; and

WHEREAS, the Legislature recently enacted Assembly Bill 361 (AB 361), which amended Government Code section 54953 to allow local agencies to meet fully virtually, without fully adhering to the rules otherwise applicable to teleconferencing, during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect; and

WHEREAS, state or local officials continue to recommend measures to promote social distancing to prevent the spread of COVID-19, and in particular, Cal-OSHA regulation 3205 recommends physical distancing in the workplace generally and regulates a “close contact,” defined as being within 6 feet of another under certain circumstances, and Napa County Health Officer Dr. Karen Relucio has recommended that local public agencies refrain from holding in person public meetings, as a means of promoting social distancing; and

WHEREAS, the continuation of virtual meetings will allow for full participation by members of the public and compliance with the recommendations of state and local officials with regard to social distancing; and

WHEREAS, the City Council of the City of St. Helena desires that all City legislative bodies continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ST. HELENA AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council has reconsidered the circumstances of the state of emergency.

SECTION 3. As stated in the recitals, state or local officials continue to recommend measures to promote social distancing.

SECTION 4. The City Council and all other legislative bodies of the City of St. Helena who are required to hold public meetings shall continue to meet virtually in accordance with Government Code section 54953(e) and without compliance with section 54953(b)(3), based upon the findings and determinations hereby made by the City Council.

Approved at a Regular Meeting of the St. Helena City Council on April 26, 2022, by the following vote:

Mayor Geoff Ellsworth:

Vice Mayor Paul Dohring:

Council Member Anna Chouteau:

Council Member Lester Hardy:

Council Member Eric Hall:

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzafopoulos, City Clerk



Report to the City Council
Regular City Council - 26 Apr 2022

Agenda Section: CONSENT ITEMS

Subject: Consideration and proposed approval of a resolution authorizing a ceremonial flag recognizing LGBTQ Pride and Transgender Month during the month of June 2022

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzaopoulos, City Clerk

Reviewed By: April Mitts, Administrative Services Director

Approved By: James C. McCann, Interim City Manager

BACKGROUND

The City Council adopted policy P-CC-0001 Outdoor Display of Governmental and Non-Governmental Flags on City Property, which authorizes the display of non-governmental flags on City property (attached).

DISCUSSION

Per Policy P-CC-0001, Mayor Ellsworth made a request to the Interim City Manager to fly Ceremonial Flags in the month of June. The flags to be flown are the LGBTQ Pride Month Progressive flag and the Transgender flag. The flying of both flags will be done in conjunction with the LGBTQ Pride Month Proclamation that will be heard at the May 24, 2022 City Council meeting. All requests for Ceremonial Flags are to be approved by City Council.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDED ACTION

Approve a resolution authorizing the Progress Pride flag and the Transgender flag to be flown on the City's ceremonial flag pole during the month of June 2022.

ATTACHMENTS

[Attachment 1 - Resolution LGBTQ and Transgender Flags](#)

[Attachment 2 - 2019-66 Rescinding Resolution 2017-75 and Amending the Policy P-CC-0001 Outdoor Display of Governmental and Non-Governmental Flags on City Property and Authoriz](#)

[Attachment 3 - Mayor Ellsworth Request](#)

CITY OF ST. HELENA

RESOLUTION No. 2022-

**Authorizing the Progress Pride Flag and Transgender
Flag to be Flown on the City's Ceremonial Flag Pole**

RECITALS

- A. On June 13, 2017, the St. Helena City Council adopted policy P-CC-0001 Outdoor Display of Governmental and Non-Governmental Flags on City Property, which authorizes the display of non-governmental flags on City property.
- B. Per City Council adopted policy Mayor Ellsworth formally requested in writing to the Interim City Manager for the LGBTQ Pride Progressive flag and Transgender flag be flown on the City's ceremonial flag pole during the month of June.

RESOLUTION

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

- 1. Authorizes the Progress Pride Flag and Transgender flag to be flown during the month of June 2022.

Approved at a Regular Meeting of the St. Helena City Council on April 26, 2022, by the following vote:

Mayor Ellsworth:	_____
Vice Mayor Dohring:	_____
Council Member Chouteau:	_____
Council Member Hall:	_____
Council Member Hardy:	_____

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk

CITY OF ST. HELENA

RESOLUTION NO. 2019-66

**Rescinding Resolution 2017-75 and Amending the Policy
P-CC-0001 Outdoor Display of Governmental and Non-
Governmental Flags on City Property and Authorizing a
Ceremonial Flag Recognizing LGBTQ Pride Month during
the Month of June**

RECITALS

- A. On June 13, 2017, the St. Helena City Council established a uniform policy to govern the flying of the National, State, and City flags on City-owned properties at half-staff to pay homage to the deceased and to govern the display of non-governmental flags on specified City-owned flagpoles; and
- B. The City Council desires to amend the current policy establishing a more prominent place to display non-governmental flags; and
- C. The more prominent location will be a flag pole installed beside the existing governmental designated flag pole outside of St. Helena City Hall; and
- D. A request has been made for the LGBTQ Pride Month flag to be flown the first half of the month of June and the Transgender flag will be flown the second half of June in recognition of LGBTQ Pride Month.

RESOLUTION

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

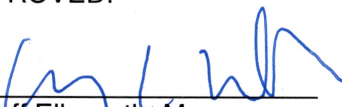
- 1. Approves City Council Policy P-CC-0001 Outdoor Display of Governmental and Non-Governmental Flags on City Property as outlined in the attached Exhibit A; and
- 2. Rescinds Resolution 2017-75; and
- 3. Authorizes a ceremonial flag recognizing LGBTQ Pride Month during the month of June; and
- 4. If any action, subsection, clause or phrase of this Resolution or the policies in Exhibit A shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or of the policy adopted by this Resolution that can be given effect without the invalid provisions; and

5. The City Council finds that the project is exempt from the requirements of CEQA pursuant to section 15303 in that it qualifies for a Class 3 Categorical Exemption.

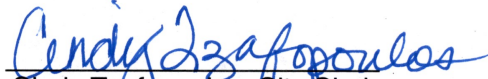
Approved at a Regular Meeting of the St. Helena City Council on May 28, 2019, by the following vote:

Mayor Ellsworth: Yes
Vice Mayor Dohring: Yes
Councilmember Chouteau: Yes
Councilmember Knudsen: Yes
Councilmember Koberstein: Yes

APPROVED:


Geoff Ellsworth, Mayor

ATTEST:


Cindy Tzafropoulos, City Clerk





City of St. Helena
Council Policy
 Administration

Policy
**Outdoor Display of Governmental and
 Non-Governmental Flags on City Property**

Page 1 of 2

Title: Outdoor Display of Governmental and Non-Governmental Flags on City Property	Policy #	P-CC-0001
	Revision #	1
	Implementation Date	2017-06-13
	Last Update Date	2019-05-28
Approval by City Council Resolution No. 2019-66	Date Approved	2019-05-28

I. Purpose, Overview and Scope of this Policy

The purpose of this administrative policy is to establish a uniform policy to govern Outdoor Display of Governmental and Non-Governmental Flags on City Property.

Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or to wear or carry a flag.

This policy rescinds the previous Outdoor Display of Governmental and Non-Governmental Flags on City Property policies and remains in effect until rescinded by City Council.

II. Authority

The City Council has authority to update this policy.

III. Policy - Flying Flags on City Property at Half-Staff

1. National flags and/or California flags on City-owned property shall be flown at half-staff upon order of the President of the United States or authorization by the Governor of California.
2. National, California, and/or City flags on City-owned property may also be flown at half-staff at the direction of the Mayor upon the death of:
 - a. A City Councilmember, past or present;
 - b. A City employee whose death occurred during the discharge of duty;
 - c. A City employee or retiree having served the City for 25 or more years; and/or
 - d. A prominent citizen not holding or having held elected public office, whose accomplishments and contributions to the community clearly demonstrated a commitment over and beyond that which would be normally associated with the performance of work.
3. For the above circumstances, flags will be flown at half-staff as soon as practicable following the notification of a death, and will ordinarily be continued for 48 hours.



City of St. Helena
Council Policy
 Administration

Policy
**Outdoor Display of Governmental and
 Non-Governmental Flags on City Property**

Page 2 of 2

IV. Policy – Display of Non-Governmental Flags on City Property

1. The Mayor and/or a member of the City Council may submit a request to the City Manager in writing to display a Non-Governmental Flag on a Ceremonial Flagpole in conjunction with official actions, ceremonial items, or proclamations of the City Council. The request shall specify:
 - a. the type of flag to be displayed
 - b. how display of the flag would relate to a prior or proposed official action, ceremonial item, or proclamation of the City Council, and
 - c. the proposed time and manner of display.
2. Following consideration of a request, if the Council approves the request, either by minute order or in conjunction with adoption of some other official action, ceremonial item, or proclamation, the City shall display the requested Non-Governmental Flag on a Ceremonial Flagpole at the time, place, and manner so directed by the Council. If the Council does not approve a request, it shall be deemed to have been denied and shall not be reconsidered for a period of six (6) months.
3. When a Ceremonial Flagpole is not displaying a Non-Governmental Flag, the City Flag may be flown upon the order of the City Manager, in his or her discretion.
4. The Ceremonial Flag Pole will be located beside the existing governmental designated flag pole outside of City Hall.

Cindy Tzaopoulos

From: Geoff Ellsworth
Sent: Thursday, April 14, 2022 1:33 PM
To: Cindy Tzaopoulos
Cc: James McCann
Subject: Progress Flag/Trans Flag for Pride Month

I would like to request the City fly the Progress Flag and the Trans Flag on our ceremonial flag pole for Pride Month, June 1-June 30 2022 in solidarity and support of LGBTQ+ issues and members of our community.

Thank you,
Geoff Ellsworth

Sent from my iPad



Report to the City Council
Regular City Council - 26 Apr 2022

Agenda Section: CONSENT ITEMS

Subject: Quarterly Grant Report for FY 2022 Q2 for the period ending December 31, 2021 and Q3, for the period ending March 31, 2022.

CEQA Determination: Not a CEQA project

Prepared By: Mandy Kellogg, Asst. Administrative Services Director

Reviewed By: April Mitts, Administrative Services Director

Approved By: James C. McCann, Interim City Manager

BACKGROUND

This report covers grant activity for the 2nd and 3rd Quarters of Fiscal Year (FY) 2022.

DISCUSSION

New Awarded Grant Applications in FY 2022 2nd and 3rd Quarter

The City of St. Helena received one new grant award during 2nd and 3rd Quarter of Fiscal Year 2022.

Agency	Project	Award
CDBG-CV2 & 3 - Childcare Scholarship Program	Provide childcare scholarships to income qualified families.	\$71,053
CDBG-CV2 & 3 - Utility Assistance Program	Provide utility assistance to St. Helena Residents.	\$200,000
CDBG - Public Services (CONDITIONALLY AWARDED)	Community Wellness and Mental Health Program.	\$498,281

State of CA - Department of Alcoholic Beverage Control	Minor Decoy, Shoulder Tap, and IMPACT Program.	\$20,000
State of CA - Department of Justice	Funding for School Resource Officer.	\$454,788
State of CA - Department of Parks and Recreation	Funding to Replace Crane Park Playground Equipment.	\$177,952
SWRCB - CA Water and Wastewater Arrearages Payment Program	Relief for Water Arrearages incurred 03/04/2020 through 06/15/2021.	\$114,344

Applications Pending

The City currently has 6 applications pending.

Agency	Project	Amount
CDBG - Hunt's Grove Parking Lot	Expansion and improvements for Hunt's Grove parking lot.	\$200,000
CDBG - Planning Grant	Affordable Housing Feasibility Analysis.	\$204,170
CDBG - Economic Development	Business Assistance Program	\$500,000
CalOES - HMGP: Wastewater Treatment Plant Backup Power	Wastewater Treatment Plant Emergency Backup Power	\$728,438
CalOES - HMGP: Emergency Backup Power	City Corporation Yard and Crinella Pump Station Emergency Backup Power	\$257,380
CalOES - HMGP: Defensible Space/Fuel Management	Defensible Space and Hazardous Fuels Reduction	\$1,866,680

CDBG: Hunts Grove Parking Lot Project - Funds will be used to expand and improve parking for Hunt's Grove Apartments to create space for an additional 12 parked cars. The total amount of requested funding is \$200,000. This project is currently on a waiting list.

CDBG: Planning Grant - The funding will be used to conduct a sites feasibility analysis to compare various properties in the City for their affordable housing development potential. The total amount of requested funding is \$204,170.

CDBG: Economic Development - Funding will be used for a Business Assistance Program for the purpose of establishing a business assistance revolving loan fund, which will provide flexible low interest forgivable loans to small and medium sized businesses in the City of St. Helena to offset the negative impacts of COVID-19 to assist with financial recovery and business expansion. The total amount of funding requested is \$500,000.

HMGP: Wastewater Treatment Plant Backup Power - Funding would be used to purchase and install emergency backup power at the Wastewater Treatment Plant that would provide sufficient power to the newly designed plant upgrade during power outages. The total project amount is estimated at \$971,250, with \$728,438 requested in grant funding and \$242,812 as a required City match.

CalOES - HMGP: Emergency Backup Power - Funding will be used to upgrade two existing City facilities with back-up power generation capabilities and will include the purchase of two fixed generators for the City Corporation Yard and the Crinella Pump Station. The total project amount is estimated at \$343,173, with \$257,380 requested in grant funding and \$85,793 as a required City match.

CalOES - HMGP: Defensible Space and Fuel Management - Funding will be used to create defensible space around the locations identified as high fire risk in St. Helena by creating a buffer between the identified structures and grass, trees, shrubs, and wildland areas that surround them. The proposed project will slow the rate of spread for future wildfires, making them more manageable and reducing damage to structures. The total project amount is estimated at \$2,488,906, with \$1,866,680 requested in grant funding and \$622,226 as a required City match.

Applications Not Funded

The City received notification that 2 applications during 2nd and 3rd Quarter of Fiscal Year 2022 were not funded.

Agency	Project	Reason
CDBG - Planning Grant	Affordable Housing Feasibility Analysis	The City did not receive enough points to be funded during this competitive round. HCD recommended reapplying during the FY22 NOFA period.
CalTrans - Clean California Grant Program	Downtown Streetscape Project	The City did not receive enough points to be funded. Projects were awarded to cities with much more disadvantaged populations, urban decay, and dilapidated streets.

Active Grants

These are grant awards with signed agreements. This chart identifies the grant award, required match, and percent expended. Staff is currently managing \$5.49 million in active grant funds.

Grant	Project	Award Amount	Additional Project Funding	% Grant Funds Expended	Notes
CENIC on behalf of Califia	Connection to CalRen Hub at St. Helena Public Library	Based on discounts applied	\$ -	0.0%	The CENIC connection was completed in March 2019.
Department of Water Resources (DWR)	Comprehensive Flood Control Project	\$2,371,333	\$20,000,000	100.0%	Holding \$237,000 in retention until Conservation Easement is completed.
CalTrans/Federal - OBAG2	Main Street Pedestrian Improvements	\$1,206,000	\$351,000	0.0%	Planning and design continues on this project.
Friends & Foundation	Enhancements for Library (PT Staff, Spanish/Youth/Adult Programs, Materials, Elsie the Cat, Supplies)	\$138,600	\$ -	78.4%	The fourth grant disbursement of \$35,000 was received February 2022.
Bulletproof Vest Partnership	Purchase of one bulletproof vest	\$2,956	\$1,478	100.0%	
CalTrans/Federal - HSIP	Replacement of 1,175 lineal feet of guardrail on Silverado Trail that is located in the City limits of St. Helena	\$556,100	\$ -	3.3%	Project was delayed due to a CalTrans requirement. An extension was filed and approved updating the Project End Date to 06/01/2023.

Housing and Community Development (HCD) - SB2 Planning Grant	Updates to current zoning code in order to implement housing policies and directives identified in the General Plan and in the 2015 Housing Element.	\$160,000	\$159,990	82.9%	Project continues to progress as scheduled.
CalOES - PSPS Resiliency Allocation	Replace two generators at the treatment plants and purchase a roving generator.	\$300,000	\$ -	86.4%	Construction is in progress.
HCD - Local Early Action Planning (LEAP) Grant	Housing Element update to facilitate compliance with the 6th Regional Housing Needs Allocation (RHNA) cycle.	\$65,000	\$ -	83.7%	Contract was awarded in January 2021.
Upper Valley Waste Management	Money Way Waste/Recycling Consolidation Project	\$120,000	\$ -	0.0%	Project was anticipated to start in 2022.
HCD - HOME Investment Partnership Program: Program	Funding to continue the Owner-Occupied Rehabilitation Program.	\$500,000	\$ -	0.0%	Funding is awaiting HCD authorization to expend funds.
CDBG-CV1 - Childcare Scholarship Program	Provide childcare scholarships to income qualified families.	\$74,484	\$ -	13.0%	CRC continues to work with families for placement.

Closed Out Grants

Grant	Project	Award Amount	Cash Match	% Grant Funds Expended	Notes
CDBG - Acquisition Project	Acquisition of a 4-unit rental property at 723 Hunt Avenue to	\$1,429,111	\$ -	100.0%	All project completion reports were received by HCD. Unspent

	preserve a low income housing site.				funds were disencumbered and final reimbursement was received 09/03/2021.
Department of Justice	Prop 56 - Hire law enforcement office to manage programs educating and enforcing issues of underage tobacco use.	\$393,514	\$ -	31.8%	Final reimbursements were received on 12/08/2021.
CalOES - HMGP	Purchase of generators and upgrading electrical panels to provide emergency backup power to City facilities.	\$485,392	\$169,487	100.0%	Reimbursement retention was received on 03/28/2022.

Flood Projects

- Department of Water Resources (DWR) – City Council approved the conservation easement on October 12, 2021 and it was recorded on February 25, 2022. DWR confirmed receipt of the documents and it will take DWR approximately 45-60 days to complete the necessary paperwork and documentation for closeout and release the retention of \$237,000.

Non-Profit Grant Funding

The **FY 2021/22** grant application period closed on March 15, 2021 at 5:00 PM. The City received 26 applications with a total of \$421,828 in funding requests. On May 25, 2021, City Council awarded 20 applicants for a total of \$209,530. The chart below identify the grant type, grantee, project description, award amount, and percent expended as of March 31, 2022.

Grant Type	Grantee	Project Description	Award Amount	Percent Expended*
Community Enrichment	Arts Council Napa Valley	Visual & Performing Arts Student of the Month	\$3,250	0.0%
Community Enrichment	Boys & Girls Club	Power Hour – Homework Assistance Program	\$5,000	0.0%
Community Enrichment	Friends of the Cameo	Cameo Cinema Drive-In	\$8,000	100.0%
Community Enrichment	Lunchtime Productions	CKT – Summer 2021 St. Helena Drama Camps	\$2,000	0.0%
Community Enrichment	Napa Valley State Parks	Summer Camp Scholarship & Outdoor Education Program	\$2,500	0.0%
Community Enrichment	Nimbus Arts	Art Programs & Art Kits	\$3,630	0.0%
Community Enrichment	St. Helena Community Band	Yearly Performances	\$4,000	0.0%
Community Enrichment	St. Helena Historical Society	Pioneer Classroom and Education Center	\$5,000	100.0%
Community Enrichment	Upstage Napa Valley	First Annual Upstage Napa Valley Playwrights Festival	\$3,050	0.0%
Programmatic	Boys & Girls Club	St. Helena Teen Club	\$28,000	0.0%
Programmatic	Mentis	Youth and Family Mental Health Treatment	\$20,000	0.0%
Programmatic	OLE Health	Ole Health Services	\$5,000	0.0%
Programmatic	Our Town St. Helena	OTSH Transition Year Capacity Building	\$25,000	0.0%
Programmatic	Rianda House Senior Activity Center	Rianda House Senior Activity Center	\$25,000	0.0%

Programmatic	Saint Helena Family Center	Enrollment Expansion with New Classroom Space	\$10,000	0.0%
Programmatic	St. Helena Cooperative Nursery School	St. Helena Co-Op Nursery School	\$10,000	0.0%
Programmatic	St. Helena Farmers Market	Market Match Program	\$5,100	88.0%
Programmatic	St. Helena Preschool for All	Preschool Scholarships	\$10,000	100.0%
Programmatic	St. Helena Catholic Church	Additional Food Cards, Fuel Vouchers for Families in Need	\$10,000	0.0%
Programmatic	Up Valley Family Centers	Community Connections & Immigration Assistance	\$25,000	0.0%
		Totals	\$209,530	13.1%

**This program is a reimbursement grant; therefore, funds are not considered expended until reimbursement paperwork has been received and approved by City staff.*

The **FY 2022/23** grant application period closed on February 18, 2022 at 5:00 PM. The City received 20 applications with a total of \$290,185 in funding requests. The Council working group met on March 30, 2022 to review the applications and make funding recommendations. The funding recommendations will be presented to City Council at the first budget workshop meeting currently scheduled for May 12, 2022.

FISCAL IMPACT

There is no fiscal impact associated with this report.

RECOMMENDED ACTION

Receive and file report.



Report to the City Council
Regular City Council - 26 Apr 2022

Agenda Section: CONSENT ITEMS

Subject: March 2022 Review and Forecasting of City Water Supply Availability

**CEQA Exempt
Determination:**

Prepared By: Martin Beltran, Management Analyst

Reviewed By: Eric Janzen, Assistant Public Works Director

Approved By: James C. McCann, Interim City Manager

BACKGROUND

The City of St. Helena publishes a monthly water report on the City website (www.cityofstheleena.org/publicworks/page/water-reports). The report includes the amount of water produced at the Louis Stralla Water Treatment Plant and the Stonebridge Potable Water Wells, and potable water delivered from the City of Napa. In addition to presenting data on the amount delivered monthly, the report includes year-to-date information and prior year data. Water elevation and capacity at the Bell Canyon Reservoir is included as well as information on rain and temperatures.

On April 27, 2021, the City Council adopted an Urgency Ordinance updating the regulatory requirements for commercial, industrial, and institutional users due to the seasonal nature of their water use. Beginning in June 2021, the updated Phase II allocation for commercial, industrial, and institutional users is 10% less than that user's average water use during the three preceding non-shortage years by month. For current calculations the following years are being used: 2017, 2018, and 2019. This baseline for determining allocations for commercial, industrial, and institutional users also applies in Phase III.

The Urgency Ordinance also updated the basis for which a Phase I, Phase II, or Phase III water emergency is determined from whether the City has sufficient volume of water to meet its needs through November 1st, to whether the City has sufficient volume to

meet its needs through the subsequent May 1st., after making conservative assumptions regarding rainfall during the rainy season based on recent data. The change to the standard allows the City to take into account potentially very low rainfall during the rainy season, and less than full replenishment of the City's water supply storage.

At the City Council meeting of July 27, 2021, the City Council requested City staff enhance the monthly water report to include a forecast of available water supply, consistent with the adopted Urgency Ordinance. This request is consistent with the City's Fiscal Year 2021-22 Council Goal to develop a Comprehensive Water Security Framework, and the recently developed Framework that includes a goal to "Maximize Conservation During Water Emergency" and subtask 1C to "provide customers with comparison of actual vs. projected water demand" as well as Framework Goal Improve Consumer Satisfaction and Confidence" and subtask 3C to "additional analytical tools to improve consumer confidence."

DISCUSSION

City staff has developed a forecasting tool to facilitate its ability to optimize water use and track water availability. Included as Attachment 1 is the Monthly Water Report for March 2022. The water produced for March 2022 is up by 1.5% when compared to March 2021 and down by 4% when compared to the average of March 2018-2020. The storage in Bell Canyon graph (Attachment 2) shows the water availability forecast for Bell Canyon based on the highest water usage during a non-drought year.

Water Produced or Delivered per Source

Source	Average (2018 - 2020) (Acre-Feet)	March 2021 (Acre-Feet)	March 2022 (Acre-Feet)
Bell Canyon	37	2	17.3
Stonebridge Wells	7	30	32.2
Napa Water	48	55	39
Total	92	87	88.5

Percent change from average of March 2018 - 2020: **-4%**

Percent change from March 2021: **1.5%**

Continued Water Conservation

California experienced two consecutive dry years 2020 and 2021, and drought conditions state-wide persist. Due to the combination of warmer-than-average temperatures and minimal precipitation in the state, the Department of Water Resources (DWR) declared 2021 as the fourth-driest year on record statewide. The record-breaking dry period in January and February, 2022 and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project (SWP). However, the reduction does not affect St. Helena as the City has multiple robust water sources not affected by the executive order. Water availability from the Bell Canyon reservoir is based on the City's State Water Rights permit and not the SWP. The

City has not received any curtailment order from the Department of Water Resources (DWR) nor does the City anticipate to receive one.

The City is still in drought conditions. Bell Canyon Reservoir has adequate water to support the City's needs through this calendar year with Phase 1 conservation measures in effect. As of April 1, Bell Canyon Reservoir elevation was at 418.5 feet representing approximately 2,121 acre feet (AF) and 89% capacity.

Due to the ongoing drought conditions, Phase I Water Emergency remains in effect. Staff will monitor State-wide and local drought conditions and provide updates on a monthly basis.

Water Supply Related Projects

Staff has requested a proposal from a consultant to assist the City with evaluating the City's long term water resiliency. The consultant will assist with updating the 2010 Water Supply Plan that was prepared prior to the recent drought.

Rutherford Pump Station (RPS) has resumed normal operation and the City is taking delivery of the allotment purchased from City of Napa. The new equipment installed at RPS, is capable of delivering water from low-pressure sources such as the Jamison Canyon Water Treatment Plant (state water source). Furthermore, the City of Napa continues to make improvements to the Dwyer Pump Station which, when completed, will provide the capacity to increase pressure to the Rutherford area, thus providing a redundant system for water delivery to St. Helena.

Staff has negotiated an amendment to the City of Napa Water Supply Agreement allowing undelivered water via the Rutherford Pump Station to be "banked" for delivery in future fiscal years. Staff expect to bring Amendment No. 5 to the Agreement for City Council's review and consideration in May.

FISCAL IMPACT

Not applicable.

RECOMMENDED ACTION

Receive and file.

ATTACHMENTS

[Attachment 1: Monthly Water Report, March 1-31, 2022](#)

[Attachment 2: Storage in Bell Canyon Graph, March 2022](#)

CITY OF ST. HELENA
MONTHLY WATER REPORT

CC: CC__X__ PC__X__ FILE _____
 RECEIVED: _____ BY: _____

March 1 - 31, 2022

	LOUIS STRALLA WATER PLANT	STONEBRIDGE POTABLE WELLS	SBW IRRIGATION WATER	NAPA WATER	TK #1 & #2 ADJUST
AMOUNT PRODUCED in AF	17.35	32.26	0.100	38.93	0.84
AMOUNT PRODUCED in MG	5.65	10.51	0.032	12.68	0.27
PERCENT	19.4%	36.1%		43.6%	0.9%

WATER DELIVERY (AGGREGATE)

	THIS YEAR	LAST YEAR
TOTAL DELIVERY THIS PERIOD	29.12 MG	28.19 MG
MAXIMUM DAILY DELIVERY	1.70 MG	2.44 MG
MINIMUM DAILY DELIVERY	0.42 MG	0.42 MG
AVERAGE DAILY DELIVERY	1.02 MG	1.17 MG

WATER YEAR TOTALS

	THIS FISCAL YEAR	%	LAST FISCAL YEAR	%
LOUIS STRALLA WATER PLANT	298.42 AF	31.5%	554.98 AF	43.1%
	97.24 MG		180.11 MG	
NAPA WATER	258.50 AF	27.3%	343.27 AF	26.7%
	84.22 MG		93.96 MG	
STONEBRIDGE POTABLE WELLS	389.90 AF	41.2%	388.50 AF	30.2%
	127.05 MG		116.59 MG	
TOTAL WATER DELIVERY (ALL)	946.82 AF	100.0%	1286.75 AF	100.0%

SBW IRRIGATION WATER

	THIS MONTH	THIS MONTH, LAST YR.
STONEBRIDGE APARTMENTS	0.05 MG/March 1 - 31	0.0016 MG/Mar 2 - 30
NAPA VALLEY COLLEGE	0.34 MG/March 1 - 31	0.0130 MG/Mar 2-30

WATER ELEVATION, CAPACITY & RAINFALL

	THIS FISCAL YEAR	LAST FISCAL YEAR
ELEVATION BELL CANYON RESERVOIR	418.50 FT.	402.07 FT.
MONTHLY RISE OR DROP	-0.88 FT.	1.74 FT.
CAPACITY AT END OF PERIOD	712.62 MG	340.85 MG
PERCENT OF FULL CAPACITY	89.0 %	43.0 %
RAINFALL IN THIS PERIOD	1.03 IN	2.19 IN
TOTAL RAINFALL SEASON TO DATE	24.46 IN	13.03 IN

TEMPERATURES

	THIS YEAR	THIS MONTH, LAST YR.
DEGREES IN FAHRENHEIT	39.9 - 84.7	39 - 78
AVERAGE	56.2	54.8

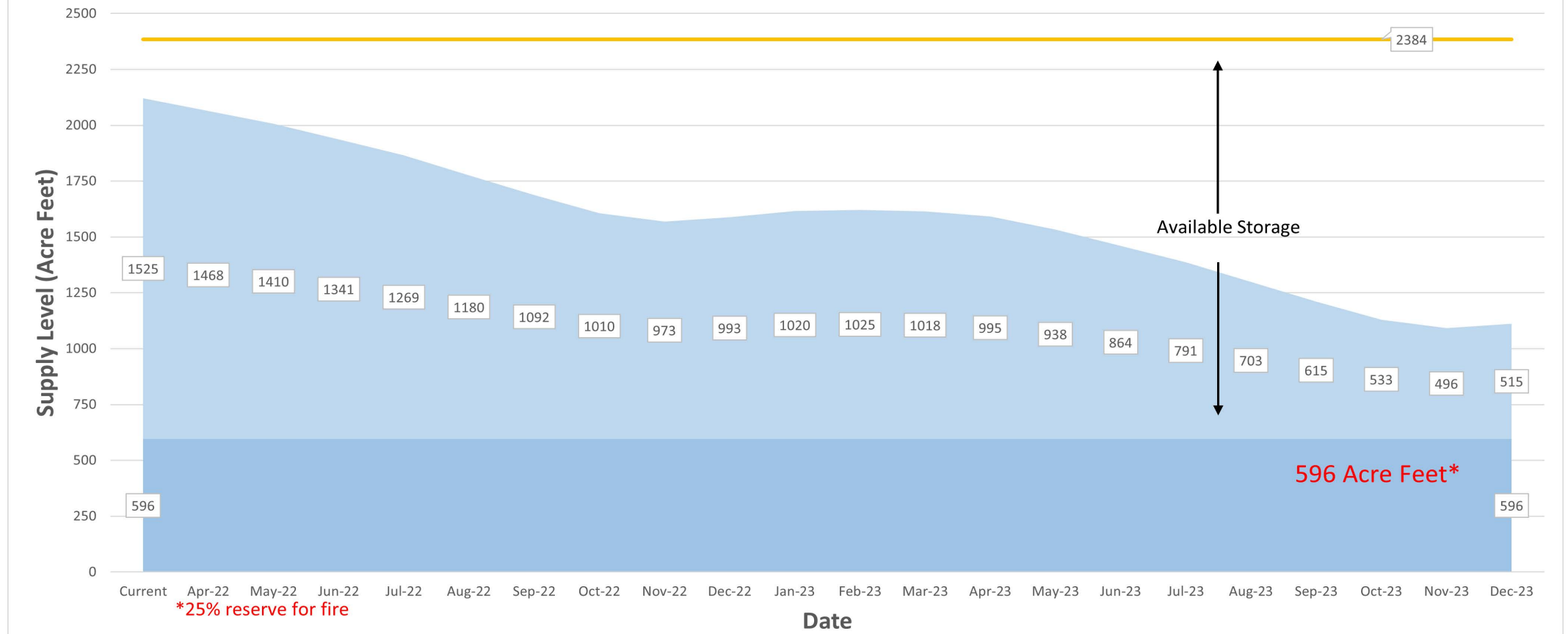
REMARKS

City of Napa Water Delivery on Target: No. The City experienced a pump failure at Rutherford Pump Station between November 2021 - March 2022. RPS is consistently producing ~ 0.5 MG/day.

DISCLAIMER: The data presented in this report is approximate and for informational purposes only.

Updates will be provided if any errors are identified.

Bell Canyon Water Storage Forecast
Assumes: (1) Highest usage during non-drought year (FY2019/20)
(2) No more rainfall until next rain season





Report to the City Council
Regular City Council - 26 Apr 2022

Agenda Section: CONSENT ITEMS

Subject: Consideration and proposed approval of a resolution authorizing:

- 1) An agreement with the Housing Authority of the City of Napa (HACN) to administer the HOME Grant funded owner-occupied rehabilitation program; and
- 2) Adoption of the updated Housing Rehabilitation Program Guidelines.

CEQA Determination: Exempt from the requirements of CEQA under the "General Rule", Section 15061 (b)(3), in that it can be seen with certainty that the proposed action will have no impact on the environment.

Prepared By: Mandy Kellogg, Asst. Administrative Services Director

Reviewed By: April Mitts, Administrative Services Director

Approved By: James C. McCann, Interim City Manager

BACKGROUND

Since Fiscal Year 2007/2008, the City has contracted with the Housing Authority of the City of Napa (HACN) to administer housing authority services for St. Helena.

On June 23, 2015, the City Council authorized the City Manager to file an application to the California Department of Housing and Community Development (HCD) for an owner-occupied low-income household rehabilitation program for up to \$500,000 in grant funds. This grant was intended to provide no interest, voluntary payment loans to assist low-income homeowners with making needed repairs to their homes. In filing this application it was identified that, if awarded, City staff would then work with HACN to use the funds to create and administer the program.

In September 2016, the City was awarded a \$500,000 State HOME Investment Partnership Program Grant (HOME) for an owner-occupied residential rehabilitation

program, which will assist low-income homeowners whose primary residences are in need of repairs, improvements or reconstruction necessary to meet federal, state, and local building codes.

On July 1, 2017, the City of St. Helena entered into Home Program Intergovernmental Agreement for Services with the Housing Authority of the City of Napa for program administration and services.

The program was highly successful and resulted in the approval of 21 HOME loans. There are currently 6 individuals on the waiting list for funding availability.

On January 14, 2020, the City Council authorized the City Manager to file an application to the California Department of Housing and Community Development (HCD) for an additional \$500,000 in grant funds to continue the owner-occupied low-income household rehabilitation program.

On October 13, 2020, the City was awarded the additional \$500,000 to continue the program and received the executed Standard Agreement on October 27, 2021. The City has continued to work with HACN to complete the necessary documents to receive authorization to expend funds, which include an updated agreement with HACN to act as "Program Operator" for the HOME owner-occupied rehabilitation program and updated Housing Rehabilitation Program Guidelines.

DISCUSSION

HOME Program Intergovernmental Agreement for Services

The proposed updated agreement (Attachment A) will authorize HACN to act as the "Program Operator" specifically for the HOME owner-occupied rehabilitation program and cover the following services:

- Loan application processing and selection of loan recipients
- Income determination
- Inspecting and documenting conditions of dwellings
- Developing bid specifications
- Conducting bid walks
- Pre-construction conference
- Preparing Minor Rehabilitation Residential Environmental Reviews
- Preparing contracts and loan documents
- Monitoring construction activities
- Preparing payment requests and lien waivers
- Preparing and recommending approval of change orders
- Inspecting completed work
- Prepare and recording Notices of Completion
- Prepare project closing documents and draw requests

- Provide technical assistance
- Program outreach and marketing
- Annual occupancy monitoring, and preparation of reports required by the HOME Program, including quarterly and annual Program Income Reports and Performance Reports, and any applicable labor reports

Although HACN administers the program and will provide recommendations, the City will have ultimate approval of applicant eligibility, scope of work, amount of loans, change orders, etc.

HACN has successfully managed the owner-occupied and rental housing rehabilitation program and lead-based paint remediation program for the City of Napa since 1991. The HACN is currently under contract to operate a variety of Owner Occupied Rehab Programs funded with either CDBG, HOME, and/or CalHome Program funds for the cities of Calistoga and American Canyon and the Town of Yountville.

Housing Rehabilitation Program Guidelines

The updated program guidelines (Attachment B) were approved by the Housing and Community Development Department on April 5, 2022 and include one amendment of significance. The original program guidelines allowed for a maximum loan amount of \$30,000. Due to increased construction costs it was proposed to increase the maximum loan amount. The updated guidelines allow for a maximum loan amount of \$75,000, which is described in Section 4.1 of Attachment B.

FISCAL IMPACT

Under the terms of the State's Standard Agreement, \$12,500 of the \$500,000 grant is designated for general program administration. HACN is proposing to use the full amount of \$12,500 and an additional \$5,000 from program income that the City earned during the previous grant period, for a total of \$17,500 to cover its administrative costs. Also per the Standard Agreement, up to 24% of the grant may be used for activity delivery costs. HACN is proposing to utilize \$80,300 for activity delivery costs. Based on this, the total contract amount is \$97,800 to be paid over the term of the services agreement, for both program activity costs and administration.

Therefore, the only direct fiscal impact to the City will be in the staff time to administer the financial elements of the program, and to administer the future revolving loan program after repayment of the loans begin.

RECOMMENDED ACTION

It is recommended the City Council adopt a resolution authorizing:

- 1) The City Manager to execute the Intergovernmental Agreement for Services with the Housing Authority of the City of Napa (HACN) to administer the HOME Grant funded owner-occupied rehabilitation program; and
- 2) Adoption of the updated Housing Rehabilitation Program Guidelines.

ATTACHMENTS

[Resolution Agreement with HACN and HOME Grant Guidelines](#)

[Attachment A - St. Helena - 19-HOME-14974 Program Services Agreement - Final](#)

[Attachment B - Housing Rehabilitation Program Guidelines](#)

CITY OF ST. HELENA

RESOLUTION NO. 2022-__

Resolution approving an agreement with the Housing Authority of the City of Napa (HACN) to administer the HOME Grant funded owner-occupied rehabilitation program and Approving the updated Housing Rehabilitation Program Guidelines.

RECITALS

- A. In September 2016, the City of St. Helena was awarded a HOME Investments Partnership Program grant in the amount of \$500,000 from the State of California Department of Housing and Community Development for owner-occupied residential rehabilitation program to assist low-income homeowners whose primary residences are in need of repairs (the "HOME Grant"); and
- B. On July 1, 2017, the City of St. Helena entered into Home Program Intergovernmental Agreement for Services with the Housing Authority of the City of Napa for program administration and services; and
- C. On October 13, 2020, the City was awarded the additional \$500,000 to continue the program and received the executed Standard Agreement on October 27, 2021. The City has continued to work with HACN to complete the necessary documents to receive authorization to expend funds, which include an updated agreement with HACN to act as "Program Operator" for the HOME owner-occupied rehabilitation program and updated Housing Rehabilitation Program Guidelines; and
- D. The City of St. Helena and the Housing Authority both desire to have the Housing Authority continue the owner-occupied rehabilitation loan program and administer the HOME Grant for the City of St. Helena; and
- E. The City wishes to amend the Housing Rehabilitation Program Guidelines that outline the parameters of the HOME Grant program to increase the maximum loan amount from \$30,000 to \$75,000 to accommodate increased construction costs.

RESOLUTION

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

1. Authorize the City Manager to execute the Intergovernmental Agreement for Services with the Housing Authority of the City of Napa (HACN) to administer the HOME Grant funded owner-occupied rehabilitation program; and
2. Adopt the updated Housing Rehabilitation Program Guidelines.

Approved at a Regular Meeting of the St. Helena City Council on April 26, 2022, by the following vote:

Mayor Ellsworth:

Vice Mayor Dohring:

Councilmember Chouteau:

Councilmember Hall:

Councilmember Hardy:

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk

ATTACHMENT A

**HOME PROGRAM
INTERGOVERNMENTAL AGREEMENT
FOR SERVICES**

THIS HOME PROGRAM INTERGOVERNMENTAL AGREEMENT FOR SERVICES (this "Agreement") is made and entered into under the joint exercise of powers provisions of the Government Code of the State of California, California Government Code Section 6500-6536 this ____ day of _____ ("Effective Date") by and between the City of St. Helena, a California municipal corporation ("Grantee") and the Housing Authority of the City of Napa, a California public agency and Subrecipient of the Grantee (hereinafter "Program Operator"). Grantee and Program Operator are public entities organized and operating under the laws of the State of California and each is a public entity as defined in California Government Code Section 6500. Grantee and Program Operator may be referred to collectively as "the Parties."

A. The Grantee has applied for and received grant funds from the California State Department of Housing and Community Development ("HCD") HOME Investment Partnerships Program ("HOME Program Grant") allocated to the State from the U.S. Department of Housing and Urban Development ("HUD") under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, and in implementing regulations set forth in part 92 of Title 24 of the Code of Federal Regulations ("CFR"), and in section 8200 *et seq.* of Title 25 of the California Code of Regulations ("CCR").

B. The Grantee's use of the Grant Funds is governed by that certain Standard Agreement 19-HOME-14974 by and between the Grantee and HCD dated _____, 2022 attached hereto as Exhibit A and incorporated herein by this reference ("the Standard Agreement"). Capitalized terms used but not defined herein shall have the meaning ascribed to such terms in the Standard Agreement.

C. The Grantee wishes to utilize the Home Program Grant to fund an Owner-Occupied Rehabilitation Program ("Rehabilitation Program") and to engage the Program Operator to assist the Grantee in administering such programs.

NOW, THEREFORE, it is agreed between the parties as follows:

1. SCOPE OF SERVICE

A. Activities. The Program Operator will be responsible for administering the Rehabilitation Program, the "Program") in the City of St. Helena ("City"), in a manner reasonably satisfactory to the Grantee and consistent with all standards required by the Standard Agreement. The Program Operator shall comply with all terms and conditions of the Standard Agreement applicable to the Services (defined below) being provided by Program Operator pursuant to this Agreement. The Program Operator will perform the program delivery activities and general administration activities described in subsections (1) and (2) below (collectively, "Services").

- (1) Program Delivery Activities. Program Operator will provide the following delivery activities:

Rehabilitation Program: Loan application processing and selection of loan recipients, income determination, inspecting and documenting conditions of dwellings, developing bid specifications, conducting bid walks, pre-construction conference, preparing Minor Rehabilitation Residential Environmental Reviews, preparing contracts and loan documents, monitoring construction activities, preparing payment requests and lien waivers, preparing and recommending approval of change orders, inspecting completed work, preparing and recording Notices of Completion, and preparing project closing documents and draw requests, and providing technical assistance.

Determination of applicant eligibility, scope of work, amount of loans, change orders, and other similar decisions shall be the decision of the Grantee based upon the recommendation of the Program Operator.

Delivery Activities for Program Income are not included within the Services. However, if Grantee desires Program Operator to provide such services, Program Operator will provide them on a time and materials basis at the rates set forth in Section 4 upon mutual agreement of the Parties.

- (2) General Administration. The Program Operator shall provide the following administrative activities: program outreach and marketing, annual occupancy monitoring, and preparation of reports required by the HOME Program, including quarterly and annual Program Income Reports and Performance Reports, and any applicable labor reports.

B. Program Goals. In providing the Services, the Program Operator shall use best efforts to provide technical assistance and rehabilitation loans to approximately thirteen (13) households in the City.

C. Staffing. The Program Operator shall provide staff to operate the Programs. Staff assigned to the Programs may include a Housing Rehabilitation Supervisor, Housing Rehabilitation Specialist, Affordable Housing Representative, Housing Secretary, Office Assistant, Management Analyst, Housing Specialist, Assistant Housing Manager, and Housing Manager.

D. Performance Monitoring. The Grantee will monitor the performance of the Program Operator against goals and performance standards set forth herein. Substandard performance including, without limitation, as provided in Section 6.C, herein, as solely determined by the Grantee will constitute a material breach

of, and non-compliance with, this Agreement. If action to correct such substandard performance is not taken by the Program Operator within 15 calendar days after being notified in writing by the Grantee, Grantee will be entitled to suspend and/or terminate this Agreement with 15 calendar days' notice.

2. TIME OF PERFORMANCE. This Agreement shall have a term of five (5) years, starting on the 1st day of _____, and ending on the 31st day of _____ (the "Term"); provided however, the Term of this Agreement shall be automatically extended to cover any extensions of the deadline to expend Program funds set forth in Section 3A of Exhibit A of the Standard Agreement.

3 BUDGET.

Rehabilitation Activity Delivery	\$80,300
Program Administration	<u>\$17,500</u>
Total for Term of Agreement	\$97,800

Grantee will compensate Program Operator for the performance of Services under this Agreement in an amount not to exceed Ninety-Seven Thousand Eight Hundred Dollars, \$97,800, as outlined above.

4. PAYMENT. The Grantee will pay Program Operator for Program Operator's time and expenses necessary to perform the Services as compensation in full for Services satisfactorily performed in compliance with this Agreement. The rate for Program Operator's time shall be the then-current fully burdened overhead rate (the "Fully Burdened Overhead Rate") for the employee performing the Services. The Fully Burdened Overhead Rate is an hourly billable rate that captures all Program Operator costs associated with an employee, over and above gross compensation or payroll costs. Typical costs associated with the Fully Burdened Overhead Rate include payroll taxes, worker's compensation, health insurance, paid time off, pension contributions, and other benefits. The applicable Fully Burdened Overhead Rate will depend on the Program Operator employee performing the Services as each employee has a different Fully Burdened Overhead Rate that is calculated based on that particular employee's salary and benefits.

It is expressly agreed and understood that the total amount to be paid by the Grantee to Program Operator for the Services provided under this Agreement shall not exceed the total set forth in Section 3. Payments to Program Operator shall be made against the line item budgets specified in Section 3, herein. The Program Operator shall comply with the provisions in 2 CFR Part 200 regarding charges for Services and will charge Grantee for actual costs rather than a fixed fee. Program Operator shall not be entitled to any compensation for additional services provided without Grantee's prior written authorization.

Program Operator will submit a quarterly itemized invoice to the Grantee for the Services provided during the preceding quarter. The invoice will identify the Services performed, the hours spent performing the Services, the applicable Fully Burdened Overhead Rate(s), and any authorized expenses. Grantee may require a more detailed invoice from Program Operator for the cost of Services provided under this Agreement, and the Program Operator shall provide such supplementary information within 30 calendar days in the form and content prescribed by the Grantee. The Grantee will pay the Program Operator within 30 days after receipt of each invoice.

5. NOTICES. Communication and details concerning this Agreement shall be directed to the following contract representatives:

Grantee:
City Of St. Helena
Jim McCann, Interim City Manager
1572 Railroad Avenue
St. Helena, CA 94574

Program Operator:
Housing Authority of the City of Napa
Housing Manager
P. O. Box 660
Napa, CA 94559
707-257-9543

6. SPECIAL CONDITIONS.

A. General Compliance. During the performance of this Agreement, the Program Operator agrees to comply with the requirements of 24 CFR Part 92 and Section 8200 through, and including, Section 8220 of Title 25 of the CCR concerning the HOME Investment Partnerships Program, and California Health and Safety Code Section 50896 except that: (1) the Program Operator does not assume the Grantee's responsibility for compliance with the National Environmental Policy Act, and (2) the Program Operator does not assume the Grantee's responsibility for initiating the review process under the provisions of 24 CFR Part 52. The Program Operator also agrees to comply with all other applicable Federal, state, and local laws, regulations, and policies governing the Services provided under this Agreement.

B. Workers' Compensation. The Program Operator shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this Agreement.

C. Suspension or Termination. In accordance with 24 CFR § 85.43, the Grantee may suspend or terminate this Agreement if the Program Operator

materially fails to comply with any terms of this Agreement, which include (but are not limited to) the following:

- (1) Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and HUD guidelines, policies or directives as may become applicable at any time;
- (2) Failure, for any reason, of the Program Operator to fulfill in a timely and proper manner its obligations under this Agreement;
- (3) Ineffective or improper use of HOME Program Grant funds; or
- (4) Program Operator's submission to the Grantee of reports that are incorrect or incomplete in any material respect.

In accordance with 24 CFR § 85.44, this Agreement may also be terminated for convenience by either the Grantee or the Program Operator, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the Grantee determines that the remaining portion of this Agreement will not accomplish the purpose for which this Agreement was made, the Grantee may terminate this Agreement in its entirety. If this Agreement is terminated for convenience, Program Operator will be entitled to compensation for Services performed up to the notice of termination. Unless otherwise approved by Grantee, Program Operator shall refrain from providing any, and will not be entitled to compensation for, any services provided after the termination of this Agreement.

7. ADMINISTRATIVE REQUIREMENTS.

A. Documentation and Record-Keeping.

(1) Records to be maintained. The Program Operator shall maintain all documents and records required by 24 CFR Part 92.508 and 25 CCR § 8216 that are pertinent to the Services to be provided by Program Operator under this Agreement. Title to and ownership of all such documents and records shall be in Grantee, which shall at all times be entitled to have access to, and possession and copies of, such documents and records. Such documents and records shall include, but not be limited to:

- (a) Records providing a full description of each activity undertaken;
- (b) Records required to determine the eligibility of activities;

- (c) Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with HOME assistance;
- (d) Records documenting compliance with the fair housing and equal opportunity components of the HOME program; and
- (e) Financial records as required by 2 CFR Part 200.

(2) **Retention.** The Program Operator shall retain all records pertinent to expenditures incurred under this Agreement for a period of five (5) years after the expiration or termination of this Agreement. Records for any displaced person must be kept for three (3) years after s/he has received final payment or five (5) years after the expiration or termination of this Agreement. Notwithstanding the above, if there is litigation, claims, audits, negotiations, or other actions that involve any of the records cited and that have started before the expiration of the five-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the five-year period, whichever occurs later.

(3) **Client Data.** The Program Operator shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to Grantee monitors or their designees for review upon request.

(4) **Disclosure.** The Program Operator understands that client information collected under this Agreement is private and the use or disclosure of such information, when not directly connected with the administration of the Grantee's or Program Operator's responsibilities with respect to the Services provided under this Agreement, is prohibited unless written consent is obtained from such persons receiving service and, in the case of a minor, that of the responsible parent/guardian. Notwithstanding the foregoing, Program Operator understands and agrees that such information is not private or confidential as to Grantee in Grantee's administration and oversight of Program Operator's responsibilities under this Agreement, and that Program Operator shall at all reasonable times provide Grantee with complete access to and complete copies of such information, including without limitation, all documents, records and materials retained by Program Operator, as determined to be necessary by Grantee.

(5) **Audits, Access, and Inspections.** Notwithstanding any other provision of this Agreement, all Program Operators documents,

information, books, records and other materials with respect to any matters covered by this shall be made available to the Grantee, HCD, their designees or the Federal and State Government, at any time during normal business hours, as often and as promptly as the Grantee or HCD deems necessary, to audit, examine, copy and make excerpts or transcripts of all relevant information and data. Any deficiencies noted in audit reports that relate to matters within the responsibility and control of Program Operator must be corrected by the Program Operator in accordance with the audit report. Failure to comply with the above audit requirements will constitute a violation of this Agreement and may result in the withholding of future payments. The Program Operator hereby agrees to comply with current Grantee policy concerning Program Operator's year-end audit/financial statement requirements, as applicable, in 2 CFR Part 200.

C. Reporting. Upon Grantee's request, the Program Operator shall submit a progress report to the Grantee in the form and content as required by the Grantee.

D. Procurement.

(1) OMB Standards. Unless specified otherwise within this Agreement, the Program Operator shall procure all materials, property, or services in accordance with the requirements of 2 CFR Parts 200.317-326.

(2) Travel. The Program Operator shall obtain prior written approval from the Grantee for any travel costs.

8. RELOCATION, REAL PROPERTY ACQUISITION AND ONE-FOR-ONE HOUSING REPLACEMENT. During the performance of the Services, the Program Operator agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24; and Section 104 (d) of the Housing and Community Development Act of 1974, as amended, and implementing regulation 24 CFR § 92, and applicable State HOME Regulations.

9. PERSONNEL AND PARTICIPANT CONDITIONS.

A. Civil Rights.

(1) Compliance. During the performance of the Services, the Program Operator agrees to comply with all applicable local and state laws including, but not limited to, 14-S01, the California Fair Employment and Housing Act and 14-F03, the California Civil Rights Act of 1964, as amended, and with Title VI of the Civil Rights Act of 1964, as amended, Title VII of the Civil Rights Act of 1968, as amended, Section 104 (b) and

Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1976, Executive Order 11063, and Executive Order 11246 as amended by Executive Orders 11375 and 12086.

(a) During the performance of the Services, the Program Operator further certifies that its physical facilities will be accessible in compliance with Section 504 of the Rehabilitation Act of 1973.

(b) During the performance of the Services, the Program Operator certifies that it will make provisions in the Programs for communicating with hearing and speech impaired persons.

(c) During the performance of the Services, the Program Operator certifies that any advertising and outreach materials for the Programs will contain the Program Operator's TDD/TTY number or the telephone number of the California Relay Service.

(2) Nondiscrimination. During the performance of the Services, the Program Operator will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Program Operator will take affirmative action to ensure that all employment practices are free from such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Program Operator agrees to post in conspicuous places, available to employees and applicants for employment, the provisions of this nondiscrimination clause.

(a) The Program Operator will conduct an analysis of racial and ethnic participation rates in the HOME Program, as well as the participation rates by female-headed households and persons with disabilities where applicable, to determine whether any group is actually, or is projected to be, participating at levels below the representation of these groups in the City's population, based on general population data available from the U.S. Census. Program Operator will develop an affirmative marketing strategy to promote interest among such under represented groups in the Grantee's programs. The Program Operator will include information in its performance report as to the affirmative outreach methods it has employed within the past year in compliance with this subsection.

(3) Land Covenants. The Standard Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352). In regard to the sale, lease, or other transfer of land acquired, cleared or improved with the HOME Program Grant, the Program Operator shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or improvements erected thereon, providing that the Grantee and the United States are beneficiaries of and entitled to enforce such covenants. The Program Operator, in undertaking its obligation to carry out the Program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not, itself, so discriminate.

(4) Section 504. During the performance of the Services, the Program Operator agrees to comply with any Federal regulations issued pursuant to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 706), which prohibits discrimination against the handicapped in any Federally assisted program. The Grantee shall provide the Program Operator with any guidelines necessary for compliance with that portion of the regulations in force during the term of this Agreement.

B. Affirmative Action.

(1) Approved Plan. To the extent applicable to Program Operator's performance of the Services, the Program Operator agrees that it shall be committed to carry out, pursuant to the Grantee's specifications, an Affirmative Action Program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1965.

(2) M/WBE. To the extent applicable to Program Operator's performance of the Services, the Program Operator will use its best efforts to afford minority-women-owned business enterprises (M/WBE) the maximum practicable opportunity to participate in the performance of this Agreement. As used in this Agreement, the term "minority and women-owned business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and American Indians. The Program Operator may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

(3) Access to Records. During the performance of the Services, the Program Operator shall furnish and cause each of its own subcontractors to furnish all information and reports required hereunder and will permit

access to its books, records, and accounts by the Grantee, HCD, HUD or its agent, or other authorized State and Federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

(4) Notifications. To the extent applicable to Program Operator's performance of the Services, the Program Operator will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the Grantee's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) EEO/AA Statement. To the extent applicable to Program Operator's performance of the Services, the Program Operator will, in all solicitations or advertisements for employees placed by or on behalf of Grantee, state that it is an Equal Opportunity or Affirmative Action employer.

(6) Subcontract Provisions. The Program Operator will include the provisions of Paragraphs 9.A, Civil Rights, and 9.B, Affirmative Action, in every subcontract or purchase order under this Agreement, specifically or by reference, so that such provisions will be binding upon each of its own divisions or subcontractors.

C. Employment Restrictions.

(1) Prohibited Activity. The Program Operator is prohibited from using Home Program Grant funds or personnel employed in the administration of the Programs for: political activities; sectarian or religious activities; lobbying, political patronage, and nepotism activities.

(2) Labor Standards. During the performance of the Services, the Program Operator agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act, the Copeland "Anti-Kickback" Act (40 U.S.C. §§ 276a-276a-5; 40 U.S.C. § 276c) and all other applicable Federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The Program Operator shall maintain documents related to compliance with this subsection. Such documentation shall be made available to the Grantee for review upon request.

(3) The Program Operator shall, except with respect to the rehabilitation or construction of residential property containing (12) twelve or more HOME-assisted units, comply with HUD requirements pertaining to such contracts and the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journey workers; provided, that if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Program Operator of its obligation, if any, to require payment of the higher wage. The Program Operator shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirement of this paragraph.

(4) Housing and Urban Development Act of 1968 "Section 3" Clause.

(a) Compliance. To the extent applicable to Program Operator's performance of the Services, Program Operator shall comply with the provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. § 1701, the regulations set forth in 24 CFR Part 75, and all applicable rules and orders issued prior to the execution of this Agreement. Failure to fulfill these requirements shall subject the Grantee, the Program Operator and any of the Program Operator's subcontractors, their successors and assigns, to those sanctions specified by the Standard Agreement. The Program Operator certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements.

The Program Operator further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this Agreement:

"The work to be performed under this Agreement is a project assisted under a program provided direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. § 1701. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low and very low-income residents of the project area and contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located."

To the extent applicable to Program Operator's performance of the Services, the Program Operator further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the HOME-funding project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the HOME-funded project is located; where feasible, priority should be given to business concerns which provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

The Program Operator certifies and agrees that no contractual or other legal incapacity exists which would prevent compliance with these requirements.

(b) Notifications. To the extent applicable to Program Operator's performance of the Services, the Program Operator agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under the Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

(c) Subcontracts. The Program Operator will include the Section 3 clause in every subcontract under this Agreement and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by HUD. The Program Operator will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 75, and will not let any subcontract unless the entity has first provided it with a preliminary

statement of ability to comply with the requirements of these regulations.

(5) Drug Free Workplace. During the performance of the Services, the Program Operator agrees to comply with the requirements of the Secretary of HUD in accordance with the Drug-Free Workplace requirements and all other applicable Federal, state, and local laws and regulations pertaining to drug-free workplace standards, insofar as those acts apply to the performance of this Agreement. The Program Operator shall maintain a written Drug-Free Workplace policy. Such policy shall be made available to the Grantee for review upon request.

D. Conduct.

(1) Assignability. The Program Operator shall not assign or transfer any interest in this Agreement without the prior written consent of the Grantee. Any unauthorized assignment shall be void and unenforceable. Claims for money due or to become due to the Program Operator from the Grantee under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished to the Grantee.

(2) Subcontracts.

(a) Approvals. The Program Operator shall not enter into any subcontracts with any agency or individual in the performance of this Agreement without the prior written consent of the Grantee.

(b) Monitoring. The Program Operator will monitor all subcontracted services on a regular basis to assure compliance with this Agreement. Results of monitoring efforts shall be summarized in written reports provided to Grantee and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

(c) Content. The Program Operator shall cause this Agreement in its entirety to be included and made a part of any subcontract executed in the performance of this Agreement.

(d) Selection Process. The Program Operator shall undertake to ensure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competitive basis. Executed copies of all subcontracts shall be forwarded to the Grantee along with documentation concerning the selection process.

(3) Hatch Act. During performance of the Services, the Program Operator shall comply with Chapter 15 of Title 5 of the United States Code.

(4) Conflict of Interest. During performance of the Services, the Program Operator agrees to abide by the provisions of 24 CFR § 85.36 with respect to conflicts of interest for procurement of property and with 24 CFR § 84.42 for procurement of services. In all cases not governed by these two sections, the Grantee and Program Operator shall comply with 24 CFR § 92.356. The Program Operator covenants that in the performance of this Agreement no persons having such a financial interest shall be employed or retained by the Program Operator hereunder. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected or appointed official of the Grantee, or of any designated public agencies receiving funds under the HOME program.

(5) Lobbying. The Program Operator hereby certifies that:

(a) No Federal or State appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the HOME Program Grant, the Standard Agreement or this Agreement;

(b) If any funds other than Federal or State appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the HOME Program Grant, the Standard Agreement or this Agreement, Program Operator will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) Program Operator will require that the language in this subsection 9(D)(5) be included in any subcontracts and that all Program Operator subcontractors shall certify and disclose accordingly; and

(d) This certification is a material representation of fact upon which reliance was placed when this Agreement was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required

certification shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each such failure.

(6) Faith-based Activities. The Program Operator shall comply with the requirements of 24 CFR § 92.257 and 24 CFR Part 5.109 which provide, in part, that “Organizations that are directly funded under the HOME Program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the assistance funded under this part.”

10. ENVIRONMENTAL CONDITIONS.

A. Flood Disaster Protection. In accordance with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. § 4001), the Program Operator shall assure that for activities located in an area identified by FEMA as having special flood hazards, flood insurance under the National Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

B. Lead-Based Paint. The Program Operator agrees that any construction or rehabilitation of residential structures funded with the HOME Program Grant shall be subject to HUD Lead-Based Paint Regulations at 24 CFR Part 35. Such regulations pertain to all HUD-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be undertaken.

C. Historic Preservation. The Program Operator agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), and the procedures set forth in 36 CFR, Part 800, and Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this Agreement.

In general, this provision requires Program Operator to obtain concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a Federal, state, or local historic property list.

11. INDEPENDENT ENTITIES. Grantee and Program Operator are independent entities, and Grantee and Program Operator and their respective officers, agents and

employees are not, and shall not be deemed, employees of the other agency for any purpose including, but not limited to, worker's compensation and employee benefits.

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

13. GENERAL PROVISIONS.

A. Amendments. The Grantee or Program Operator may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of each Party, and approved by the Grantee's governing body. Such amendments shall not invalidate this Agreement, nor relieve or release the Grantee or Program Operator from its obligations under this Agreement.

The Grantee may, in its discretion, amend this Agreement to conform with Federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons; provided however, if such amendments result in a change in the funding, the scope of Services, or schedule of the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both Grantee and Program Operator.

B. Indemnification. To the full extent permitted by law, Program Operator will indemnify, hold harmless, release, and defend the Grantee (including its officers, elected or appointed officials, employees, volunteers, and agents) from and against any and all liability or claims (including actions, demands, damages, injuries, settlements, losses, or costs [including legal costs and attorney's fees]) (collectively, "Liability") of any nature, arising out of, pertaining to, or relating to Program Operator's negligence, recklessness, or willful misconduct in the performance of its obligations under this Agreement. Consistent with Civil Code Section 2782, Program Operator will not be obligated to indemnify Grantee for the proportionate share of the Liability caused by the Grantee's active negligence, sole negligence, or willful misconduct.

To the full extent permitted by law, Grantee will indemnify, hold harmless, release, and defend the Program Operator (including its officers, elected or appointed officials, employees, volunteers, and agents) from and against any and all Liability of any nature, arising out of, pertaining to, or relating to Grantee's negligence, recklessness, or willful misconduct in the performance of its obligations under this Agreement and the Standard Agreement. Consistent with

Civil Code Section 2782, Grantee will not be obligated to indemnify Program Operator for the proportionate share of the Liability caused by the Program Operator's active negligence, sole negligence, or willful misconduct.

C. Severability. If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, this Agreement will be construed as not containing that term, and the remainder of this Agreement will remain in full force and effect; provided, however, this section will not be applied to the extent that it would result in a frustration of the parties' intent under this Agreement.

D. Governing Law, Jurisdiction, and Venue. The interpretation, validity, and enforcement of this Agreement will be governed and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement will be filed and heard in a court of competent jurisdiction in the County of Napa.

E. Attorney's Fees. If any litigation is commenced to enforce or interpret this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

F. Entire Agreement. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the Services. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all. If any provision in any document attached or incorporated into this Agreement conflicts or is inconsistent with a provision in the body of this Agreement, the provisions in the body of this Agreement will control over any such conflicting or inconsistent provisions.

G. Interpretation. Each party to this Agreement has had an opportunity to review the Agreement, and to consult with its respective legal counsel regarding the meaning of the Agreement. Accordingly, Civil Code Section 1654 will not apply to interpret any uncertainty in the meaning of the Agreement.

H. Counterparts. This Agreement may be executed in counterparts, each one of which is deemed an original, but all of which together constitute a single instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective on the Effective Date set forth above.

GRANTEE:
City of St. Helena

PROGRAM OPERATOR:
Housing Authority of the City of Napa

Jim McCann, Interim City Manager

Vincent Smith, Deputy Executive Director

Attest:

Attest:

Cindy Tzafopoulos, City Clerk

Tiffany Carranza, Authority Secretary

Countersigned:

Joy Riesenbergs, City Auditor

Approved As To Form:

Approved As To Form:

Ethan Walsh, City Attorney

Michael Barrett, Authority General Counsel

CITY OF ST. HELENA

SINGLE-FAMILY HOUSING REHABILITATION ASSISTANCE PROGRAMS (HOME, CDBG, CalHome)

PROGRAM DESIGN AND PROCESS



HCD Version 8/2020

**CalHome Approved (date)
CDBG Approved (date)
HOME Approved (4/5/2022)**

**CITY OF ST. HELENA
HOUSING REHABILITATION
PROGRAM GUIDELINES**

TABLE OF CONTENTS

1.0.	GENERAL
1.1.	PROGRAM OUTREACH AND MARKETING
1.2.	APPLICATION PROCESS AND SELECTION
1.3.	LOAN PROCESS
1.4.	CONFLICT OF INTEREST REQUIREMENTS
2.0.	APPLICANT QUALIFICATIONS
2.1.	INCOME LIMITS
2.2.	INCOME QUALIFICATION CRITERIA
2.3.	HOMEOWNER ELIGIBILITY & RESIDENCY REQUIREMENTS
3.0.	PROPERTY ELIGIBILITY
3.1.	CONDITIONS
3.2.	ANTI-DISPLACEMENT POLICY AND RELOCATION ASSISTANCE
3.3.	NOTIFICATIONS AND DISCLOSURES
4.0.	THE PROGRAM LOAN
4.1.	MAXIMUM AMOUNT OF PROGRAM ASSISTANCE
4.2.	AFFORDABILITY PARAMETERS FOR HOMEOWNERS
4.3.	RATES AND TERMS
4.4.	GRANTS
4.5.	APPRAISAL
4.6.	INSURANCE
5.0.	PROGRAM LOAN SERVICING AND MAINTENANCE
5.1.	PAYMENTS ARE VOLUNTARY
5.2.	RECEIVING LOAN REPAYMENTS
5.3.	LOAN SERVICING POLICIES AND PROCEDURES
5.4.	LOAN MONITORING PROCEDURES
5.5.	DEFAULT AND FORECLOSURE
5.6.	SUBORDINATIONS
6.0.	CONSTRUCTION
6.1.	STANDARDS
6.2.	ELIGIBLE CONSTRUCTION COSTS
6.3.	ELIGIBLE PROJECT COSTS
6.4.	REPAIR CALLBACKS
7.0.	EXCEPTIONS AND SPECIAL CIRCUMSTANCES
7.1.	AMENDMENTS
7.2.	EXCEPTIONS
8.0.	DISPUTE RESOLUTION AND APPEALS PROCEDURES
8.1.	PROGRAM COMPLAINT AND APPEAL PROCEDURE
8.2.	GRIEVANCES BETWEEN PARTICIPANTS AND CONSTRUCTION CONTRACTOR

**CITY OF ST. HELENA
HOUSING REHABILITATION
PROGRAM GUIDELINES**

ATTACHMENTS TABLE OF CONTENTS

ATTACHMENT A: 24 CFR PART 5 ANNUAL INCOME INCLUSIONS AND EXCLUSIONS – FOR CDBG & HOME

ATTACHMENT A-1: TITLE 25 SECTION 6914 GROSS INCOME INCLUSIONS – FOR CALHOME

ATTACHMENT B: ANNUAL INCOME NET FAMILY ASSET INCLUSIONS AND EXCLUSIONS – FOR CDBG & HOME

ATTACHMENT B-1: TITLE 25 SECTION 6914 GROSS INCOME EXCLUSIONS – FOR CALHOME

ATTACHMENT C: MAXIMUM PURCHASE PRICE AFTER-REHAB VALUE LIMIT; HOME PER UNIT SUBSIDY LIMIT; CURRENT INCOME LIMITS; BEDROOM & BATHROOM ADDITION STANDARDS

ATTACHMENT D: MARKETING PLAN

ATTACHMENT E: RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

ATTACHMENT F: LOAN SERVICING POLICIES AND PROCEDURES

ATTACHMENT G: FORECLOSURE POLICY

ATTACHMENT H: CERTIFICATION OF OCCUPANCY

ATTACHMENT I: LEAD-BASED PAINT NOTICE OF PRESUMPTION AND HAZARD REDUCTION FORM

**CITY OF ST. HELENA
HOUSING REHABILITATION
PROGRAM GUIDELINES**

Adopted 04/26/2022

1.0. GENERAL

The above-named entity, hereinafter referred to as the “Sponsor”, has entered into a contractual relationship with the California Department of Housing and Community Development (“HCD”) to administer one or more HCD-funded housing rehabilitation programs. The rehabilitation program described herein and hereinafter referred to as the “Program” is designed to provide assistance to eligible homeowners for correction of health and safety items, as well as code violations, located within the Program’s eligible area, as described in Section 3.0. The Program provides this assistance in the form of deferred payment loans used to finance the cost of necessary repairs that will provide the homeowner with a healthy, safe, sanitary and code compliant home, referred to herein as “housing unit”. The Program will be administered by Housing Authority of the City of Napa, hereinafter referred to as the “Program Operator”.

1.1. PROGRAM OUTREACH AND MARKETING

All outreach efforts will be done in accordance with state and federal fair lending regulations to assure nondiscriminatory treatment, outreach and access to the Program. No person shall, on the grounds of age, ancestry, color, creed, physical or mental disability or handicap, marital or familial status, medical condition, national origin, race, religion, gender or sexual orientation, be excluded, denied benefits or subjected to discrimination under the Program. The Sponsor will ensure that all persons, including those qualified individuals with handicaps have access to the Program.

- A. The Fair Housing Lender and Accessibility logos will be placed on all outreach materials. Fair housing marketing actions will be based upon a characteristic analysis comparison (census data may be used) of the Program’s eligible area compared to the ethnicity of the population served by the Program (includes, separately, all applications given out and those receiving assistance) and an explanation of any underserved segments of the population. This information is used to show that protected classes (age, gender, ethnicity, race, and disability) are not being excluded from the Program. A Fair Housing Marketing Plan can be found as Attachment D. Flyers or other outreach materials, in English and any other language that is the primary language of a significant portion of the area residents, will be widely distributed in the Program-eligible area and will be provided to any local social service agencies. The Program may sponsor homeownership education classes to help educate homeowners about credit, budgeting, predatory lending, foreclosure prevention and home maintenance, as well as future responsibilities.
- B. Section 504 of the Rehabilitation Act of 1973 prohibits the exclusion of an otherwise qualified individual, solely by reason of disability, from participation under any program receiving Federal funds. The Program Sponsor will take appropriate steps to

ensure effective communication with disabled housing applicants, residents and members of the public.

1.2. APPLICATION PROCESS AND SELECTION

A. Waiting List/Homeowner Contact

The Sponsor will utilize a waiting list. In response to a homeowner's request, the homeowner is placed on the waiting list. Homeowners are offered the opportunity to qualify for assistance by waiting list priority (a first-come, first served basis).

The Program Operator will contact homeowners by mail and/or by telephone to advise of funding availability. The homeowner has 30 days to complete and return the loan application and supporting documentation. Should a homeowner fail to respond to the initial contact for assistance or to provide any of the required documentation within the 30-day period, the homeowner's name will be removed from the waiting list. If the homeowner desires assistance at a later time, he/she will be placed on the waiting list at that time.

Should the waiting list be exhausted, the Program will be marketed in accordance with the Sponsor's Marketing Plan. **See Attachment D.**

B. Application/Interview

An application packet is provided to the homeowner for completion and submittal to the Program Operator, along with supporting documentation. An interview is scheduled with the applicant. The Program is fully explained; application forms and documentation are reviewed. Verifications are obtained for income, assets, employment, benefits, and mortgage. Title report and appraisals are also obtained.

If the Program Operator encounters material discrepancies and/or misrepresentations, and/or there are income, asset, household composition, or other important questions that can't be resolved, the Sponsor reserves the right to deny assistance to the household. In this case, the applicant may re-apply after six months have elapsed from the time of written assistance denial.

C. Household Selection

Households selected for participation in the Sponsor's Housing Rehabilitation Program are those determined eligible upon completion of processes described in A. and B. above.

D. Initial Inspection/Work Write-Up/Estimate

Prospective units are inspected by the Program Operator, a certified housing inspector, or a Sponsor representative to determine eligibility and acceptability of properties for participation in the Program.

If the home is a pre-1978 unit, the initial inspection will also include paint testing by a certified Lead-Based Paint (LBP) inspector/assessor or presumption of LBP. Code deficiencies will be corrected and if presumption is used or lead hazards are found they will be properly treated according to HUD regulations (Section 6.1.E & F) and cleared by a certified LBP inspector/assessor. **Note: CalHome-funded projects do not require LBP compliance. CDBG projects shall refer to Chapter 20, Lead-Based Paint Requirements for guidance in the CDBG Grant Management Manual.**

Measurements and observations are noted about the property, including special conditions with potential cost consequences (dilapidated outbuildings, absence of curb and gutter when required by code, etc.). A floor plan and site plan, as needed, are drawn for the home and property, including all appurtenances.

Findings are noted on an inspection form, and later used by the Program Operator to prepare the work write-up. Estimated costs are determined by the Program Operator who has years of experience in the building industry, and in reviewing contractor bids and verifying cost with materials suppliers. The homeowner reviews the completed work write-up and cost estimate, and the approved write-up is incorporated into bid documents.

E. Bid Solicitation

A bid walk-through date and time are scheduled. The homeowner may choose to solicit his/her own bids or request that the Program Operator solicit bids on his/her behalf. Invitations to bid are mailed to all eligible contractors on file in efforts to obtain three reasonable bids. Bid results will be provided to participating contractors.

Contractors must be licensed and bonded by the State of California Contractors Licensing Board. Contractors must also provide Program Operator with evidence of Workers' Compensation Insurance and Comprehensive General Liability and Property Damage Insurance with Combined Single Limits of at least \$1,000,000.

Cost reasonableness is determined by comparing the bids received with the cost estimate prepared by the Program Operator. Bids should be within 15% of the Program Operator's cost estimate, otherwise an explanation must be provided to the file for any bid selected exceeding 15% of the estimate. The homeowner is encouraged to accept the lowest reasonable bid.

The Program Operator determines eligibility of the contractor by contacting the State Contractors License Board and checking the Federal List of Debarred Contractors. The contractor is also required to provide a self-certification stating that he/she is not on the Federal debarred list. Once determined eligible, the contractor is then notified of provisional award of bid (pending loan approval). Notices of non-award are mailed to participating contractors.

F. Loan Request/Approval

A report and loan request are prepared on behalf of the homeowner by the Program Operator. The loan request includes the cost of construction, a contingency fund, and other project costs (listed in Section 6.3.). Note: For HOME, the project costs listed in Section 6.3 are considered activity delivery costs to be paid by the Sponsor and may not be charged to the homeowner's loan. A Loan Review Committee meeting is scheduled to hear the loan request. Section 1.3 provides additional information on the loan approval process. Once approved, loan documents are executed and the loan is funded.

G. Pre-Construction Conference

A pre-construction conference is scheduled with homeowner, contractor, and Program Operator. The Program Operator reviews the Owner-Contractor Construction Contract, including the work write-up, start date, pay schedule, and date of completion, with the homeowner and contractor. The construction contract and Notice to Proceed are executed.

H. Start-Up/Field Inspections

The Program Operator monitors date of start-up and performs field inspections on a regular basis. The Program Operator will visit the job site regularly in order to check the scope of work, inspect materials, and to confirm the job is on schedule and within budget. The Program Operator works with the Sponsor's Building Inspector to ensure the work meets building codes, while not exceeding funding limits.

The Program Operator reviews the work status with the homeowner and with the contractor in order to remedy any developing problems quickly and to ensure that both are satisfied with the construction process. At the completion of each phase, the Program Operator inspects the work and the homeowner authorizes contractor payments.

The Program Operator will refer back to original plans and specifications to verify the work was completed as contracted.

I. Change Orders

Written change orders are required when the homeowner requests any changes in the write-up, such as eliminating an item completely, eliminating one item and substituting another, or adding items. The change order will state the change and dollar value for the change. The change order must be signed by both the contractor and the homeowner, and submitted to the Program Operator for approval. If the change order exceeds the approved financing, the homeowner will be asked to provide additional funds or a report and request for additional funds may be presented to the City Manager for approval prior to Program Operator signing-off on the change order.

J. Progress Payments

Ninety percent (90%) of the contract amount is distributed to the contractor in the form of progress payments during construction. The final ten-percent (10%) of the contract amount is set aside as a retention payment. The contractor requests a progress payment from the homeowner and notifies the Program Operator that he/she has done so. Upon favorable inspection by the homeowner, Program Operator, and Sponsor or Sponsor's Building Inspector, the payment authorization is signed by the homeowner and submitted for payment.

K. Final Inspections/Notice of Completion/Final Payment

When the project is completed, the Program Operator inspects the work item by item with the homeowner, the contractor, and/or the Sponsor. The Sponsor's Building Inspector performs a final inspection. Any corrections or deficiencies are noted and corrected by the contractor. Upon favorable final inspections, a Notice of Completion is prepared, signed by the homeowner, and then recorded. The final ten-percent (10%) retention payment is released 35 days after the recording of the Notice of Completion.

1.3. LOAN PROCESS

The Sponsor's Loan Review Committee must approve all loans and grants. The Loan Review Committee may approve assistance with CDBG financing exceeding 100 percent of after-rehabilitation value as needed in cases where no other financial resources are available to cover the cost of the repairs and where clear and convincing documentation exists, justifying why the exception is needed.

However, if the project is CalHome funded, the total financing cannot be more than 105 percent of the after- rehabilitation value. For HOME-funded loans, the total financing cannot be more than 100 percent of the after-rehabilitation value, unless per HOME Management Memorandum 13-01 at <http://www.hcd.ca.gov/grants-funding/active-funding/home.shtml#memos> the entire HOME assistance amount is granted rather than loaned, due to a lack of any equity after rehabilitation, based on existing loans on the property and an after-rehabilitation value appraisal. In addition, the amount of HOME assistance, including Sponsor's claimed Activity Delivery Costs, cannot exceed the Sponsor's County maximum HOME Per Unit Subsidy Limit at <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>, and the after-rehabilitation value cannot exceed the HOME Maximum After-Rehabilitation Value. **See Attachment C for current limits.**

In order to obtain financing, applicants must meet all property and eligibility guidelines in effect at the time the application is considered. Homeowners will be provided written notification of approval or denial. Any reason for denial will be provided to the applicant in writing.

1.4. CONFLICT OF INTEREST REQUIREMENTS

When the Sponsor's program contains Federal funds, the applicable Conflict of Interest requirements of 24 CFR Section 570.611 shall be followed for CDBG assistance. Section 92.356 of the HOME Final Rule shall be followed for HOME assistance, as follows:

(a) Conflicts prohibited. No persons described in paragraph (b) of this section who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME-assisted activity, or have a financial interest in any contract, subcontract or agreement with respect to the HOME-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including stepparent), child (including stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild and in-laws of a covered person.

(b) Persons covered. The conflict of interest provisions of paragraph (a) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the participating jurisdiction, State recipient, or subrecipient which are receiving HOME funds.

(c) Exceptions: Threshold requirements. Upon the written request of the participating jurisdiction to HCD, HUD may grant an exception to the provisions of paragraph (a) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME Investment Partnerships Program and the effective and efficient administration of the participating jurisdiction's program or project. See 24 CFR 92.356(d)(1-6) for details on the documentation needed in order to submit an exception request to HUD.

A contractor with a vested interest in the property cannot bid on a rehabilitation job. Such a contractor may act as owner/builder, subject to standard construction procedures. Owner/builders are reimbursed for materials purchased which are verified by invoice/receipt and used on the job. Reimbursement occurs after the installation is verified by the Program Operator to be part of the scope of work. Owner/builders are not reimbursed for labor.

2.0. APPLICANT QUALIFICATIONS**2.1. INCOME LIMITS**

All homeowners must certify that they meet the household income eligibility requirements for the applicable HCD program(s) and have their household income documented. The income limits in place at the time of loan approval will apply when

determining applicant income eligibility. All applicants must have incomes at or below 80% of the County's area median income (AMI), adjusted for household size, as published by HCD each year. **See Attachment C.**

The link to the official HCD-maintained income limits for HOME- and CDBG-funded activities is: <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml> (for HOME and CDBG, choose "State CDBG, HOME and NHTF – Income, Value and Rent Limits"; for CalHome-funded activities choose "Official State Income Limits").

Household: means one or more persons who will occupy a housing unit. Unborn children don't count in family size determination.

Annual Income: Generally, the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period.

2.1.1 OWNER-OCCUPIED REQUIREMENTS

Owner-Occupant - to be eligible, household income must be equal to or less than the applicable HCD income limits. Owner will be required to provide income documentation. Refer to Income Inclusions and Exclusions for further guidance to the types of incomes to be included or excluded when calculating gross annual income. **See Attachment A for HOME and CDBG. See Attachment A-1 for CalHome.** Refer to Asset Inclusions and Exclusions for further guidance to the types of assets to be included or excluded when calculating gross annual income. **See Attachment B.**

Owner-occupants housing and/or debt ratios are not considered, nor is a credit report required, as the funding provided creates no additional monthly financial obligation. If an owner-occupant has a mortgage, it is verified that all payments are current and that no late payments have been received in the past twelve months.

2.2. INCOME QUALIFICATION CRITERIA

Projected annual gross income of the applicant household will be used to determine whether they are above or below the published HCD income limits. Income qualification criteria for HOME and CDBG, as shown in the most recent HCD program-specific guidance at <http://www.hcd.ca.gov/grants-funding/income-limits/income-calculation-and-determination-guide.shtml>, will be followed to independently determine and certify the household's annual gross income. Income will be verified by reviewing and documenting tax returns, copies of wage receipts, subsidy checks, bank statements and third-party verification of employment forms sent to employers. All documentation shall be dated within six months prior to loan closing and kept in the applicant file and held in strict confidence.

A. HOUSEHOLD INCOME DEFINITION:

Household income is the annual gross income of all adult household members that is projected to be received during the coming 12-month period, and will be used to determine program eligibility. Refer to Income Inclusions and Exclusions for further guidance to the types of incomes to be included or excluded when

calculating gross annual income. For those types of income counted, gross amounts (before any deductions have been taken) are used. Two types of income that are not considered would be income of minors and of live-in aides. Certain other household members living apart from the household also require special consideration. The household's projected ability to pay must be used, rather than past earnings, when calculating income.

See Attachment A: HOME and CDBG 24 CFR Part 5 Annual Income Inclusions and Exclusions and Attachment A-1: CalHome Title 25 Section 6914 Annual Income inclusions and Exclusions (State)

B. ASSETS:

There is no asset limitation for participation in the Program. Income from assets is, however, recognized as part of annual income under the Part 5 definition. An asset is a cash or non-cash item that can be converted to cash. The value of necessary items such as furniture and automobiles are not included. *(Note: it is the income earned – e.g. interest on a savings account – not the asset value, which is counted in annual income.)*

An asset's cash value is the market value less reasonable expenses required to convert the asset to cash, including: Penalties or fees for converting financial holdings and costs for selling real property. The cash value (rather than the market value) of an item is counted as an asset.

See Attachment B: Part 5 Annual Income Net Family Asset Inclusions and Exclusions

2.3. HOMEOWNER ELIGIBILITY AND RESIDENCY REQUIREMENTS

The Sponsor's Housing Rehabilitation Program allows for owner-occupied properties to participate in the Program. Owner-occupied units must be the owner's principal place of residence. A photocopy of a recent utility bill will verify proof of occupancy. No unit to be rehabilitated will receive financial assistance if it is currently occupied by an over-income household or does not meet the eligibility standards outlined in these guidelines.

2.3.1 OWNER-OCCUPIED

- A. Continued residency is monitored annually per Attachment F for the term of the loan. Occupancy will be verified by the submission of the following:
 - 1. Proof of occupancy in the form of a copy of a current utility bill; and
 - 2. Statement of unit's continued use as primary residence of the owner.
- B. In the event that a homeowner sells, transfers title, or discontinues residence in the rehabilitated property for any reason, the loan becomes due and payable, unless the following conditions are met:

The homeowner who received the loan dies and the heir to the property meets income requirements and intends to occupy the home as his/her principal residence. Upon approval of the Sponsor, the heir may be permitted to assume the loan at the rate and terms the heir qualifies for under current participation guidelines. If the heir does not meet applicable eligibility requirements, the loan is due and payable. **Note: Loans provided by CalHome are not assumable.**

- C. If a homeowner converts the property to a rental unit, or any commercial or non-residential use, the loan is due and payable, unless the loan was funded with CDBG and tenant and homeowner meet eligibility requirements as described in Section 2.3.2. below.

If the loan is funded with a CalHome Loan it is not transferable except under the following limited circumstances:

- (a) The transfer of the Property to the surviving joint tenant by devise, descent or operation of the law, on the death of a joint tenant;
- (b) A transfer of the Property where the spouse becomes an owner of the property;
- (c) A transfer of the Property resulting from a decree of dissolution of marriage, legal separation or from an incidental property settlement agreement by which the spouse becomes an owner of the Property; or
- (d) A transfer to an inter vivos trust in which the Borrower is and remains the beneficiary and occupant of the property.

3.0. PROPERTY ELIGIBILITY

3.1. CONDITIONS

- A. No unit will be eligible if a household's income exceeds the prescribed income limits listed in Attachment C.
- B. Units to be rehabilitated must be located within the incorporated areas of the Sponsor's jurisdiction.
- C. Property must contain a legal residential structure intended for continued residential occupancy.
- D. All repair work will meet Local Building Code standards. At a minimum, health and safety hazards must be eliminated. For CDBG the priority will be the elimination of health and safety hazards. Sponsor may also require elimination of code deficiencies. When HOME funds are used for housing rehabilitation, the property must meet all applicable current codes, rehabilitation standards,

ordinances, and zoning ordinances at the time of project completion. However, if certain components of the house are sound and were built to code prescribed at the time of installation, no repair or alteration will be made to those components. Section 8 Housing Quality Standards may be required on rentals by Sponsor when CDBG funds are used.

3.2. ANTI-DISPLACEMENT POLICY AND RELOCATION ASSISTANCE

Tenants will be informed of their eligibility for temporary relocation benefits if occupancy during rehabilitation constitutes a danger to health and safety of occupants or public danger or is otherwise undesirable because of the nature of the project. Relocated persons will receive increased housing costs, payment for moving and related expenses and appropriate advisory services, as detailed in the Sponsor's "Residential Anti-displacement and Relocation Assistance Plan" (**Attachment E**).

Owner-occupants are not eligible for temporary relocation benefits unless health and safety threats are determined to exist by the Program Operator. In cases where relocation is determined to be necessary by the Sponsor/Program Operator, assistance may be provided for actual costs incurred from the applicant's loan proceeds or as a grant (**see Section 4.4. for allowable grants**). HOME-funded projects will provide relocation assistance in the form of a grant, which shall be included in the maximum assistance amount.

Note: Relocation benefits are not a requirement under CalHome, but are acceptable and may be covered by loan proceeds.

3.3. NOTIFICATION AND DISCLOSURES - Not required by CalHome

- A. Occupants of units constructed prior to 1978 will receive proper notification of Lead-Based Paint (LBP) hazards as follows:

The Lead Hazard Information Pamphlet published by the EPA/HUD/Consumer Product Safety Commission will be given to all owners regardless of the cost of rehabilitation or paint test findings. If lead-based paint is found through testing or if presumed, a Notice of Lead Hazard Evaluation or Presumption will also be supplied. When Lead hazards are present, a Notice of Lead Hazard Reduction Activity and a Lead Hazard Evaluation Report will also be provided (**Attachment I**).

- B. Tenants located in properties that will receive housing rehabilitation will be provided a notice outlining their relocation rights and benefits (**Attachment E**).

4.0. THE PROGRAM LOAN

4.1. MAXIMUM AMOUNT OF PROGRAM ASSISTANCE

The maximum loan amount available under the program is:

- \$75,000 for a stick-built single-family home or manufactured home

On a case-by-case basis, the City Manager may authorize an increase above the maximum loan amount for a home if he/she determines that such funding is necessary to mitigate significant health and safety issues.

Maximum assistance shall not exceed the Sponsor's County maximum HOME Subsidy Limits Per Unit at <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.

See Attachment C for current limits. For CDBG-funded programs, the maximum assistance for rehabilitation/reconstruction will not exceed \$190,430.

4.2. AFFORDABILITY PARAMETERS FOR HOMEOWNERS

- A. Total indebtedness against property shall not exceed 100 percent of after-rehabilitation value as determined by "Estimates of value" or an appraisal, for CDBG or HOME projects. The exception for HOME loans is per HOME Management Memorandum 13-01 at <http://www.hcd.ca.gov/grants-funding/active-funding/home.shtml#memos> wherein the entire HOME assistance amount is granted rather than loaned, due to a lack of any after-rehabilitation equity based on existing loans on the property. An estimate of after-rehab value will be made prior to making a commitment of funds using the method outlined in Section 4.5. Note: This does not apply to CalHome projects.
- B. HOME-funded units' after-rehabilitation values shall not exceed the HOME Program Maximum Purchase Price/After-Rehabilitation Value Limits for Sponsor's County as updated by HUD and published on the HCD Website at <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>. **See Attachment C for current limits.**
- C. Total indebtedness against property shall not exceed 105 percent of the after-rehabilitation value as determined by an appraisal for CalHome projects. An estimate of After-Rehab Value will be made prior to making a commitment of funds using the method outlined in Section 4.5. Note: This does not apply to HOME or CDBG projects.
- D. Costs may be supplemented with personal financing, or with other loan or grant programs, which are sources of leverage for the Sponsor.
- E. Any bid within 15% of the Program Operator's estimate may be selected, otherwise an explanation must be provided to the file for a bid selected exceeding 10% of the estimate.

4.3. RATES AND TERMS

4.3.1. OWNER-OCCUPANTS

- A. CDBG and HOME Loans: Homeowners are eligible for Deferred Payment Loans (DPL), at zero interest, evidenced by a Promissory Note and secured by a Deed of Trust, with no payback required for 30 years unless the borrower sells or transfers title or discontinues residence in the dwelling. Payments may be made voluntarily on a DPL.

CalHome Loans for a single-family, stick-built home: Homeowners are eligible for Deferred Payment Loans (DPL), at zero interest, evidenced by a Promissory Note and secured by a Deed of Trust, with no payback required for 30 years

unless the borrower sells or transfers title or discontinues residence in the dwelling.

CalHome Loans for manufactured and mobile homes: Homeowners of manufactured and mobile homes assisted with CalHome funds are eligible for forgivable, 20-year deferred loans at 0% interest as required by State CalHome policy. Ten percent (10%) of the principal of the loan shall be forgiven each year beginning on the eleventh (11th) anniversary of the date of the loan.

Payments may be made voluntarily on a DPL.

Note: If it is determined by the Sponsor that repayment of a CalHome or CDBG Program loan at the maturity date causes a hardship to the homeowner, the Sponsor may opt the following:

1. Amend the note and deed of trust to defer repayment of the amount due at maturity, that is balance of the original principal plus the accrued interest, for up to an additional 30 years (at 0% additional interest). This may be offered one time;
 2. Convert the debt at loan maturity; that is the balance of the original principal plus any accrued interest, to an amortized loan, repayable in 15 years at 0% additional interest.
- B. If the homeowner dies, and if the heir(s) to the property live(s) in the house and is/are income eligible, the heir(s) may be permitted, upon approval of the Sponsor, to assume the loan at the rate and terms the heir(s) qualifies for under current participation guidelines. **Note: CalHome loans are not assumable.**
- C. If the homeowner dies and the heir(s) is/are not income eligible, the loan becomes all due and payable.
- D. If a homeowner converts the rehabilitated property to any residential-rental, commercial or non-residential use, the loan becomes all due and payable, unless they meet requirements outlined in Section 2.3.2.
- E. As specified in the Rehabilitation Loan Agreement, all applicants who participate in the Program must maintain the property at post-rehabilitation conditions for the term of the loan. Should the property not be maintained accordingly, the loan shall be considered in default and becomes all due and payable, and if necessary, foreclosure proceedings will be initiated. A method of inspection will be established by the Sponsor.

4.4. GRANTS

- A. CDBG-funded programs may provide grants as follows:
A grant of up to \$7,500 is available for any one of the following qualifying factors:
1. Senior Citizen - at least 62 years old; or

2. Handicapped – for only handicap modifications to a house with one or more physically handicapped occupants who would function more independently if such modifications were installed; or
 3. Lowest Targeted Income Group – with gross annual income less than 50 percent of County median income; or
 4. Equity maintenance – if financing rehabilitation entirely with a loan would cause indebtedness to exceed 100% of after-rehabilitation value.
- B. HOME and CDBG provide grants for all actual costs of lead-based paint evaluation and reduction activities.
- C. HOME and CDBG provide grants for relocation assistance. See Relocation Assistance Plan, **Attachment E**.
1. Owner-Occupant – Limit of \$3,000.
 2. Residential Tenant – Assistance will be provided at the level necessary to comply with the Uniform Relocation Act (URA) and Section 104(d) of the Housing and Community Development Act of 1974. **Note: HOME funds cannot be used for tenant-occupied units.**
- D. **Grants are not available in CalHome-funded programs.**

4.5. APPRAISAL

- A. The After-Rehab Value for rehabilitation projects is determined using the “Estimates of value” method. The Sponsor or Program Operator determines estimates of value based on the sale prices of at least three (3) comparable properties, sold within the last six months (within one year of the assistance date, which is the date the promissory note is signed), and located within one mile of the subject property. The participants’ file will include the estimate of value and document the basis for the value estimates. The purpose of the “Estimates of value” is to determine that the After-Rehabilitation Value Limit of the housing unit will not exceed the permitted amount per HCD Program regulations (**See Attachment C**). If three comparable properties cannot be found, or if there is any question regarding the After-Rehab Value, the ARV will be determined by a licensed appraiser, as described in Section 4.5.B. below.
- B. A licensed appraiser determines the After-Rehab Value for rehabilitation projects, when the “Estimates of value” method cannot be used. For rehabilitation projects the appraiser determines the value of the unit with the rehabilitation building plans and specifications included. For HOME only, the cost of the appraisal will be paid by the Sponsor, not by the homeowner. The purpose of the appraisal is to determine that the after-rehabilitation value of the housing unit will not exceed the permitted amount per HCD Program regulations (**See Attachment C**), and that the combined loans will not exceed the maximum combined loan-to-value limit, as described in Section 4.2.A above.
- C. The After-Rehab Value for reconstruction projects is determined by a licensed appraiser. The After-Rehab Value for reconstruction projects is determined by an

appraisal completed off the building plans and specifications for the new home. For HOME only, the cost of the appraisal will be paid by the Sponsor, not by the homeowner. The purpose of the appraisal is to determine that the After-Rehabilitation Value Limit of the housing unit will not exceed the permitted amount per HCD Program regulations (**See Attachment C**).

4.6. INSURANCE

4.6.1. FIRE INSURANCE

The homeowner shall maintain fire insurance on the property for the duration of the Program loan(s). This insurance must be an amount adequate to cover all encumbrances on the property. The insurer must identify the Sponsor as Loss Payee for the amount of the Program loan(s). Evidence of this shall be provided to the Sponsor.

In the event the applicant fails to make the fire insurance premium payments in a timely fashion, the Sponsor at its option, may make such payments for a period not to exceed 60 days. The Sponsor may, in its discretion and upon the showing of special circumstances, make such premium payments for a longer period of time. Should the Sponsor make any payments, it may, in its sole discretion, add such payments to the principal amount that the applicant is obligated to repay the Sponsor under this Program. The premium may be paid by the Program loan for one year. **Note: HOME and CDBG funds cannot be used to pay insurance cost beyond those identified as initial loan costs. Note: CalHome funds can not be used to pay insurance at any time.**

4.6.2. FLOOD INSURANCE

For homes in a 100-year flood zone, the owner is required to maintain flood insurance in an amount adequate to secure the Program loan and all other encumbrances. This policy must designate the Sponsor as Loss Payee and a binder shall be provided to the Sponsor and maintained in the borrower's file. The premium may be paid by the Program loan for one year. **Note: HOME funds cannot be used to pay insurance cost beyond those identified as initial loan costs. Note: CalHome funds can not be used to pay insurance at any time.**

4.7. LOAN SECURITY

- A. Loan security for all owner-occupied rehabilitation stick-built homes will be secured by the real property and improvements, and will also include a Deed of Trust, Promissory Note and Loan Agreement in favor of the Sponsor.
- B. A manufactured home in a mobile home park or on leased land that is not on a permanent foundation will be secured by an HCD 480.7 or an HCD 484 Statement of Lien and will also include a Promissory Note and Loan Agreement.
- C. Entering a subordinate lien is acceptable. However, the Sponsor will not subordinate a first lien position once established.

5.0. PROGRAM LOAN SERVICING AND MAINTENANCE**5.1. PAYMENTS ARE VOLUNTARY**

Borrowers may begin making voluntary payments at any time.

5.2. RECEIVING LOAN REPAYMENTS

A. Program loan payments will be made to:

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

B. The Sponsor will be the receiver of loan payments or recapture funds and will maintain a financial record-keeping system to record payments and file statements on payment status. Payments shall be deposited and accounted for in the Sponsor's appropriate Program Income Account, as required by all three HCD programs. The Program Sponsor will accept loan payments from borrowers prepaying deferred loans, from borrowers making payments in full upon sale or transfer of the property, and homeowners of tenant-occupied units. All loan payments are payable to the Sponsor. The Sponsor may at its discretion, enter into an agreement with a third party to collect and distribute payments and/or complete all loan servicing aspects of the Program.

5.3. LOAN SERVICING POLICIES AND PROCEDURES

See **Attachment F** for local loan servicing policies and procedures. While the attached policy outlines a system that can accommodate a crisis that restricts borrower repayment ability, it should in no way be misunderstood: The loan must be repaid. All legal means to ensure the repayment of a delinquent loan as outlined in the Loan Servicing Policies and Procedures will be pursued.

5.4. LOAN MONITORING PROCEDURES

Homeowners will be required to submit each of the following to the Sponsor at the time of annual occupancy verification per Attachment F:

- Proof of occupancy in the form of a copy of a current utility bill;
- Statement of unit's continued use as a residence;
- Declaration that other title holders do not reside on the premises;
- Verification that Property Taxes are current; and
- Verification of current required insurance policies.

5.5. DEFAULT AND FORECLOSURE

If an owner defaults on a loan, and foreclosure procedures are instituted, they shall be carried out according to the Program Foreclosure Policy adopted by the Sponsor, and attached to these guidelines as **Attachment G**.

5.6. SUBORDINATIONS

The Sponsor may approve a request to subordinate a loan, in order for the owner to refinance the property, under the following conditions:

- A. The lien position of the Sponsor loan will remain the same or be advanced.
- B. The new primary loan is no greater than the balance of the loan being refinanced, except the costs of refinancing the loan may be added to the principal balance.
- C. The purpose of the new primary loan is to reduce the interest rate being paid and/or reduce the owner's payment.
- D. The refinanced loan must have an impound account for taxes and insurances.
- E. The refinancing terms must be acceptable to the Sponsor.
- F. CDBG allows refinancing with CDBG funds in conjunction with only rehabilitation of the unit.

6.0. CONSTRUCTION**6.1. STANDARDS**

- A. All repair work will meet Local Building Code standards. At a minimum, health and safety hazards must be eliminated. For CDBG the priority will be the elimination of health and safety hazards. Sponsor may also require elimination of code deficiencies. When HOME funds are used for housing rehabilitation, the property must meet all applicable current codes, rehabilitation standards, ordinances, and zoning ordinances at the time of project completion. However, if certain components of the house are sound and were built to code prescribed at the time of installation, no repair or alteration will be made to those components. Section 8 Housing Quality Standards may be required on rentals by Sponsor when CDBG funds are used.
- B. Contracting Process
 - 1. Contracting will be done on a competitive basis.
 - 2. The homeowner will be the responsible agent, but the Sponsor and/or its Program Operator will prepare the work write-up, prepare and advertise the bid package, and assist the owner in negotiating the construction contract.

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3. The Sponsor does not warrant any construction work or provide insurance coverage.

C. Approved Contractors

1. Contractors are required to be licensed with the State of California and be active and in good standing with the Contractors' License Board.
2. Contractors will be checked against HUD's list of federally debarred contractors. No award will be granted to a contractor on this list.
3. Contractors must have public liability and property damage insurance, and worker's compensation, unemployment and disability insurance, to the extent required by State law.
4. Contractor must agree to comply with all federal and state regulations.

D. Occupants of units constructed prior to 1978 will receive proper notification of Lead-Based Paint (LBP) hazards as identified in Section 3.3.A. **Note: Units funded solely with CalHome funds are not required to comply with LBP regulations.**

E. Units constructed prior to 1978 will also be inspected according to the following HUD regulations. **Note: Units funded solely with CalHome funds are not required to comply with LBP regulations.** For CDBG funded programs please refer to Chapter 20, Lead-Based Paint Requirements for guidance in the CDBG Grant Management Manual.

1. If the total amount of Federal assistance or the total amount of rehabilitation hard cost is up to and including \$5,000, the following is required:
 - (a) Paint testing or presume LBP;
 - (b) Clearance of disturbed work areas; and
 - (c) Notifications listed in Section 3.3.A.
2. If the amount of Federal assistance or the total amount of rehabilitation hard cost is more than \$5,000 up to and including \$25,000, the following is required:
 - (a) Paint testing or presume LBP;
 - (b) Risk assessment; and
 - (c) Clearance of unit.

If LBP hazards are identified, interim controls will be implemented. This level will also require a notice of "Abatement of Lead Hazards Notification" at least five days prior to starting work.

3. If the amount of Federal assistance or the total amount of rehabilitation hard cost is more than \$25,000, the following is required:
 - (a) Items (a), (b), and (c) of 2. above;
 - (b) Abatement of all LBP hazards identified or produced;
 - (c) Use of interim controls on exterior surfaces not disrupted by rehab; and all notices listed above in Sections 3.3.A. and 6.1.F.2.

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4. All paint tests that result in a negative finding of lead-based paint are exempt from any and all additional requirements. If defective paint surfaces are found, they will be properly treated or abated. A State-certified Inspector/Assessor will perform all paint testing, risk assessments, and clearances. A trained supervisor may oversee interim controls; however, a certified supervisor and workers will perform all abatement.

6.2. ELIGIBLE CONSTRUCTION COSTS

“Rehabilitation” means, in addition to the definition in Section 50096 of the Health and Safety Code, repairs and improvements to a manufactured home necessary to correct any condition causing the home to be substandard pursuant to Section 1704 of Title 25, California Code of Regulations. Rehabilitation also includes room additions to alleviate overcrowding. Rehabilitation also means repairs and improvements where necessary to meet any locally-adopted standards used in local rehabilitation programs. Rehabilitation does not include replacement of personal property.

Rehabilitation includes reconstruction. Federal law and policy allows the use of HOME funds to demolish and reconstruct owner-occupied residential structures. Reconstruction is defined as the demolition and construction of a structure. The Sponsor and/or Program Operator must document that the reconstruction costs are less than the cost to rehabilitate the existing substandard housing. This will be done using the State’s CDBG Test for Reconstruction, for projects funded with CDBG funds; or, using the State’s HOME Test for Reconstruction, for projects funded with HOME funds.

Additionally, the Sponsor must determine that the project’s value after reconstruction (housing and land combined) is less than the Maximum After-Rehabilitation Value for the Sponsor (see Attachment C, One-Family).

The residential structure to be reconstructed must be a structure with cooking, eating, sleeping, and sanitation facilities which has been legally occupied as a residence within the preceding 12 months. Fifth wheels or recreational vehicles, for example, are not considered dwellings and therefore are not eligible under this Program.

Like for like requires that the structure being demolished must be replaced with a like structure (replace manufactured housing with manufactured housing, for example). However, additions may be approved by the HCD Program when required by Codes/Ordinances or to alleviate overcrowding. **(See Attachment C)**

Temporary relocation benefits must be planned for and budgeted into the total allowable subsidy for the project, but if required would be in the form of a grant.

Depending on the outcome of the Statutory Worksheet (Environmental test), a reconstructed project may require Authority from the State before funds are committed to the project.

Allowable rehabilitation\reconstruction costs include:

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- A. Cost of building permits and other related government fees.
 - B. Cost of architectural, engineering, and other consultant services which are directly related to the rehabilitation of the property.
 - C. Rehabilitation or Replacement of a manufactured home not on a permanent foundation. Rehabilitation of a manufactured home may include the replacement of the unit with a used manufactured home and the cost to repair it, as long as the unit has been occupied and not used as a demonstration model. Should the unit meet the criteria for reconstruction a new manufactured home can be used for replacement and all cost associated with the purchase and transportation can be added to the loan.
 - D. Owner-occupied rehabilitation activity delivery fees, pursuant to Section 7733(f), as reimbursement to the Sponsor for the actual costs of services rendered to the homeowner that are incidentally but directly related to the rehabilitation work (e.g. planning, engineering, construction management, including inspections and work write-ups).
 - E. Rehabilitation will address the following issues in the order listed. Eligible costs are included for each item.

1. Health and Safety Issues

Eligible costs include, but are not limited to, energy-related improvements, lead-based paint hazard evaluation and reduction activities, improvements for handicapped accessibility, and repair or replacement of major housing systems.

Per the federal HOME Regulations at 24 CFR Part 92.251(b), Major Systems are:

- structural support
- roofing
- cladding and weatherproofing (e.g., windows, doors, siding, gutters)
- plumbing
- electrical
- heating, ventilation, and air conditioning.

Upon project completion, each of the major systems must have a remaining useful life for a minimum of five (5) years, so these systems must be rehabilitated or replaced as part of the rehabilitation work in order to achieve this requirement.

A driveway may be considered part of rehabilitation if it is determined to be a health and safety issue.

2. Code and Regulation Compliance

Eligible costs include, but are not limited to, additional work required to rehabilitate and modernize a home to bring it into compliance with current building codes and regulations. Painting and weatherization are included.

3. Demolition

Eligible costs include, but are not limited to, the tear down and disposal of dilapidated structures when they are a part of the reconstruction of an affordable housing unit. If a garage or carport is detached, it may not be rehabilitated but may be demolished, if it is determined to be a health and safety issue.

4. Upgrades

Eligible costs include additional bedrooms and bathrooms if the need can be demonstrated per HUD's or Sponsor's overcrowding guidelines listed in **Attachment C**. The Program will not fund additions to a home for a den or family room, or for any luxury items.

The CalHome Program's requirement is that a bedroom or bathroom can be added to omit overcrowding, and this is up to the Recipient to decide what is overcrowding.

5. General Property Improvements

Eligible costs include, but are not limited to: addition or replacement of an oven, stove, dishwasher, or fixture; replacing floor coverings; painting; and repair or installation of fencing.

All improvements must be physically attached to the property and permanent in nature. Non-code general property improvements (including fencing, landscaping, driveway, etc.) will be *limited to 15 percent* of the rehabilitation loan amount. Any cash contribution by the property owner will be considered a general property improvement and be included in this percentage. Luxury items are not permitted. Items such as stoves and dishwashers that are not built-in may be replaced due only to incipient failure or documented medical condition of the homeowner and must be of moderate quality.

6. Rehabilitation Standards

All repair work related to health and safety conditions will meet Local Building Code standards. The priority will be the elimination of all health and safety hazards and code compliance, which is required for HOME-funded projects.

6.3. ELIGIBLE PROJECT COSTS

Examples of eligible project costs for all administrative expenses related to the paperwork for processing and insuring a loan application are listed below. For HOME, these costs are considered activity delivery costs and may not be charged to the homeowner's loan.

- Appraisal
- Property Report/Title Insurance
- Building Plan
- Termite Report
- Land Survey
- Grading Plan
- Recording Fees
- Fire/Course of Construction Insurance
- Flood Insurance, as applicable (not allowed with CalHome or HOME funds)

Costs are based on charges currently incurred by the Sponsor, or its Program Operator, for these products and/or services. Except for HOME loans, any cost increases charged to the Sponsor/Program Operator for these products and/or services will be passed on to the homeowner and included in the loan. All fees are subject to change and are driven by the market.

6.4. REPAIR CALLBACKS

Contractors will comply with State law regarding all labor and material warranties. All labor and material shall meet FHA minimum specifications.

7.0. EXCEPTIONS AND SPECIAL CIRCUMSTANCES**7.1. AMENDMENTS**

The Sponsor may make amendments to these Participant Guidelines. Any changes made shall be in accordance with federal and state regulations, shall be approved by the Sponsor's Loan Committee and/or local governing body and submitted to HCD for approval.

7.2. EXCEPTIONS

Any case to which a standard policy or procedure, as stated in the guidelines, does not apply or an applicant treated differently from others of the same class would be an exception.

7.2.1 PROCEDURES FOR EXCEPTIONAL CIRCUMSTANCES

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- A. The Sponsor or its Program Operator may initiate consideration of an exception and prepare a report. This report shall contain a narrative, including the Sponsor's/Program Operator's recommended course of action and any written or verbal information supplied by the applicant.
 - B. The Sponsor shall make a determination of the exception based on the recommendation of the Program Operator. The request can be presented to the Sponsor's loan committee and/or governing body for decision.

8.0. DISPUTE RESOLUTION AND APPEALS PROCEDURES

8.1. PROGRAM COMPLAINT AND APPEAL PROCEDURE

Complaints concerning the Sponsor's Rehabilitation Program should be made to the Program Operator first. If unresolved in this manner, the complaint or appeal shall be made in writing and filed with the Sponsor. The Sponsor will then schedule a meeting with the Sponsor's Loan Review Committee. Their written response will be made within thirty (30) working days. If the applicant is not satisfied with the committee's decision, a request for an appeal may be filed with the local governing body. Final appeal may be filed in writing with HCD within one year after denial or the filing of the Project Notice of Completion.

8.2. GRIEVANCES BETWEEN PARTICIPANTS AND CONSTRUCTION CONTRACTOR

Contracts signed by the contractor and the participant include the following clause, which provides a procedure for resolution of grievances:

Any controversy arising out of or relating to this Contract, or the breach thereof, shall be submitted to binding arbitration in accordance with the provisions of the California Arbitration Law, Code of Civil Procedure 1280 et seq., and the Rules of the American Arbitration Association. The arbitrator shall have the final authority to order work performed, to order the payment from one party to another, and to order who shall bear the costs of arbitration. Costs to initiate arbitration shall be paid by the party seeking arbitration. Notwithstanding, the party prevailing in any arbitration proceeding shall be entitled to recover from the other all attorney's fees and costs of arbitration.

ATTACHMENT A

24 CFR Part 5 ANNUAL INCOME INCLUSIONS AND EXCLUSIONS

24 CFR Part 5 Annual Income Inclusions

§5.609 Annual income.

(a) *Annual income* means all amounts, monetary or not, which:

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
- (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- (3) Which are not specifically excluded in paragraph (c) of this section.
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to:

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
- (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
- (4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);
- (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);
- (6) *Welfare assistance payments.*

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31; and

(B) Are not otherwise excluded under paragraph (c) of this section.

(ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section).

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition and any other required fees and charges, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

24 CFR Part 5 Annual Income Exclusions

(c) Annual income does not include the following:

(1) Income from employment of children (including foster children) under the age of 18 years;

(2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

(3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);

(4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

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- (5) Income of a live-in aide, as defined in §5.403;
 - (6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
 - (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
 - (8)
 - (i) Amounts received under training programs funded by HUD;
 - (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
 - (iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;
 - (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
 - (9) Temporary, nonrecurring or sporadic income (including gifts);
 - (10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
 - (11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
 - (12) Adoption assistance payments in excess of \$480 per adopted child;
 - (13) [Reserved]
 - (14) Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.
 - (15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
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*St. Helena**Housing Rehabilitation Program Guidelines*

(16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the FEDERAL REGISTER and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See <https://www.federalregister.gov/documents/2014/05/20/2014-11688/federally-mandated-exclusions-from-income-updated-listing> for most recent notice]

(d) *Annualization of income.* If it is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income), or the PHA believes that past income is the best available indicator of expected future income, the PHA may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

ATTACHMENT A-1**Title 25 Section 6914 Gross Income Inclusions – For CalHome activities**

“Gross income” shall mean the anticipated income of a person or family for the twelve-month period following the date of determination of income.

“Income” shall consist of the following:

(a) Except as provided in subdivision (b), “Exclusions”, all payments from all sources received by the family head (even if temporarily absent) and each additional member of the family household who is not a minor shall be included in the annual income of a family. Income shall include, but not be limited to:

- (1) The gross amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses;
- (2) The net income from operation of a business or profession or from rental or real or personal property (for this purpose, expenditures for business expansion or amortization of capital indebtedness shall not be deducted to determine the net income from a business);
- (3) Interest and dividends;
- (4) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts;
- (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker’s compensation and severance pay;
- (6) Public Assistance. If the public assistance payment includes any amount specifically designated for shelter and utilities which is subject to adjustment by the public assistance agency in accordance with the actual cost of shelter and utilities, the amount of public assistance income to be included as income shall consist of:
 - (A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter and utilities, plus
 - (B) The maximum amount which the public assistance agency could in fact allow for the family for shelter and utilities,
- (7) Periodic and determinable allowances such as alimony and child support payments, and regular contributions or gifts from persons not residing in the dwelling;

All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family or spouse.

ATTACHMENT B**PART 5 ANNUAL INCOME NET FAMILY ASSET INCLUSIONS AND EXCLUSIONS**

This table presents the Part 5 asset inclusions and exclusions as stated in the HUD Technical Guide for Determining Income and Allowances for HOME Program (Third Edition; January 2005).

Statements from 24 CFR Part 5 – Last Modified: January 2005

Inclusions

1. Cash held in savings accounts, checking accounts, safe deposit boxes, homes, etc. For savings accounts, use the current balance. For checking accounts, use the average 6-month balance. Assets held in foreign countries are considered assets.
2. Cash value of revocable trusts available to the applicant.
3. Equity in rental property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and all reasonable costs (e.g., broker fees) that would be incurred in selling the asset. Under HOME, equity in the family's primary residence is not considered in the calculation of assets for owner-occupied rehabilitation projects.
4. Cash value of stocks, bonds, Treasury bills, certificates of deposit and money market accounts.
5. Individual retirement, 401(K), and Keogh accounts (even though withdrawal would result in a penalty).
6. Retirement and pension funds.
7. Cash value of life insurance policies available to the individual before death (e.g., surrender value of a whole life or universal life policy).
8. Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc.
9. Lump sum or one-time receipts, such as inheritances, capital gains, lottery winnings, victim's restitution, insurance settlements and other amounts not intended as periodic payments.
10. Mortgages or deeds of trust held by an applicant.

Exclusions

1. Necessary personal property, except as noted in number 8 of Inclusions, such as clothing, furniture, cars and vehicles specially equipped for persons with disabilities.
2. Interest in Indian trust lands.
3. Assets not effectively owned by the applicant. That is, when assets are held in an individual's name, but the assets and any income they earn accrue to the benefit of someone else who is not a member of the household, and that other person is responsible for income taxes incurred on income generated by the asset.
4. Equity in cooperatives in which the family lives.
5. Assets not accessible to and that provide no income for the applicant.
6. Term life insurance policies (i.e., where there is no cash value).
7. Assets that are part of an active business. "Business" does not include rental of properties that are held as an investment and not a main occupation.

ATTACHMENT B-1**Title 25 Section 6914 Gross Income Inclusions – For CalHome activities**

- (b) The following items shall not be considered as income:
- (1) Casual, sporadic or irregular gift items;
 - (2) Amounts which are specifically for or in reimbursement of the cost of medical expenses;
 - (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
 - (4) Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran for use in meeting the costs of tuition, fees, books and equipment. Any amounts of such scholarships, or payments to veterans not used for the above purposes of which are available for a subsistence are to be included in income;
 - (5) The special pay to a servicemember head of a family away from home and exposed to hostile fire;
 - (6) Relocation payments made pursuant to federal, state, or local relocation law;
 - (7) Foster child care payments;
 - (8) The value of coupon allotments for the purchase of food pursuant to the Food Stamp Act of 1964 which is an excess of the amount actually charged the eligible household;
 - (9) Payments received pursuant to participation of the following volunteer programs under the ACTION Agency:
 - (A) National Volunteer Antipoverty Programs which include VISTA, Service Learning Programs and Special Volunteer Programs.
 - (B) National Older American Volunteer Program for persons aged 60 and over which include Retired Senior Volunteer Programs, Foster Grandparent Program, older American Community Services Program, and National Volunteer Program to Assist Small Business Experience, Service Corps of Retired Executive (SCORE) and Active Corps of Executives (ACE).

ATTACHMENT C**MAXIMUM PURCHASE PRICE/AFTER-REHAB VALUE LIMIT FOR NAPA COUNTY
(HOME Value Limits as of 06/1/2021)**

COUNTY NAME	One-Family
NAPA	\$569,000

**HOME SUBSIDY LIMITS PER UNIT FOR NAPA COUNTY
(Limits are effective 9-9-2021)**

O-BDR	1-BDR	2-BDR	3-BDR	4-BDR
\$153,314	\$175,752	\$213,718	\$276,482	\$303,490

**HOUSEHOLD INCOME LIMITS FOR NAPA COUNTY*
(Limits are effective 06/1/2021)**

<i>Number of Persons in Household</i>								
	1	2	3	4	5	6	7	8
80% of AMI	\$63,050	\$72,050	\$81,050	\$90,050	\$97,300	\$104,500	\$111,700	\$118,900

**HCD 2021 INCOME LIMITS FOR CALHOME
ADJUSTED FOR FAMILY SIZE FOR NAPA COUNTY**

Income Level	Household Size							
	1	2	3	4	5	6	7	8
80%	\$63,050	\$72,050	\$81,050	\$90,050	\$97,300	\$104,500	\$111,700	\$118,900

Sponsor will insert the limits for the county in which the Program is located and will update the income limits annually as HCD provides new information. The link to the official, HCD-maintained Value, Subsidy, and Income limits is: <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml> for HOME and CDBG limits, choose "State CDBG and HOME Income, Value and Rent Limits"; for CalHome income limits, choose "Official State Income Limits").

**SPONSOR STANDARDS FOR BEDROOM AND BATHROOM ADDITIONS TO
ALLEVIATE OVERCROWDING**

Maximum No. of Persons in the Household	Number of Bedrooms	Number of Bathrooms
1	SRO	1
1	0-BR	1
2	1-BR	1
4	2-BR	2
6	3-BR	2
8	4-BR	3
10	5-BR	3
12	6-BR	4

- Opposite sex children under 6 years of age may share a bedroom, up to 2 children per bedroom.
- Opposite-sex children 6 years of age and older may have their own bedroom.
- Children shall be permitted a separate bedroom from their parents.
- Same-sex children of any age may share a bedroom, up to 2 children per bedroom.
- Adults not in a partner relationship may have their own bedroom.
- 4 or more people – a second bathroom may be added.
- 8 or more people – a third bathroom may be added.
- Same rules apply to mobile home units.

The chart above is used as a guide to overcrowding.

ATTACHMENT D**HOUSING REHABILITATION MARKETING PLAN****SUMMARY**

The Sponsor will continue its efforts to market the Housing Rehabilitation Program in a manner that will reach all community members.

All marketing related to the Housing Rehabilitation Program is publicized in both English and Spanish. All marketing materials include information identifying the Sponsor's commitment to fair housing laws and affirmative marketing policy, and are widely distributed. Equal opportunity is emphasized in written materials and oral presentations. A record is maintained by the Sponsor identifying what marketing materials are used, and when and where they are distributed.

Forms of marketing may include fliers, brochures, newspaper ads, articles and public service announcements. Fliers and brochures are distributed at local government buildings, other public buildings and through the mail, as well as to businesses that assist those not likely to apply without special outreach. Advertisements and articles are published in newspapers that are widely circulated within the community.

Established working relationships with local lending agencies also aid in informing the public by facilitating the distribution of informational fliers to households seeking financial assistance for repairs that are unable to obtain conventional financing.

Informational meetings are offered to potential participants to explain Program requirements. Often, minimal formal outreach efforts are required as the need for assistance generally exceeds funds available. However, marketing measures are actively performed in order to maintain a healthy interest list.

Characteristics on all applicants and participants are collected and compared with the Sponsor's demographics. Should the Sponsor find that there are underserved segments of the population, a plan to better serve them will be developed and implemented.

MARKETING FORMS

- Fliers
- Brochures
- Newspaper Ads and Articles
- Public Service Announcements
- Public Informational Meetings

MARKETING VENUES

- Local Government Buildings
- Local Public Services Buildings
- Private Businesses
- Lending Agencies
- Real Estate Offices
- Newspaper
- Radio
- Mail

ATTACHMENT E**RESIDENTIAL ANTI-DISPLACEMENT AND TEMPORARY RELOCATION PLAN
Version 2**

The Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, require all grantees of Community Development Block Grant (CDBG) funds or Home Investment Partnership (HOME) funds to follow a written Residential Anti-displacement and Relocation Assistance Plan (Plan) for any activities which could lead to displacement of occupants whose property is receiving funds from these or other federal funding source. Having been developed in response to both aforesaid federal legislations, this Plan is intended to inform the public of the compliance of the City of St. Helena (Sponsor) with the requirements of federal regulations 24 CFR 570.606 under state recipient requirements and Section 104(d) of the Housing and Community Development Act of 1974 and 24 CFR 92 of the HOME federal regulations. The Plan will outline reasonable steps, which the Sponsor will take to minimize displacement and ensure compliance with all applicable federal and state relocation requirements. The Sponsor's governing body has adopted this plan via a formal resolution.

This Plan will affect rehabilitation activities funded by the U.S. Department of Housing and Urban Development (HUD) under the following program titles: HOME, CDBG, Urban Development Action Grant (UDAG), Special Purpose Grants, Section 108 Loan Guarantee Program, and such other grants as HUD may designate as applicable, which take place within the Sponsor's jurisdiction limits.

The Sponsor will provide permanent relocation benefits to all eligible "displaced" households either owner-occupied or renter-occupied units which are permanently displaced by the housing rehabilitation program (**See Section E below.**). In addition, the Sponsor will replace all eligible occupied and vacant occupiable low-income group dwelling units demolished or converted to a use other than low-income group housing as a direct result of rehabilitation activities. This applies to all units assisted with funds provided under the Housing and Community Development Act of 1974, as amended, and as described in the Federal Regulations 24 CFR 570.496(a), Relocation, Displacement and Acquisition: Final Rule dated July 18, 1990 (Section 104(d)) and 49 CFR Part 24, Uniform Relocation Assistance (URA) and Real Property Acquisition Regulations Final Rule and Notice (URA) dated March 2, 1989.

All Sponsor programs/projects will be implemented in ways consistent with the Sponsor's commitment to Fair Housing. Participants will not be discriminated against on the basis of race, color, religion, age, ancestry, national origin, sex, familial status, or handicap. The Sponsor will provide equal relocation assistance available 1) to each targeted income group household displaced by the demolition or rehabilitation of housing or by the conversion of a targeted income group dwelling to another use as a direct result of assisted activities; and 2) to each separate class of targeted income group persons temporarily relocated as a direct result of activities funded by HUD programs.

A. Minimizing Permanent Displacement and Temporary Relocation Resulting from Housing Rehabilitation or Reconstruction Activities

Consistent with the goals and objectives of activities assisted under the Act, the Sponsor will take the following steps to minimize the displacement of persons from their homes during housing rehabilitation or reconstruction funded by HUD programs:

1. Provide proper notices with counseling and referral services to all tenants so that they

understand their relocation rights and receive the proper benefits. When necessary assist permanently displaced persons to find alternate housing in the neighborhood.

2. Stage rehabilitation of assisted households to allow owner occupants and/or tenants to remain during minor rehabilitation.
3. Encourage owner investors to temporarily relocate tenants to other available safe and sanitary vacant units on the project site area during the course of rehabilitation or pay expenses on behalf of replaced tenants.
4. Work with area landlords, real estate brokers, and/or hotel/motel managements to locate vacancies for households facing temporary relocation.
5. When necessary, use public funds, such as CDBG funds, to pay moving costs and provide relocation/displacement payments to households permanently displaced by assisted activities.

B. Lead Based Paint Mitigation Which Causes Temporary Relocation:

On September 15, 2000, the Final Rule for Lead Based Paint Hazard Control went into effect. Among other things, it requires that federally-funded rehabilitation must use safe work practices so that occupants and workers can be protected from lead hazards. **At no time should the tenant-occupant(s) be present in work areas or designated adjacent areas while LHC activities are taking place in any dwelling unit interior, common area, or exterior.** As such, occupants may not be allowed to remain in their units during the time that lead-based paint hazards are being created or treated. Once work that causes lead hazards has been completed, and the unit passes clearance, the occupants can return. **The tenant-occupants may not reoccupy a work area or adjacent area until post-lead hazard reduction clearance standards have been achieved and verified with laboratory results.** The final rule allows for certain exceptions: programs:

1. The work will not disturb lead-based paint, or create dust-lead or soil-lead hazard; or
2. The work is on exterior only and openings are sealed to prevent dust from entering the home, the work area is cleaned after the work is completed, and the residents have alternative lead free entry; or
3. The interior work will be completed in one period of less than 8-daytime hours and the work site is contained to prevent the release of dust into other areas of the home; or
4. The interior work will be completed within five (5) calendar days, the work site is contained to prevent the release of dust, the worksite and areas within 10 feet of the worksite are cleaned at the end of each day to remove any visible dust and debris, and the residents have safe access to kitchen and bath and bedrooms.

If temporary relocation benefits are not provided because the Sponsor believes that the project meets one of the above criteria, then proper documentation must be provided in the rehabilitation project file to show compliance. It is up to the Sponsor to ensure that the owner occupant or tenant in the project does not get impacted by lead paint mitigation efforts. In most cases where lead paint mitigation is taking place, occupants (tenants or owners) will be strongly encouraged to relocate even for just a few days until a final lead clearance can be issued by a certified lead based paint assessor. Occupants who are temporarily relocated because of lead based paint mitigation

are entitled to the same relocation benefits as those who are relocated because of substantial rehabilitation or reconstruction activities.

C. Temporary Relocation of Owner Occupants:

Owner occupants are not allowed to stay in units which are hazardous environments during lead based paint mitigation. When their home is having lead based paint mitigation work done which will not make it safe to live in, then they are eligible for temporary relocation benefits up to \$3,000, which will be provided as a grant. In the same way, a unit requiring substantial rehabilitation (with or without lead based paint mitigation) which will not allow the family to access a bath or kitchen facility, or if the unit is being demolished and reconstructed, then the family will be eligible for temporary relocation benefits up to \$3,000, which will be provided as a grant. In no case shall the grant for temporary relocation exceed \$3,000 for any one owner occupant.

Owner occupants will be encouraged to move in with family or friends during the course of rehabilitation, since they are voluntarily participating in the Program. The housing rehabilitation loan specialist and/or the rehabilitation construction specialist will complete a temporary relocation benefits form (**See Appendix C**) to document that the owner occupant understands that they must relocate during the course of construction and what benefits they wish to be reimbursed for as part of their relocation.

D. Temporary Relocation of Residential Tenants:

If continued occupancy during rehabilitation is judged to constitute a substantial danger to health and safety of the tenant or the public or is otherwise undesirable because of the nature of the project, the tenant may be required to relocate temporarily. The contract administrator or rehabilitation specialist will make determination of the need for temporary relocation. The temporary relocation period will not exceed 180 days. All conditions of temporary relocation will be reasonable. Any tenant required to relocate temporarily will be helped to find another place to live which is safe, sanitary and of comparable value and they have the first right to move back into the original unit being rehabilitated at the same rent or lower. He or she may move in with family and friends and still receive full or partial temporary assistance based on eligible cost incurred. The housing rehabilitation loan specialist and/or the rehabilitation specialist will ensure that each tenant-occupied unit under the Program will receive a General Information Notice (GIN) (as soon as possible after a loan application is received) and the tenant will receive a Notice of Non-displacement (after loan approval), and each tenant-occupied unit will have a temporary relocation benefits form completed for them. (**See Appendix C**). These notices will document that each tenant understands what their relocation rights are, and if they must relocate during the course of construction, that they receive the proper counseling and temporary relocation benefits.

A tenant receiving temporary relocation shall receive the following:

1. Increased housing costs (e.g. rent increase, security deposits) and
2. Payment for moving and related expenses, as follows:
 - a. Transportation of the displaced persons and personal property within 50 miles, unless the grantee determines that farther relocation is justified;
 - b. Packing, crating, unpacking, and uncrating of personal property;

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- c. Storage of personal property, not to exceed 12 months, unless the grantee determines that a longer period is necessary;
 - d. Disconnection, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property;
 - e. Insurance for the replacement value of personal property in connection with the move and necessary storage;
 - f. The replacement value of property lost, stolen or damaged in the process of moving (not through the fault of the displaced person, his or her agent, or employee) where insurance covering such loss, theft or damage is not reasonably available;
 - g. Reasonable and necessary costs of security deposits required to rent the replacement dwelling;
 - h. Any costs of credit checks required to rent the replacement dwelling;
 - i. Other moving related expenses as the grantee determines to be reasonable and necessary, except the following ineligible expenses:
 - 1) Interest on a loan to cover moving expenses; or
 - 2) Personal injury; or
 - 3) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Grantee; or
 - 4) Costs for storage of personal property on real property already owned or leased by the displaced person before the initiation of negotiations.

E. Rehabilitation Activities Requiring Permanent Displacement

The Sponsor's rehabilitation program will not typically trigger permanent displacement and permanent displacement activities fall outside of the scope of this plan. If a case of permanent displacement is encountered, then the staff responsible for the rehabilitation program will consult with Sponsor's legal counsel to decide if they have the capacity to conduct the permanent displacement activity. If local staff does not have the capacity, then a professional relocation consultant will be hired to do the counseling and benefit determination and implementation. If local staff does wish to do the permanent displacement activity then they will consult and follow the HUD Relocation Handbook 1378.

F. Rehabilitation Which Triggers Replacement Housing

If the Sponsor's rehabilitation program assists a property where one or more units are eliminated then under Section 104 (d) of the Housing and Community Act of 1974, as amended applies and the Sponsor is required to replace those lost units. An example of this would be a duplex unit which is converted into a single-family unit. In all cases where rehabilitation activities will reduce the number of housing units in the jurisdiction, then the Sponsor must document that any lost units are replaced and any occupants of reduced units are given permanent relocation benefits. (This does not apply to reconstruction or replacement housing done under a rehabilitation program where the existing unit(s) is demolished and replaced with a structure equal in size without in loss number of units or bedrooms.)

Replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing the Sponsor to provide funds for an activity that will directly result in such demolition or conversion, the Sponsor will make this activity public (through a noticed public hearing and/or publication in a newspaper of general circulation) and submit to the California Department of Housing and Community Development or the appropriate federal authority the following information in writing:

1. A description of the proposed assisted activity;
2. The location on a map and the approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as targeted income group dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The location on a map and the approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a targeted income group dwelling unit for at least 10 years from the date of initial occupancy; and,
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a two-bedroom unit with two one-bedroom units) is consistent with the housing needs of targeted income group households in the jurisdiction.

The Program Operator for the Sponsor is responsible for tracking the replacement of housing and ensuring that it is provided within the required period. The Sponsor is responsible for ensuring requirements are met for notification and provision of relocation assistance, as described in Section 570.606, to any targeted income group displaced by the demolition of any dwelling unit or the conversion of a targeted income group dwelling unit to another use in connection with an assisted activity.

G. Record Keeping and Relocation Disclosures/Notifications

The Sponsor will maintain records of occupants of federally funded rehabilitated, reconstructed or demolished property from the start to completion of the project to demonstrate compliance with section 104(d), URA and applicable program regulations. Each rehabilitation project, which dictates temporary or permanent or replacement activities, will have a project description and documentation of assistance provided. (See sample forms in HUD Relocation Handbook 1378, Chapter 1, Appendix 11, form HUD-40054)

Appropriate advisory services will include reasonable advance written notice of (a) the date and approximate duration of the temporary relocation; (b) the address of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period; (c) the terms and conditions under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling.

Notices shall be written in plain, understandable primary language of the persons involved. Persons who are unable to read and understand the notice (e.g. illiterate, foreign language, or impaired vision or other disability) will be provided with appropriate translation/communication. Each notice will indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help. The notices and process below is for only temporary relocation. If permanent relocation is involved then other sets of notice and noticing process and relocation benefits must be applied (See HUD relocation handbook 1378 for those forms and procedures) The Temporary Relocation Advisory Notices to be provided are as follows:

1. General Information Notice: As soon as feasible when an owner investor is applying for Federal financing for rehabilitation, reconstruction, or demolition, the tenant of a housing unit will be mailed or hand delivered a General Information Notice that the project has been proposed and that the tenant will be able to occupy his or her present house upon completion of rehabilitation. The tenant will be informed that the rent after rehabilitation will not exceed current rent or 30 percent of his or her average monthly gross household income. The tenant will be informed that if he or she is required to move temporarily so that the rehabilitation can be completed, suitable housing will be made available and he or she will be reimbursed for all reasonable extra expenses. The tenant will be cautioned that he or she will not be provided relocation assistance if he or she decides to move for personal reasons. **See Appendix A for sample notice to be delivered personally or by certified mail.**
2. Notice of Non Displacement: As soon as feasible when the rehabilitation application has been approved, the tenant will be informed that they will not be permanently displaced and that they are eligible for temporary relocation benefits because of lead based paint mitigation or substantial rehabilitation, or reconstruction of their unit. The tenant will also again be cautioned not to move for personal reasons during rehabilitation, or risk losing relocation assistance. **See Appendix B for sample notice to be delivered personally or by certified mail.**
3. Disclosure to Occupants of Temporary Relocation Benefits: This form is completed to document that the Sponsor is following it's adopted temporary relocation plan for owner occupants and tenants. **See Appendix C for a copy of the disclosure form.**
4. Other Relocation/Displacement Notices: The above three notices are required for temporary relocation. If the Sponsor is attempting to provide permanent displacement benefits then there are a number of other forms which are required. Staff will consult HUD's Relocation Handbook 1378 and ensure that all the proper notices are provided for persons who are permanently displaced as a result of housing rehabilitation activities funded by CDBG or other federal programs.

APPENDIX A

Dear _____,

On (date), (property owner) submitted an application to the _____ for financial assistance to rehabilitate the building which you occupy at (address).

This notice is to inform you that, if the assistance is provided and the building is rehabilitated, you will not be displaced. Therefore, we urge you not to move anywhere at this time. (If you do elect to move for reasons of your choice, you will not be provided relocation assistance.)

If the application is approved and Federal assistance is provided for the rehabilitation, you will be able to lease and occupy your present apartment (or another suitable, decent, safe and sanitary apartment in the same building) upon completion of the rehabilitation. Of course, you must comply with standard lease terms and conditions.

After the rehabilitation, your initial rent, including the estimated average monthly utility costs, will not exceed the greater of (a) your current rent/average utility costs, or (b) 30 percent of your gross household income. If you must move temporarily so that the rehabilitation can be completed, suitable housing will be made available to you for the temporary period, and you will be reimbursed for all reasonable extra expenses, including all moving costs and any increase in housing costs.

Again, we urge you not to move. If the project is approved, you can be sure that we will make every effort to accommodate your needs. Because Federal assistance would be involved, you would be protected by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

This letter is important and should be retained. You will be contacted soon. In the meantime, if you have any questions about our plans, please contact (name), (title), at (telephone number), (address).

Sincerely,

(name)

(title)

APPENDIX B

(date)

Dear _____:

On (date), we notified you that the owner of your building had applied for assistance to make extensive repairs to the building. On (date), the owner's request was approved, and the repairs will begin soon.

This is a notice of non-displacement. You will not be required to move permanently as a result of the rehabilitation. This notice guarantees you the following:

1. You will be able to lease and occupy your present apartment [or another suitable, decent, safe and sanitary apartment in the same building/complex] upon completion of the rehabilitation. Your monthly rent will remain until after construction is completed. If increased after construction is done, your new rent and estimated average utility costs will not exceed local fair market rents for your community. Of course, you must comply with all the other reasonable terms and conditions of your lease.
2. If you must move temporarily so that the repairs can be completed, you will be reimbursed for all of your extra expenses, including the cost of moving to and from the temporarily occupied unit and any additional housing costs. The temporary unit will be decent, safe and sanitary, and all other conditions of the temporary move will be reasonable.

Since you will have the opportunity to occupy a newly rehabilitated apartment, I urge you not to move. (If you do elect to move for your own reasons, you will not receive any relocation assistance.) We will make every effort to accommodate your needs. Because Federal assistance is involved, you are protected by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

If you have any questions, please contact (name), (title), at (phone #), (address). Remember; do not move before we have a chance to discuss your eligibility for assistance. This letter is important to you and should be retained.

Sincerely,

(name and title)

ATTACHMENT F**LOAN SERVICING POLICIES AND PROCEDURES
FOR THE CITY OF ST. HELENA**

The City of St. Helena, hereafter called “Sponsor,” has adopted these policies and procedures in order to preserve its financial interest in properties, whose “Borrowers” have been assisted with public funds. The Sponsor will to the greatest extent possible follow these policies and procedures, but each loan will be evaluated and handled on a case-by-case basis. The Sponsor has formulated this document to comply with state and federal regulations regarding the use of these public funds and any property restrictions, which are associated with them.

The policies and procedures are broken down into the follow areas: 1) making required monthly payments or voluntary payments on a loan’s principal and interest; 2) required payment of property taxes and insurance; 3) required Request for Notice of Default on all second mortgages; 4) loans with annual occupancy restrictions and certifications 5) required noticing and limitations on any changes in title or use of property; 6) required noticing and process for requesting a subordination during a refinance; 7) processing of foreclosure in case of default on the loan.

1. Loan Repayments:

The Sponsor will collect monthly payments from those borrowers who are obligated to do so under Notes which are amortized promissory notes. Late fees will be charged for payments received after the assigned monthly date.

For Notes which are deferred payment loans, the Sponsor must accept voluntary payments on the loan. Loan payments will be credited to principal. The Borrower may repay the loan balance at any time with no penalty.

2. Payment of Property Taxes and Insurance:

As part of keeping the loan from going into default, Borrower must maintain property insurance coverage naming the Sponsor as loss payee. Except for HOME-funded loans, if Borrower fails to maintain the necessary insurance, the Sponsor may take out force placed insurance to cover the property while the Borrower puts a new insurance policy in place. All costs for installing the necessary insurance will be added to the loan balance at time of installation of Borrower’s new insurance.

When a property is located in a 100-year floodplain, the Borrower will be required to carry the necessary flood insurance. A certificate of insurance for flood and for standard property insurance naming the City of St. Helena as a lender loss payee will be required at close of escrow. The Sponsor will verify the insurance on an annual basis.

Property taxes must be kept current during the term of the loan. If the Borrower fails to maintain payment of property taxes then the Sponsor may pay the taxes current and add the

balance of the tax payment plus any penalties to the balance of the loan (not permissible when funded with HOME). Wherever possible, the Sponsor encourages Borrower to have impound accounts set up with their first mortgagee wherein they pay their taxes and insurance as part of their monthly mortgage payment.

3. Required Request for Notice of Default:

When the Borrower's loan is in second position behind an existing first mortgage, it is the Sponsor's policy to prepare and record a "Request for Notice of Default" for each senior lien in front of Sponsor's loan. This document requires any senior lienholder listed in the notice to notify the Sponsor of initiation of a foreclosure action. The Sponsor will then have time to contact the Borrower and assist them in bringing the first loan current. The Sponsor can also monitor the foreclosure process and go through the necessary analysis to determine if the loan can be made whole or preserved. When the Sponsor is in a third position and receives notification of foreclosure from only one senior lienholder, it is in their best interest to contact any other senior lienholders regarding the status of their loans.

4. Annual Occupancy Restrictions and Certifications:

On owner-occupant loans the Sponsor may require that Borrowers submit utility bills and/or other documentation annually to prove occupancy during the term of the loan. For CDBG, some loans may have income and housing cost evaluations, which require a household to document that they are not able to make repayments, typically every five years. These loan terms are incorporated in the original note and deed of trust. On HOME-funded loans, annual occupancy verification will occur between March 1st and 15th of each year for the term of the loan.

5. Required Noticing and Restrictions on Any Changes of Title or Occupancy:

In all cases where there is a change in title or occupancy or use, the Borrower must notify the Sponsor in writing of any change. Sponsor and Borrower will work together to ensure the property is kept in compliance with the original Program terms and conditions such that it remains available as an affordable home for low-income families. These types of changes are typical when Borrowers do estate planning (adding a relative to title) or if a Borrower dies and property is transferred to heirs or when the property is sold or transferred as part of a business transaction. In some cases, the Borrower may move and turn the property into a rental unit without notifying the Sponsor. Changes in title or occupancy must be in keeping with the objective of benefit to low-income households (below 80 percent of AMI).

Change from owner-occupant to owner-occupant occurs at a sale. When a new owner-occupant is not low-income, the loan is not assumable and the loan balance is immediately due and payable. If the new owner-occupant qualifies as low-income, the purchaser may either pay the loan in full or assume all loan repayment obligations of the original owner-occupant, subject to the approval of the Sponsor's Loan Committee (depends on the HCD program).

If a transfer of the property occurs through inheritance, the heir (as owner-occupant) may be provided the opportunity to assume the loan at an interest rate based on household size and household income, provided the heir is income eligible. If the heir intends to occupy the property and is not low-income, the balance of the loan is due and payable. If the heir intends to act as an owner-investor, the balance of the loan may be converted to an owner/investor interest rate and loan term and a rent limitation agreement is signed and recorded on title. All such changes are subject to the review and approval of the Sponsor's Loan Committee.

Change from owner-occupant to owner-investor occurs when an owner-occupant decides to move out and rent the assisted property, or if the property is sold to an investor. If the owner converts any assisted unit from owner-occupied to rental, the loan is due in full.

Conversion to use other than residential use is not allowable where the full use of the property is changed from residential to commercial or other. In some cases, Borrowers may request that the Sponsor allow for a partial conversion where some of the residence is used for a business, but the household still resides in the property. Partial conversions can be allowed if it is reviewed and approved by any and all agencies required by local statute. If the use of the property is converted to a fully non-residential use, the loan balance is due and payable.

6. Requests for Subordinations:

When a Borrower wishes to refinance the property, they must request a subordination request to the Sponsor. The Sponsor will subordinate their loan only when there is no "cash out" as part of the refinance. Cash out means there are no additional charges on the transaction above loan and escrow closing fees. There can be no third-party debt payoffs or additional encumbrance on the property above traditional refinance transaction costs. Furthermore, the refinance should lower the housing cost of the household with a lower interest rate and the total indebtedness on the property should not exceed the current market value.

Upon receiving the proper documentation from the refinance lender, the request will be considered by the loan committee for review and approval. Upon approval, the escrow company will provide the proper subordination document for execution and recordation by the Sponsor.

7. Process for Loan Foreclosure:

Upon any condition of loan default: 1) non-payment; 2) lack of insurance or property tax payment; 3) change in title or use without approval; or 4) default on senior loans, the Sponsor will send out a letter to the Borrower notifying them of the default situation. If the default situation continues, the Sponsor may start a formal process of foreclosure.

When a senior lienholder starts a foreclosure process and the Sponsor is notified via a Request for Notice of Default, the Sponsor, who is the junior lienholder, may cancel the foreclosure proceedings by "reinstating" the senior lienholder. The reinstatement amount or payoff amount must be obtained by contacting the senior lienholder. This amount will

St. HelenaHousing Rehabilitation Program Guidelines

include all delinquent payments, late charges and fees to date. Sponsor must confer with Borrower to determine if, upon paying the senior lienholder current, the Borrower can provide future payments. If this is the case, then the Sponsor may cure the foreclosure and add the costs to the balance of the loan with a Notice of Additional Advance on the existing note. HOME funds may not be used for this purpose, however.

If the Sponsor determines, based on information on the reinstatement amount and status of Borrower, that bringing the loan current will not preserve the loan, then staff must determine if it is cost effective to protect their position by paying off the senior lienholder in total and restructure the debt such that the unit is made affordable to the Borrower. If the Sponsor does not have sufficient funds to pay the senior lienholder in full, then they may choose to cure the senior lienholder and foreclose on the property themselves. As long as there is sufficient value in the property, the Sponsor can afford to pay for the foreclosure process and pay off the senior lienholder and retain some or all of their investment.

If the Sponsor decides to reinstate, the senior lienholder will accept the amount to reinstate the loan up until five (5) days prior to the set "foreclosure sale date." This "foreclosure sale date" usually occurs about four (4) to six (6) months from the date of recording of the "Notice of Default." If the Sponsor fails to reinstate the senior lienholder before five (5) days prior to the foreclosure sale date, the senior lienholder would then require a full pay off of the balance, plus costs, to cancel foreclosure. If the Sponsor determines the reinstatement and maintenance of the property not to be cost effective and allows the senior lienholder to complete foreclosure, the Sponsor's lien may be eliminated due to insufficient sales proceeds.

Sponsor as Senior Lienholder

When the Sponsor is first position as a senior lienholder, active collection efforts will begin on any loan that is 31 or more days in arrears. Attempts will be made to assist the homeowner in bringing and keeping the loan current. These attempts will be conveyed in an increasingly urgent manner until loan payments have reached 90 days in arrears, at which time the Sponsor may consider foreclosure. Sponsor's staff will consider the following factors before initiating foreclosure:

- 1) Can the loan be cured and can the rates and terms be adjusted to allow for affordable payments such that foreclosure is not necessary?
- 2) Can the Borrower refinance with a private lender and pay off the Sponsor?
- 3) Can the Borrower sell the property and pay off the Sponsor?
- 4) Does the balance warrant foreclosure? (If the balance is under \$5,000, the expense to foreclose may not be worth pursuing.)
- 5) Will the sales price of home "as is" cover the principal balance owing, necessary advances, (maintain fire insurance, maintain or bring current delinquent property taxes, monthly yard maintenance, periodic inspections of property to prevent vandalism, etc.) foreclosure, and marketing costs?

If the balance is substantial and all of the above factors have been considered, the Sponsor may opt to initiate foreclosure. The Borrower must receive, by certified mail, a thirty-day notification of foreclosure initiation. This notification must include the exact amount of funds to be remitted to the Sponsor to prevent foreclosure (such as, funds to bring a delinquent BMIR current or pay off a DPL).

At the end of thirty days, the Sponsor should contact a reputable foreclosure service or local title company to prepare and record foreclosure documents and make all necessary notifications to the owner and junior lienholders. The service will advise the Sponsor of all required documentation to initiate foreclosure (Note and Deed of Trust usually) and funds required from the owner to cancel foreclosure proceedings. The service will keep the Sponsor informed of the progress of the foreclosure proceedings.

When the process is completed, and the property has "reverted to the beneficiary" at the foreclosure sale, the Sponsor could sell the home themselves under a homebuyer program or use it for an affordable rental property managed by a local housing authority or use it for transitional housing facility or other eligible use. The Sponsor could contract with a local real estate broker to list and sell the home and use those funds for Program income-eligible uses.

ATTACHMENT G**CITY OF ST. HELENA'S
FORECLOSURE POLICY****Sponsor As Junior Lienholder**

It is the City of St. Helena's (Sponsor's) policy to prepare and record a "Request for Notice" on all junior liens (any lien after the first position) placed on properties financed by a loan.

This document requires any senior lienholder to notify the Sponsor of initiation (recording of a "Notice of Default") of a foreclosure only. This is to alert the junior lienholder that they are to monitor the foreclosure with the senior lienholder. When the Sponsor is in a third position and receives notification of foreclosure from only one senior lienholder, it would be in their best interest to contact both senior lienholders regarding the status of their loans.

The junior lienholder may cancel the foreclosure proceedings by "reinstating" the senior lienholder. The reinstatement amount must be obtained by contacting the senior lienholder. This amount will include all delinquent payments, late charges, advances (fire insurance premiums, property taxes, property protection costs, etc.), and foreclosure costs (fees for legal counsel, recordings, certified mail, etc.)

Once the Sponsor has the information on the reinstatement amount, staff must then determine if it is cost effective to protect their position by reinstating the senior lienholder, keeping them current by submitting a monthly payment thereafter, foreclosing on the property possibly resulting in owning the property at the end of foreclosure, protecting the property against vandalism, and paying marketing costs (readying the home for marketing, paying for yard maintenance, paying a real estate broker a sales commission).

If the Sponsor decides to reinstate, the senior lienholder will accept the amount to reinstate the loan up until five (5) days prior to the set "foreclosure sale date." This "foreclosure sale date" usually occurs about four (4) to six (6) months from the date of recording of the "Notice of Default." If the Sponsor fails to reinstate the senior lienholder before five (5) days prior to the foreclosure sale date, the senior lienholder would then require a full pay off of the balance, plus costs, to cancel foreclosure. If the Sponsor determines the reinstatement and maintenance of the property not to be cost effective and allows the senior lienholder to complete foreclosure, the Sponsor's lien may be eliminated due to insufficient sales proceeds.

Sponsor As Senior Lienholder

When the Sponsor is in a first position, or the senior lienholder, active collection efforts will begin on any loan that is 31 or more days in arrears. Attempts will be made to assist the homeowner in bringing and keeping the loan current. These attempts will be conveyed in an increasingly urgent manner until loan payments have reached 90 days in arrears, at which

*St. Helena**Housing Rehabilitation Program Guidelines*

time the Sponsor may consider foreclosure. Sponsor staff will consider the following factors before initiating foreclosure:

- Can the loan be cured (brought current or paid off) by the owner without foreclosure?
- Can the owner refinance with a commercial lender and pay off the Sponsor?
- Can the owner sell the property and pay off the Sponsor?
- Does the balance warrant foreclosure? (If the balance is under \$5,000, the expense to foreclose may not be worth pursuing.)
- Will the sales price of home "as is" cover the principal balance owing, necessary advances, (maintain fire insurance, maintain or bring current delinquent property taxes, monthly yard maintenance, periodic inspections of property to prevent vandalism, etc.) foreclosure, and marketing costs?

If the balance is substantial and all of the above factors have been considered, the Sponsor may opt to initiate foreclosure. The owner must receive, by certified mail, a thirty-day notification of foreclosure initiation. This notification must include the exact amount of funds to be remitted to the Sponsor to prevent foreclosure (such as, funds to bring a delinquent BMIR current or pay off a DPL).

At the end of thirty days, the Sponsor should contact a reputable foreclosure service or local title company to prepare and record foreclosure documents and make all necessary notifications to the owner and junior lienholders. The service will advise the Sponsor of all required documentation to initiate foreclosure (Note and Deed of Trust usually) and funds required from the owner to cancel foreclosure proceedings. The service will keep the Sponsor informed of the progress of the foreclosure proceedings. When the process is completed, and the property has "reverted to the beneficiary" at the foreclosure sale, the Sponsor would then contact a real estate broker to market the home.

St. Helena

Housing Rehabilitation Program Guidelines

ATTACHMENT H
CERTIFICATION OF OCCUPANCY
CITY OF ST. HELENA

I/we _____ declare as follows:
(Please Print Occupant's Name(s))

That I/we am/are currently occupying as my/our principal place of residence
the real property commonly known as:

(Address)

(City, State, Zip code)

Daytime Phone Number: _____

Executed on _____, 20____, at _____, CA
(Date) (City)

I/we declare under penalty of perjury that the foregoing is true and correct.

Signature(s) of all occupants:

Occupant: _____

Occupant: _____

Occupant: _____

Occupant: _____

Occupant: _____

St. Helena

Housing Rehabilitation Program Guidelines

ATTACHMENT I**LEAD-BASED PAINT****VISUAL ASSESSMENT, NOTICE OF PRESUMPTION, AND HAZARD REDUCTION FORM**

Section 1: Background Information			
Property Address:			No LBP found or LBP exempt ☐
Select one:	Visual Assessment ☐	Presumption ☐	Hazard Reduction ☐
Section 2: Visual Assessment. Fill out Sections 1, 2, and 6. If paint stabilization is performed, also fill out Sections 4 and 5 after the work is completed.			
Visual Assessment Date:		Report Date:	
Check if no deteriorated paint found ☐			
Attachment A: Summary where deteriorated paint was found. For multi-family housing, list at least the housing unit numbers and common areas and building components (including type of room or space, and the material underneath the paint).			
Section 3: Notice of Presumption. Fill out Sections 1, 3, 5, and 6. Provide to occupant w/in 15 days of presumption.			
Date of Presumption Notice:			
Lead-based paint is presumed to be present ☐ and/or Lead-based paint <i>hazards</i> are presumed to be present ☐			
Attachment B: Summary of Presumption: For multi-family housing, list at least the housing unit numbers and common areas, bare soil locations, dust-lead location, and or building components (including type of room or space, and the materials underneath the paint) of lead-based paint and/or hazards presumed to be present.			
Section 4: Notice of Lead-Based Paint Hazard Reduction Activity. Fill out Sections 1, 4, 5, and 6. Provide to occupant w/in 15 days of after work completed.			
Date of Hazard Reduction Notice:			
Initial Hazard Reduction Notice? Yes ☐ No ☐		Start & Completion Dates:	
If "No", dates of previous Hazard Reduction Activity Notices:			
Attachment C: Activity locations and types. For multi-family housing, list at least the housing unit numbers and common areas (for multifamily housing), bare soil locations, dust-lead locations, and/or building components (including type of room or space, and the material underneath the paint), and the types of lead-based paint hazard reduction activities performed at the location listed.			
Attachment D: Location of building components with <u>lead-based paint remaining</u> in the rooms, spaces or areas where activities were conducted.			
Attachment E: Attach clearance report(s), using DHS form 8552 (and 8551 for abatement activities)			
Section 5: Resident Receipt of Notice for Presumption or Lead-Based Paint Hazard Reduction Activity and Acknowledgement of Receipt of pamphlet <i>Protection Your Family from Lead in Your Home</i>.			
Printed Name:		Signature:	Date:
Section 6: Contact Information		Organization:	
Contact Name:		Contact Signature:	
Date:	Address:	Phone:	



Report to the City Council
Regular City Council - 26 Apr 2022

Agenda Section: OLD BUSINESS

Subject: Discussion and proposed approval of a resolution rescinding Resolution 2019-66 and amending Policy P-CC-0001 Outdoor Display of Governmental and Non-Governmental Flags on City Property

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzafoopoulos, City Clerk

Reviewed By: April Mitts, Administrative Services Director

Approved By: James C. McCann, Interim City Manager

BACKGROUND

The City Council established an outdoor flag display policy on June 13, 2017. The uniform policy established guidelines for flying the National, State, City, and Non-Governmental Flags on City-owned properties.

A member of the public approached Council Member Hall and requested that the City Council consider flying the POW flag on the ceremonial flag pole in perpetuity.

DISCUSSION

At the September 28, 2021 City Council meeting, staff was directed to bring the outdoor flag display policy back for discussion and direction related to the POW/MIA flag. Given the need to amend the policy to address the POW/MIA duration of flying the flag, staff also made additional recommendations. Staff reviewed the City of Napa's flag policy and incorporated some of their language into the draft for consideration. The City of Napa administratively processes flag requests similar to the City of St. Helena's banner requests. Staff is recommending flag requests be handled administratively rather than Council action since the majority of the same requests are routinely made on an annual basis. Following the City Council's request staff is providing a redlined version of the

current adopted policy for consideration with updated mechanisms for flying the POW/MIA flag and the administrative approval process.

FISCAL IMPACT

No fiscal impact.

RECOMMENDED ACTION

Staff recommends adopting a resolution rescinding resolution 2019-66 and amending Policy P-CC-0001 Outdoor Display of Governmental and Commemorative or other Governmental Flags on City Property.

ATTACHMENTS

[Outdoor Display of Governmental and Non-Governmental Flags on City Property Policy Amendment #3 Redlined](#)

[Outdoor Display of Governmental and Non-Governmental Flags on City Property Policy Amendment #3 Clean](#)

[Attachment 3 - 2019-66 Rescinding Reso 2017-75 and Amending the Policy P-CC-0001](#)

[Outdoor Display of Governmental and Non-Governmental Flags on City Property](#)

[Attachment 4 - Resolution St Helena Flag Policy](#)

[Attachment 5 - Eric Hall.POW Flag Request](#)

	City of St. Helena Council Policy Administration	Policy Outdoor Display of Governmental and ~~Commemorative or other Governmental~~ ~~flagNon-Governmental~~ Flags on City Property Page 1 of 2
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Title:	Policy #	<u>P-CC-0001</u>
Outdoor Display of Governmental and ~~Commemorative or other Governmental Non-~~ ~~Governmental~~ Flags on City Property	Revision #	<u>31</u>
	Implementation Date	2017-06-13
	Last Update Date	<u>05-28-2019</u>
Approval by City Council	Resolution No.	Date Approved

I. Purpose, Overview and Scope of this Policy

The purpose of this administrative policy is to establish a uniform policy to govern Outdoor Display of Governmental and ~~Commemorative or other Governmental flagNon-Governmental~~ Flags on City Property.

Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or to wear or carry a flag.

This policy rescinds the previous Outdoor Display of Governmental and ~~Commemorative or other Governmental flagNon-Governmental~~ Flags on City Property policies and remains in effect until rescinded by City Council.

II. Authority

~~The City Council has authority to update this policy~~The City Manager is hereby authorized to establish and maintain written administrative regulations to document the procedures by which City staff will display flags in accordance with Flag Law.

III. Policy - Flying Flags on City Property at Half-Staff

1. National flags and/or California flags on City-owned property shall be flown at half-staff upon order of the President of the United States or authorization by the Governor of California.
2. National, California, and/or City flags on City-owned property may also be flown at half-staff at the direction of the Mayor upon the death of:
 - a. A City Councilmember, past or present;
 - b. A City employee whose death occurred during the discharge of duty;
 - c. A City employee or retiree having served the City for 25 or more years; and/or
 - d. A prominent citizen not holding or having held elected public office, whose accomplishments and contributions to the community clearly demonstrated a commitment over and beyond that which would be normally associated with the performance of work.

	City of St. Helena Council Policy Administration	Policy Outdoor Display of Governmental and Commemorative or other Governmental flagNon-Governmental-Flags on City Property Page 2 of 2
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3. For the above circumstances, flags will be flown at half-staff as soon as practicable following the notification of a death, and will ordinarily be continued for 48 hours.

IV. Policy – Display of Commemorative or Other Governmental Non-Governmental Flags on City Property

1. The Mayor and/or a member of the City Council or member of the public may submit a request to the City Manager in writing to display a Non-Governmental~~Commemorative or other Governmental~~ Flag on a Ceremonial Flagpole in conjunction with official actions, ceremonial items, or proclamations of the City Council. The request shall specify:
 - a. the type of flag to be displayed, and
 - b. how display of the flag would relate to a prior or proposed official action, ceremonial item or proclamation of the City Council, and
 - b. the request is consistent with the City Council's mission and vision statements, and
 - c. the proposed time and manner of display.
2. Following consideration of a request, if the Council-City Manager approves the request, either by minute order or in conjunction with adoption of some other official action, ceremonial item, or proclamation, the City shall display the requested Commemorative or other Governmental Non-Governmental Flag on a Ceremonial Flagpole at the time, place and manner so directed by the CouncilCity Manager. If the Council-City Manager does not approve a request, it shall be deemed to have been denied and shall not be reconsidered for a period of six (6) months.
3. When a Ceremonial Flagpole is not displaying a Non-Governmental Flag, The City flag may be flown upon the order of the City Manager, in his or her discretion.
3. 4. When a Ceremonial Flagpole is not displaying a Commemorative or other Governmental flag, the POW/MIA Flag will be flown.
4. The Ceremonial Flag Pole will be located beside the existing governmental designated flag pole outside of the Police Departmentprincipal municipal administrative building or other municipal buildings at the City Manager's discretion.

	City of St. Helena Council Policy Administration	Policy Outdoor Display of Governmental and Commemorative or other Governmental flag Flags on City Property
		Page 1 of 2

Title: Outdoor Display of Governmental and Commemorative or other Governmental Flags on City Property	Policy #	P-CC-0001
	Revision #	3
	Implementation Date	2017-06-13
	Last Update Date	05-28-2019
Approval by City Council	Resolution No.	Date Approved

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Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or to wear or carry a flag.

This policy rescinds the previous Outdoor Display of Governmental and Commemorative or other Governmental flag Flags on City Property policies and remains in effect until rescinded by City Council.

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 - a. A City Councilmember, past or present;
 - b. A City employee whose death occurred during the discharge of duty;
 - c. A City employee or retiree having served the City for 25 or more years; and/or
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	City of St. Helena Council Policy Administration	Policy Outdoor Display of Governmental and Commemorative or other Governmental flag Flags on City Property
		Page 2 of 2

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1. The Mayor and/or a member of the City Council or member of the public may submit a request to the City Manager in writing to display a Commemorative or other Governmental Flag on a Ceremonial Flagpole in conjunction with official actions, ceremonial items, or proclamations of the City Council. The request shall specify:
 - a. the type of flag to be displayed, and
 - b. how display of the flag would relate to a prior or proposed official action, ceremonial item or proclamation of the City Council, and
the request is consistent with the City Council’s mission and vision statements, and
 - c. the proposed time and manner of display.
2. Following consideration of a request, if the City Manager approves the request, either by minute order or in conjunction with adoption of some other official action, ceremonial item, or proclamation, the City shall display the requested Commemorative or other Governmental Flag on a Ceremonial Flagpole at the time, place and manner so directed by the City Manager. If the City Manager does not approve a request, it shall be deemed to have been denied and shall not be reconsidered for a period of six (6) months.
3. The City flag may be flown upon the order of the City Manager, in his or her discretion.
4. When a Ceremonial Flagpole is not displaying a Commemorative or other Governmental flag, the POW/MIA Flag will be flown.
4. The Ceremonial Flag Pole will be located beside the existing governmental designated flag pole outside of the principal municipal administrative building or other municipal buildings at the City Manager’s discretion.

CITY OF ST. HELENA

RESOLUTION NO. 2019-66

**Rescinding Resolution 2017-75 and Amending the Policy
P-CC-0001 Outdoor Display of Governmental and Non-
Governmental Flags on City Property and Authorizing a
Ceremonial Flag Recognizing LGBTQ Pride Month during
the Month of June**

RECITALS

- A. On June 13, 2017, the St. Helena City Council established a uniform policy to govern the flying of the National, State, and City flags on City-owned properties at half-staff to pay homage to the deceased and to govern the display of non-governmental flags on specified City-owned flagpoles; and
- B. The City Council desires to amend the current policy establishing a more prominent place to display non-governmental flags; and
- C. The more prominent location will be a flag pole installed beside the existing governmental designated flag pole outside of St. Helena City Hall; and
- D. A request has been made for the LGBTQ Pride Month flag to be flown the first half of the month of June and the Transgender flag will be flown the second half of June in recognition of LGBTQ Pride Month.

RESOLUTION

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

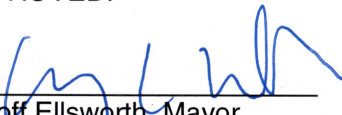
- 1. Approves City Council Policy P-CC-0001 Outdoor Display of Governmental and Non-Governmental Flags on City Property as outlined in the attached Exhibit A; and
- 2. Rescinds Resolution 2017-75; and
- 3. Authorizes a ceremonial flag recognizing LGBTQ Pride Month during the month of June; and
- 4. If any action, subsection, clause or phrase of this Resolution or the policies in Exhibit A shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or of the policy adopted by this Resolution that can be given effect without the invalid provisions; and

5. The City Council finds that the project is exempt from the requirements of CEQA pursuant to section 15303 in that it qualifies for a Class 3 Categorical Exemption.

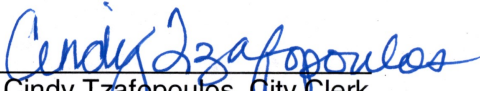
Approved at a Regular Meeting of the St. Helena City Council on May 28, 2019, by the following vote:

Mayor Ellsworth: Yes
Vice Mayor Dohring: Yes
Councilmember Chouteau: Yes
Councilmember Knudsen: Yes
Councilmember Koberstein: Yes

APPROVED:


Geoff Ellsworth, Mayor

ATTEST:


Cindy Tzaferopoulos, City Clerk





City of St. Helena
Council Policy
 Administration

Policy
**Outdoor Display of Governmental and
 Non-Governmental Flags on City Property**

Page 1 of 2

Title: Outdoor Display of Governmental and Non-Governmental Flags on City Property	Policy #	P-CC-0001
	Revision #	1
	Implementation Date	2017-06-13
	Last Update Date	2019-05-28
Approval by City Council Resolution No. 2019-66	Date Approved	2019-05-28

I. Purpose, Overview and Scope of this Policy

The purpose of this administrative policy is to establish a uniform policy to govern Outdoor Display of Governmental and Non-Governmental Flags on City Property.

Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or to wear or carry a flag.

This policy rescinds the previous Outdoor Display of Governmental and Non-Governmental Flags on City Property policies and remains in effect until rescinded by City Council.

II. Authority

The City Council has authority to update this policy.

III. Policy - Flying Flags on City Property at Half-Staff

1. National flags and/or California flags on City-owned property shall be flown at half-staff upon order of the President of the United States or authorization by the Governor of California.
2. National, California, and/or City flags on City-owned property may also be flown at half-staff at the direction of the Mayor upon the death of:
 - a. A City Councilmember, past or present;
 - b. A City employee whose death occurred during the discharge of duty;
 - c. A City employee or retiree having served the City for 25 or more years; and/or
 - d. A prominent citizen not holding or having held elected public office, whose accomplishments and contributions to the community clearly demonstrated a commitment over and beyond that which would be normally associated with the performance of work.
3. For the above circumstances, flags will be flown at half-staff as soon as practicable following the notification of a death, and will ordinarily be continued for 48 hours.



City of St. Helena
Council Policy
 Administration

Policy
**Outdoor Display of Governmental and
 Non-Governmental Flags on City Property**

Page 2 of 2

IV. Policy – Display of Non-Governmental Flags on City Property

1. The Mayor and/or a member of the City Council may submit a request to the City Manager in writing to display a Non-Governmental Flag on a Ceremonial Flagpole in conjunction with official actions, ceremonial items, or proclamations of the City Council. The request shall specify:
 - a. the type of flag to be displayed
 - b. how display of the flag would relate to a prior or proposed official action, ceremonial item, or proclamation of the City Council, and
 - c. the proposed time and manner of display.
2. Following consideration of a request, if the Council approves the request, either by minute order or in conjunction with adoption of some other official action, ceremonial item, or proclamation, the City shall display the requested Non-Governmental Flag on a Ceremonial Flagpole at the time, place, and manner so directed by the Council. If the Council does not approve a request, it shall be deemed to have been denied and shall not be reconsidered for a period of six (6) months.
3. When a Ceremonial Flagpole is not displaying a Non-Governmental Flag, the City Flag may be flown upon the order of the City Manager, in his or her discretion.
4. The Ceremonial Flag Pole will be located beside the existing governmental designated flag pole outside of City Hall.

CITY OF ST. HELENA

RESOLUTION No. 2022-

**Rescinding Resolution 2019-66 and Amending the
Policy P-CC-0001 Outdoor Display of Governmental and
Commemorative or other Governmental Flags on City
Property**

RECITALS

- A. On June 13, 2017, the St. Helena City Council established a uniform policy to govern the flying of the National, State, and City flags on City-owned properties at half-staff to pay homage to the deceased and to govern the display of Commemorative or other Governmental flags on specified City-owned flagpoles; and
- B. The City Council desires to amend the current policy to allow the POW/MIA flag to be flown when a commemorative or other governmental flag isn't flown.

RESOLUTION

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

- 1. Rescinds Resolution 2019-66; and
- 2. Approves amending City Council Policy P-CC-0001 Outdoor Display of Governmental and Commemorative or other Governmental Flags on City Property as outlined in the attached Exhibit A; and

Approved at a Regular Meeting of the St. Helena City Council on April 26, 2022, by the following vote:

Mayor Ellsworth: _____
Vice Mayor Dohring: _____
Council Member Chouteau: _____
Council Member Hall: _____
Council Member Hardy: _____

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk

Cindy Tzaopoulos

From: Mark Prestwich
Sent: Wednesday, September 8, 2021 6:23 PM
To: Cindy Tzaopoulos
Subject: FW: POW flag on main pole

Hi Cindy,

Please prep this for consideration at the 9/28 meeting. Thanks!

-Mark

From: Eric Hall <EHall@cityofsthelena.org>
Sent: Wednesday, September 1, 2021 12:54 PM
To: Mark Prestwich <MPrestwich@cityofsthelena.org>
Cc: Cindy Tzaopoulos <ctzaopoulos@cityofsthelena.org>
Subject: RE: POW flag on main pole

Thank you for the background and help.

Best,
E

On Sep 1, 2021 11:50 AM, Mark Prestwich <MPrestwich@cityofsthelena.org> wrote:
Hi Eric,

Attached is a link to last year's POW flag request. Please note the attached policy describes the process (your email suffices to get this started) and allows the Council to decide the period a ceremonial flag can be flown so, while the Council has not previously authorized a flag to fly for a year, the Council can consider and make that request permanent. I will work with Cindy to add this to a future agenda.

[https://sthelena.civicweb.net/document/40782/Request%20to%20fly%20the%20LGBTQ%20and%20POW MIA%20flag%20on%20th.pdf?handle=2087EBD3D8F740EBA156F1ED0476B6C5](https://sthelena.civicweb.net/document/40782/Request%20to%20fly%20the%20LGBTQ%20and%20POW%20MIA%20flag%20on%20th.pdf?handle=2087EBD3D8F740EBA156F1ED0476B6C5)

-Mark

From: Eric Hall <EHall@cityofsthelena.org>
Sent: Tuesday, August 31, 2021 3:25 PM
To: Mark Prestwich <MPrestwich@cityofsthelena.org>
Subject: POW flag on main pole

Mark,

Mike Griffin called to discuss placing a POW flag on the main flag pole, below the CA flag. He says there was a temporary thing done last year for a two-week period and he, the American Legion, Native sons, Rotary and others are now requesting it fly permanently on the main flag pole. I told him I would support the effort, provided they pay for the flag. He agreed.

I told him I would write a formal letter to you. Let me know if you foresee any issues with this, and anything else to include in the letter. Thanks. Best,

E

Eric Hall
Council Member, City of St. Helena
ehall@cityofsthelena.org
925-708-2686
www.cityofsthelena.org



Report to the City Council
Regular City Council - 26 Apr 2022

Agenda Section: OLD BUSINESS

Subject: Discussion and Direction for Scenarios to Return to In-person City Council, Boards, Commissions, and Committee Meetings

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzaopoulos, City Clerk

Reviewed By: April Mitts, Administrative Services Director

Approved By: James C. McCann, Interim City Manager

BACKGROUND

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the threat of COVID-19. On March 12, 2020, Governor Newsom ordered that all residents heed any orders and guidance of the state and local public health officials, including social distancing measures to control the spread of COVID-19. Additionally, that order waived portions of the Ralph M. Brown Act and authorized a local legislative body to hold public meetings via teleconference and to impose or recommend measures to promote social distancing and the City Council, Boards, Commissions have since been meeting virtually since March of 2020.

Governor Newsom signed Assembly Bill 361 (AB 361) on September 16, 2021, which amends the Ralph M. Brown Act to provide additional provisions that allow meetings of legislative bodies to continue to be conducted via teleconference. AB 361 went into effect immediately upon the Governor's signature. When the Governor ends the emergency the City Council, Boards, Commissions, and Committee meetings must immediately resume to in-person with pre-pandemic requirements be reinstated such as:

1. At least a quorum of the public body must participate from locations within the local agency's jurisdiction.
2. All remote locations from which a member of the body is participating must be made available for the public.

3. Each remote location must be specifically identified in the notice and agenda of the meeting, including a full address.
4. Agendas must be posted at each remote location, even if a hotel room or a residence.
5. Each remote location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate.
6. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.

DISCUSSION

In anticipation of the emergency order being lifted and pursuant to City Council request, staff is presenting the following items for City Council discussion and direction regarding continued virtual or in-person meetings.

Resuming in-person meetings enhances City operations and open government and highlights the value of in-person public participation.

Options for Council discussion and direction are as follows, also see the scenarios in attachment 1:

	SCENARIO 1 PRE-PANDEMIC FORMAT	SCENARIO 2 HYBRID MODEL	SCENARIO 3 HYBRID FOR CONSULTANTS/STAFF
DESCRIPTION	City Council, Boards, Commissions, and Committees, Public, Staff, and others will participate in-person only. No new requirements for in-person meetings.	Majority of City Council, Boards, Commissions, and Committees will participate in-person with the option of remote participation in alignment with legislative requirements; Public, Staff, and others may participate in-person or virtually at the discretion of the City Manager. Public will have the option to provide comment in person or remotely.	City Council, Boards, Commissions, and Committees, Public, Staff, and others will participate in person only. Consultants and staff may participate in-person or virtually at the discretion of the City Manager.
LOGISTICS	Public meetings will convene as they were prior to the shelter in place order.	Meetings will convene at the pre-pandemic designated site but will also be hosted on the Zoom platform. The experience for in-person and remote participants will be similar allowing for all to see the same content displayed. Council Member remote participation would be dependent on policies and procedures both as required by state regulations and the City's operating guidelines. This is the most complex scenario and will take coordination and planning.	Meetings will convene at the pre-pandemic designated site but will also be hosted on the Zoom platform for consultants and staff at the discretion of the City Manager. The experience for in-person and remote participants will be similar allowing for all to see the same content displayed.
BENEFITS	Current equipment and staffing needs are ready and available	Reduce travel costs as consultants and public can participate in person or remotely. Continued broader participation by staff, public, and others with the option to participate remotely.	Reduce travel costs as consultants and staff can participate in person or remotely at the discretion of the City Manager.
CHALLENGES	Many of the current benefits that have been realized from the past year of remote would not continue: • Public not allowed to participate remotely • Council, Public, Staff, others required to be on site	Adjustments to both equipment and staffing would be necessary in order to support this model. • Budget for new laptop • Managing in-person, remote public speakers and consultant presentations by additional staff • Meeting time will be extended managing dual in-person and remote speakers	Adjustments to both equipment and staffing would be necessary in order to support this model. • Budget for new laptop • Managing in-person and remote consultant speakers by additional staff • Meeting time will be extended managing dual in-person and remote consultant speakers

Staff is recommending to the City Council to consider scenario three. This is identical to scenario two, but consultants and staff would be the only virtual participants at City Council, Boards, Commissions, and Committee meetings. If consultants are able to continue to join meetings virtually, travel related costs, which are typically imbedded in consultant agreements, would not be incurred and would yield a cost savings to the City. If this process is considered the City Clerk may need an additional laptop and would need an additional staff member in attendance to manage remote consultants and/or staff.

FISCAL IMPACT

The fiscal impact includes the potential purchase of a laptop and an additional staff member attending the meetings.

RECOMMENDED ACTION

Staff is seeking City Council discussion and direction and recommends approving scenario three.

ATTACHMENTS

[Attachment 1 - Scenarios](#)

	SCENARIO 1 PRE-PANDEMIC FORMAT	SCENARIO 2 HYBRID MODEL	SCENARIO 3 HYBRID FOR CONSULTANTS/STAFF
DESCRIPTION	City Council, Boards, Commissions, and Committees, Public, Staff, and others will participate in-person only. No new requirements for in-person meetings.	Majority of City Council, Boards, Commissions, and Committees will participate in-person with the option of remote participation in alignment with legislative requirements; Public, Staff, and others may participate in-person or virtually at the discretion of the City Manager. Public will have the option to provide comment in person or remotely.	City Council, Boards, Commissions, and Committees, Public, Staff, and others will participate in person only. Consultants and staff may participate in-person or virtually at the discretion of the City Manager.
LOGISTICS	Public meetings will convene as they were prior to the shelter in place order.	Meetings will convene at the pre-pandemic designated site but will also be hosted on the Zoom platform. The experience for in-person and remote participants will be similar allowing for all to see the same content displayed. Council Member remote participation would be dependent on policies and procedures both as required by state regulations and the City's operating guidelines. This is the most complex scenario and will take coordination and planning.	Meetings will convene at the pre-pandemic designated site but will also be hosted on the Zoom platform for consultants and staff at the discretion of the City Manager. The experience for in-person and remote participants will be similar allowing for all to see the same content displayed.
BENEFITS	Current equipment and staffing needs are ready and available	Reduce travel costs as consultants and public can participate in person or remotely. Continued broader participation by staff, public, and others with the option to participate remotely.	Reduce travel costs as consultants and staff can participate in person or remotely at the discretion of the City Manager.
CHALLENGES	Many of the current benefits that have been realized from the past year of remote would not continue: • Public not allowed to participate remotely • Council, Public, Staff, others required to be on site	Adjustments to both equipment and staffing would be necessary in order to support this model. • Budget for new laptop • Managing in-person, remote public speakers and consultant presentations by additional staff • Meeting time will be extended managing dual in-person and remote speakers	Adjustments to both equipment and staffing would be necessary in order to support this model. • Budget for new laptop • Managing in-person and remote consultant speakers by additional staff • Meeting time will be extended managing dual in-person and remote consultant speakers



Report to the City Council
Regular City Council - 26 Apr 2022

Agenda Section: OLD BUSINESS

Subject: Discussion and direction regarding criteria to be considered in selection of Mayor if Measure G is approved by the voters

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzaferopoulos, City Clerk

Reviewed By: April Mitts, Administrative Services Director

Approved By: James C. McCann, Interim City Manager

BACKGROUND

On November 2, 1976, the voters of St. Helena passed Measure G moving from an appointed Mayor to an elected Mayor. Forty six years later, on February 8, 2022, the City Council placed Measure G on the June 7, 2022 Statewide Direct Primary Election, for the voters to consider an appointed rotational Mayor. If Measure G passes, the new system of governance will not start until after the November 8, 2022 General Municipal Election, after which the Mayor would be selected annually from among the City Council Members.

DISCUSSION

As stated in the Background section, if Measure G is approved by the voters, a new process will be necessary to determine the selection of the Mayor position. At the February 8, 2022 City Council meeting, Council directed a follow-up item be brought to Council for discussion to begin the process establishing criteria to be utilized in the selection of Mayor and Vice-Mayor if Measure G passes.

Although Measure G provides for city council appointment of the Mayor, and not an automatic rotational system, Staff has provided sample policies for the selection of Mayor and Vice Mayor from other jurisdictions to highlight different selection criteria used in those jurisdictions (attached):

1. Rohnert Park
2. Cotati
3. Healdsburg
4. Lincoln
5. Del Mar
6. Indian Wells
7. Oakley

After review of the attached policies, Council considerations include, but are not limited to:

1. Term of Office
2. Selection Criteria
3. Selection Method
4. Effective Date
5. Adopt via Ordinance or adopt as part of the Council Protocols

Staff recommends City Council establish an Ad Hoc committee of two Council Members to work with the City Clerk, City Attorney and City Manager to develop a draft policy for Council consideration. It is anticipated the draft policy will be presented to City Council for discussion at least one time before the June 7, 2022 election. If Measure G is approved by the voters, the final policy will be brought before City Council for adoption prior to the November 2022 election.

FISCAL IMPACT

No fiscal impact.

RECOMMENDED ACTION

Form an Ad Hoc Committee and provide direction.

ATTACHMENTS

[2022-13 CALLING & GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION ON JUNE 7, 2022 TO ASK VOTERS TO ADOPT AN ORDINANCE AMENDING SECTION 2.08.010 OF THE MUNICIPAL CODE TO CHANGE](#)

[Attachment 1 - Rohnert Park](#)

[Attachment 2 - City of Cotati](#)

[Attachment 3 - City of Healdsburg](#)

[Attachment 4 - City of Lincoln](#)

[Attachment 5 - City of Del Mar](#)

[Attachment 6 - Indian Wells](#)

[Attachment 7 - City of Oakley](#)

RESOLUTION NO. 2022-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION ON JUNE 7, 2022 TO ASK VOTERS TO ADOPT AN ORDINANCE AMENDING SECTION 2.08.010 OF THE ST. HELENA MUNICIPAL CODE TO CHANGE THE OFFICE OF MAYOR FROM AN ELECTED OFFICE TO AN APPOINTED OFFICE; REQUESTING THAT THE NAPA COUNTY BOARD OF SUPERVISORS CONSENT TO THE CONSOLIDATION BY THE NAPA COUNTY REGISTRAR OF VOTERS OF THE SPECIAL ELECTION TO BE HELD JUNE 7, 2022 AND AUTHORIZING THE NAPA COUNTY REGISTRAR OF VOTERS TO CANVAS THE ELECTION RESULTS FOR SUCH ELECTION; AND SETTING RULES AND DEADLINES FOR THE SUBMITTAL OF ARGUMENTS FOR AND AGAINST THE MEASURE.

WHEREAS, the office of Mayor is currently an elected office in the City of St. Helena ("City"); and

WHEREAS, the office of Mayor stands for election every two years, the last election for this office being November 3, 2020 and the current term for this office expiring in November, 2022; and

WHEREAS, California Government Code section 34902(b) provides that:

"After an office of elective mayor has been established, the city council may subsequently submit to the electors the question of whether or not to eliminate the elective office of mayor, pursuant to the procedures enumerated in this article, and thereby reestablish the procedure of selection of the mayor by the city council. If a majority of the votes cast on the proposition are in favor of the elimination of the office of elective mayor, the office shall be eliminated on the expiration date of the incumbent's term, and on the date the procedure of selection of the mayor by the city council shall be reestablished."

WHEREAS, California Elections Code section 9222 authorizes the City Council to submit local measures to the voters; and

WHEREAS, California Government Code section 34902 authorizes the City Council to submit to voters the question of whether the elective office of Mayor should be eliminated and replaced with a City Council-appointed office; and

WHEREAS, the City Council desires to submit to St. Helena voters a measure that would change the office of Mayor from an elective office to a City Council-appointed office; and

WHEREAS, the City Council desires to consolidate the special municipal election for the ballot measure described herein with the Statewide Direct Primary Election to be held on June 7, 2022; and

WHEREAS, the City Council further desires to set rules and deadlines for the submittal of written arguments and rebuttals for and against the measure; and

WHEREAS, the specific terms of the measure are provided for in the ordinance to be considered by the qualified voters, attached hereto as Exhibit "A" (the "Ballot Ordinance" or "Measure") and by this reference made an operative part hereof, and in accordance with all applicable laws.

NOW, THEREFORE, BE IT RESOLVED The City Council of the City of St. Helena, California, does resolve, declare, determine and order as follows:

SECTION 1. Recitals. The City Council of the City of St. Helena hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Submission of Ballot Ordinance/Measure. The City Council of the City of St. Helena, pursuant to its right and authority as contained in California Elections Code sections 9222, 10201, and 10400 et seq. and Government Code section 34902, hereby orders the Ordinance/Measure attached hereto as Exhibit "A" to be submitted to the qualified voters of the City at the Special Municipal Election to be held and consolidated with the Statewide Direct Primary Election on June 7, 2022. The proposed Ordinance shall be in the form attached hereto as Exhibit "A" to this Resolution and is incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Question. The City Council, pursuant to its right and authority under California Elections Code sections 10400 et seq. and Government Code section 34902, does hereby order that the ballot question shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the election to be held at the Special Municipal election to be consolidated with the Statewide Direct Primary Election on Tuesday, June 7, 2022, in addition to any other matters required by law, there shall be printed substantially the following question:

<u>Measure G:</u> "Starting November 8, 2022, shall the position of a directly elected mayor be eliminated, so that the St. Helena City Council is composed of five members who will select a member be mayor?"	YES	
	NO	

SECTION 4. Election Procedures/Request for Consolidation.

- A.** The City Council consents to the consolidation of the election on this Measure with all other elections being held in the same territory on June 7, 2022, and to hold and conduct the consolidated election in the manner prescribed in Elections Code section 10418.

- B.** The ballots to be used at the election shall be in the form and content as required by law.
- C.** In accordance with Elections Code section 10002, the Board of Supervisors of Napa County is hereby requested to consent to having the Napa County Registrar of Voters render such election services to the City of St. Helena as may be requested by the City Clerk of said City, the County of Napa to be reimbursed in full for such services as are performed.
- D.** The election services which the City of St. Helena requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform: the preparation, printing and mailing of sample ballots and guides; the establishment or appointment of precincts, voting centers, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for voting centers; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of St. Helena; and the performance of such other election services as may be requested by the City Clerk.
- E.** The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia, or cause such actions to be made, that may be necessary in order to properly and lawfully conduct the election.
- F.** That the precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, and election officers, and all other persons and procedures for the Special Municipal Election shall be the same as those utilized by the County of Napa; and
- G.** In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.
- H.** Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- I.** All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- J.** The Napa County Registrar of Voters is hereby authorized to canvass the returns of said election.

- K. The City Clerk of the City of St. Helena shall receive the canvass as it pertains to the election on the measure, and shall certify the results to the City Council, as required by law.

SECTION 5. Arguments and Analysis.

- A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the argument until and including March 18, 2022, after which no arguments for or against the measure may be submitted to the City Clerk. Arguments in favor of or against the measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the "Form of Statement to be filed by Author(s) of Argument" as provided by the City Clerk.
- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.
- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the ballot pamphlet along with the ballot measure as provided by law. The Impartial Analysis shall be filed by March 11, 2022. The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **"The above statement is an impartial analysis of Measure G. If you desire a copy of the ordinance or measure, please call the election official's office at (707) 968-2742 and a copy will be mailed at no cost to you."**

SECTION 6. Rebuttals.

- A. That pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the various City initiated measures which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the measures to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than March 25, 2022, accompanied by the "Form of Statement to be filed by Author(s) of Argument" as provided by the City Clerk. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 7. Placement on the Ballot. The full text of the Ballot Ordinance shall be printed in the voter information guide, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this ordinance, the Ballot Ordinance and/or ballot measure, at no cost, upon request made to the City Clerk.

SECTION 8. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution. The City Council directs the City Clerk to deliver copies of this Resolution, including the Ballot Ordinance attached hereto as Exhibit "A", to the Clerk of the Board of Supervisors of Napa County and to the Registrar of Voters of Napa County.

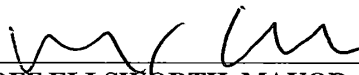
SECTION 9. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

[continued on next page]

SECTION 10. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

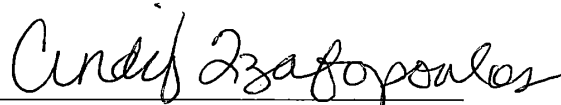
PASSED, APPROVED AND ADOPTED by the City Council of the City of St. Helena, California, at a regular meeting held on this 8th day of February, 2022, by the following vote:

AYES: Ellsworth, Dohring, Chouteau, Hardy and Hall
NOES: None
ABSTAIN: None
ABSENT: None



GEOFF ELLSWORTH, MAYOR

ATTEST:



CINDY TZAFPOULOS, CITY CLERK



EXHIBIT “A”

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF ST. HELENA, CALIFORNIA, AMENDING SECTION 2.08.010 OF CHAPTER 2.08 OF TITLE 2 OF THE ST. HELENA MUNICIPAL CODE TO CHANGE THE OFFICE OF MAYOR FROM AN ELECTED OFFICE TO AN APPOINTED OFFICE.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ST. HELENA DO ORDAIN AS FOLLOWS:

SECTION 1. Subject to the approval of a majority of the voters of the City of St. Helena at the scheduled election so designated by the City Council in a separate resolution placing this proposal on the ballot for such election, the first sentence of Section 2.08.010 of Chapter 2.08 of Title 2 of the St. Helena Municipal Code is hereby amended to read as follows:

“2.08.010 – Mayor’s term of office and duties.

Commencing with the November 8, 2022 General Municipal Election, the Office of Mayor in the City of St. Helena shall cease to be an elective office and shall become an appointive office, and, based on criteria identified by the City Council, the City Council shall annually choose one of its members to act as Mayor, through those rules and procedures it may prescribe by ordinance or resolution.”

The remainder of Section 2.08.010 shall remain unchanged by this ordinance.

SECTION 2. If any portion of this Ordinance is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Ordinance that is not deemed invalid. The voters of the City hereby declare that they would have circulated for qualification and/or voted for the adoption of this section, and each portion thereof, regardless of the fact that any portion of the initiative may be subsequently deemed invalid.

SECTION 3. To the fullest extent allowed by law, the provisions of this Ordinance shall prevail over, and supersede, all other provisions of the Municipal Code and any ordinances, resolutions or administrative policies of the City of St. Helena which are in conflict with any provision of this Ordinance.

SECTION 4. This section shall not be repealed or amended except by a measure approved by a majority of the electors voting on the issue at a General Municipal Election, or at a special election called for that purpose.

SECTION 5. This Ordinance shall take effect only if approved by a majority of the eligible voters of the City of St. Helena voting at a Special Municipal election to be held on June

7, 2022, and shall take effect ten (10) days after the City Council has certified the results of the Special Municipal election by resolution.

SECTION 6. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the People voting thereon on June 7, 2022, by signing where indicated below.

I hereby certify that the foregoing Ordinance was passed, approved and adopted by the People of the City of St. Helena on the 7th day of June, 2022.

Dated: _____

GEOFF ELLSWORTH, MAYOR

ATTEST:

CINDY TZAFPOULOS, CITY CLERK

3. Election of Council Officers

The Mayor and Vice Mayor will be elected by three (3) affirmative votes of the City Council. In years when members of the City Council are to be elected, the City Council shall consider the election of a Mayor and Vice Mayor for one (1) year terms at the first regular meeting after certification of the general election results has been received by the City. In years when no members of the City Council are to be elected, the City Council shall consider the election of the Mayor and Vice Mayor for one (1) year terms at the second regular meeting in November of each year or no later than the succeeding meeting.

I. Attendance by the Public

Except as specifically provided by law for closed sessions, all meetings of the Council will be open and public in accordance with the terms, provisions and exceptions consistent with the Ralph M. Brown Act (Government Code sections 54950, et seq.).

J. Agenda Packets

The City Council agenda packet, including all reports, communications, ordinances, resolutions, contracts, documents, or other matters to be considered by the City Council at the regular meeting, will be delivered to members of the City Council no later than the Thursday preceding the Tuesday Council meeting to which the agenda packet pertains. Friday delivery is allowed with City Manager approval. The agenda packet will be made available for public inspection upon its distribution to the City Council. Any writings or documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will also be made available for public inspection at City Hall during normal business hours.

K. Action Minutes

Minutes of Council meetings will be action minutes. Action minutes will include final motions and will note for the record how each Councilmember voted. The minutes will also reflect the names of public speakers. Council and staff discussion and comments will not be included in the minutes. The City Clerk will have exclusive responsibility for preparation of the minutes and directions for corrections to the minutes will be made only by majority vote of the City Council.

1. Written Comments for the Record

Written comments by a Councilmember may be read “for the record” and submitted to the City Clerk to be placed on file with archives of agenda items and, if requested, attached to the original set of minutes.

2. Reading of the Minutes

Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, the minutes may be approved without reading if the City Clerk has previously furnished each Councilmember with a copy.

F. Meeting Minutes1. Action Minutes

Minutes of Council meetings will be action minutes. Action minutes will include final motions with votes. The minutes will also reflect the names of public speakers. The City Clerk will have exclusive responsibility for preparation of the minutes and directions for corrections to the minutes will be made by majority action of the City Council.

2. Reading of the Minutes

Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, the minutes may be approved without reading if the City Clerk has previously furnished the draft minutes in the City Council meeting packet.

3. Approval of Minutes

Draft minutes of meetings are generally submitted to the Council for approval with the agenda packet. Any Councilmember who was absent from the prior meeting may participate and vote on the approval of the minutes and need not abstain on the approval of the minutes for that meeting.

4. Recordings of Meetings

Recordings of proceedings are maintained by the City Clerk for a period of 2 years, or as provided for in the currently adopted record retention schedule.

II. CITY COUNCIL OFFICERS**A. Election of Council Officers**

The Mayor and Vice Mayor will be elected by a majority vote of a quorum of the City Council. The City Council shall consider the election of the Mayor and Vice Mayor for one (1) year terms at the first regular meeting in December of each year, following the certification of election results and seating of new City Councilmembers, if applicable. The newly appointed Mayor and Vice Mayor positions will be effective on January 1, each year.

B. Role of Mayor

The Mayor is the Presiding Officer at all meetings of the City Council, except as provided below:

1. Absence of Mayor

The Vice Mayor will act as Presiding Officer in the absence of the Mayor.

2. Mayor and Vice Mayor Absence

When the Mayor and the Vice Mayor are absent from any meeting of the Council, the Councilmember most recently Mayor will act as Mayor pro tem,

and that person will, for the duration of the meeting, have the powers of the Mayor.

C. Powers and Duties of the Mayor

1. Authority.

The Mayor or Presiding Officer has authority and discretion to preserve order at all Council meetings. This includes the authority to remove any person that presents a physical threat to any other person in the Council meeting, or for conduct that disrupts the meeting to prevent the orderly prosecution of the City's business. The Presiding Officer also has the authority and discretion to enforce these rules of the Council and to determine the order of business. The Presiding Officer shall have the authority to prevent the misuse of the legitimate form of motions, the abuse of privilege of renewing certain motions, or the obstruction of the business of the City Council. The Presiding Officer may preserve orderly business by ruling such motions out of order. In so ruling, the Presiding Officer shall be courteous and fair and shall presume that the moving party is making the motion in good faith.

2. Special or Emergency Meetings.

The Mayor may call special or emergency meetings of the City Council, in accordance with the requirements of the Brown Act, Government Code Section 51950, et seq. (see also *A. Schedule and Location*, page 1, herein).

3. External Communication.

The Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the City for all ceremonial purposes and shall perform such other duties consistent with the office.

4. Seating Arrangement for City Council

The Mayor will, following each Council election of officers and at such other time as the Mayor deems it necessary, establish the seating arrangement of the members of the Council. The Vice Mayor will always be seated immediately next to the Mayor.

5. Signing of Documents

The Mayor will sign all ordinances, resolutions, and other documents necessitating his/her signature, which were adopted by a quorum of the City Council, unless signature authority has been delegated in the adopting action.

6. Sworn Testimony and Subpoenas

The City Clerk will administer oaths and affirmations, take affidavits, and certify them under his/her hand. In the absence of the City Clerk, the Mayor may have the same powers pursuant to California Government Code section

continuance by an applicant or appellant may only be made in accordance with the Healdsburg Municipal Code.

F. Decision

The Council shall consider all evidence properly presented in accordance with the rules stated herein and, unless otherwise provided by law, said decision or determination shall be made by motion, resolution, or ordinance, as appropriate. Action may be taken thereon at a subsequent meeting of the Council. Any Councilmember who failed to hear portions of the hearing and who did not familiarize himself/herself with the hearing or conduct thereof so as to be able to publicly state that he/she was familiar with the issues and evidence presented at the hearing shall disqualify himself/herself from discussing or voting on such matter.

G. Record of Hearing

An electronic recording shall be made of the oral evidence presented at the hearing. Said recording, together with all documents, maps, exhibits, and displays admitted into evidence, shall be retained by the City Clerk for a period of one year from the date of the close of the hearing. In lieu of retaining said recording, the City Clerk may prepare a typewritten transcript thereof which shall be retained for the same period of time.

X. MAYOR AND VICE MAYOR: RESPONSIBILITIES/ SELECTION

A. Powers and Duties Generally.

The Mayor shall be the official head of the City for all ceremonial purposes and he or she shall perform all duties imposed upon him or her by the laws of the State or by ordinance of the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council. (Healdsburg Municipal Code 2.20.010)

B. Term

The Mayor is appointed for a one-year term at the first regular meeting in December on non-election years or immediately following the installation of the newly-elected Councilmembers if the results of the election are not certified at the first Council meeting of December.

The Vice Mayor is appointed for a one-year term. The Vice Mayor is not a natural ascendancy to Mayor and there is no rotation system for selecting the Mayor or the Vice Mayor. The Vice Mayor shall also serve at the pleasure of the other Councilmembers.

C. Selection Of Mayor And Vice Mayor

1. Presiding Officer for Selection of Mayor

The officer presiding over the selection process shall serve as Mayor Pro Tempore and preside over Council meetings until a Mayor is elected. The individual functioning as Presiding Officer for the election of Mayor shall be

in the following order:

- a. The incumbent Mayor if still on the Council.
- b. The incumbent Vice Mayor if still on the Council.
- c. The Councilmember with the longest period of continuous service. Should there be two or more Councilmembers of equal length of service, the Councilmember who received the highest number of votes in the most recent election shall function as the Presiding Officer.

2. Nominations

The Presiding Officer shall call for nominations from the dais for Mayor and Vice Mayor. The Presiding Officer, at his/her discretion, may call for separate nominations. Each nomination must receive a second and be accepted by the nominee prior to a vote on the nomination.

3. Voting

If only one Councilmember is nominated for Mayor and Vice Mayor, the Presiding Officer shall call for a vote on the nomination. If two or more Councilmembers are nominated for each of the positions and those nominations receive a second and are accepted by the nominees, the Presiding Officer shall ask for separate votes on each of the nominations.

In the event that separate nominations are called for Mayor and Vice Mayor the same voting procedure shall be followed.

If the incumbent Mayor is no longer on the Council, the newly selected Mayor will assume the role of Presiding Officer immediately following the selection. If the incumbent Mayor is on the Council and during non-election years; the Mayor and Vice Mayor term will be effective the first of the year.

D. Proclamations

Proclamations are issued and/or scheduled for presentation at a City Council meeting at the discretion of the Mayor in consultation with the City Manager.

XI. COUNCIL GOALS

- A. Council Goals are set by the City Council.
- B. Staff will prepare an update on City issues, trends, and relevant information to assist the City Council with preparations for their goal setting process.
- C. The purpose of the goal setting process is to establish a limited number of high priority consensus goals that the City will focus on for the next year.
- D. Staff will develop projected outcomes for each goal for approval by the City Council.

- **CHAPTER 2.06 - ROTATION FOR MAYOR AND VICE-MAYOR POSITIONS**

- **2.06.010 - Purpose and intent.**

Section 36801 Government Code of the state of California requires that the city council meet after a general municipal election to choose one of its members as mayor and one of its members as mayor pro tempore or vice-mayor. The purpose of this chapter is to set out a method to establish a rotation determining which councilmembers shall be chosen to serve as mayor and vice-mayor each year in order to avoid any misunderstanding or disagreements.

(Ord. 674B §1(part), 1999)

- **2.06.020 - Establishment of rotation.**

Effective on the first Tuesday following the general municipal election in November, 2000, the rotation for councilmembers determining who shall be chosen to serve as mayor and vice-mayor shall be based, to the extent possible, on the following rules and policies:

1. The position of mayor shall be filled by an incumbent with at least two years of service—on the city council;
2. Upon the election or appointment of a new councilmember, the new individual shall be placed at the bottom of the rotation list. In the event of an election of more than one new individual to the city council, the ranking of order of the new councilmembers shall be in relation to the number of votes received at the election. The individual with the greatest number of votes shall be placed immediately below the incumbents including incumbents who are reelected. The individual with the second greatest number of votes shall be placed below the first and so on. Following an election, the previous incumbent mayor shall be placed in the rotation above the newly elected councilmembers and below other incumbents, including incumbents who are reelected. Incumbents shall stay in their position in the rotation relative to other incumbents, even after reelection.
3. In instances where there are four or five new individuals elected to the city council, those individuals filling positions with shorter terms remaining shall be placed at the top of the rotation list, in order of votes received at the election. Councilmembers with longer terms shall be placed below the shorter term councilmembers on the rotation list, in order of votes received at the election.

4. If multiple appointments are made simultaneously, the rank in the rotation between or amongst the appointments shall be determined by a coin toss.

(Ord. 674B §1(part), 1999)

 CITY OF DEL MAR CITY COUNCIL POLICY BOOK			
100	SELECTION OF MAYOR AND DEPUTY MAYOR	DATE REVISED:	12/15/14
		BY RESOLUTION:	2014-92
		PAGES:	1 OF 1

POLICY:

Del Mar Municipal Code, Section 2.20.020 A and B, addresses when the City Council shall meet to install newly elected Council members and states that its members shall choose one of its members as Mayor and one of its members as Deputy Mayor by motion of the Council and three affirmative votes. It further states that the Mayor and the Deputy Mayor shall serve a term of one year, or until a successor for each position is chosen.

1. The Mayor and Deputy Mayor are members of the City Council and are annually elected by majority vote of the City Council at the first regular meeting in December or, in the case of an election year, upon certification of the election results. As a member of the City Council, the Mayor and Deputy Mayor shall have all the powers of a member.
2. In choosing the Mayor and Deputy Mayor, it is the tradition of the Council to place the top two vote getters in any one election into a queue to rotate into the position of Mayor and Deputy Mayor. In each City Council election, the person with the most votes shall be placed first in the rotation of that group, the second highest vote getter will be placed second, and in the years when there is a third seat contest, the third highest vote getter will be placed third in that rotation. However, the Council member who received the third most votes in an election year filling three seats will not be in the queue for either Deputy Mayor or Mayor but would be in rotation should the Council member traditionally rotating into the Deputy Mayor or Mayor position be unavailable to serve in that role.
3. In case of appointment to the City Council to fill a vacancy, that person will occupy the last position in the current rotation. Each new election will determine the rotation only for the group in that election. Should any City Council member not be available to take their regular place in the established rotation, the next person in the rotation will be elevated to the Deputy Mayor's position and the rotation will continue as previously set.
4. In the event there are members of the City Council appointed in lieu of an election, the appointed City Council members will go into a Mayoral rotation based on tenure (seniority) on the City Council. The City Council member with the most tenure on the City Council will be placed first in the rotation of that group. If no seniority exists (e.g. members have the same tenure), then the appointed City Council members will be rotated based on a coin toss conducted at a publicly noticed meeting.

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2.08.160 Appointment of Mayor and Mayor Pro Tempore.

Indian Wells, California Municipal Code

Title 2 ADMINISTRATION AND PERSONNEL

Chapter 2.08 CITY COUNCIL

2.08.160 Appointment of Mayor and Mayor Pro Tempore.

(a) It is the purpose and intent of this Section to provide for an automatic annual rotation of Council Members who occupy the positions of Mayor and Mayor Pro Tempore. The automatic annual rotation is further intended to permit as many Council Members as possible to have an opportunity during their membership on the City Council to occupy the position of Mayor and Mayor Pro Tempore. This Section shall not be amended or repealed without first obtaining the approval of a majority of those persons voting on any such proposed amendment or repeal at a general or special municipal election called for this purpose.

(b) At the first regular meeting of the City Council in December of each year, or as soon thereafter as reasonably possible in the event any newly elected Council Members have not yet taken office due to delayed certification of election results, the City Council shall appoint from among the Council Members the Mayor and the Mayor Pro Tempore to immediately assume those positions, as applicable. Appointment to the position of Mayor and Mayor Pro Tempore shall be made on a rotating basis among all Council Members as follows, and the Mayor and Mayor Pro Tempore shall serve until their applicable successor is appointed or they resign or vacate the applicable position due to inability to fulfill the responsibilities of that position, as defined in subsection (c):

(1) The Council Member having the longest current continuous membership on the City Council without serving as Mayor shall be appointed Mayor.

(2) The Council Member having the second longest current continuous membership on the City Council without serving as Mayor shall be appointed Mayor Pro Tempore.

(3) If two (2) or more Council Members equally qualify hereunder for appointment as Mayor, any Council Member who has not previously served as Mayor during the period of current continuous membership of the qualified Council Member shall be appointed Mayor; and if two (2) or more Council Members thereafter equally qualify hereunder for appointment as Mayor, the Council Member who received the most votes among them in his or her most recent election to Council shall be appointed Mayor, and the Council Member who received the second most votes among them in his or her most recent election to Council shall be appointed Mayor Pro Tempore; and if two (2) or more Council Members thereafter equally qualify hereunder for appointment as Mayor, the Council Member whose name is then drawn by lot or other random procedure shall be appointed Mayor, and the other Council Member shall be appointed Mayor Pro Tempore.

(4) If two (2) or more Council Members equally qualify hereunder for appointment as Mayor Pro Tempore, the appointment of Mayor Pro Tempore shall be made in accordance with the same priority and criteria as otherwise set forth for appointment as Mayor in subsection (b)(3).

(5) A Council Member shall not be eligible for appointment as Mayor or Mayor Pro Tempore until he or she has first completed at least one (1) year of service during his or her current continuous membership on the City Council, unless no other Council Member can otherwise assume the position of Mayor or Mayor Pro Tempore due to inability to fulfill the responsibilities of that position, as that term is defined in subsection (c) or due to other qualifying Council Members declining an appointment to the position as set forth in subsection (d).

(6) If the position of Mayor becomes vacant due to inability to fulfill the responsibilities of that position, as that term is defined in subsection (c), the Mayor Pro Tempore shall be appointed Mayor for the remainder of that term of Mayor, and shall be reappointed Mayor for the next full term of the position of Mayor if then qualified hereunder, unless he or she declines either appointment. Notwithstanding subsection (b)(5), the Mayor Pro Tempore shall be appointed to the position of Mayor even if, at the time the position of Mayor becomes vacant, he or she has not completed at least one (1) year of service during his or her current continuous membership on the City Council.

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2.08.160 Appointment of Mayor and Mayor Pro Tempore.

(7) If the position of Mayor Pro Tempore becomes vacant due to inability to fulfill the responsibilities of that position, as that term is defined in subsection (c), the Council Member next qualified to become Mayor Pro Tempore shall be appointed Mayor Pro Tempore for the remainder of that term of Mayor Pro Tempore, and shall be reappointed Mayor Pro Tempore for the next full term of the position of Mayor Pro Tempore if then qualified hereunder, unless he or she declines the appointment.

(c) A Council Member shall not be appointed Mayor or Mayor Pro Tempore, as applicable, and the Mayor or Mayor Pro Tempore shall be deemed to have vacated their position, as applicable, due to inability to fulfill the responsibilities of that position. As used in this Section, the term "inability to fulfill the responsibilities of that position" shall mean at least one (1) of the following:

(1) Unexcused absences from more than four (4) regular or special City Council meetings within the twelve (12) month period prior to appointment as Mayor or Mayor Pro Tempore, as applicable, or during the period of service as Mayor or Mayor Pro Tempore, as applicable;

(2) Resignation from the position of Mayor or Mayor Pro Tempore, as applicable;

(3) Death, or physical incapacity due to medical condition severely limiting the ability of the Mayor or Mayor Pro Tempore, as applicable, to perform ongoing duties assigned to them by City policy or the City Council;

(4) Mental incapacity (such as by reason of severe stroke, serious head injury, serious nervous breakdown, or serious mental illness) of the Council Member otherwise qualified hereunder to be appointed to, or serve in the applicable position of Mayor or Mayor Pro Tempore, as reasonably determined at a public meeting by a majority of the full membership of the City Council;

(5) Upon the case-by-case determination by the City Council, in its discretion, to apply the following to the appointment, or removal, as applicable, of the Mayor or Mayor Pro Tempore, as applicable, via a censure resolution adopted at a public meeting by a majority of the full membership of the City Council, resulting from either: (i) a repeated failure of the Mayor or Mayor Pro Tempore, as applicable, to represent the City Council's adopted positions when representing the City, and not him or herself individually, after the City Council had first provided a written warning concerning such failure; or (ii) a violation of a any requirement of law pertaining to conduct by public officials, other than as set forth in subsection (c)(6), as determined by final decision of a governmental commission, agency or officer not a part of the City;

(6) Arrest while serving as Mayor or Mayor Pro Tempore, as applicable, for a felony or any crime of violence or moral turpitude; provided that if and when the prosecution of such felony or other crime is dismissed or otherwise terminated without a plea agreement or conviction, then the Council Member shall thereafter be placed in the highest priority behind the Mayor or Mayor Pro Tempore, as applicable, as otherwise set forth in subsection (b).

(d) A Council Member who currently serves as Mayor or Mayor Pro Tempore may resign that position at any time during his or her term. Further, a Council Member who otherwise qualifies shall not be appointed Mayor or Mayor Pro Tempore if he or she voluntarily declines the appointment to the applicable position.

(e) If a Council Member vacates the position of Mayor or Mayor Pro Tempore, or declines an appointment to either position, the following rules shall apply:

(1) If the Council Member currently serves as Mayor or Mayor Pro Tempore, as applicable, and vacates that position due to: (i) resignation; (ii) physical disability; or (iii) mental disability, as set forth in subsections (c)(2), (3) and (4) above, and so vacates during the first six (6) months of his or her term, the Council Member shall retain priority under subsection (b) for a future appointment as Mayor or Mayor Pro Tempore, as applicable, based upon the Council Member's time of continuous service on the Council since his or her last appointment to the position of Mayor or Mayor Pro Tempore, as applicable. If the Councilmember so vacates during the last six (6) months of his or her term, the Council Member shall not retain priority under subsection (b) for a future appointment as Mayor or Mayor Pro Tempore, as applicable, and only the Council Member's time of continuous service on the Council accruing after so vacating shall count toward any future appointment under subsection (b).

(2) If the Council Member currently serves as Mayor or Mayor Pro Tempore, as applicable, and vacates that position due to: (i) unexcused absences from Council meetings; or (ii) removal by the City Council via censure resolution, as set forth in subsection (c) (1) and (5), the Council Member shall not retain priority under subsection (b) for a future appointment to the position of Mayor or Mayor Pro Tempore, as applicable, and only the Council Member's time of continuous service on the Council accruing after so vacating shall count toward any future appointment under subsection (b).

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2.08.160 Appointment of Mayor and Mayor Pro Tempore.

(3) If the Council Member has never served as Mayor or Mayor Pro Tempore, as applicable, and the Council Member declines an appointment to that position for the first time, the Council Member shall retain priority under subsection (b) for a future appointment as Mayor or Mayor Pro Tempore, as applicable, based upon the Council Member's time of continuous service on the Council.

(4) If the Council Member has never served as Mayor or Mayor Pro Tempore, as applicable, and the Council Member declines an appointment to that position for a second time, the Council Member shall not retain priority under subsection (b) for a future appointment as Mayor or Mayor Pro Tem, as applicable, and only the Council Member's time of continuous service on the Council accruing after his or her second declining of said appointment shall count toward any future appointment to that position under subsection (b). Notwithstanding the above, a Council Member who declines a second appointment shall still be deemed to have satisfied the minimum one-year Council service requirement for any future appointment under subsection (b)(5).

(5) If the Council Member has previously served as Mayor or Mayor Pro Tempore, as applicable, during his or her current continuous membership on the City Council, and is later nominated to that position again, the Council Member may decline the appointment once and retain priority for a future appointment as set forth in subsection (e)(3), based upon the Council Member's time of continuous service on the Council since last serving as Mayor or Mayor Pro Tempore, as applicable. If he or she declines the appointment a second time, the Council Member shall not retain priority for a future appointment as set forth in subsection (e)(4).

(f) As used in this Section, the terms "qualify," "qualified" and "qualify hereunder" mean that a Council Member meets the priority and criteria established for selection as Mayor or Mayor Pro Tempore, as applicable, as set forth in subsection (b). (Ord. 729 § 1, 2020; Ord. 666 § 1, 2012)

Contact:

City Clerk: 760-346-2489

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2.1.005 Appointment of Mayor and Vice Mayor.

- a. Each year during the month of December, the City Council shall appoint one of its members as Mayor. The member selected to be Mayor typically will be the member who is serving as Vice Mayor, unless the Vice Mayor is unavailable to be appointed as Mayor due to failure to be re-elected, insufficient time to dedicate to the office, or other reasons.
- b. Each year during the month of December, the City Council shall appoint one of its members as Vice Mayor. The person selected as Vice Mayor shall have been a member of the Council for at least one year prior to the appointment as Vice Mayor.
- c. Neither the Mayor nor the Vice Mayor serves a term of office, but rather serves in those capacities at the pleasure of the majority of the City Council.
- d. It is the intent of this section to establish a rotation process so that each Council member shall have the opportunity to become either Vice Mayor or Mayor, or both.
- e. The City Clerk shall establish and keep a "rotation schedule" regarding the City Council members. The member with the most continuous time of service on the Council who has not previously served as Vice Mayor and is not selected Mayor will be selected as Vice Mayor. If two or more members have equal time of continuous service, the member who received the highest number of votes at his/her election shall be selected. The other members with equal time of continuous service will have their rank on the rotation schedule determined by the number of votes that they received at their election, with the member having the higher number of votes receiving higher ranking.
- f. When the Mayor completes his/her service as Mayor, he/she shall revert to the bottom of the rotation schedule.
- g. If a member was appointed to the City Council, he/she shall be placed at the bottom of the rotation schedule when appointed, and shall continue up the rotation schedule thereafter in the same manner as the other members.
- h. If a member voluntarily declines appointment as either Mayor or Vice Mayor, he/she shall then rotate to the bottom of the schedule.
- i. The City Council may decline to appoint a member to serve as Mayor or as Vice Mayor if a majority of the City Council determines that the person has experienced or exhibited any of the following:
 - 1) A violation of law or City policy, or has been or is being investigated for a violation of law or of policy;

- 2) Intemperate, rude or disparaging remarks or conduct toward the public, staff or City Council;
- 3) Lack of leadership or communications skills;
- 4) Excessive absenteeism as a Council member;
- 5) Any other conduct that would be considered to be unprofessional or unbecoming of the position of Mayor or Vice Mayor;
- 6) Determination that the person does not have the available time to assume the additional duties of Mayor or Vice Mayor.

(Sec. 1, Ordinance No. 01-13, adopted February 26, 2013)



Report to the City Council
Regular City Council - 26 Apr 2022

Agenda Section: **NEW BUSINESS**

Subject: Formula Business Zoning Policy Discussion

CEQA Determination: Not a CEQA project

Prepared By: Maya DeRosa, Planning & Building Director

Reviewed By: April Mitts, Administrative Services Director

Approved By: James C. McCann, Interim City Manager

BACKGROUND

The Zoning Code has contained regulations for formula businesses since April 1994. The current code limits formula uses to only retail type establishments with a conditional use permit and restaurants are prohibited. During the preparation of the updated zoning code this topic was discussed by the Zoning Code Subcommittee. Staff shared with the subcommittee that the City Council on August 24, 2021, discussed formula businesses in the context of the an economic strategy for the downtown, and there was discussion of defining formula related to a maximum number of locations and relaxing the currently restrictive regulations pertaining to formula business in order to stimulate more economic activity. Below is the relevant section of the report:

A. *Reduce Restrictions on Formula Retail Businesses*

Current City regulations require a Conditional Use Permit to operate a formula retail business (defined as more than one similar operating business anywhere) issued by the Planning Commission. The cost to a prospective formula retail business to submit a request and plans to the City Planning Commission for consideration to open is approximately \$5,800, a significant cost few will consider as there is no certainty of approval. Formula restaurants (defined as more than one single restaurant operating business to be replicated in St. Helena) are strictly prohibited.

As downtown retail businesses struggle to remain profitable in an era of online and improved regional competition and expensive rent, the City risks increasing retail vacancies without removing the restrictions on a portion of the retail market that traditionally has overlooked business investment in St. Helena (formula retail businesses). While a City policy change in 2019 did allow a formula retail business the opportunity to secure an over-the-counter temporary pop-up retail permit for up to three months, this limited window of operation coupled with the uncertainty of securing eventual Planning Commission approval should they desire to operate beyond three months, discourages formula businesses from considering investment in St. Helena. No formula retail businesses were among the 21 temporary use permits processed by the City since this program became available.

To balance the community's desire for unique retail while also considering ways to reduce vacancies, the City should consider reducing restrictions on formula businesses. For example, the City could allow up to a certain number of new formula businesses in the downtown district (e.g. up to 10), update the Municipal Code to define formula businesses as more than 10 locations throughout the United States as many other cities do (vs. more than "one" anywhere) so smaller emerging formula retailers have an opportunity to grow their business in St. Helena. Other communities have also required sensitive and compatible signage and proximity limits for formula businesses. Alternatively, the City could remove the restriction altogether for a market-based approach in this extremely competitive new retail era.

Before finalizing the public review draft of the zoning code, staff desires more clear policy direction on how the updated code should regulate formula businesses which is the focus of this report.

DISCUSSION

General Plan

The adopted 2019 General Plan provides specific policies in both the Land Use Element and Economic Sustainability Element related to formula retail and restaurants in St. Helena (Attachment 1). There are specifically four policies that reinforce the City should continue to prohibit formula restaurants. Should the City choose to allow for limited formula restaurants in the zoning code (staff does not recommend this approach), there should be a corresponding General Plan Amendment to avoid inconsistency. There appears to be more flexibility for how the City desires to regulate formula retail in the zoning code assuming it is consistent with the policy to encourage retail services which do not require a consumer base larger than the population of St. Helena and its vicinity (LU3.C)

Survey of Other Cities

As noted in Attachment 2, in preparation for this discussion, staff surveyed the zoning codes of the cities of Sonoma, Healdsburg, Coronado, Aspen, Carmel by the Sea, and

Solvang. These cities were selected as they are similar to St. Helena in that they are visitor serving destinations with distinguished character. Most of the cities did include a threshold number of business locations in their definition of a formula business. Additionally, staff's research noted that Carmel by the Sea and Solvang only regulated formula restaurants in their zoning codes, not formula retail. Healdsburg had the most restrictive policy in that any type of formula business operation was prohibited around the plaza.

Definition of Formula Business

The current definition of formula business in the zoning code is as follows:

Formula Business: "Formula Business" (not including formula restaurants which are prohibited) means

a business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs or other similar features. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations.

Proposed updated definition of formula business (changes in underline):

"Formula Business" (not including formula restaurants which are prohibited) means a business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs, trademark, name or other similar standardized features which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations.

Additionally, the City may want to consider clarifying what land uses are regulated by formula business. For example, the City of Sonoma notes that formula definition applies to most retail, restaurant, and personal service uses (such as salons), but not to uses such as offices, hotels, banks or gas stations.

Options of how to regulate formula retail in the zoning code

Attachment 3 provides a summary of options by commercial zoning district. The Central Business (CB) District is the City's historic Main Street and, in order to protect that character and experience, the limitations for formula business should be more regulated in the CB District as opposed to the future Mixed Use (MU) zones to be designated by the zoning code update and Service Commercial (SC) zones and should, therefore,

require a use permit approval by Planning Commission. Two options for regulating formula businesses are outlined in the attachment, one being less restrictive (Option 1) and the other being more restrictive (Option 2), which requires a use permit in two of the three commercial districts and caps the maximum number of formula businesses in the commercial districts to not exceed four. If the City wanted to initiate a more open policy towards formula retail, the City could consider allowing formula retail by right in the Mixed Use (MU) and SC commercial zoning districts. These sites are primarily located to the south of historic downtown and have a different identity, being more highway oriented commercial (many are included in the Highway 29 Specific Plan). The Sunshine Market is designated MU in the General Plan and will be rezoned to MU in the code update. If the City desires to regulate a future retailer in this location, Option 2 would ensure the application would be reviewed by the Planning Commission via a use permit. If there was concern about too many formula businesses over time in any commercial district, the City could consider setting a cap of the total number of formula retail businesses in the three commercial zones, as noted by Option 2 (staff recommendation).

In the Zoning Code Subcommittee discussion, there was not a discussion of formula business by zone but some of the feedback was that the City should allow both retail and restaurant types of formula business in the City. During the Downtown Stakeholder meeting hosted by the City last year, which the Chamber participated in, the main comment given to the City was to create more certainty for applicants in the use permit process and create specific findings for these types of use permits (see discussion in this staff report). There has not been broad community outreach on this topic yet; however, staff anticipates broad community outreach through the zoning code adoption process. The City Council could opt for a survey of the community to receive further input.

Options of how to regulate formula restaurants in the zoning code

As noted earlier in this report, the General Plan includes multiple policies that advise the City continue to prohibit formula restaurants. Staff recommends no change to prohibiting formula restaurants in the City limits. If the City Council elects a more flexible approach, an alternate approach could be to allow a maximum of two formula businesses with a use permit and limit the location to the Service Commercial (SC) zone. This would require a General Plan amendment to the policies noted in Attachment 1 as part of the Zoning Code Update.

Require specific use permit findings for formula businesses

In the last Zoning Code Subcommittee meeting, staff recommended that there be consideration of adding specific findings related to formula business use permits to make the review process by the Planning Commission more objective. The proposed findings are below and the Planning Commission would need to make all of the following findings in addition to the standard use permit findings:

1. The formula business establish will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;
2. The proposed use, together with its design and improvements, is consistent with the unique and historic character of St. Helena, and will preserve the distinctive visual appearance and shopping/dining experience of St. Helena for its residents and visitors; and

The following additional finding is required for the granting of a use permit for formula businesses on sites located within the CB district:

3. The formula business establishment will be compatible with existing uses in the zone and will promote the zone's economic vitality as the downtown commercial core of St. Helena.

Next Steps

Following this City Council discussion and based on City Council direction, the next anticipated steps could involve; outreach through the Chamber; City staff sharing with the zoning code consultant the proposed changes (if any) to the code; reporting back to the Zoning Code Subcommittee the outcome of the policy direction; releasing a public review draft of the zoning code; and holding a series of joint meetings with the Planning Commission and City Council to receive public comments on the draft code before formal code adoption hearings.

FISCAL IMPACT

This policy discussion by the City Council will not result in any direct fiscal impact. There could be secondary fiscal impacts of a change in this policy such as potential increased sales tax revenue by less restrictive formula business policy. There is no additional cost to amend the zoning ordinance as this is part of the scope of work of the zoning code consultant.

RECOMMENDED ACTION

Provide policy direction to staff regarding:

- Definition of formula business
- Regulation of formula retail and restaurants
- Adding use permit findings for formula businesses as suggested

ATTACHMENTS

[Attachment 1-General Plan policies pertaining to formula businesses](#)

[Attachment 2-Formula Business Comparison Table of Other City Regulations](#)

[Attachment 3-Formula Retail Options by Zoning District](#)

St. Helena General Plan Policies Related to Formula Businesses

Land Use Element

LU3.5 Ensure that new retail and commercial development is compatible with and complementary to St. Helena's small-town image. In addition, within the City's Central Business District, new retail and commercial development should be of a scale and type that complements the historic character.

LU3.C Encourage retail services which do not require a consumer base larger than the population of St. Helena and its vicinity. For the purposes of the General Plan, "vicinity" is defined as the surrounding agricultural area for which St. Helena has historically provided goods and services, including Calistoga, Angwin, Deer Park, Meadowood, Madrone Knoll, Rutherford, and the unincorporated area south of St. Helena.

Economic Sustainability Element

Page 3-5: • Outreach efforts have indicated broad support in the community for maintaining the City's existing prohibition of formula restaurants, outlet and chain stores, and large-scale retail businesses to ensure that St. Helena's businesses continue to complement its distinctive small-town character.

ES1.B Update the Municipal Code to (a) encourage to the extent feasible businesses that are complementary to St. Helena's small-town character and that provide a range of goods to local residents; (b) define and permit non-chain, discount type stores while maintaining the existing provisions in the Municipal Code that prohibit formula restaurants, outlet, and chain discount-type stores, and retail businesses over 10,000 square feet in size; and (c) limit certain nonretail uses, such as real estate offices, from occupying ground-floor retail space in Central St. Helena.

ES2.2 Encourage visitor-serving uses oriented toward an upscale market, consistent with the Valley's reputation as a producer of world-class wines. Discourage the introduction of uses that are dependent upon a mass tourist market.

ES2.7 Do not legislate or restrict the number of restaurant seats, but continue to prohibit formula restaurants.

ES2.A Continue to prohibit formula restaurants, chain discount stores, and time-share lodging projects (excluding Fractional Ownership Lodging). Consider destination membership clubs and other potential lodging options that contribute to the Transient Occupancy Tax (TOT) revenue stream subject to a conditional use permit.

Formula Business Comparison Table of Other City Regulations

Criteria	Sonoma	Healdsburg	Coronado	Aspen	Carmel by the Sea	Solvang
Definition of formula business	“...defined as auto parts sales, building material stores, furniture, furnishings and equipment stores, general retail uses, grocery stores, personal services, or restaurants, as defined in this section, which are required by contractual or other arrangement or affiliation to maintain a standardized (“formula”) array of services and/or merchandise, menu, employee uniforms, decor, facade design, signage, color scheme, trademark or servicemark, name, or similar	No mention or definition of “Formula Business” found in zoning code but the General Plan Land Use Element has the following policy: <i>LU-D-5 : Formula businesses are prohibited on properties around the historic Plaza in order to preserve its character of small, unique businesses that are attractive to residents and visitors.</i>	“....means any type of commercial business establishment that uses a trademark, logo, service mark or other mutually identifying name or symbol that is shared by 15 or more commercial businesses (other than a “formula fast food restaurant”) and which maintains any standardized (“formula”) array of service and/or merchandise, decor, business method, architecture, layout, uniform, or similar, standardized feature.”	“Any "restaurant, bar and entertainment uses" and "retail uses", as defined in this Chapter, that has eleven (11) or more other establishments in operation, or with local land use or permit entitlements already approved and effective, located anywhere in the United States. In addition to the eleven (11) establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two (2) or more of the following	“Formula Food Establishment. A business that (1) is required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior decor, signage or exterior design; or (2) adopts a name, appearance or food presentation format that causes it to be substantially identical to another	“RESTAURANT, FORMULA. A restaurant devoted to the preparation and offering for sale of food and beverages for consumption either on or off the premises, which is required by contractual or other arrangements to offer any of the following. standardized menus, ingredients, food preparation, decor, uniforms or similar standardized features, and where there are five (5) or more similar locations

Criteria	Sonoma	Healdsburg	Coronado	Aspen	Carmel by the Sea	Solvang
	standardized features, which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location at the time that the application is deemed complete.			features: a standardized array of merchandise, standardized array of services, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized sign, a trademark, or a service mark.	restaurant regardless of ownership or location.” “Fast Food Establishment. A business where food is consumed on or off the site and food is (1) pre-made and wrapped before customers place orders, and/or (2) served with disposable tableware for on-site food consumption.”	nationwide. Notwithstanding the foregoing, a full service restaurant, where there are less than twenty-five (25) locations nationwide does not meet the definition of a formula restaurant and “uniforms” do not include Northern European ethnic garb.”
Municipal Code Chapter	Chapter 19.50: Special Use Standards	Chapter 20.08: Base Zoning Districts	Chapter 86.55.360 & 86.55.370	Chapter 26.104.110(c) Formula Use & Chapter 26.425.045	Chapter 17.14.040(I)(J) & 17.56.020	Chapter 11-12-7 & 11-7A-2
Formula Restaurant (Prohibited/CUP/P)	Prohibited within the plaza retail overlay zone.	Not allowed in Plaza Retail District or CD district;	Must obtain a minor special use permit. Fast food restaurant	CUP	Prohibited	“E. Formula Restaurants. No new or expanded formula restaurant shall

Criteria	Sonoma	Healdsburg	Coronado	Aspen	Carmel by the Sea	Solvang
		Conditional in CS district	may only relocate or physically expand			be permitted in the TRC Tourist Commercial District of the city."
Formula Retail (Prohibited/CUP/P)	CUP	Varies per district in CD, CS, GMU, MU and I districts. -General retail permitted in MU, I district.	Allowed in Hotel-Motel Zone with major use permit. "The cumulative expansion of a formula business establishment by 500 or more square feet of floor area shall require a minor special use permit amendment or a minor SUP if the establishment does not already have a major special use permit."	CUP	No mention of Formula Retail in Zoning Code- but most likely prohibited.	No mention of Formula Retail in Zoning Code.
Formula Restaurant-Max number allowed	N/A	N/A	No more than 1 formula fast food restaurants operating per site. "When it would not result in formula fast food	N/A	Prohibited	N/A

Criteria	Sonoma	Healdsburg	Coronado	Aspen	Carmel by the Sea	Solvang
			restaurants operating at more than 10 sites under the jurisdiction of this title..."			
Formula Retail- Max number allowed	N/A	N/A	N/A	N/A	N/A	N/A
Historic District	"The establishment or expansion of a formula business within the historic district shall require the approval of a use permit in compliance with SMC 19.54.040."	N/A	N/A	See exemptions below.	N/A	N/A
Exemptions	"The provisions of this section shall not apply to formula businesses located or proposed to be located in the following shopping centers: (1) Sonoma Valley Center; (2) the	N/A	N/A	"Exceptions include those exceptions set forth in the definitions of "restaurants, bars and entertainment uses" and "retail uses" (general and specialty)."	N/A	N/A

Criteria	Sonoma	Healdsburg	Coronado	Aspen	Carmel by the Sea	Solvang
	Marketplace; (3) Maxwell Village; and (4) Fifth Street West Plaza.”			“(2) Exemptions. a. Exemptions. This Section shall not apply to commercial and mixed-use buildings and structures within the CC zone district, C-1 zone district, and the Main Street Historic District (MU zone district) that meet any one (1) or more of the following characteristics: 1.Buildings or structures constructed or under construction prior to the effective date of Ordinance 6, Series 2017. 2.Buildings or structures which will be constructed pursuant to any approval for development granted prior to the effective date of		

Criteria	Sonoma	Healdsburg	Coronado	Aspen	Carmel by the Sea	Solvang
				Ordinance 6, Series 2017. 3. Buildings or structures which will be constructed pursuant to any development application submitted for approval prior to the effective date of Ordinance 6, Series 2017. b. Loss of Exemption. Any building or structure exempted by this Section will become subject to this Section upon the occurrence of one (1) of the following activities, provided that they were not caused by the occurrence of fire, flood, or acts of nature: 1. demolition, as defined in Title 26; or 2. renovation or construction of an		

Criteria	Sonoma	Healdsburg	Coronado	Aspen	Carmel by the Sea	Solvang
				existing building or structure (i.e. addition to an existing building or structure) that results in an increase of more than five-hundred (500) square feet of net leasable space, and more than two-hundred-fifty (250) square feet of Floor Area, pursuant to Section 26.470.090(c), Minor expansion of a commercial, lodge, or mixed-use development. c. Notwithstanding the foregoing, the following activities shall not cause a loss of exemption: 1.rehabilitation and other construction necessary to comply with the law (e.g. ADA compliance); 2.reconfiguration of leased areas; or		

Criteria	Sonoma	Healdsburg	Coronado	Aspen	Carmel by the Sea	Solvang
				3.improvements reasonably necessary for tenant to occupy a leased space.		

Formula Retail Options by Zoning District
(Based on proposed amended definition of formula business)

Zone	Option 1-Less Restrictive	Option 2-More Restrictive
CB (Central Business)	• Use Permit • No maximum	• Use Permit • Maximum of 4 formula businesses allowed in CB District
MU (Mixed Use)	• Permitted • No maximum	• Use Permit • Maximum of 4 formula businesses allowed in MU District
SC (Service Commercial)	• Permitted • No maximum	• Permitted • Maximum of 4 formula businesses allowed in SC District



City Council

April 26, 2022

Formula Business Zoning Policy Discussion



Background: Formula Policy

- **Tonite is a policy discussion to provide feedback to staff regarding whether changes should be made to the current Formula Businesses regulations as part of the Comprehensive Zoning Code Update**
- **Zoning Code Subcommittee on February 9, 2022 recommended this topic be discussed by the City Council prior to making any changes to the public review draft**
- **August 24, 2021, the City Council discussed this topic as part of an economic strategy for the downtown, with recommendations to define a formula business related to a maximum number of locations and relaxing the currently restrictive regulations**



What are the current regulations?

- **Formula Restaurants prohibited in zoning code Citywide**
- **Formula Retail requires a Use Permit approval by the Planning Commission**
- **Formula Retail may be granted a Temporary Use Permit (staff approval) to operate for up to 90 days (to date, no formula business has utilized this)**



2019 General Plan

Economic Sustainability Element (Page 3-5):

“Outreach efforts have indicated broad support in the community for maintaining the City’s existing prohibition of formula restaurants, outlet and chain stores, and large-scale retail businesses to ensure that St. Helena’s businesses continue to complement its distinctive small-town character.”

Implementation Action ES1.B

Update the Municipal Code to (a) encourage to the extent feasible businesses that are complementary to St. Helena’s small-town character and that provide a range of goods to local residents; (b) define and permit non-chain, discount type stores while maintaining the existing provisions in the Municipal Code that prohibit formula restaurants, outlet, and chain discount-type stores, and retail businesses over 10,000 square feet in size; and (c) limit certain nonretail uses, such as real estate offices, from occupying ground-floor retail space in Central St. Helena.

(For additional policies related to formula business please see staff report Attachment 1)



Definition of Formula Business

Current zoning code definition:

Formula Business: "Formula Business" (not including formula restaurants which are prohibited) means a business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs or other similar features. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations.

Proposed updated definition of formula business (changes in underline):

"Formula Business" (not including formula restaurants which are prohibited) means a business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs, trademark, name or other similar standardized features which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations.



Options for Regulating Formula Retail

- Consider allowing in commercial zoning districts outside the downtown Central Business District as permitted use
- Consider setting a cap on the total number of formula businesses within a commercial zoning district
- Consider how allowing formula retail would help with fiscal tax revenue

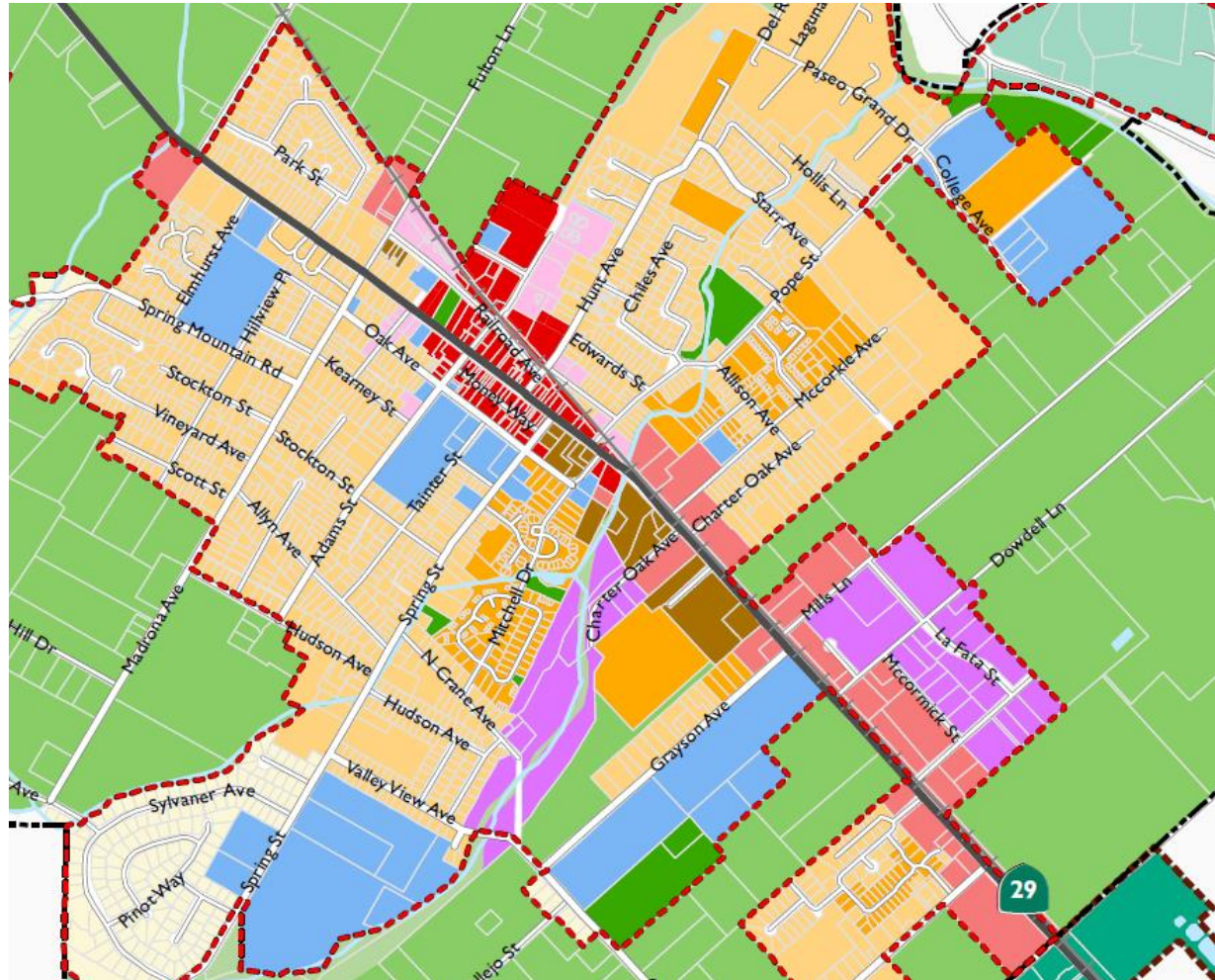


Options for Formula Retail

Zone	Option 1-Less Restrictive	Option 2-More Restrictive
CB (Central Business)	• Use Permit • No maximum	• Use Permit • Maximum of 4 formula businesses allowed in CB District
MU (Mixed Use)	• Permitted • No maximum	• Use Permit • Maximum of 4 formula businesses allowed in MU District
SC (Service Commercial)	• Permitted • No maximum	• Permitted • Maximum of 4 formula businesses allowed in SC District



2019 General Plan





Options for Regulating Formula Restaurants

Based on General Plan policy guidance, staff does not recommend eliminating the current code prohibition on formula restaurants in the City.

Should the City Council decide to allow for formula restaurants in the code, a General Plan amendment would be needed to amend all the policies which indicate prohibiting formula restaurants in the zoning code should be maintained and it is consistent with the small town character of St. Helena.



Proposed Use Permit Findings

1. The formula business establish will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;
2. The proposed use, together with its design and improvements, is consistent with the unique and historic character of St. Helena, and will preserve the distinctive visual appearance and shopping/dining experience of St. Helena for its residents and visitors; and The following additional finding is required for the granting of a use permit for formula businesses on sites located within the CB district:
3. The formula business establishment will be compatible with existing uses in the zone and will promote the zone's economic vitality as the downtown commercial core of St. Helena.



Recommended Action

Provide Policy Direction to Staff Regarding:

- **Definition of Formula Business**
- **Regulation of Formula Retail and Restaurants**
- **Use Permit Findings specific to Formula Business**



Questions and Discussion