City of St. Helena
Regular City Council Meeting
Tuesday, January 11, 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.

NEW FEATURE FOR 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, 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.

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

Spanish translation for this meeting will be offered. To access Spanish translation, you will need to join the meeting using the Zoom app from a computer, iPad or iPhone. You will see an icon on the screen that will allow you to choose Spanish translation. To learn how to use Zoom, please see the instructions below.

Please click the link below to join the meeting:
https://us02web.zoom.us/j/87379642682
Or One tap mobile :
US: +16699006833,,87379642682# or +12532158782,,87379642682#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US:
+1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592
Meeting ID: 873 7964 2682
International numbers available: https://us02web.zoom.us/u/kdml0iN6kz

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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 Cuidad será realizada vía teleconferencia y no será físicamente abierta al público. Miembros del Consejo de la Cuidad y personal atenderán la reunión por audio y/ o video. La reunión será transmitida vía Zoom.

La reunión del Consejo de la Cuidad 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 Cuidad por correo electrónico a 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 Cuidad al día siguiente.

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

Se ofrecerá traducción al español para esta reunión. Para acceder a la traducción al español, deberá unirse a la reunión utilizando la aplicación Zoom desde una computadora, iPad o iPhone. Verá un icono en la pantalla que le permitirá elegir la traducción al español. Para aprender como utilizar Zoom, consulte las instrucciones a continuación.

Habrá traducción en español durante la junta
Haga clic en el enlace a continuación para participar en la reunión:
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https://us02web.zoom.us/j/87379642682
O por iPhone one-tap:
US: +16699006833,,87379642682# or +12532158782,,87379642682#
O por Teléfono: Marque(para mejor calidad, marque número basado en su ubicaciónactual):
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592
ID de la Reunión: ID: 873 7964 2682
International numbers available:
https://us02web.zoom.us/u/kdml0iN6kz

Page

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

   Estimated start time: 6:02 p.m.

3. ROLL CALL
   Mayor: Geoff Ellsworth, Vice Mayor: Paul Dohring, City Council Members: Anna Chouteau, Eric Hall and Lester Hardy

   Estimated start time: 6:05 p.m.

4. ADOPTION OF THE AGENDA

   Estimated start time: 6:08 p.m.

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.

   Estimated start time: 6:10 p.m.

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.

   Estimated start time: 6:15 p.m.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

   7.1. None

8. STAFF BRIEFING

8.1. None

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)

Estimated start time: 6:20 p.m.

9.1. Consideration and proposed approval of Regular Meeting Minutes of December 14, 2021 and Special Meeting Minutes of December 20, 2021 — 15 - 29

Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Approve

12-14-2021 Regular City Council - Minutes
12-20-2021 Special City Council - Minutes

9.2. Second Reading and Proposed Adoption of SB 1383 Ordinance Repealing and Recasting Chapter 8.04 to Title 8 of the St. Helena Municipal Code Regarding Solid Waste Collection. — 31 - 64

CEQA Determination: Not a CEQA project
Prepared By: Ethan Walsh, City Attorney
Recommendation:

1. Adopt the second reading by title only and waive further reading of an Ordinance repealing and recasting Chapter 8.04 to Title 8 of the St. Helena Municipal Code regarding solid waste collection.

Staff Report - Pdf

9.3. Adoption of Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings. — 65 - 69

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

9.4. October and November 2021 Review and Forecasting of City Water Supply Availability — 71 - 77

CEQA Determination: Exempt
Prepared By: Martin Beltran, Management Analyst
Recommendation:
Receive and file.

Staff Report - Pdf

9.5. Quarter 2 Review of City of St. Helena 2021-22 Workplan Tasks — 79 - 87

CEQA Determination: Not a CEQA project
Prepared By: Preya Nixon, Asst. to the City Manager

Recommendation:
Receive and file.

Staff Report - Pdf

10. PUBLIC HEARINGS

10.1. Consideration of a resolution to adopt the Mitigated Negative Declaration for the R20-02 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 and then January 11, 2022, regular City Council meetings. This item is being continued again to the January 25, 2022 regular City Council meeting.**

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

11. OLD BUSINESS

11.1. Consideration and Proposed Approval of: 89 - 110

1. Amendments to the Non-Profit Grant Program Guidelines and Program Application to Include City Council Goal 5F - Supporting Youth and Family and Goal 3B - Diversity, Equity, and Inclusion Initiative; and
2. A Resolution Establishing Funding Guidelines and Annual Appropriations for Boys and Girls Club, Rianda House, and UpValley Family Centers.

Estimated start time: 6:25 p.m.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Asst. Administrative Services Director
Recommendation:
Staff recommends the approval of the attached:

1. Amendments to the Non-Profit Grant Program Guidelines and Program Application to Include City Council Goals Supporting Youth and Family (Goal 5F) and Diversity, Equity, and Inclusion Initiative (Goal 3B); and
2. Resolution Establishing Funding Guidelines and Annual Appropriations for Boys and Girls Club, Rianda House, and UpValley Family Centers.

Staff Report - Pdf

11.2. Update on Napa Valley Vine Trail Alignment Study through St. Helena 111 - 181

Estimated start time: 6:50 p.m.

CEQA Determination: Exempt
Prepared By: Preya Nixon, Asst. to the City Manager
Recommendation:
Provide direction to the City Manager related to conceptual stakeholder outreach process and the following questions/options:

1. Does the Council desire to advance stakeholder outreach with existing three corridors including an update from the Vine Trail on their additional commissioned studies, or does the Council desire to study an additional corridor(s)?
2. If additional corridor(s) are desired for study, does Council prefer to determine the additional corridor(s) via a Council Workshop, Ad Hoc Committee, or other alternative?

Based on Council decisions above, it is recommended feedback from subsequent outreach be presented to the City's ATSC for a Committee recommendation to the Council.

Finally, does the Council desire any additional information regarding the above options?

Staff Report - Pdf
Jay Smith.Public Comment
Jeff Farmer.Public Comment
Nancy Dervin.Public Comment
Linsey Gallagher.Public Comment
Annette Smith.Public Comment
Joaquin Razo.Public Comment
Chris Fowler. Public Comment

12. NEW BUSINESS

12.1. First reading and intention to adopt an ordinance amending the St. Helena Municipal Code Chapter 5.40 (Permits for Elder and/or Dependent Adult Caregivers) to transfer responsibility for managing the registration and background check process of individual caregivers from the County, except in special circumstances, to the California Department of Social Services (CDSS) via their Home Care Aide Registry. 183 - 203

Estimated start time: 7:50 p.m.

CEQA Determination: Not a CEQA project
Prepared By: Chris Hartley, Chief of Police
Recommendation:
Approve the first reading by title only and waive further reading.

Staff Report - Pdf

12.2. Presentation of Opinion Research Related to Consideration of a June or November 2022 Revenue-Generating Local Ballot Measure 205 - 241

CEQA Determination: Not a CEQA project
Prepared By: Mark T. Prestwich, City Manager
Recommendation:
Receive presentation, discuss and provide direction to the City Manager.

Staff Report - Pdf
Alan Galbraith.Public Comment
Nancy Dervin. Public Comment

12.3. Consideration and Proposed Approval of the First Reading of an Ordinance Amending Chapter 2.56 of the St. Helena Municipal Code Pertaining to the Parks and Recreation Commission 243 - 254

Estimated start time: 8:50 p.m.

CEQA Determination: Not a CEQA project
Prepared By: Mark T. Prestwich, City Manager
Recommendation:
Proposed approval of the first reading of an Ordinance amending Chapter 2.56 of the St. Helena Municipal Code pertaining to the Parks and Recreation Commission, by title only and waive further reading.
Staff Report - Pdf

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

13.1.

January City Council Meetings: **1/25 (Staff reports due 1/7)**
CONSENT:
Water supply forecasting
1/25 OTSH $250,000 Permanent Loan 963 Pope Street
PH or OLD / NEW BUSINESS:
1/25 City Council Meeting Calendar Discussion
1/25 Mills Lane
1/11 Q2 Review of City of St. Helena City Council Goals and Workplan
1/25 Second reading and intention to adopt an ordinance amending the St. Helena Municipal Code Chapter 5.40 (Permits for Elder and/or Dependent Adult Caregivers)
February City Council Meetings: **2/8 (Staff reports due 1/21)** **2/22 (Staff reports due 2/4)**
PH or OLD / NEW BUSINESS:
2/8 Overview of General Plan Climate Action Initiatives

14. ADJOURNMENT

The next Regular City Council meeting is scheduled for January 25, 2022, at 6:00 p.m.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on January 7, 2022.

Cindy Tzafopoulos, 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 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

The easiest way to provide public comment is to email your public comment. Public comments may be emailed to publiccomment@cityofsthelena.org. Please include in the subject line "COMMENT TO 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.

3. **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, 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.

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.

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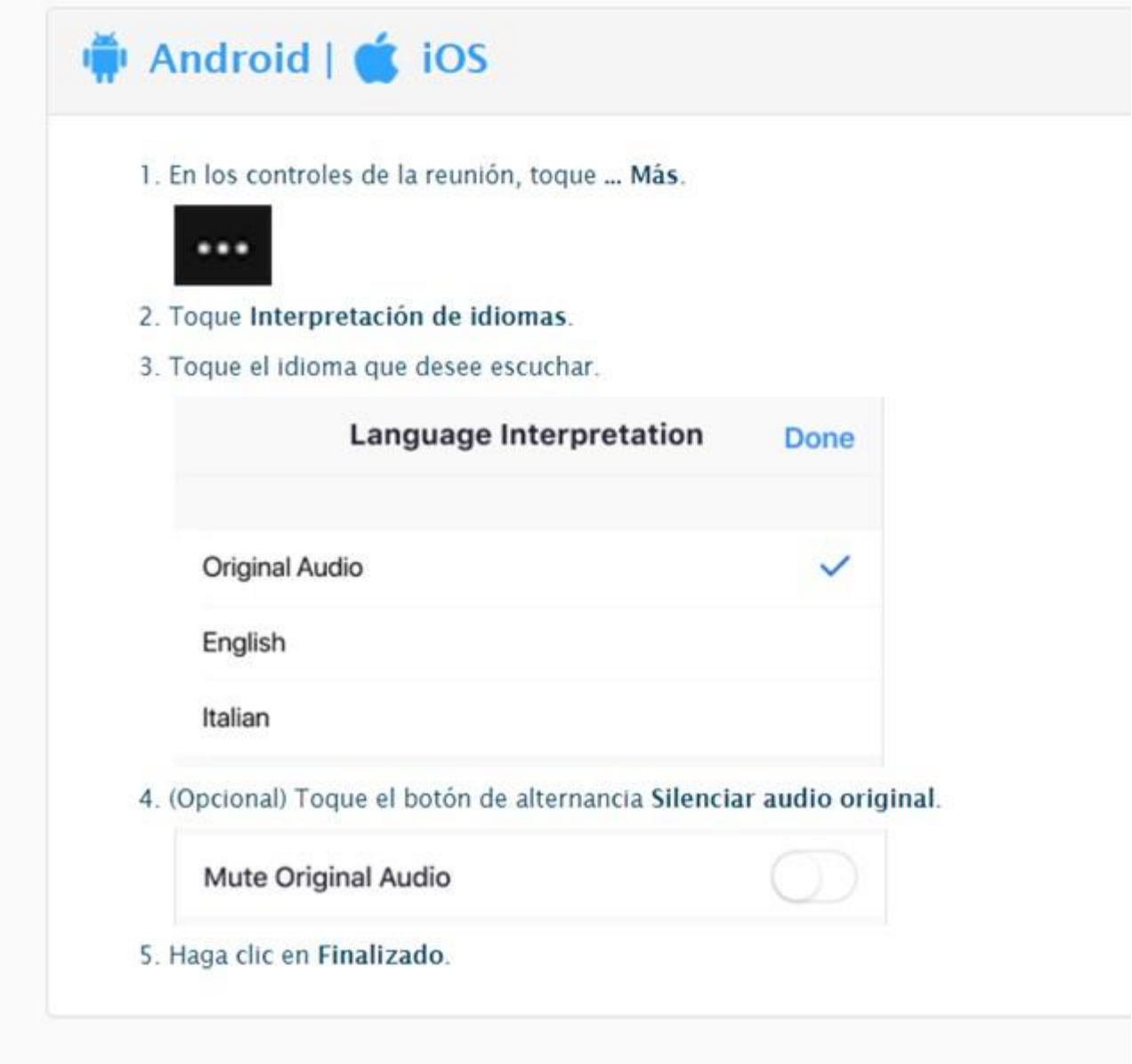
El enlace web de ZOOM, la identificación de la reunión y el número de teléfono se enumerarán en la parte superior de la Agenda de la reunión del Ayuntamiento. Se le pedirá que ingrese la ID de la reunión, pero no habrá contraseña ni ID de participante.



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 articulo 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 permisio.

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 lamano**.**

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.

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, December 14, 2021 @ 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. ROLL CALL

4. ADOPTION OF THE AGENDA

4.1 City Clerk Cindy Tzafopoulos noted that Consent item 9.13 will be heard under Old Business and Old Business item 11.1 will be heard after New Business item 12.3.

Vice Mayor Paul Dohring moved to adopt the agenda as amended. 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

5. PUBLIC FORUM:

No public comment was received.

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

6.1 City Attorney Ethan Walsh noted that was no reportable action taken during the December 14, 2021 special City Council closed session meeting.

Reports were made by staff and City Council.

Council Member Lester Hardy moved to agendize at the January 25, 2022 regular City Council meeting the process to change the Mayor from being an elected position to an appointed rotational Mayor. The motion was seconded by Mayor Geoff Ellsworth 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. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 Recognition of former Parks & Recreation Director Andre Pichly

7.2 Arbor Day Proclamation presented to Carlos Uribe.

8. STAFF BRIEFING

8.1 None

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 a Resolution: (1) Amending CIP S-52 Wastewater Treatment Plant Upgrades Project to Include Updated Project Costs; and (2) Authorizing use of Wastewater Operations Fund (Fund 571) Balance of approximately $2.3 million and maintaining at a minimum of 25% in Fund 571 for CIP S-52.

CEQA Determination: Exempt
Prepared By: April Mitts, Administrative Services Director
Recommendation:
Staff recommends City Council adopt the attached resolution.

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

CEQA Determination: Not a CEQA project
Prepared By: Ethan Walsh, City Attorney
Recommendation:

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

9.3 Consideration and Proposed Approval of Amendment #1 to STH Contract: FY2020-049 with Lisa Wise Consulting for Zoning and General Plan Base Maps in association with Zoning Code Update for an additional $17,369 for a total contract amount not-to-exceed $337,359.

CEQA Determination: Exempt
Prepared By: Maya DeRosa, Planning & Building Director
Recommendation:
Staff recommends the City Council adopt the attached Resolution.

9.4 Receive and File FY 2020-21 Annual AB 1600 Report on Development Impact Fees.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Asst. Administrative Services Director
Recommendation:
Receive and file Annual AB 1600 Development Fee Report for Fiscal Year Ending June 30, 2021.

9.5 Quarterly Grant Report for FY 2022 Q1, for the period ending September 30, 2022.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Asst. Administrative Services Director
Recommendation:
Receive and file report.

9.6 Consideration and Proposed Approval of a Resolution: (1) Authorizing the use of Affordable Housing Trust Funds to reimburse Our Town St. Helena for Interest Only Payments to the Rural Community Assistance Corp for the Affordable Housing Project at 963 Pope Street St. Helena, CA from December 1, 2021 through October 31, 2022 in an Amount of Approximately $1,900 per month for a not-to-exceed amount of $21,000; and (2) Authorizing a budget increase of $13,300 to the Affordable Housing Trust Fund for FY 2021-22 for these payments; and (3) Authorizing an Appropriation of $7,700 in FY 2022-23 to the Affordable Housing Trust Fund for payments from July 1, 2022 through October 31, 2022.

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Administrative Services Director
Recommendation:
Staff recommends approval of the attached resolution.

9.7 Adopt the Resolution approving a Joint Exercise of Powers Agreement forming the St. Helena Financing Authority.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Asst. Administrative Services Director
Recommendation:
Adopt the Resolution approving the joint exercise of powers agreement with CSCDA forming the St. Helena Financing Authority.

9.8 Consideration and proposed approval of a Resolution authorizing a budget increase for the costs associated with executing the Joint Exercise of Powers Agreement forming the St. Helena Financing Authority as follows: 101-43-00-21-45 for $8,334; 561-43-00-21-45 for $8,333; and 571-43-00-21-45 for $8,333.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Asst. Administrative Services Director
Recommendation:
Approval of a Resolution authorizing a budget increase for the costs associated with executing the Joint Exercise of Powers Agreement forming the St. Helena Financing Authority as follows: 101-43-00-21-45 for $8,334; 561-43-00-21-45 for $8,333; and 571-43-00-21-45 for $8,333. Use of reserves and fund balances will not affect the percentage of fund balance for each of these funds.

9.9 Consideration of approval of a Resolution authorizing: (1) the acquisition of five Verizon Wi-Fi hotspots for a lending program at the St. Helena Public Library; (2) a budget expense increase in the amount of $1,463 to 380-46-00-21-10; and (3) a budget revenue increase in the amount of $1,463 to 380-34-70-00-00.

CEQA Determination: Not a CEQA project
Prepared By: Chris Kreiden, Library Director
Recommendation:
Staff recommends the City Council approve the attached resolution.

9.10 Consideration and Proposed Approval of a Resolution Authorizing: (1) the City's acceptance of the FY 2021 Tobacco Law Enforcement Program Grant in the Amount of $454,788; (2) the City Manager to Execute the Memorandum of Understanding for the Grant Funds; (3) a Budget Expense Increase to Fund 277 in the Amount of $93,110 and a Budget Revenue Increase to Fund 277 in the Amount of $93,110 for FY 2021-22; and (4) the Continuation of the Limited-Term Police Officer SRO Position.

CEQA Determination: Not a CEQA project
Prepared By: Justin Tharp, Lieutenant
Recommendation:
Staff recommends the City Council adopt the attached resolution.

9.11 Consideration and proposed adoption of a Resolution accepting the work and final project construction costs of $827,687.63 and directing the filing of the

Notice of Completion for CIP Project R19-79 Year 2 Pavement Restoration

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Martin Beltran, Management Analyst
Recommendation:
Staff recommends City Council adopt the attached resolution.

9.12 Consideration and proposed approval of a resolution: (1) authorizing the City Manager to execute Amendment No. 3 to STH Contract: FY 2019-075 in the amount of $146,000 with BKF Engineers (BKF) for the St. Helena Downtown Street Improvements, for a total not-to-exceed amount of $781,600 and (2) authorizing a budget increase of $146,000 to design in CIP Project R18-81 with funding allocated from Fund 230 SB1/RMRA (Road Maintenance and Rehabilitation).

CEQA Determination: CEQA will be completed as part of project design
Prepared By: Martin Beltran, Management Analyst
Recommendation:
Staff recommends City Council adopt the attached Resolution.

Council Member Anna Chouteau moved to approve items 9.1 through 9.12. 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

Item 9.13 was removed from Consent and heard at the conclusion of Consent instead of under Old Business.

Council Member Chouteau recused herself due to her husband working for Hall Winery and left the virtual meeting.

9.13 ~~***12-13-2021 - Item 9.13 will be removed from "Consent" and heard under "Old Business".**~~

Adoption of Resolution Approving Settlement of Hall Vineland, LLC and Hall Vista, LLC v. City of St. Helena et al. (Napa County Superior Court Case No. 19CV000897), Including Settlement Agreement and Water Service and Fire Service Agreements Attached Thereto, and Finding Approval Exempt from CEQA

CEQA Determination: Exempt

City Attorney Ethan Walsh and Special Counsel Kevin Siegel reported on this item.

It was the consensus of the City Council to take public comment and take no action on this item. A special Council meeting will be agendized to consider this item on Monday, December 20, 2021 at 6:00 p.m.

Cio Perez, Randy Hussong, Tracy McBride, Elaine de Man, Katie Somple, Mark Smithers, Susen Kenward and Tom Belt addressed the City Council.

Council Member Anna Chouteau rejoined the virtual meeting.

10. PUBLIC HEARINGS

10.1 Consideration and proposed adoption of a resolution approving five-year list of projects under Measure T Program; and determining that the actions authorized by this resolution are exempt from CEQA.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Mark Rincon-Ibarra, Public Works Director and City Engineer
Recommendation:
Adopt the attached resolutions.

Public Works Director Mark Rincon reported on this item.

The public hearing item was opened.

Tracy McBride, Randy Hussong and Julie Redden addressed the City Council.

The public hearing item was closed.

Mayor Geoff Ellsworth moved to approve this item as amended adding:

FY 24-25 (Year 3)
- Hunt Avenue - Church St to Edwards St, 325'
- Hunt Avenue - June Ln to Grove Ct, 670'

FY 26-27 (Year 5)
- Oak Avenue - Madrona St to Pine St, 415'
- Oak Avenue - Pine St to Adams St, 590'
- Oak Avenue - Adams St to Tainter St, 460'
- Oak Avenue - Tainter St to Spring St, 390'

The motion was seconded by Vice Mayor Paul Dohring 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

Mayor Ellsworth called for a break at 8:20 p.m. and reconvened at 8:30 p.m.

10.2 Consideration and Proposed Approval of an Urgency Ordinance adding Chapter 16.26 and Chapter 17.114 to the St. Helena Municipal Code to Implement SB9

CEQA Determination: Exempt
Prepared By: Maya DeRosa, Planning & Building Director
Recommendation:
Adopt urgency ordinance by a 4/5 vote.

Planning Director Maya DeRosa reported on this item.

The public hearing item was opened.

Julie Redden addressed the City Council.

The public hearing item was closed.

Council Member Anna Chouteau moved to approve the Urgency Ordinance by title only waiving further reading adding Chapter 16.26 and Chapter 17.114 to the St. Helena Municipal Code to Implement SB9 as amended to correct administrative corrections. 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

10.3 Consideration of a resolution to adopt the Mitigated Negative Declaration for the R20-02 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, regular City Council meeting. This item is being continued again to the January 11, 2022 regular City Council meeting.

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

11. OLD BUSINESS

11.1 This item will be heard after 12.3.

~~Consideration and adoption of a Resolution: (1) Awarding the WWTP Phase 1 Upgrades, Capital Improvement Project S-52 to Thompson Builders in the amount of $14,888,590; (2) Authorizing the City Manager to execute the Construction Contract with Thompson Builders; and (3) Authorizing the Director of Public Works to approve Change Orders not to exceed 10% of the contract amount.~~

12. NEW BUSINESS

Council Member Eric Hall recused himself due his wife's employment and left the virtual meeting.

12.1 Introduction and First Reading of SB 1383 Ordinance Repealing and Recasting Chapter 8.04 to Title 8 of the St. Helena Municipal Code Regarding Solid Waste Collection, and Adoption of a Resolution Approving a Memorandum of Understanding with Upper Valley Waste Management Agency Regarding Implementation Thereof and Authorize the City Manager to Execute the MOU on Behalf of the City.

CEQA Determination: Not a CEQA project
Prepared By: Ethan Walsh, City Attorney
Recommendation:

1. Introduce and waive first reading of an Ordinance repealing and recasting Chapter 8.04 to Title 8 of the St. Helena Municipal Code regarding solid waste collection I
2. Approve a Resolution approving a Memorandum of Understanding with Upper Valley Waste Management Agency regarding implementation of SB 1383 and authorize the City Manager to execute the MOU on behalf of the City.

City Attorney Ethan Walsh reported on this item.

No public comment was received.

Council Member Anna Chouteau moved to continue the meeting beyond 9:00

p.m. 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

Council Member Lester Hardy moved to approve the first reading by title only waiving further reading of SB 1383 Ordinance Repealing and Recasting Chapter 8.04 to Title 8 of the St. Helena Municipal Code Regarding Solid Waste Collection, and Adoption of a Resolution Approving a Memorandum of Understanding with Upper Valley Waste Management Agency Regarding Implementation Thereof and Authorize the City Manager to Execute the MOU on Behalf of the City. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

Council Member Anna Chouteau moved to hold a regular City Council meeting on Tuesday, December 28, 2021 to consider the second reading of this item. The motion was seconded by Council Member Lester Hardy and on roll call failed by the following vote:

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

Council Member Lester Hardy moved to consider the second reading at the January 11, 2022 regular City Council meeting. The motion was seconded by Vice Mayor Paul Dohring and on roll call carried by the following vote:

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

ABSTAIN: None
RECUSE: Council Member Eric Hall

Council Member Eric Hall rejoined the virtual meeting.

12.2 Consideration and Proposed Approval of the First Reading of an Ordinance Amending Chapter 2.56 of the St. Helena Municipal Code Pertaining to the Parks and Recreation Commission

CEQA Determination: Not a CEQA project
Prepared By: Mark T. Prestwich, City Manager
Recommendation:
Proposed approval of the first reading of an Ordinance amending Chapter 2.56 of the St. Helena Municipal Code pertaining to the Parks and Recreation Commission, by title only and waive further reading.

This item was continued to the January 11, 2022 regular City Council meeting.

12.3 The St. Helena City Council will now convene the meeting as a joint meeting of the City Council and Financing Authority.

Authorizing a Resolution of the City Council of the City of St. Helena Approving: (1) installment sale financing to provide interim financing of wastewater system improvements, and (2) financing documents and related official actions; and

Authorizing a Resolution of the Board of the St. Helena Financing Authority Approving: (1) installment sale financing to provide interim financing of wastewater system improvements, and (2) financing documents and related official actions.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Asst. Administrative Services Director
Recommendation:

1. Staff recommends approving the approving the Resolution of the City Council of the City of St. Helena approving: (1) installment sale financing to provide interim financing of wastewater system improvements, and (2) financing documents and related official actions; and
2. Staff recommends approving the Resolution of the Board of the St. Helena Financing Authority approving: (1) installment sale financing to provide interim financing of wastewater improvements, and (2) financing documents and related official actions.

Asst. Administrative Services Director Mandy Kellogg introduced the item and Municipal Financial Advisor Ken Dieker reported on the item.

No public comment was received.

Council Member Eric Hall moved to continue the meeting beyond 9:30 p.m. 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

Council Member Anna Chouteau moved to authorize a Resolution of the City Council of the City of St. Helena Approving: (1) installment sale financing to provide interim financing of wastewater system improvements, and (2) financing documents and related official actions; and

Approved a Resolution of the Board of the St. Helena Financing Authority Approving: (1) installment sale financing to provide interim financing of wastewater system improvements, and (2) financing documents and related official actions. The motion was seconded by Vice Mayor Paul Dohring 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

11.1 Consideration and adoption of a Resolution: (1) Awarding the WWTP Phase 1 Upgrades, Capital Improvement Project S-52 to Thompson Builders in the amount of $14,888,590; (2) Authorizing the City Manager to execute the Construction Contract with Thompson Builders; and (3) Authorizing the Director of Public Works to approve Change Orders not to exceed 10% of the contract amount.

CEQA Determination: Mitigated Negative Declaration
Prepared By: Martin Beltran, Management Analyst
Recommendation:
Consideration and adoption of a Resolution:
(1) Awarding the WWTP Phase 1 Upgrades, Capital Improvement Project S-52 to Thompson Builders in the amount of $14,888,590.00; and
(2) Authorizing the City Manager to execute the Construction Contract with Thompson Builders; and

(3) Authorizing the Director of Public Works to approve Change Orders not to exceed 10% of the contract amount.

Public Works Director Mark Rincon reported on this item.

Ron Rosenbrand addressed the City Council.

Council Member Anna Chouteau moved to approve a resolution: (1) Awarding the WWTP Phase 1 Upgrades, Capital Improvement Project S-52 to Thompson Builders in the amount of $14,888,590; (2) Authorizing the City Manager to execute the Construction Contract with Thompson Builders; and (3) Authorizing the Director of Public Works to approve Change Orders not to exceed 10% of the contract amount. The motion was seconded by Vice Mayor Paul Dohring 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

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

14. ADJOURNMENT

Mayor Ellsworth adjourned the meeting at 9:46 p.m.

The regular meeting minutes of December 14, 2021 were adopted at the January 11, 2022 regular City Council meeting.

APPROVED: **ATTEST:**

_____ _____

Geoff Ellsworth, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special City Council Meeting
Monday, December 20, 2021 @ 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. ROLL CALL

3. ADOPTION OF THE AGENDA

3.1 Adoption of the agenda

City Clerk Cindy Tzafopoulos noted no changes to the agenda.

Council Member Lester Hardy 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. PUBLIC COMMENT:

5. OLD BUSINESS:

5.1 Consideration and Proposed Approval of a Resolution Accepting a Donation from the St. Helena Little League where the Donation is the Purchase and Laying Sod with an Estimated Value of $50,000.

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Administrative Services Director
Recommendation:

The Mayor and Vice Mayor recommend the City Council adopt the attached resolution.

City Manager Mark Prestwich reported on the item. President of Little League Jeff Blaum addressed the City Council.

Nancy Dervin addressed the City Council regarding item 5.2.

Council Member Anna Chouteau moved to approve the resolution. 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 Chouteau recused herself due to her husband's employment at Hall Winery before the discussion of item 5.2 and left the virtual meeting.

5.2 Adoption of Resolution Approving Settlement of Hall Vineland, LLC and Hall Vista, LLC v. City of St. Helena et al. (Napa County Superior Court Case No. 19CV000897), Including Settlement Agreement and Water Service and Fire Service Agreements Attached Thereto, and Finding Approval Exempt from CEQA

CEQA Determination: Exempt

City Attorney Ethan Walsh and Special Counsel Kevin Siegel reported on this item.

It was the consensus of the City Council to use the water penalty fund as a source for the year one settlement payment.

Stuart Kresge, Arlene Corsetti, Elaine de Man, Justin Hamilton Hole and Nancy Dervin addressed the City Council for public comment.

Council Member Hardy suggested having a meeting at a later date to discuss payment options for the second payment, Council Member Hall agreed.

Vice Mayor Paul Dohring moved to approve the staff recommendation with direction to use the initial $450,000 payment to come from the water penalty fund and to have a discussion about the additional payments in conjunction with our water rate analysis and further staff work on how that would affect the

rate payers at a later date. The motion was seconded by Council Member Eric Hall and on roll call carried by the following vote:

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

6. ADJOURNMENT

Mayor Ellsworth adjourned the meeting at 7:11pm.

The December 20, 2021 special City Council meeting minutes were approved at the regular January 11, 2022 City Council meeting.

APPROVED: **ATTEST:**

_____ _____

Geoff Ellsworth, Mayor Cindy Tzafopoulos, City Clerk

Report to the City Council
Regular City Council - 11 Jan 2022

Agenda Section: **CONSENT ITEMS**

Subject: **Second Reading and Proposed Adoption of SB 1383 Ordinance Repealing and Recasting Chapter 8.04 to Title 8 of the St. Helena Municipal Code Regarding Solid Waste Collection.**

CEQA Determination: **Not a CEQA project**

Prepared By: Ethan Walsh, City Attorney

Reviewed By: April Mitts, Administrative Services Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

In 2016, Governor Brown signed into law Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016) ("SB 1383"), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California's economy. SB 1383 is the State's most aggressive waste reduction law in the last 30 years and enacts the following targets to reduce organic waste in landfills:

A. Achieve a 50% reduction in statewide disposal of organic waste from 2014 levels by 2020 and a 75% reduction by 2025; and

B. Recover at least 20% of currently disposed edible food by 2025.

Landfills are the third largest producer of methane. Food scraps, green waste, paper, and cardboard are organic materials that account for a significant portion of California's overall waste stream and are ultimately disposed in landfills. As a result, the State's SLCP strategy includes managing disposal of organic waste to reach the reduction targets noted above. Increasing food waste prevention, encouraging edible food rescue, and expanding the composting and in-vessel digestion of organic waste will reduce methane from landfill

operations. In addition to setting specific emissions reduction goals, SB 1383 and its implementing regulations mandate that cities and counties:

- Provide organic waste collection services to all residents and businesses;
- Develop and adopt an enforcement mechanism or ordinance by January 2022;
- Establish an edible food recovery program;
- Update the City's procurement policy to purchase recycled content paper and recycled organic waste products (e.g., compost, mulch, and renewable natural gas) at a volume of 0.08 tons/resident;
- Provide outreach and education for generators, haulers, facilities, edible food recovery organizations, and municipal departments;
- Plan and secure access for recycling and edible food recovery capacity;
- Monitor compliance and conduct enforcement; and
- Maintain accurate compliance records.

The ordinance must be adopted by January 1, 2022 to mandate that organic waste generators, haulers, and other entities subject to the requirements of SB 1383 and its implementing regulations comply with the law. Under the SB 1383 Regulations, local jurisdictions that do not adopt enforceable mechanism by January 1, 2022 to implement the SB 1383 Regulations locally are subject to penalties issued by the California Department of Resources Recycling and Recovery ("CalRecycle"). On October 5, 2021, the Governor signed SB 619 to provide some relief from penalties for jurisdictions that may not be fully compliant with SB 1383 requirements by the January 1, 2022 deadline. It may also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange for the maximum amount of their edible food, that would otherwise be disposed of, to be recovered for human consumption.

The first reading was approved at the December 14, 2021 regular City Council meeting. The City Council also adopted a resolution approving a Memorandum of Understanding with Upper Valley Waste Management Agency regarding implementation thereof and authorized the City Manager to execute the MOU on behalf of the City.

DISCUSSION

SB 1383 Ordinance

The City of St. Helena is a member of the Upper Valley Waste Management Agency ("Member"), a joint powers agency organized and operating under the Joint Exercise of Powers Act (Government Code section 6500 et seq.) and a "regional agency" under the California Integrated Waste Management Act of 1989 (the "Agency"). The Agency's Members include the County of Napa, the City of Calistoga, the City of St. Helena, and the Town of Yountville. Its operations are governed by state law and the Joint Powers Agreement between the Members. In early 2021, the Members amended Section 6.1 of the Joint Powers Agreement to allow the Agency to assist Members in complying with state organic waste recycling mandates. Specifically, the Agency is authorized to:

…undertake or assist with implementation and enforcement of state organic waste recycling mandates, as they may change from time to time and including, but not limited to, AB 341, AB 1826, and SB 1383…

The amendment authorizes the Agency to enter into franchises and memoranda of understanding with Members for this purpose, or directly implement and enforce these laws. It also gives the Agency the authority to enter into arrangements for the procurement of recovered organic waste products and implementation and administration of food recovery programs.

The attached Ordinance meets the requirements of SB 1383 and is drafted so the City may delegate its responsibilities to the Agency, with the exception of the authority to impose civil penalties, as authorized by the SB 1383 Regulations (Cal. Code. Regs., tit. 14, § 18981.2). These responsibilities include monitoring, reporting, education and outreach, waivers, and ensuring compliance by the hauler among others. Also attached is a Memorandum of Understanding between the City and the Agency, which delegates these responsibilities to the Agency. Enforcement of the Ordinance through civil penalties remains with the City.

Memorandum Of Understanding

The Agency intends to delegate many of the responsibilities under SB 1383 to its franchisees, Upper Valley Disposal Service and Clover Flat Land Fill, as authorized by the SB 1383 Regulations (Cal. Code. Regs., tit. 14, § 18981.2). This will ensure consistent implementation throughout the Agency's jurisdiction and relieve much of the administrative burden of implementing the SB 1383 Regulations, which would otherwise be borne by the Members or the Agency (or both). This delegation must be done by the Agency because only the Agency has franchise agreements with these entities on behalf of the Members.

FISCAL IMPACT

As members of the Upper Valley Waste Management Agency (Agency), the Agency is in a position to accomplish many of the tasks required by SB 1383; however, there are certain tasks that must be completed at the jurisdiction level, including adopting the ordinance and administering and enforcing the program (compliance). Staff does not anticipate significant costs for the current fiscal year (FY 2021-22), but the program will require additional General Fund resources be allocated in future fiscal years to maintain program compliance. Staff is estimating in FY 2022-23 and additional $30,000 will be required for code enforcement of this program.

RECOMMENDED ACTION

1. Adopt the second reading by title only and waive further reading of an Ordinance repealing and recasting Chapter 8.04 to Title 8 of the St. Helena Municipal Code regarding solid waste collection.

ATTACHMENTS

Attachment 1: St. Helena_ SB 1383 Ordinance-c1

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. HELENA REPEALING AND RECASTING CHAPTER 8.04 TO TITLE 8 OF THE ST. HELENA MUNICIPAL CODE REGARDING SOLID WASTE COLLECTION

WHEREAS, SB 1383 (Chapter 395, Statutes of 2016) directed the California Department of Resources Recycling and Recovery ("CalRecycle") to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025; and

WHEREAS, SB 1383 also requires the regulations to recover, for human consumption, at least 20 percent of edible food that is currently thrown away; and

WHEREAS, CalRecycle promulgated regulations as directed in SB 1383 in Chapter 12 (Short-Lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations ("SB 1383 Regulations"); and

WHEREAS, the SB 1383 Regulations take effect January 1, 2022, and requires the City of St. Helena to adopt an ordinance to enforce the SB 1383 Regulations by said date; and

WHEREAS, the City Council desires to amend its Solid Waste Collection Ordinance to comply with the SB 1383 Regulations; and

WHEREAS, the City, pursuant to the police powers delegated to it by the State Constitution, has the authority to enact laws that promote the public health, safety, and general welfare of its residents.

NOW, THEREFORE, The City Council of the City of St. Helena does hereby ordain as follows:

Section 1: Recitals.

The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2: Amendment.

Chapter 8.04 of Title 8 of the St. Helena Municipal Code is repealed in its entirety and replaced in its entirety as set forth in Exhibit A, incorporated by this reference.

Section 3: CEQA.

Environmental review is not required because adoption of the Ordinance is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15378(b)(5) (organization or administrative activities of governments not a project).

Section 4: Severability.

If any section, subsection, clause or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Ordinance or the application of such provisions to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

Section 5: Publication.

No less than five days prior to the adoption of this Ordinance, the City Clerk published a summary of this Ordinance in accordance with Government Code section 36933. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of St. Helena, California, and cause a summary to be published once within fifteen (15) days after its passage in the St. Helena Star, a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

Section 6: Effective Date.

This ordinance shall take effect 30 days after its final adoption.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 14th day of December, 2021, and was adopted at a regular meeting of the St. Helena City Council on the _____ day of _____, 2021, by the following vote:

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

APPROVED:

_____
Geoff Ellsworth, Mayor

ATTEST:

CITY OF ST. HELENA

_____
Cindy Tzafopoulos, City Clerk

I, CINDY TZAFOPOULOS, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the _____ day of _____, 2021. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the _____ day of _____, 2021, by the following vote:

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

EXHIBIT A

Chapter 8.04

SOLID WASTE COLLECTION

Article 1
Generally

Sections:

8.04.010 Definitions.

Article 2
Storage of Solid Waste, Recyclable Materials, and Organic Waste

Sections:

8.04.020 Storage of Solid Waste at point of origin.
8.04.030 Solid Waste container requirements.
8.04.040 Container area to be kept clean.
8.04.050 Location of containers.
8.04.060 Storage of Solid Waste, Recyclable Materials, and Organic Waste.
8.04.070 Food facility solid waste storage.
8.04.080 Solid Waste, Recyclable Materials, and Organic Waste storage areas.
8.04.090 Burning or burying Solid Waste, Recyclable Materials, and Organic Waste prohibited.
8.04.100 Throwing or depositing Solid Waste, Recyclable Materials, and Organic Waste.

Article 3
Collection, Transportation and Disposal of Solid Waste, Recyclable Materials, and Organic Waste

Sections:

8.04.110 Collection of Solid Waste, Recyclable Materials, and Organic Waste.
8.04.120 Solid Waste, Recyclable Materials, and Organic Waste removal contract.
8.04.130 Collection and disposal rates.
8.04.140 Collection by Contractor mandatory unless otherwise specified.
8.04.150 Exemptions to mandatory collection.
8.04.160 Vehicles used to transport Solid Waste, Recyclable Materials, and Organic Waste.
8.04.170 Frequency and hours of collection by contractor.
8.04.180 Ownership and collection of Recyclable Materials.
8.04.190 Violations—Penalties.
8.04.200 Nonapplicability.

Article 4
Organic Waste Disposal Reduction

Sections:

8.04.210 Requirements for Single-Family Generators
8.04.220 Requirements for Commercial Businesses
8.04.230 Requirements for Commercial Edible Food Generators
8.04.240 Requirements for Food Recovery Organizations and Services
8.04.250 Requirements for Haulers and Facility Operators
8.04.260 Self-Hauler Requirements
8.04.270 Inspections and Investigations by City or Designee
8.04.280 Delegation of Authority
8.04.290 Enforcement

Article 1
Generally

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

“Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.

“C&D” means construction and demolition debris.

“CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations.

“CCR” means the California Code of Regulations. CCR references in this Chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

“City” means the City of St. Helena, California.

“Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this chapter.

“Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

“Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

“Compliance Review” means a review of records by the City to determine compliance with this chapter, SB 1383, and the SB 1383 Regulations.

“Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

“Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

“Contractor” means any person authorized by the council to collect Solid Waste from others within the city limits.

“Designated Source Separated Organic Waste Facility”, as defined in 14 CCR Section 18982(14.5), means a Solid Waste facility that accepts a Source Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:

A. The facility is a “transfer/processor,” as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d), and meets or exceeds an annual average Source Separated organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on and after January 1, 2025 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the Source Separated Organic Waste collection stream.

    1. If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Paragraph A of this definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility”.

B. The facility is a “composting operation” or “composting facility” as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5.

    1. If the percent of the material removed for landfill disposal that is Organic Waste is more than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility.” For the purposes of this chapter, the reporting periods shall be consistent with those defined in 14 CCR Section 18815.2(a)(49).

“Designee” means an entity that the City authorizes, permits, or contracts with or otherwise arranges to carry out any or all of its responsibilities under this chapter, SB 1383, and/or the SB 1383 Regulations, as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, Regional Agency, a hauler, a private entity, or a combination thereof.

“Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

“Enforcement Action" means an action of the City to address non-compliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

“Enforcement Official” means the City Manager of the City of St. Helena or other duly appointed official.

“Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the City’s, or its Designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Public Resources Code Sections 41500 and 41802. Excluded Waste does not include used motor oil and filters, household batteries, electronic wastes, universal wastes, and/or paints and coatings when such materials are defined as allowable materials for collection through the City’s collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by City or its Designee for collection services.

“Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

“Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.

“Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

“Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

A. A food bank as defined in Section 113783 of the Health and Safety Code.

B. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,

C. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this chapter.

"Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

"Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

"Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

"Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, paper towels, napkins, tissues, and pizza boxes, and milk cartons that are generated in all areas of commercial buildings and properties. This definition excludes paper that has contacted substantial amounts of inorganic, toxic, or corrosive substances.

"Food Waste" means Food Scraps, Food-Soiled Paper, and Compostable Plastics.

"Garbage" means that solid waste which includes kitchen refuse, offal, swill, and other matter that attends the preparation, dealing in or handling of food-stuffs. It shall also include all other refuse, except rubbish, sewage, trash and recyclable material.

"Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

"Gray Container Waste" means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

"Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

“Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

“Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

“Health officer” is defined as the health officer of the city, his or her authorized representatives, or the county health officer, or any of his or her authorized representatives, whenever a contract is in force between the city and the county for the furnishing of the services of the county health officer.

“High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

“Inspection” means a site visit where the City reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

“Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this chapter.

“Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this chapter.

“Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

“Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).

“Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

“Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

“Non-Local Entity” means the following entities that are not subject to the City’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

A. Special district(s) located within the boundaries of the City.

B. Federal facilities, including military installations, located within the boundaries of the City.

C. Prison(s) located within the boundaries of the City.

D. Facilities operated by the State park system located within the boundaries of the City.

E. Public universities (including community colleges) located within the boundaries of the City.

F. County fairgrounds located within the boundaries of the City.

G. State agencies located within the boundaries of the City.

“Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

“Notice of Violation” or “NOV” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

“Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing

Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

“Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

“Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

“Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

“Place” means public or private land, building, site, public or private drainage ditch, or public or private road in the city.

“Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City’s Green Container; (iii) discarded materials placed in the City’s Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in the City’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

“Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

“Recyclable material” means that material which otherwise would become or be treated as solid waste but which, by means of a process of collecting, sorting, cleansing, treating and/or reconstructing, may be returned to the economic mainstream in the form of finished or source material for new, reused or reconstituted products which may be used in the market place. The term includes, but is not limited to, paper, books, magazines, cardboard, boxes, plastic, metal, glass and other similar materials authorized by the City for collection by the contractor.

“Recyclable materials collector” means an agent or employee of the city or any person with whom the city has duly contracted to collect and transport curbside recyclable materials through, in and from the City.

“Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

“Regional Agency” means regional agency as defined in Public Resources Code Section 40181 and the Upper Valley Waste Management Agency, of which the City is a member.

“Remote Monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

“Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

“Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

“Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

“Rubbish” means those nonputrescible solid wastes including all dry refuse such as tree trimmings, ashes, dead plants and lawn and yard clippings, except to the extent such materials are exempt under this chapter.

“SB 1383” means Senate Bill 1383 (Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

“SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

“Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or Recyclable material he or she has generated to another person or facility. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). “Back-haul” means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).“Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.

“Solid waste” has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

A. Hazardous waste, as defined in the Public Resources Code Section 40141.

B. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).

C. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.

"Solid waste removal contract" means a garbage collection and disposal contract entered into by the City and a contractor pursuant to this chapter, or a franchise agreement between the contractor and the Upper Valley Waste Management Agency, a joint powers authority, as long as St. Helena is a member.

Source Separated" means materials, including commingled Recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste/ or other Solid Waste for the purposes of collection and processing.

"Source Separated Blue Container Organic Waste" means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

"Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

"Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

"State" means the State of California.

"Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

"Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

A. Supermarket.

B. Grocery Store with a total facility size equal to or greater than 10,000 square feet.

C. Food Service Provider.

D. Food Distributor.

E. Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this chapter.

"Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

A. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

B. Hotel with an on-site Food Facility and 200 or more rooms.

C. Health facility with an on-site Food Facility and 100 or more beds.

D. Large Venue.

E. Large Event.

F. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

G. A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this chapter.

"Uncontainerized Green Waste and Yard Waste Collection Service" or "Uncontainerized Service" means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator's house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

"Wholesale Food Vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

Article 2
Storage of Solid Waste, Recyclable Materials, and Organic Waste

8.04.020 Storage of Solid Waste at point of origin.
No person may keep or dispose of solid waste in a manner or upon any place which affords food or harborage for rodents or insects, or which causes a public nuisance or public health hazard, or in a manner which violates this article.

8.04.030 Solid Waste container requirements.
It shall be the duty of every person occupying, using or controlling any dwelling, flat, apartment, boardinghouse, lodging house, restaurant, hotel, eating house or place of business, where Solid Waste, Recyclable Material or Organic Waste accumulates, to place the Solid Waste, Recyclable Material, or Organic Waste in a container as approved or supplied by the contractor, or in a container which is watertight and made out of plastic or galvanized metal; has suitable handles and a tight-fitting cover; is covered continuously except when being filled or emptied; and is kept clean by the user.

8.04.040 Container area to be kept clean.
Each person who has a Solid Waste, Recycling, or Organic Waste Container shall keep the area where the Container is located clean and free of Solid Waste, Recyclables, and Organic Waste.

8.04.050 Location of containers.
Each person from whom Solid Waste, Recyclable Material, or Organic Waste is collected shall maintain the Container in locations as designated by the Contractor, but where it will not be a public nuisance or otherwise offensive.

8.04.060 Storage of Solid Waste, Recyclable Material, and Organic Waste.
Each person who has charge or control of a place where rubbish accumulates shall provide a suitable method of storage so that the rubbish does not scatter about the premises in an unsightly or unsanitary manner.

8.04.070 Food facility solid waste storage.
Food facilities shall provide adequate Solid Waste storage locations, as determined by the health officer, with a hose bib within twenty-five (25) feet. Additional requirements such as coverage and sewer drainage may be required to assure the storage location is operated in a sanitary manner.

8.04.080 Solid Waste, Recycling, and Organic Waste storage areas.
A. Projects that require approval of a use permit shall provide one or more Solid Waste, Recycling, and Organic Waste areas for storage of these materials.

B. Materials other than Solid Waste, Recyclable Materials, or Organic Waste (e.g., building materials, business supplies, etc.) shall not be stored in Solid Waste, Recycling, or Organic Waste storage areas.

C. Solid Waste, Recycling, and Organic Waste areas shall be adequate in capacity, number and distribution to accommodate the amount and different types of Solid Waste, Recyclable Materials generated by all users of the areas.

D. Solid Waste, Recycling, and Organic Waste areas shall be adequately signed to provide instructions for depositing Solid Waste, Recyclable Materials, and Organic Waste in the appropriate Containers and to identify the name and phone number of the management authority responsible for the maintenance of the areas.

8.04.090 Burning or burying Solid Waste, Recyclable Materials, and Organic Waste prohibited.

No person shall burn or bury Solid Waste, Recyclable Materials, or Organic Waste in any yard or open space within the City.

8.04.100 Throwing or depositing Solid Waste, Recyclable Materials, or Organic Waste.

No person shall deposit, throw, scatter or sweep any solid waste on any private property without the permission of the owner thereof or on any publicly owned place in the City except in containers provided for such purposes by the City. No person shall deposit in any public container any Solid Waste, Recyclable Materials, or Organic Waste not produced by an activity lawfully conducted in the street, sidewalk, park, or public place.

Article 3
Collection, Transportation and Disposal of Solid Waste, Recyclable Materials, and Organic Waste

8.04.110 Collection of Solid Waste, Recyclable Materials, and Organic Waste.
The collection, removal and disposal of Solid Waste, Recyclable Materials, and Organic Waste may be performed only by the City under the direction of the city council, or by any person with whom the City has entered into a Solid Waste, Recyclable Materials, and Organic Waste removal contract, or may enter, into contracts for the collection, removal and disposal thereof.

8.04.120 Solid Waste, Recyclable Materials, and Organic Waste removal contract.
The city council may contract for the collection, disposal, and/or recycling, of Solid Waste, Recyclable Materials, and Organic Waste by granting to a qualified person the privilege of doing so. The privilege granted by the city may be exclusive or nonexclusive, and may relate to all or a portion within the City and may relate to all Solid Waste, Recyclable Materials, and Organic Waste or to any one or more of the substances constituting Solid Waste, Recyclable Materials, and Organic Waste.

8.04.130 Collection and disposal rates.
A. Solid Waste, Recyclable Materials, and Organic Waste removal rates shall be as set forth in the Solid Waste, Recyclable Materials, and Organic Waste removal contract or any extension thereof between the City and Contractor and as the same may be modified from time to time pursuant to the terms thereof. No Contractor shall make any charge for such collection or disposal in excess of the established rates.

B. The owner of each premises shall be liable for payment of all charges for Solid Waste, Recyclable Materials, and Organic Waste removal service to his or her premises whether the owner occupies the premises or not.

8.04.140 Collection by Contractor mandatory unless otherwise specified.
A. No person shall collect, transport and/or dispose of any Solid Waste, Recyclable Materials, or Organic Waste from any other person in the City and no person except the Contractor shall collect, transport and/or dispose of any Solid Waste, Recyclable Materials, and Organic Waste on the streets of the City, except as otherwise expressly provided in this article.

B. No person who produces, generates or otherwise accumulates Solid Waste, Recyclable Materials, or Organic Waste shall pay, reimburse, contract with or in any other way arrange for any person other than the Contractor to collect, transport and/or dispose of Solid Waste, Recyclable Materials, and Organic Waste, except as otherwise expressly authorized in this article.

8.04.150 Exemptions to mandatory collection.
A. No provision of this article shall prevent the disposition of Recyclable Materials or Organic Waste for which there are established commercial values, and for which the generator, accumulator or producer actually receives compensation, such as used kitchen fats, provided such materials are accumulated in a sanitary manner and disposed of through regular commercial channels.

B. No provision of this article shall prohibit the donation of Recyclable Materials or Organic Waste for which there are established commercial values by the generator, accumulator or producer of such recyclable material to any approved drop-off center. Further, Recyclable Materials or Organic Waste may be provided free of charge to any charitable, youth, civic, religious or similar person, group or organization, and the collection, transport and/or disposal of such Recyclable Material and Organic Waste may be provided free of charge by such person, group or organization.

C. Nothing in this article shall prohibit any person from collecting, disposing or transporting any Recyclable Materials or Organic Waste for which the Contractor does not provide recycling services pursuant to the City's approved recycling program to or at any recycling drop-off center, community compositing site or facility which is appropriately permitted or authorized under applicable health and safety laws and regulations.

D. Nothing in this article shall apply to or prohibit the disposition, collection, transport or disposal by any person of construction and demolition debris and wastes.

E. Nothing in this article shall prohibit the collection, transportation or disposal of lawn, tree and garden trimmings by any person as an incidental part of a landscaping or gardening service by that person.

F. All owners and occupants of structures who demonstrate and certify to the satisfaction of the director of public works or his or her designee that Solid Waste collection service is not needed may collect and transport Solid Waste produced on the premises where he or she resides or which he or she owns if the owner or occupant satisfies any of the following criteria:

1. The owner or occupant does not generate sufficient Solid Waste to require service and timely and appropriately transports his or her Solid Waste to a permitted disposal facility at least every seven days; or

2. The owner or occupant otherwise has arranged for shared Solid Waste disposal with the owner or occupant of another structure receiving Solid Waste collection service from the Contractor, and such shared service does not involve an undue accumulation or improper storage of Solid Waste.

G. No provisions of this article shall bar any person from removing Solid Waste in an emergency situation where the Contractor for any reason is unable to handle such Solid Waste and where such removal is necessary for the protection of public health.

8.04.160 Vehicles used to transport Solid Waste, Recyclable Materials, and Organic Waste.

No person shall remove, convey or transport any Solid Waste, Recyclables, or Organic Waste along, upon or over any public street, highway or public place in the City, except in such manner so as to prevent the contents thereof from dropping upon the public streets. The Contractor shall only convey Solid Waste, Recyclables, and Organic Waste on City streets in a tightly sealed and metal enclosed watertight motor truck. The truck body shall be constructed of metal, of sufficient strength to withstand fire from within, without endangering persons or property. The truck body in which Solid Waste, Recyclables, or Organic Waste are hauled shall be washed thoroughly and

cleaned at least once each week. The Contractor shall park and store all vehicles used in the pickup and transport of solid waste in a designated area to be agreed upon between the city and contractor.

8.04.170 Frequency and hours of collection by Contractor.

A. Solid Waste, Recyclable Materials, and Organic Waste shall be collected at least once each week.

B. The Contractor shall dispose of Solid Waste, Recyclable Materials, and Organic Waste at its disposal site or processing facility on the same day as the Contractor collects the Solid Waste, Recyclable Materials, and Organic Waste. The Contractor shall not permit a vehicle to be parked overnight with Solid Waste, Recyclable Materials, or Organic Waste stored in it.

C. The Contractor and the City may agree upon the hours for the collection of Solid Waste, Recyclable Materials, and Organic Waste. However, the hours of collection may not begin before four-thirty a.m.

8.04.180 Ownership and collection of Recyclable Materials.

A. Recyclable Materials which are placed at the curbside or other collection location designated by the City or the Contractor for collection by the Contractor in containers provided by the Contractor shall be collected solely by the Contractor.

B. No person other than the Contractor shall remove Recyclable Materials which has been placed at the curbside or other designated collection location for removal by the Contractor in Containers provided by the Contractor.

C. No person shall burn, break, destroy, scatter, scavenge, collect or take any Recyclable Materials placed at the curbside or other designated collection location for collection by the Contractor, without the consent of either: (1) the resident, owner or occupant of the premises or establishment which generated the Recyclable Materials; or (2) the authorized Contractor.

D. Nothing in this chapter shall limit the right of an individual person, organization or entity to donate, sell or otherwise dispose of Recyclable Materials, provided that any such conduct is otherwise in accordance with the provisions of this chapter.

8.04.190 Violations—Penalties.

A. No person shall interfere with the collection, removal or disposal of refuse or curbside recyclable materials by the Contractor.

B. No person other than an authorized City employee or the City's authorized curbside Recyclable Materials collector to take, remove, move or otherwise appropriate any Container in which Recyclable Materials are placed for collection or the curbside Recyclable Materials contained therein.

8.04.200 Nonapplicability.

This article does not apply to the services provided pursuant to the Upper Valley Waste Management Agency Formation Agreement to the extent such agreement conflicts with the provisions hereof, as long as that agreement is effective.

Article 4
Organic Waste Disposal Reduction

8.04.210 Requirements for Single-Family Generators

A. Single-Family Organic Waste Generators shall comply with the following requirements except Single-Family generators that meet the Self-Hauler requirements in Section 8.04.260:

1. Shall subscribe to the City's Organic Waste collection services for all Organic Waste generated as described below in Section 8.04.210(A)(2). The City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Single-Family generators shall adjust their service level for their collection services as requested by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

2. Shall participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or the Blue Container.

8.04.220 Requirements for Commercial Businesses

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

A. Subscribe to the City's Organic Waste collection services as described below in Section 8.04.220(B), except Commercial Businesses that meet the Self-Hauler requirements of Section 8.04.260. The City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Commercial Businesses shall adjust their service level for their collection services as requested by the City.

B. Except Commercial Businesses that meet the Self-Hauler requirements of Section 8.04.260, participate in the City's Organic Waste collection services by placing designated materials in designated Containers as described below. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green

Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.

C. Supply and allow access to adequate number, size and location of collection Containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with the City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program in accordance with Section 8.04.260.

D. Excluding Multi-Family Residential Dwellings, provide Containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. If a Commercial Business provides substantial evidence and the City agrees that the business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by the City, with either lids conforming to the color requirements or bodies conforming to the color requirements, or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

E. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program in accordance with Section 8.04.260.

F. Excluding Multi-Family Residential Dwellings, inspect at least one time per month Blue Containers, Green Containers, and Gray Containers for contamination, and inform

employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

G. On at least a quarterly basis, provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.

H. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste and the location of containers and the rules governing their use at each property.

I. Provide or arrange access for the City, its agent, or its Designee to their properties during all Inspections to confirm compliance with the requirements of this chapter.

J. Accommodate and cooperate with any Remote Monitoring program approved by the City or its Designee.

K. If a Commercial Business wants to self-haul, meet the Self-Hauler requirements of Section 8.04.260.

L. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

M. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements of Section 8.04.230.

8.04.230 Requirements for Commercial Edible Food Generators

A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.

C. Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

2. Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

4. Allow the Enforcement Official or a Designee to access the premises and review records pursuant to 14 CCR Section 18991.4.

5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

    a. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

    b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

    c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

        i. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

        ii. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

        iii. The established frequency that food will be collected or self-hauled.

        iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

D. Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 (Chapter 285, Statutes of 2017), as amended, supplemented, superseded and replaced from time to time).

8.04.240 Requirements for Food Recovery Organizations and Services

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR

Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

4. The name, address, and contact information for each Food Recovery Organization to which the Food Recovery Service transports Edible Food for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

3. The name, address, and contact information for each Food Recovery Service from which the organization receives Edible Food for Food Recovery.

C. Food Recovery Organizations and Food Recovery Services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

D. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City or its Designee the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators with which they have established a contract or written agreement pursuant to 14 CCR Section 18991.3(b), no later than July 30th and upon the City's or its Designee's request.

E. In order to support Edible Food Recovery capacity planning assessments, Food Recovery Organizations operating in the City shall provide information and consultation to the City or its Designee, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City or its Designee and its Commercial

Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City or its Designee shall respond to such request for information within 60 days.

8.04.250 Requirements for Haulers and Facility Operators

A. Requirements for Haulers

1. Franchised and permitted haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City or Regional Agency to collect Organic Waste:

   A. Through written notice to the City or Regional Agency annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.

   B. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste, to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

   C. Obtain approval from the City or Regional Agency to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, this chapter, and any applicable provision(s) of this code.

2. Franchised and permitted haulers authorization to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with City or Regional Agency.

B. Requirements for Facility Operators and Community Composting Operations

1. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon request of the City or Regional Agency, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City or Regional Agency shall respond within 60 days.

2. Community Composting operators, upon request of the City or Regional Agency, shall provide information to the City or Regional Agency to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City or Regional Agency shall respond within 60 days.

8.04.260 Self-Hauler Requirements

A. Self-Haulers shall Source Separate all Recyclable Materials and Organic Waste (materials the City otherwise requires generators to separate for collection in its organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2 or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

B. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

C. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City or its Designee. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.

2. The amount of material in cubic yards or tons transported by the generator to each entity.

3. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

D. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 8.04.260(C) to the City or its Designee if requested. Self-haulers must also register with the City or its Designee prior to engaging in hauling.

E. A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section 8.04.260(C) and (D).

8.04.270 Inspections and Investigations by City or Designee

A. City representatives and its Designee are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this chapter by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the City to enter the interior of a private residential property for Inspection. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this article described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment or (ii) access to records for any Inspection or investigation is a violation of this article.

1. Any records obtained by the City and/or its Designee during its inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

2. City representatives and its Designee are authorized to conduct any inspections or other investigations as reasonably necessary to further the goals of this article, subject to applicable laws.

3. The City and/or its Designee shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

8.04.280 Delegation of Authority

A. The City Council may delegate all City responsibilities and authority under this article, SB 1383, and the SB 1383 Regulations, including, but not limited to, those related to Organic Waste collection services, education, inspections and investigations, and Edible Food recovery services, to its Designee by:

1. Contracts with haulers or other private entities; or

2. Agreements such as memorandums of understandings with other jurisdictions, entities, regional agencies as defined in Public Resources Code Section 40181, or other government entities, including environmental health departments.

B. The City Council shall not delegate authority to impose civil penalties, or to maintain an action to impose civil penalties under Section 8.04.290 or as otherwise provided in this code.

8.04.290 Enforcement

A. Violation of any provision of this article shall constitute grounds for issuance of a Notice of Violation and assessment of a fine or penalty by the Enforcement Official. Enforcement Actions under this chapter are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines in Chapter 1.12 are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Chapter and any rule or regulation adopted pursuant to this chapter.

B. Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or an infraction. The City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

C. Responsible Entity for Enforcement. Enforcement pursuant to this chapter may be undertaken by the Enforcement Official.

D. Penalty Amounts for Types of Violations. The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be $100 per violation.

2. For a second violation, the amount of the base penalty shall be $200 per violation.

3. For a third or subsequent violation, the amount of the base penalty shall be $500 per violation.

4. The penalties shall be consistent with Government Code section 36900.

E. Appeals Process. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation pursuant to Section 1.12.210(B).

F. Education Period for Non-Compliance Beginning January 1, 2022, and through December 31, 2023. The City will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the City determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, the City shall provide educational materials to the entity describing its obligations under this Chapter and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties from the City starting on January 1, 2024.

G. Civil Penalties for Non-Compliance. Beginning January 1, 2024, if the City determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial

Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Chapter, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action, as needed.

Report to the City Council
Regular City Council - 11 Jan 2022

Agenda Section: **CONSENT ITEMS**

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

CEQA Determination: **Not a CEQA project**

Prepared By: Ethan Walsh, City Attorney

Reviewed By: April Mitts, Administrative Services Director

Approved By: Mark T. Prestwich, 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, allowing councilmembers to not have to post an agenda at their teleconference location, not have to identify their location on the meeting agenda, not have to ensure public accessibility at the teleconference location, and the legislative body did not need a quorum in the jurisdiction. As the City Council is aware, 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 provisions of the Brown Act was further extended by the Governor on June 11, 2021 by 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 allows legislative bodies to meet virtually provided there is 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 thirty (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 agendize 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 and December 14, 2021. This is being reconsidered on January 11, 2022, due to the second meeting in January is beyond 30 days from the last adopted findings.

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 January 11, 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:

_____
Geoff Ellsworth, Mayor

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

Report to the City Council
Regular City Council - 11 Jan 2022

Agenda Section: **CONSENT ITEMS**

Subject: **October and November 2021 Review and Forecasting of City Water Supply Availability**

CEQA Determination: **Exempt**

Prepared By: Martin Beltran, Management Analyst

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

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The City of St. Helena publishes a monthly water report on the City website (www.cityofsthelena.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 Napa Water. 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 recently 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 "pursuant additional analytical tools to improve consumer confidence."

DISCUSSION

October 2021

The City's Phase II Water Emergency underscores the importance of enhancing the City's analytical forecasting tools and public reports. In recent months, 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 October 2021. The water produced for October 2021 is down by 39% when compared to October 2020 and down by 36% when compared to the average of October 2017-2019. The storage in Bell Canyon graph (Attachment 2) shows the water availability forecast for Bell Canyon based on actual water conservation during Phase II water emergency (November 2020 - October 2021).

Water Produced or Delivered per Source

Source	Average (2017 - 2019) (Acre-Feet)	October 2020 (Acre-Feet)	October 2021 (Acre-Feet)
Bell Canyon	90	85	19
Stonebridge Wells	34	60	44
Napa Water	57	48	54
Total	**182**	**193**	**117**

Percent change from average of October 2017 - 2019: **-36%**
Percent change from October 2020: **-39%**

November 2021

Included as Attachment 3 is the Monthly Water Report for November 2021. The water produced for November 2021 is down by 31% when compared to November 2020 and down by 40% when compared to the average of November 2017-2019. The storage in Bell Canyon graph (Attachment 4) shows the water availability forecast for Bell Canyon

based on actual water conservation during Phase II water emergency (November 2020 - October 2021).

Water Produced or Delivered per Source

Source	Average (2017 - 2019) (Acre-Feet)	November 2020 (Acre-Feet)	November 2021 (Acre-Feet)
Bell Canyon	60	30	32
Stonebridge Wells	23	55	41
Napa Water	53	32	8
Total	**136**	**117**	**81**

Percent change from average of November 2017 - 2019: **-40%**
Percent change from November 2020: **-31%**

FISCAL IMPACT
Not applicable.

RECOMMENDED ACTION
Receive and file.

ATTACHMENTS
Attachment 1: Monthly Water Report, October 1-31, 2021
Attachment 2: Storage in Bell Canyon Graph, Oct 2021
Attachment 3: Monthly Water Report, November 1-30, 2021
Attachment 4: Storage in Bell Canyon Graph, Nov 2021

CITY OF ST. HELENA
MONTHLY WATER REPORT

CC: CC __X__ PC__X__ FILE _____
RECEIVED: _____ BY: __

Oct 1 - 31, 2021

	LOUIS STRALLA WATER PLANT	STONEBRIDGE POTABLE WELLS	SBW IRRIGATION WATER	NAPA WATER	TK #1 & #2
AMOUNT PRODUCED in AF	18.69	44.26		53.71	
AMOUNT PRODUCED in MG	6.0900	14.4210	0.0000	17.5000	0.0850
PERCENT	**16.0%**	**37.9%**		**45.9%**	0.2%

WATER DELIVERY (AGGREGATE)

	THIS YEAR	LAST YEAR
TOTAL DELIVERY THIS PERIOD	38.010 **MG**	62.984 **MG**
MAXIMUM DAILY DELIVERY	2.330 **MG**	2.668 **MG**
MINIMUM DAILY DELIVERY	0.520 **MG**	0.745 **MG**
AVERAGE DAILY DELIVERY	1.230 **MG**	1.973 **MG**

WATER YEAR TOTALS

	THIS WATER YEAR	%	LAST WATER YEAR	%
LOUIS STRALLA WATER PLANT	105.52 **AF**	20.8%	339.33 **AF**	42.3%
	34.3838 **MG**		110.5710 **MG**	
NAPA WATER	209.87 **AF**	41.3%	222.83 **AF**	27.8%
	68.3863 **MG**		72.6093 **MG**	
STONEBRIDGE POTABLE WELLS	192.98 **AF**	38.0%	240.80 **AF**	30.0%
	62.8827 **MG**		78.4649 **MG**	
TOTAL WATER DELIVERY (ALL)	**508.37 AF**	**100.0%**	**802.96 AF**	**100.0%**

SBW IRRIGATION WATER

	THIS MONTH	THIS MONTH, LAST YR.
STONEBRIDGE APARTMENTS	0.110 **MG/OCT 2- 30**	0.4320 **MG**
NAPA VALLEY COLLEGE	0.010 **MG/OCT 2-30**	0.0110 **MG**

WATER ELEVATION, CAPACITY & RAINFALL

	THIS YEAR	LAST YEAR
ELEVATION BELL CANYON RESERVOIR	414.56 **FT.**	399.49 **FT.**
MONTHLY RISE OR DROP	19.93 **FT.**	-3.46 **FT.**
CAPACITY AT END OF PERIOD	598.450 **MG**	300.500 **MG**
PERCENT OF FULL CAPACITY	76.7 **%**	38.7 **%**
RAINFALL IN THIS PERIOD	11.74 **IN**	0.00 **IN**
TOTAL RAINFALL SEASON TO DATE	11.74 **IN**	0.11 **IN**

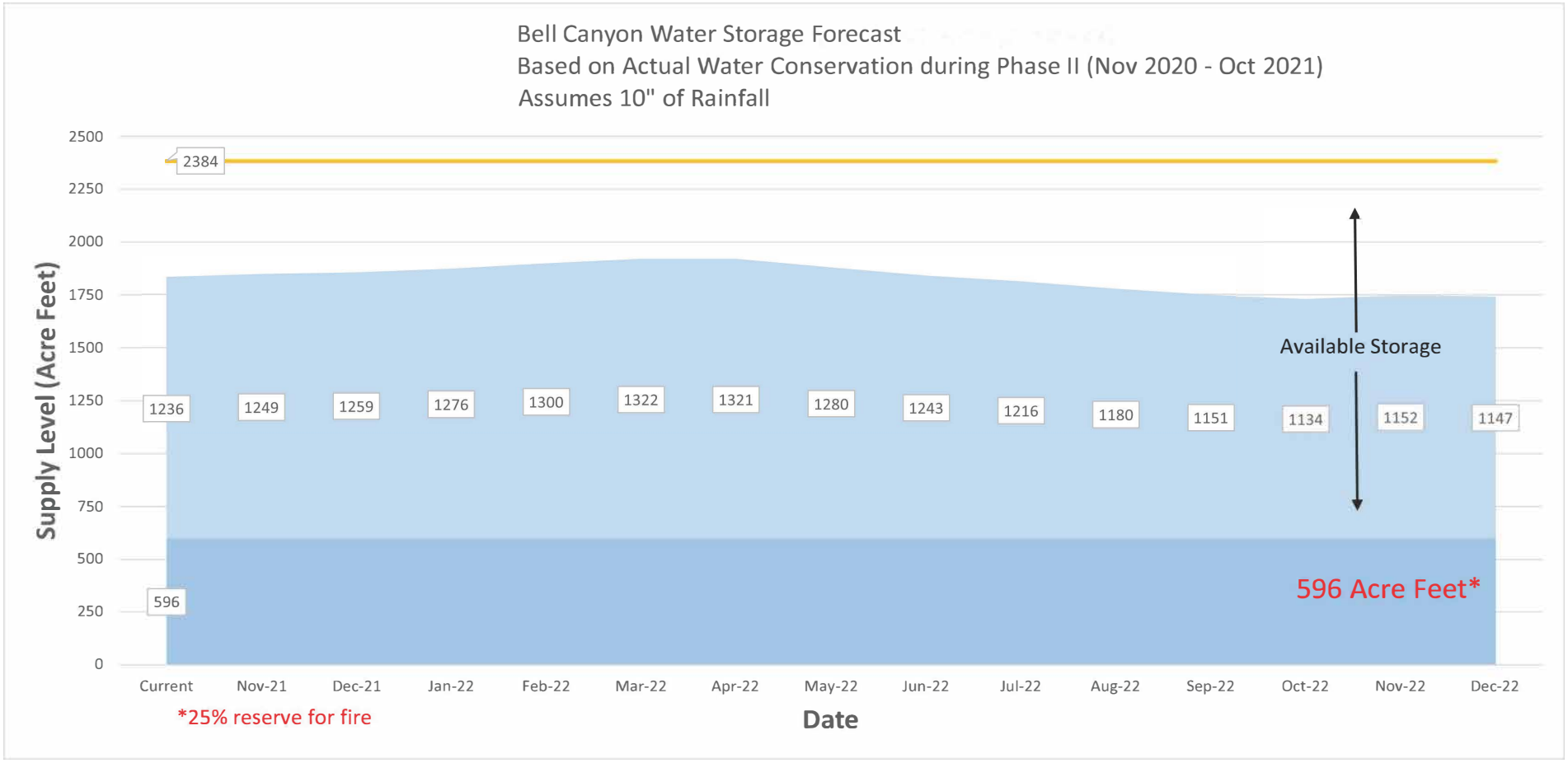
TEMPERATURES

	THIS YEAR	THIS MONTH, LAST YR.
DEGREES IN FAHRENHEIT	44 - 90	64 - 95
AVERAGE	63.5	83.7

REMARKS

City of Napa Water Delivery on Target: Yes

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
Based on Actual Water Conservation during Phase II (Nov 2020 - Oct 2021)
Assumes 10" of Rainfall
Supply Level (Acre Feet)
2500
2250
2000
1750
1500
1250
1000
750
500
250
0
2384
1236
1249
1259
1276
1300
1322
1321
1280
1243
1216
1180
1151
1134
1152
1147
596
Available Storage
596 Acre Feet*
Current
Nov-21
Dec-21
Jan-22
Feb-22
Mar-22
Apr-22
May-22
Jun-22
Jul-22
Aug-22
Sep-22
Oct-22
Nov-22
Dec-22
*25% reserve for fire
Date

CITY OF ST. HELENA
MONTHLY WATER REPORT

CC: CC __X__ PC__X__ FILE _____
RECEIVED: _____ BY: __

Nov 1 - 30, 2021

	LOUIS STRALLA WATER PLANT	STONEBRIDGE POTABLE WELLS	SBW IRRIGATION WATER	NAPA WATER	TK #1 & #2 ADJUST
AMOUNT PRODUCED in AF	32.01	40.69		7.98	
AMOUNT PRODUCED in MG	10.43	13.26	0.0000	2.60	0.00
PERCENT	**39.7%**	**50.4%**		**9.9%**	0.0%

WATER DELIVERY (AGGREGATE)

	THIS YEAR	LAST YEAR
TOTAL DELIVERY THIS PERIOD	26.29 MG	36.75 MG
MAXIMUM DAILY DELIVERY	2.33 MG	1.88 MG
MINIMUM DAILY DELIVERY	0.57 MG	0.74 MG
AVERAGE DAILY DELIVERY	1.23 MG	1.23 MG

WATER YEAR TOTALS

	THIS WATER YEAR	%	LAST WATER YEAR	%
LOUIS STRALLA WATER PLANT	137.53 AF	23.3%	369.11 AF	40.1%
	44.81 MG		120.27 MG	
NAPA WATER	217.85 AF	37.0%	277.69 AF	30.2%
	70.99 MG		90.49 MG	
STONEBRIDGE POTABLE WELLS	233.67 AF	39.7%	273.24 AF	29.7%
	76.14 MG		89.04 MG	
TOTAL WATER DELIVERY (ALL)	**589.04 AF**	**100.0%**	**920.04 AF**	**100.0%**

SBW IRRIGATION WATER

	THIS MONTH	THIS MONTH, LAST YR.
STONEBRIDGE APARTMENTS	0.03 MG/NOV 1-30	0.11 MG/Nov 1-30
NAPA VALLEY COLLEGE	0.04 MG/NOV 1-30	0.0506 MG/Nov 1-30

WATER ELEVATION, CAPACITY & RAINFALL

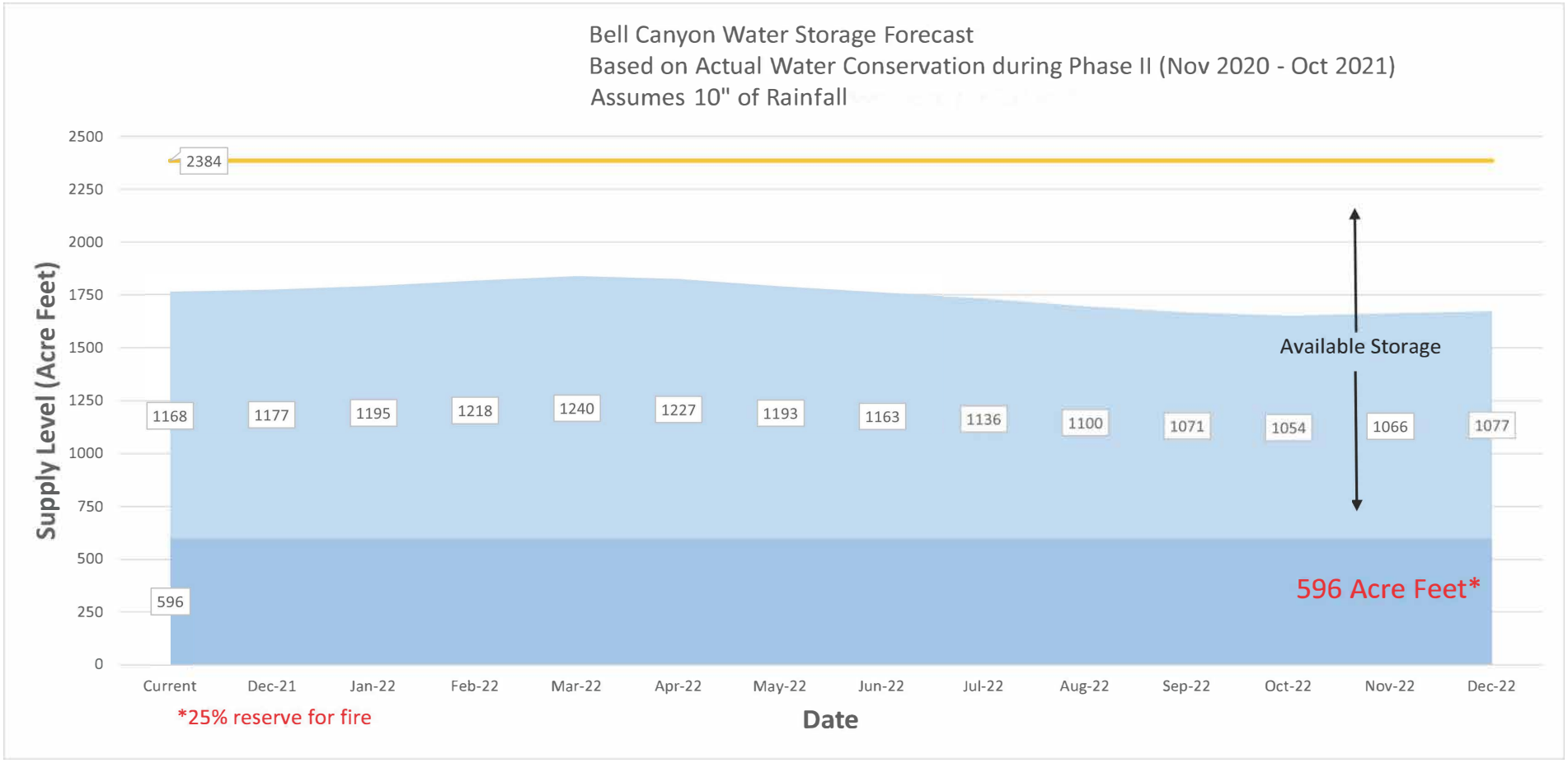
	THIS YEAR	LAST YEAR
ELEVATION BELL CANYON RESERVOIR	413.54 FT.	399.47 FT.
MONTHLY RISE OR DROP	-1.02 FT.	-0.02 FT.
CAPACITY AT END OF PERIOD	494.70 MG	300.33 MG
PERCENT OF FULL CAPACITY	73.5 %	38.7 %
RAINFALL IN THIS PERIOD	1.85 IN	2.13 IN
TOTAL RAINFALL SEASON TO DATE	13.59 IN	2.24 IN

TEMPERATURES

	THIS YEAR	THIS MONTH, LAST YR.
DEGREES IN FAHRENHEIT	43 - 73	59 - 82
AVERAGE	56	67

REMARKS

City of Napa Water Delivery on Target: No. The City experienced a pump failure at Rutherford Pump Station and is working with the City of Napa to address low water pressure concerns.
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
Based on Actual Water Conservation during Phase II (Nov 2020 - Oct 2021)
Assumes 10" of Rainfall
Supply Level (Acre Feet)
2500
2250
2000
1750
1500
1250
1000
750
500
250
0
2384
1168
1177
1195
1218
1240
1227
1193
1163
1136
1100
1071
1054
1066
1077
596
Available Storage
596 Acre Feet*
Current
Dec-21
Jan-22
Feb-22
Mar-22
Apr-22
May-22
Jun-22
Jul-22
Aug-22
Sep-22
Oct-22
Nov-22
Dec-22
*25% reserve for fire
Date

Report to the City Council
Regular City Council - 11 Jan 2022

Agenda Section: **CONSENT ITEMS**

Subject: **Quarter 2 Review of City of St. Helena 2021-22 Workplan Tasks**

CEQA Determination: **Not a CEQA project**

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

Reviewed By: April Mitts, Administrative Services Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

Since 2017 the City Council has established three-year citywide organizational goals and priorities for the coming year.

On March 4, 2021, the City Council held a workshop and discussed the development of the citywide goals and fiscal year 2021-22 workplan objectives. At the April 1, 2021 follow-up City Council workshop, the City Council provided feedback and reviewed goal dates/tasks to ensure a realistic timeframe.

DISCUSSION

The attached three-year goals and 2021 workplan prioritizes tasks, assigns responsibility to various initiatives, and provides a means of providing periodic status report on progress. The purpose of the Quarter 2 review is to provide an update on progress associated with 2021 workplan tasks.

FISCAL IMPACT

Not applicable.

RECOMMENDED ACTION

Receive and file.

ATTACHMENTS
Quarter 2 Goals FINAL

	WHO	WHAT	NOTES	PROJECT STATUS	FY 2021-22 TARGET COMPLETION				ESTIMATED STAFFING HOURS
				% Complete	Q1	Q2	Q3	Q4	
GOAL 1	**Improve and Maintain Safe and Reliable City Infrastructure with a Commitment to Environmental Stewardship, Public Health, and Public Safety**								
A	Police Chief	Complete Glass Fire After Action Report to improve emergency preparedness for future events.	Completed and presented at Special Council Meeting of 6/29/2021.	100%	X				240
B	City Engineer	Adoption of Integrated Utility Master Plan Findings/Recommendations.	Preliminary Council presentation held 7/30/2020.	95%			X		80
C	City Engineer + Assistant to the City Manager + City Manager	Complete analysis of St. Helena Vine Trail route options and facilitate Council decision making on preferred route.	This item was discussed at ATSC in November 2021. Additional informational presentations have been provided by the Vine Trail to the St. Helena Unified School District Board and the Chamber of Commerce. An update and Council discussion is planned on 1/11/2022.	90%			X		40
D	City Engineer + GHD	Complete Phase I - Citywide Active Transportation Plan/Safe Routes to School Plan (Madrona/Spring St. Pedestrian Improvements).	Phase I draft report with short term recommendations is complete and under review by the City Engineer. Presentation for Phase I recommendations went to ATSC on 10/3/2021. Council discussion tentatively planned for February 2022.	85%			X		100
E	City Engineer	Construct Spring Street Bike Lanes.	Design is complete and construction contract was executed on 10/27/2021; the striping will occur in Spring 2022.	95%			X		20
F	City Engineer + Acting PW Director	Create a Comprehensive Water Security Framework to manage initiatives	Presented to City Council on 7/27/2021.	100%		X			160
G	City Engineer + City Attorney	Complete conservation easement for Flood Control Project.	This was adopted at the 10/12/21 City Council meeting.	100%		X			80
H	City Attorney (Lead) + City Engineer	Prepare Draft Water Will Serve Policy for City Council Review.		20%			X		160
I	Chief of Police	Develop emergency evacuation plan and procedures.	Zonehaven evacuation program announced 7/2/2021.	100%		X			160
J	City Engineer + Operations Manager	Complete Public Works Standards Update.	Standards are developed; operations staff has reviewed and it has been sent to Director of Public Works for final review.	75%				X	180
K	City Engineer + GHD	Complete Phase II - Citywide Safe Routes to School (SR2S) analysis.	GHD has began working on Phase II. Existing conditions report has been developed and a walking workshop will be scheduled in early 2022.	10%				X	120

	WHO	WHAT	NOTES	PROJECT STATUS	FY 2021-22 TARGET COMPLETION				ESTIMATED STAFFING HOURS
				% Complete	Q1	Q2	Q3	Q4	
GOAL 2	**Stabilize, Maintain and Improve Access to Housing**								
A	Planning Director (Lead) + City Manager + CM Hall + CM Hardy	Consider and synthesize stakeholder housing recommendations and recommend short and long-term housing initiatives to the City Council, including advancing the use of one or more of city-owned parcels (including Adams Street) for affordable housing.	Council working group to consider revenue options when analyzing housing options for Adams Street parcel. In November 2021, Council held a Special Meeting to discuss surplus City properties; direction was provided on moving forward with affordable housing on the City's Railroad Avenue parcel. Additional work needed on developing short and long-term initiatives.	30%			X		80
B	Planning Director (Lead) + Lise Wise Consulting	Complete Zoning Code update.	Schedule may be adjusted depending on scope of comments and revisions requested by the Zoning Code Subcommittee. All sections of the draft code have been submitted to staff for review with the exception of the Affordable Housing Chapter. LWC is concurrently working on an update to the Inclusionary Housing Ordinance which is under internal review and will need feedback from the City Council prior to inclusion in the Affordable Housing Chapter. About 5% of the code remains to go to the subcommittee for review. (PD Overlay and Affordable Housing Chapter).	50%				X	450
C	Planning Director (Lead) + Assistant Admin. Services Director	Update Housing Impact Fees for workforce housing and consider updates to inclusionary housing ordinance.	Recommendations for updates to IHO ordinance will be folded into the zoning code update.	35%		X			90
D	Planning Director (Lead) + Mintier Harnish	Advance work on General Plan Housing Element Update	To date there has been a joint meeting of the Planning Commission and City Council, three Focus Group meetings, and in one community workshop. The housing sites inventory process has begun and housing sites are being evaluated for potential inclusion in the Housing Element in order to accommodate our RHNA allocation.	20%				X	500

	WHO	WHAT	NOTES	PROJECT STATUS	FY 2021-22 TARGET COMPLETION				ESTIMATED STAFFING HOURS
				% Complete	Q1	Q2	Q3	Q4	
GOAL 3	**Enhance Organizational Performance, Communications, and Commit to Full Public Participation and Regional Collaboration**								
A	City Manager + Assistant to the City Manager	Consider recommendations to governing language presented by Parks & Recreation Commission and ATSC.	Both ATSC and the PRC have created subcommittees to evaluate governing language. Council will consider a first reading of a revised P&R Commission ordinance on 1/11/2022. ATSC will be reviewing their Ad Hoc Committee recommendations for a Resolution in February 2022.	45%			X		160
B	City Manager + Assistant to the City Manager	Identify and advance internal and community social justice, diversity and inclusion initiatives.	Action framework presented to City Council on 5/11/2021. Staff has complete draft ordinance research for creation of a DEI Committee and is planning distributing an internal employee DEI Survey in January 2022, and has made suggestions to the nonprofit grant applications (see goal 5F), pursuant to the City's DEI Strategy.	35%			X		160
C	City Manager	Provide quarterly updates on workplan status/completed tasks; enhance City website for community communication purposes.	Updates will be provided at the completion of each quarter.	50%		X			160
D	Police Chief + City Attorney	Review and consider updates to Police Policies to ensure alignment with core City values.	Currently under review by Chief of Police.	60%			X		350
E	HR/IT Director + City Manager	Prepare/present to the City Council an employee succession plan and/or strategy to help retain employees and minimize turnover costs.	Next steps include reviewing draft succession plan with City Manager.	75%			X		24
F	Planning Director (Lead) + Vice Mayor Dohring	Prepare/present citywide design guidelines to the Planning Commission for adoption.	The new draft zoning code includes some design illustrations and multi-family objective standards have been drafted as part of the new code.	60%			X		350
G	Chief of Police	Implement State and Federal DOJ mandated reporting system, radio encryption system, and software/training.	County of Napa awarded $1.4 million for equipment and software. St. Helena Police Dept. is equipped and waiting on County to equip and implement.	90%				X	TBD

	WHO	WHAT	NOTES	PROJECT STATUS	FY 2021-22 TARGET COMPLETION				ESTIMATED STAFFING HOURS
				% Complete	Q1	Q2	Q3	Q4	
GOAL 4	**Ensure Long-Term Economic Sustainability while Supporting St. Helena's Charm and Rural Character* (**Draft goal title**)**								
A	Admin. Services Director	Complete Impact Fee Study and Cost Allocation Plan (including inclusionary fees and housing fees) for City Council adoption.		90%				X	60
B	City Manager (Lead) + Admin Services Director + Mayor Ellsworth + Vice Mayor Dohring	Prepare financing and revenue options for City Council review and consideration to address City Infrastructure deficiencies.	Presented at 6/8/2021 City Council Meeting. Direction provided to pursue opinion research services. Council awarded contract to FM3 Research on 9/14/2021.	100%	X				60
C	Planning Director (Lead) + Parks & Recreation Commission + City Engineer	Advance progress on development of walking trails.	The St. Helena Open Space Trails ad hoc subcommittee presented their final report to the Parks & Recreation Commission on 7/26/2021. The PRC endorsed the report. The draft plan will need a CEQA consultant to prepare the appropriate documentation prior to City Council action and City staff are working to bring a consultant on board in January 2022.	50%			X		150
D	Business Liaison + City Manager + CM Chouteau + CM Hall	Prepare and implement COVID Business Recovery Plan & Continuity Strategy for Phase 1 Downtown Streetscape Project.	Business Recovery Strategy presented to City Council August 21, 2021. Continuity strategy for Streetscape Project to align with project.	80%				X	60
E	Planning Director (Lead) + CM Chouteau + CM Hall	Develop marketing collateral for prospective tenants and prioritize targeted business types.		5%			X		TBD
F	Parks & Recreation Director (Lead) + Parks & Recreation Commission	Prioritize General Plan "Parks & Recreation" Chapter action items with appropriate staff and Parks & Recreation Commission feedback into short (1-2 years) and long-term (3-5 year) actionable tasks; advance short-term tasks.	Ad Hoc Subcommittee continues to review implementing actions and discuss recommended updates with the Parks & Recreation Commission.	60%			X		30
G	Planning Director (Lead) + City Engineer	Develop Parklet's Policy for City Council review and consideration.	Time has been focused on other public space activation opportunities as directed by City Council in March 2021. Staff have begun conversations with a parklet designer who has done work in Calistoga to evaluate options for St. Helena. Additional work is needed on development of a draft policy.	15%			X		60
H	TBD	Initiate pedestrian activation of Money Way beginning with garbage/recycling consolidation.	Next steps include a site visit and agreement with the County to get reimbursed for items as part of the scope of the grant.	0%				X	120

	WHO	WHAT	NOTES	PROJECT STATUS	FY 2021-22 TARGET COMPLETION				ESTIMATED STAFFING HOURS
				% Complete	Q1	Q2	Q3	Q4	
GOAL 5	**Support Thriving Families and Enhance the Safety, Well-Being, and Healthy Development of our Youth**								
A	Assistant to the City Manager + Vice Mayor Dohring and Council Member Chouteau	Redwood Forest Expansion: In coordination with Paul Asmuth, determine opportunities to include youth during the planting of the redwood trees. Connect with Biology teacher Lisa Luhn to tie in an educational component.	Redwood Forest Planting Day was held 7/9/2021. Additional coordination will occur on the educational side in coming months and development of a longer term management agreement with the participating non-profit.	90%			X		120
B	Assistant to the Manager City + Vice Mayor Dohring and Council Member Chouteau	The Council will designate two to three Youth Representatives to speak once every two months at City Council meetings. These individuals would a) provide an update on youth related issues in the community and b) act as a liaison to youth when feedback is requested on City Council matters.	Staff and Council representatives Vice Mayor Dohring and Council Member Chouteau have developed a student representative selection process which has been reviewed by and agreed to by SHUSD Supt. Presentations to the St. Helena High School Sr and Jr class were made in December 2021 and interviews/prep for first CC meeting will be conducted mid January 2022 with students presenting in February 2022.	70%			X		60
C	Assistant to the City Manager + Vice Mayor Dohring and Council Member Chouteau	Distribute Youth Survey to High School and Middle School to receive direct feedback from the youth.	The survey has been created and distributed; ad hoc committee is reviewing results.	100%	X				20
D	Asst. Admin. Services Director	Prepare and submit $500,000 CDBG grant in partnership with Aldea Children & Family Services to support delivery of youth and family mental health services.	Completed.	100%	X				12
E	Assistant to the City Manager + Vice Mayor Dohring and Council Member Chouteau	Create a Diversity, Equity and Inclusion Committee with a seat for a youth member to identify recommendations to ensure a more socially diverse and inclusive community.	Staff is working on bringing a draft ordinance to City Council for discussion and feedback in February 2022.	10%			X		200
F	Assistant to the Manager City + Vice Mayor Dohring and Council Member Chouteau	Consider refining the Nonprofit Grant Criteria to specifically state that a grant will be awarded to a nonprofit that supports thriving families and enhances the safety, wellbeing and healthy development of youth and related issues.	Staff met with Mayor Ellsworth and Vice Mayor Dorhing in late December 2021 with proposed amendments to the grant application. Council will receive recommended changes to this program at their January 11, 2022 meeting.	90%			X		10

	WHO	WHAT	NOTES	PROJECT STATUS	FY 2021-22 TARGET COMPLETION				ESTIMATED STAFFING HOURS
				% Complete	Q1	Q2	Q3	Q4	
GOAL 6	**Support Initiatives That Respond To And Plan For Climate Change**								
A	Planning Director (Lead) + ATSC + Planning Commission	Prioritize General Plan "Climate Action" Chapter action items with appropriate staff and Planning Commission/ATSC Committee feedback into short (1-2 years) and long-term (3-5 year) actionable tasks.	ATSC has reviewed these items. Next step is to bring forward at a future City Council meeting in February 2022.	60%			X		60
B	Assistant to the City Manager + PW Operations Manager	Development of an Integrated Pest Management Policy.	This policy was adopted by the City Council at the October 28, 2021 meeting.	100%		X			60
C	City Engineer + Water Consultant	Advance the City's public trust commitments to water and climate change.	Council adopted interim protocols for Stonebridge Wells on 4/27/2021. Water Security Framework presented to City Council on 7/27/2021.	25%			X		TBD
D	Assistant to the City Manager + Planning and Building Director	Consider joining countywide Joint Powers Agreement (JPA) to support, coordinate, and advance regional climate action initiatives.	Approved 4/13/2021.	100%	X				60
E	NVTA/Planning Director/Public Works Director	Develop and adopt VMT thresholds in accordance with State law.		10%			X		70
F	Assistant to the City Manager + City Manager + PW Operations Manager	Consider alternatives to Gas Leaf Blowers		0%				X	TBD

	WHO	WHAT	NOTES	PROJECT STATUS	FY 2021-22 TARGET COMPLETION				ESTIMATED STAFFING HOURS
				% Complete	Q1	Q2	Q3	Q4	
OTHER									
A	Assistant to the City Manager (Lead) + City Manager	Coordinate tenant improvements and relocation of City Hall and Police operations to Napa Valley College Upper Valley Campus.	Architectural drawings for tenant improvements were submitted to the Division of State Architect on 9/13/2021. Staff anticipates DSA final sign off the last weekend of January 2022.	35%				X	400

Report to the City Council
Regular City Council - 11 Jan 2022

Agenda Section: **OLD BUSINESS**

Subject: **Consideration and Proposed Approval of a resolution:**
1. **Approving amendments to the Non-Profit Grant Program Guidelines and Program Application to Include City Council Goal 5F - Supporting Youth and Family and Goal 3B - Diversity, Equity, and Inclusion Initiative; and**
2. **Establishing Funding Guidelines and Annual Appropriations for Boys and Girls Club, Rianda House, and UpValley Family Centers.**

CEQA Determination: **Not a CEQA project**

Prepared By: Mandy Kellogg, Asst. Administrative Services Director

Reviewed By: April Mitts, Administrative Services Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

In October 2018, the City Council adopted Resolution 2018-150, adopting an amended Non-Profit Funding Policy and Related Program Application Guidelines (Attachment 1). The policy established a framework for how the City provides financial assistance to nonprofit agencies who provide direct programs, projects, or services to St. Helena residents, and who promote the City's mission and goals. The amended policy established two different categories that non-profit agencies could apply for funding:

- Programmatic Grant – Projects or programs which provide support services to the residents of the City of St. Helena. The minimum grant request is $1,000 and the maximum grant request is $30,000. The overall funding available in this category was anticipated to be $140,000.
- Community Enrichment Grant – Projects which promote or benefit the St. Helena community with arts, culture or education. The minimum grant request is $1,000

and the maximum grant request is $10,000. The overall funding available in this category was anticipated to be $50,000.

During the FY 2021/22 Non-Profit Grant Program funding review process it was recommended City staff reevaluate the program criteria for the following funding year (FY 2022/23) to include City Council Goal 5 to Support Thriving Families and Enhance the Safety, Well-being, and Healthy Development of our Youth. In addition, it was recommended that amendments to the Non-Profit Grant Program incorporate City Council Goal 3B, which is to Identify and Advance Internal and Community Social Justice, Diversity, and Inclusion Initiatives.

City Council further expressed a desire to amend the funding criteria for Boys and Girls Club, Rianda House, and UpValley Family Centers. It was recommended to allocate funding to these organizations outside of the Non-Profit Grant Program due to fundamental services they provide to the community.

DISCUSSION

Based on direction received during the FY 2021/22 Non-Profit Grant Program funding review process, City Staff reviewed the existing grant guidelines and application to identify opportunities to incorporate City Council Goal 5 to Support Thriving Families and Enhance the Safety, Well-being, and Healthy Development of our Youth and City Council Goal 3B to Identify and Advance Internal and Community Social Justice, Diversity, and Inclusion Initiatives.

Proposed amendments are recommended to the Non-Profit guideline's funding philosophy to create an emphasis on the City's Diversity, Equity and Inclusion (DEI) Strategy and encourage proposals that identify and foster inclusion, belonging, and social justice. This aligns with City Council adopted Resolution 2020-105 affirming the City's commitment to advancing justice, equity, diversity, and inclusion in the City.

To further emphasize the DEI initiative in the grant program, the grant application was updated to include a question about how the proposal and organization incorporates the principles of DEI. Proposals that do not include this component will not be eliminated, but it encourages each organization to evaluate disparities that may exist within the organization and community and how they can work to address those disparities.

Additional amendments are recommended to the application criteria to include a focus on projects or programs that support youth/family initiatives and services, which aligns with City Council Goal 5F to refine the non-profit grant criteria to include an emphasis in this area. In addition, the community enrichment and programmatic categories were removed to align with the amended program title of Non-Profit Community Enrichment Grant Program and streamline the application review process.

Based on the direction to consider allocating direct funding to Boys and Girls Club, Rianda House, and UpValley Family Centers outside of the Non-Profit Grant Program, the overall

funding available for the Non-Profit Community Enrichment Grant Program was reduced to $120,000, with a maximum grant request of $20,000. The recommended funding modifications were made to keep the overall contributions at current levels of $210,000, with $120,000 allocated to the grant program and $90,000 allocated to Boys and Girls Club, Rianda House, and UpValley Family Centers for the upcoming funding year ($30,000 each).

If approved, staff recommends, and will work, with the Boys and Girls Club, Rianda House, and UpValley Centers to develop a multi-year agreement with each entity which would establish criteria and annual reporting requirements.

FISCAL IMPACT

There is no fiscal impact associated with this report. FY 2022/23 funding recommendations will be presented at a future meeting and approved through the annual budget process.

RECOMMENDED ACTION

Staff recommends the approval of the attached Resolution.

ATTACHMENTS

Attachment 1 - P-FI-0003 r.1 Nonprofit Funding Policy
Attachment 2 - Proposed Nonprofit Grant Guidelines
Attachment 3 - Proposed Nonprofit Funding Application
Attachment 4 - Non-Profit Resolution

Attachment 1

	City of St. Helena Administrative Policy Finance	Policy **Non-Profit Funding Policy**
		Page 1 of 3

Title: **Non-Profit Funding Policy**		Policy #	P-FI-0003
		Revision #	1
		Implementation Date	2015-10-13
		Last Update Date	2018-10-23
Approval by City Council	Resolution 2018-150	Date Approved	2018-10-23

I. Purpose, Overview and Scope of this Policy

The purpose of this policy is to set forth parameters and establish guidelines for annual grant funding of non-profit agencies based on availability of funds and award by the City Council.

II. Authority

Updates to this policy require City Council approval.

III. Policy

The City of St. Helena is committed to providing financial assistance to local non-profit organizations directly serving the community and/or benefiting the City of St. Helena. Programs and services must be consistent with the City's mission statement or support at least one of the City Council's three-year goals.

A. Eligibility Requirements

1. All applicants must possess a current IRS Not-for-Profit determination letter (IRS Form 501(c)(3)). Applicants must provide this determination letter as proof that they are a non-profit organization.
2. A non-profit organization must have been in operation for a minimum of one year by December 31st of the year preceding the application deadline.

B. Accountability

Non-profit organizations shall adhere to accountability standards set by the City of St. Helena and as required by law. Compliance with these standards is a criterion for funding. These standards include but are not limited to compliance with:

1. All financial requirements including submission of proof of expenditures as specified by the grant agreement.
2. Program performance measurement requirements including submission of a final report by the end of the fiscal year.
3. All other terms of the policy and grant agreement including meeting all deadlines.

C. Funding Eligibility

1. Only one application per category per organization will be considered each year.
2. Grants are for programmatic expenses that are items recognized under Generally Accepted Accounting Principles (GAAP) as operating costs.

D. Application Procedure

1. Timeline
    a. A public notice will be posted and available on the City of St. Helena's website with the current Program Guidelines and Grant Application at the beginning of each calendar year.
    b. Completed applications must be returned to the City no later than the date indicated in each year's public notice. Applications received after the published deadline will be deemed ineligible for that year.
2. Application Requirements
   A completed Grant Application is required, by the advertised deadline date along with all required documentation as identified in the current year's Program Guidelines and Grant Application.
3. Grant Awards
   The posting of Program Guidelines and Grant Application for non-profit funding does not guarantee allocation of funds for this program nor award to any applicant. The City Council may determine to fund none, one, or multiple projects/services/programs within the minimum and maximum grant amount as identified by this policy. The City Council is not required to expend any particular allocation in a given year.
4. Funding Award
    a. City staff will review applications for completeness and eligibility and forward all complete and eligible applications to the City Council working group.
    b. The City Manager will schedule the date grant applications will be brought to the City Council for review. Staff will prepare a brief staff report and attach all complete and eligible applications and notify applicants of date applications will be presented to City Council. Applicants are strongly encouraged to attend the City Council meeting to respond to City Council questions regarding applications.
    c. The City Council will approve final funding for non-profits prior to the adoption of the Annual Operating Budget.
    d. Applicants will be notified of the final funding amount no later than June 30th.
    e. Insurance will only be required for projects located or occurring on City owned property. Insurance coverage amounts will be reviewed

and approved by the City's Administrative Services Manager prior to contract execution.

f. Any non-profit organization awarded program funds must accept the funds by completing an agreement provided by the City which must be signed by the non-profit organization Director and the City Manager. The agreement and other contract requirements shall be signed by the organization and received by the Finance Department no later than August 31st of the fiscal year funds are awarded. Failure to comply with this date will result in funding awards being withdrawn.

5. Compliance
   The consideration, award, and funding of any non-profit organization pursuant to the Non-profit Program, shall be carried out in a manner consistent with the Conflict of Interest Code and Non-Discrimination Policy for Appointed and Elected Officials of the City of St. Helena, adopted by the City Council on April 14, 2015.
6. Grant Reporting and Invoicing
   Each funded organization will be required to submit a final grant report by the end of the fiscal year. This report should describe the funded program/project/service outcomes and shall include a financial report detailing expenditures that is signed by the organization's Director. Non-profit organizations shall include an invoice with the final report in the amount of the grant award. Grant funds are provided on a reimbursement basis only. Failure to comply with these reporting requirements may jeopardize funding.

E. Updates to Program Application and Guidelines

The City Manager is authorized to make updates to the Program Application and Guidelines as long as they adhere to this Non-Profit Funding Policy.

City of St. Helena Non-Profit Funding Grant Program Guidelines FY 2021/22

The City of St. Helena invites all interested non-profit organizations to submit an application for funding. The annual "Non-Profit Funding Program" is designed to support local non-profit organizations directly serving the community and/or benefiting the City of St. Helena. Applicant programs and services must be consistent with the City's mission statement or support at least one of the City Council's three-year goals (see attached).

Funding Philosophy

Due to limited resources, not all requests may be funded. The City encourages a goal of self-sufficiency for all initiatives funded by this program. Accordingly, all organizations requesting funds from the City should continue efforts to develop stable private funding sources. Submission of a complete application does not guarantee funding nor does receiving an award in the prior funding year.

Applicant Criteria

Applicants may apply for project funding in one of the following categories:

- **Programmatic Grant** – Projects or programs which provide support services to the residents of the City of St. Helena. The minimum grant request is $1,000 and the maximum grant request is expected to be $30,000. The overall funding available in this category is $140,000 per fiscal year.
- **Community Enrichment Grant** – Projects which promote or benefit the St. Helena community with arts, culture or education. The minimum grant request is $1,000 and the maximum grant request is $10,000. The overall funding available in this category is expected to be $50,000 per fiscal year.

Actual grant funding is based upon funds appropriated by the City Council in the annual budget and are dependent on the City's annual budget prioritization process.

Eligibility

Eligibility has been established by the City of St. Helena Non-Profit Funding Policy (Resolution 2018-150). All applicants must possess a current IRS Not-for-Profit determination letter (IRS Form 501(c)(3)) and provide as proof that they are a non-profit organization.

- Only one application per agency per category will be considered each year.
- Grants are for programmatic expenses only (items recognized under Generally Accepted Accounting Principles (GAAP) as operating costs).
- The City will not fund the purchase, maintenance, or repair of capital assets.
- All applications must be submitted by the published deadline, be complete and contain all requested information and documents in order to be considered for funding.
- Non-profit organizations must be in existence for at least one year by December 31st of the year preceding the application deadline (or December 31, 2019 for this cycle).

Previous years' allocations are not a consideration for funding.

Timeline, Submission and Grant Cycle

Applications will be available to the public on January 15, 2021 and must be received no later than **March 15, 2021 by 5:00 PM.** Late and incomplete applications will not be accepted. It is anticipated that City Council will make the final funding recommendations in April of 2021 for the 2021/22 fiscal year.

Please submit grant applications to:

By E-mail:

Mkellogg@cityofsthelena.org

The grant period for non-profits approved for funding for Fiscal Year 2021/22 will be from July 1, 2021 to June 30, 2022.

Limitation on Awards

The granting of City funding is solely a monetary contribution and not a co-sponsorship by the City of any event, program, service or activity for which funding is used unless specifically agreed to in writing by the City. Award of funding shall not eliminate the need for applicants to comply with applicable regulations or permit requirements for the program, event, service or activity being funded. Grant award does not authorize use of any City property.

Any expenses incurred before grant award are not eligible for reimbursement. Each successful project/program/service will be required to submit a final grant report including expenses, accomplishments, photos, etc. Appropriate documentation will be required and may include receipts, volunteer sign-in sheets, invoices or other documents.

Grant Recipient Requirements

Organizations receiving grant funding are required to:

- Submit a revised goals and activities description if not funded at the level requested;
- Submit a revised budget if not funded at the level requested;
- Enter into a grant agreement with the City of St. Helena;
- Obtain appropriate level of insurance as determined by the City of St. Helena and add the City of St. Helena as additionally insured, if required;
- Complete a final report describing program outcomes and financial statements detailing expenditures no later 30 days after the end of the funding period.

Questions?

All questions should be submitted via email to: Mandy Kellogg at MKellogg@cityofsthelena.org

ATTACHMENT 2

City of St. Helena Non-Profit Community Enrichment Grant Program Guidelines FY 2022/23

The City of St. Helena invites all interested non-profit organizations to submit an application for funding. The annual "Non-Profit Community Enrichment Program" is designed to support local non-profit organizations directly impacting the community and/or benefiting the City of St. Helena. Applicant programs and services must be consistent with the City's mission statement or support at least one of the City Council's three-year goals (see attached).

Funding Philosophy

The City encourages innovation and a goal of self-sufficiency for all initiatives funded by this program within 24 months. Accordingly, all organizations requesting funds from the City should continue efforts to develop stable private funding sources. Submission of a complete application does not guarantee funding nor does receiving an award in the prior funding year.

Consistent with the City's Diversity, Equity and Inclusion (DEI) Strategy, submissions that identify and foster inclusion, belonging and social justice are encouraged. The City Council adopted Resolution 2020-105: Affirming that Discrimination and Systemic Racism Constitute A Public Health Crisis Causing Disparities in Mental Wellbeing, Language Access, Housing, Economic Development, Health, and Criminal Justice Experience, and Reaffirming Its Commitment to Advancing Justice, Equity, Diversity, and Inclusion in the City. To read the City's DEI Strategy, please click here.

Applicant Criteria

Applicants may apply for project or program funding that support the funding philosophy criteria below:

Projects or programs which promote or benefit the St. Helena community with arts, culture, education, or supporting youth/family initiatives and services. The minimum grant request is $1,000 and the maximum grant request is $20,000. The overall funding available is expected to be $120,000 per fiscal year.

Actual grant funding is based upon funds appropriated by the City Council in the annual budget and are dependent on the City's annual budget prioritization process.

Eligibility

Eligibility has been established by the City of St. Helena Non-Profit Funding Policy (Resolution 2018-150). All applicants must possess a current IRS Not-for-Profit determination letter (IRS Form 501(c)(3)) and provide as proof that they are a non-profit organization.

- Only one application per agency per category will be considered each year.
- Grants are for programmatic expenses only (items recognized under Generally Accepted Accounting Principles (GAAP) as operating costs).

- The City will not fund the purchase, maintenance, or repair of capital assets.
- All applications must be submitted by the published deadline, be complete and contain all requested information and documents in order to be considered for funding.
- Non-profit organizations must be in existence for at least one year by December 31st of the year preceding the application deadline (or December 31, 2020 for this cycle).

Previous years' allocations are not a consideration for funding.

Timeline, Submission and Grant Cycle

Applications will be available to the public on January 14, 2022 and must be received no later than **February 18, 2022 by 5:00 PM.** Late and incomplete applications will not be accepted. It is anticipated that City Council will make the final funding recommendations in April of 2022 for the 2022/23 fiscal year.

Please submit grant applications to:
By E-mail: Mkellogg@cityofsthelena.org

The grant period for non-profits approved for funding for Fiscal Year 2022/23 will be from July 1, 2022 to June 30, 2023.

Limitation on Awards

The granting of City funding is solely a monetary contribution and not a co-sponsorship by the City of any event, program, service or activity for which funding is used unless specifically agreed to in writing by the City. Award of funding shall not eliminate the need for applicants to comply with applicable regulations or permit requirements for the program, event, service or activity being funded. Grant award does not authorize use of any City property.

Any expenses incurred before grant award are not eligible for reimbursement. Each successful project/program/service will be required to submit a final grant report including expenses, accomplishments, photos, etc. Appropriate documentation will be required and may include receipts, volunteer sign-in sheets, invoices or other documents.

Grant Recipient Requirements

Organizations receiving grant funding are required to:

- Submit a revised goals and activities description if not funded at the level requested;
- Submit a revised budget if not funded at the level requested;
- Enter into a grant agreement with the City of St. Helena;
- Obtain appropriate level of insurance as determined by the City of St. Helena and add the City of St. Helena as additionally insured, if required;
- Complete a final report describing program outcomes and financial statements detailing expenditures no later 30 days after the end of the funding period.

Questions?

All questions should be submitted via email to: Mandy Kellogg at MKellogg@cityofsthelena.org

City of St. Helena Non-Profit ~~Funding~~ Community Enrichment Grant Program Guidelines FY 202~~1~~2/2~~2~~3

The City of St. Helena invites all interested non-profit organizations to submit an application for funding. The annual "Non-Profit ~~Funding~~ Community Enrichment Program" is designed to support local non-profit organizations directly ~~serving~~ impacting the community and/or benefiting the City of St. Helena. Applicant programs and services must be consistent with the City's mission statement or support at least one of the City Council's three-year goals (see attached).

Funding Philosophy

~~Due to limited resources, not all requests may be funded.~~ The City encourages innovation and a goal of self-sufficiency for all initiatives funded by this program within 24 months. Accordingly, all organizations requesting funds from the City should continue efforts to develop stable private funding sources. Submission of a complete application does not guarantee funding nor does receiving an award in the prior funding year.

Consistent with the City's Diversity, Equity and Inclusion (DEI) Strategy, submissions that identify and foster inclusion, belonging and social justice are encouraged. The City Council adopted Resolution 2020-105: Affirming that Discrimination and Systemic Racism Constitute A Public Health Crisis Causing Disparities in Mental Wellbeing, Language Access, Housing, Economic Development, Health, and Criminal Justice Experience, and Reaffirming Its Commitment to Advancing Justice, Equity, Diversity, and Inclusion in the City. To read the City's DEI Strategy, please click here.

Applicant Criteria

Applicants may apply for project or program funding ~~in one of the following categories~~ that support the funding philosophy criteria below:

~~**Programmatic Grant –**~~ Projects or programs which promote or benefit the St. Helena community with arts, culture, education, or supporting youth/family ~~supporting~~ initiatives and services. ~~provide support services to the residents of the City of St. Helena.~~ The minimum grant request is $1,000 and the maximum grant request is ~~expected to be~~ $~~3~~20,000. ~~The overall funding available in this category is $140,000 per fiscal year.~~

~~**Community Enrichment Grant –** Projects which promote or benefit the St. Helena community with arts, culture or education. The minimum grant request is $1,000 and the maximum grant request is $10,000.~~ The overall funding available ~~in this category~~ is expected to be $125~~0~~,000 per fiscal year.

Actual grant funding is based upon funds appropriated by the City Council in the annual budget and are dependent on the City's annual budget prioritization process.

Eligibility

Eligibility has been established by the City of St. Helena Non-Profit Funding Policy (Resolution 2018-150). All applicants must possess a current IRS Not-for-Profit determination letter (IRS Form 501(c)(3)) and provide as proof that they are a non-profit organization.

- Only one application per agency per category will be considered each year.
- Grants are for programmatic expenses only (items recognized under Generally Accepted Accounting Principles (GAAP) as operating costs).
- The City will not fund the purchase, maintenance, or repair of capital assets.
- All applications must be submitted by the published deadline, be complete and contain all requested information and documents in order to be considered for funding.
- Non-profit organizations must be in existence for at least one year by December 31st of the year preceding the application deadline (or December 31, 20~~19~~20 for this cycle).

Previous years' allocations are not a consideration for funding.

Timeline, Submission and Grant Cycle

Applications will be available to the public on January ~~15~~14, 20~~21~~22 and must be received no later than ~~**March 15**~~**February 18, 20~~~~21~~~~ by 5:00 PM.** Late and incomplete applications will not be accepted. It is anticipated that City Council will make the final funding recommendations in April of 20~~21~~22 for the ~~2021/22~~ 2022/23 fiscal year.

Please submit grant applications to:

By E-mail:

Mkellogg@cityofsthelena.org

The grant period for non-profits approved for funding for Fiscal Year ~~2021/22~~ 2022/23~~1~~ will be from July 1, ~~2021~~2022 to June 30, ~~2022~~2023.

Limitation on Awards

The granting of City funding is solely a monetary contribution and not a co-sponsorship by the City of any event, program, service or activity for which funding is used unless specifically agreed to in writing by the City. Award of funding shall not eliminate the need for applicants to comply with applicable regulations or permit requirements for the program, event, service or activity being funded. Grant award does not authorize use of any City property.

Any expenses incurred before grant award are not eligible for reimbursement. Each successful project/program/service will be required to submit a final grant report including expenses, accomplishments, photos, etc. Appropriate documentation will be required and may include receipts, volunteer sign-in sheets, invoices or other documents.

Grant Recipient Requirements

Organizations receiving grant funding are required to:

- Submit a revised goals and activities description if not funded at the level requested;
- Submit a revised budget if not funded at the level requested;
- Enter into a grant agreement with the City of St. Helena;
- Obtain appropriate level of insurance as determined by the City of St. Helena and add the City of St. Helena as additionally insured, if required;
- Complete a final report describing program outcomes and financial statements detailing expenditures no later 30 days after the end of the funding period.

Questions?

All questions should be submitted via email to: Mandy Kellogg at MKellogg@cityofsthelena.org

ATTACHMENT 3

City of St. Helena Nonprofit Community Enrichment Program
Grant Application and Budget FY 2022/23

The annual "Non-Profit Community Enrichment Program" is designed to support local non-profit organizations directly impacting the community and/or benefiting the City of St. Helena. Applicant programs, projects and services ("Project") must be consistent with the City's mission statement or support at least one of the City Council's three-year goals (see attached).

Please answer the following questions as they apply to your Project.

Applications must be received no later than **February 18, 2022 by 5:00 PM**. Late and incomplete applications will not be accepted.

Organizational Overview

Organization Name: _____

Organization Mailing Address: _____

Organization Contact Person (Name/Title): _____

Organization Contact Email: _____

Organization Contact Telephone: _____

Organization Website: _____

Federal Tax ID Number and Status: _____

How long has your organization been in operation? _____

Grant Request

Project Name: _____

Address of Project: _____

Requested Grant Amount: $ _____

Matching Funds: $ _____

TOTAL Project Cost: $ _____

Application Questions - *Please answer the following questions on a separate sheet. Please limit your response to 2 pages.*

1. Describe how your Project ties to the City's Goals, Mission/Vision Statement, and or funding philosophy.

2. Describe your Project including objectives and goals and explain how you will meet these goals within the deadline of June 30, 2022. Please provide a timeline for your Project.

3. Describe the community support for your Project.
    a. What organizations, neighborhood associations, non-profits, residents, etc. are also involved in the Project?
    b. What roles are they playing and how collaborative is the Project?
    c. What other support exists for your Project?

4. Describe who will benefit from this Project and estimate how many people your proposal may impact.

5. If you have received funding from other Napa County government agencies in the past two years, provide level of funding and explain how City of St. Helena funding will specifically benefit St. Helena residents.

6. Please describe how your application and your organization incorporates the principles of diversity, equity and inclusion. If your organization doesn't have a specific equity focus – it doesn't make you ineligible or less competitive.*

*A lack of focus or experience with equity will not preclude you from receiving a grant, but we do ask you to think honestly and engage meaningfully about disparities that exist in your organization and in the community and how your work addresses those disparities.

We recognize that not all organizations have had the same opportunities to learn about practicing and promoting equity and we know that diversity and inclusion will look different in different for each organization. We recognize that there isn't a one-size-fits-all approach to integrating diversity, inclusion, and equity into an organization's work. There are common challenges and opportunities but diversity, inclusion, and equity will mean different things to different organizations.

We are committed to sharing our learning and supporting the learning of others, including providing opportunities for engagement within the community regarding social justice.

Cost Estimate

Include a high-level description of all the program or project costs that will be paid for by City Funds.

Description	Amount
Total Grant Request	

Authorized Representative

I represent that this Application Packet describes the intended use of the requested City Grant funds to complete the Project or Program identified above and the elements listed in the Project Budget. I declare under penalty of perjury, under the laws of the State of California, that the information contained in this Application Packet, including required attachments, is accurate.

Print Name_____ Signature_____

Title_____ Date _____

City of St. Helena Non-Profit ~~Funding~~ Community Enrichment Grant Program Guidelines FY 2021~~1~~/23~~2~~

The City of St. Helena invites all interested non-profit organizations to submit an application for funding. The annual "Non-Profit ~~Funding~~ Community Enrichment Program" is designed to support local non-profit organizations directly ~~serving~~ impacting the community and/or benefiting the City of St. Helena. Applicant programs and services must be consistent with the City's mission statement or support at least one of the City Council's three-year goals (see attached).

Funding Philosophy

~~Due to limited resources, not all requests may be funded.~~ The City encourages innovation and a goal of self-sufficiency for all initiatives funded by this program within 24 months. Accordingly, all organizations requesting funds from the City should continue efforts to develop stable private funding sources. Submission of a complete application does not guarantee funding nor does receiving an award in the prior funding year.

Consistent with the City's Diversity, Equity and Inclusion (DEI) Strategy, submissions that identify and foster inclusion, belonging and social justice are encouraged. The City Council adopted Resolution 2020-105: Affirming that Discrimination and Systemic Racism Constitute A Public Health Crisis Causing Disparities in Mental Wellbeing, Language Access, Housing, Economic Development, Health, and Criminal Justice Experience, and Reaffirming Its Commitment to Advancing Justice, Equity, Diversity, and Inclusion in the City. To read the City's DEI Strategy, please click here.

Applicant Criteria

Applicants may apply for project or program funding ~~in one of the following categories~~ that support the funding philosophy criteria below:

~~**Programmatic Grant –**~~ Projects or programs which promote or benefit the St. Helena community with arts, culture, education, or supporting youth/family ~~supporting~~ initiatives and services. ~~provide support services to the residents of the City of St. Helena.~~ The minimum grant request is $1,000 and the maximum grant request is ~~expected to be~~ $~~3~~20,000. ~~The overall funding available in this category is $140,000 per fiscal year.~~

~~**Community Enrichment Grant –** Projects which promote or benefit the St. Helena community with arts, culture or education. The minimum grant request is $1,000 and the maximum grant request is $10,000.~~ The overall funding available ~~in this category~~ is expected to be $125~~0~~,000 per fiscal year.

Actual grant funding is based upon funds appropriated by the City Council in the annual budget and are dependent on the City's annual budget prioritization process.

Eligibility

Eligibility has been established by the City of St. Helena Non-Profit Funding Policy (Resolution 2018-150). All applicants must possess a current IRS Not-for-Profit determination letter (IRS Form 501(c)(3)) and provide as proof that they are a non-profit organization.

- Only one application per agency per category will be considered each year.
- Grants are for programmatic expenses only (items recognized under Generally Accepted Accounting Principles (GAAP) as operating costs).
- The City will not fund the purchase, maintenance, or repair of capital assets.
- All applications must be submitted by the published deadline, be complete and contain all requested information and documents in order to be considered for funding.
- Non-profit organizations must be in existence for at least one year by December 31st of the year preceding the application deadline (or December 31, 20~~19~~20 for this cycle).

Previous years' allocations are not a consideration for funding.

Timeline, Submission and Grant Cycle

Applications will be available to the public on January ~~15~~14, 20~~21~~22 and must be received no later than ~~**March 15**~~**February 18, 20~~~~21~~~~ by 5:00 PM.** Late and incomplete applications will not be accepted. It is anticipated that City Council will make the final funding recommendations in April of 20~~21~~22 for the ~~2021/22~~ 2022/23 fiscal year.

Please submit grant applications to:

By E-mail:

Mkellogg@cityofsthelena.org

The grant period for non-profits approved for funding for Fiscal Year ~~2021/22~~ 2022/23~~1~~ will be from July 1, ~~2021~~2022 to June 30, ~~2022~~2023.

Limitation on Awards

The granting of City funding is solely a monetary contribution and not a co-sponsorship by the City of any event, program, service or activity for which funding is used unless specifically agreed to in writing by the City. Award of funding shall not eliminate the need for applicants to comply with applicable regulations or permit requirements for the program, event, service or activity being funded. Grant award does not authorize use of any City property.

Any expenses incurred before grant award are not eligible for reimbursement. Each successful project/program/service will be required to submit a final grant report including expenses, accomplishments, photos, etc. Appropriate documentation will be required and may include receipts, volunteer sign-in sheets, invoices or other documents.

Grant Recipient Requirements

Organizations receiving grant funding are required to:

- Submit a revised goals and activities description if not funded at the level requested;
- Submit a revised budget if not funded at the level requested;
- Enter into a grant agreement with the City of St. Helena;
- Obtain appropriate level of insurance as determined by the City of St. Helena and add the City of St. Helena as additionally insured, if required;
- Complete a final report describing program outcomes and financial statements detailing expenditures no later 30 days after the end of the funding period.

Questions?

All questions should be submitted via email to: Mandy Kellogg at MKellogg@cityofsthelena.org

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA (1) APPROVING AMENDMENTS TO THE NON-PROFIT GRANT PROGRAM GUIDELINES AND PROGRAM APPLICATION TO INCLUDE CITY COUNCIL GOAL 5F – SUPPORTING YOUTH AND FAMILY AND GOAL 3B – DIVERSITY, EQUITY, AND INCLUDSION INITIATIVE AND (2) ESTABLISHING FUNDING GUIDELINE AND ANNUAL APPROPRIATIONS FOR THE BOYS AND GIRLS CLUB, RIANDA HOUSE, AND UP VALLEY CENTERS.

RECITALS

A. In October 2018, the City Council adopted Resolution 2018-150, adopting an amended Non-Profit Funding Policy and Related Program Application Guidelines; and

B. The policy established a framework for how the City provides financial assistance to nonprofit agencies who provide direct programs, projects, or services to St. Helena residents, and who promote the City's mission and goals; and

C. The amended policy established two different categories that non-profit agencies could apply for funding – Programmatic Grant and Community Enrichment Grant; and

D. During the FY 2021/22 Non-Profit Grant Program funding review process it was recommended City staff reevaluate the program criteria for the following funding year (FY 2022/23) to include City Council Goal 5 to Support Thriving Families and Enhance the Safety, Well-being, and Healthy Development of our Youth; and

E. It was also recommended that amendments to the Non-Profit Grant Program incorporate City Council Goal 3B, which is to Identify and Advance Internal and Community Social Justice, Diversity, and Inclusion Initiatives; and

F. City Council further expressed a desire to amend the funding criteria for Boys and Girls Club, Rianda House, and UpValley Family Centers and to allocate funding to these organizations outside of the Non-Profit Grant Program due to fundamental services they provide to the community; and

G. Based on direction received during the FY 2021/22 Non-Profit Grant Program funding review process, City Staff reviewed the existing grant guidelines and application to identify opportunities to incorporate City Council Goal 5 to Support Thriving Families and Enhance the Safety, Well-being, and Healthy Development of

our Youth and City Council Goal 3B to Identify and Advance Internal and Community Social Justice, Diversity, and Inclusion Initiatives; and

H. Amendments have been made to the Non-Profit guideline's funding philosophy to create an emphasis on the City's Diversity, Equity and Inclusion (DEI) Strategy and encourage proposals that identify and foster inclusion, belonging, and social justice, affirming the City's commitment to advancing justice, equity, diversity, and inclusion in the City; and

I. To further emphasize the DEI initiative in the grant program, the grant application was updated to include a question about how the proposal and organization incorporates the principles of DEI. Proposals that do not include this component will not be eliminated, but it encourages each organization to evaluate disparities that may exist within the organization and community and how they can work to address those disparities; and

J. Additional amendments to the application criteria to include a focus on projects or programs that support youth/family initiatives and services, which aligns with City Council Goal 5F to refine the non-profit grant criteria to include an emphasis in this area; and

K. Amendments also include the removal of the community enrichment and programmatic categories to align with the amended program title of Non-Profit Community Enrichment Grant Program and streamline the application review process; and

L. Based on the direction to consider allocating direct funding to Boys and Girls Club, Rianda House, and UpValley Family Centers outside of the Non-Profit Grant Program, the overall funding available for the Non-Profit Community Enrichment Grant Program was reduced to $120,000, with a maximum grant request of $20,000. The funding modifications were made to keep the overall contributions at current levels of $210,000, with $120,000 allocated to the grant program and $90,000 allocated to Boys and Girls Club, Rianda House, and UpValley Family Centers for the upcoming funding year ($30,000 each); and

M. Staff will work with the Boys and Girls Club, Rianda House, and UpValley Centers to develop a multi-year agreement with each entity which would establish criteria and annual reporting requirements.

RESOLUTION

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

1. The City Council hereby approves the amendments to the Non-Profit Grant Guidelines.

2. The City Council hereby approves direct funding during FY 2022/23 in the amount of $30,000 each to the Boys and Girls Club, Rianda House, and UpValley Centers outside of the Non-Profit Grant Program for a total allocation of $90,000.

3. The City Council hereby authorizes City staff to work with the Boys and Girls Club, Rianda House, and UpValley Centers to develop a multi-year agreement with each entity which will include establish criteria and annual reporting requirements. All agreements will go into effect July 1, 2022 and will be brought back to City Council for consideration and approval.

Approved at a Regular Meeting of the St. Helena City Council held on Tuesday, January 11, 2022 by the following vote:

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

APPROVED:

_____
Geoff Ellsworth, Mayor

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

Report to the City Council
Regular City Council - 11 Jan 2022

Agenda Section: **OLD BUSINESS**

Subject: **Update on Napa Valley Vine Trail Alignment Study through St. Helena**

CEQA Determination: **Exempt**

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

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

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The Napa Valley Vine Trail is envisioned as a 47-mile Class 1 mixed-use path for pedestrians and cyclists that will run the length of the Napa Valley (Calistoga to American Canyon) and connect to the Vallejo ferry terminal in Vallejo, providing a crucial link to the City of San Francisco and larger Bay Area. The proposed project is to construct a bike and pedestrian trail adjacent to the State Route (SR) 29 corridor which will encourage bicyclists and pedestrians to take alternative modes of transportation.

The project will enhance the accessibility and connectivity of the community in surrounding neighborhoods and will eventually complete all segments of the 47-mile Vine Trail planned for the region. Up Valley areas currently lack significant alternative transportation and recreational infrastructure and these improvements will promote using transit, biking and walking. The project has broad based community support from a coalition representing over 20 private and public sector organizations, all involved in its planning, design and funding.

On December 11, 2018, the City entered into a Professional Services Agreement with BKF for work associated with the St. Helena Downtown Improvement project. There have been three amendments to the PSA with BKF, with Amendments No. 2 and No. 3 including work specific to the Napa Valley Vine Trail (NVVT) segment through the City of St. Helena. The amendments pertaining to the NVVT are as follows:

Amendment #2:
Based on Council feedback from the May 28, 2019 City Council meeting, on June 25, 2019, the City Council approved Amendment No. 2 with BKF. This amendment included $32,500 specifically designated for the NVVT School to School Feasibility Study which was to look at a connection on Oak Avenue for the portion of the NVVT through the City of St. Helena as well as to provide additional street alternatives to the east of Oak Avenue.

Amendment #3:
On December 14, 2021, the City Council approved Amendment No. 3 with BKF. The original Vine Trail scope of work was to develop the plan and alternatives without presentations to committees or the Council. This additional task included funding for approximately 28 hours of presentations to committees and the City Council.

Connection to the City Council Workplan:
The Napa Valley Vine Trail is item 1C in the City Council's adopted workplan *"Complete analysis of St. Helena Vine Trail route options and facilitate Council decision making on preferred route"* under the Citywide Goal 1: "Improve and maintain safe and reliable City infrastructure with a commitment to environmental stewardship, public health and public safety."

DISCUSSION
It is anticipated that the Vine Trail will apply for the Active Transportation Program (ATP) Grant to fund the trail through the City of St. Helena. The probability of grant award is greater if a corridor through St. Helena is identified on the application. The Vine Trail has notified the City they intend to submit their grant application in April 2022 (the grant is due June 15, 2022).

Per the Council's direction on June 25, 2019, BKF, the City's design consultant, in partnership with the Vine Trail, completed a feasibility study of two alternative north/south routes east of a conceptual Oak Avenue corridor. The jointly funded analysis results in three corridors with some possible minor alternatives.

The three alternatives studied were:

1. Oak Avenue via Mitchell Drive
2. Oak Avenue via Spring Street
3. Along Main Street to Pope and to Church Street

If additional concepts are desired beyond the three studied to-date, there will be an additional fiscal impact of approximately $10,000 which include a site visit, identifying site constraints, design mock up, and applicable presentations.

Outreach:

The City has not yet advanced formal stakeholder/community outreach on the three route alternatives. Conceptual stakeholder/community outreach is envisioned to include at minimum:

- 2 "Zoom" Community Workshops
- 2 Drop-in Format Open Houses at the Carnegie Library
- 2 Business focused Zoom Meetings

Formal outreach can be accomplished within an approximately four week period. It is recommended that feedback from formal stakeholder/community outreach be presented to the City's Active Transportation and Sustainability (ATSC) Committee for a formal recommendation (the ATSC did provide preliminary feedback to Vine Trail and BKF representatives on the three corridors at a Special Meeting held on November 17, 2021). The minutes (including feedback) and the presentation from Vine Trail are attached to the staff report. An informational presentation was also received by the City's Parks and Recreation Commission on August 16, 2021.

The Vine Trail Coalition has held informational meetings with the Chamber of Commerce and report they have met with businesses on Oak Avenue. Additionally, the Vine Trail provided an informational presentation to the St. Helena Unified School District on December 16, 2021, and provided a similar update at a Chamber of Commerce sponsored Zoom meeting on January 6, 2021.

City staff was informed this week by the Vine Trail that they have recently commissioned a parking study west of Highway 29, a parking lot study at Safeway, and a survey of St. Helena school parents.

FISCAL IMPACT

It is anticipated that the Vine Trail will apply for an ATP Grant for this project.

RECOMMENDED ACTION

Provide direction to the City Manager related to conceptual stakeholder outreach process and the following questions/options:

1. Does the Council desire to advance stakeholder outreach with existing three corridors including an update from the Vine Trail on their additional commissioned studies, or does the Council desire to study an additional corridor(s)?
2. If additional corridor(s) are desired for study, does Council prefer to determine the additional corridor(s) via a Council Workshop, Ad Hoc Committee, or other alternative?

Based on Council decisions above, it is recommended feedback from subsequent outreach be presented to the City's ATSC for a Committee recommendation to the Council.

Finally, does the Council desire any additional information regarding the above options?

ATTACHMENTS

Special Active Transportation and Sustainability Committee - 17 Nov 2021 - FINAL MINUTES

November 2021 ATSC Presentation

FINAL MINUTES
City of St. Helena
SPECIAL Active Transportation and Sustainability Committee
Wednesday, November 17, 2021 @ 5:00 PM

1. CALL TO ORDER
   Chair Stanton called the meeting to order at 5:02 p.m.

2. ROLL CALL

   The following were present:

   Committee Chair: Leslie Stanton; Vice Chair: Jeff Farmer
   Members: Madelyn Chandler, and John Zimmerman
   Alternate Members: Terra Sampson, Katherine MacDonnell

   Excused: Glenn Smith

   City Council Member Liaison: Paul Dohring, Vice Mayor
   Staff Liaison: Preya Nixon, Asst. to the City Manager
   Mark Rincon, Public Works Director and City Engineer
   Dan Schaefer, BFK Engineers
   Norm Dyer, BKF Engineers
   Philip Sales, Executive Director, Napa Valley Vine Trail Coalition
   Chuck McMinn, Board Member, Napa Valley Vine Trail Coalition

3. PUBLIC FORUM:
   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. Each person's comments shall be limited to 4 minutes.

4. REPORTS BY STAFF AND COMMITTEE:
   Reports here held.

5. SCHEDULED MATTERS:

   5.1. Receive presentation on proposed Vine Trail route options from the Napa Valley Vine Trail Coalition and BKF Engineers

   Prepared By: Preya Nixon, Asst. to the City Manager
   Recommendation:
   Provide feedback on proposed route options as presented.
   Staff Report Vine Trail
   2021-11 PRESENTATION FINAL
   PublicComment.Richard Shurtz

   Presentation was made by BKF Engineers and Vine Trail Coalition on proposed segment options.

Committee conducted discussion.
Public comment was received from the following:

Annette Smith
Carlotta Sainato, Napa County Bicycle Coalition
Donald Micheli
Patrick Band, Napa County Bicycle Coalition

Committee continued discussion and the following items were brought up:

-Oak Avenue is a preference from an Active Transportation aspect, but parking needs to be evaluated more. The Church Street option is also very viable for bike riders.
-Oak Avenue is the best option for safety as crossing Highway 29 poses risks, and safety should be considered. We should prioritize active transportation and not vehicle parking.
-What can we do to make crossing Highway 29 safer with the Church Street option?
-There was a preference for the Church Street option due parking impacts and less business impacts.
-The impact that the loss of parking would have for businesses with the Oak Avenue option should be addressed.
-For active bike riders, the Church Street option makes more sense.
-Both options have pros and cons: Oak Avenue being near the schools is an advantage, and so is a slightly more straightforward ride along the Church Street option.

6. ADJOURNMENT

Chair Stanton adjourned the meeting at 6:45 p.m.

The next regular Active Transportation Committee meeting is scheduled for December 1, 2021 at 5:00 pm at a location to be determined.

Approved	**Attest**
_____	_____
Chair	Preya Nixon, Assistant to the City Manager

Vine Trail Route Study
St. Helena Segment

Study Purpose

- Identify Route Options from Grayson/Main to Pratt/Main
- Identify Opportunities and Constraints for Route Options

Trail Goals

- Class I Trail where feasible (Class IV with Sidewalk acceptable alternate)
- Direct route through town with proximity to in-town destinations such as Schools and Downtown
- Minimize conflicts with existing improvements
- Minimize parking loss

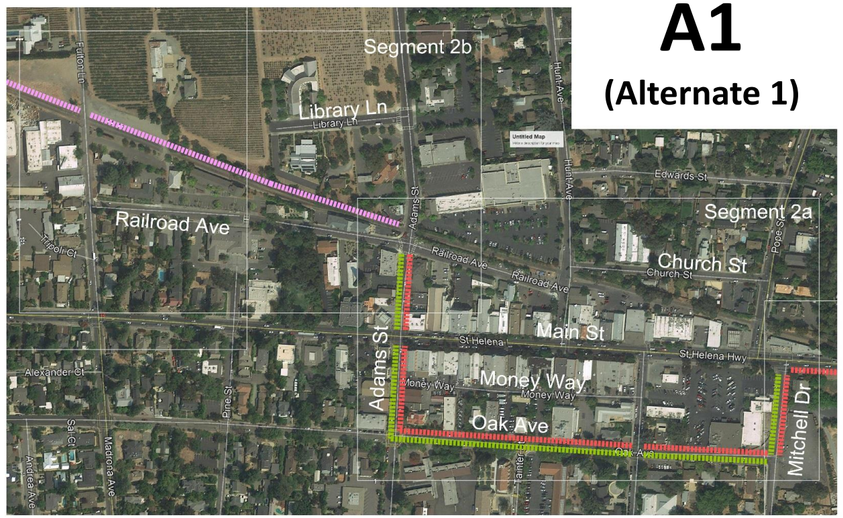
Other Options from October 2020

- Money Lane (C1)
- Railroad RW between Pope and Hunt (B1)
- Railroad Ave between Adams and Fulton (A2)
- Library Lane (A3)
- Class I on Oak and Adams (A1-Class I)

Comparison of Previous Options to Current Alternatives

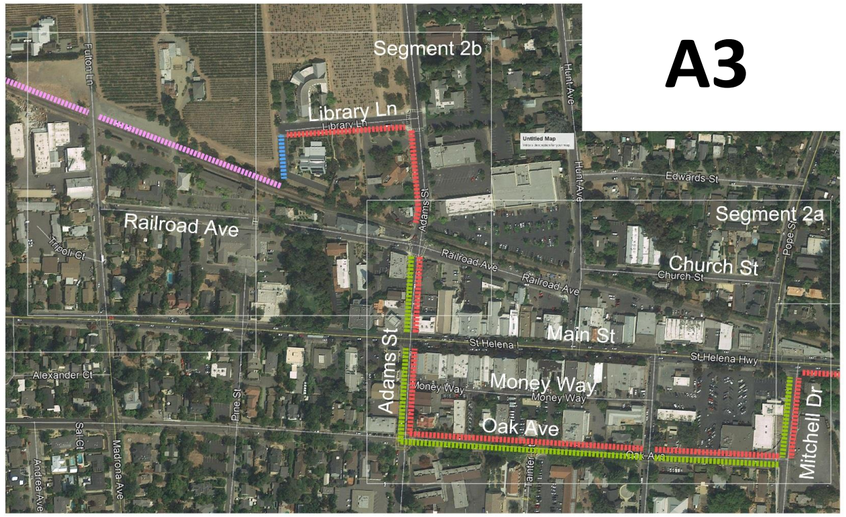
	Segment 1	Segment 2a					Segment 2b			Segment 3
October 2020 Option	**All**	**A1**	**A1**	**B1**	**B2**	**C1**	**A1**	**A2**	**A3**	**All**
Trail Classification	CLASS I	CLASS I	CLASS IV	CLASS I	CLASS I	CLASS 1 CLASS III	CLASS I	CLASS I	CLASS 1 CLASS III	CLASS I
Route	Along Main St from Grayson to Mitchell	Along Mitchell, Oak and Adams from Main to the Railroad	Along Mitchell, Oak and Adams from Main St to the Railroad	Along Main, Pope and the Railroad from Mitchell to Adams	Along Main, Pope, Church and the Railroad from Mitchell to Adams	Along Main, Spring, Money and Adams from Mitchell to the Railroad	Along the Railroad from Adams to Fulton	Along Railroad Ave and Fulton from Adams to the Railroad	Along Adams, Library, private driveway and Railroad from Adams to Fulton	Along the Railroad and Pratt from Fulton to Main
November 2021 Alternates	**Same**	**N/A**	**1**	**N/A**	**3**	**2** (Oak Ave in lieu of Money Ln)	**1, 2, 3** (Combine Segments 2A and 2B)	**N/A**	**N/A**	**Same**

A1
(Alternate 1)

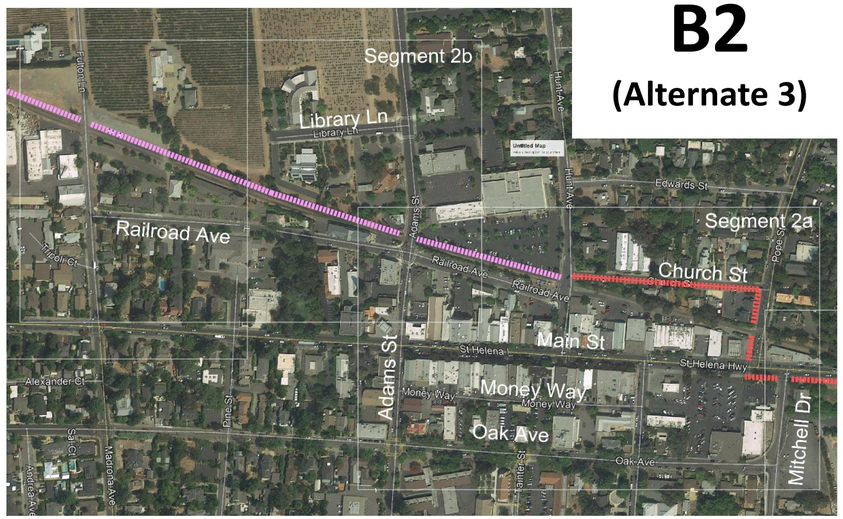


A2

A3



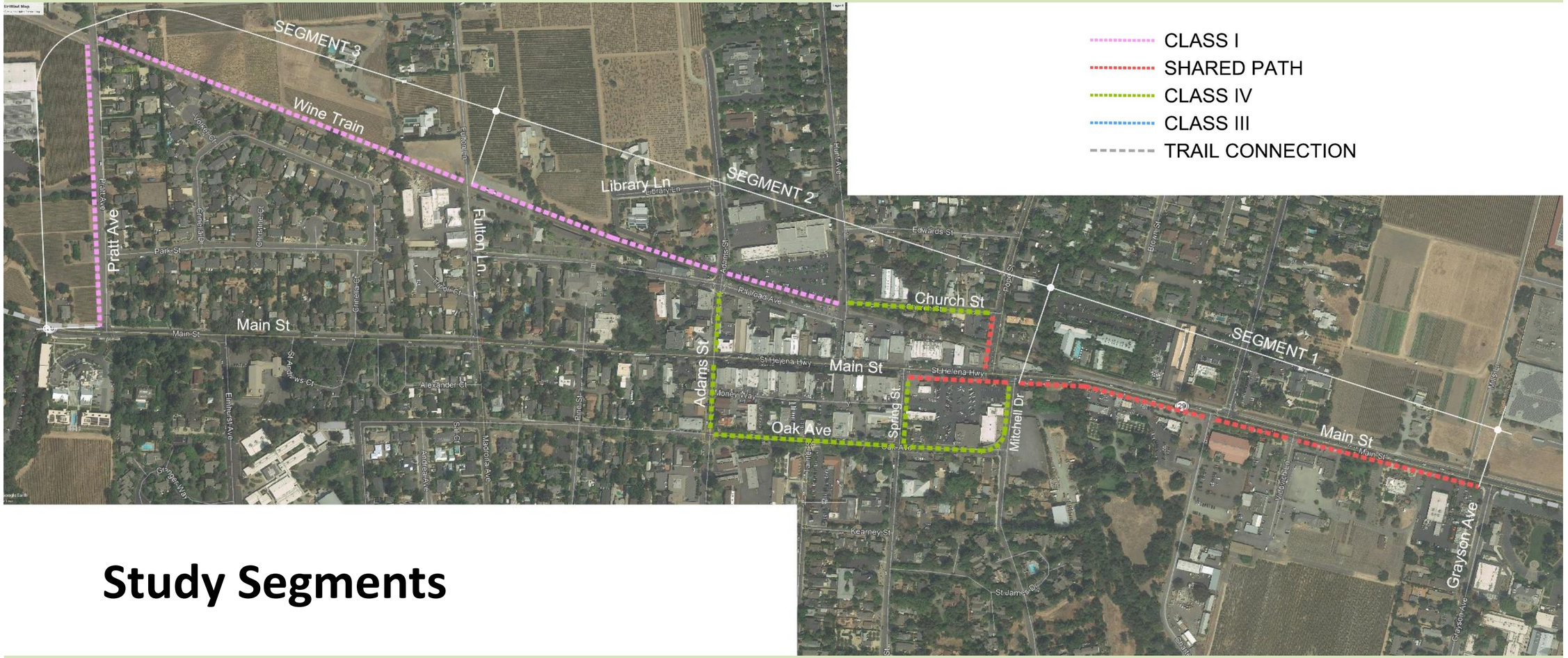
B1



Modified to include Oak Ave. in Lieu of Money Lane

Next Steps

- Review Current Alternates
- Provide Feedback to Consultant and Staff

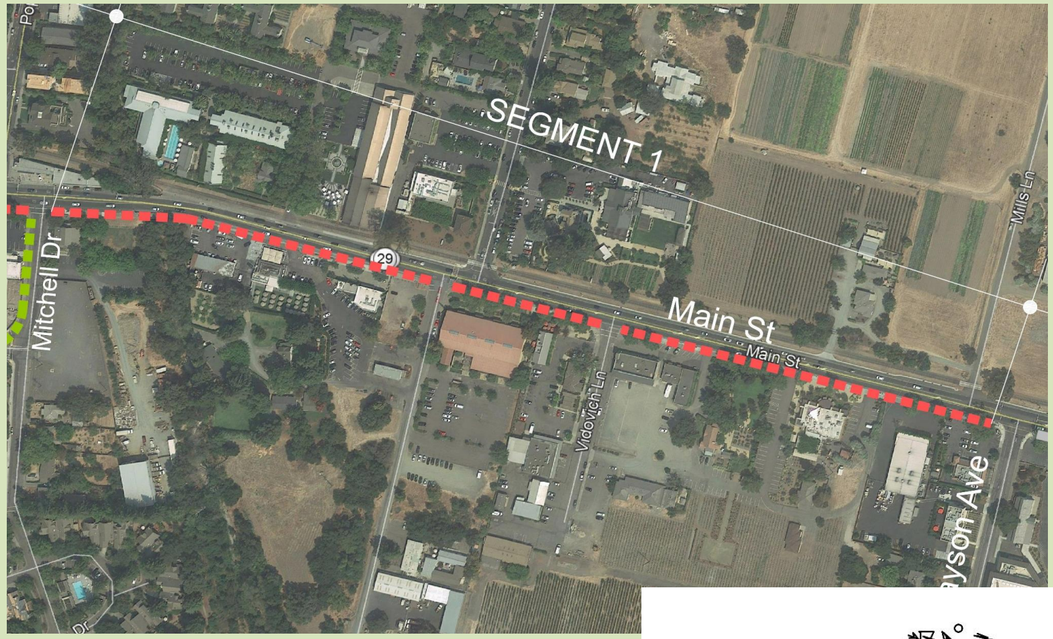


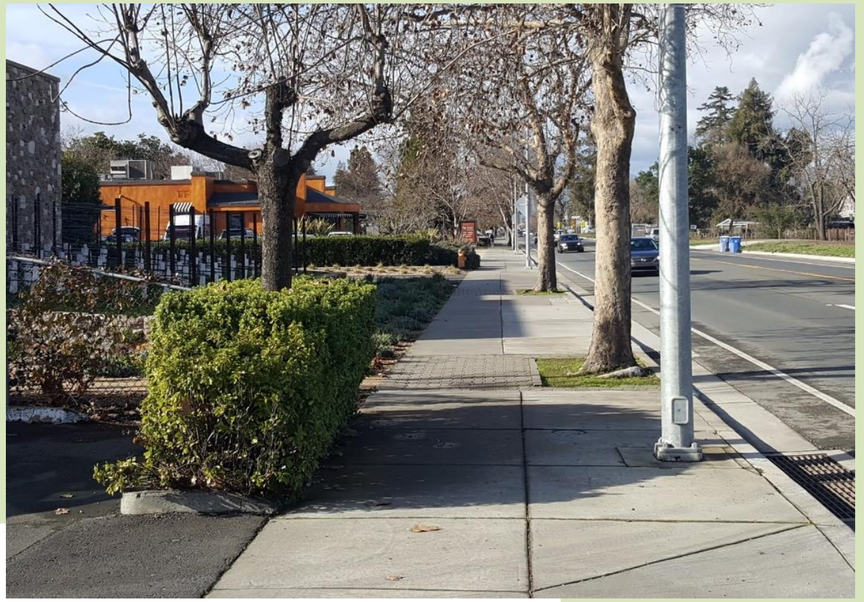
Study Segments

Order of Presentation

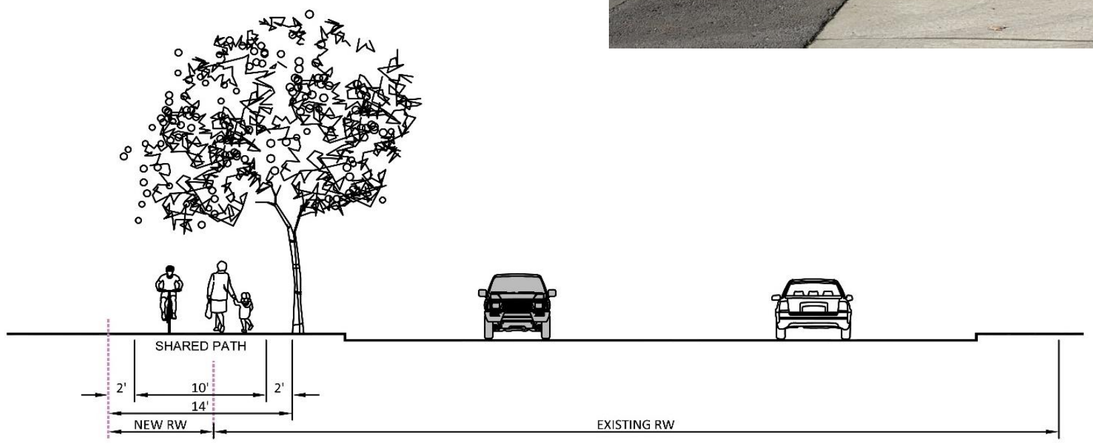
- Segment 1
- Segment 3
- Segment 2 – Oak Ave via Mitchell Dr. (Alternate 1)
- Segment 2 – Oak Avenue via Spring St. (Alternate 2)
- Segment 2 – Church Street (Alternate 3)

Segment 1





Segment 1



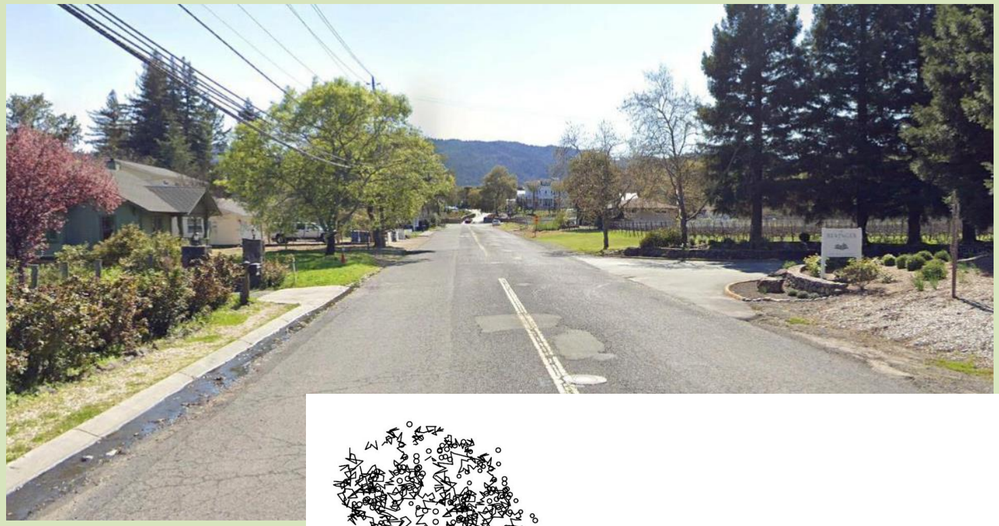
SEGMENT 1 - MAIN ST (HWY29)

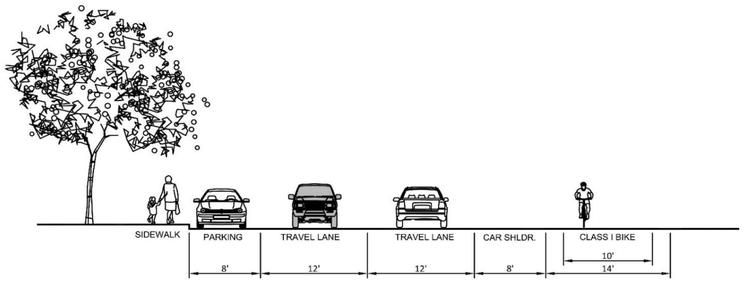
709
Main Street
TASTING
ROOM
FOOD
TRUCK
OPEN
709 MAIN STREET
CLIF FAMILY
TASTING ROOM

MOTORCYCLE
PARKING ONLY

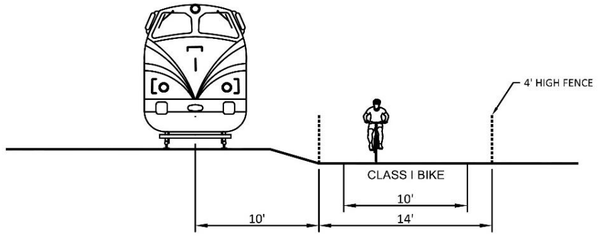
Segment 1

Segment 3





SEGMENT 3 - PRATT AVE

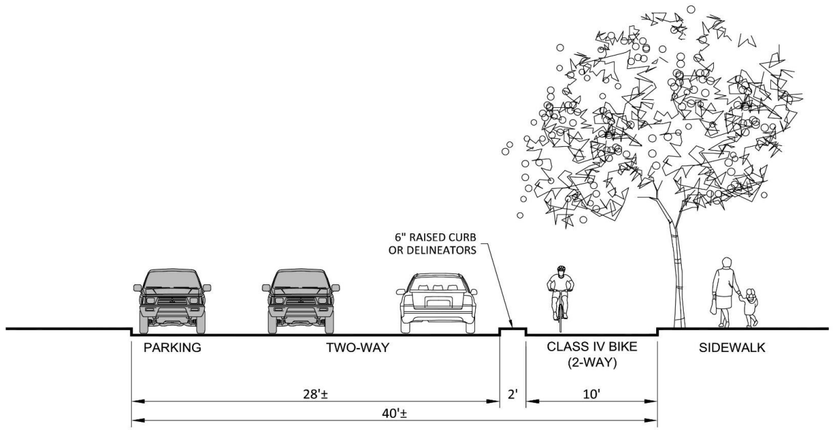


SEGMENTS 2&3 - WINE TRAIN

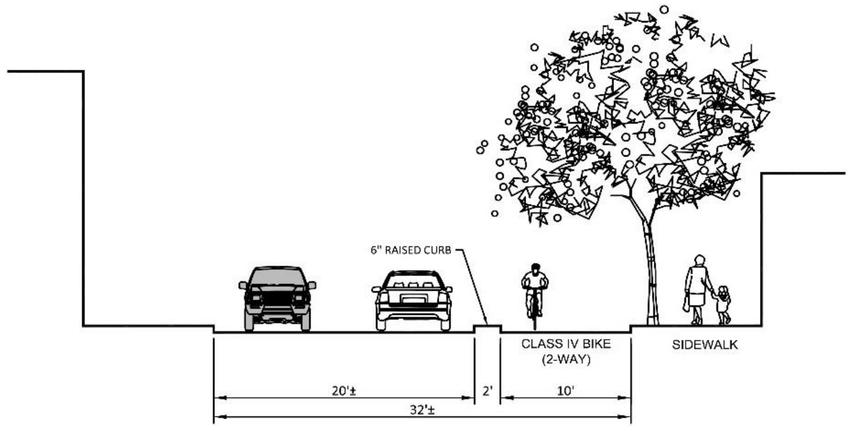
Segment 3

Segment 2 – Oak Avenue via Mitchell Dr.

(Alternate 1)

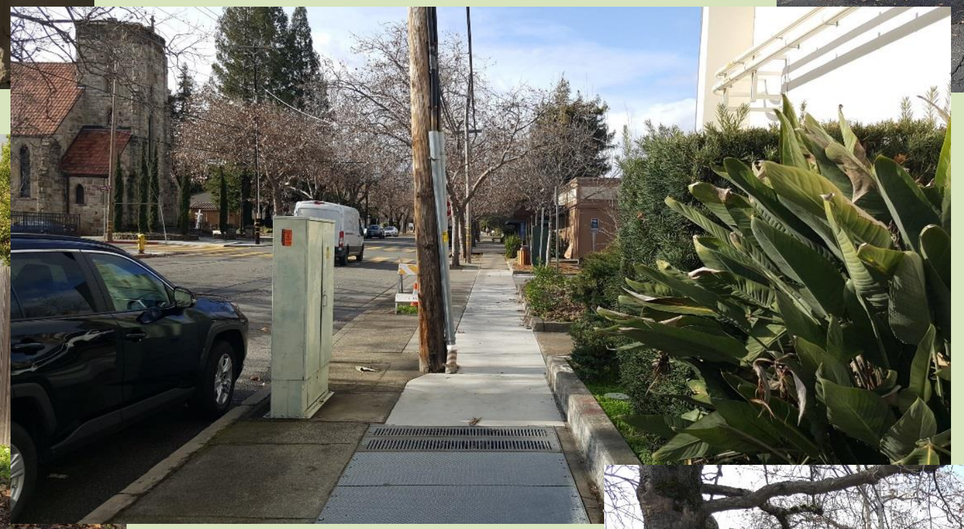


SEGMENT 2 - OAK AVE (Class IV)

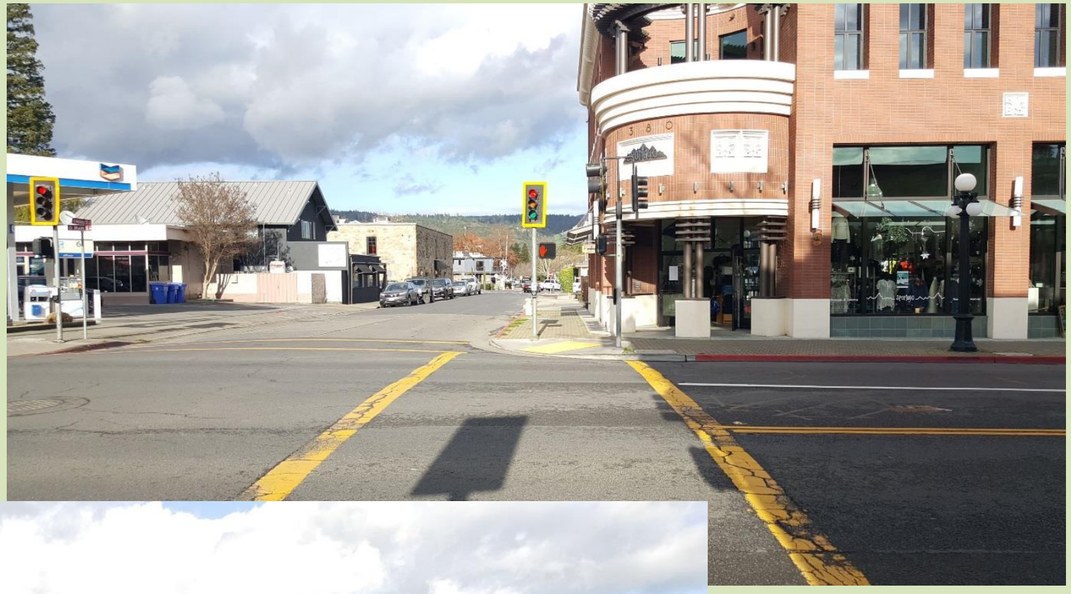


SEGMENT 2 - ADAMS ST (Class IV)

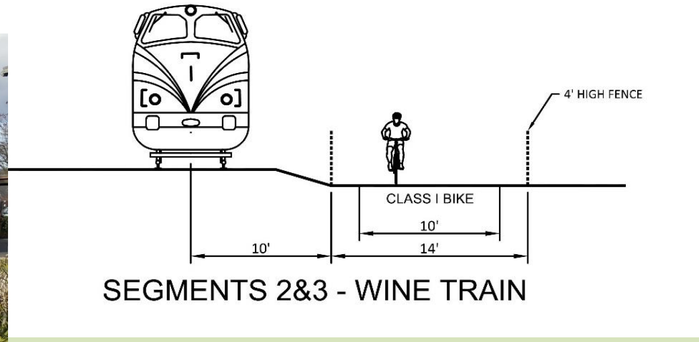
Segment 2
Oak Ave. via Mitchell Dr.
(Alternate 1)



Segment 2
Oak Ave. via Mitchell Dr.
(Alternate 1)



Segment 2
Oak Ave. via Mitchell Dr.
(Alternate 1)

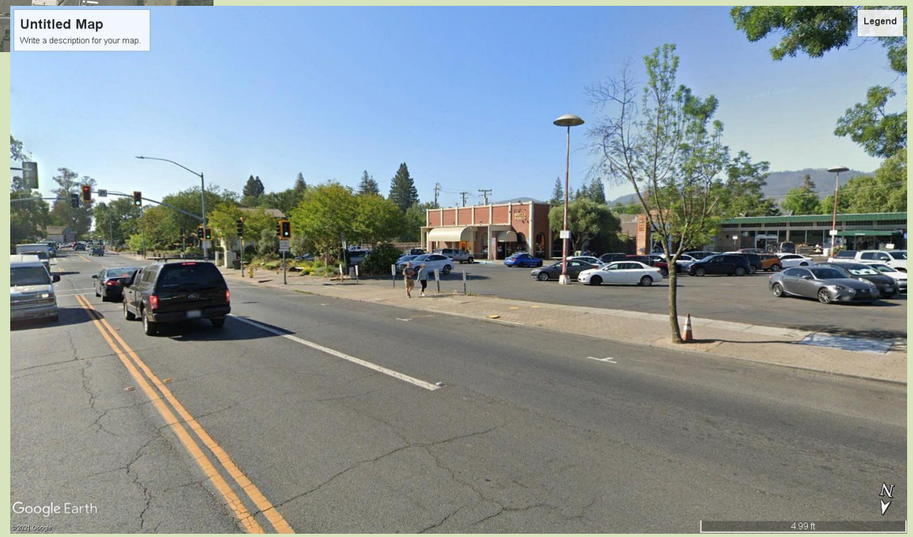


SEGMENTS 2&3 - WINE TRAIN

Segment 2
Oak Ave. via Mitchell Dr.
(Alternate 1)

Segment 2 – Oak Avenue via Spring St.

(Alternate 2)

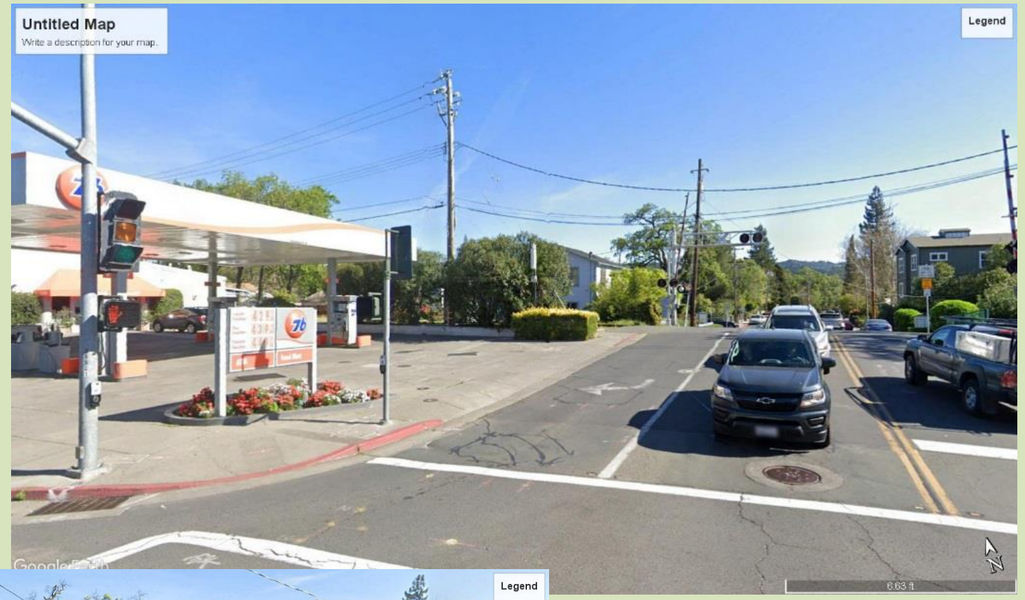


Segment 2
Oak Ave. via Spring St.
(Alternate 2)

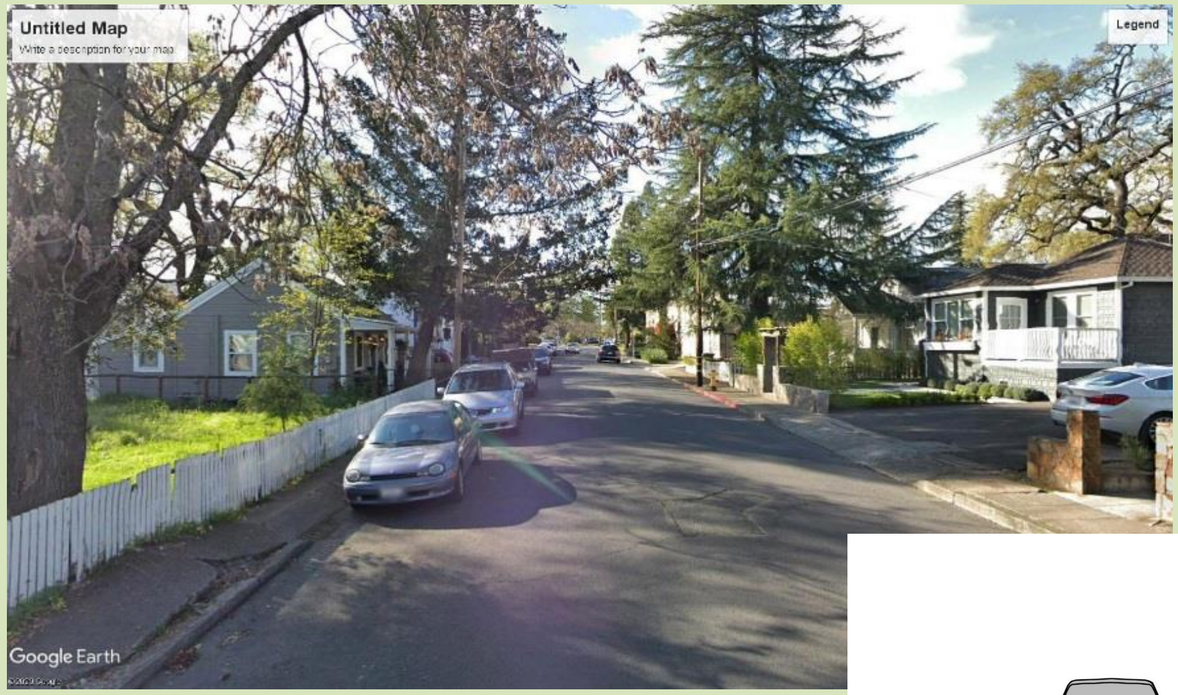
Segment 2
Oak Ave. via Spring St.
(Alternate 2)

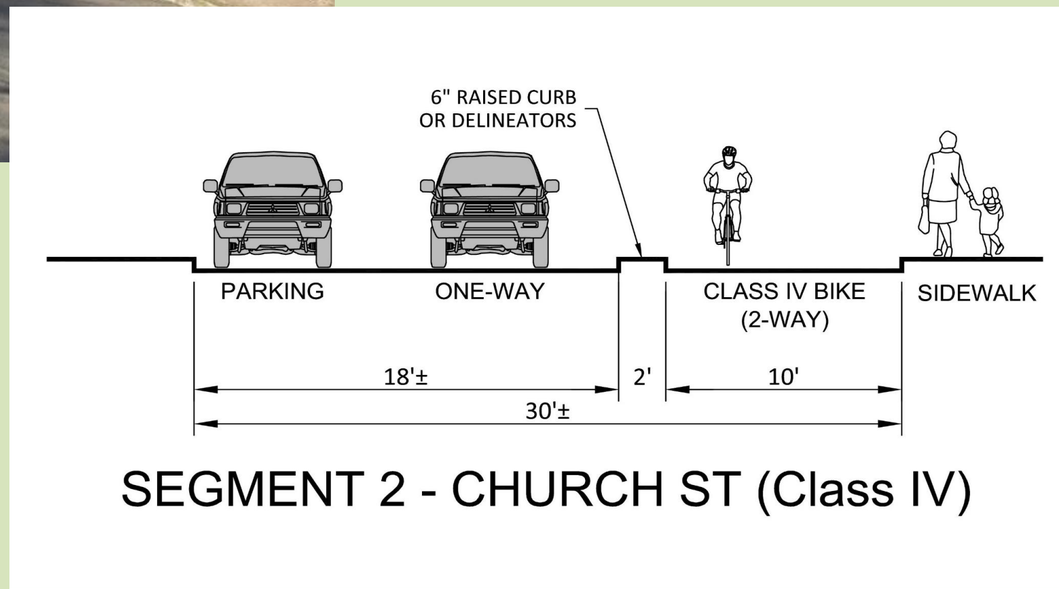
Segment 2 – Church St.

(Alternate 3)

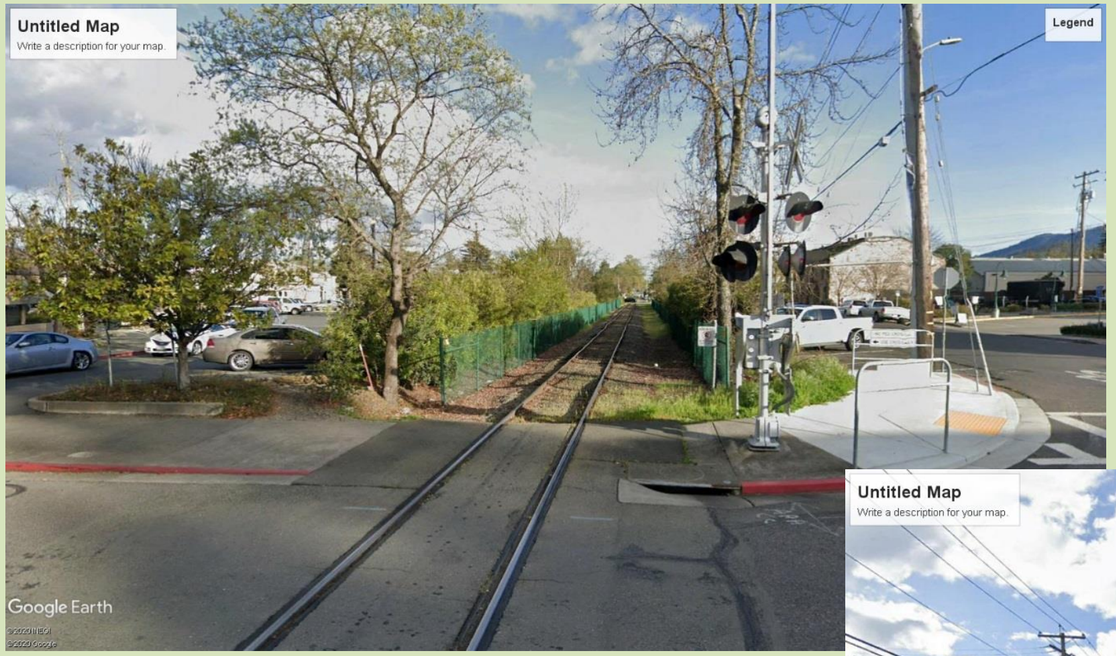


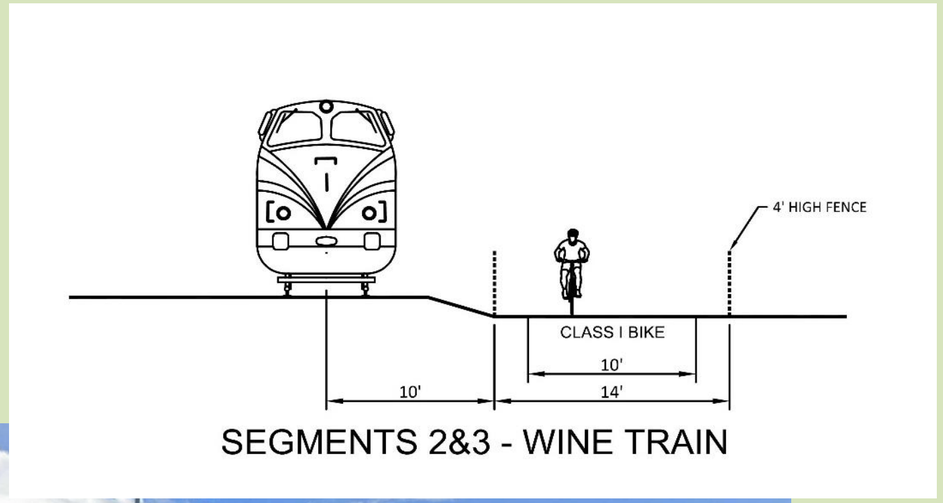
Segment 2
Church St.
(Alternate 3)



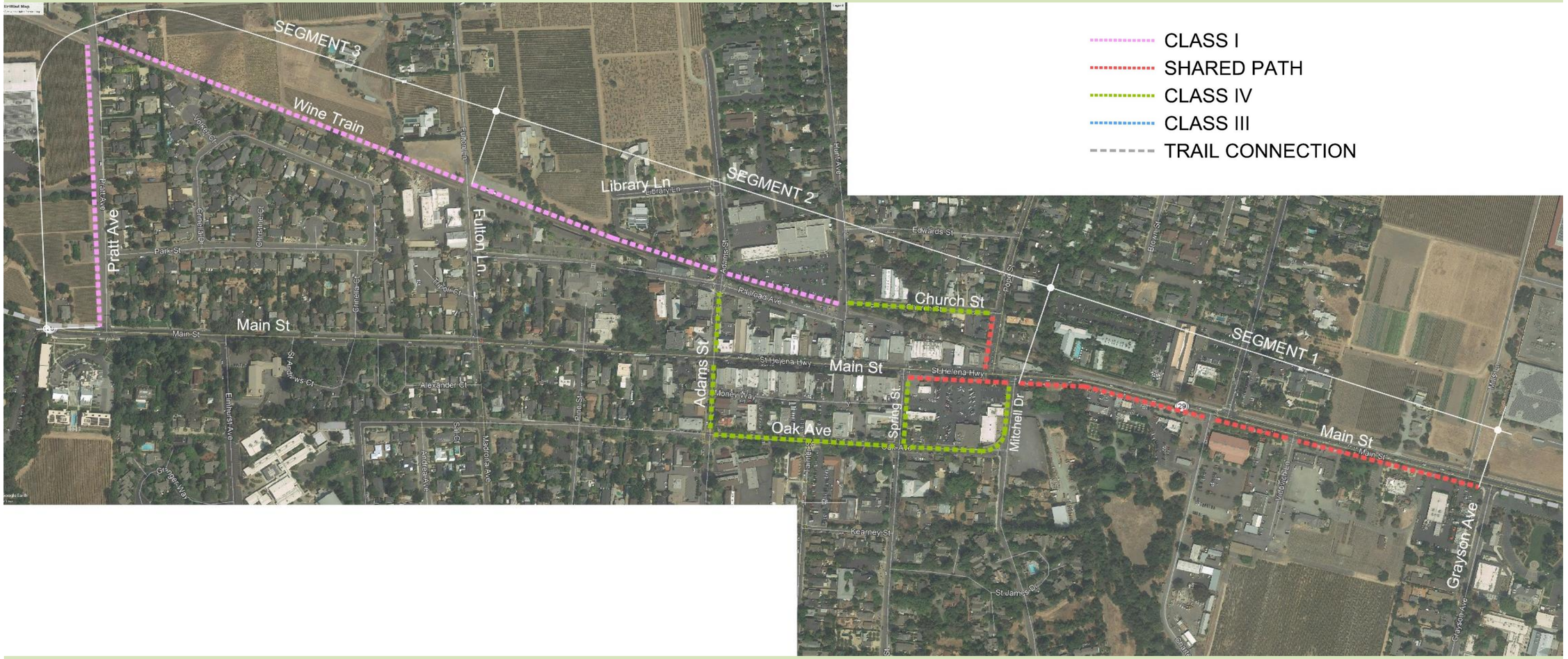


Segment 2
Church St.
(Alternate 3)





Segment 2
Church St.
(Alternate 3)


SEGMENT 3
Wine Train
SEGMENT 2
SEGMENT 1
Library Ln
Fulton Ln.
Pratt Ave
Main St
Adams St
Church St
Oak Ave
Spring St
Mitchell Dr
Grayson Ave
St Helena Hwy
Railroad Ave
Edwards St
Kearney St
CLASS I
SHARED PATH
CLASS IV
CLASS III
TRAIL CONNECTION

Segment	1	2 - Oak Avenue (Alternate 1)	2 - Spring Street (Alternate 2)	2 - Church Street (Alternate 3)	3
Trail Classification	CLASS I	CLASS IV (Oak& Adams) CLASS I (Railroad RW)	CLASS I (Main) CLASS IV (Oak& Adams) CLASS I (Railroad RW)	CLASS I (Main & Pope) CLASS IV (Church) CLASS I (Railroad RW)	CLASS I
Route	Along Main St from Grayson to Mitchell	Along Mitchell, Oak, Adams & Railroad RW from Mitchell to Fulton	Along Main, Spring, Oak, Adams & Railroad RW from Mitchell to Fulton	Along Main, Pope, Church & Railroad RW from Mitchell to Fulton	Along Railroad RW and Pratt from Fulton to Main
Right of Way Needed	SOME	NEGLIGIBLE	SOME	SOME	SOME
Utility and Private Improvement Relocation	SOME	NEGLIGIBLE	SOME	SOME	NEGLIGIBLE
Street Parking Relocation	0	50+/-	40+/-	20+/- OR CONVERT CHURCH ST INTO ONE-WAY	0
Trail Standard Width[1]	STANDARD	STANDARD	STANDARD	STANDARD	STANDARD
Driveway Conflicts	12+/-	13+/-	17+/-	4+/-	2+/-
Potential for Pedestrian Conflicts[2]	MEDIUM	LOW	MEDIUM	MEDIUM	LOW
Overall Relative Cost	$$	$$	$$	$$	$

Legend

[1]**Trail Standard Widths**

IDEAL – 12’ trail with 2’ shoulders
STANDARD – 10’ trail with 2’ shoulders
MINIMAL – 8’ trail with 2’ shoulders where possible (may require design exception)

[2]**Pedestrian Conflicts** – Potential risk for pedestrian/bicycle conflicts

Low – Separated bicycle and pedestrian paths
Medium – Combined Pedestrian and Bicycle paths with standard trail width
High – Combined Pedestrian and Bicycle paths with minimal trail width

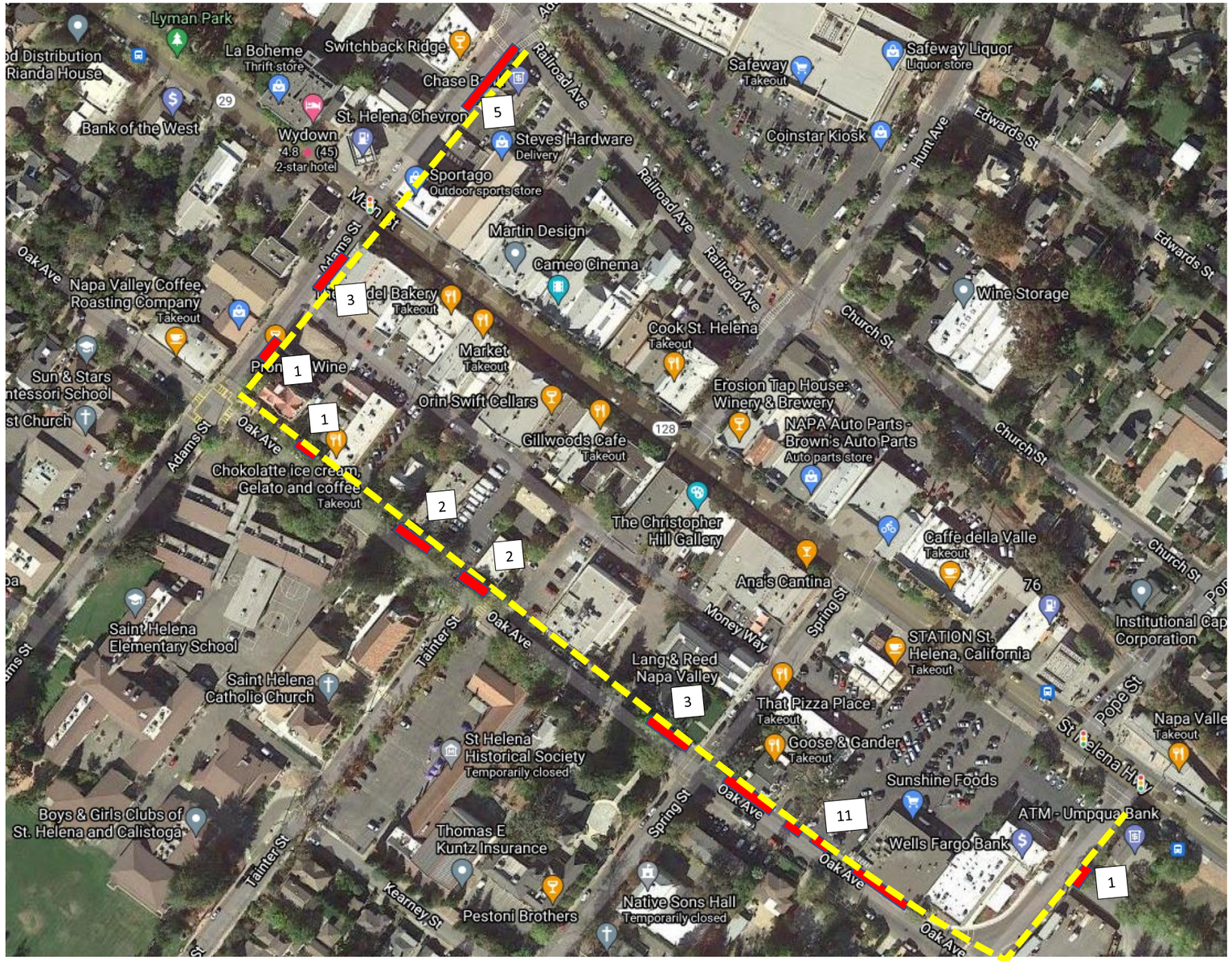
Overall Relative Cost Comparison

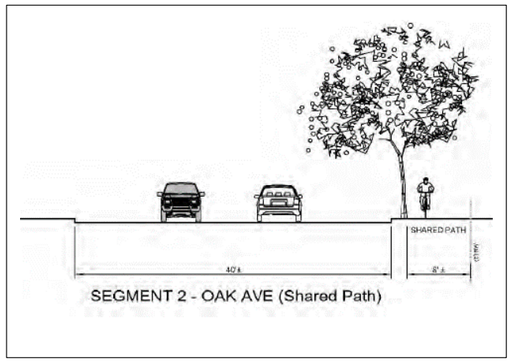
$ - Low
$$ - Medium
$$$ - High

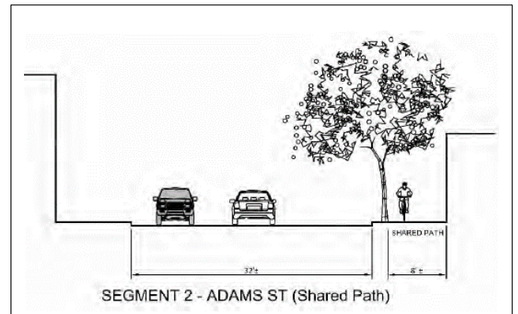
Vine Trail Route Study Parking Impacts on Oak Avenue and Potential Mitigation Sites

Trail Options impacts on parking	Segment 2A Options					
	2. Oak Ave Alternative 1		2. Spring Street Alternative 2		Oak as One Way*	
Breakdown by street section	Option 1. Class 1 Shared Use Path Main St to Railroad Ave using Mitchell Dr.	Option 2. Class IV Side path retaining ex. Sidewalk Main St. to Railroad Ave using Mitchell Dr.	Option 3. Class 1 Shared Use Path Main St to Railroad Ave using Spring St.	Option 4. Class IV Side path retaining ex. Sidewalk Main St. to Railroad Ave using Spring St.	Option 5. Oak becomes One Way between Mitchell and Adams Class IV Side path retaining ex. Sidewalk and parking.	Option 6. Oak becomes One Way between Spring and Adams Class IV Side path retaining ex. Sidewalk and parking.
Main to Oak (via Mitchell)	1	1	N/A	N/A	1	N/A
Oak to Spring	11	11	N/A	N/A	11	N/A
Main to Oak (via Spring)	N/A	N/A	5	5	0	5
Spring to Tainter	3	10	3	10	10	10
Tainter to Adams	5	13	5	13	13	13
Adams to Main	4	8	4	8	8	8
Main to Railroad	5	10	5	10	10	10
Spaces Lost Total	**29**	**53**	**22**	**46**	**53**	**46**
Potential Mitigation sites						
School parking	38	38	38	38	38	38
ATT (4+ spaces appx)	4	4	4	4	4	4
Catholic Church	22	22	22	22	22	22
Mitigation Total	**64**	**64**	**64**	**64**	**64**	**64**

*** Option to turn Oak into a One Way Street reviewed and would not meet Public Safety standards.**







Option 1

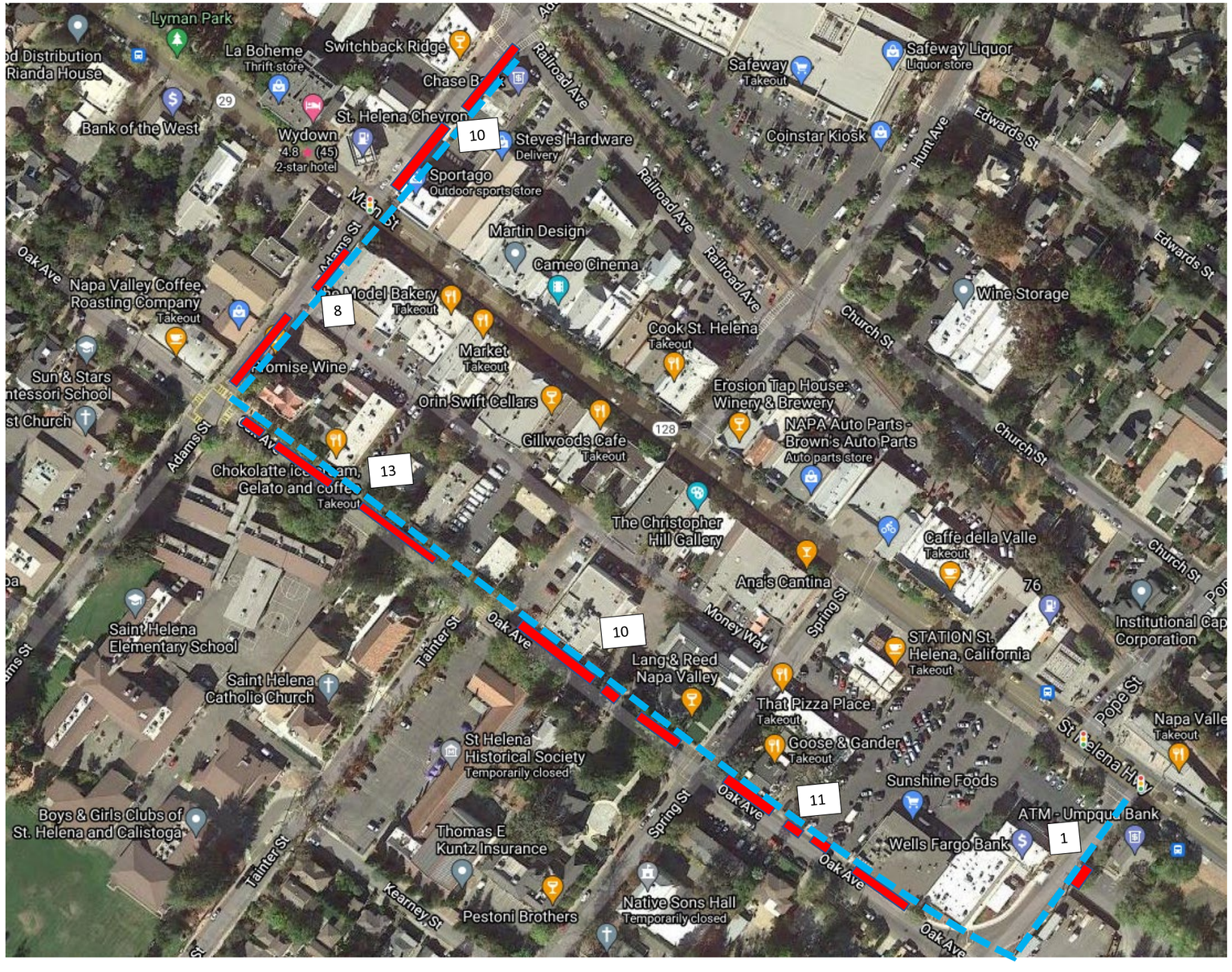
Main Street to Railroad Ave using Mitchell Drive.

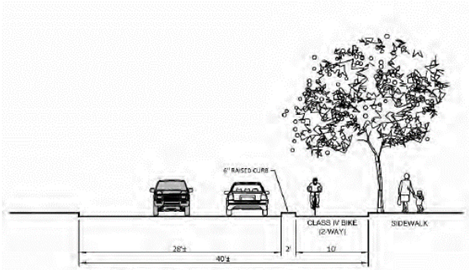
Class I Shared Use Path

Eliminates parking only at constrained locations

Loss of Parking =29 spaces

Rev 11.10.21





Option 2

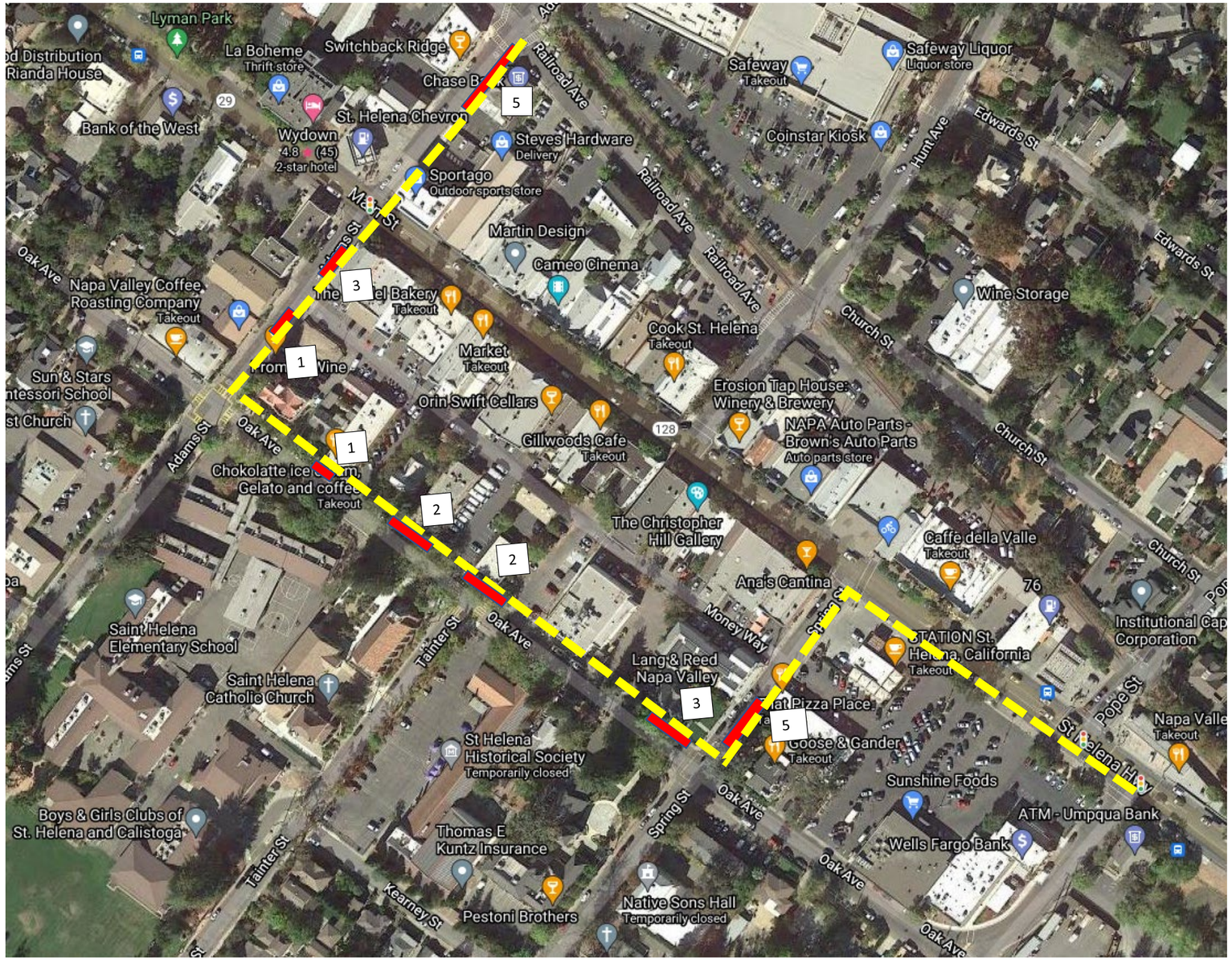
Main Street to Railroad Ave using Mitchell Drive

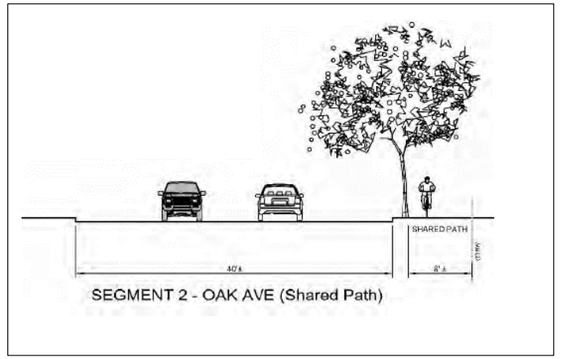
Class IV Side Path retaining existing sidewalk.

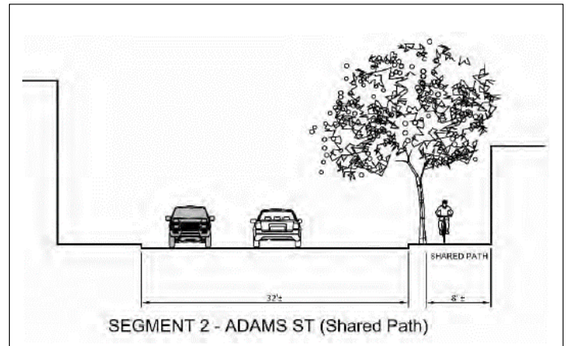
Eliminates all parking along one side of streets.

Loss of parking = 53 spaces

Rev 11.10.21







Option 3.

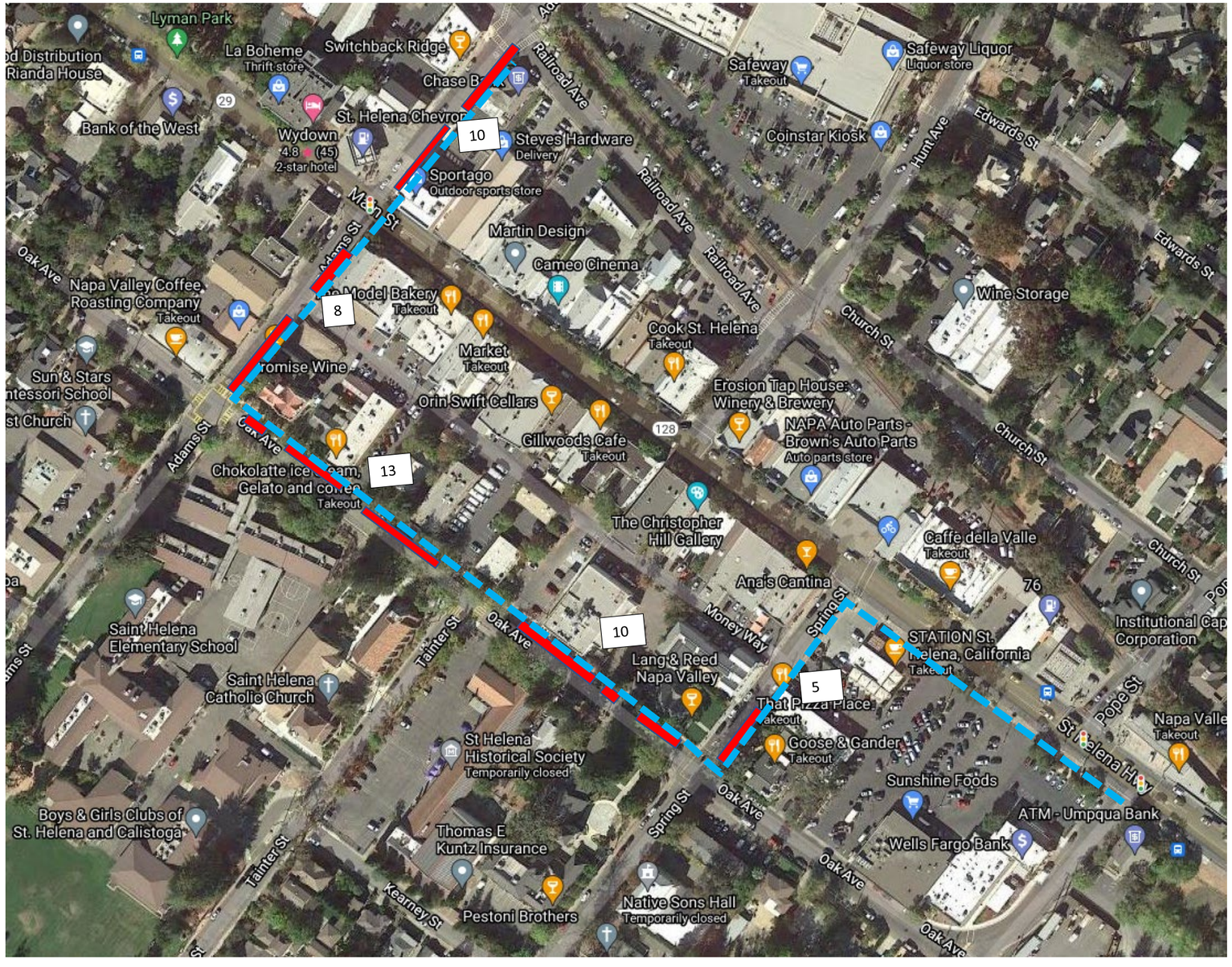
Main Street to Railroad Ave using Spring Street

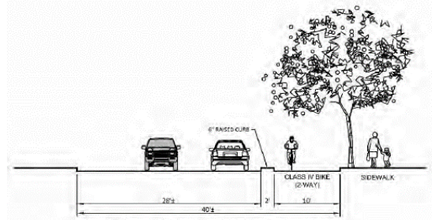
Class I Shared Use Path

Eliminates parking only at constrained locations

Loss of parking = 22 spaces

Rev 11.10.21





Option 4

Main Street to Railroad Ave using Spring Street

Class IV Side Path retaining existing sidewalk.

Eliminates all parking along one side of streets.

Loss of parking = 46 spaces

Rev 11.10.21

Option 5

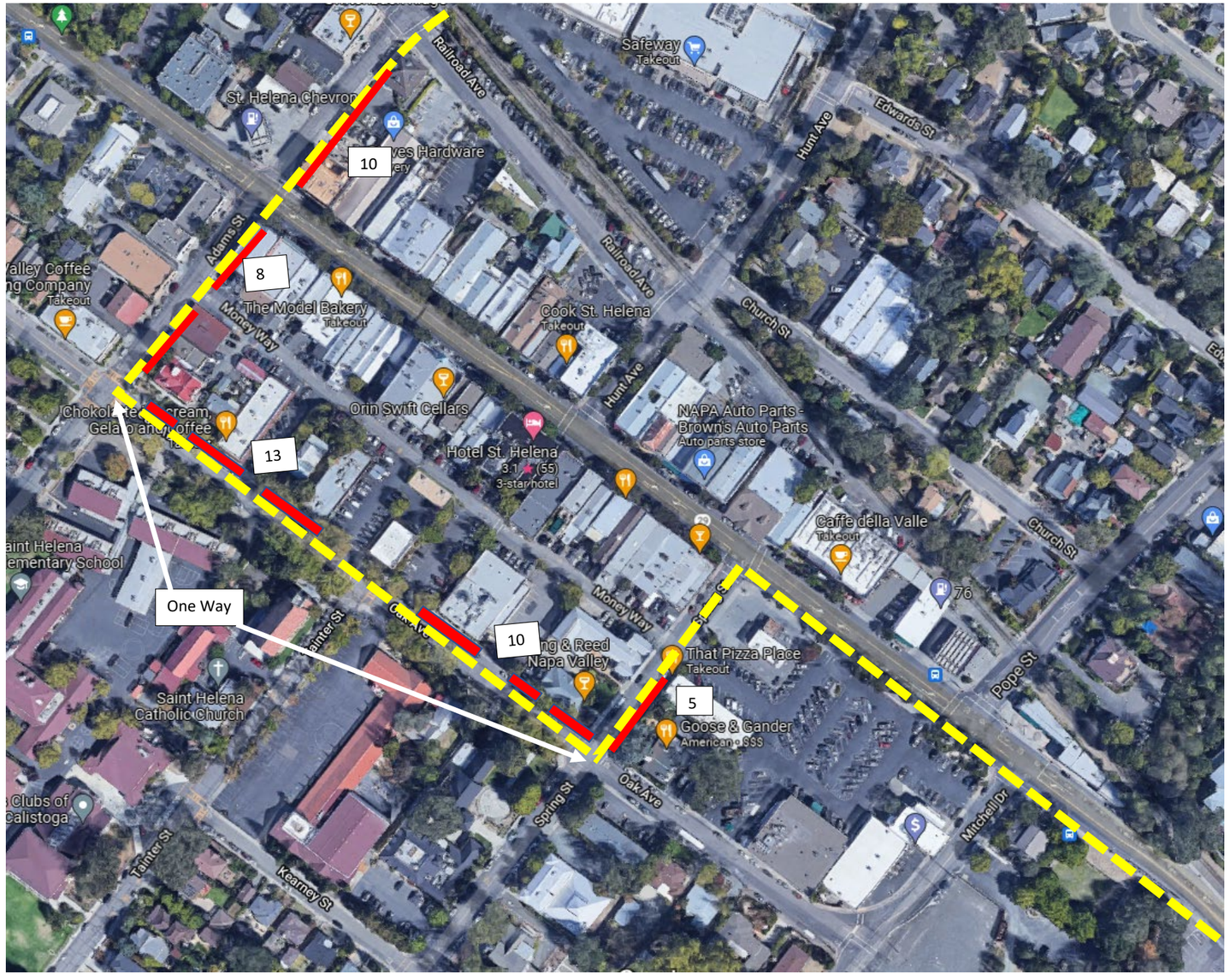
Main Street to Railroad Ave using Mitchell Drive

Class I Path. Oak becomes a one-way street between Adams and Mitchell Drive.

Eliminates some parking along one side of Adams and Mitchell Drive.

Loss of parking = 53 spaces

Rev 11.10.21



Option 6

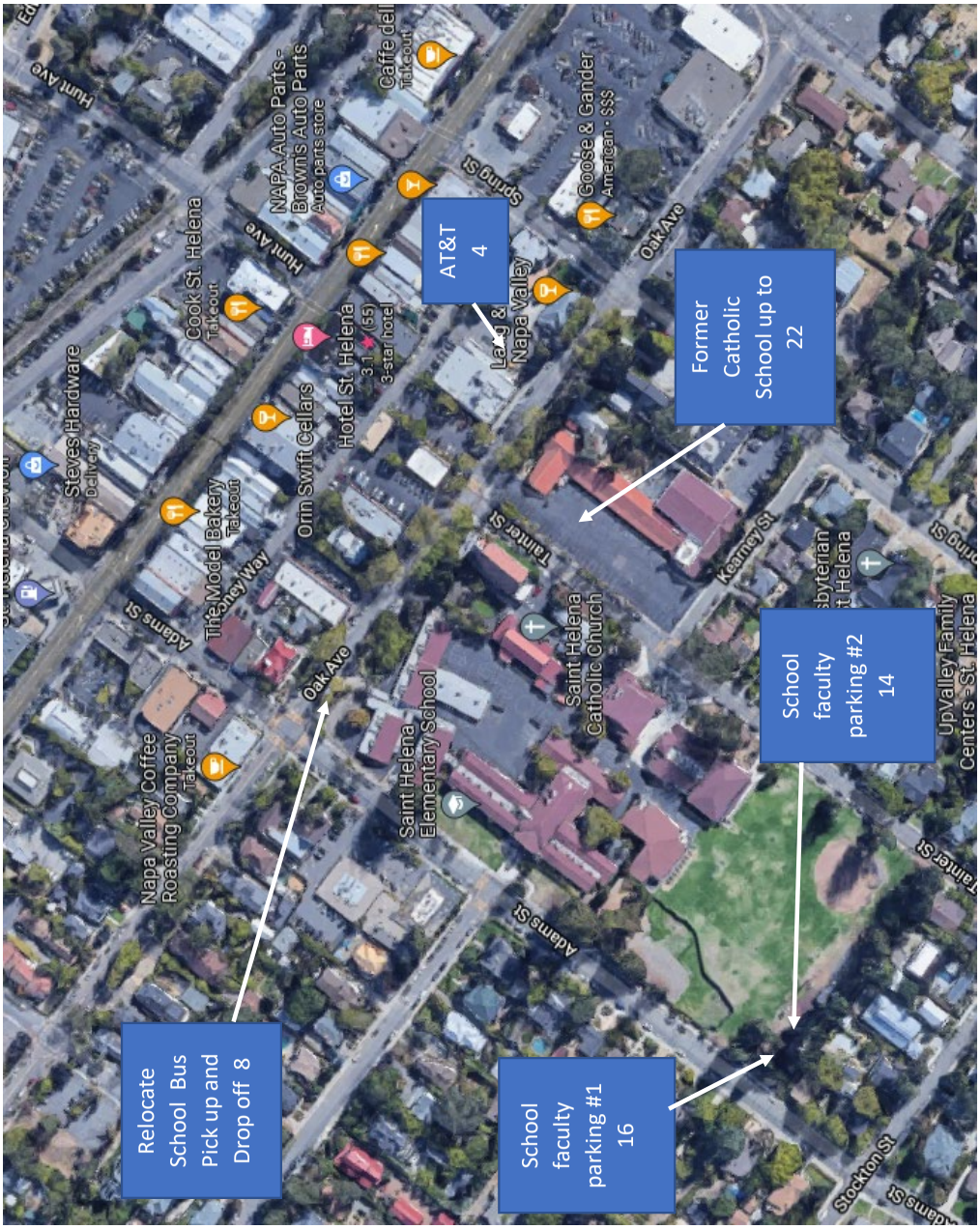
Main Street to Railroad Ave using Spring Steet.

Class I Path. Oak becomes a one-way street between Adams and Spring.

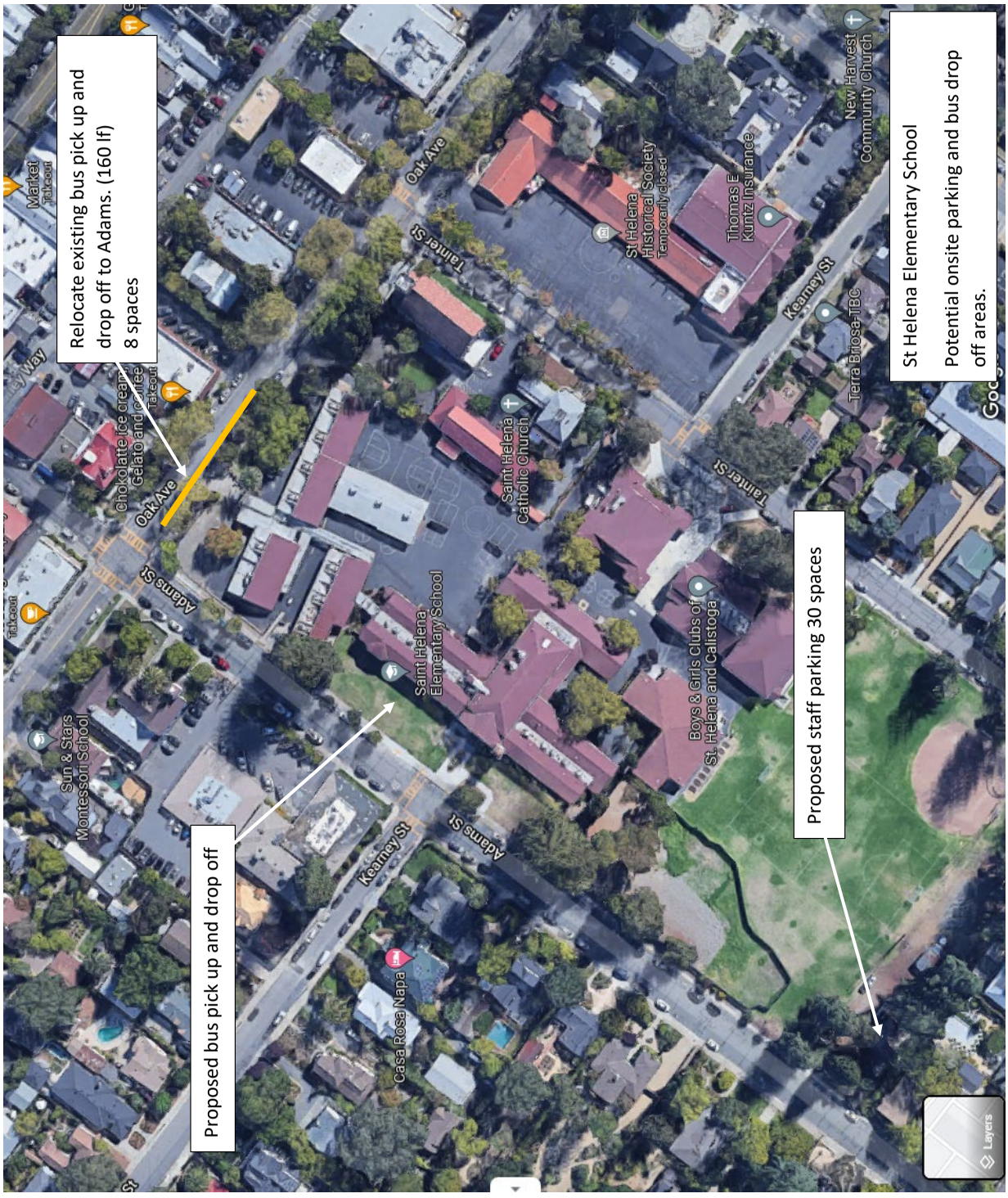
Eliminates some parking along one side of Adams St. and Spring St. streets.

Loss of parking = 46 spaces

Rev 11.10.21



Potential Parking Mitigation Areas

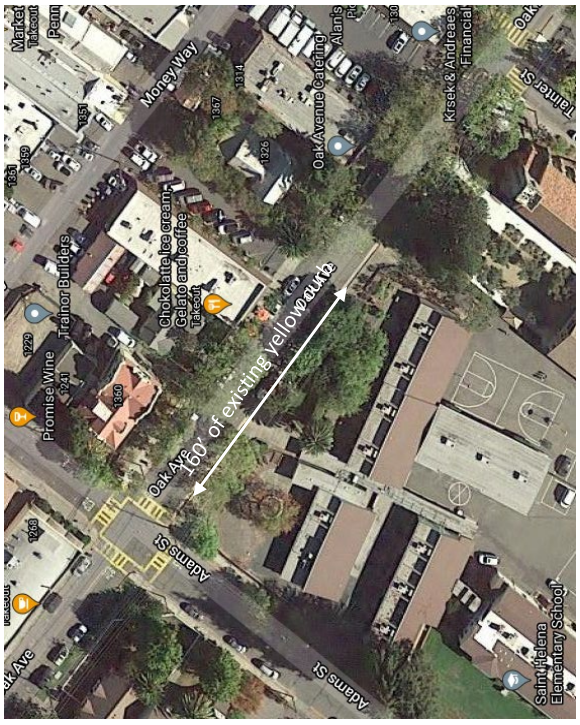

Relocate existing bus pick up and drop off to Adams. (160 lf)
8 spaces
Proposed bus pick up and drop off
Proposed staff parking 30 spaces
St Helena Elementary School
Potential onsite parking and bus drop off areas.
Oak Ave
Adams St
Kearney St
Tainter St
Saint Helena Elementary School
Saint Helena Catholic Church
St Helena Historical Society
Temporarily closed
Thomas E Kuntz Insurance
New Harvest Community Church
Terra Briosa TBC
Boys & Girls Clubs of St. Helena and Calistoga
Casa Rosa Napa
Sun & Stars Montessori School
Chokolatte Ice cream Gelato and Coffee
Market
Takeout
Layers

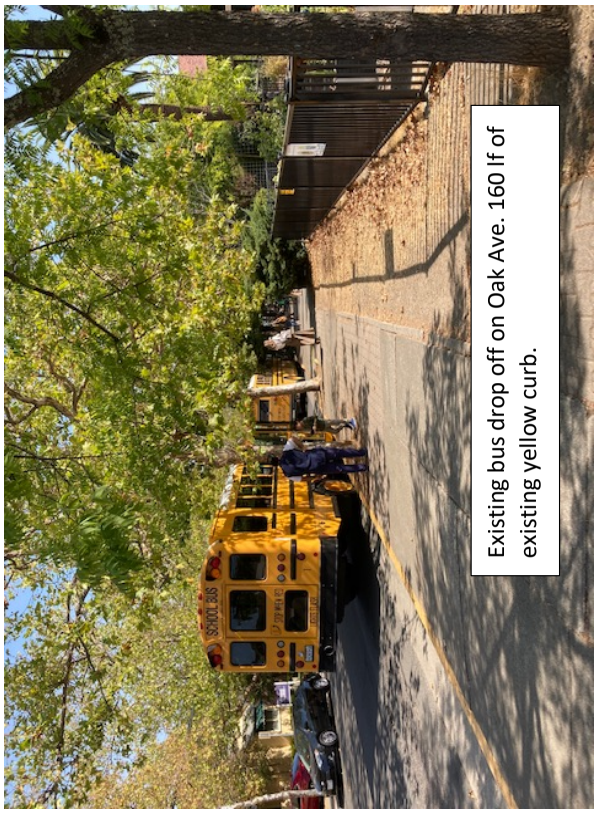
Proposed parking area for staff off Adams 16 spaces (14 + 2 disabled) Phase 1

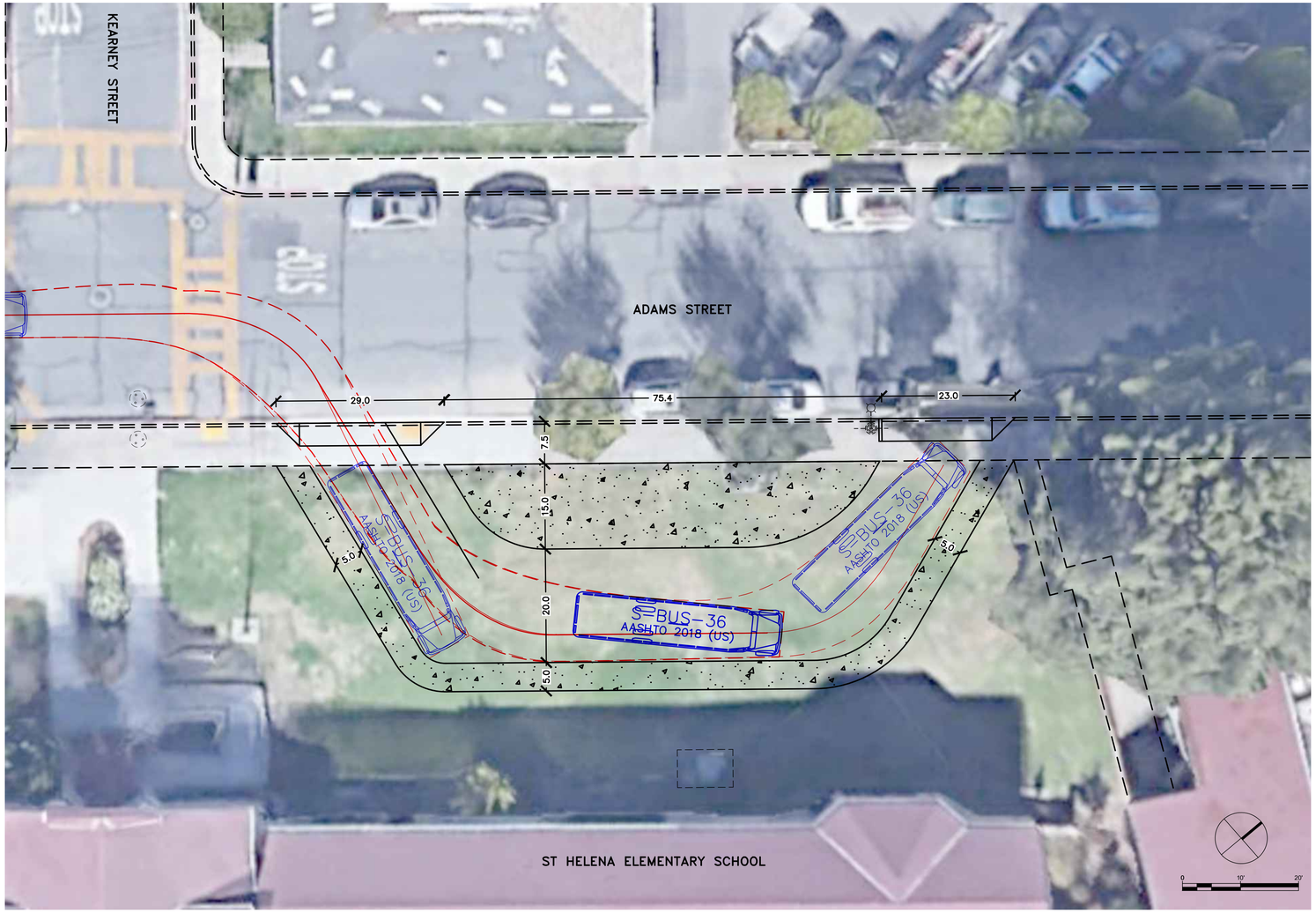
16 spaces
90'
70'
14 additional spaces. (Demo building and relocate par course)

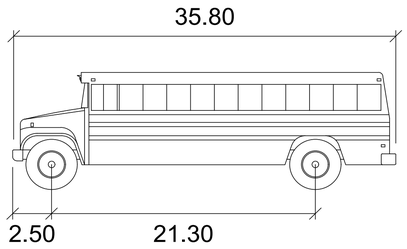
Proposed bus pick up and drop off

Proposed bus pick up and drop off
Adams St
Kearney St
Saint Helena Elementary School


Money Way
Oak Avenue Catering
Krsek & Andreaes Financial
Tanner St
Chocolate Ice cream, Gelato and coffee
Trainor Builders
Promise Wine
160' of existing yellow curb
Oak Ave
Adams St
Saint Helena Elementary School


Existing bus drop off on Oak Ave. 160 lf of existing yellow curb.





S-BUS-36

	feet
Width	: 8.00
Track	: 8.00
Lock to Lock Time	: 6.0
Steering Angle	: 37.6

CONVENTIONAL SCHOOL BUS DESIGN VEHICLE (S-BUS-36)
NTS

PRELIMINARY
NOT FOR CONSTRUCTION

811 Know what's below. Call before you dig.

Parisi TRANSPORTATION CONSULTING
1936 University Ave, Ste 250
Berkeley, CA 94704
(510) 343-6400

DRAWN:	CHECKED:
DH	AL
DESIGNED:	APPROVED:
AG	DP

NAPA VALLEY VINE TRAIL COALITION
ST HELENA ELEMENTARY SCHOOL
SCHOOL BUS ACCESS CONCEPTUAL DESIGN

REVISIONS	
5	
4	
3	
2	
1	
NO.	DESCRIPTION

DATE: 11/11/2021	SCALE: 1" = 10'
PTC PROJECT NO.: 21033	
DRAWING: L-1	
SHEET NO.: 1 OF 1	

Cindy Tzafopoulos

From: Jay Smith <sunshinefoods@comcast.net>
Sent: Friday, January 7, 2022 10:42 AM
To: Public Comment
Cc: Mark Smith
Subject: [External] Napa Valley Vine Trail

City Council Members,

We are opposed to the use of Oak Ave. between Mitchell and Spring Street. This is a very high traffic area. The street is used by passenger cars and trucks, delivery vans, box trucks, 53ft semi trucks and others. The extensive use of the driveways by much of that traffic will be an extreme hazard to increased pedestrian and cyclists use.

In addition to the increased hazard the parking situation in St. Helena is very difficult, at best. The loss of 11 (actually 12) parking spaces is unacceptable. The possible replacement of these spaces in the areas the Vine Trial has described will in no way actually replace the existing spaces.

We have all the same concerns with the use of Oak Ave all the way to Adams St.

Please feel free to contact me if you would like more information regarding this issue.

Sincerely,
Jay Smith
Partner

Jay Smith, Sunshine Foods
1115 Main Street
St. Helena, Ca 94574
Cell# 707-853-2485
Sent from my iPad

Cindy Tzafopoulos

From: Jeff Farmer <jfarmer@seedgrain.com>
Sent: Friday, January 7, 2022 1:22 PM
To: Cindy Tzafopoulos
Subject: [External] For 11.2 on January 11th: A Walk Along the Vine Trail

(Cindy: Please link this to the pictures 1-10 I sent you earlier)

Hello Honorable Mayor and Council,

Happy New Year to you all!

I went for a walk on the Trancas to McKinstry section of the Trail in Napa to see how it might be implemented in our town. It's about 2-1/4 miles and closely follows the Wine Train tracks. My observations follow and I truly hope they help you in making the decisions before you.

Picture 1 is the entrance at Trancas right next to the tracks looking toward Trancas. Note that a part of it is unpaved. **Picture 2** shows the entrance on Solano a few hundred feet south of the Trancas intersection right after the Chablis Inn.

The width of the Trail is almost always ten feet. When it nears intersections it usually narrows to five or six feet especially if train control boxes are there. **Pictures 3** shows an example of this. **Picture 4** shows a bow out and it looks like it was done to save a redwood tree.

Crossings at intersections are well marked. **Picture 5** shows a double crossing of Main and Central streets to get back to the Trail.

Picture 6 & 7 show some inspiring art along the way and **Picture 8** shows the end of this section of the Trail at McKinstry across from the Westin Hotel.

Lastly let's go back to the north entrances at Trancas and Solano. **Picture 9** is a Google map marking the trail end from Yountville across from the Marriot (orange dot) and the two entrances to the Trancas & Solano Trail entry points (green and red dots). Trail users must navigate Solano avenue and cross Trancas to get back on the Trail.

To contrast this with our situation in St. Helena **Picture 10** shows a section of our downtown from Adams to Mitchell. It shows the corner of the train tracks and Adams (orange dot), the corner of Hunt and the tracks (green dot) and the corner of Mitchell/Main the red dot.

Both pictures are done with the same scale. Since the gap between the sections of the Trail at Trancas are acceptable then certainly a gap between Adams and Mitchell (or Hunt and Mitchell) should be considered for St. Helena.

The Napa segment I walked follows the train tracks almost all the way. This is ideal. In our town this is apparently not possible south of Adams or Hunt. But as the Vine Trail has shown in Napa you can have a continuous trail where it's practical and not if it's impractical.

Thank you for all you do!

Disclosure: I am a member of the ATSC committee. These opinions are mine alone and do not reflect any position of the ATSC.

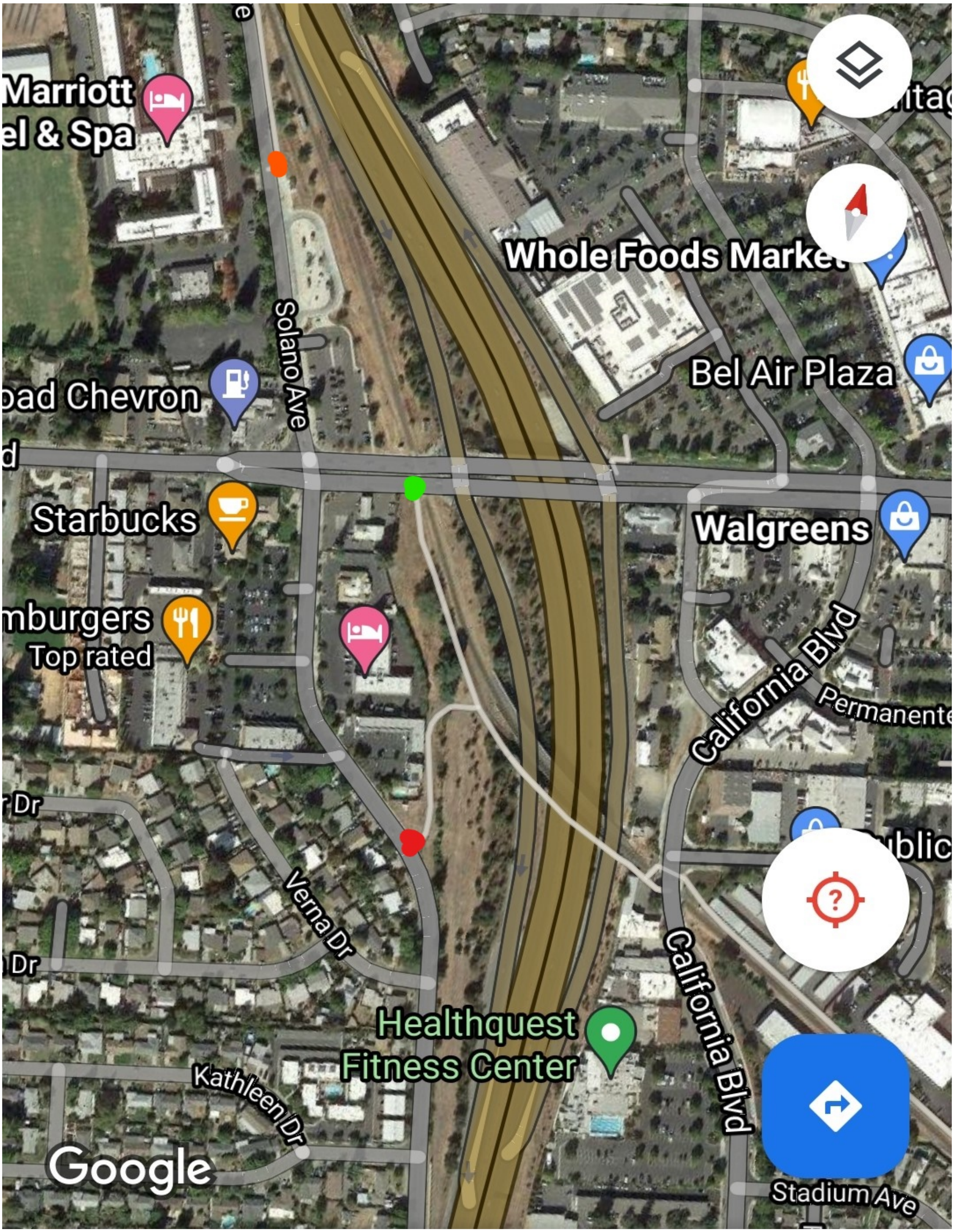
Jeff Farmer
Tainter Street

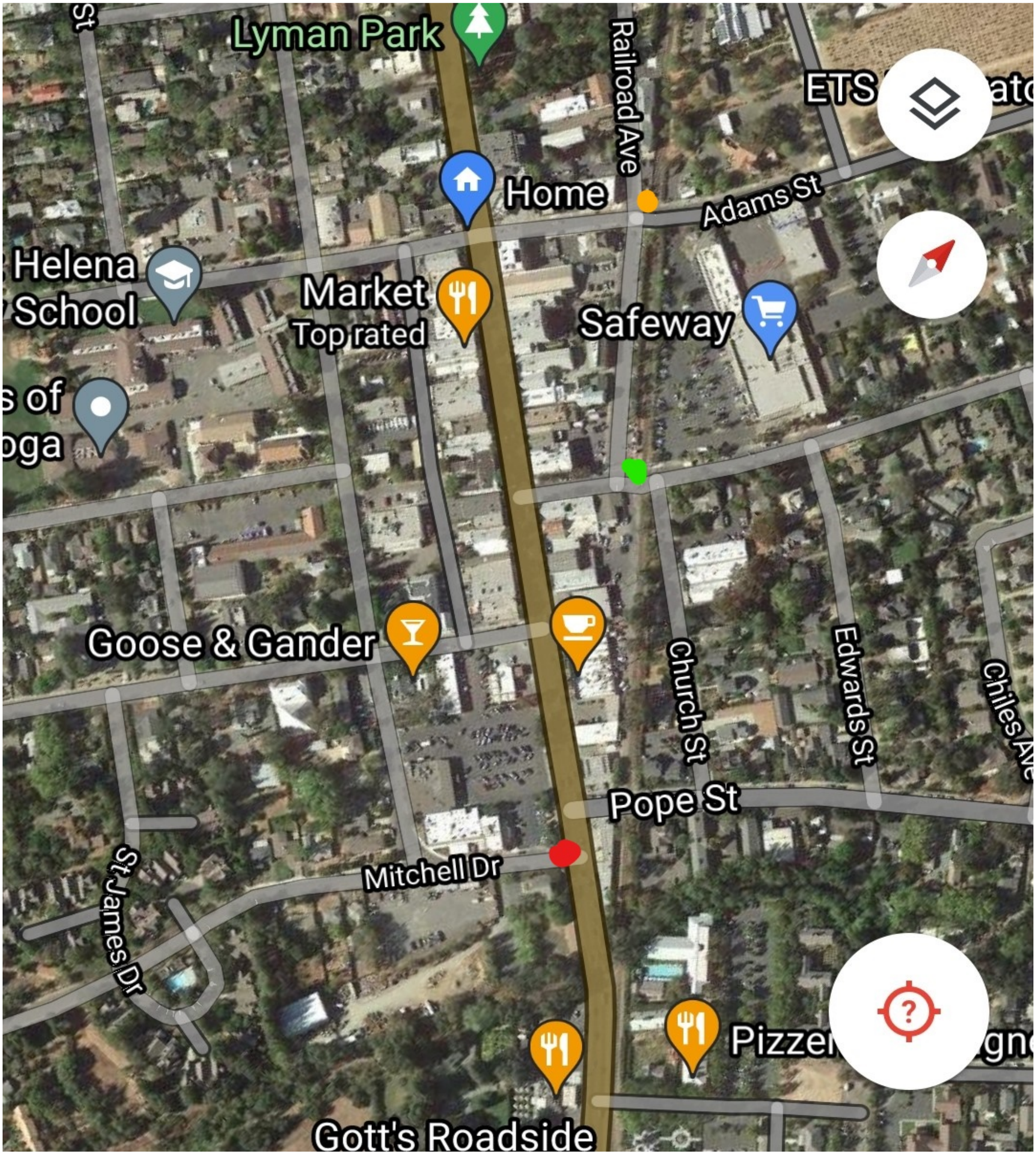
Chablis
Inn

STOP
CROSS TRAFFIC
DOES NOT STOP
STOP

17
FELIPE
PANTONE
STOP

DO NOT
STOP
ON
TRACKS
WALK
BIKE
ACROSS
TRACK
RAIL
CROSSING
ROAD
R
R


Marriott
el & Spa
Whole Foods Market
Solano Ave
oad Chevron
Bel Air Plaza
Starbucks
Walgreens
mburgers
Top rated
California Blvd
Permanente
Verna Dr
Healthquest
Fitness Center
Kathleen Dr
Google
Stadium Ave


Lyman Park
Railroad Ave
ETS
Home
Adams St
Helena
School
Market
Top rated
Safeway
Goose & Gander
Church St
Edwards St
Chiles Ave
Pope St
Mitchell Dr
St James Dr
Gott's Roadside

January 8, 2022

January 11, 2022 City Council Meeting. Item 11.2 public comment.

Dear City Council,

As you know the City of St. Helena has been suffering from a chronic lack of public parking for decades now.

The City paid a lot of money for consultations and recommendations to help address this problem, along with a myriad of other problems, but to date the has failed to follow through with any of them.

This town is arguably being killed by one bad decision after another. Please don't put another nail in the coffin by using Oak Avenue, particularly between Mitchell and Spring Street, for the Vine Trail.

Our downtown merchants and businesses need every parking space available now, and many more.

You have much better options being presented to you. Please choose an alternate route.

Sincerely,

Nancy Dervin

January 10, 2022

Mayor Geoff Ellsworth
St. Helena City Council
Submitted Electronically

RE: Support of Napa Valley Vine Trail proposed route(s) through downtown St. Helena

Dear Mayor Ellsworth and St. Helena City Council Members,

On behalf of the tourism and hospitality industry in Napa Valley, I am writing in support of the Napa Valley Vine Trail's proposed route(s) through downtown St. Helena. Building out the north end of the Vine Trail route, through downtown St. Helena, will help Napa Valley become the first wine region with a bicycle path connecting its world-class wineries. When completed, the Napa Valley Vine Trail will provide residents and visitors alike with a 47-mile safe and scenic route to recreate outdoors, explore our wineries, and commute to work, ultimately reducing traffic and pollution along Highway 29.

Visit Napa Valley's primary mission is to promote, protect and enhance our region's position as an attractive travel destination, while also enhancing the region's public image as a dynamic place to visit, live, and work. The tourism industry in Napa County supports 16,000 local jobs and provides nearly $85 million in tax revenues to our local governments. This invaluable economic contribution comes from visitors, not residents. Attractive outdoor recreation, like the Napa Valley Vine Trail, sets Napa Valley apart in an increasingly competitive travel market where visitors (and our local community) are looking for safe options to recreate outside, bringing increased dollars to our valley that support programs that benefit our residents directly.

The existing 12.5-mile Vine Trail between Napa's Kennedy Park and Yountville was used by 523,000 people in 2020, an increase of 46% over 2019. During that period, 70% of users were Napa Valley residents. Extending the Vine Trail will open more opportunities for people to walk or bike safely in our valley and within our five towns. It is an infrastructure investment that makes sense for both residents and visitors alike. Having a safe and direct

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path of the Vine Trail route going through downtown St. Helena is not only a vital component for the success of the Vine Trail, but also for the town of St. Helena. The trail brings users directly to St. Helena's restaurants, locally-owned businesses, and hotels, where visitors will rest, 'refuel', and participate in the good life we so enjoy here in Napa Valley.

Thank you in advance for your consideration of this project. Visit Napa Valley fully supports Napa Valley Vine Trail and their efforts. I look forward to the implementation of this project and the benefits it will bring to the Napa Valley community.

Sincerely,

Linsey Gallagher
Visit Napa Valley
President & CEO

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Cindy Tzafopoulos

From: Mark Prestwich
Sent: Monday, January 10, 2022 2:34 PM
To: Cindy Tzafopoulos
Subject: FW: [External] Vine Trail Proposal

Public comment

From: Annette Smith <lovemy3tees@aol.com>
Sent: Monday, January 10, 2022 1:42 PM
To: Paul Dohring <PDohring@cityofsthelena.org>; Anna Chouteau <AChouteau@cityofsthelena.org>; Lester Hardy <LHardy@cityofsthelena.org>; Eric Hall <EHall@cityofsthelena.org>; Mark Prestwich <MPrestwich@cityofsthelena.org>; Geoff Ellsworth <GEllsworth@cityofsthelena.org>
Subject: Fwd: [External] Vine Trail Proposal

Sent from my iPad

Begin forwarded message:

> **From:** Annette Smith <lovemy3tees@aol.com>
> **Date:** January 10, 2022 at 1:36:55 PM PST
> **To:** Public Comment <publiccomment@sthelenaunified.org>
> **Cc:** gellsworth@cityofsthelena.org
> **Subject: Vine Trail Proposal**

Dear Members of the St. Helena City Council,
I am writing this letter to express my opposition to the proposed Vine Trail going through St. Helena via Oak Avenue and Adams Streets. I am not against the vine Trail itself but to the disruption to our community with the 3 proposed routes. As a St. Helena citizen and co-owner of a building on Main St. And also on Oak Avenue, I object to the loss of 40 - 50 parking spaces along Oak Ave. and Adams Streets. This route would severely impact the businesses on these streets as well as on Main Street. I was alerted to the possibility of the Vine Trail route by one of my tenants. Our family was not contacted directly as property owners by the Vine Trail personnel to discuss their proposal! Our tenants are very concerned that the elimination of parking around their building will seriously impact their business and other businesses in the downtown business district. After years of fires, power outages, and Covid, our business district is finally doing better. We even have 4 new businesses on Adams St.! Why would we want to jeopardize their progress?
It has been implied that loss of parking will be mitigated by moving the bus parking on Oak to the front of the Elementary School on Adams/Kearney. What a terrible invasion of the historical integrity of that beautiful building - not to mention the traffic nightmare at the corner of Kearney. It was also suggested that the Vine Trail would make use of parking from the Catholic Church. Neither of these parking options have been approved by those property owners and are not acceptable choices. They are just too far away from the actual businesses for most citizens to walk. The use of Oak St. Does not make this trail a “school bike path” as proponents are saying. While the safety of our students is always of utmost

importance, this route does nothing to improve their cycling to school. I understand that the other proposed Vine Trail over Pope St. To Church Street is not an acceptable option to citizens in that area either.

Why are the citizens of St. Helena being disrupted to accommodate this trail? In concept, a 47 mile bike trail from Vallejo to Calistoga sounds appealing but not if it interferes with the lifestyle of the community it passes through. St. Helena has a population of older citizens who can no longer use a bike or walk long distances. Yet they are valuable community members who want to live independently and get to and from the business district, churches and medical facilities with sufficient parking and walking distance. Losing valuable existing parking would be a hardship for them too.

The Vine Trail proposal shows that construction on a path from Pratt Ave. to Calistoga is ready to go and that they are close to a path from Yountville to Mitchell Ave in St. Helena. Why does the path have to be continuous ? Why can't it end at Mitchell (Perhaps they can utilize the grassy area by Umpqua Bank) and pick up again at Lyman Park? Cyclists can walk their bikes the 2 blocks through the business district stopping at local stores or figure out how to navigate through town on their own. Perhaps signage can be provided at Mitchell.

I strongly encourage all members of the City Council to reject the proposed Vine Trail routes and direct them to explore alternate routes which will not disrupt the quality of life of our community and destroy local businesses.

Thank you for honoring the integrity of this community and supporting our local businesses.

Sincerely,

Annette Smith

Sent from my iPad

BLUE ZONES PROJECT

January 11, 2022

City of St. Helena City Council
1572 Railroad Avenue
St. Helena, CA 94574

Dear Council Members,

Blue Zones Project Upper Napa Valley would like to express support for the Vine Trail's completion through the City of St. Helena. We believe the Vine Trail will bring numerous health, environmental, and economic benefits to our community.

The population can be classified into four types of bicyclists:

1. Strong and Fearless
2. Enthused and Confident
3. Interested but Concerned
4. No Way, No How (i.e. not interested or able to use a bicycle)

According to the Napa Countywide Bicycle Plan from 2019, the "Interested but Concerned" segment is between 51-56% of the population. These are the potential cyclists that would be more likely to ride their bike if separated bike facilities are available. That is to say, it's crucial that the Vine Trail through St. Helena be constructed as either a class I or class IV bicycle facility to ensure that all who live, work, and play in St. Helena feel comfortable and safe using the trail. We have a huge opportunity to get a significant portion of the community moving naturally through biking for pleasure, commuting, running errands, connecting with others, and more.

Additionally, providing a safe and accessible trail for both pedestrians and bicyclists, has the potential to convert many local car trips to biking or walking trips. Less cars on the road, means less traffic congestion and less cars looking for parking.

In closing, we encourage the city to be creative when it comes to parking solutions, prioritize a trail route that will connect more vulnerable populations, as such our children and the elderly, to services they regularly access, and think about the long-term needs and goals of the entire community.

In health,

Joaquin E. Razo
Executive Director

Kelly Bond
Public Policy Advocate

1422 Main Street
St. Helena, CA 94574

POWERED BY: AdventistHealth

From: Chris Fowler
To: Public Comment
Subject: [External] For Tonights CC Meeting
Date: Tuesday, January 11, 2022 3:54:16 PM

Dear Council,

My comment is in regards to agenda item 11.2 of the January 11, 2022 City Council meeting.

I understand and appreciate the concerns and pushback that has been received regarding the Napa Valley Vine Trail (NVVT) coming through town. I believe almost all of the concerns are valid and real.

I believe that the concept of the NVVT is a good one. I think that it would ultimately be good for the community. I believe the Oak Ave option is a poor choice and will likely be far more complicated and disruptive than perhaps the NVVT may want to get into for such a short distance.

Speaking of disruption...going against everything I just said, I might suggest taking some serious consideration at using Money Way as an NVVT alternative. I believe with proper outreach and education, sprinkled with some inconveniences that could probably be overcome with an open mind, Money Way could be shut down to through-traffic and deliveries during daytime hours (of some form) and open for the NVVT and pedestrian traffic. Deliveries could be limited to before/after hours, and/or a couple designated curbs on Oak Ave.

I think if the NVVT, The City, and property and business owners sit down and really talk through a few of the elephants in the Money-Way-room, you may just realize that, 1) Those elephants are not as large as you may believe them to be. And, 2) You might be able to create a fun, more urban feature for our city.

In the interest of a thriving and fun downtown, maybe now is the time to be bold and take a risk. I think the worst outcome would be it not working out and Money Way reverts back to its former self.

Best,

Chris Fowler

Report to the City Council
Regular City Council - 11 Jan 2022

Agenda Section: **NEW BUSINESS**

Subject: **First reading and intention to adopt an ordinance amending the St. Helena Municipal Code Chapter 5.40 (Permits for Elder and/or Dependent Adult Caregivers) to transfer responsibility for managing the registration and background check process of individual caregivers from the County, except in special circumstances, to the California Department of Social Services (CDSS) via their Home Care Aide Registry.**

CEQA Determination: **Not a CEQA project**

Prepared By: Chris Hartley, Chief of Police

Reviewed By: April Mitts, Administrative Services Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

California State Assembly Bill AB 1217, the Home Care Services Protection Act (Act), went into effect on January 1, 2016. The Act requires the licensure and regulation of Home Care Organizations and affiliated Home Care Aides. It also provides for Independent Home Care Aides, not affiliated with a Home Care Organization, to voluntarily complete the application process and submit to, and pass, a criminal record screening in order to become registered.

In 2015, the Napa County Code was amended in response to this Act, which made those sections specific to home caregiver businesses (Home Care Organizations), unnecessary. At the time, the Area Agency on Aging Napa/Solano (AAANS) was responsible for managing the caregiver permit program. As a result of the amended County code, AAANS ceased permitting businesses but continued to manage the permitting of individual caregivers with assistance from the County.

In June 2018, Napa County took over the sole responsibility for managing the caregiver permitting program. This transition provided an opportunity for the County and the Commission on Aging to revisit the County's ordinance with a focus on enhancing efforts to enforce the ordinance and increasing protections to vulnerable elderly and dependent adults.

The County's background check process did not require fingerprinting and there was no mechanism for the County to receive subsequent arrest/conviction reports; consequently, a caregiver could commit a disqualifying crime that goes undetected until their permit is renewed. The County proposed amendments to its ordinance to address this issue by requiring Napa County caregivers to register through the California Department of Social Services (CDSS) Home Care Aide Registry. By mandating that Napa County caregivers register through the CDSS Home Care Aide Registry, caregivers will be required to pass a live scan (electronic fingerprint) criminal record screening through the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). Additionally, CDSS will receive subsequent reports of arrests and convictions from the DOJ. If notified by the DOJ, CDSS will be responsible for updating the Home Care Aide Registry accordingly. Law enforcement and community members alike will be able to access this on-line database to verify the status of a caregiver in order to determine if they have successfully completed the registration requirements and passed the criminal background check. This requirement will significantly increase protections to our vulnerable elderly and dependent adults in addition to reducing the County's administrative responsibilities.

On February 4, 2020, the Napa County Board of Supervisors adopted County Ordinance No. 1454 to amend Chapter 5.60 of the Napa County Code. The amendments adopted by the County mandate the use of the CDSS Home Care Aide Registry in order to strengthen protections to vulnerable elderly and dependent adults. Following adoption of the County's ordinance, Napa County staff began to coordinate with the cities in the County and Town of Yountville to make changes to each jurisdiction's applicable ordinance to ensure that the applicable requirements are consistent in all jurisdictions.

The City of St. Helena adopted ordinance 2010-2 "ADDING CHAPTER 5.40 TO THE ST. HELENA MUNICIPAL CODE, ADOPTING CHAPTER 5.60 OF TITLE 5 OF THE NAPA COUNTY CODE BY REFERENCE, RELATING TO REQUIREMENTS FOR PERMITS FOR ELDER AND/OR DEPENDENT ADULT CAREGIVERS" on June 22, 2010. This ordinance adopted the County Code by reference. However, the City has not updated its original ordinance to incorporate the updates made by the County since that time, including the amendments discussed above that require registration of local caregivers through the CDSS Home Care Aide Registry. Government Code Section 50022.9 allows a City to adopt provisions of a County Code by reference (as the City did here), but any amendments to the County Code must be separately adopted by the City Council and are not automatically incorporated into the City's Municipal Code. Therefore, the City's Code still reflects the County's original code adopted in 2010, without subsequent amendments. Napa County Health and Human Services contacted the City of St. Helena and requested that the City's code be updated to provide for consistent with the County's updated

ordinance, to help ensure consistent regulation and enforcement of this industry in Napa County.

DISCUSSION

The purpose of the proposed ordinance is to amend portions of Chapter 5.40 of the St. Helena Municipal Code by deleting the requirement that caregivers obtain a locally issued permit and adding a mandate that all Napa County caregivers register through the California Department of Social Services (CDSS) Home Care Aide Registry. This change will transfer the responsibility for background checks and permit issuance from Napa County to CDSS, except in limited situations when a care recipient chooses to hire a caregiver denied registration through CDSS due to reasons set forth in the Health and Safety code section 1796.25.

In addition, the proposed amendment would require that all registered St. Helena caregivers consent to having their first name, last name, birth day and birth month and personnel Home Care Registry ID number or limited permit holder designation, posted on the County website. This will provide law enforcement a mechanism to determine whether a caregiver is in compliance with the ordinance at any time of day or night.

Lastly, the requirement that caregivers provide proof that they have tested negative for tuberculosis will be changed from an annual requirement to a biennial requirement in order to align with the Home Care Aide Registry renewal.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDED ACTION

Approve the first reading by title only and waive further reading.

ATTACHMENTS

2010-2 Adult Caregiver June 22
BOS 1-14-2020 Caregiver Ordinance Agenda Item
Current vs. Proposed Ordinance Summary 12.10.19
CHAPTER 5.60 Redline
Adult Caregiver Ordinance 2022-

CITY OF ST. HELENA, CALIFORNIA

Ordinance No. 2010- 2

ADDING CHAPTER 5.40 TO THE ST. HELENA MUNICIPAL CODE, ADOPTING CHAPTER 5.60 OF TITLE 5 OF THE NAPA COUNTY CODE BY REFERENCE, RELATING TO REQUIREMENTS FOR PERMITS FOR ELDER AND/OR DEPENDENT ADULT CAREGIVERS

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

Section 1. Findings.

Whereas Government Code sections 50022.2 and 50022.9 permit the City Council to adopt an ordinance adopted by the County of Napa, by reference; and

Whereas the Napa County Commission on Aging has prepared an ordinance intended to be adopted and implemented uniformly throughout Napa County, intended to promote the health and safety of elders by establishing a uniform, countywide system of issuing permits to all persons who provide caregiver services to elders; and

Whereas on May 18, 2010, the Napa County Board of Supervisors conducted the first reading of an ordinance that will add Chapter 5.60 to Title 5 of the Napa County Code of Ordinances relating to requirements for elders and or dependent adult caregivers, and on May 25, 2010, the Board of Supervisors did adopt that ordinance.

Whereas, the City Council adopts the findings set forth in the County ordinance and desires to implement the regulatory provisions of the ordinance within the City of St. Helena.

Section 2. Adoption by Reference. Chapter 5.60 of Title 5 of the Napa County Code of Ordinances relating to permit requirements for elder and or dependent adult caregivers, is hereby adopted by reference. Any fees required by the County of Napa in the processing of the permit applications required by the ordinance shall be as imposed by the Board of Supervisors by Board resolution and paid to the appropriate County designated office.

Section 3. Violation of this ordinance is a misdemeanor or infraction, punishable by a fine, imprisonment in the county jail up to one year, or a combination of both.

Section 4. Copy of County Ordinance. Consistent with the requirements of Government Code section 50022.6, upon the adoption of this ordinance, one copy of the County's ordinance adopted by reference shall be maintained by the City's enforcement officer, the Chief of Police.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of St. Helena hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

The foregoing ordinance was passed and adopted at a Regular Meeting of the City Council of the City of St. Helena, State of California, held on the 22 day of June, 2010 by the following vote:

AYES: Councilmembers Sklar, Crull, Sanchez, Schoch, Mayor Britton
NOES: None
ABSENT: None

APPROVED:
Delford Britton
Mayor

ATTEST:
Delia Guijosa
City Clerk

A Tradition of Stewardship
A Commitment to Service

Agenda Date: 1/14/2020
Agenda Placement: 9E
Set Time: 9:50 AM PUBLIC HEARING
Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS
Board Agenda Letter

TO:	Board of Supervisors
FROM:	JoAnn Melgar for Jennifer Yasumoto - Director Health & Human Services Administration
REPORT BY:	JoAnn Melgar, Staff Services Analyst II - 707-253-4722
SUBJECT:	Amendment to Permits for Elder or Dependent Caregivers Ordinance (1st Reading)

RECOMMENDATION

First reading and intention to adopt an ordinance amending the Napa County Code Chapter 5.60 (Permits for Elder and/or Dependent Adult Caregivers) to transfer responsibility for managing the registration and background check process of individual caregivers from the County, except in special circumstances, to the California Department of Social Services (CDSS) via their Home Care Aide Registry.

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

EXECUTIVE SUMMARY

The purpose of the proposed ordinance is to amend portions of Chapter 5.60 of the Napa County Code by deleting the requirement that caregivers obtain a locally issued permit and adding a mandate that all Napa County caregivers register through the California Department of Social Services (CDSS) Home Care Aide Registry. This change will transfer the responsibility for background checks and permit issuance from the County to CDSS, except in limited situations when a care recipient chooses to hire a caregiver denied registration through CDSS due to reasons set forth in the Health and Safety code section 1796.25.

In addition, the proposed amendment would require that all registered Napa County caregivers consent to having their first name, last name, birth day and birth month and personnel Home Care Registry ID number or limited permit holder designation, posted on the County website. This will provide law enforcement a mechanism to determine whether a caregiver is in compliance with the ordinance at any time of day or night.

Lastly, the requirement that caregivers provide proof that they have tested negative for tuberculosis will be changed from an annual requirement to a biennial requirement in order to align with the Home Care Aide Registry renewal

process. A summary of these changes is attached to this Agenda item.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing.
2. Staff reports.
3. Public Comments.
4. Close Public Hearing.
5. Clerk reads the Ordinance Title.
6. Motion, second, discussion and vote to waive the balance of the reading of the ordinance.
7. Motion, second, discussion and vote on intention to adopt the ordinance.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
County Strategic Plan pillar addressed:	Effective and Open Government

ENVIRONMENTAL IMPACT

The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

California State Assembly Bill AB 1217, the Home Care Services Protection Act (Act), went into effect on January 1, 2016. The Act requires the licensure and regulation of Home Care Organizations and affiliated Home Care Aides. It also provides for Independent Home Care Aides, not affiliated with a Home Care Organization, to voluntarily complete the application process and submit to, and pass, a criminal record screening in order to become registered.

In 2015, the county code was amended in response to this Act, which made those sections specific to home caregiver businesses (Home Care Organizations), unnecessary. At the time, the Area Agency Serving Napa and Solano Counties was responsible for managing the caregiver permit program. As a result of the amended County code, the Area Agency on Aging Serving Napa and Solano ceased permitting businesses but continued to manage the permitting of individual caregivers with assistance from the County.

In June 2018, the Area Agency on Aging serving Napa and Solano Counties dissolved and Napa County took over the sole responsibility for managing the caregiver permitting program. This transition provided an opportunity for the County and the Commission on Aging to revisit the ordinance with a focus on enhancing efforts to enforce the ordinance and increasing protections to vulnerable elderly and dependent adults.

The current background check process does not require fingerprinting and there is no mechanism for the County to receive subsequent arrest/conviction reports; consequently, a caregiver may commit a disqualifying crime that goes undetected until their permit is renewed. By mandating that Napa County caregivers register through the CDSS Home Care Aide Registry, caregivers will be required to pass a live scan (electronic fingerprint) criminal record screening through the DOJ and the FBI and CDSS will receive subsequent reports of arrests and

convictions from the DOJ. If notified by the DOJ, CDSS will be responsible for updating the Home Care Aide Registry accordingly. Law enforcement and community members alike will be able to access this on-line database to verify the status of a caregiver in order to determine if they have successfully completed the registration requirements and passed the criminal background check. This requirement will significantly increase protections to our vulnerable elderly and dependent adults in addition to reducing the County's administrative responsibilities.

On July 22, 2019, the Napa County Commission on Aging reviewed and approved the changes outlined in this proposed ordinance to amend Chapter 5.60 of the Napa County Code. The Commission on Aging is recommending that the Board of Supervisors amend Chapter 5.60 to mandate the use of the CDSS Home Care Aide Registry in order to strengthen protections to vulnerable elderly and dependent adults. Staff plans to coordinate with the cities and Town of Yountville to make sure the changes to the ordinance are consistent in all jurisdictions.

SUPPORTING DOCUMENTS

A . Caregiver Ordinance-CLEAN

B . Caregiver Ordinance-TRACKED

C . Summary of Changes to Caregiver Ordinance

CEO Recommendation: Approve

Reviewed By: Ben Guerrieri

CAREGIVER PERMIT ORDINANCE

BACKGROUND — DECEMBER 10, 2019

May 25, 2010 Napa Caregiver Permit ordinance was adopted.

Nov. 24, 2015 Amendment in response to the Home Care Services Protection Act (AB 1217 effective 1.1.2016) which transferred the responsibility of the licensure and regulation of home care organizations and the registration of affiliated home care aides to CDSS, making provisions of the original ordinance unnecessary. The amendment also added the requirement that caregivers obtain a tuberculosis test to verify they are tuberculosis negative.

July 1, 2018 Prior to July 1, the Area Agency on Aging serving Napa and Solano was managing the caregiver permitting program. This organization closed June 30, 2018 and Napa County Health and Human Services, Comprehensive Services for Older Adults (CSOA) division, took over the management of the program.

January 2019 Convened a workgroup consisting of: CSOA staff, DA, Assessor/Recorder's Office and members of the Commission on Aging to discuss the effectiveness of the ordinance, CDSS's Home Care Aide Registry and El Dorado County's ordinance.

April 2019 Started working on an amendment to the ordinance that would incorporate the use of CDSS's Home Care Aide Registry.

July 22, 2019 Presented a "draft" amended ordinance to the Commission on Aging and they agreed to recommend the Board of Supervisors adopt the amended ordinance.

	CURRENT ORDINANCE		DRAFT AMENDED ORDINANCE	
Application Process	County/CSOA manages application process		CDSS manages application process	
Background Checks	Annual background check through vendor (National Crime Search, Inc.) with no mechanism to track subsequent arrest/conviction information.		Electronic fingerprints submitted to DOJ and FBI. Subsequent arrest/conviction information reported to CDSS Caregiver Background Check Bureau.	
Permit/ Registration	Registrar's office collects money & issues caregiver permit card.		CDSS assigns a home care aide personnel ID number and updates the home care aide registry search page (pending, registered, denied, revoked, etc).	
Disqualifying Crimes	List of disqualifying crimes (see link to list below).		Expanded list of disqualifying crimes (see link to list below).	
Fees	Background Check	$55 – $76.95 (depending on residence county)	CDSS Application	$35
	Permit	$20	Livescan	$10-$50
	Passport Photo	$5-$15.00	DOJ	$32
			FBI	$17
	Annual Cost	$80 - $111.95	Initial Registration	$94-$134
			Renewal (every 2 yrs)	$35
Tuberculosis Screening	Proof of negative TB required annually.		Proof of negative TB required every two years at the time of Home Care Aide Registry renewal.	
Limited Permit	Can be issued when an elder or disabled adult wants a caregiver who would normally be ineligible due to criminal background.		Can be issued when an elder or disabled adult wants a caregiver who would normally be ineligible due to criminal background.	
Searchable Database	**No** – community members/law enforcement need to call CSOA during business hours to determine whether a caregiver is permitted.		**Yes** – CDSS Home Care Aide Registry is searchable. Additionally, a requirement that caregivers consent to having their first & last name, birth day & birth month (but not year) and Home Care Aide Personnel ID # posted on the county website.	

ADDITIONAL RESOURCES

- CDSS Caregiver Background Check Bureau List of Non-exemptible Crimes http://www.ccld.ca.gov/res/pdf/non_exempt.pdf
- El Dorado County Elder and Dependent Adult Protection Ordinance https://www.edcgov.us/government/humanservices/senior%20services/family%20caregiver%20support%20program/documents/Ordinance%20No.%205008%20(1).pdf
- AB – 1217 Home Care Services Protection Act http://ccld.ca.gov/res/pdf/HCSB/WrittenDirectives_VersionThree.pdf
- CDSS Home Care Aide Registry https://secure.dss.ca.gov/ccld/hcsregistry/About.aspx
- CDSS Resources for Home Care Organizations https://www.cdss.ca.gov/Portals/9/CCLD/CCCS/HCSB/Fact%20Sheet%20Services%20FINAL.pdf?ver=2018-09-20-103941-860
- CDSS Home Care Services Protection Act FAQ's http://www.ccld.ca.gov/res/pdf/FAQs_for_HCSB_Site.pdf
- CDSS Home Care Services Consumer Protection Act Fact Sheet https://www.cdss.ca.gov/Portals/9/CCLD/CCCS/HCSB/Fact%20Sheet%20Program.pdf?ver=2018-09-20-103941-000

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~~Chapter~~CHAPTER 5.60 - ~~PERMITS FOR~~ ELDER AND~~/OR~~ DEPENDENT ADULT ~~CAREGIVERS~~[2]PROTECTION

5.60.010 - Definitions.

"The following words and phrases, when used in this title, shall be construed as follows:

"Advertise" includes, but is not limited to, the issuance of any card, sign, or device to any person, the causing, permitting, or allowing of any sign or marking on or in any building or structure, or in any newspaper, magazine, or by airwave or any electronic transmission, or in any directory under a listing as a caregiver providing in home services or a caregiver referral agency covered by this chapter.

" "Affiliated home care aide" means an individual, 18 years of age or older, who is employed by a home care organization to provide home care services or in-home services to a client.

"Caregiver~~"~~" and "home care aide" means any person that provides personal and/or ~~domestic~~home care services and/or in-home services for profit, compensation or any form of consideration for an elder and/or dependent adult.

~~"Caregiver coordinator" means the county designated organization that accepts caregiver permit applications, forwards applications to the industry specialist for background checks, and notifies applicants and the county of applicant status.~~

~~"Caregiver permit" means a permit for an individual person to work for profit as an elder and/or dependent adult caregiver.~~

"

"Caregiver Coordinator" means a Napa County employee/s responsible for verifying home care aide registration and overseeing the limited permit program.

"Caregiver referral agency~~"~~" means an individual, eighteen years or older, partnership, corporation, limited liability company, joint venture, association or other entity that offers and/or arranges caregivers for referral into the unlicensed homes of elders and/or dependent adults for the purpose of providing personal and/or domestic service and/or in-home services to the elder and/or dependent adult for compensation or any form of consideration.

" "Client" means an individual who receives home care services or in-home services from a registered home care aide or a limited caregiver permit holder.

"Dependent adult~~"~~ " has the same meaning as used in Penal Code Section 368 (any person between the ages of ~~eighteen~~18 and ~~sixty-four~~64, who has physical or mental limitations which restrict ~~his or her~~their ability to carry out normal activities or to protect ~~his or her~~their rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. "Dependent Adult" includes any person between the ages of ~~eighteen~~18 and ~~sixty-four~~64 who is admitted as an inpatient to a ~~twenty-four~~ 24-hour health facility).

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"Disqualifying crimes" means a list of criminal offenses that disqualifies an applicant from obtaining a caregiver permit. The list shall be adopted by resolution on the date this ordinance is passed and may be amended by adoption of subsequent resolutions.

"Elder" has the same meaning as used in Penal Code Section 368 (any person who is sixty-five65 years of age or older).

"Home care "For profit" means any type of compensation or consideration, whether in the form of current or future benefit, provided by the elder or dependent adult to the caregiver for the caregiver's services.

"Home care services or in-home services" means nonmedical services and assistance provided by a home care aide to a client who, because of advanced age or physical or mental disability, cannot perform these services. These services enable the client to remain in their residence and include, but are not limited to, assistance with the following: bathing, dressing, feeding, exercising, personal hygiene and grooming, transferring, ambulating, positioning, toileting and incontinence care, assisting with medication that the client self-administers, housekeeping, meal planning and preparation, laundry, transportation, correspondence, making telephone calls, shopping for personal care items or groceries, and companionship.

"Independent home care aide" means an individual, 18 years of age or older, who is not employed by a home care organization (as defined in Home Care Services Consumer Protection Act), but who is listed on the home care aide registry" and is providing home care services or in-home services through a direct agreement with a client.

"Home Care Aide Registry" means the California State Department of Social Services, Home Care Services, registry of registered home care aides and home care aide applicants Home Care Aide Registry.

"Home care organization" means an individual, eighteen18 years of age or older, firm, partnership, corporation, limited liability company, joint venture, association, or other entity that arranges for personal and domestichome care services or in-home services by aan association, or other entity that arranges for home care services or in-home services by an affiliated home care aide to a client and is licensed bypursuant to the State of CaliforniaHealth and Safety Code.

"Home services" or "in-home services" means providing personal and/or domestic services to an elder and/or dependent adult, or personal services and domestic services in the elder and/or dependent adult's temporary or permanent place of residence, which are intended to enable that individual to remain safely and comfortably in his or her own residence.

"Industry specialist" means a private company that enters into a contract with the caregiver coordinator to perform the background checks on individuals applying for a caregiver permit.

"Limited caregiver permit" means a permit to work for profit as a caregiver for a single elder and/or dependent adult only (rather than for multiple clients).) when a care provider has been found ineligible for the Home Care Registry Aide.

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"___"Personal and/or domestic services"" includes the following services for elders and/or dependent adults: domestic services performed on a regular basis more than one day a week such as housework, meal preparation, meal clean-up, laundry, grocery and other essential shopping, other errands, heavy house or yard cleaning; and/or personal services performed on a regular basis such as bathing, oral hygiene, grooming, dressing, feeding, assistance with ambulation and/or transfers, care and assistance with medical apparatus, taking an elder and/or dependent adult to and from medical appointments, or any other similar acts.

"Public authority" has the same meaning as used in Welfare and Institutions Code Section 12301.6.

"Registered home care aide" means an individual, eighteen years or older, who is listed on the home care aide registry.

"___"Registered means a caregiver or home care aide whose registration status on the Home Care Aide Registry search page is "registered" pursuant to the Home Care Services Consumer Protection Act, Article III, Section 90-071(a)(2).

____"Undue influence" consists of any one or more of the following: (1) the use, by one in whom a confidence is reposed by another, or who holds a real or apparent authority over that other, of such confidence or authority, for the purpose of obtaining an unfair advantage over the other; or, (2) taking an unfair advantage of another's weakness of mind; or, (3) taking a grossly oppressive or unfair advantage of another's necessities or distress. Whether from weakness on one side, or strength on the other, or a combination of the two, undue influence occurs whenever there results that kind of supremacy of one mind over another by which that other is prevented from acting according to his or hertheir own wish or judgment, and whereby the will of the other is overborne and he/she is induced to do an act that, if left to act freely, he/she would not do.

5.60.020 – Permit– Home Care Aide Registry—Required.

A. It is unlawful for any person to act as a caregiver without a valid caregiver permit. This section shall not apply to persons who are registered nurses, licensed vocational nurses, nurse practitioners, physician assistants, certified nursing assistants, physical therapists, certified home health aides, registered home care aides, or similar occupations for which the person already possesses a valid and current state license or state certificate and has passed a state and FBI background check.

B.

A. It is unlawful for any person, including individuals who are not employed by a home care organization but who provide home care services or in-home services to a client, unless expressly exempted by Home Care Services Consumer Protection Act and Health and Safety Code Section 1796.14 (c), to act as a caregiver and/or home care aide for profit or compensation unless such individual is listed on the home care aide registry pursuant to the Home Care Services Consumer Protection Act.

B. It is unlawful for a caregiver referral agency to arrange, promote, advertise, and/or include on a list, a caregiver for the purpose of providing personal and/or domestic services to an elder and/or dependent adult when the caregiver does not have a valid caregiver permit required pursuant to this chapter. without providing a "home care aide personnel ID number".

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C. This section does not apply to the county Board of Supervisors, a public authority, or a non-profit consortium established to implement an In-Home Supportive Services Program as described in Welfare and Institution Code Sections 12301.6. et seq.

D. This section does not apply to a facility that is licensed and regulated by the State of California through a process that requires the facility's employees to be the subject of a background check prior to employment.

E. Violation of this ordinancechapter is a misdemeanor or infraction, punishable by a fine, imprisonment in the county jail up to one year, or a combination of both.

5.60.030 - Permit**Registration—Application.**

Each application for an individual permit to act as a caregiver shall contain the following information and shall be submitted to the caregiver coordinator:

A. The full true name and any other names ever used by the applicant;

B. The current residential address and telephone number of the applicant;

C. Each residential and business address of the applicant for the five years immediately preceding the date of the application, and the inclusive dates of each address;

D. All fictitious business names used by the applicant and the respective addresses of those businesses;

E. Written proof that the applicant possesses a valid social security number;

F. Written proof that the applicant is at least eighteen years of age unless the particular business has a different age requirement pursuant to state or federal law, in which case proof of the applicable state or federal law requirement shall be provided;

G. Applicant's height, weight, and color of eyes and hair;

H. Submit two identification type photographs (one and one-half inches high by one inch wide);

I. Applicant's business, occupation and employment history for the five years immediately preceding the date of application, including addresses and dates of employment;

J. The name and business address of any employing individual elder and/or dependent adult or home care organization within the last five years;

K. Whether the applicant has ever had any license or permit issued by any agency or board, or any city, county, state or federal agency revoked or suspended, or has had any professional or vocational license or permit revoked or suspended within five years immediately preceding the application, and, if so, the reason for the suspension or revocation;

L. All criminal convictions of the applicant, including those dismissed pursuant to Penal Code Section 1203.4, except traffic, and a statement of the dates and places of such convictions;

M. Written proof that the applicant is free of active tuberculosis diseases; and

N. Such other identification and information as may be required to substantiate the matters required to be set forth in the application.

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5.60.040 - Permit—Fees.

A. An application fee in the amount adopted by resolution of the board shall be paid by each applicant at the time of application and upon annual renewal thereafter.

B. A permit fee in the amount adopted by resolution of the board shall be paid by each applicant at the time of issuance of the permit and upon annual renewal thereafter.

5.60.050 - Permit issuance or denial; grounds for denial.

A. Upon submittal of a complete application, the caregiver coordinator shall forward the application to the industry specialist who shall conduct a background investigation to determine an applicant's fitness to conduct the occupation of caregiver.

B. Except as otherwise provided in this code, upon completion of the investigation of an individual applicant, the county shall issue a permit unless:

1. The applicant has any misdemeanor or felony conviction for violation of the Penal Code Sections included on the list of disqualifying crimes;

2. The applicant has knowingly made a false or misleading statement of a material fact or omission of a material fact in the application;

3. The applicant has had a similar type of registration, license, permit, or certificate previously denied, suspended for a total of six months, or revoked, within five years immediately preceding the date of the filing of the application, and the applicant can show no material changes in circumstances since such denial, suspension, or revocation;

4. The applicant is on informal or formal probation in any jurisdiction;

5. The applicant has had a felony conviction within ten years immediately preceding the date of the application; or

6. After request by the caregiver coordinator, the applicant fails to provide proof of any application requirement set forth in Section 5.60.030.

5.60.060 - Permit—Right to appeal.

Any applicant denied a caregiver permit shall be afforded an appeal as follows:

A. For a denial under subsections (B)(2), (3), (6) of Section 5.60.050, an appeal as prescribed by the Chapter 2.88.

B. For a denial pursuant to a disqualifying crime, an appeal as prescribed by the industry specialist.

Each applicant, including individuals who are not employed by a home care organization but who provide home care services or in-home services to a client in Napa County, California, unless expressly exempted by Home Care Services Consumer Protection Act, Article 2, Section 1796.14 (c) shall comply with the conditions and requirements of Home Care Services Consumer Protection Act, Health and Safety Code Sections 1796.19, 1796.21, 1796.22, 1796.23 and 1796.24. Individuals who are not employed by a home care organization but who provide home care services or in-home services to a client, unless expressly exempted by Home Care Services Consumer Protection Act, Health and Safety Code Section 1796.14 (c), shall provide the Caregiver Coordinator proof that they have tested negative for Tuberculosis.

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5.60.040 – Registration – Publication

The first and last name, birth day and birth month (but not year) and home care aide personnel ID number or limited permit holder designation, for every registered caregiver and limited caregiver permit holder, will be posted on the Napa County website.

5.60.050 - Registration—Denial and revocation.

An application for registration may be denied, and registration may be revoked pursuant to Home Care Services Consumer Protection Act, Health and Safety Code Sections 1796.25 and 1796.26.

5.60.060 - Registration —Update and renewal.

To remain on the home care aide registry, each registered home care aide, including individuals who are not employed by a home care organization but who provide home care services or in-home services to a client, unless expressly exempted by Home Care Services Consumer Protection Act, Health and Safety Code Section 1796.14 (c), shall renew their registration every two years, pursuant to Home Care Services Consumer Protection Act Health and Safety Code Section 1796.31. To renew their registration, individuals who are not employed by a home care organization but who provide home care services or in-home services to a client, unless expressly exempted by Home Care Services Consumer Protection Act, Health and Safety Code Section 1796.14 (c), shall provide the Caregiver Coordinator proof that they have tested negative for Tuberculosis.

5.60.070 - Permit—Limited caregiver permit.

A. — A person who ~~would otherwise qualify as an applicant~~has applied for ~~a caregiver permit~~the Home Care Aide Registry but ~~cannot do so because~~was denied for any of ~~a disqualifying conviction~~the reasons set forth in the Health and Safety code section 1796.25 may request a limited caregiver permit ~~that~~ from the Caregiver Coordinator. The limited permit will authorize the applicant to perform home care services or in-home services for a single employing elder or dependent adult. An individual may possess only a single limited caregiver permit at any one time~~.~~ and a limited permit must be renewed annually from the date it was first issued.

B. — A limited caregiver permit may be issued, if the following conditions have been satisfied:

1. — There is no ongoing Law enforcement investigation or APS report for Elder Abuse.

2. Together with the application and payment of fees required to the Napa County Clerk-Recorder for a permit ~~under Sections 5.60.30 and 5.60.040~~, the applicant shall submit a notarized and/or witnessed declaration from the employing elder and/or dependent adult acknowledging the following:

a. — That ~~he or she is~~they are aware that the ~~elder and/or caregiver~~ applicant is not eligible for ~~an elder and/or dependent adult caregiver permit;~~ the Home Care Aide Registry.

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b. That he or she hasthey have been provided, reviewed, and isare aware of the criminal exemptionsconvictions that prevent anprevented the applicant from passingbeing qualified for the background checkHome Care Aide Registry and he or she understandsthey understand that the applicant has a disqualifying conviction;

c. That he or she desiresthey desire to employ the applicant as an elder and/or dependent adult caregiver notwithstanding the applicant's ineligibility to obtain a non-limited permitbe registered on the Home Care Aide Registry due to previous criminal convictions;

d. That he or she hasthey have knowingly, intelligently, and voluntarily chosen the applicant to be their caregiver;

e. That he or she understandsthey understand the possible danger and potential risk involved with hiring a caregiver who was unable to pass the background checkbe registered and agreesagree to accept any and all risks associated with the decision to hire the applicant;, and

f. That he or shethey, to the full extent permitted by law, shall hold harmless, defend at his or hertheir own expense, and indemnify the county, the caregiver coordinator and theits officers, agents, employees, including the caregiver coordinator, and volunteers of the county and the caregiver coordinator, from any and all liability, claims, losses, damages or expenses, including reasonable attorney fees, for personal injury (including death) or damage to property, arising from all acts or omissions of the applicant.

g. All individuals with limited caregiver permits must show proof of permit while providing home care services or in-home services.

C. A limited caregiver permit provided under this section shall be subject to any regulatory and/or criminal action as if it were a. Failure to provide proof of permit issuedis a violation under Chapter 5.60.020(C)

5.60.075 ~~- Permit—Validity.~~ **[Reserved]**

~~A. Upon issuance of the letter from the caregiver coordinator approving the application, the applicant shall have thirty days to submit the approval letter to the recorder-county clerk. After thirty days, the approval letter will become null and void.~~

~~B. The caregiver permit shall be valid for a period of one year. Thereafter, it may be renewed for additional one year periods by submittal of a renewal application and payment of the applicable fees.~~

~~C. A limited caregiver permit shall be valid for a period of one year. Thereafter, it may be renewed for additional one year periods by submittal of an application, a current notarized and/or witnessed declaration and payment of the applicable fee. A limited caregiver permit shall not be issued to anyone that has previously had such a permit suspended or revoked.~~

5.60.080 - Threatening, coercing, intimidating, or using undue influence—Prohibited.

It is unlawful for any person to threaten, coerce, intimidate, or use undue influence upon an elder and/or dependent adult in order to obtain a statement required under Section 5.60.070. Any person found to have threatened, coerced, intimidated, or unduly influenced an elder and/or dependent adult may be the subject of criminal prosecution as provided in subsection (E) of Section 5.60.020 above.

5.60.085 - ~~Permit~~Registry—Advertising.

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A. It is unlawful for any person to advertise as a caregiver covered by this chapter unless that person holds a valid permitis registered on the Home Care Aide Registry under this chapter which is listed in the classification so advertised. .

B. It is unlawful for any referral agency to advertise for a caregiver covered by this chapter unless that caregiver holds a valid permitis registered on the Home Care Aide Registry under this chapter which is listed in the classification so advertised.

C. Any person or caregiver referral agency who advertises or puts out any sign or card or other device that would indicate to the public that he or she istheythey are a caregiver, or who causes his or hertheir name or business name to be included in a classified advertisement orto a directory under a classification for caregivers covered by this chapter, is required to include their permit identificationthe Home Care Aide's Personnel Identification number in the advertisement.

5.60.090 ~~– Permit—Update and renewal.~~ **– [Reserved]**

~~Each individual permit holder shall apply for renewal of his or her permit prior to the expiration of said permit within one year of the issuance date. Renewal applications shall include any new information not contained in the original application.~~

Ordinance No. 2022-

AMENDING CHAPTER 5.40 TO THE ST. HELENA MUNICIPAL CODE, ADOPTING CHAPTER 5.60 OF TITLE 5 OF THE NAPA COUNTY CODE BY REFERENCE, RELATING TO REQUIREMENTS FOR PERMITS FOR ELDER AND/OR DEPENDENT ADULT CAREGIVERS

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

Section 1. Findings.

Whereas Government Code sections 50022.2 and 50022.9 permit the City Council to adopt an ordinance adopted by the County of Napa, by reference; and

Whereas in 2010, the Napa County Commission on Aging prepared an ordinance intended to be adopted and implemented uniformly throughout Napa County, intended to promote the health and safety of elders by establishing a uniform, countywide system of issuing permits to all persons who provide caregiver services to elders; and

Whereas on May 25, 2010, the Napa County Board of Supervisors adopted an ordinance that added Chapter 5.60 to Title 5 of the Napa County Code of Ordinances relating to requirements for elders and or dependent adult caregivers.

Whereas on June 22, 2010, the City Council adopted Ordinance No. 2010-2 “ADDING CHAPTER 5.40 TO THE ST. HELENA MUNICIPAL CODE, ADOPTING CHAPTER 5.60 OF TITLE 5 OF THE NAPA COUNTY CODE BY REFERENCE, RELATING TO REQUIREMENTS FOR PERMITS FOR ELDER AND /OR DEPENDENT ADULT CAREGIVERS”.

Whereas on February 4, 2020, the Napa County Board of Supervisors adopted an ordinance amending Chapter 5.60 to Title 5 of the Napa County Code of Ordinances. The amendment addresses deleting the requirement that caregivers obtain a locally issued permit and adding a mandate that all Napa County caregivers register through the California Department of Social Services (CDSS) Home Care Aide Registry.

Whereas, the City desires to adopt a new ordinance to incorporate the amendments to Chapter 5.60 of Title 5 of the Napa County Code into the City’s ordinance.

Whereas, the City Council adopts the findings set forth in the County ordinance and desires to implement the regulatory provisions of the updated County ordinance within the City of St. Helena.

Section 2. Adoption by Reference. Chapter 5.60 of Title 5 of the Napa County Code of Ordinances relating to permit requirements for elder and or dependent adult caregivers, is hereby adopted by reference. Any fees required by the County of Napa in the processing of the permit applications required by the ordinance shall be imposed by

the Board of Supervisors by Board resolution and paid to the appropriate County designated office.

Section 3. Violation of this ordinance is a misdemeanor or infraction, punishable by a fine, imprisonment in the county jail up to one year, or a combination of both.

Section 4. Copy of County Ordinance. Consistent with the requirements of Government Code section 50022.6, upon the adoption of this ordinance, one copy of the County's ordinance adopted by reference shall be maintained by the City's enforcement officer, the Chief of Police.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of St. Helena hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the _____ day of _____, 2022, and was adopted at a regular meeting of the St. Helena City Council on the _____ day of _____, 2022, by the following vote:

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

APPROVED:

_____
Geoff Ellsworth, Mayor

ATTEST:

CITY OF ST. HELENA

_____
Cindy Tzafopoulos, City Clerk

I, CINDY TZAFOPOULOS, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first

reading at a regular meeting of the City Council on the _____ day of _____, 2022. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the _____ day of _____, 2022, by the following vote:

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

Report to the City Council
Regular City Council - 11 Jan 2022

Agenda Section: **NEW BUSINESS**

Subject: **Presentation of Opinion Research Related to Consideration of a June or November 2022 Revenue-Generating Local Ballot Measure**

CEQA Determination: **Not a CEQA project**

Prepared By: Mark T. Prestwich, City Manager

Reviewed By: April Mitts, Administrative Services Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

Consistent with City Council Goal 4.B, on June 8, 2021, the City Council received a presentation on financing and revenue options to address City infrastructure deficiencies. The report noted City capital needs exceed $65 million and also discussed operational challenges that add pressure to the General Fund and impact City service levels. Several near-term revenue options were discussed, including consideration of a potential June or November 2022 ballot measure.

Direction was provided to secure professional opinion research services as an initial step in developing a community supported funding strategy or other alternatives that could be deployed to accelerate investment in the City's infrastructure and to address operational challenges. The City subsequently retained Fairbank, Maslin, Maullin, Metz & Associates (FM3 Research) on September 14, 2021, who then conducted an opinion research survey of likely St. Helena voters between mid-November and early December 2021. FM3 Research is the same firm that conducted opinion research for the City in 2016.

Several recent City Council commissioned studies document widespread infrastructure challenges confronting the City's General Fund and Water and Wastewater Enterprise Funds. For example, the May 6, 2020 Financing Civic Infrastructure Task Force Final Report noted, "Unfortunately, over the past several decades, St. Helena, like many cities

and states, has accumulated a significant backlog of deferred maintenance. In addition, regulatory pressure has increased in areas like water and wastewater treatment and dam safety, which require major investment in plant and equipment to retain the certifications to operate those services." The report adds there are, "no reserve funds set aside for infrastructure repair and replacement."

As noted by the Financing Civic Infrastructure Task Force, "without...capital investments, the City runs the risk of major infrastructure failure and/or the suspension of state and federal authorization to provide water and sewer services – and the City's General Fund does not have money to contribute to these improvements." The report emphasized, "the enormity of the forecasted (and un-forecasted) future investment, the risk of running afoul of regulators if timely investments aren't made, and resistance to past rate increases make us conclude that the Enterprise businesses pose a financial risk to the City. It is quite possible that the Enterprise businesses will have to borrow from the City's General Fund, especially in an emergency situation involving the failure of major elements of the systems."

A tax measure presented to St. Helena voters must occur on the same ballot as a statewide General Election, which would be either June 7, 2022 or November 8, 2022. If Council directs staff to prepare a measure for placement on the June Ballot, the first reading of a proposed Ordinance would need to occur by the regular Council meeting of February 8, 2022. A second reading of the ordinance would occur at the regular Council meeting of February 22, 2022, subject to voter approval to be adopted.

DISCUSSION

FM3 Research has completed public opinion research related to three potential ballot measure alternatives for City Council consideration. The methodologies tested include:

General Obligation Bond (GO Bond). GO Bonds are a useful financing method that local governments, including St. Helena, have relied on to assist in financing infrastructure projects because of their low borrowing costs and widespread investor appeal. For California cities, GO Bonds are secured by a promise to levy ad valorem property taxes (property taxes based on the value of the property) in an unlimited amount as necessary to pay debt service. Voters approve the maximum amount of debt (bonds) that can be issued. The ad valorem taxes levied to pay debt service on City GO Bonds are in addition to the one percent general ad valorem property tax. FM3 Research tested support for a GO Bond to address infrastructure deficiencies that would generate $54 million over 30 years, resulting in an assessment averaging approximately $47 per $100,000 of assessed value. To be enacted, a GO Bond requires 2/3 voter approval.

Sales Tax. A 1/2 cent transactions and use (sales) tax is estimated to generate $1.5 million annually. General sales taxes can be used for unrestricted purposes and require majority voter approval. Special taxes dedicate revenue for a specific purpose and require 2/3 voter approval. FM3 Research tested support for a General 1/2 cent sales tax. The City's sales tax rate is currently 8.25%.

The City receives only 1.5% of the 8.25% sales tax revenues as itemized below:

California	6.00%
County of Napa	0.25%
City of St. Helena (Measure D)	0.50%
City of St. Helena (Bradley-Burns)	1.00%
County of Napa (Measure T)	0.50%
TOTAL	**8.25%**

Hotel Tax. A 2% transient occupancy (hotel) tax is estimated to generate $560,000 annually. The City of St. Helena Municipal Code currently applies a 12% hotel tax for general purposes to all lodging stays of 30 days or less, and an additional 1% hotel tax that is dedicated to affordable housing. FM3 Research tested support for a 2% increase to the City's hotel tax.

A GO Bond could be placed on either the June or November 2022 ballot. A sales tax or hotel tax would need to be placed on the November 2022 ballot as these must be considered during a General Municipal Election unless the City declared a fiscal crisis.

Next Steps

FM3 Research will provide a presentation that includes additional analysis and information on the interpretation of the results. The slides that will be used for the presentation are attached to this report. FM3 Research will also be available to answer Council questions.

After receiving the opinion research results presentation, the City Council is requested to provide direction to staff on the following items:

June 2022 Election. If there is a desire to continue consideration of a possible June 7, 2022 ballot measure, it is recommended the City Council direct staff to schedule a 6:00 p.m. Council Workshop on January 20 (or alternate date prior to January 25, 2022), to further discuss the following:

- Potential projects to be funded by a GO Bond based on results of opinion research and City needs;
- Cost estimate of projects to be funded by a GO Bond;
- Distinctions between a GO Bond and a Revenue Bond;
- Financial impacts associated with various alternatives; and
- Any other information, comments or direction related to a potential measure that would be important to incorporate.

Following the Council workshop, if there is continued interest in placement of a June 2022 revenue measure, it is anticipated the Council would conduct a first reading of a potential ordinance on January 25, 2022 or February 8, 2022.

November 2022 Election. Consideration of a ballot measure for November 2022 will likely require Council action by the first meeting in August 2022. Therefore, there is additional time to schedule future discussions later in the current fiscal year should there be Council interest in a potential November 2022 revenue measure.

FISCAL IMPACT

The City has budgeted $40,000 in the current Fiscal Year budget for potential June 7, 2022 election costs.

RECOMMENDED ACTION

Receive presentation, discuss and provide direction to the City Manager.

ATTACHMENTS

220-6186 St. Helena Survey Analysis PowerPoint

DRAFT

Voter Attitudes Toward a St. Helena Finance Measure

Key Findings from a Citywide Survey
Conducted November 18 – December 16, 2021

FM3 RESEARCH | OPINION RESEARCH & STRATEGY

220-6186

Survey Specifics and Methodology

Dates	November 18 - December 16, 2021
Survey Type	Dual-mode Voter Survey
Research Population	All Registered Voters
Total Interviews	384
Margin of Sampling Error	±5.0% at the 95% Confidence Level
Contact Methods	Email Invitations Telephone Calls Text Invitations
Data Collection Modes	Telephone Interviews Online Interviews

(Note: Not All Results Will Sum to 100% Due to Rounding)

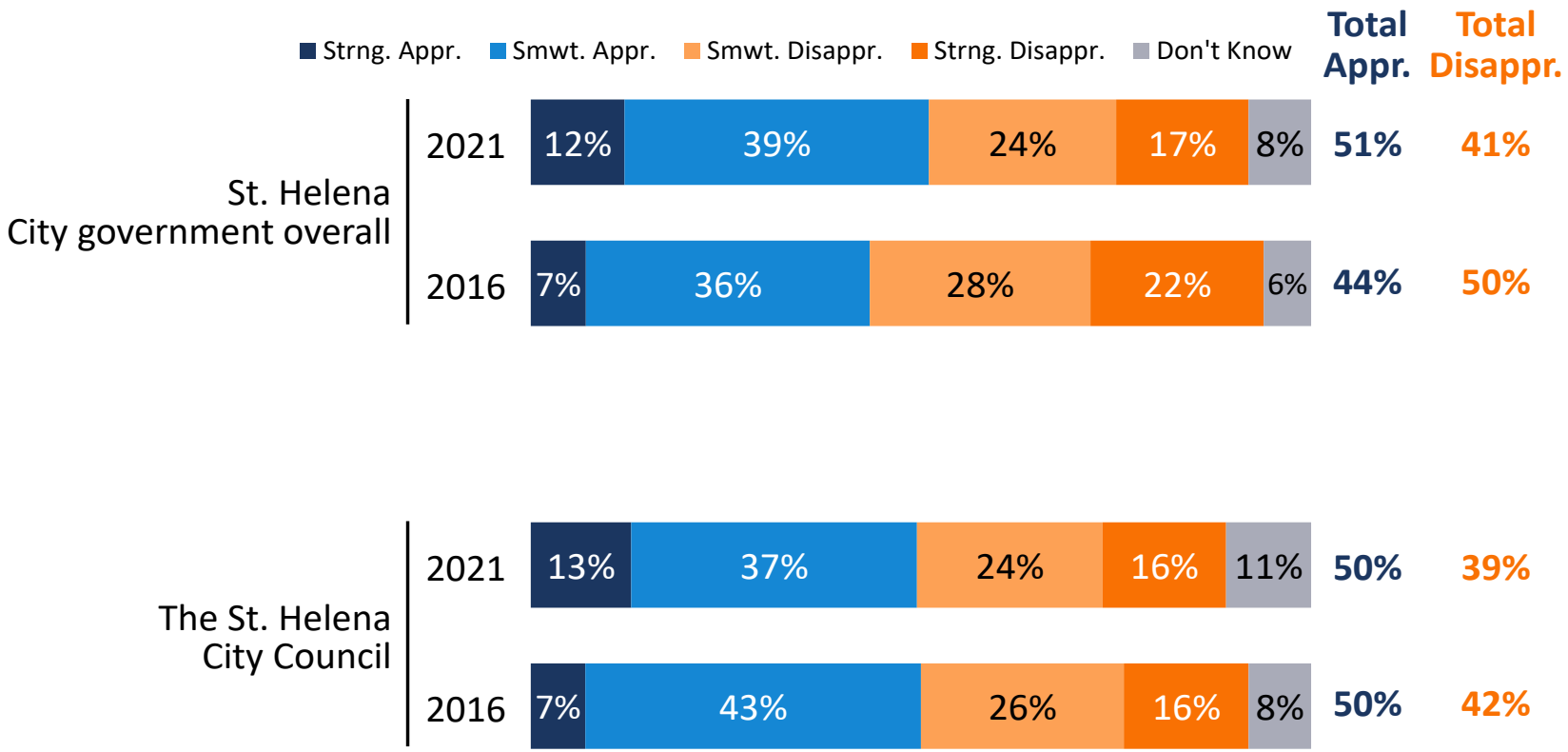
DRAFT

FM3 RESEARCH

Issue Context

A majority approves of the job being done by City government and the City Council.

I am going to read you a list of organizations and individuals. Please tell me if you approve or disapprove of the job being done by the organization or individual.



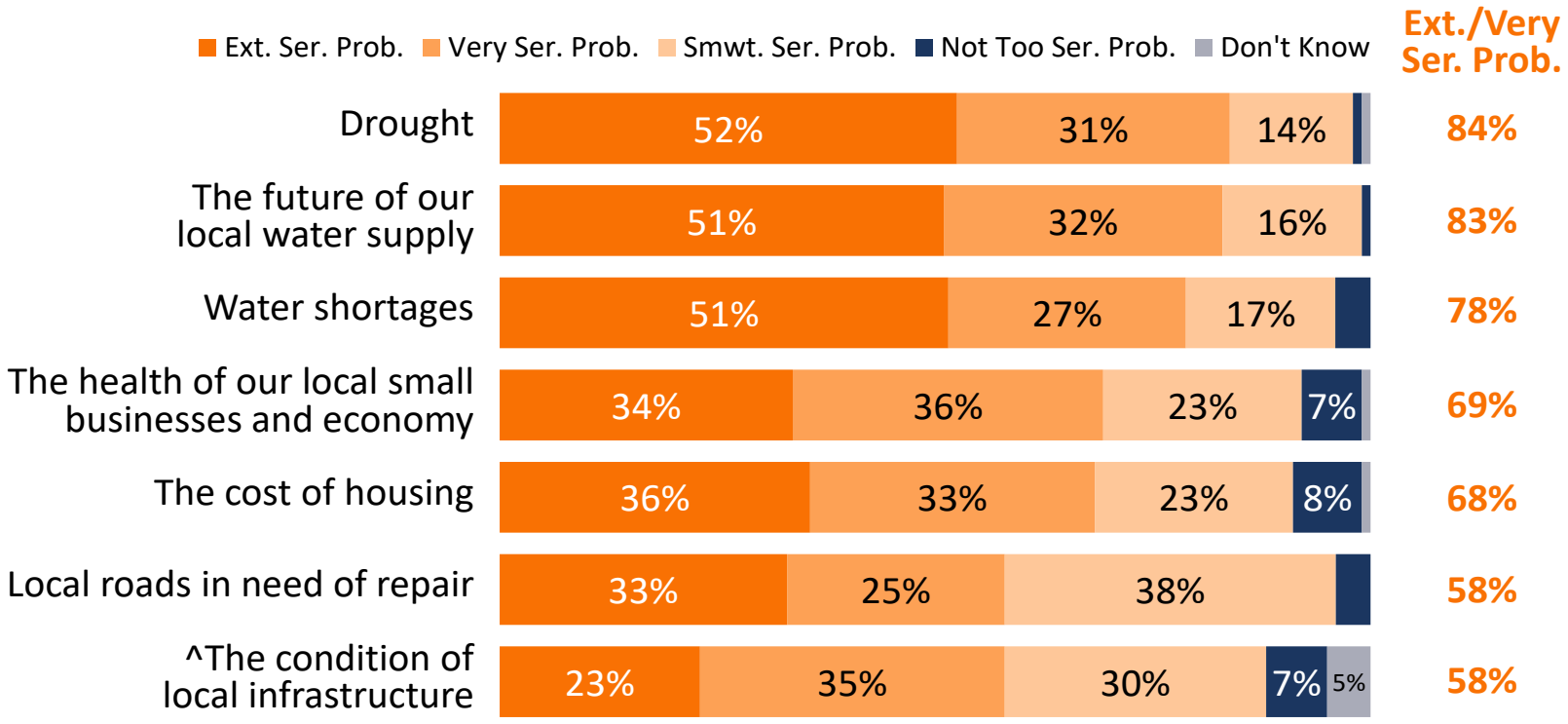
DRAFT

FM3 RESEARCH

Q1.

Drought, the local water supply and water shortages are seen as the biggest problems facing the City.

I'm going to read you a list of things some people say may be problems facing St. Helena. Please tell me whether you think it is an extremely serious problem, a very serious problem, a somewhat serious problem, or not a problem for St. Helena residents.



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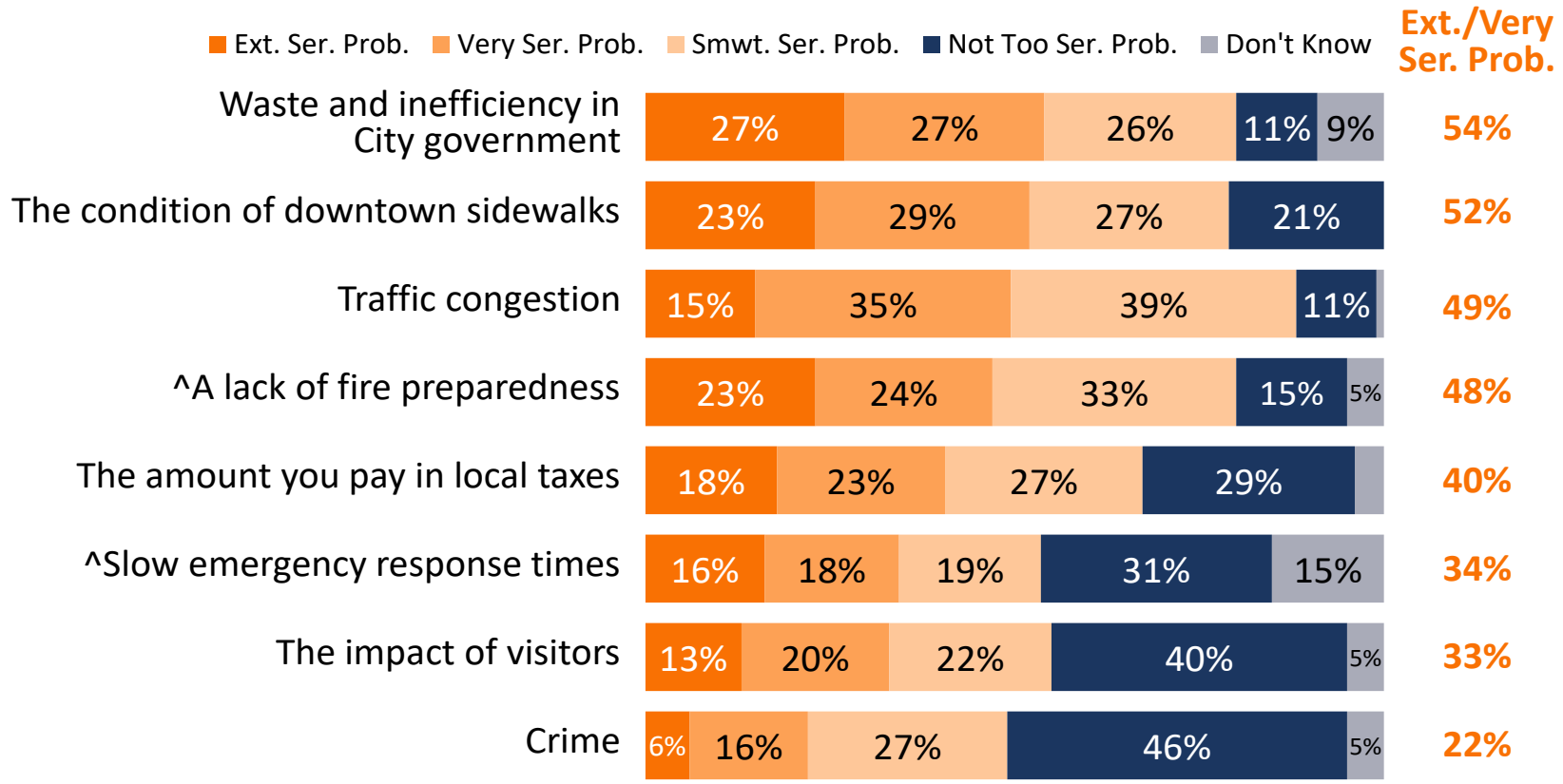
FM3 RESEARCH

Q6. ^Not Part of Split Sample

Voters are least concerned about emergency response times, visitors, and crime.



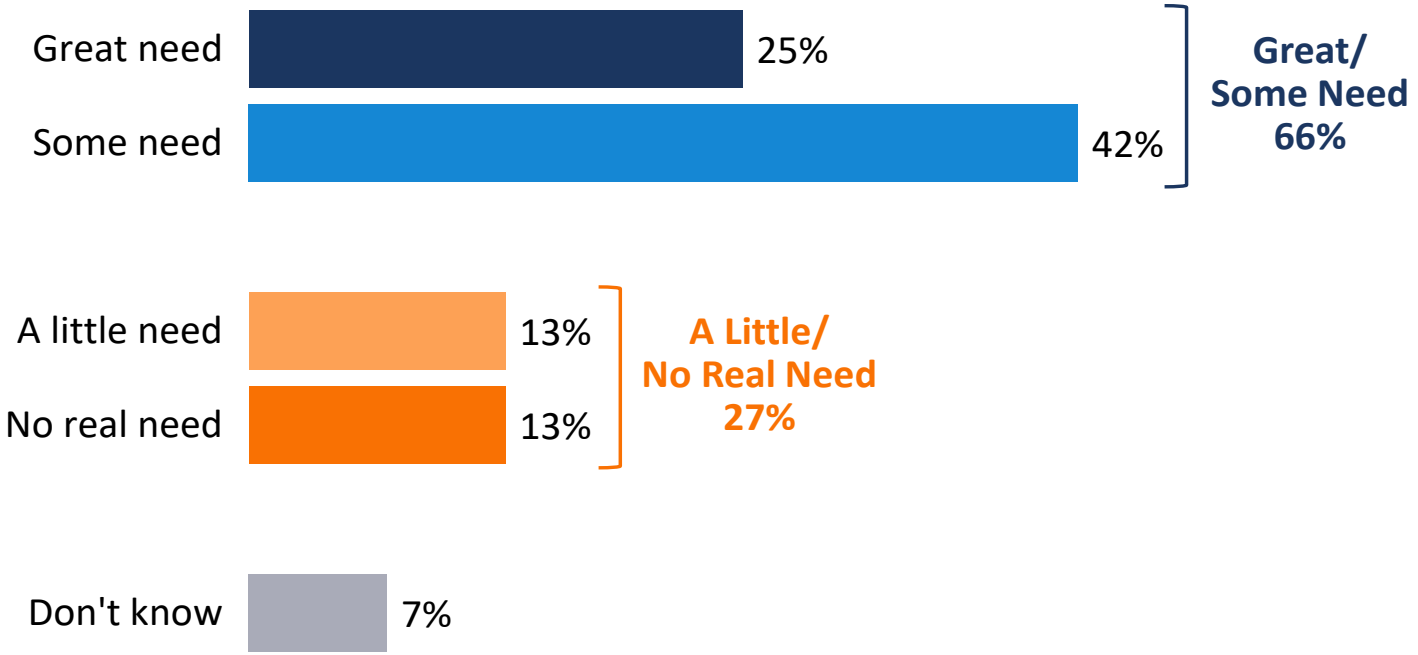
DRAFT

FM3 RESEARCH

Q6. I'm going to read you a list of things some people say may be problems facing St. Helena. Please tell me whether you think it is an extremely serious problem, a very serious problem, a somewhat serious problem, or not a problem for St. Helena residents. ^Not Part of Split Sample

Two-thirds see a need for additional funding, but only one-quarter see a "great need."

In your personal opinion, do you think there is a great need, some need, a little need, or no real need for additional funds to provide the level of City services that St. Helena residents need and want?



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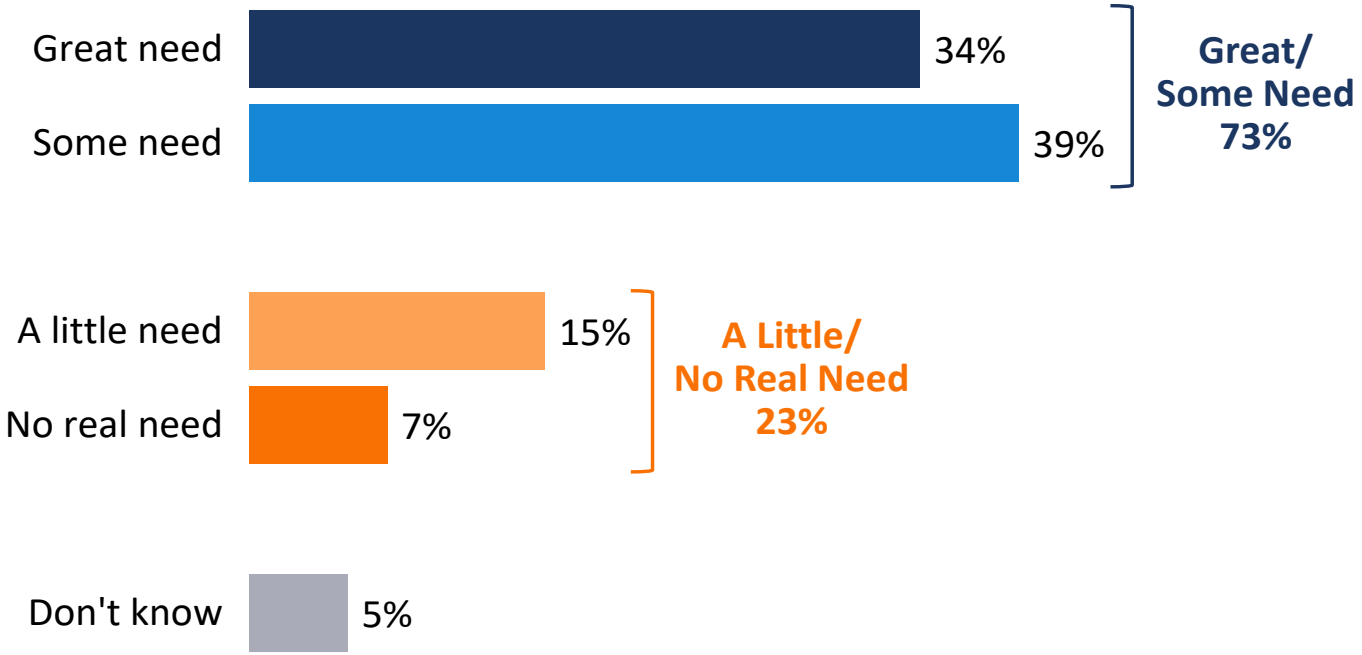
FM3 RESEARCH

Q7.

Three-quarters see a need for funding for infrastructure.

Do you think there is a great need, some need, a little need, or no real need for additional funds to address the condition of St. Helena infrastructure?



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FM3 RESEARCH

Q8.

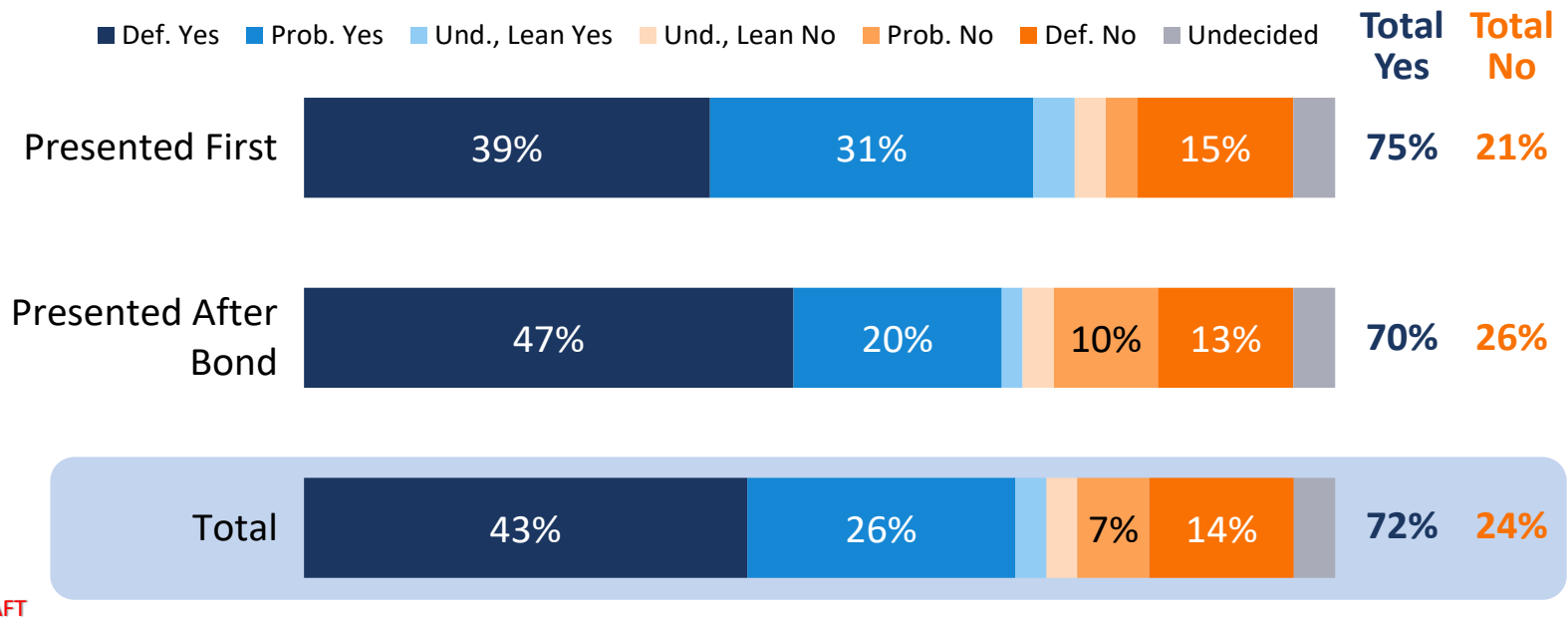
Introducing the Measures

Ballot Measure Testing Approach

- The voter sample was divided into two representative groups:
  - One group was asked their opinion of the sales tax measure followed by the bond measure;
  - The other group was asked their opinion of the bond measure followed by the sales tax measure.
- After hearing both measures, respondents were asked how they would vote knowing that both measures could appear on the same ballot.

Nearly three-quarters back the proposed sales tax measure.

St. Helena Vital City Services Measure. To maintain vital St. Helena services by improving local 911 emergency medical/fire protection; wildfire response and preparedness; repairing local roads, and potholes; maintaining public safety; protecting safe drinking water sources; maintaining parks, recreation, and the library and other general City services; shall the City of St. Helena measure establishing a ½-cent cent sales tax, providing $1.5 million annually until ended by voters, with independent audits, all funds staying local, be adopted?



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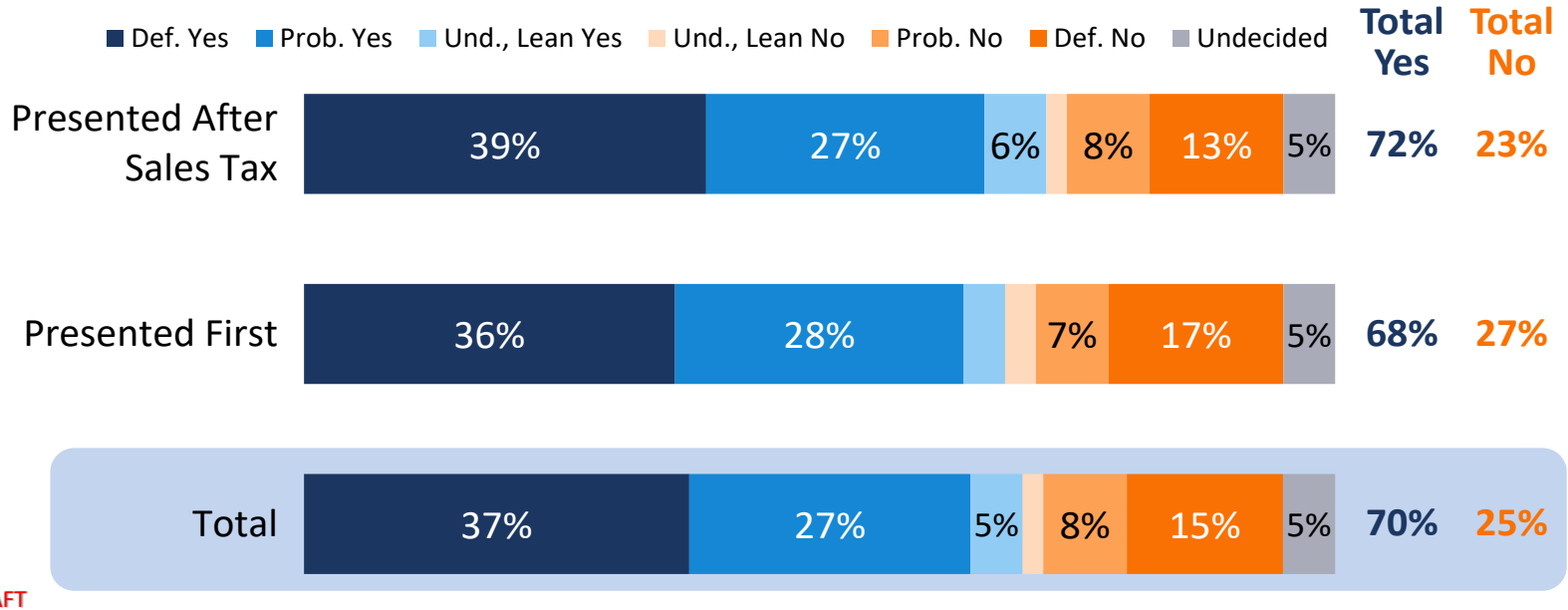
FM3 RESEARCH

Q2. If the election were held today, would you vote yes in favor of it, or no to oppose this measure?

Seven in ten support the proposed water bond measure.

St. Helena Water Service Protection. To protect local water quality/supply, improve drought resilience by: repairing/replacing St. Helena's 1940s-era drinking water/stormwater system, including pipes, aging/deteriorating drinking water and sewage infrastructure; keeping sewage, pollution, trash, chemicals from local rivers, creeks and streams; protecting safe, sustainable, local water sources; shall City of St. Helena's measure authorizing $54 million in bonds, levying approximately $41 per $100,000 of assessed value, raising about $3.5 million annually while bonds are outstanding, requiring audits, be adopted?



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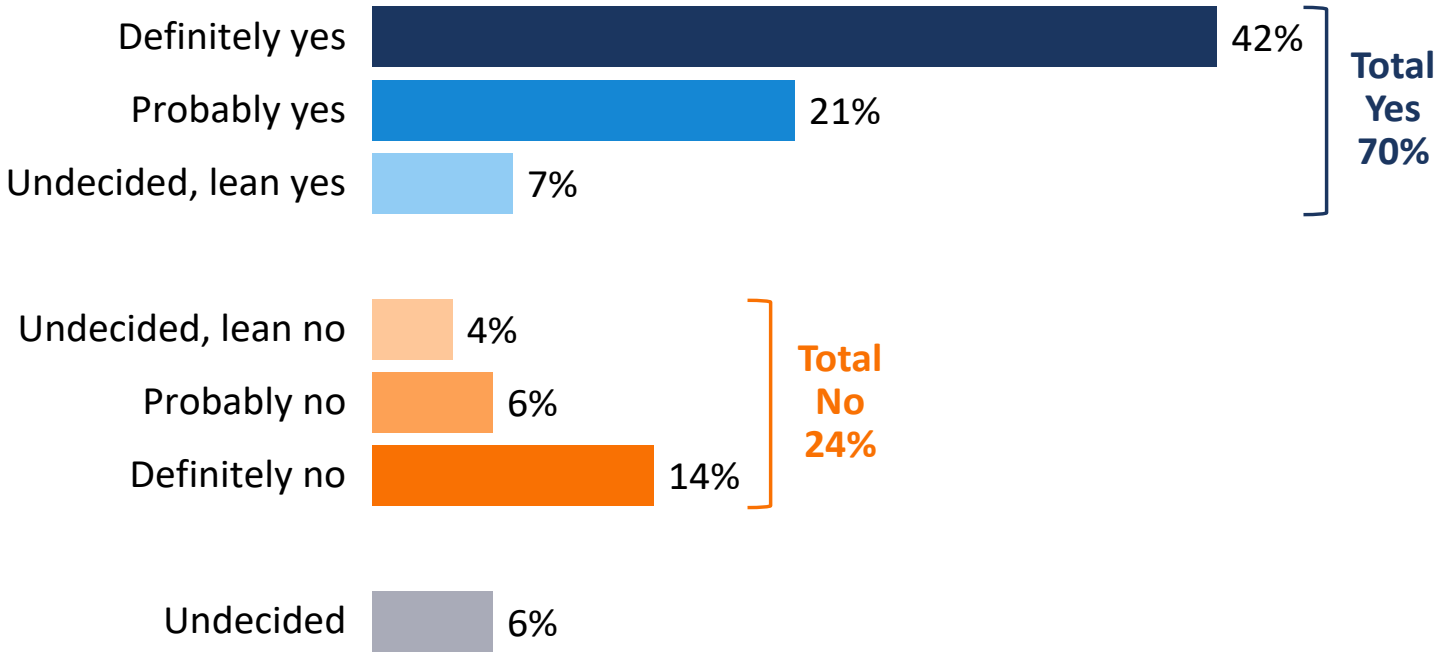
FM3 RESEARCH

Q3. If the election were held today, would you vote yes in favor of it, or no to oppose this measure?

Overall support for a smaller bond remains the same, but the "definite" support grows.

Suppose that instead of authorizing $54 million in bonds, levying approximately $41 per $100,000 of assessed value, the St. Helena Water Service Protection measure authorized $36 million in bonds, levying $27 per $100,000 of assessed value. In that case if the election were held today, would you vote yes in favor of it, or no to oppose this measure?



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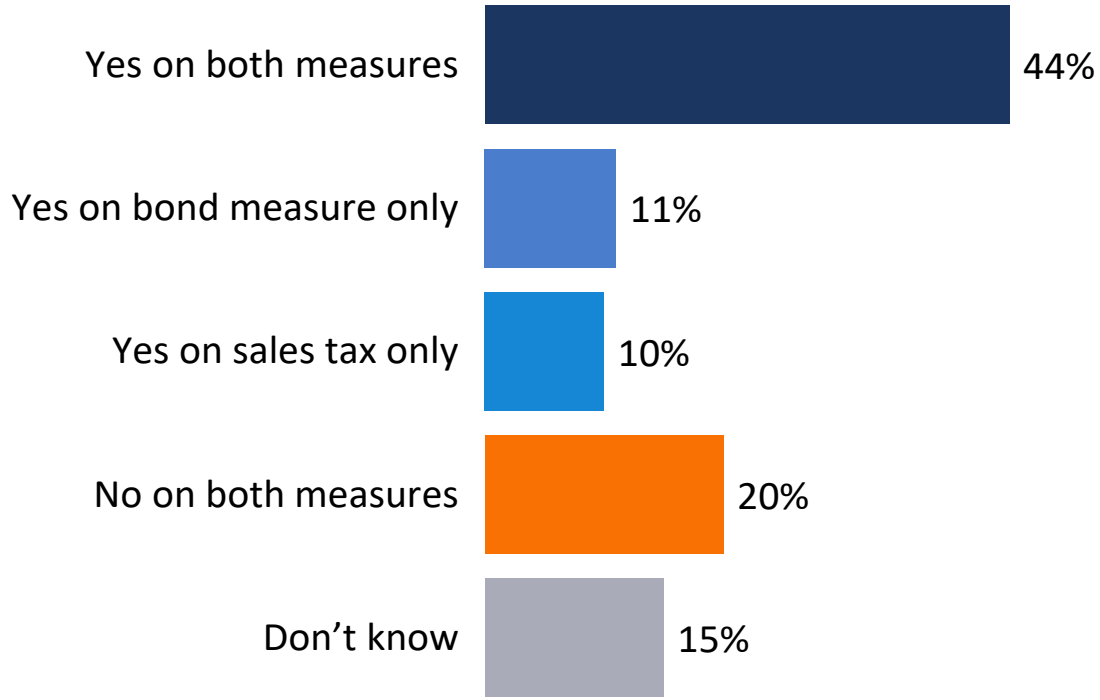
FM3 RESEARCH

Q3/4 (Combined).

Knowing both could be on the ballot together yields lower support for both measures.

Suppose <u>both</u> these measures appeared on the St. Helena ballot at the same time. In that case would you vote "yes" on both measures, only one, or neither measure?



Total Sales Tax: 54%

Total Bond Measure: 55%

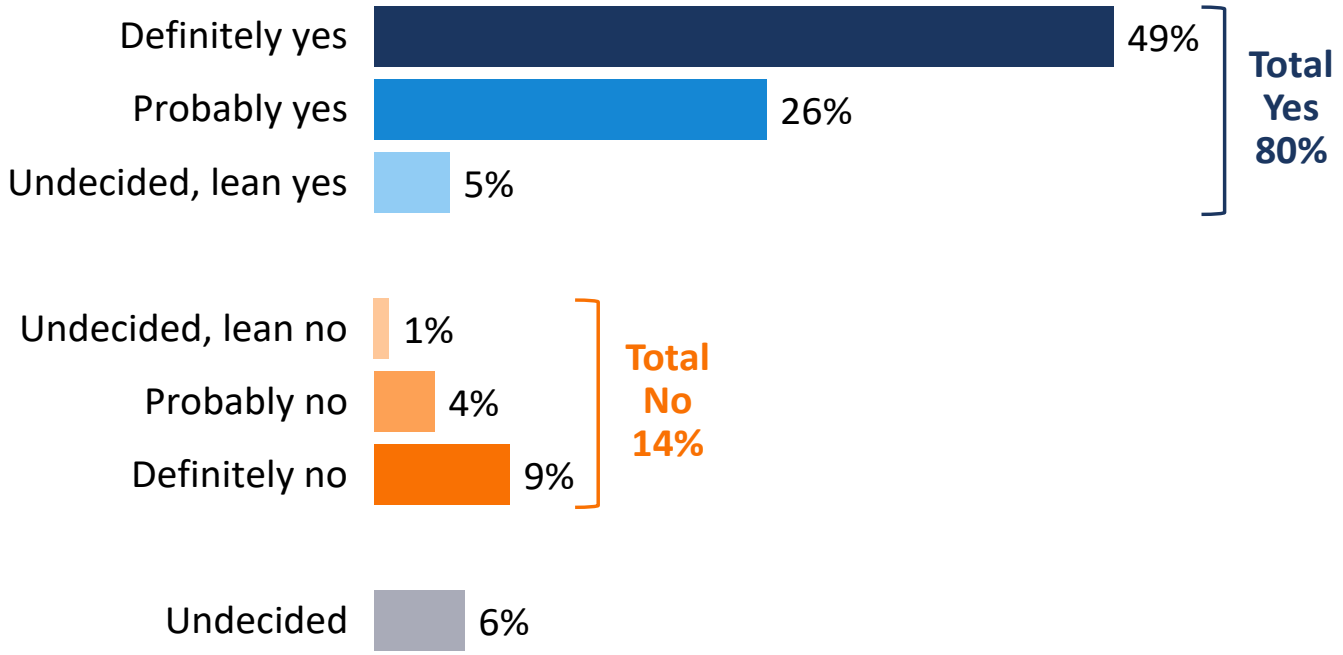
DRAFT

FM3 RESEARCH

Q5.

Four in five back a TOT increase in concept.

Suppose there were a completely different question on the St. Helena ballot that would increase the transient occupancy tax charged to hotel, motel and vacation rental guests by 2%, raising about $560,000 per year to fund general City services including repairing local streets and potholes, fixing downtown sidewalks, and providing affordable workforce housing. Do you think you would vote yes in favor of it, or no to oppose this ballot measure?



DRAFT

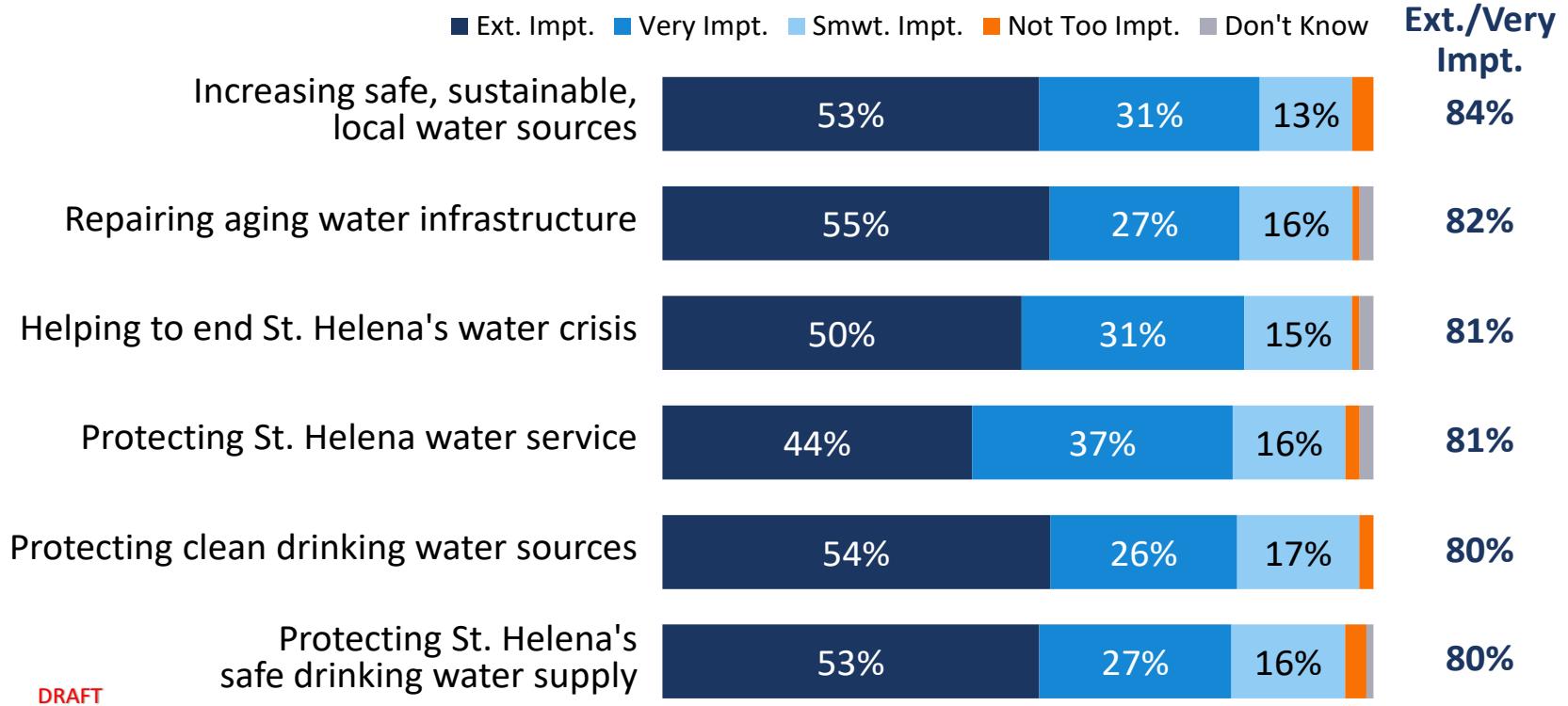
FM3 RESEARCH

Q16.

Elements of the Measures

Improvements to water supply and infrastructure are voters' top priorities.

I am going to read you a list of ways in which the funds generated by these proposed ballot measures could be spent, and also provisions that could be included. Please tell me how important that provision or the use of funds is to you personally: is it extremely important, very important, somewhat important, or not too important?

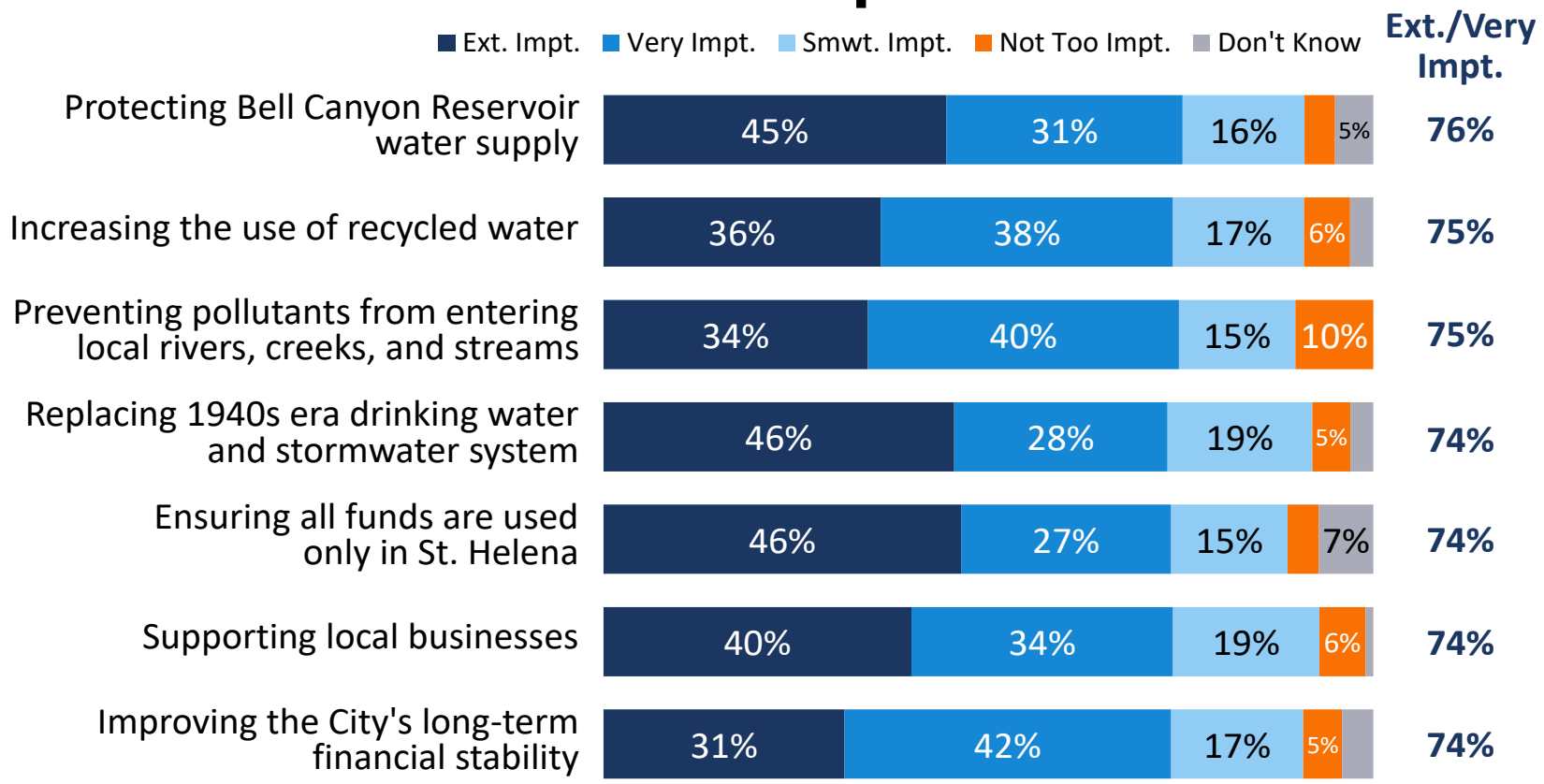


Q9. Split Sample

DRAFT

FM3 RESEARCH

Ensuring all funds stay in St. Helena, supporting local businesses and maintaining financial stability are middle-tier priorities.



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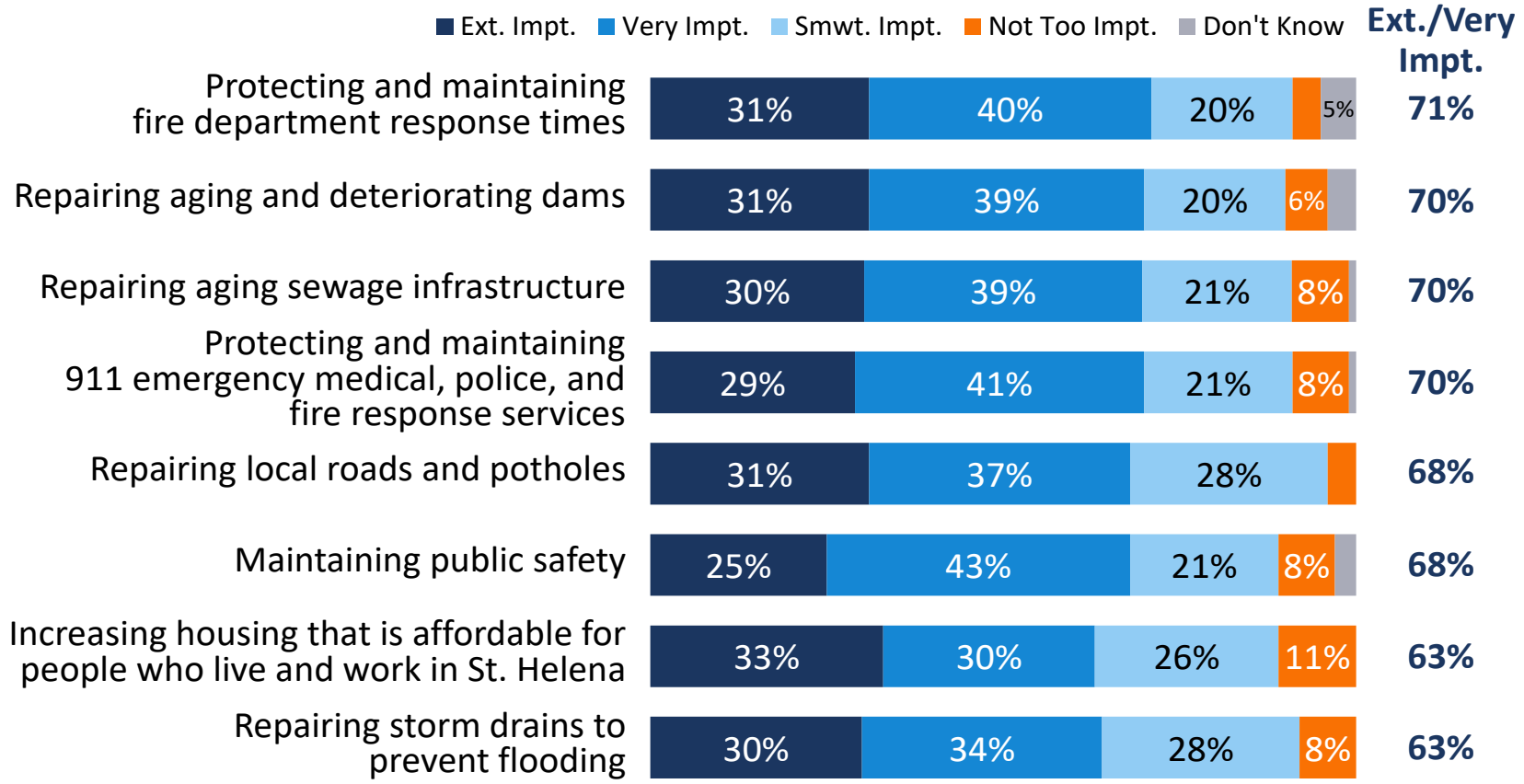
FM3 RESEARCH

Q9. I am going to read you a list of ways in which the funds generated by these proposed ballot measures could be spent, and also provisions that could be included. Please tell me how important that provision or the use of funds is to you personally: is it extremely important, very important, somewhat important, or not too important? Split Sample

About two-thirds prioritize public safety, roads, and affordable housing spending.



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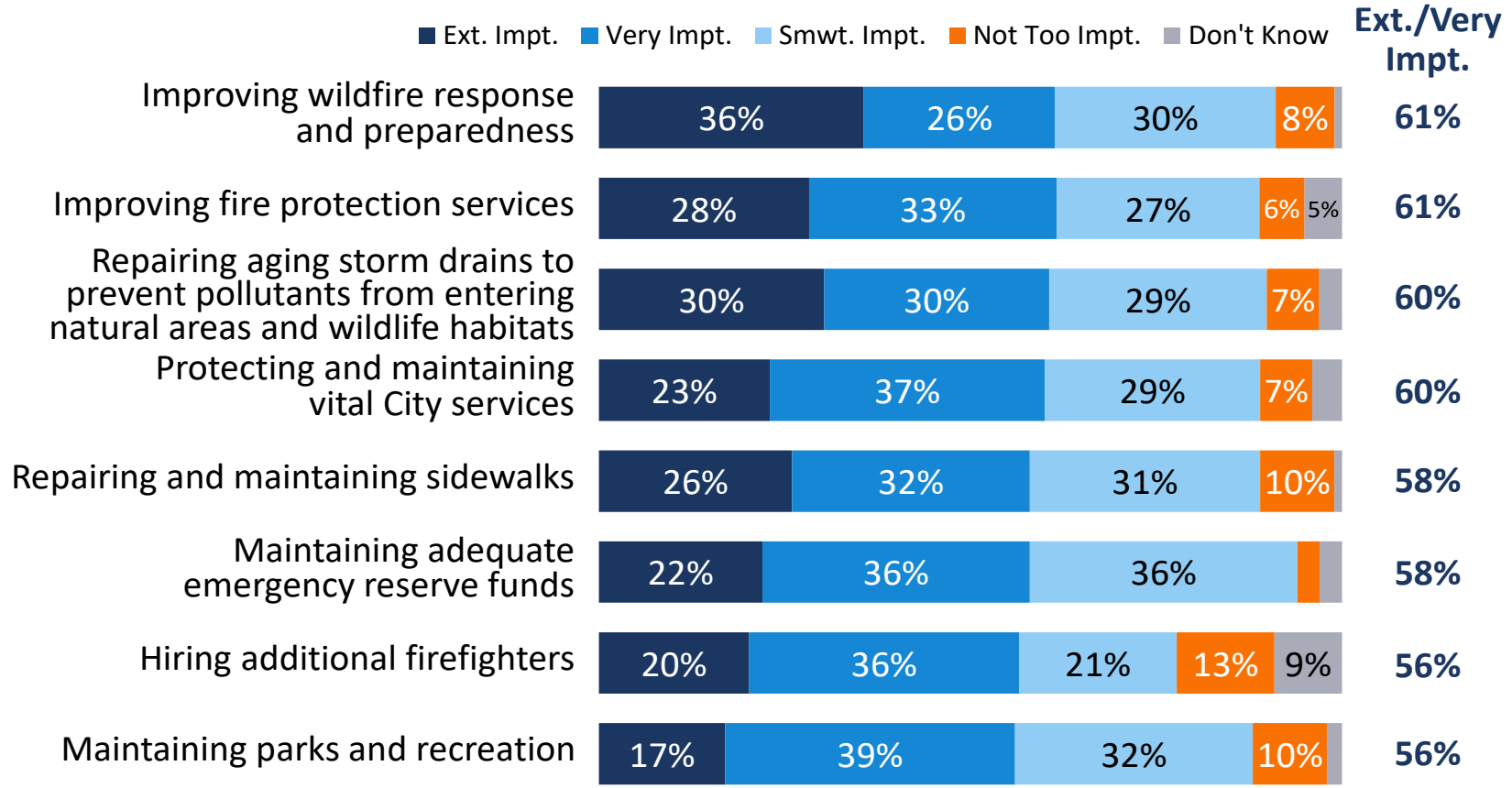
DRAFT

FM3 RESEARCH

Three in five say improving wildfire response and improving fire protection is very important.



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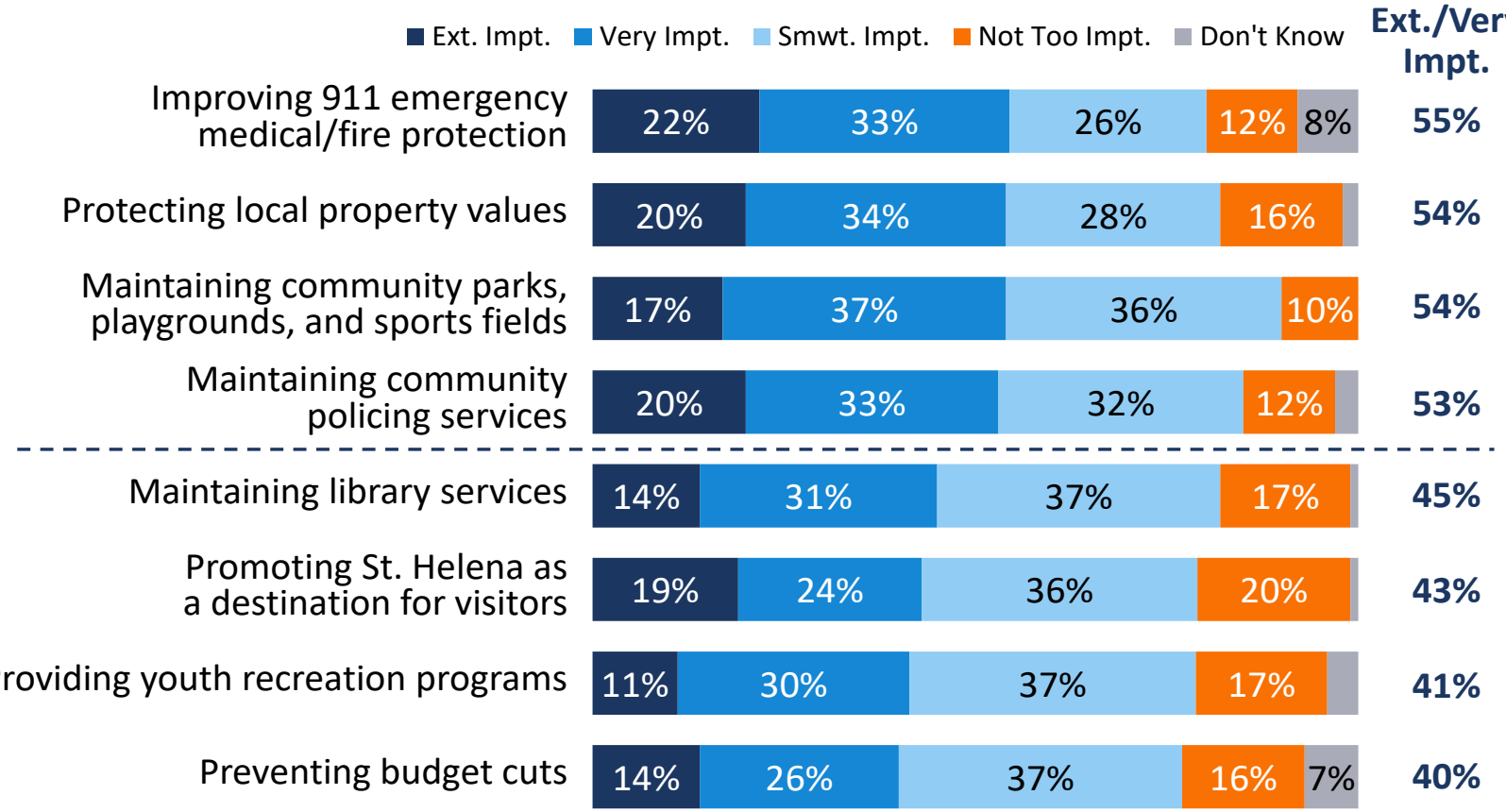
DRAFT

FM3 RESEARCH

Less than half prioritize the library, promoting tourism, youth recreation or preventing cuts.



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DRAFT

FM3 RESEARCH

The Impact of Messaging

Messages in Favor of the Measures

Ranked by % Very Convincing

(INFRASTRUCTURE) St. Helena's drinking water, storm, and wastewater pipes are aging and deteriorating rapidly. Many are original and have not been repaired in over 70 years and could fail at any moment, cutting off the City's clean water supply. We need a bond measure to repair our water and storm drain, and sewer system to prevent flooding, damage to roads, and to maintain our property values.

*__(WATER CRISIS)__ St. Helena is facing a water crisis. The bond measure will upgrade our aging infrastructure and improve its efficiency to help tackle our water crisis head-on and preserve St. Helena's water supply for future generations.

*__(WATER USE)__ The City of St. Helena is facing such a severe water shortage that it has had to impose strict allocations on water use - and charge penalties to households that exceed their share. This bond measure will invest in water infrastructure to ensure a more reliable water supply and help prevent the need for these restrictions.

*__(FIRE NEEDS)__ St. Helena's Fire Department responds to more and more calls each year. This sales tax measure will ensure that our fire-prone area has fully-funded, responsive firefighting coverage 24 hours a day so that we can save lives and protect the community.

(ACCOUNTABILITY/LOCAL CONTROL) These measures include strict accountability provisions, such as public spending reports and the requirement that all funds be used locally. These measures establish local sources of funding to maintain City services that by law cannot be taken by state government or other bureaucrats, and all funds must be used only in St. Helena.

(STREET CONDITIONS) St. Helena's street conditions are among the worst in the Bay Area, are in disrepair, and in need of maintenance and repaving. These ballot measures will ensure that residents have safe streets to drive on.

DRAFT

FM3 RESEARCH

*Q10. I am going to read you some statements made by supporters of these ballot measures. Please tell me whether you find it very convincing, somewhat convincing, or not convincing as a reason to support these ballot measures. *Split Sample*

Messages in Favor of the Measures (Continued)

Ranked by % Very Convincing

***(EMERGENCY RESPONSE)** The proposed sales tax measure will ensure we have a fully-staffed firefighting department and safe roads so that first responders can arrive on the scene quickly in the case of a fire or another emergency.*
(VISITORS) Napa Valley visitors are a key driver of the St. Helena economy. These ballot measures will allow the City to maintain roads, water infrastructure, and provide high-quality services so that St. Helena continues to attract visitor dollars.
(LOCAL FUNDING) Many North Bay communities are facing tremendous pressure on their budgets from the economic impacts of the coronavirus. Even in these hard economic times, our community has a responsibility to maintain sufficient funding to provide essential services to St. Helena residents.
(PUBLIC SAFETY) St. Helena residents feel safe and protected in their town due to the highly responsive and skilled fire services and police protection. The sales tax measure will allow the City to maintain the quality of these essential services, so that St. Helena can retain its small town character and be a safe place to live.
***(STAFF)** St. Helena is served by a dedicated public employees - but very few can afford to live in our community, and many commute long distances to work here. These ballot measures will help us recruit and retain skilled and dedicated workers to serve our community in the face of these challenges.*
***(WORKFORCE HOUSING)** Many St. Helena workers have to travel long distances to come to work. These ballot measures will strengthen our economy and support our business community by providing workforce housing.*
(PROPERTY VALUES) St. Helena is a great place to live and the community's property values reflect the City's outstanding quality of life. These measures will maintain the City's infrastructure and prevent cuts to services, ensuring that St. Helena remains a highly desirable community, with all the benefits that has for local residents.

DRAFT

FM3 RESEARCH

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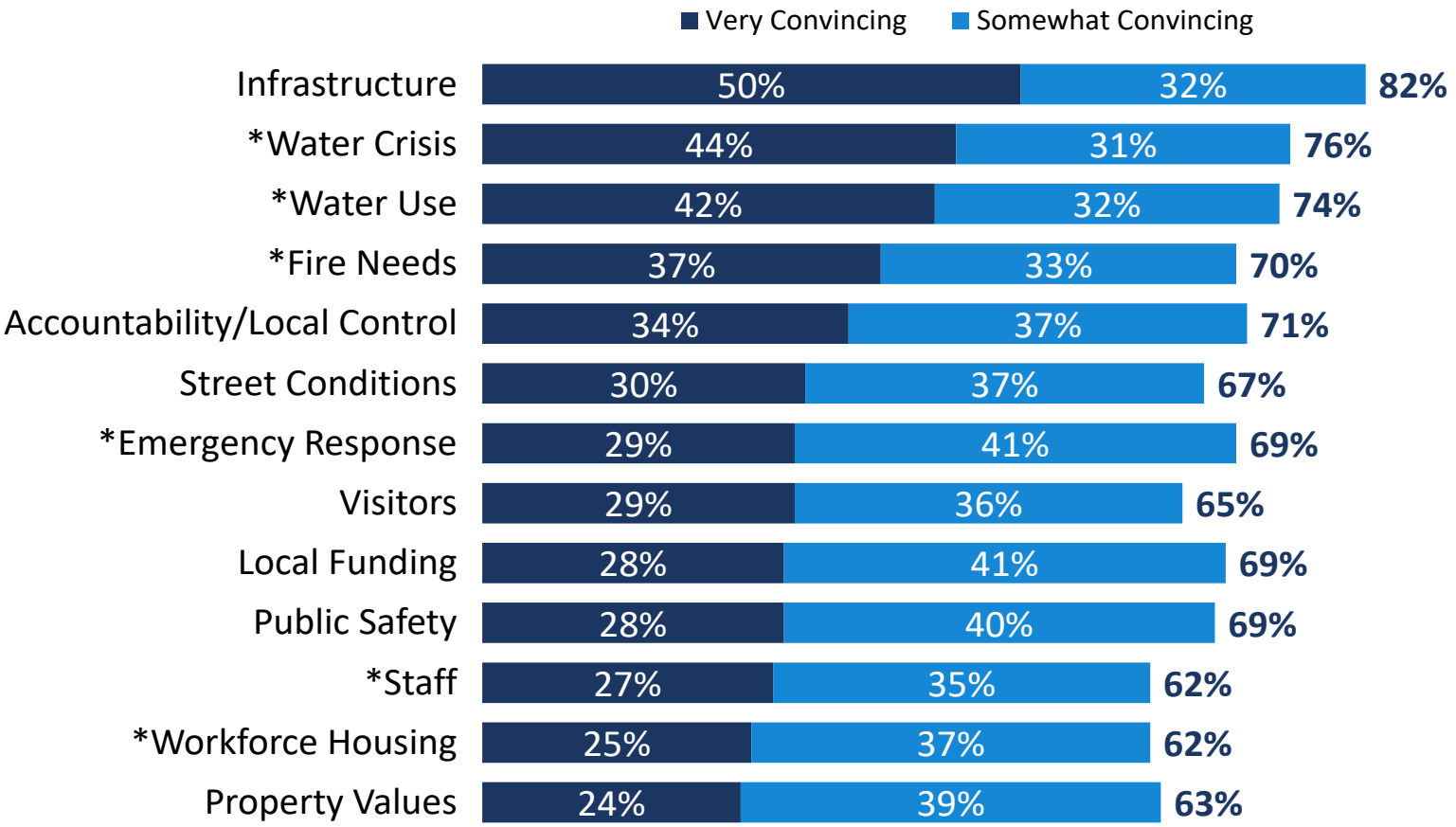
Messaging focused on water issues resonates most intensely.



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FM3 RESEARCH

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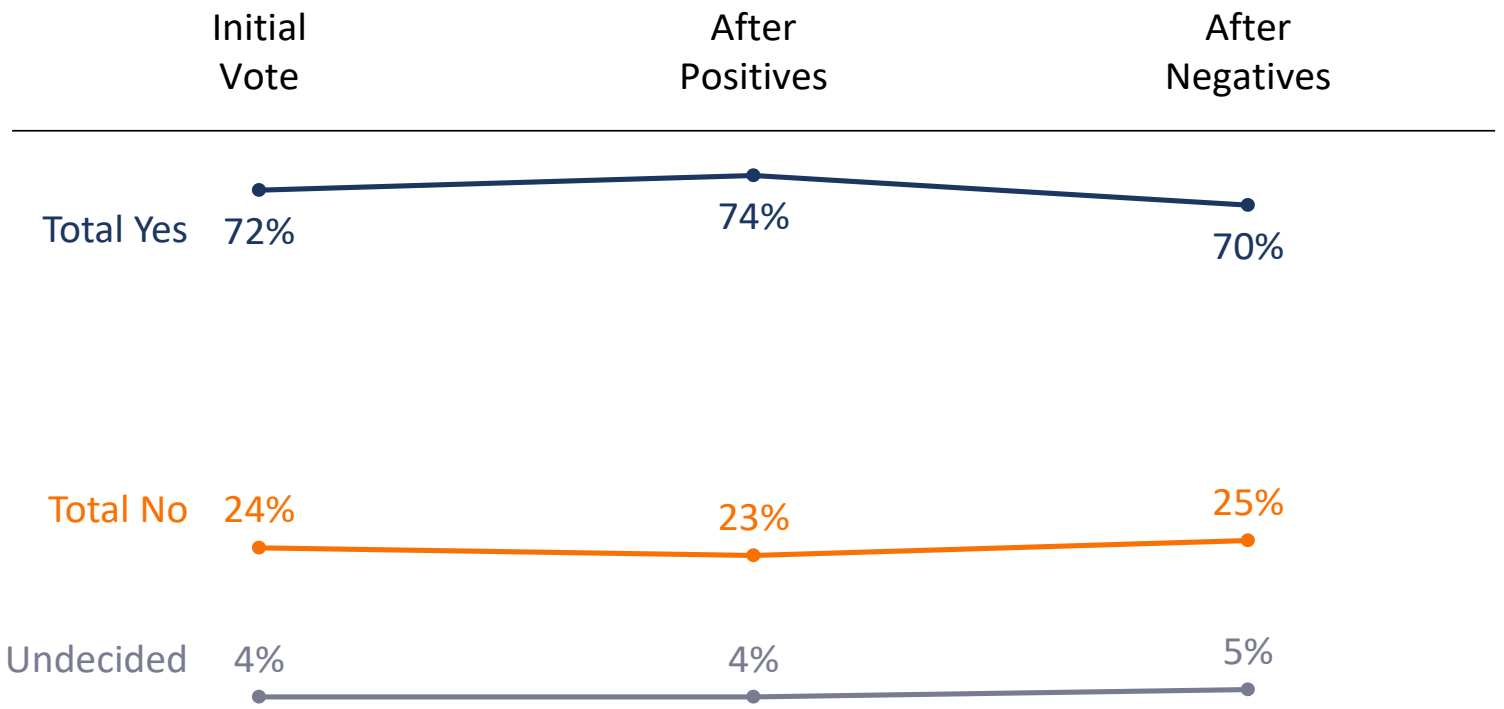
Support for the sales tax remains consistent after an exchange of messaging.

(Sales Tax)



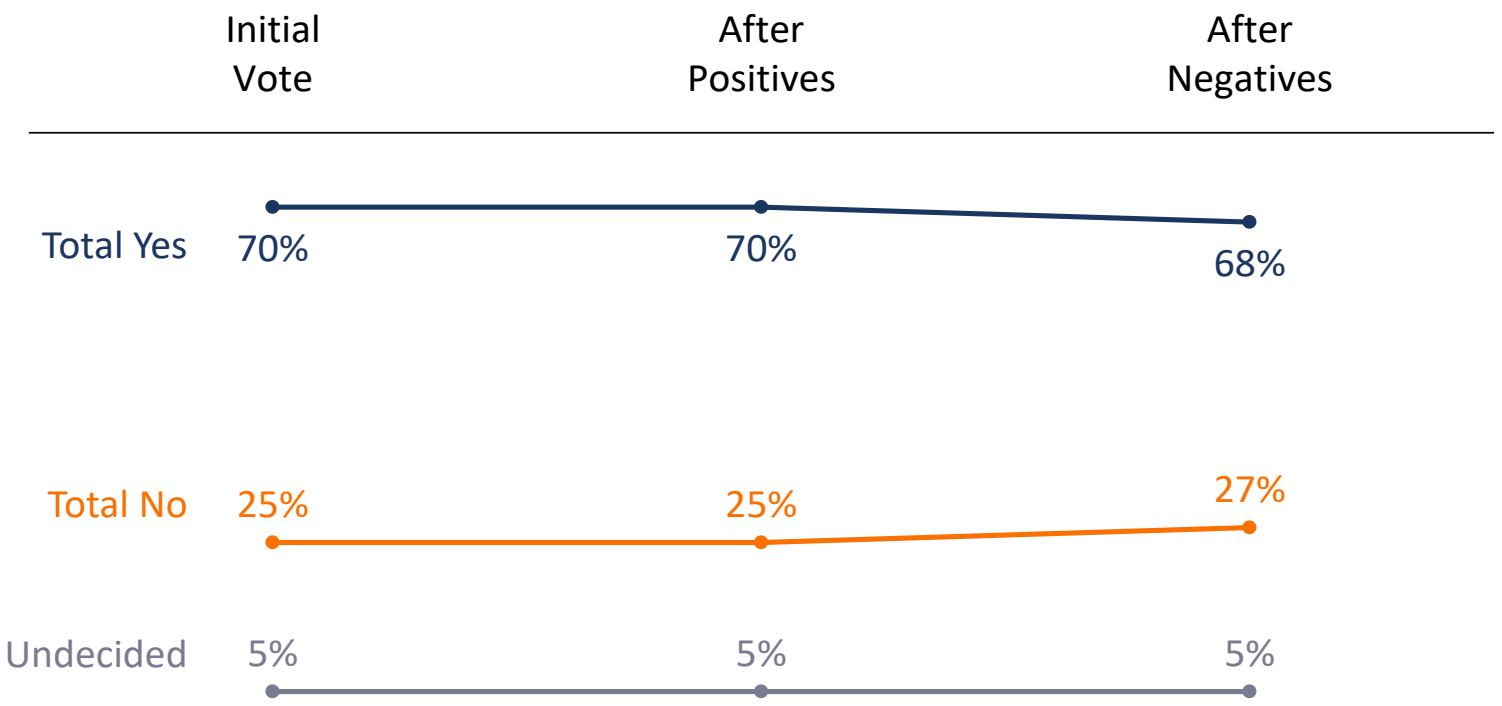
DRAFT

FM3 RESEARCH

Q2 (Total), Q11 (Total) & Q14 (Total). If the election were held today, would you vote yes in favor of it, or no to oppose this measure?

Similarly, support for the bond measure is very consistent.

(Bond Measure)



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FM3 RESEARCH

Q3 (Total), Q12 (Total) & Q15 (Total). If the election were held today, would you vote yes in favor of it, or no to oppose this measure?

Conclusions

Conclusions

- Voters offer strong support for a sales tax measure, consistently well over the simple majority support required for approval.
- Roughly two-thirds of voters support a water bond measure, right at the supermajority level of support required for approval.
- Voters see a great need for infrastructure funding in the city; view drought and water shortages as the biggest problems facing St. Helena; and place a very high degree of priority on spending areas meant to address water supply problems.
- Consistent with these priorities, the strongest messages in favor of the measures describe improvements to water infrastructure.
- The presence of both measures on the ballot together would decrease support for each, with a more meaningful impact on the bond measure.
- Public education about how these measures will address the City's water crisis and provide needed funding for highly-valued services will be important.

For more information, contact:

FM3 RESEARCH | OPINION RESEARCH & STRATEGY

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Dave@FM3research.com

Lucia Del Puppo
Lucia@FM3research.com

Public Comment on Near Future Revenue Generating Local Ballot Measure
(Agenda Item 12.2, City Council Meeting, Jan. 11, 2022)

As a past mayor, who led the successful adoption of the 0.50% local sales tax initiative in the November 2016 election, I offer the following observations:

1. Even without organized opposition, achievement of a two-thirds vote on a tax initiative is a challenge in this community. In 2010, Mayor Britton, facing opposition, was able to muster only 39% in favor of Measure C, a General Purpose 0.50% sales tax increase requiring only a simple majority. Measure D, the 2016 local sales 0.50% tax measure, achieved 69% but only because there was a mayor-led campaign, including door-to-door canvassing, and there was no organized opposition. Without doubt, the consultant proposals will draw organized opposition. Passage with a two-thirds vote as to any of the consultant's suggestions, if required, is problematic and even General Purpose tax measures requiring only a majority are no sure thing, as failed Measure C attests.

2. There is no chance of achieving a two-thirds vote unless the City Council unanimously and vigorously supports the specific tax increase placed before voters.

3. There is little chance that an ad valorem tax on property will achieve a two-thirds vote. Here, a basic problem is the long-term effect of Proposition 13. Similar properties are valued very differently, depending upon date of last sale. Further, commercial properties, as they have often been held in the same entity for a very long time, can have a very low ad valorem tax basis. An ad valorem tax would fall unfairly on residential property owners, and especially newer owners.

4. An increase in the local sales tax: due to its 2016 local sales tax increase, St. Helena today has the highest sales tax rate in Napa County. My guess is that a further sought increase will bring organized opposition, making even a majority vote (assuming the tax is for a General Purpose) difficult to achieve.

5. TOT increase: most certainly, a TOT increase, putting our City out-of-synch with all other Napa County jurisdictions, will draw organized opposition, and perhaps rightfully so: specifically, should our hospitality industry, so important to our tax City's tax base, face a financial burden not shared by competitors?

6. Perhaps most disturbing is the idea that monies raised through ballot measures (and not through the Proposition 218 process) would be used to support much needed Water Enterprise improvements. There are ratepayer expenses, not taxpayer expenses. They are not aligned. Also, as documented by Napa LAFCO in its recent Napa County Water and Wastewater Municipal Service Review, the Water Enterprise has 361 connections outside City limits, of which 54 are commercial, industrial, or other non-residential. Accordingly, a significant number of ratepayers (including several major wineries, which are substantial water customers) would

escape their fair share of the cost. Any use of funds for the Water Enterprise sought to be raised through an ad valorem tax, sales tax, and/or TOT tax, would be vigorously opposed by me, and others, and would not pass.

I find it difficult to believe that the poll responders were responding otherwise than viscerally. Before seeking their survey opinions the City did not seek to educate them in the complexities and nuances of the tax policy issues.

Quite frankly, the burden here falls squarely on the City Council, not pollsters, to assess and explain what is realistic, and to lead our citizenship. Having said that, the first step is to deal with the financial needs of our critical Water and Wastewater Enterprises through the Proposition 218 process.

Alan Galbraith
Mayor, 2014-18
Dated: January 8, 2022

PUBLIC COMMENT

January 11, 2022

New Business Agenda Item 12.2

Dear City Council, Department Heads, and Administrative Staff,

The Survey you are reviewing is a debacle that should never have been financed and put forward by the City of St. Helena. It is an extremely poor survey, with a plethora of unnecessary words and confusing options which lacks the specific and focused language a sound survey would contain.

Further, the survey was not direct mailed to the entirety of the population of St. Helena. In fact, the extremely small number of respondents (384) indicates whatever methods were used to solicit responses was nearly a complete and total failure.

Among the the people who did respond a mere 12% (46) strongly approve of the job you are doing. Not at all surprising.

This survey is just one of the many reasons you have such a dismal approval rating. And yet you persist in ignoring the majority of average St. Helena citizens in favor of the apparently special and small group of citizens to whom you obviously answer.

We all deserve better.

Nancy Dervin

Report to the City Council
Regular City Council - 11 Jan 2022

Agenda Section: **NEW BUSINESS**

Subject: **Consideration and Proposed Approval of the First Reading of an Ordinance Amending Chapter 2.56 of the St. Helena Municipal Code Pertaining to the Parks and Recreation Commission**

CEQA Determination: **Not a CEQA project**

Prepared By: Mark T. Prestwich, City Manager

Reviewed By: April Mitts, Administrative Services Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

Chapter 2.56 of the St. Helena Municipal Code outlines the membership composition, duties, and responsibilities of the City's Parks and Recreation Commission. On July 20, 2020, the City's Parks and Recreation Commission appointed an Ad Hoc subcommittee to work with City staff to review, and potentially recommend adjustments to, the ordinance language.

This item was continued from the regular December 14, 2021 St. Helena City Council meeting.

DISCUSSION

At the Parks and Recreation Commission meeting of June 21, 2021, the Parks and Recreation Commission reviewed recommendations prepared by the Parks and Recreation Ad Hoc Committee and endorsed proposed recommendations to the ordinance. The recommended changes are noted in track changes in Attachment A. A clean version of the proposed ordinance is included in Attachment B.

FISCAL IMPACT

There is no fiscal impact associated with the recommended ordinance.

RECOMMENDED ACTION

Proposed approval of the first reading of an Ordinance amending Chapter 2.56 of the St. Helena Municipal Code pertaining to the Parks and Recreation Commission, by title only and waive further reading.

ATTACHMENTS

Attachment A Ordinance-REDLINE
Attachment B Ordinance-CLEAN

CITY OF ST. HELENA

ORDINANCE NO. _____

AMENDING CHAPTER 2.56 OF THE ST. HELENA MUNICIPAL CODE PERTAINING TO THE PARKS AND RECREATION COMMISSION

WHEREAS, the City Council of the City of St. Helena ("City") has determined to revise the provisions of Chapter 2.56 of the City of St. Helena Municipal Code pertaining to the Parks and Recreation Commission, in order to better meet the City's needs.

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

SECTION 1: The above recitals are hereby incorporated as though set forth in this section.

SECTION 2: Chapter 2.56 of the St. Helena Municipal Code is hereby amended to read as follows:

"Chapter 2.56 – PARKS AND RECREATION COMMISSION

Sections:
2.56.010 Membership
2.56.030 Meetings
2.56.040 Duties
2.56.050 Review of Annual Budgets

Section 2.56.010 – Membership.

The parks and recreation commission shall consist of five members. Commissioners shall be residents of the city; provided, that the mayor reserves the authority to appoint nonresidents to the commission on a case-by-case basis, with the consent of the city council. Commissioners shall serve for a term of two years, with the term of office to expire at the end of the fiscal year. The city council may establish one-year terms for some ~~trustees~~ commissioners for the purpose of staggering term expirations. Each commissioner shall be appointed by the mayor with the approval of the city council and may be removed without cause by the city council. If a vacancy shall occur otherwise than by expiration of the term of office, it shall be filled by appointment for the unexpired portion of the term. ~~The superintendent of schools of the St. Helena Unified School District shall be an ex officio member of the commission.~~

Section 2.56.030 – Meetings.

The commission shall meet at least once a month at such ~~date,~~ time and place as it may fix by resolution. Special meetings of the commission may be called at any time by the chairperson or three members thereof by written notice provided as required by the Ralph M. Brown Act. (Cal. Govt. Code § 54950 *et seq.*)~~three commissioners, with written notice served upon each commissioner at least three hours before the time specified for the proposed meeting~~. A majority of the commissioners shall constitute a quorum for the transaction of business. The commissioners shall appoint the chairperson and vice-chairperson from their number, each of whom shall serve for one year and until his or her successor is appointed. The commission shall cause a proper record of their proceedings to be kept and shall file minutes of all meetings with the city clerk.

Section 2.56.040 – Duties.

The duties of the commission shall be as follows:

A. To act in an advisory capacity to the city council and ~~its~~ the director of ~~Parks & Recreation~~parks & recreation in all matters pertaining to ~~the~~ public parks and recreation, and to cooperate with other governmental agencies and civic groups in the advancement of sound parks and recreation planning and programming;

B. To ~~formulate~~ review and recommend ~~developed~~ policies on recreation services, park use, and park improvement and ~~for~~development for approval by the city council;

C. To advise ~~with~~ the city council, city manager, ~~and its~~ Director of Parks & ~~Recreation~~director of parks & recreation, and director of public works ~~director~~ on ~~problems of administration, development of~~ matters related to parks and recreation areas, facilities, park development, and programs and ~~improved~~ recreation services;

D. ~~To periodically~~Upon request by the city council or city staff, study, review, evaluate and recommend the adoption of standards and policies on parks and recreation matters;

E. To provide recommendations related to: ~~organization, personnel, areas and~~

1. facility maintenance and development
2. social equity, environmental stewardship, and health and wellness
3. projects within the city that may have an impact on the availability and delivery of parks, trails, and recreation servicesies;
4. service levels;
5. prioritize parks and recreation needs;
6. the Parks and Recreation Master Plan;
7. recreational programs and events, and;
1.8. parks and recreation user fees; and financial support;

FG. To establish annual goals and action plans consistent with city council goals and objectives. To make periodic inventories of recreation services that exist or may be needed and interpret the needs of the public to the city council;

F. To aid in coordinating the recreation services with the programs of other governmental agencies and voluntary organizations.

GH. The commission shall provide an annual report to the city council related to its activities for the past year.

HK. Members of the commission shall not receive compensation for attendance at commission meetings but are entitled to reimbursement for reasonable expenses actually incurred in the course of their duties, provided that such reimbursement shall first be approved by the city manager.

Section 2.56.050 – Review of Annual BudgetsBudget Submittal

The commission shall submit annually a budget to the city council for its approval in whole or in part. The budget should provide not only for recreation services and operating costs for the ensuing year, but should also contain estimates and recommendations for such long-term capital outlay as may be necessary to provide for an orderly and coordinated development program.

The commission shall receivereview and provide feedbackrecommendations to the city council on an the annual budgets presentation from the Administrative Services Department of the budgets for the Parks & Recreation Department, park maintenance, and parks and recreation-related Capital Improvement Plan projects."

SECTION 3: Severability

If any section, subsection, phrase, or clause of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4: CEQA

The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5: Effective Date

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

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the _____ day of _____, 2022~~1~~, and was adopted at a regular meeting of the St. Helena City Council on the _____ day of _____, 2022~~1~~, by the following vote:

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

APPROVED:

_____

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Geoff Ellsworth, Mayor

ATTEST:

CITY OF ST. HELENA

_____
Cindy Tzafopoulos, City Clerk

I, CINDY TZAFOPOULOS, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the _____ day of _____, 2022~~1~~. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the _____ day of _____, 2022~~1~~, by the following vote:

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

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Section 2.56.030 – Meetings.

The commission shall meet at least once a month at such time and place as it may fix by resolution. Special meetings of the commission may be called at any time by the chairperson or three members thereof by written notice provided as required by the Ralph M. Brown Act. (Cal. Govt. Code § 54950 *et seq.*). A majority of the commissioners shall constitute a quorum for the transaction of business. The commissioners shall appoint the chairperson and vice-chairperson from their number, each of whom shall serve for one year and until his or her successor is appointed. The commission shall cause a proper record of their proceedings to be kept and shall file minutes of all meetings with the city clerk.

Section 2.56.040 – Duties.

The duties of the commission shall be as follows:

A. To act in an advisory capacity to the city council and the director of parks & recreation in all matters pertaining to public parks and recreation, and to cooperate with other governmental agencies and civic groups in the advancement of sound parks and recreation planning and programming;

B. To review and recommend policies on recreation services, park use, and park improvement and development for approval by the city council;

C. To advise the city council, city manager, director of parks & recreation, and director of public works on matters related to parks and recreation areas, facilities, park development, and programs and recreation services;

D. Upon request by the city council or city staff, study, review, evaluate and recommend the adoption of standards and policies on parks and recreation matters;

E. To provide recommendations related to:

1. facility maintenance and development
2. social equity, environmental stewardship, and health and wellness
3. projects within the city that may have an impact on the availability and delivery of parks, trails, and recreation services;
4. service levels;
5. parks and recreation needs;

6. the Parks and Recreation Master Plan;
7. recreational programs and events, and;
8. parks and recreation user fees;

F. To establish annual goals and action plans consistent with city council goals and objectives.

G. The commission shall provide an annual report to the city council related to its activities for the past year.

H. Members of the commission shall not receive compensation for attendance at commission meetings but are entitled to reimbursement for reasonable expenses actually incurred in the course of their duties, provided that such reimbursement shall first be approved by the city manager**.**

Section 2.56.050 – Review of Annual Budgets

The commission shall review and provide recommendations to the city council on the annual budgets for the Parks & Recreation Department, park maintenance, and parks and recreation-related Capital Improvement Plan projects.**"**

SECTION 3: Severability

If any section, subsection, phrase, or clause of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4: CEQA

The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5: Effective Date

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

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the _____ day of _____, 2022, and was adopted at a regular meeting of the St. Helena City Council on the _____ day of _____, 2022, by the following vote:

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

APPROVED:

_____
Geoff Ellsworth, Mayor

ATTEST:

CITY OF ST. HELENA

_____
Cindy Tzafopoulos, City Clerk

I, CINDY TZAFOPOULOS, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the _____ day of _____, 2022. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2022, by the following vote:

Mayor Ellsworth: _____
Vice Mayor Dohring: _____

Councilmember Chouteau: _____
Councilmember Hardy: _____
Councilmember Hall: _____