City of St. Helena
Regular City Council Meeting
Tuesday, July 25, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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

The City Council meeting will be live-streamed on Comcast Channel 28 and on the City's website.

Public comment **for City Council meetings will be accepted via email to publiccomment@cityofsthelena.org. All public comments must be received three hours prior to the meeting. All other public comments received after the deadline will be attached to the item the next business day or soon thereafter. Public comments will not be read out loud but will be publicly available and attached to the on-line City Council agenda.**

The schedule of upcoming meetings and published meeting agendas can be found on the City of St. Helena website at https://sthelena.civicweb.net/portal/.

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

Servicios de interpretación en español durante la reunión pueden ser solicitados por el público. Para asegurar que los intérpretes estén disponibles, los servicios tienen que ser solicitados al menos 72 horas antes de la reunión llamando a la oficina de la Secretaria de la Ciudad al (707) 968-2640 o por correo electrónico a cityclerk@cityofsthelena.org .
El horario de las reuniones publicadas y próximas puede ser localizado en el sitio de web de la Ciudad en https://sthelena.civicweb.net/portal/ .

Page

1. CALL TO ORDER
2. ROLL CALL
   Mayor: Paul Dohring, Vice Mayor Eric Hall:, City Council Members: Anna Chouteau, Lester Hardy, Billy Summers
3. PLEDGE OF ALLEGIANCE
4. ADOPTION OF THE AGENDA
5. PUBLIC FORUM:
   Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Forum. Each person's comments shall be limited to 4 minutes. Each person is entitled to speak on any non-agendized item only once at any meeting. Brief questions by Council Members for clarifications may

be posed and answered, and Council Members may make requests that items be placed on future agendas, but in accordance with state law, no substantive discussion or action may take place unless and until the matter properly appears on the agenda.

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: 6:20 p.m.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1. National Parks and Recreation Month July 2023 Proclamation 11

Estimated start time: 6:25 p.m.
Parks and Recreation Month Proclamation 2023

8. STAFF BRIEFING

8.1. Emergency preparedness - John Sorensen, Fire Chief 13 - 25

Estimated start time: 6:30 p.m.
Presentation
Public Comment.Pat Dell and Grace Kistner

9. CONSENT ITEMS
Members of the Council or the public (present at the meeting) 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: 6:45 p.m.

9.1. Consideration and proposed approval of Regular and Special Meeting Minutes of: 27 - 160
10-26-2022 Special Joint City Council and Planning Commission Minutes
11-16-2022 Special Joint City Council and Planning Commission Meeting - Minutes
11-22-22 Regular City Council - Minutes
12-07-2022 Special City Council Minutes
12-07-2022 Special Joint City Council and Planning Commission Minutes
12-13-2022 Regular City Council - Minutes
01-06-2023 Special City Council - Minutes
01-10-2023 Regular City Council - Minutes
01-23-2023 Special City Council - Minutes

01-24-2023 Regular City Council - Minutes
02-14-2023 Regular City Council - Minutes
02-28-2023 Regular City Council - Minutes
03-14-2023 Regular City Council - Minutes
03-28-2023 Regular City Council - Minutes
04-11-2023 Regular City Council - Minutes
04-25-2023 Regular City Council - Minutes
04-25-2023 Special City Council - Minutes
05-01-2023 Special City Council - Minutes
05-09-2023 Regular City Council - Minutes
05-10-2023 Special Joint City Council and Planning Commission Meeting - Minutes
05-17-2023 Special City Council - Minutes
05-23-2023 Regular City Council - Minutes
06-13-2023 Regular City Council - Minutes
06-26-2023 Special City Council - Minutes
06-27-2023 Regular City Council - Minutes
06-27-2023 Special City Council - Minutes
10-26-2022 Special Joint City Council and Planning Commission Minutes
11-16-2022 Special Joint City Council and Planning Commission Meeting - Minutes
11-22-22 Regular City Council - Minutes
12-07-2022 Special Joint City Council and Planning Commission Minutes
12-07-2022 Special City Council Minutes
12-13-2022 Regular City Council - Minutes
01-06-2023 Special City Council - Minutes
01-10-2023 Regular City Council - Minutes
01-23-2023 Special City Council - Minutes
01-24-2023 Regular City Council - Minutes
02-14-2023 Regular City Council - Minutes
02-28-2023 Regular City Council - Minutes
03-14-2023 Regular City Council - Minutes
03-28-2023 Regular City Council - Minutes
04-11-2023 Regular City Council - Minutes
04-25-2023 Special City Council - Minutes
04-25-2023 Regular City Council - Minutes
05-01-2023 Special City Council - Minutes
05-09-2023 Regular City Council - Minutes
05-10-2023 Special Joint City Council and Planning Commission Meeting - Minutes
05-17-2023 Special City Council - Minutes
05-23-2023 Regular City Council - Minutes
06-13-2023 Regular City Council - Minutes
06-26-2023 Special City Council - Minutes
06-27-2023 Regular City Council - Minutes
06-27-2023 Special City Council - Minutes

9.2. Consideration of Resolution Approving Marketing and Promotional Services Agreement in the amount of $175,000 per year between the 161 - 174

City of St. Helena and the St. Helena Chamber of Commerce for FY 2023-24 and 2024-25.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Adopt the attached Resolution approving Promotional Services Agreement with St. Helena Chamber of Commerce for FY 2023-24 and 2024-25.

Staff Report - Pdf

9.3. Consideration and proposed approval of a resolution approving the Cannabis Tax Fund Grant Program (CTFGP) 175 - 185

CEQA Determination: Approval of resolution not a "project" as defined in Section 15378(a) of State CEQA Guidelines. Even if determined to be a "project" subject to CEQA, action is exempt under the common sense exemption set forth in Section 15061(b)(3).
Prepared By: Chris Hartley, Chief of Police
Recommendation:
Recommend acceptance of the Cannabis Tax Fund Grant in the amount of $146,419.00.

Staff Report - Pdf
Staff Report - Html
Attachment 1 - FY23-24 CTFGP Intent to Award - St. Helena PD
Attachment 2 - Cannabis Tax Grant Budget Breakdown

9.4. June 2023 Review and Forecasting of City Water Supply Availability 187 - 192

CEQA Determination: Exempt
Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Receive and File.

Staff Report - Pdf

9.5. Consideration and proposed approval of a resolution authorizing:1. Flying the Italian flag on the City's ceremonial flagpole during the month of October 2023 for Italian Heritage Month; and 2. All fees are waived for the encroachment permit and Lyman Park Gazebo reservation for the Festa Italiana community celebration to be held on October 7, 2023, from 12:00 pm to 5:00 pm; and 3. Authorizing temporary street parking closure on the westside of Railroad Avenue from the Fire House to the end of Lyman Park and the public parking lot between Lyman Park and the Fire House for Festa Italiana event on October 7, 2023, from 12:00 pm to 5:00 pm; and 4. Approval of mobile food truck(s) to be parked on Railroad Avenue in the street closure area and wine and beer vendors in Lyman Park during the Festa Italiana event. 193 - 202

CEQA Determination: Not a CEQA project
Prepared By: Chantel Delay, Administrative Assistant
Recommendation:
Staff recommends City Council adopt the attached Resolution.

Staff Report - Pdf

9.6. Consideration and proposed approval of a Resolution approving out-of-state travel for Library Assistant Clara Ibarra to attend the Guadalajara International Book Fair in Guadalajara, Mexico from November 24–27, 2023 — 203 - 206

CEQA Determination: Not a CEQA project
Prepared By: Chris Kreiden, Library Director
Recommendation:
Approve the attached resolution authorizing out-of-state travel for Library Assistant Clara Ibarra to attend the Guadalajara International Book Fair in Guadalajara, Mexico from November 24-27, 2023.

Staff Report - Pdf

9.7. A Resolution of the City of St. Helena City Council authorizing the City Manager to execute Amendment No. 5 to STH Contract: FY 2019-075 in the amount of $122,000 to the Professional Services Agreement with BKF for the Main Street St. Helena Pedestrian Improvements Project, for a total not-to-exceed of $1,045,600 and authorizing a budget increase of $122,000 to design in CIP Project R18-81 with funding allocated from Fund 240. — 207 - 218

CEQA Determination: Exempt
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:
Approve Resolution.

Staff Report - Pdf

9.8. Proposed Approval of a Resolution Adopting and Approving Publicly Available Pay Schedule in Accordance with the Requirement of California Code of Regulations, Title 2, Section 570.5, for the St. Helena Professional Firefighters (SHPFA) Member Classifications. — 219 - 224

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

Staff Report - Pdf

9.9. Proposed Approval of a Resolution (1) Adopting and Approving Publicly Available Pay Schedule in Accordance with the Requirement of California Code of Regulations, Title 2, Section 570.5, for members covered under the Unrepresented Compensation Program and (2) Approving a Pay for Performance Plan. — 225 - 236

CEQA Determination: Not a CEQA project
Prepared By: Lesley Milton, Asst. to the City Manager, Mandy Kellogg, Administrative Services Director
Recommendation:

Staff recommends approval of the attached resolution.

Staff Report - Pdf

9.10. Proposed approval of a resolution Adopting and Approving the Publicly Available Pay Schedule in Accordance with the Requirement of California Code of Regulations, Title 2, Section 570.5, for the St. Helena Employees Association (SHEA). 237 - 249

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

Staff Report - Pdf

9.11. Proposed Approval of a Resolution (1) Memorializing an Agreement to the Memorandum of Understanding Between the City of St. Helena and the Police Officers' Association (POA) for a Three-year Contract Commencing on July 1, 2022 and Expiring on June 30, 2025 and (2) Adopting and Approving Publicly Available Pay Schedule in Accordance with the Requirement of California Code of Regulations, Title 2, Section 570.5, for the Police Officers' Association Member Classifications. 251 - 260

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

Staff Report - Pdf

9.12. Consideration and Proposed Approval of a Resolution: 1) Rescinding Resolution 2014-45 Protocol for Committees, Commissions and Boards; and 2) Rescinding Resolution 2022-72 Amending Council Rules of Procedure and Standards of Conduct; and 3) Combining and Reestablishing both the Rules of Procedure for the Conduct of Meetings for City Council, Boards, Committees and Commissions and Standards of Conduct 261 - 375

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Staff recommends approval of the attached resolution

Staff Report - Pdf

9.13. Consideration and approval of a resolution approving Amendment #4 to the Professional Services Agreement in connection with the project described as Professional User Fee Study Services with Willdan Financial Services for the amount of $13,000, with a total contract not-to-exceed $121,435, to complete and update the User Fee Study. 377 - 382

CEQA Determination: Not a CEQA project
Prepared By: Yosselyn Valencia, Finance Manager
Recommendation:
Staff recommends City Council approve the attached resolution.

Staff Report - Pdf

9.14. Consideration and adoption of a Resolution: (1) Awarding the Emergency Back-Up Power Project to CD & Power in the amount of $1,946,637.85; (2) Authorizing the City Manager to execute the Construction Contract with CD & Power; (3) Authorizing the Director of Public Works to approve Change Orders not to exceed 10% of the contract amount; (4) Determining the project to be exempt from the requirements of the California Environmental Quality Act (CEQA). 383 - 402

CEQA Determination: Not a CEQA project
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Adopt the attached resolution.
Staff Report - Pdf

9.15. Receive report and consider adoption of Resolution to declare the end of the Phase I Water Emergency retroactively effective on July 1, 2023. 403 - 415

CEQA Determination: Exempt
Prepared By: Joseph Leach, Public Works Director and City Engineer
Recommendation:
Adopt the attached resolution.
Staff Report - Pdf

10. PUBLIC HEARINGS

None

11. OLD BUSINESS

11.1. Discussion and Direction Regarding 2024 Ballot Measure and Consideration and Proposed Approval of a Resolution Approving two Professional Services Agreements: (1) Fairbank, Maslin, Maullin, Metz & Associates (FM3) for Opinion Research Services for an amount not-to-exceed $32,250.00 and (2) TeamCivX for Electoral Feasibility of a Revenue Measure or Measures for the Ballot for an amount not-to-exceed $25,000.00. 417 - 459

Estimated start time: 6:50 p.m.

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Discussion and Direction Regarding 2024 Ballot Measure and approval of attached Resolution.
Staff Report - Pdf
Public Comment.Thomas W. Allen
Public Comment.Oliver Caldwell

12. NEW BUSINESS

None

13. CITY COUNCIL REPORTS:

Estimated start time: 7:15 p.m.

13.1. A. Association of Bay Area Governments (ABAG) - Executive Board

B. Association of Bay Area Governments (ABAG) - General Assembly

C. Napa Valley Tourism Corporation (Umbrella for Napa County)

D. League of California Cities – North Bay Division

E. Napa County City Selection Committee

F. Napa County Flood Control and Water Conservation District

G. Youth Opportunities Commission

H. Napa County Local Agency Formation Commission (LAFCO)

I. Napa Valley Transportation Authority (NVTA)

J. Napa County Watershed Information Center & Conservancy (WICC)

K. Upper Valley Waste Management Agency

L. Napa County Groundwater Sustainability Plan Advisory Committee

M. Napa County Regional Climate Action Committee

N. Council Ad Hoc and Standing Committee Reports

14. ADJOURNMENT

The next Regular City Council meeting is scheduled for August 8, 2023, at 6:00 p.m.

This agenda was posted at City Hall, 1088 College Avenue, and at Vintage Hall, 465 Main Street, St. Helena, California on July 20, 2023.

Cindy Tzafopoulos

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 1088 College 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.

CITY OF ST. HELENA PROCLAMATION

NATIONAL PARKS AND RECREATION MONTH
JULY 2023

WHEREAS, Parks and Recreation is an integral part of communities throughout this country, including the City of St. Helena; and

WHEREAS, Parks and Recreation promotes emotional, mental, physical, and social health and wellness through organized fitness, sports, activities, and community events for all ages; and

WHEREAS, Parks and Recreation provides public spaces for leisure, enrichment, and community gathering opportunities designed to promote active lifestyles; and

WHEREAS, Park and Recreation programming and education activities are critical to childhood development; and

WHEREAS, Parks and Recreation sustains and stewards our natural resources by protecting habitats and open space, connecting people to nature, and promoting the ecological function of parkland; and

WHEREAS, Parks and Recreation strengthens community identity by providing facilities and services that reflect and celebrate community character, heritage, culture, history, aesthetics, and landscape; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the City of St. Helena recognizes and celebrates the benefits derived from Parks and Recreation resources.

NOW THEREFORE, BE IT RESOLVED that I, Paul Jamison Dohring, Mayor of the City of St. Helena, and the St. Helena City Council, do hereby proclaim that July is recognized as Park and Recreation Month in the City of St. Helena.

Dated: July 25, 2023

_____
Paul Jamison Dohring, Mayor
City of St. Helena

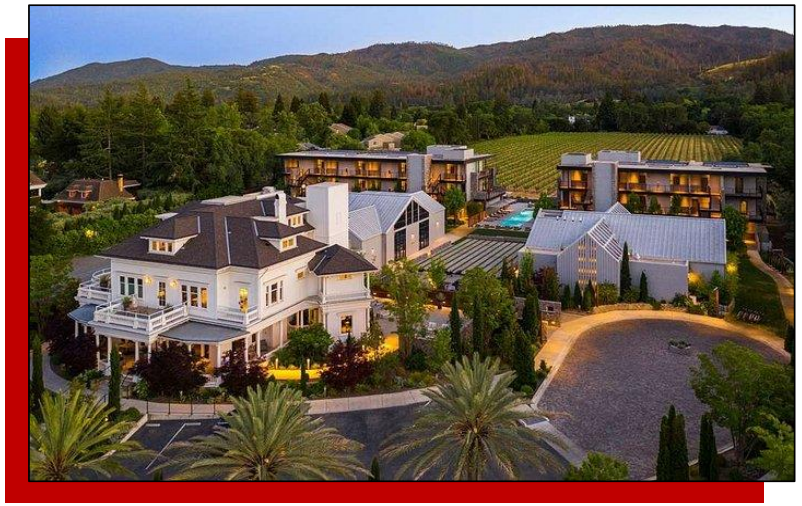
Fire Prevention and Public Awareness

John Sorensen – Fire Chief

Fire & Life Safety Inspections

Annual Inspections

Hotels:



Schools:



Fire & Life Safety Inspections

Continued

Senior Living:



Short Term Rentals:



***Businesses:**



*Bi-annually inspected at
FD Discretion
West side of town – Even years
East Side of town – Odd years

Weed Abatement

Public Awareness:

- Weed abatement insert included in the April & May water bill
- Reminders posted on Social Media (Facebook & Instagram)
- Ad placed in St. Helena Star
- Public education booth at Farmer's Market
- Non-compliance enforced per Section 1.12 of the Municipal Code

Water Bill Insert



Social Media Post



St. Helena Star Ad



Defensible Space Valley Floor

- Remove all dead, dying or decayed vegetation
- Cut all weeds and dried grass to a maximum height of 4 inches.



Defensible Space Wildland Urban Interface

Wildland Urban Interface

New ordinance requires **150 ft**. of defensible space in WUI areas

- Remove all dead, dying or decayed vegetation within 150 ft. of structures
- Cut all weeds and dried grass to a maximum height of 4 inches within 150 ft. of structures



Defensible Space Checklist

Zone 1: 30 Feet from Structure

- ☐ a. Remove all branches within 10 feet of chimneys and stovepipe outlets.
- ☐ b. Remove leaves, needles, and vegetation from roofs, gutters, decks, porches, and stairways.
- ☐ c. Remove all dead and dying trees, branches and shrubs, or other plans adjacent to or overhanging a structure.
- ☐ d. Equip chimney or stovepipe openings with a metal screen having openings between 3/8" inch or ½ inch.
- ☐ e. Remove all pyrophytic plant species.
- ☐ f. Single specimens of trees (that are not considered pyrophytic) are required to be well spaced to 10 feet from each other and 6 feet of vertical clearance from the ground.
- ☐ g. When shrubs or below tree canopies, vertical clearance from plants or shrubs shall be increased as to provide a minimum separation of 4 feet.
- ☐ h. Loose surface fuels shall be permitted to a maximum of 3 inches.
- ☐ i. Remove all exposed woodpiles and downed logs or stumps.
- ☐ j. Cut and maintain all annual grasses to 4'' inches or less in height.
- ☐ k. Shrubs and plants shall have a minimum separation of 3 feet from each other.
- ☐ l. All dead and dry vegetation shall be removed.

Zone 2: 30 Feet from Structure to a minimum of 100 Feet from Structure

- ☐ m. Cut and maintain all annual grasses to 4'' inches or less in height.
- ☐ n. Remove all surface fuels that are greater than 4" inches in height.
- ☐ o. Cut and remove low hanging branches and ensure that all trees have a minimum of 6 feet of vertical clearance from the ground.
- ☐ p. When shrubs or below tree canopies, vertical clearance from plants or shrubs shall be increased as to provide a minimum separation of 4 feet.
- ☐ q. Cut branches to ensure that all tree canopies have a minimum of 10 feet of horizontal clearance from each other.
- ☐ r. Shrubs and plants shall have a minimum separation of 3 feet from each other.
- ☐ s. Remove all dead and dry vegetation.

Free Site Evaluations

Call 707-967-2880 to schedule a free site visit

- Get a current site safety evaluation
- Receive recommendations to improve your fire preparedness
- Speak directly with Fire Department Personnel to answer any questions



Defensible Space Certificate



ST. HELENA FIRE DEPARTMENT

DEFENSIBLE SPACE CERTIFICATE

THIS DOCUMENT CERTIFIES THAT AT THE TIME OF INSPECTION:

The property located at: _____

Meets the City of St. Helena's Public Nuisance Ordinance (8.08.010) and related Guidelines and Public Resource Code 4291 requirements

INSPECTOR:_____ DATE:_____

Defensible Space requirements increase a structure's probabilities of surviving wildland fires but is not a guarantee.
Property lines have not been verified.
Regrowth of vegetation might require additional removal throughout the year.

Weed Abatement Enforcement



1. **Door Hanger**
   - First notice left on the door of a property in violation
   - If property has no structure, contact is made with owner via phone or email



2. **Staked Notice – (10 days after door hanger and still in violation)**
   - A plastic notice of violation is staked into the ground at the front of the property facing the street. Indicates date of notice and deadline for compliance.



3. **Certified Letter Sent**
   - If a property is in violation after the deadline listed on staked notice, they are sent a certified letter to comply within 14 days of receipt.



4. **Public Hearing**
   - If a property persists in violation, the owner will be required to appear before city council to defend their position of violation.
   - City Council will determine next steps.

Home | Contact Us | Select Language

Your Government | Our Community | City Departments

How may we help you?

Fire Department

- Emergency Preparedness
- Apparatus Inventory
- Fireworks
- Fire Inspections
- Hometown Harvest Festival
- Weed Abatement
- Defensible Space Inspection and Certification
- Knox Solutions
- Burn Permits
- Lobster Feed
- Forms

Contact Information

Fire Chief John Sorensen

Emergency Preparedness

Be prepared for an emergency by following these 6 simple steps:

1. Establish defensible space around your home. For more information on defensible space **click here**
2. Keep your vehicle's fuel tank at least half full
3. Build and maintain a **Go-bag**
4. Sign up for Nixle/Everbridge alerts - **Click here to sign up**
5. Identify your evacuation zone through **ZoneHaven***
6. Fire Weather Forecast - Stay up to date with daily weather reports used by the Fire Chief. **Click here** and then click the "webcast" thumbnail at the bottom right of the page.

Additional emergency preparedness **links and information**.



*Zone Haven Evacuation Zones:

Zone 1 Map - Northeast St. Helena

Zone 2 Map - West St. Helena

Zone 3 Map - Central West St. Helena

Zone 4 Map - Central East St. Helena

Zone 5 Map - Southwest St. Helena

Zone 6 Map - Southeast St. Helena

Zone 7 Map - Spring Mountain

Zone 8 Map - Big Rock Road/Howell Mtn. Rd.

Vineyard Valley – Napa River



June 23, 2023

To: Anil Comelo, City Manager, City of St. Helena, Mayor Paul Dohring, Vice-Mayor Eric Hall, Council members Chouteau, Hardy and Summers.

Dear Mr. Comelo and City Council Members,

We noticed that Fire Chief Sorenson will be presenting a report on emergency preparedness during your City Council meeting on June 25th, 2023. We read that report. It is all good information. We have received a plethora of good information which has increased both in volume and complexity since the tragic wildfires in 2017. It would be reassuring to all people living in zone STH-E004 to know what the City and County have done to prevent fires starting in the Napa River and Sulphur Creek. A fire starting in either the creek or river would endanger much of that zone. However, based on what we saw in the Glass Fire when a fire in a creek adjacent to Sterling winery quickly traveled to Highway 29 and burned a building at the Sattui winery, a fire in Sulphur creek could travel from the Napa River all the way up to South Crane very quickly. We have been watching the property on the south side of Pope Street at College for weeks now with dead grasses that greatly exceeds the height allowable as set forth in the regulations. This property is owned by Napa Valley College. If they cannot remove it then the City should remove it, fine them and bill them.

We are all aware that the East side of St. Helena has the most density. This will make evacuation, if it becomes necessary, very complicated. There is more that can be done in the way of evacuation drills for Vineyard Valley. We should have a drill at night with all the cars exiting over the levy. We would also like you to consider what could be done to make that situation, if it actually becomes necessary, less terrifying. If you could investigate placing simple lights on stakes on each side of the levy road it would make the exiting safer. Many people have difficulty driving at night. Having light to guide them would be very beneficial.

Thank you for including this information in your discussion of emergency preparedness.

Sincerely, Pat Dell and Grace Kistner.

MINUTES
City of St. Helena
Special Joint City Council and Planning Commission Meeting
Wednesday, October 26, 2022 @ 5:00 PM
Vintage Hall Board Room - Second Floor, 465 Main Street, St. Helena
465 Main Street, St. Helena

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, Council Member Eric Hall

Planning Commission Chair John Ponte, Commissioner Rosaura Segura, and Christopher Warner, Planning Commission

Absent: Vice-Chair Autumn Anderson and Commissioner Marika Rothfeld

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 ADOPTION OF THE AGENDA

4 ROLL CALL

5 PUBLIC FORUM:

Public comment during special meetings are limited to subjects on the agenda only.

6 NEW BUSINESS

a) Comprehensive Zoning Code Update-Public Meeting #1
Prepared By: Maya DeRosa, Community Development Director
Recommendation:
No Action Required.

Community Development Director Maya DeRosa addressed the City Council and Planning Commission and introduced Lisa Wise Consulting team Roger Eastman and Monica Szydlik.

Roger Eastman and Monica Szydlik reported on the item and showed a presentation.

Mayor Ellsworth opened the public comment.

Dan Hale, Peter Scott, Joe McGrath, Kelly Wheaton, Gary Rose and Marina Lavagnino addressed the City Council and Planning Commission.

Mayor Ellsworth re-opened the public comment.

Greg Desmond addressed the City Council and Planning Commission.

Mayor Ellsworth closed the public comment.

7 ADJOURNMENT

Mayor Ellsworth adjourned the meeting at **6:56 p.m.**

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special Joint City Council and Planning Commission Meeting
Wednesday, November 16, 2022 @ 5:00 PM
Vintage Hall Board Room - Second Floor, 465 Main Street, St. Helena
465 Main Street, St. Helena

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: Vice Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, Vice Mayor Eric Hall, John Ponte, Autumn Anderson, and Christopher Warner

Absent: Mayor Geoff Ellsworth, Rosaura Segura, and Marika Rothfeld

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 ADOPTION OF THE AGENDA

4 ROLL CALL

5 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.

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

Reports were made by Anil Comelo, City Manager.

7 STAFF BRIEFING

None

8 CONSENT ITEMS

None

9 NEW BUSINESS

a) Comprehensive Zoning Code Update-Public Meeting #2

CEQA Determination: CEQA will be completed before formal adoption.
Prepared By: Maya DeRosa, Community Development Director
Recommendation:
No action is required.

Maya DeRosa, Community Development Director introduced the item.

Lisa Wise consultants and Maya DeRosa reported on the item.

Susan Kenward, citizen, Steve Goldfarb, Joe McGrath, Jeff Feeney, Alex Mitchell and Candace Panateway addressed the City Council and Planning Commission.

10 ADJOURNMENT

Vice Mayor Dohring adjourned the meeting at 7:05 pm

APPROVED: **ATTEST:**

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, November 22, 2022 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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

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

5. PUBLIC FORUM:

Citizen, Tom Belt, Richard Corsetti, Maria Viega, Jeff Feeney, Bobbi Monette, Chris Warner, citizen, David Knudsen addressed the City Council.

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

Reports were made by staff and the City Council.

City Attorney Ethan Walsh reported that there was no reportable action from the November 22, 2022 special City Council closed session meeting.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 Proposed Water and Wastewater Commission Presentation by Garry Rose

Council Member Lester Hardy requested this item be agendized for a discussion at a future meeting, Council Member Chouteau agreed with the request.

8. CONSENT ITEMS

Members of the Council or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)

8.1 October 2022 Review and Forecasting of City Water Supply Availability

CEQA Determination: Exempt
Prepared By: Ian Dale, Environmental Services Tech

8.2 Receive and File FY 2021-22 Annual AB 1600 Report on Development Impact Fees.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Receive and file Annual AB 1600 Development Fee Report for Fiscal Year Ending June 30, 2022.

8.3 Consideration and proposed approval of a resolution approving the Final Map for 1780 Dean York Lane Subdivision Parcel Map and authorizing the City Clerk to Record the Final Map

CEQA Determination: Exempt
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:
Approve the attached resolution approving the Final Map for the 1780 Dean York Lane Subdivision and authorizing the City Clerk to record the Final Map.

8.4 Consideration and proposed approval of a Resolution authorizing the City Manager to execute Amendment No. 3 to STH Contract: FY 2021-046 in the amount of $50,000 with Interwest for a total contract amount not-to-exceed $140,000 for Contract Planning Services.

CEQA Determination: Not a CEQA project
Prepared By: Maya DeRosa, Community Development Director

Recommendation:
Staff recommends City Council adopt the attached resolution.

8.5 Consideration of Approval of a resolution authorizing the City Manager to amend the current Community Development Block Grant Coronavirus Response (CDBG - CV2 & CV3) to re-allocate CDBG-CV funding from the Child Care Scholarship Program to St. Helena Utility Assistance Program.

CEQA Determination: Not a CEQA project
Prepared By: Martin Beltran, Senior Management Analyst
Recommendation:
Resolution Approving an Amendment to the Community Development Block Grant Coronavirus Response Round 2 and 3 (CDBG-CV2 and CV3) Standard Agreement to re-allocate CDBG-CV funding from the Child Care Scholarship Program to St. Helena Utility Assistance Program.

5.1 *This item was agendized for the November 22, 2023, special City Council meeting that ran concurrently together with the regular meeting.

Consideration and proposed approval of a resolution approving out-of-state travel for three Firefighters to attend the design meeting for the St. Helena Fire Department's Type 1 engine in Appleton, Wisconsin, December 4 – December 7, 2022.

Council Member Anna Chouteau moved to approve consent as presented with Vice Mayor Dohring recusing from item 8.3. 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

9. OLD BUSINESS

9.1 Discussion, Consideration, and Direction Regarding Requests from Our Town St. Helena for:

1.Extention of the acquisition loan term ($450,000 initial acquisition loan) from December 9, 2022 for an Additional 12-months to December 9, 2023. All other terms of the loan agreement would remain.

2.Extention of reimbursement to OTSH for interest payments on the RCAC loan, retroactively from November 1, 2022 to October 31, 2023, in the amount of $1,200 per month, not to exceed $14,400 with funds to be reimbursed to

OTSH on a quarterly basis upon receipt of an invoice and accompanying documentation showing proof of payments to RCAC. The source of funds would be the Affordable Housing Trust Fund.

CEQA Determination: Approval of a resolution amending the Loan Agreement for the acquisition of 963 Pope Street is governed by Section 15310 of State CEQA Guidelines which exempts the approval of mortgages of the purchase of existing structures where the loan will not be used for new construction.
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Staff is seeking City Council direction on the requests made by OTSH. Due to the timing of the maturity date of the existing acquisition loan as well as the request for interest only payments, City staff has prepared two resolutions for approval if City Council provides direction to (1) extend the maturity date to December 9, 2023 as requested by OTSH (Attachments 1 and 2) and (2) extend the reimbursement to OTSH for interest payments on the RCAC loan, retroactively from November 1, 2022 to October 31, 2023, in the amount of $1,200 per month, not to exceed $14,400 (Attachment 3).

City Manager Anil Comelo reported on this item.

Jennifer La Liberte addressed the City Council.

Council Member Lester Hardy moved to approve:

1.Extention of the acquisition loan term ($450,000 initial acquisition loan) from December 9, 2022 for an Additional 12-months to December 9, 2023. All other terms of the loan agreement would remain.

2.Extention of reimbursement to OTSH for interest payments on the RCAC loan, retroactively from November 1, 2022 to October 31, 2023, in the amount of $1,200 per month, not to exceed $14,400 with funds to be reimbursed to OTSH on a quarterly basis upon receipt of an invoice and accompanying documentation showing proof of payments to RCAC. The source of funds would be the Affordable Housing Trust Fund.

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. NEW BUSINESS

10.1 Accept report and presentation on ownership alternatives for sanitary sewer lateral and water service line and receive direction from Council to proceed with a corresponding amendment to the City of St. Helena Municipal Code ordinance.

CEQA Determination: Not a CEQA project
Prepared By: Joseph Leach, Public Works Director and City Engineer
Recommendation:
Provide direction to staff on options presented.

Public Works Director Joseph Leach reported on this item.

No public comment was received.

It was the consensus of the City Council to approve option 2. City to maintain meter, service line between the meter and the water main, and connection to the water main.

10.2 Approve Formation of Measure H Oversight Committee

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Approve the attached resolution forming an Ad Hoc Measure H Oversight Committee.

City Clerk Cindy Tzafopoulos reported on this item.

Garry Rose addressed the City Council.

Council Member Lester Hardy moved to approve staff's recommendation. 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

11. ADJOURNMENT
Mayor Ellsworth adjourned the meeting at 7:34 p.m.

APPROVED: **ATTEST:**

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special Joint City Council and Planning Commission Meeting
Wednesday, December 7, 2022 @ 5:00 PM
Vintage Hall Board Room - Second Floor, 465 Main Street, St. Helena
465 Main Street, St. Helena

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, Council Member Eric Hall,

Planning Commission Chair John Ponte, Vice-Chair Autumn Anderson, Commissioner Rosaura Segura and Commissioner Christopher Warner *(arrived at 5:37 p.m.)*

Absent: Commissioner Marika Rothfeld

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 ADOPTION OF THE AGENDA

Councilmember Chouteau moved to adopt the agenda; second by Vice-Mayor Dohring. The council concurred the motion to adopt.

4 ROLL CALL

5 PUBLIC FORUM

Public comment during special meetings are limited to subjects on the agenda only.

6 NEW BUSINESS

a) Comprehensive Zoning Code Update-Public Meeting #3

CEQA Determination: CEQA will be completed before formal adoption.
Prepared By: Maya DeRosa, Community Development Director
Recommendation:
Receive report and provide feedback to staff on options for next steps as noted in the staff report discussion.

Community Development Director Maya DeRosa addressed the City Council and Planning Commission and introduced City Attorney Todd Leishman and Lisa Wise Consultant Roger Eastman.

Roger Eastman addressed the City Council and Planning Commission and showed a presentation.

Mayor Ellsworth opened public comment.

Chuck Dake addressed the Council and Planning Commission.

Mayor Ellsworth paused the meeting to take roll of the City Council and Planning Commission as it had not been done at the beginning of the meeting.

Mayor Ellsworth reconvened public comment.

Mike Mazza, Dick Crain, Glenn Smith, Mike Thomas, Jeff Feeney, Joe McGrath, Polly Ogden, Roy Piper, Connie Minn, Dan Hale, Jeff Whitehead, John Palmer, Anne Carr, Douglas Shafer, Juliea Redden, and Joshua Park addressed the Councilmembers and Planning Commission.

Mayor Ellsworth closed public comment.

Mayor Ellsworth called for a recess at 6:53 p.m.

Mayor Ellsworth reconvened the meeting at 7:00 p.m.

Lisa Wise Consultant Roger Eastman concluded his presentation.

Mayor Ellsworth re-opened public comment.

Joe McGrath, Connie Minn, Dan Hale addressed the Councilmembers and Planning Commission.

Mayor Ellsworth closed public comment.

The City Council was in support of moving forward with Option #1 to continue the public process and welcome additional comments.

7 ADJOURNMENT

Mayor Ellsworth adjourned the meeting at 7:35 P.M.

APPROVED:

_____
Paul Jamison Dohring, Mayor

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special City Council Meeting
Wednesday, December 7, 2022 @ 5:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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

Vice-Mayor Dohring moved to adopt the agenda; second by Councilmember Hardy. The council concurred the motion to adopt.

4. PUBLIC COMMENT

Public comment during special meetings are limited to subjects on the agenda only.

5. PRESENTATIONS AND PUBLIC RECOGNITIONS

5.1 Health Update by Dr. Karen Relucio, Public Health Officer/Deputy Director of Health and Human Services Agency Napa County

Dr. Karen Relucio, Public Health Officer/Deputy Director of Health and Human Services addressed the City Council and provided a presentation.

5.2 Proclamation in honor of Arbor Day December 15, 2022 presented to Public Works

Mayor Ellsworth presented the Arbor Day proclamation to Assistant Public Works Operation Manager Carlos Uribe.

6. CONSENT CALENDAR:

6.1 Consideration and Proposed Approval of a Contract to Godbe Research for a Community Survey in an amount not-to-exceed $32,375

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

6.2 Consideration and Proposed Approval of (1) a Contract Change Order (CCO 25.1) Totaling $150,000 with Murray Building, Inc. for The Napa Valley College Tenant Improvement Project (C22-0001) for a Total Not-To-Exceed Amount of $1,317,379.00; (2) a Budget Increase of $150,000 to 101-4000-2145; and (3) Use of General Fund Fund Balance of $150,000.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Preya Nixon, Asst. to the City Manager
Recommendation:
Adopt the attached Resolution.

6.3 Consideration and Proposed Approval of a Resolution Approving a Construction Contract to Midstate Barrier, Inc. in and amont not-to-exceed $57,088 for R19-07 Silverado Guardrail Replacement Project.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Adopt the attached resolution.

Council Member Lester Hardy moved to adopt the items on Consent Calendar. 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

7. NEW BUSINESS:

7.1 Confirmation of City Council Water Ad Hoc Appointment

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:

Appointment of a Councilmember to the Water Ad Hoc Committee to replace outgoing Mayor Ellsworth.

Assistant City Manager April Mitts reported on the item.

Councilmember Hardy was appointed by the Council to replace Mayor Ellsworth on the Water Ad Hoc Committee.

No public comment was received.

8. ADJOURNMENT

Mayor Ellsworth adjourned the meeting at **8:16 p.m.**

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, December 13, 2022 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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, and Council Member Eric Hall

Absent: Council Member Lester Hardy

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

Vice Mayor Eric Hall moved to adopt the agenda as amended due to item 7.6 not being heard. 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, and Council Member Eric Hall
NOES: None
ABSENT: Council Member Lester Hardy
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:

Reports were made by staff and the City Council.

7. 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)

7.1 Conduct second reading and proposed adoption by title only waiving further reading of the Ordinance titled "Amendments to St. Helena Municipal Code Title 15 Buildings and Construction, Adopt and Amend in full the 2022 California Building Standards Code, Title 24.

CEQA Determination: Exempt
Prepared By: Philip Henry, Chief Building Official
Recommendation:
The Community Development Department, Building Division recommends the City Council:

Conduct second reading and adopt by title only and waive further reading of Ordinance titled "Amendments to St. Helena Municipal Code Title 15 Buildings and Construction, Adopt and Amend in full the 2022 California Building Standards Code, Title 24.

7.2 Consideration and proposed approval of a resolution duly approving and adopting a publicly available pay schedule in accordance with the requirement of California Code of Regulations, Title 2, Section 570.5, which includes revised salary schedules for the St. Helena Employees Association, Police Officers Association, Part-time Casual Worker I/II classifications, and members of the Unrepresented Compensation Program.

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

7.3 Recommended approval of a resolution authorizing the City Manager to execute Amendment #1 to the Professional Services Agreement with Raftelis Financial Consultants to provide services associated with a Water and Wastewater Rate Study in the amount of $45,000 for a total contract not to exceed amount of $191,310 and a budget increase to 561-43-00-21-45 in the amount of $22,500 utilizing water enterprise fund balance and a budget increase to 571-43-00-21-45 in the amount of $22,500 utilizing wastewater enterprise fund balance.

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

7.4 Consideration and proposed adoption of a Resolution authorizing the City Manager to execute Amendment No. 2 to STH Contract: FY2023-002 in the amount of $41,200 to the Professional Services Agreement with Regional

Government Services (RGS) for human resources assistance for a total amount not-to-exceed $116,200.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Adopt the attached resolution.

7.5 Approval of a Resolution Identifying and Authorizing the Source of Funding for the Second Installment Payment to Hall Vineland, LLC and Hall Vista, LLC per the Terms of the Settlement Agreement. Specifically, (1) a Budget Increase of $100,000 to the Water Operations Fund (Fund 561) and (2) authorize use of the Water Operations Fund Balance (Fund 561) of the Same.

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Approve the attached resolution.

7.6 ~~November 2022 Review and Forecasting of City Water Supply Availability~~

~~CEQA Determination: Exempt~~
~~Prepared By: Ian Dale, Environmental Services Tech~~

7.7 Consideration and proposed approval of a Resolution accepting the certification of the vote for the November 8, 2022 St. Helena General Municipal Election

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Adopt the resolution accepting the certification of the vote for Mayor and Council Members.

Mayor Paul Dohring moved to adopt consent as amended removing item 7.6 and Council Member Chouteau recusing herself from item 7.5. The motion was seconded by Council Member Eric Hall and on roll call carried by the following vote:

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

8. NEW BUSINESS

8.1 Oath of Office administered by City Clerk Cindy Tzafopoulos to Mayor-Elect Paul Dohring, Council Member-Elect Anna Chouteau and Council Member-Elect Billy Summers
(A brief recess for the City Clerk to reorganize the dais)

8.2 New Mayor and Council Members are seated

8.3 Recognition of Outgoing Mayor Geoff Ellsworth
(A recess in recognition of outgoing Mayor Geoff Ellsworth will be held.)

City Manager Anil Comelo reported on this item.

Brad Onorato, Deputy Chief of Staff to Congressman Mike Thompson and Tracy Krumpen, District Director to Assemblymember Cecilia Aguiar-Curry presented a plaque to out going Mayor Geoff Ellsworth.

8.4 Consideration of the Vice Mayor Nomination Made by the Mayor and Requiring Council Approval

Mayor Dohring reported on this item.

Vanessa von Hessert, Loraine Stuart, Dawn Lennonager, Jessica Hague, Mary Jane Bagter and Tracy Krumpen addressed the City Council.

Mayor Paul Dohring moved to appoint Council Member Hall to be the new Vice Mayor. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

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

9. ADJOURNMENT

Mayor Dohring adjourned the meeting at 6:52 p.m.

CHALLENGING DECISIONS OF CITY ENTITIES

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special City Council Meeting
Friday, January 6, 2023 @ 8:30 AM
Native Sons Hall, 1313 Spring St, St Helena, CA 94574

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

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. ADOPTION OF THE AGENDA

3.1

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

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

4. PUBLIC COMMENT:

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

5. NEW BUSINESS:

5.1 New Mayor and Council Members Orientation 8:30 a.m. to 12:30 p.m.

- Overview of the City
- Roles and Responsibilities
  - Mayor
  - Council Members
  - City Manager
  - City Attorney

- Review of Brown Act
- Rules of Procedure for the Conduct of Council Meetings and City Council Standards of Conduct
- Review Timeline for Upcoming Agenda Items
- Review Proposed Council Meeting Agenda Format
- Review Proposed Staff Report Format
- Review of Departments & Critical Issues
- Downtown Main Street Overview

City Manager Anil Comelo reported on this item.

No public comment was received.

5.2 ***Due to weather conditions the facilities tour has been cancelled.**

City Facilities tour 12:30 p.m. to 3:00 p.m.
Following the orientation the City staff will conduct a tour for Council members of key City facilities as listed below. The City will conduct the tour in multiple vehicles and a quorum of the Council will not be in any individual vehicle. However, the Council members will leave the vehicles to tour specific facilities as noted below. Members of the public will be able to participate on the tour in City vehicles or follow in their own vehicles.

- Water Treatment Plant/Bell Canyon (410 Crystal Springs Road) – get out for tour
- Meadowood Tanks – drive by only
- Rutherford Pump Station – drive by only
- Wastewater Treatment Plant (1 Chaix Lane) – get out for tour
- Crane Park (Valley Oak/Headstart Building) – drive by only
- Corporation Yard (1405 Charter Oak Ave.) – get out for tour
- Upper York Creek – get out for tour
- Carnegie Hall – drive by only
- Police Station – drive by only
- Fire Station – drive by only
- Parks & Recreation Office – drive by only
- Lyman Park (from Railroad) – drive by only
- Library – drive by only
- Adams Street Property – drive by only
- Meiley Park – drive by only
- Stonebridge Wells – drive by only
- Wappo Park (201 Pope Street) – get out at NVC
- Napa Valley College (1088 College Ave.) – tour of building and campus

Reminder - the Brown Act doesn’t allow substantive discussion of any specific issues or projects that are not included on the Agenda.

6. ADJOURNMENT

APPROVED:

_____
Paul Jamison Dohring, Mayor

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, January 10, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, Council Member Billy Summers and Vice Mayor Eric Hall

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

Vice Mayor Eric Hall made a motion to add "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA RATIFYING THE PROCLAMATION OF THE CITY MANAGER, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE SEVERE WEATHER CONDITIONS" and adopt the agenda as amended. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

5. PUBLIC FORUM:

A citizen addressed the City Council.

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

Reports were made by staff and Council.

City Attorney Ethan Walsh noted there was no reportable action for item 5.2 from the January 10, 2023, special City Council closed session meeting, but the following action occurred:

Council member Anna Chouteau made a motion to approve "item 5.1 Consideration of whether to conduct the City Council meeting using teleconferencing during a proclaimed state of emergency due to the ongoing storms because, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees". The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

Oaths of office for Erika Opp, Administrative Analyst and Zachary Hasbany, Human Resources Analyst

8. STAFF BRIEFING

Review of FY 2023-24 Budget Calendar by Mandy Kellogg, Administrative Services Director

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 Item 9.1 was pulled from consent.
~~Consideration of Resolution adding a portion of McCorkle Avenue to the City's List of Red Zones (parking prohibitions) and rescinding Resolution 2022-89~~

9.2 Adoption of a resolution certifying the Measure T Maintenance of Effort (MOE) for Fiscal Year 2021-22 and a resolution certifying of 6.67% Equivalent Fund expenditures for Fiscal Years 2018-19 through 2021-22 under Measure T Program.

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

Recommendation:
Adopt the attached Resolution.

9.3 Consideration and Approval of a Resolution Authorizing: (1) a Contract Change Orders for Reimbursable Expenses Totaling $105,009.83 with Murray Building, Inc. for The Napa Valley College Tenant Improvement Project for a Total Not-To-Exceed Contract Amount of $1,422,388.83; (2) a Budget Expense Increase of $105,009.83 to 101-4000-2145; and (3) an Offsetting Budget Revenue Increase of $105,009.83 to 101-3461-0000.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Preya Nixon, Asst. to the City Manager
Recommendation:
Adopted attached resolution.

9.4 Approval of Project Plans for CIP R21-02, Authorization to Bid Pratt & Elmhurst Avenue Crosswalk Improvements on Main Street

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Approval of Plans and Authorize to Bid

9.5 Recommended approval of a Resolution authorizing an increase to the salary range for the Finance Manager to $116,975 - $142,184.

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

9.6 Adopt a Resolution authorizing: (1) the City Manager to execute the Acceptance of Conditional Resolution and Waiver of Right to Hearing related to violations at the City of St. Helena Wastewater Treatment and Reclamation Plant; (2) a budget increase of $147,000 to 571-50-29-2143; and (3) use of Wastewater Fund balance of $147,000.

CEQA Determination: Not a CEQA project
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:
Adopt the attached resolution.

9.7 Item 9.7 was pulled from consent.
~~Consideration and Proposed Approval of (1) A Resolution Establishing an Electric Leaf Blower Rebate Program and (2) Authorizing a Budget Increase of $25,000 to 101-5000-2150; and (3) Use of General Fund Balance of $25,000~~

9.8 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA RATIFYING THE PROCLAMATION OF THE CITY MANAGER, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE SEVERE WEATHER CONDITIONS

Council Member Billy Summers moved to approve items 9.2 through 9.6 and 9.8. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

9.1 Consideration of Resolution adding a portion of McCorkle Avenue to the City's List of Red Zones (parking prohibitions) and rescinding Resolution 2022-89

CEQA Determination: Exempt
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:
Approve Resolution adding portion of McCorkle Avenue to the City's List of Red Zones (parking prohibitions) and rescinding Resolution 2022-89.

Joseph Leach, Public Works Director reported on this item.

Council Member Lester Hardy moved to approve this item with adjusting 20 feet to 10 feet. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

9.7 Consideration and Proposed Approval of (1) A Resolution Establishing an Electric Leaf Blower Rebate Program and (2) Authorizing a Budget Increase of $25,000 to 101-5000-2150; and (3) Use of General Fund Balance of $25,000

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

Asst. to the City Manager Preya Nixon reported on this item.

Larry Vermeulen addressed the City Council.

Council Member Lester Hardy moved to approve item 9.7. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

10. NEW BUSINESS

10.1 Consideration of an Ordinance of the City Council of the City of St. Helena adopting an Urgency Ordinance amending Section 17.116.030 of the St. Helena Municipal Code relating to accessory dwelling units and junior accessory dwelling units, and determining the Ordinance to be exempt from CEQA.

CEQA Determination: Exempt
Prepared By: Ethan Walsh, City Attorney
Recommendation:
Staff recommends that the City Council:

1. Adopt an Urgency Ordinance of the City Council of the City of St. Helena amending Section 17.116.030 of the St. Helena Municipal Code relating to accessory dwelling units and junior accessory dwelling units, and determining the Ordinance to be exempt from CEQA, by title only and waive further reading.

City Attorney Ethan Walsh reported on this item.

Maria Villegas addressed the City Council.

Council Member Lester Hardy moved to adopt an Urgency Ordinance of the City Council of the City of St. Helena amending Section 17.116.030 of the St. Helena Municipal Code relating to accessory dwelling units and junior accessory dwelling units, and determining the Ordinance to be exempt from CEQA, by title only and waive further reading. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Council Member Anna Chouteau, Council Member

Lester Hardy, Council Member Billy Summers and Vice Mayor Eric Hall
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

10.2 Discussion and recommendation to the Napa County City Selection Committee as nominees to the:

1. Napa County Board of Supervisor Ryan Gregory or St. Helena City Council Member to represent the City of St. Helena on the MCE Clean Energy Board of Directors.
2. Interest to serve on the Metropolitan Transportation Commission (MTC)

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Identify name(s) of interested Council Member(s) to be considered by the Napa County City Selection Committee as nominees to the:

1. MCE Clean Energy Board of Directors
2. Metropolitan Transportation Commission (MTC)

City Clerk Cindy Tzafopoulos reported on this item.

No public comment was received.

It was the consensus of the City Council to appoint Napa County Board of Supervisor Ryan Gregory to represent the City of St. Helena on the MCE Clean Energy Board of Directors. There was no interest for a Council Member to serve on the Metropolitan Transportation Commission (MTC).

10.3 2023 City Council Meeting Calendar

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Review the 2023 calendar and provide direction on Council meeting dates.

City Clerk Cindy Tzafopoulos reported on this item.

No public comment was received.

It was the consensus of the City Council to cancel the first meeting in July and second meeting in December.

10.4 2023 City Council assignments to various City and Napa County Committees, Boards, and Commissions

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Attachment 1 provides a list of current intergovernmental appointments and vacancies (vacancies are highlighted in yellow). Attachment 2 provides a list of Ad Hoc appointments (vacancies are highlighted in yellow). Staff recommends City Council review and provide affirmation or recommended changes to appointments.

City Clerk Cindy Tzafopoulos reported on this item.

No public comment was received.

Assignments were made.

11. ADJOURNMENT

Mayor Dohring adjourned the meeting at 8:00 p.m.

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special City Council Meeting
Monday, January 23, 2023 @ 9:00 AM
Native Sons Hall, 1313 Spring St, St Helena, CA 94574

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

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT:

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

4. NEW BUSINESS:

4.1 The City of St. Helena City Council will be meeting to develop Council processes for working and communicating together and for team building.

This meeting will not consider any motions and will not take any actions as a City Council.

Reminder - the Brown Act doesn't allow substantive discussion of any specific issues or projects.

City Manager Anil Comelo reported on this item.

5. ADJOURNMENT

Mayor Dohring adjourned the meeting at 12:00 pm.

APPROVED: **ATTEST:**

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, January 24, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

Council Member Anna Chouteau moved to adopt the agenda as amended to include the oath of office for Kevin MacLeod, Recreation Supervisor under presentations. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

Council Member Anna Chouteau moved to adopt the agenda as amended to include the oath of office for Kevin MacLeod, Recreation Supervisor under presentations. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers
NOES: None
ABSENT: None

ABSTAIN: None
RECUSE: None

5. PUBLIC FORUM:

Crane Carter addressed the City Council.

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

Ethan Walsh, City Attorney noted there was no reportable action at the January 24, 2023 special City Council closed session meeting.
Reports were made by staff and City Council.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 *NEW ITEM
Oath of office for Kevin MacLeod, Recreation Supervisor administered by Cindy Tzafopoulos, City Clerk.

7.2 Presentation from David Morrison, Interim Napa County Executive Officer (CEO) on Napa County Regional 2019 Community Greenhouse Gas Inventory Update Summary and the Napa County Regional Greenhouse Gas Inventory Forecast (2019-2030)

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 authorizing the payment for the rental of heavy equipment in the amount not to exceed of $35,000 from Sunbelt Rentals.

CEQA Determination: Not a CEQA project
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Approval of a resolution authorizing the payment for the rental of heavy equipment in the amount not to exceed of $35,000 from Sunbelt Rentals.

9.2 December 2022 Review and Forecasting of City Water Supply Availability

CEQA Determination: Exempt

Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Receive and File

9.3 Adopt resolution authorizing: (1) City Manager to execute Amendment No. 1 to the Cooperative Agreement with Napa Valley Transportation Authority for the Napa Valley Vine Trail for the design of the segment between the cities of Calistoga and St. Helena; (2) a budget increase of $15,403 to 101-5000-2145; (3) use of General Fund balance in the amount of $15,403; (4) a budget increase of $63,847 to 241-5000-2145; and use of Fund 241 Measure T Class I Trails Fund Balance of $63,847.

CEQA Determination: Not a CEQA project
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:
Approve the Resolution “Adopt resolution authorizing: (1) City Manager to execute Amendment No. 1 to the Cooperative Agreement with Napa Valley Transportation Authority for the Napa Valley Vine Trail for the design of the segment between the cities of Calistoga and St. Helena; (2) a budget increase of $15,403 to 101-5000-2145; (3) use of General Fund balance in the amount of $15,403; (4) a budget increase of $63,847 to 241-5000-2145; and use of Fund 241 Measure T Class I Trails Fund Balance of $63,847”

9.4 Quarterly Grant Report for FY 2023 Q2 for the period ending December 31, 2022.

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

9.5 Consideration and proposed adoption of a resolution authorizing: (1) the City Manager to execute a Professional Service Agreement with Waterways Consulting, Inc. in the amount of $55,843.93 to provide Flood Protection Project Related Assistance; (2) a budget increase of $55,843.93 to 700-4000-2999 and use of fund balance of the same; and (3) a revenue increase of $55,843.93 to 741-3998-0000.

CEQA Determination: Exempt
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:
Approve the attached Resolution.

9.6 Consideration and proposed approval to adopt a resolution authorizing: (1) City Manager to execute financial agreements, real estate, right of way and application documents associated with the One Bay Area Grant (OBAG) program.

CEQA Determination: Exempt
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:
Adopt the attached resolution.

9.7 Accept Annual Integrated Pest Management Report for Calendar Year 2022

CEQA Determination: Not a CEQA project
Prepared By: Carlos Uribe, Assistant Public Works Operations Manager
Recommendation:
Receive and File 2022 Annual Integrated Pest Management Report

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

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

10. PUBLIC HEARINGS

10.1 None

11. OLD BUSINESS

11.1 Actionable Items to Respond to and Prepare for Climate Change

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

Preya Nixon, Asst. to the City Manager reported on this item.

No public comment was received.

It was the consensus of the City Council to move forward with the following areas to reduce GHG emissions in the City of St. Helena:

1. **Recognize the impacts of newly adopted Energy Code**: With the new 2022 Energy Code, electric is in and gas installations are discouraged. While a gas appliance may be installed under the 2022 code, a penalty will be incurred that will need to be made up in another

area within the building envelope. The goal is to build all electric homes with heat-pump technology, thereby reducing Greenhouse Gas Emissions (GHG). In addition, new homes are envisioned to have PV-solar with battery storage to allow for all energy used by these new homes to be generated and stored on-site without a need to draw from the power grid.

2. **Create incentives to encourage GHG friendly type home improvements**: The City desires to incentivize certain GHG friendly type of home improvements such as solar and electric water heaters for a specific period of time in 2023 (May 1, 2023 to October 31, 2023) by providing a significant, deep discount (80%) on the permit fees for these home improvements that reduce GHG emissions. Staff will bring back a separate request to the City Council soon to reduce building permit fees for these types of improvements during the prescribed time period.

3. **Encourage Gray Water Systems**: The City is moving to develop policies and guidelines to normalize the use of gray water systems. Gray water is untreated wastewater that does not present a threat from contamination by unhealthy processing. An example of this is wastewater from bathtubs. The Community Development Department will be bringing a policy forward on this in the coming months.

4. **Continue to install multi modal transportation infrastructure**: Continue to adhere to the City's adopted Bike Plan (as outlined in the General Plan Circulation Element) by installing bike lane facilities. Anytime a street is set to be repaved, multi modal transportation included in the design phase. The City has a complete streets approach which considers design for all roadway users including pedestrians and bicycles.

5. **Increase Electric Vehicle (EV) charging infrastructure**: There are funding opportunities for EV charging stations through the California Energy Commission and MCE. The City hopes to apply for and if granted, utilize these types of funding to identify and develop EV charging infrastructure.

12. NEW BUSINESS

12.1 Water Penalty Appeal - Duane and Susan Hoff

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Discuss and make a determination on penalty appeal. Council may consider the following three options:

1. Approve the appeal in its entirety for an amount of $251,379.28
2. Grant a portion of the appeal for an amount determined by City Council
3. Deny the appeal in its entirety

April Mitts, Asst. City Manager and Ethan Walsh, City Attorney reported on this item.

Mr. Proctor addressed the City Council.

Mayor Paul Dohring moved to continue this item to a date uncertain to allow staff to gather additional information. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

12.2 Water Penalty Appeal - Eliot Fried

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Discuss and make a determination on penalty appeal. Council may consider the following three options:

1. Approve the appeal in its entirety for an amount of $19,228.30
2. Grant a portion of the appeal for an amount determined by City Council
3. Deny the appeal in its entirety

April Mitts, Asst. City Manager reported on this item.

Eliot Fried addressed the City Council.

Council Member Lester Hardy moved to continue this item for 90 days for additional information to be brought back for Council consideration. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers
NOES: None
ABSENT: None

ABSTAIN: None
RECUSE: None

12.3 Water Penalty Appeal - Isabel Ayau

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Discuss and make a determination on penalty appeal. Council may consider the following three options:

1. Approve the appeal in its entirety for an amount of $10,524.26
2. Grant a portion of the appeal for an amount determined by City Council
3. Deny the appeal in its entirety

Council Member Lester Hardy moved to approve the appeal in its entirety for an amount of $10,524.26. The motion was seconded by Vice Mayor Hall and on roll call carried by the following vote:

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

13. ADJOURNMENT

Mayor Dohring adjourned the meeting at 8:33 p.m.

APPROVED: **ATTEST:**

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, February 14, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

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

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

5. PUBLIC FORUM:

Eric Sklar, Maria Viegas and Bobbi Monnette addressed the City Council.

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

Reports were given by staff and Council.

City Attorney Ethan Walsh reported that there was no reportable action from the February 14, 2023 special City Council closed session meeting.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

None

8. STAFF BRIEFING

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 updating the February 23, 2016 adopted Records & Information Management Policy and Retention Schedule.

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Staff recommends the Council adopt the proposed resolution updating the Records Retention Schedule.

9.2 Item 9.2 was pulled from consent.
~~Consideration and Proposed Adoption of a Resolution Authorizing: (1) the City Manager to Execute an Agreement with Urban Land Institute (ULI) in an amount not-to-exceed $36,000 to provide a Downtown Placemaking Study and Technical Advisory Panel; and (2) a Budget increase of $36,000 to 101-4500-2130 and use of General Fund Balance of the Same.~~

9.3 Consideration and Proposed Approval of a Resolution (1) Memorializing the Termination of the Phase II Water Emergency in November 2021, effective December 2021; and (2) Confirmation of Staff's Proposal to Provide a Recommendation for the Termination of the Phase I Water Emergency at a Council Meeting in July 2023.

CEQA Determination: Not a CEQA project
Prepared By: Joseph Leach, Public Works Director and City Engineer
Recommendation:
Adopt the attached resolution.

Council Member Anna Chouteau moved to approve 9.1 and 9.3. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna

Chouteau, Council Member Lester Hardy, and Council Member Billy Summers
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

9.2 Consideration and Proposed Adoption of a Resolution Authorizing: (1) the City Manager to Execute an Agreement with Urban Land Institute (ULI) in an amount not-to-exceed $36,000 to provide a Downtown Placemaking Study and Technical Advisory Panel; and (2) a Budget increase of $36,000 to 101-4500-2130 and use of General Fund Balance of the Same.

CEQA Determination: Exempt
Prepared By: Maya DeRosa, Community Development Director
Recommendation:
Staff recommends City Council adopt the attached resolution.

Bobbi Monnette addressed the City Council.

Vice Mayor Eric Hall moved to approve 9.2. The motion was seconded by Council Member Bobby Summers and on roll call carried by the following vote:

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

10. PUBLIC HEARINGS

None

11. OLD BUSINESS

None

12. NEW BUSINESS

12.1 Receive presentation on results of the 2022 Community Survey.

CEQA Determination: Not a CEQA project
Prepared By: Martin Beltran, Senior Management Analyst
Recommendation:
Receive presentation from Godbe Research (GRA)

Brian Godbe with Godbe Research provided a presentation.

No public comment was received.

12.2 Review and Discussion of Permit Fee Reduction to incentivize the installation of electric appliances, solar, and electric vehicle charging thereby reduce Green House Gases (GHG).

CEQA Determination: Not a CEQA project
Prepared By: Philip Henry, Chief Building Official
Recommendation:
Staff recommends the City Council approval of Permit Fee Reduction Schedule (Attachment B) for the limited and specified time period of April 1, 2023 to September 30, 2023.

Chief Building Inspector Phil Henry reported on this item.

Josh Devore addressed the City Council.

It was the consensus of the City Council to approve staff recommendations.

13. ADJOURNMENT

Mayor Dohring adjourned the meeting at 7:23 p.m.

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, February 28, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

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

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

Reports were made by staff and Council.

City Attorney Ethan Walsh noted that there was no reportable action was taken at the

February 14, 2023 special City Council meeting.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 Proclamation in honor of the life of David A. Garden, Sr.

8. STAFF BRIEFING

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 January 2023 Review and Forecasting of City Water Supply Availability

CEQA Determination: Exempt
Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Receive and File

9.2 Item 9.2 was pulled from consent.
~~Adopt Resolution of the City Council of the City of St. Helena Approving Construction of a "Quick-Build" Traffic Calming Project at the Intersection of Kearney Street and Madrona Avenue.~~

9.3 Recommended approval of a resolution authorizing (1) the City Manager to execute a change order with North Bay Office Furniture for purchase of furniture and installation services as part of the Napa Valley College move (Project C22-001) in the amount of $10,000 for a total not-to-exceed $33,385 (2) a budget increase of $10,000 to 101-4000-2145 and use of general fund balance of the same.

CEQA Determination: Not a CEQA project
Prepared By: Martin Beltran, Senior Management Analyst
Recommendation:
Staff recommends adoption of the attached resolution.

Council Member Anna Chouteau moved to approve 9.1 and 9.3. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

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

ABSENT: None
ABSTAIN: None
RECUSE: None

9.2 Adopt Resolution of the City Council of the City of St. Helena Approving Construction of a "Quick-Build" Traffic Calming Project at the Intersection of Kearney Street and Madrona Avenue.

CEQA Determination: Exempt
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:
Approve the attached resolution.

Public Works Director Joseph Leach reported on this item.

Kelly Snider addressed the City Council.

Council Member Lester Hardy moved to approve 9.3. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

10. PUBLIC HEARINGS

None

11. OLD BUSINESS

11.1 Presentation by Raftelis on Water & Wastewater Rate Study

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

Kevin Kostiuk, Raftelis Senior Manager provided a presentation.

No public comment was received.

12. NEW BUSINESS

12.1 Presentation by Baker Tilly on Long Range Financial Plan Options and Council Discussion and Direction

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager

Steve Toler, Director and Sam Liberman, Senior Manager from Baker Tilly provided a presentation.

Elaine Honig and Elaine Stuart addressed the City Council.

13. ADJOURNMENT

Mayor Dohring adjourned the meeting at 8:15 p.m.

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, March 14, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

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

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

5. PUBLIC FORUM:

Anthony Micheli addressed the City Council.

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

Reports were made by staff and Council.

City Attorney Ethan Walsh noted one reportable action was taken regarding anticipated litigation from March 14, 2023 special City Council closed session meeting. The City Council unanimously directed BBK to represent the City of St. Helena in the lawsuit with Denise Chaix Wiig, Darcel C. Chaix and Thomson Builders.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 American Red Cross Month 2023 Proclamation

7.2 Proclamation Designating March 2023 As Women's History Month

7.3 PG&E Gas Pipeline Maintenance Program Project Update 2023 by Mark Van Gorder

7.4 Presentation from Staff on Proposed Pickleball Court Conversion at Crane Park
Prepared By: Dave Jahns, Parks & Recreation Director

8. STAFF BRIEFING

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 accepting bids and awarding contracts to the lowest responsible bidders for furnishing chemicals for water and wastewater treatment for Fiscal Year 2022/2023 and authorizing the City Manager to execute the necessary agreements or purchase orders on behalf of the City.

CEQA Determination: Not a CEQA project
Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Adopt the attached resolution.

9.2 Consideration and Proposed Adoption of a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Napa County Resource Conservation District, in an amount not-to-exceed $75,250 for York Creek Project Year 3 Monitoring Services for the Upper York Creek Ecosystem Restoration, City Project No. W-26.

CEQA Determination: Environmental Impact Report (SCH. No. 2006092096)
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Staff Recommends City Council Adopt the attached Resolution.

9.3 9.3 was pulled from consent.
~~Adoption of a Resolution Opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.~~

9.4 9.4 was pulled from consent.

~~Consideration and proposed approval of a resolution approving: (1) a temporary closure of Adams Street and Library Lane from Friday, May 5, 2023, at 6:00 p.m. to Sunday, May 7, 2023, at 6:00 p.m.; and (2) authorizing possession of open alcoholic beverages on those public streets for the Neighborhood Community Table Event scheduled for Saturday, May 6, 2023, from approximately 5:00 p.m. to 9:00 p.m.~~

9.5 Recommended approval of a resolution authorizing (1) the City Manager to execute Amendment No. 1 with Economy Lock and Key, Inc. for security associated with the Napa Valley College Tenant Improvement Project (NVC-TI) in the amount of $45,000 for a total not-to-exceed $68,523.67 (2) a budget increase of $45,000 to 101-4000-2145 and use of general fund balance of the same.

CEQA Determination: Not a CEQA project
Prepared By: Martin Beltran, Senior Management Analyst
Recommendation:
Staff recommends adoption of the attached resolution.

Council Member Lester Hardy moved to approve 9.1 , 9.2 and 9.5. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

9.3 Adoption of a Resolution Opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Staff recommends Council adopt a Resolution opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.

Asst. City Manager April Mitts reported on this item.

No public comment was received.

9.4 Consideration and proposed approval of a resolution approving: (1) a temporary closure of Adams Street and Library Lane from Friday, May 5, 2023, at 6:00 p.m. to Sunday, May 7, 2023, at 6:00 p.m.; and (2) authorizing possession of open alcoholic beverages on those public streets for the

Neighborhood Community Table Event scheduled for Saturday, May 6, 2023, from approximately 5:00 p.m. to 9:00 p.m.

CEQA Determination: Categorically Exempt, Section 15323
Prepared By: Chantel Delay, Administrative Assistant
Recommendation:
Staff recommends approval of the attached resolution.

Public Works Director Joseph Leach reported on this item.

Tracy McBride and Randy Hughson addressed the City Council.

This item was continued to April.

10. PUBLIC HEARINGS

None

11. OLD BUSINESS

11.1 *PRESENTATION ADDED 03-13-2023
Presentation of the Water and Wastewater Rate Study Recommendations for the Capital Improvement Program, Financial Plan Scenarios, and Rate Structure Alternatives.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Review and discuss the Water and Wastewater Rate Study Advisory Committee recommendations of the Capital Improvement Program, Financial Plan Scenarios, and Rate Structure Alternatives and make final recommendations to be included in the final rate study report.

Administrative Services Director reported on this item.

Kevin Kostiuk, Raftelis Senior Manager provided a presentation.

Arlene Corsetti, Kelly Wheaton, Mark Smithers, Garry Rose and Tracy McBride addressed the City Council.

Council Member Anna Chouteau moved to accept Committee recommendations relating to:
1. Capital Improvement Program
2. Financial Plan Scenarios

3. Alternative 2 Water Rate Structure
4. Wastewater Rate Structure
5. Drought Rates
6. Private Fire Service Rates

And accept consultant recommendations on elevation and inside/outside City limit surcharges. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

Mayor Dohring called for a break.

Mayor Dohring reconvened the meeting.

12. NEW BUSINESS

12.1 Implementation of a Fats, Oils, and Grease ("FOG") cloud-based management platform

CEQA Determination: Exempt
Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Receive and file presentation from staff related to the implementation of the FOG BMP software platform and process.

Public Works Director Joseph Leach reported on this item.

No public comment was received.

13. ADJOURNMENT

Mayor Dohring adjourned the meeting at 8:57 p.m.

APPROVED: **ATTEST:**

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, March 28, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

Council Member Lester Hardy moved to adopt the agenda ass amended to remove item 11.1. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

5. PUBLIC FORUM:

Ann Nevero addressed the City Council.

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

Reports were made by staff and the City Council.

City Attorney Ethan Walsh noted there was no reportable action from the March 28,

2023 special City Council closed session meeting.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 Oath of office for Yosselyn Valencia, Finance Manager administered by Cindy Tzafopoulos, City Clerk

8. STAFF BRIEFING

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 approval of a resolution approving Sanitary Sewer Management Plan version 8 as required by State Water Resources Control Board WQO-2006-0003 Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (WDR) and the associated Monitoring and Reporting Program (MRP).

CEQA Determination: Exempt
Prepared By: Clayton Church, Public Works Operations Manager
Recommendation:
Adopt attached Resolution.

9.2 Item 9.2 was pulled.

February 2023 Review and Forecasting of City Water Supply Availability

9.3 Consideration and proposed adoption of a Resolution authorizing the City Manager to execute Amendment No. 1 to STH Contract: FY2023-001 in the amount of $25,000 to the Professional Services Agreement with Regional Government Services (RGS) for finance assistance for a total amount not-to-exceed $50,000.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Adopt the attached resolution.

9.4 Item 9.4 was pulled.

Review and consideration of the 2022 St. Helena Annual Housing Element Progress Report.

9.5 Consideration of approval of a Resolution approving out-of-state travel for (1)

Administrative Services Director, Mandy Kellogg, to attend the 2023 ICMA Local Government Reimagined Conference to be held April 12-14, at the Hilton Burlington Lake Champlain, Burlington, Vermont (2) Senior Management Analyst, Martin Beltran, to attend the Government Finance Officers Association (GFOA) 117th Annual Conference to be held May 21-24, at the Oregon Convention Center, Portland, Oregon.

CEQA Determination: Not a CEQA project
Prepared By: Martin Beltran, Senior Management Analyst
Recommendation:
Approve the attached resolution

9.6 Consideration of a Resolution to execute contract amendment with BKF for design work related to the Main Street St. Helena Pedestrian Improvements Project and authorizing a budget increase of $151,000 to design in CIP Project R18-81 with funding allocated from Gas Tax Funds to Streets Capital Fund 741.

CEQA Determination: Exempt
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:
Approve Resolution to execute contract amendment with BKF for design work related to the Main Street St. Helena Pedestrian Improvements Project and authorizing a budget increase of $151,000 to design in CIP Project R18-81 with funding allocated from Gas Tax Funds to Streets Capital Fund 741.

9.7 Item 9.7 was pulled.

Consideration of A Resolution of the City Council of the City of St. Helena to Re-Affirm City Commitment to Housing Element for Regional Housing Need Assessment (RHNA), the Metropolitan Transportation Commission (MTC) adopted Resolution No. 4505 and Comply with State Housing Laws.

9.8 Consideration and proposed approval of a Resolution authorizing: (1) various scope amendments and budget transfers among the Streets Capital Improvement Program Projects, specifically: R21-02 Crosswalk Improvements on Main Street/Highway 29 at Pratt Avenue and Elmhurst Avenue; R21-04 Pope Street Crosswalk Improvements; R22-79 Pavement Restoration Year 2; R19-05 Grayson and South Crane Rehab which when implemented will have a total FY23 fiscal impact of approximately $798,806.98: (2) staff to execute the appropriate agreements, budget appropriations and transfers to effectuate the various Capital Improvement Program projects noted above; and (3) authorize the Director of Public Works to execute change orders not to exceed $475,000 in addition to the R22-79 Argonaut Construction contract.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA

Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Staff recommends City Council adopt the attached Resolution.

Council Member Anna Chouteau moved to approve 9.1, 9.3, 9.5, 9.6 and 9.8. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

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

9.2 February 2023 Review and Forecasting of City Water Supply Availability

CEQA Determination: Exempt
Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Receive and File

9.4 Review and consideration of the 2022 St. Helena Annual Housing Element Progress Report.

CEQA Determination: Not a CEQA project
Prepared By: Aaron Hecock, Senior Planner
Recommendation:
It is recommended that the City Council review, consider, and file this report recognizing that staff submitted the information to HCD and OPR in keeping with the April 1, 2023 mandate.

9.7 Consideration of A Resolution of the City Council of the City of St. Helena to Re-Affirm City Commitment to Housing Element for Regional Housing Need Assessment (RHNA), the Metropolitan Transportation Commission (MTC) adopted Resolution No. 4505 and Comply with State Housing Laws.

CEQA Determination: Not a CEQA project
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:
Approve A Resolution of the City Council of the City of St. Helena to Re-Affirm City Commitment to Housing Element for Regional Housing Need Assessment (RHNA), the Metropolitan Transportation Commission (MTC) adopted Resolution No. 4505 and Comply with State Housing Laws.

Ann Nevero addressed the City Council.

Council Member Anna Chouteau moved to approve 9.2, 9.7 and 9.4. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

10. PUBLIC HEARINGS

None

11. OLD BUSINESS

11.1 03-28-23 UPDATE *THIS ITEM WILL BE CONTINUED TO A DATE UNCERTAIN
Consideration and Proposed Approval of a Resolution Adopting the Integrated Master Utility Plan

CEQA Determination: Exempt from CEQA pursuant to Section 15262
Prepared By: Mark Rincon-Ibarra, Public Works Director and City Engineer
Recommendation:
Receive presentation and adopted the attached Resolution accepting the Integrated Utility Master Plan.

12. NEW BUSINESS

None

13. ADJOURNMENT

Mayor Dohring adjourned the meeting at 6:27 p.m.

APPROVED: **ATTEST:**

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, April 11, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

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

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

5. PUBLIC FORUM:

Chris Warner, Denise Nelson, Arlene Corsetti, citizen and Leslie Stanton addressed the City Council.

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

Reports were made by staff and the City Council.

City Attorney Ethan Walsh noted there was no reportable action from the April 11, 2023 special City Council closed session meeting.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 Sexual Assault Awareness Month April 2023

7.2 April is Arts Month 2023

8. STAFF BRIEFING

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 Item 9.1 was pulled.

~~Informational Item: Main Street Sidewalk Improvement Project (R18-81 Downtown Sidewalk Project) Progress Report.~~

9.2 Recommended approval of a resolution authorizing the City Manager to execute Amendment #2 to the Professional Services Agreement with Raftelis Financial Consultants to provide services associated with a Water and Wastewater Rate Study in the amount of $39,000 for a total contract not to exceed amount of $230,310 and a budget increase to 561-43-00-21-45 in the amount of $19,500 utilizing water enterprise fund balance and a budget increase to 571-43-00-21-45 in the amount of $19,500 utilizing wastewater enterprise fund balance.

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

9.3 Consideration and proposed approval of a resolution approving: (1) a temporary closure of Adams Street and Library Lane from Friday, May 5, 2023, at 6:00 p.m. to Sunday, May 7, 2023, at 6:00 p.m.; and (2) authorizing possession of open alcoholic beverages on those public streets for the Neighborhood Community Table Event scheduled for Saturday, May 6, 2023, from approximately 5:00 p.m. to 9:00 p.m.

CEQA Determination: Categorically Exempt, Section 15323
Prepared By: Chantel Delay, Administrative Assistant
Recommendation:

Staff recommends approval of the attached resolution.

Vice Mayor Eric Hall moved to approve items 9.2 and 9.3. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

9.4 Item 9.4 was pulled.

~~Proposed Approval of a Resolution Authorizing Staffing Recommendation to Reallocate Funding from the Vacant Public Works Management Analyst Position to Fund an Additional Assistant to the City Manager Position.~~

9.1 Informational Item: Main Street Sidewalk Improvement Project (R18-81 Downtown Sidewalk Project) Progress Report.

CEQA Determination: Categorically Exempt, Section 15323
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:
None. This is an information item only.

Joe Leach, Public Works Director reported on this item.

Isobel Luria and Richard Corsetti addressed the City Council.

Vice Mayor Eric Hall moved to approve item 9.1. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

9.4 Proposed Approval of a Resolution Authorizing Staffing Recommendation to Reallocate Funding from the Vacant Public Works Management Analyst Position to Fund an Additional Assistant to the City Manager Position.

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

Recommendation:
Approve the attached resolution.

Anil Comelo, City Manager reported on this item.

Leslie Stanton and Arlene Corsetti addressed the City Council.

Vice Mayor Eric Hall moved to approve item 9.4. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

10. OLD BUSINESS

10.1 None

11. NEW BUSINESS

11.1 St. Helena - Who are We? Discussion and Direction

CEQA Determination: Not a CEQA project
Prepared By: Anil Comelo, City Manager
Recommendation:
Staff recommends City Council discuss and provide direction to staff.

Anil Comelo, City Manager reported on this item.

Maria Viegas, Oliver Caldwell and Stephanie Smithers addressed the City Council.

It was the consensus of the City Council to direct staff to select a facilitator, select a future date and meeting space to hold the special meeting.

12. CITY COUNCIL REPORTS:

12.1
A. Association of Bay Area Governments (ABAG) - Executive Board
B. Association of Bay Area Governments (ABAG) - General Assembly
C. Napa Valley Tourism Corporation (Umbrella for Napa County)
D. League of California Cities – North Bay Division
E. Napa County City Selection Committee
F. Napa County Flood Control and Water Conservation District
G. Youth Opportunities Commission

H. Napa County Local Agency Formation Commission (LAFCO)
I. Napa Valley Transportation Authority (NVTA)
J. Napa County Watershed Information Center & Conservancy (WICC)
K. Upper Valley Waste Management Agency
L. Napa County Groundwater Sustainability Plan Advisory Committee
M. Napa County Regional Climate Action Committee
N. Council Ad Hoc and Standing Committee Reports

13. ADJOURNMENT

Mayor Dohring adjourned the meeting at 7:28 p.m.

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special City Council Meeting
Tuesday, April 25, 2023 @ 5:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, Vice Mayor Eric Hall, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. ADOPTION OF THE AGENDA

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

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

4. PUBLIC COMMENT:

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

5. NEW BUSINESS:

5.1 The City Clerk advertised a recruitment seeking applicants from the community to fill vacant Board, Committee and Commission terms of office. The Board, Committee and Commissions that have vacancies include the Active Transportation & Sustainability Committee, Planning Commission, Library Board of Trustees and the newly formed Measure H Oversight Committee. The City Council is holding this special City Council meeting to conduct applicant interviews.

The following lists the vacancies, expiring terms and names of applicants.

Planning Commission

One Planning Commissioner vacancy with the term of office expiring June 30, 2024.

Five applications were received from Walter Nirenberg, Chris Fowler, Chad Krsek, Hector Lopez and Sandra Archibald McCorkle.

Active Transportation & Sustainability Committee

Two Active Transportation & Sustainability Committee Alternate vacancies expiring June 30, 2024.

Three applications were received from Amy Beaudine, Anthony Micheli and Emil Tudorache.

Library Board of Trustees

One Library Board of Trustee vacancy with the term of office expiring June 30, 2024.

Five applications were received from Deborah Claymon Boeschen, Donald Loveless, Gillian Casey, Arlene Corsetti and Pamela Krell.

Measure H Oversight Committee

The committee will consist of five members with the Council to appoint the chair and vice-chair. It is expected that the Measure H Oversight Committee will meet two times per year until the expenditure of the bond proceeds is complete at which a final report will be issued and the committee disbanded.

Five applications were received from Chris Warner, Jeffrey Green, Richard Corsetti, Jay Kouba and Mario Trinchero.

The City Council conducted applicant interviews at the special City Council meeting.

6. ADJOURNMENT

Mayor Dohring adjourned the meeting at 5:30 p.m.

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, April 25, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

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

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

5. PUBLIC FORUM:

Elaine de Man addressed the City Council.

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

Reports were made by staff and the City Council.

City Attorney Ethan Walsh noted there was no reportable action from the April 25,

2023 special City Council closed session meeting.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 National Library Week Proclamation

8. STAFF BRIEFING

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 March 2023 Review and Forecasting of City Water Supply Availability

CEQA Determination: Exempt
Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Receive and File

9.2 Consideration and proposed adoption of a Resolution Authorizing (1) the City Manager to execute Amendment No. 4 to STH Contract: FY2021-077 in the amount of $220,200, to the Professional Service Agreement with Operational Technical Services for temporary Wastewater Treatment Operators for a total amount not-to-exceed $950,200; (2) a Wastewater Fund budget increase of $220,200 to 571-5029-2020; and (3) use of Wastewater Operations Fund balance of $220,200; (4) the City Manager to execute Amendment No. 5 to STH Contract: FY2021-048 in the amount of $490,650 to the Professional Service Agreement with Operational Technical Services for temporary Water Treatment Operators for a total amount not-to-exceed $2,644,005; (5) a Water Fund budget increase of $490,650 to 561-5034-2020; and (6) use of Water Operations Fund balance of $490,650.

CEQA Determination: Not a CEQA project
Prepared By: Martin Beltran, Senior Management Analyst
Recommendation:
Staff recommends adoption of the attached Resolution.

9.3 Consideration and proposed adoption of a Resolution approving the plans for the R23-79 Pavement Restoration Project, and authorizing advertisement for bids.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Mario Traverso, Public Works Assistant Engineer

Recommendation:
Staff recommends City Council adopt the attached Resolution.

9.4 Consideration and proposed approval of a resolution (1) authorizing the City Manager to execute a reimbursement agreement with Napa Valley Wine Train in the amount not to exceed $115,300 for the installation of a pedestrian crossing structure on the Sulphur Creek railroad bridge, (2) authorizing a budget transfer from the General Fund Reserve of $115,300 to Streets Capital Fund to fund the project.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Staff recommends adoption of the attached resolution.

9.5 Consideration and Proposed Approval of (1) Amendment #3 to STH Contract: FY2020-049 with Lisa Wise Consulting for additional meetings and revisions to public review draft in association with Zoning Code Update for an additional $38,875 for a total contract amount not-to-exceed $376,234, (2) a budget increase of $38,875, and (3) use of General Fund fund balance of the same.

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

9.6 Quarterly Grant Report for FY 2023 Q3, for the period ending March 31, 2023

CEQA Determination: Not a CEQA project
Prepared By: Martin Beltran, Senior Management Analyst
Recommendation:
Receive and file report.

Vice Mayor Eric Hall moved to adopt consent as presented. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

10. PUBLIC HEARINGS

10.1 Appeal filed by Joseph Berchtold to overturn the March 7, 2023, denial of his applications for demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture zoning district.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Chantal Power, Associate Planner
Recommendation:
Staff recommends that the City Council:

1. Approve a resolution denying the appeal thereby upholding the Planning Commission denial of an application for demolition permit and design review for the proposed demolition and new construction on the property located at 2126 Madrona Avenue.

Chantel Power, Associate Planner reported on this item.

Each member of the City Council provided disclosure of ex parte communication.

Joseph Berchtold, Elain de Man, Kevin Block, Chris Herdell, Patty Di Tomaso, citizen and Kathleen Herdell addressed the City Council.

The City Council took a break at 7:50 pm and reconvened at 8:00 pm.

Council Member Lester Hardy moved to continue the meeting beyond 9:00 pm. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

Vice Mayor Eric Hall moved to continue this item to a date uncertain, but to be held prior to May 23, 2023. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers
NOES: None
ABSENT: None

ABSTAIN: None
RECUSE: None

Council Member Lester Hardy moved to continue the meeting beyond 10:30 pm. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

11. OLD BUSINESS

11.1 None

12. NEW BUSINESS

12.1 Fiscal Year 2022 Annual Comprehensive Financial Report and Independent Auditor's Report on Internal Control Over Financial Reporting.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Staff recommends the City Council receive accept the Comprehensive Annual Financial Report of the City of St. Helena for Fiscal Year Ended June 30, 2022.

Mandy Kellogg, Administrative Services Director introduced the item.

Lindsey Zimmerman, Armstrong & Brown Consultant provided a presentation.

No public comment was received.

12.2 Fiscal Year (FY) 2022-23 2nd Quarter Finance Report and Consideration of Resolution Approving Mid-Year Budget Adjustments for FY 2022-23.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Staff recommends the City Council receive and file the report and approve a Resolution Approving Mid-Year Budget Adjustments for FY 2022-23.

Mandy Kellogg, Administrative Services Director reported on the item.

No public comment was received.

Council Member Anna Chouteau moved to adopt staff's recommendation. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

12.3 Consideration and proposed approval of a resolution appointing applicants to the Active Transportation & Sustainability Committee, Planning Commission, Library Board of Trustees, and Measure H Oversight Committee

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Staff recommends adopting a resolution appointing applicants to the following committees:

- Appoint two applicants to the Active Transportation Sustainability Committee
- Appoint one applicant to the Library Board of Trustees
- Appoint one applicant to the Planning Commission
- Appoint five applicants to the Measure H Oversight Committee

Cindy Tzafopoulos, City Clerk reported on this item.

No public comment was received.

Mayor Paul Dohring moved to appoint:

Planning Commission - Chad Krsek

Active Transportation & Sustainability Committee Alternates - Amy Beaudine and Anthony Micheli

Library Board of Trustees - Deborah Claymon Boeschen

Measure H Oversight Committee (also the Mayor appointing the Chair and Vice Chair) – Chair Chris Warner, Vice Chair Jeffrey Green, Richard Corsetti, Jay Kouba, and Mario Trinchero

The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

13. ADJOURNMENT

Mayor Dohring adjourned the meeting at 10:31 p.m.

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special City Council Meeting
Monday, May 1, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, Vice Mayor Eric Hall, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. ADOPTION OF THE AGENDA

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

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

4. PUBLIC COMMENT:

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

5. PUBLIC HEARING:

5.1 Request by Ben and Kelly Van Zutphen to subdivide a 16.9-acre parcel to establish 51 single-family residential lots, 11 of which are proposed with accessory dwelling units on approximately 13.4 acres. A 3.13-acre parcel will be established to accommodate a 25-unit multi-family housing development. Two additional remnant parcels (Parcel A; 0.06 acres) and (Parcel B; 0.04

acres) will remain with no plans for future development. A total of 87 units are intended to be built. The currently vacant project site is located north of Hunt Avenue and east of the future extension of Adams Street within the Medium Density Residential (MR) Zoning and (MDR) General Plan districts.

CEQA Determination: Environmental Impact Report
Prepared By: Eric Norris, Planning Consultant
Recommendation:
After considering the project, staff report, supporting documents, technical studies and all testimony, written and spoken, the Planning Commission of the City of St. Helena recommends that the City Council:

1. Adopt the attached Resolution certifying the Final EIR, and approving a Mitigation Monitoring Program, Findings of Fact and Statement of Overriding Considerations; and

2. Adopt the attached Resolution approving the requested Tentative Map No. 2022-001, File #PL10-040 for the Hunter Subdivision project.

Eric Norris, Planning consultant reported on this item.

Josh Devore, Elizabeth Green, Maria Villegas, Elaine de Man, Jennifer La Liberte, Grace Kistner, Suzanne James, Pat Dell, John Miliken, Bette Antor, Denise Nelson, Isobel Luria, Tom Belt, Bonnie Schoch, Jenna Lavagnino, Marina Lavagnino, Lou Havigne, Polly Ogden, Steve Goldfarb and Jim Dankowitch.

Mayor Dohring called for a recess at 8:07 pm and reconvened at 8:17 pm.

Each member of the City Council provided disclosure of ex parte communication.

Vice Mayor Eric Hall moved to continue the meeting beyond 9:00 pm. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

Council Member Lester Hardy moved to continue the meeting beyond 9:30 pm. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by

the following vote:

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

Council Member Lester Hardy moved to continue the meeting beyond 10:00 pm. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

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

Council Member Lester Hardy moved to continue this item to a date uncertain and the meeting to be held prior to June 5, 2023. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

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

6. ADJOURNMENT

Mayor Dohring adjourned the meeting at 9:52 p.m.

APPROVED: **ATTEST:**

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, May 9, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

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

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

Reports were made by staff and the City Council.

City Attorney Ethan Walsh noted there was no reportable action from the May 9, 2023 special City Council closed session meeting.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

None

8. STAFF BRIEFING

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 approval of a resolution authorizing the replacement of 5 heat/cooling units by Peterson Mechanical, Inc. at the St. Helena Library for a total not-to-exceed amount of $40,600.00

CEQA Determination: Exempt
Prepared By: Clayton Church, Public Works Operations Manager
Recommendation:
Staff recommends the adoption of a resolution authorizing Peterson Mechanical Inc. to replace 5 heat/ cooling units in the St Helena Library for a total cost of $40,600.00.

9.2 Consideration and Proposed Approval of a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement Between the City of St. Helena and Columbia Telecommunications Corporation for the Provision, Installation and Maintenance of Advanced Network (Data) Services for the St. Helena Public Library.

CEQA Determination: Not a CEQA project
Prepared By: Chris Kreiden, Library Director
Recommendation:
Staff recommends City Council adopt the resolution authorizing the City Manager to execute the amendment between City of St. Helena and Columbia Telecommunications Corporation for the provision and maintenance of advanced network services for the Library.

9.3 Consideration and approval of a resolution approving the purchase of one Vermeer CTX Track Mini Skid Steer for an amount not-to-exceed $49,998.00.

CEQA Determination: Exempt
Prepared By: Clayton Church, Public Works Operations Manager

Recommendation:
Staff recommends the adoption of a resolution (1) authorizing the purchase of CTX100 Track Mini Skid Steer in the amount of $49,997.43 from RDO Equipment. Utilities Storm Drain Special Dept. Supplies Budget (101-5013-2215) $17,498.72, Parks Special Department Supplies Budget (101-5027-2215) $17,498.72, Streets Capital Equipment Budget (101-5015-2630) $15,000.00.

9.4 Consideration and approval of a resolution approving the purchase of one John Deere 3039R Compact Utility Tractor, John Deere 320R loader attachment, and Frontier RC2072 Lift-Type Rotary Cutter attachment for an amount not-to-exceed $41,935.00.

CEQA Determination: Exempt
Prepared By: Clayton Church, Public Works Operations Manager
Recommendation:
Staff recommends the adoption of a resolution authorizing the purchase of John Deere 3039R Compact Utility Tractor, John Deere 320R Loader attachment, and Frontier RC2072 Lift-Type Rotary Cutter attachment in the amount of $41,933.01 from Belkorp Ag.

9.5 Consideration and Proposed Approval of a Resolution Terminating the State of a Local Emergency Regarding COVID-19 Effective Immediately, Per California Government Code Section 8630

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Staff is recommending Council to adopt a resolution terminating its local emergency.

9.6 Item 9.6 was pulled.

~~Resolution Delegating the Authority to the City Manager to Develop and Implement an Administrative Teleworking Policy~~

9.7 Approval of a Resolution Authorizing an Amendment to the Friends of the Cameo dba Cameo Cinema Foundation Cinema Fiscal Year 2022-23 Non-Profit Grant Agreement.

CEQA Determination: Not a CEQA project
Prepared By: Stephanie Killingsworth, Senior Accounting Technician
Recommendation:
Approval of a Resolution authorizing an amendment to the Agreement to modify the project scope from "Looking Up: A Pre-Independence Day Community Celebration" to presenting a free screening to the community of "Crip Camp" followed by a live discussion with the film's director and writer on Sunday June 25, 2023.

9.8 Approval of a Resolution authorizing the City Manager to provide a Statement of Commitment for matching funds in the amount of $100,000 to Napa County Conservation Resource District in support of the USDA Forest Service Urban & Community Forestry funding opportunity.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Approve the attached resolution.

Vice Mayor Eric Hall moved to adopt items 9.1 through 9.5, 9.7 and 9.8. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

9.6 Resolution Delegating the Authority to the City Manager to Develop and Implement an Administrative Teleworking Policy

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Adopt the attached Resolution

Anil Comelo, City Manager reported on this item.

No public comment was received.

Council Member Lester Hardy moved to adopt item 9.6. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

Items were heard in the following order:
11.2

10.1
10.2
11.1

10. PUBLIC HEARINGS

10.1 Consideration and Proposed Resolution Adopting a General Plan Amendment (GPA 2023-001) to update the Housing Element of the General Plan for the period of 2023-2031 and adoption of an Addendum to the General Plan Environmental Impact Report.

CEQA Determination: General Plan Environmental Impact Report Addendum pursuant to CEQA Guidelines Section 15164
Prepared By: Aaron Hecock, Senior Planner
Recommendation:
Staff recommends that the City Council:

1. Adopt the attached resolution for the EIR Addendum for the Housing Element Update to the City of St. Helena 2040 General Plan finding it is adequate and complete in compliance with the California Environmental Quality Act; and

2. Adopt an Amendment to the General Plan (GPA 2023-001) updating the Housing Element of the General Plan for the period of 2023-2031 and incorporating it into the 2040 General Plan.

Aaron Hecock, Senior Planner reported on this item.

No public comment was received.

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

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

10.2 Consideration and Proposed Resolution Adopting a General Plan Amendment (GPA 2023-002) to update the Public Health, Safety, and Noise Element of the General Plan and adoption of an Addendum to the General Plan Environmental Impact Report.

CEQA Determination: General Plan Environmental Impact Report Addendum

pursuant to CEQA Guidelines Section 15164
Prepared By: Aaron Hecock, Senior Planner
Recommendation:
Staff recommends that the City Council adopt a resolution finding:

1. That the EIR Addendum for the Public Health, Safety and Noise Element Update to the City of St. Helena 2040 General Plan is adequate and complete in compliance with the California Environmental Quality Act; and

2. Adopting an Amendment to the General Plan (GPA 2023-002) updating the Public Health, Safety and Noise Element and incorporating it into the 2040 General Plan (with the additions noted above).

Aaron Hecock, Senior Planner reported on this item.

No public comment was received.

Council Member Anna Chouteau moved to adopt staff's recommendation. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

11. OLD BUSINESS

11.1 Water Penalty Appeal - Duane and Susan Hoff Continued from January 24, 2023

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Based on the information presented, staff recommends City Council deny the appeal for penalties incurred during the Phase II emergency.

April Mitts, Asst. City Manager reported on this item.

Duane Hoff and Mr. Block addressed the City Council.

Council Member Anna Chouteau moved to direct staff to bring back a

resolution memorializing Council's direction to reduce the penalty to $139,204.22. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

Council Member Lester Hardy moved to continue the meeting to 11:00 pm. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

11.2 Presentation of the Water and Wastewater Rate Study Final Report and requesting authorization to proceed with the Proposition 218 noticing requirements.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Receive the Water and Wastewater Rate Study Final Report and Authorize staff to proceed with the Proposition 218 noticing requirements.

Mandy Kellogg introduced this item.

Kevin Kostiuk, Raftelis Consultant reported on this item.

Mario Trinchero addressed the City Council.

Council Member Anna Chouteau moved to accept the rate study report, rate proposal, direct the City Manager to proceed with the proposition 218 notification and rate implementation process. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

ABSENT: None
ABSTAIN: None
RECUSE: None

Vice Mayor Eric Hall moved to continue beyond 9:00 pm. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

12. NEW BUSINESS

12.1 Consideration and Proposed Approval of a Resolution Adopting City Council Goals and Discussion Regarding Staff Workplan for FY 2024.

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Adopt City Council Goals for FY 2024.

Anil Comelo, City Manager reported on this item.

No public comment was received.

Council Member Anna Chouteau moved to adopt staff's recommendation. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

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

12.2 Organizational Effectiveness and Service Delivery Excellence

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:

Receive and File.

Anil Comelo, City Manager and April Mitts, Asst. City Manager reported on this item.

No public comment was received.

12.3 Department Head Updates and Department Budget Presentations

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Receive and File.

Anil Comelo, City Manager reported on this item.

No public comment was received.

13. CITY COUNCIL REPORTS:

13.1 A. Association of Bay Area Governments (ABAG) - Executive Board
B. Association of Bay Area Governments (ABAG) - General Assembly

C. Napa Valley Tourism Corporation (Umbrella for Napa County)

D. League of California Cities – North Bay Division

E. Napa County City Selection Committee

F. Napa County Flood Control and Water Conservation District

G. Youth Opportunities Commission

H. Napa County Local Agency Formation Commission (LAFCO)

I. Napa Valley Transportation Authority (NVTA)

J. Napa County Watershed Information Center & Conservancy (WICC)

K. Upper Valley Waste Management Agency

L. Napa County Groundwater Sustainability Plan Advisory Committee

M. Napa County Regional Climate Action Committee

N. Council Ad Hoc and Standing Committee Reports

14. ADJOURNMENT

Mayor Dohring adjourned the meeting at 10:49 p.m.

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special Joint City Council and Planning Commission Meeting
Wednesday, May 10, 2023 @ 5:00 PM
Vintage Hall Board Room - Second Floor, 465 Main Street, St. Helena

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 Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, Vice Mayor Eric Hall, John Ponte, Rosaura Segura, and Council Member Billy Summers

Absent: Marika Rothfeld, Autumn Anderson, and Christopher Warner

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 ADOPTION OF THE AGENDA

a)

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

AYES: Mayor Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, Vice Mayor Eric Hall, John Ponte, Rosaura Segura, and Council Member Billy Summers
NOES: None
ABSENT: Marika Rothfeld, Autumn Anderson, and Christopher Warner
ABSTAIN: None
RECUSE: None

4 ROLL CALL

5 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.

6 NEW BUSINESS

a) Joint Special Meeting of Planning Commission and City Council to conduct Public Meeting #4 for Zoning Code Update

CEQA Determination: CEQA will be completed before formal adoption.
Prepared By: Maya DeRosa, Community Development Director
Recommendation:
Receive report and provide feedback to staff on revisions suggested and proposed schedule.

Roger Eastman, Lisa Wise Consulting (LWC) Consultant provided a presentation.

Charles Cuvell, Joshua Parke, Steve Golfarb, Joe McGrath, Brian Hyme, Dan Hale, Peter Scott and Tamara Trainer addressed the City Council.

Staff and LWC will incorporate comments received into the public hearing draft and bring this back before the Planning Commission and then to the City Council for final adoption.

7 ADJOURNMENT

Mayor Dohring adjourned the meeting at 7:42 p.m.

APPROVED: **ATTEST:**

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special City Council Meeting
Wednesday, May 17, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, Vice Mayor Eric Hall, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. ADOPTION OF THE AGENDA

3.1

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

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

4. PUBLIC COMMENT:

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

5. NEW BUSINESS:

5.1 Appeal filed by Joseph Berchtold to overturn the March 7, 2023 Planning Commission denial of his applications for demolition permit and design review in order to demolish an existing single-family residence to accommodate the construction of a new single-family home on the property located at 2126 Madrona Avenue in the Twenty-Acre Agriculture zoning district.

CEQA Determination: Exempt
Prepared By: Chantal Power, Associate Planner
Recommendation:
City Council to make final decision on the appeal.

Vice Mayor Hall recused himself due to conflict of interest and left the meeting room at 6:04 p.m.

City Attorney Ethan Walsh clarified that Vice Mayor Hall did not in fact, have a legal conflict of interest in response to a Senate Bill that took effect as of January 1, 2023 but chose to voluntarily recuse himself.

Community Development Director Maya DeRosa addressed the City Council and introduced Contract Planner Chantal Power.

Contract Planner Chantal Power addressed the City Council, showed a presentation and reported on the item.

Mayor Dohring opened public comment.

Kevin Block, Herdell Legal Representative, Glen Smith, Resident #3, Resident #4, Kelly Wheaton, Elaine de Man, Katharine Falace, Appellant Legal Representative.

Mayor Dohring closed public comment.

The following ex parte communication was disclosed by the Councilmembers:

Councilmember Summers: Disclosed communication between Kathleen Herdell, Project Architect Sasha Janev and neighbors, .

Councilmember Chouteau: Disclosed communication between Bill Pramuk with Napa RCD, Project Architect Shasha Janev, Appellant Attorney, Kathleen Herdell, Annette Smith, and Kelly Amis.

Mayor Dohring: Disclosed communication between Kathleen Herdell and Annette Smith.

Councilmember Hardy: Disclosed communication between Kathleen Herdell, Kevin Block and Katharine Falace.

Council Member Anna Chouteau moved to overturn the denial of the Design Review application by the Planning Commission and direct the City Attorney to return with a resolution making the necessary findings and effectuating that

denial with conditions of approval including a new condition of approval to apply transparent fencing along the vineyard portion of the property. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

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

6. ADJOURNMENT

Mayor Dohring adjourned the meeting at **7:32 p.m.**

APPROVED: **ATTEST:**

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, May 23, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

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

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

5. PUBLIC FORUM:

Tom Belt and Arlene Corsetti addressed the City Council.

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

Reports were made by staff and the City Council.

City Attorney Ethan Walsh noted there was no reportable action from the May 23,

2023 special City Council closed session meeting.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 Oath of office for Lesley Milton, Assistant to the City Manager by Cindy Tzafopoulos, City Clerk

7.2 Oath of office for Andrew Bradley, Assistant to the City Manager by Cindy Tzafopoulos, City Clerk

7.3 National Public Works Week Proclamation - May 21-27, 2023

7.4 Historic Preservation Month - May 2023

8. STAFF BRIEFING

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 April 2023 Review and Forecasting of City Water Supply Availability

CEQA Determination: Exempt
Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Receive and File

9.2 Consideration and proposed adoption of a Resolution accepting the work and directing the filing of the Notice of Completion for the Silverado Trail Guardrail Replacement project, Capital Improvement Project R19-07.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Approve the attached Resolution to accept the work and direct the filing of the Notice of Completion for the Silverado Trail Guardrail Replacement Project, Capital Improvement Project R19-07.

9.3 Consideration and proposed adoption of a resolution approving additions to the Measure T project list.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Mario Traverso, Public Works Assistant Engineer

Recommendation:
Adopt a resolution approving the requested project additions to the Five-Year Measure T Expenditure Plan for Fiscal Year 2022-23 through Fiscal Year 2026-27.

9.4 Consideration and adoption of a Resolution (1) Authorizing the City Manager to execute a Construction Contract with Argonaut Constructors in the amount not to exceed $124,200 for the emergency water pipeline replacement at the intersection of Mitchell Drive and Highway 29 in St Helena; (2) Authorize staff to increase fund 763-5030-3160 expenditures and increase fund 763-3460-0000 revenues; (3) Authorizing the Director of Public Works to approve change orders not to exceed 15% of the contract amount.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Adopt a Resolution (1) Authorizing the City Manager to execute a Construction Contract with Argonaut Constructors in the amount not to exceed $124,200; (2) Authorize staff to increase fund 763-5030-3160 expenditures and increase fund 763-3460-0000 revenue to reflect the project cost and reimbursement; (3) Authorizing the Director of Public Works to approve change orders not to exceed 15% of the contract amount.

9.5 Consideration and proposed adoption of a resolution approving a Professional Services Agreement with Pacific Tree Care for Phase 2 Tree Pruning in Crane Park and various Heritage Trees pruning in an amount not to exceed $78,849.30 and authorizing the City Manager to execute the agreement.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Carlos Uribe, Assistant Public Works Operations Manager
Recommendation:
Staff recommends City Council adopt a resolution approving a Professional Services Agreement with Pacific Tree Care for tree pruning in Crane Park Phase two, and Heritage Trees in an amount not to exceed $78,849.30 and authorize the City Manager to execute the agreement.

9.6 Consideration and Proposed Adoption of a Resolution Adopting a list of Projects for Fiscal Year 2023-24 funded by SB1: The Road Repair and Accountability Act of 2017.

CEQA Determination: Exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which exempts the operation, leasing, or minor alteration of existing facilities
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:

Adopt a resolution adopting a list of projects for fiscal year 2023-24 funded by SB1: The Road Repair and Accountability Act of 2017.

9.7 Proposed Approval of a Resolution Memorializing the City Council Decision at the May 9, 2023 City Council Meeting Approving a Partial Waiver of Penalties Incurred by the Hoff's During the Phase II Water Emergency. Total Penalties Waived: $112,175.06 and Total Penalties to be Paid by the Hoff's: $139,204.22.

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Approve the attached resolution.

9.8 Item 9.8 was pulled from consent.

~~Consideration and Approval of a Resolution Approving a 2023 Extension of Raw Water Use Agreement between the City of St. Helena and Spring Mountain Vineyard, Inc. for Raw (non-potable) Water from Lower Reservoir.~~

9.9 Consideration and proposed authorization of a letter of support urging immediate action on gun safety legislation

CEQA Determination: Not a CEQA project
Prepared By: Anil Comelo, City Manager
Recommendation:
Authorization of the attached letter of support urging immediate action on gun safety legislation.

9.10 Consideration and proposed approval of a Resolution: (1) approving Revision No. 4 to City Council Policy P-FI-0016 Financial Policy and (2) repealing and rescinding any previous policies or administrative memoranda which are inconsistent with City Council Policy P-FI-0016 Financial Policy, Revision No. 4

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Staff recommends City Council adopt the attached Resolution.

Council Member Lester Hardy moved to approve consent as presented including the pulled item 9.8. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

ABSENT: None
ABSTAIN: None
RECUSE: None

9.8 Consideration and Approval of a Resolution Approving a 2023 Extension of Raw Water Use Agreement between the City of St. Helena and Spring Mountain Vineyard, Inc. for Raw (non-potable) Water from Lower Reservoir.

CEQA Determination: Exempt from the requirements of CEQA under the "General Rule", Section 15061 (b)(3), in that it can be seen with certainty that the proposed action will have no impact on the environment.
Prepared By: Joseph Leach, Public Works Director and City Engineer
Recommendation:
Approve the attached resolution.

Joseph Leach, Public Works Director reported on this item.

Tom Belt and Diane Kinderman addressed the City Council.

Council Member Hardy requested a future agenda item to discuss the lower reservoir, water supply and water surcharge during a drought, Vice Mayor Hall agreed.

10. PUBLIC HEARINGS

None

11. OLD BUSINESS

None

12. NEW BUSINESS

12.1 Presentation of FY 2023-24 and FY 2024-25 Proposed Operating Budget.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Review and provide staff with recommendations pertaining to the FY 2023-24 Proposed Operating Budget and methodology for preparing the FY 2024-25 Operating Budget.

Anil Comelo, City Manager and April Mitts, Asst. City Manager reported on this item.

Amy Carabba, Stephanie Smithers, Marcus Marquez, Chris Kostow, Lindsey Gay, Eric Reichert, Elliot Bell, Casey Garrett, Tom Belt, Jen Sloan, citizen and Kelly Wheaton addressed the City Council.

The Mayor called for a break at 8:30 pm and reconvened at 8:42 pm.

Vice Mayor Eric Hall moved to continue the meeting beyond 9 pm. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

It was the consensus of the City Council to:

1. Budget 5% staff vacancy reducing operating costs.
2. Do not pay CalPERS discretionary payments for two years.
3. Negotiate with the St. Helena Chamber of Commerce and bring back the contract for City Council consideration.
4. No change to the FY24 excess ERAF reduction.

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

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

12.2 Receive information about potential revenue options and provide direction to staff.

CEQA Determination: Not a CEQA project
Prepared By: Anil Comelo, City Manager
Recommendation:
Discuss and direct staff.

Anil Comelo, City Manager reported on this item.

Oliver Caldwell addressed the City Council.

It was the consensus of the City Council for staff to explore a property transfer tax measure and report back at the conclusion of polling the community.

12.3 Designating one (1) Councilmember as Liaison to the Groundwater Sustainability Agency and Associated Technical Advisory Group.

CEQA Determination: Not a CEQA project
Prepared By: Anil Comelo, City Manager
Recommendation:
Designate one (1) Councilmember as Liaison to the Groundwater Sustainability Agency and associated Technical Advisory Group.

Anil Comelo, City Manager reported on this item.

No public comment was received.

Mayor Paul Dohring moved to appoint Council Member Hardy. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

13. CITY COUNCIL REPORTS:

13.1 A. Association of Bay Area Governments (ABAG) - Executive Board

B. Association of Bay Area Governments (ABAG) - General Assembly

C. Napa Valley Tourism Corporation (Umbrella for Napa County)

D. League of California Cities – North Bay Division

E. Napa County City Selection Committee

F. Napa County Flood Control and Water Conservation District

G. Youth Opportunities Commission

H. Napa County Local Agency Formation Commission (LAFCO)

I. Napa Valley Transportation Authority (NVTA)

J. Napa County Watershed Information Center & Conservancy (WICC)

K. Upper Valley Waste Management Agency

L. Napa County Groundwater Sustainability Plan Advisory Committee

M. Napa County Regional Climate Action Committee

N. Council Ad Hoc and Standing Committee Reports

14. ADJOURNMENT

Mayor Dohring adjourned the meeting at 10:08 p.m.

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, June 13, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Vice Mayor Eric Hall, Council Member Lester Hardy, and Council Member Billy Summers

Absent: Council Member Anna Chouteau

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

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

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

5. PUBLIC FORUM:

Arlene Corsetti, Hector S. Rodriguez-Rodriguez, Garry Rose addressed the City Council.

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

Reports were made by staff and the City Council.

City Attorney Ethan Walsh noted there was no reportable action from the June 13, 2023 special City Council closed session meeting.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 Monarch and Pollinator Awareness Month June 2023 Proclamation

7.2 LGBTQ+ Pride Month June 2023 Proclamation

7.3 Juneteenth Independence Day June 19, 2023 Proclamation

8. STAFF BRIEFING

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 authorizing the St. Helena High School annual homecoming parade on Main Street and authorizing City staff to provide traffic control before, during, and after the parade.

CEQA Determination: Categorically Exempt, Section 15323
Prepared By: Chantel Delay, Administrative Assistant
Recommendation:
Staff recommends the City Council adopt the resolution authorizing the St. Helena High School annual homecoming parade on Main Street authorizing City staff to provide traffic control before, during, and after the parade.

9.2 Consideration and approval of a Resolution Establishing Appropriation Limits for Fiscal Year 2023-24 and the Selection of Current Year Adjustment Factors.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Staff recommends the City Council of the City of St. Helena adopt a Resolution establishing an appropriation limit for Fiscal Year 2023-24.

9.3 Consideration and approval of a resolution authorizing the City Manager to execute a Professional Services Agreement with Devastating Pyrotechnics, LLC, in the amount of $40,000 for the City-sponsored July 4, 2023 fireworks show

CEQA Determination: Not a CEQA project
Prepared By: Dave Jahns, Parks & Recreation Director
Recommendation:

Staff recommends the City Council approve a resolution authorizing the City Manager to execute a Professional Services Agreement with Devastating Pyrotechnics, LLC, in the amount of $40,000 for the City-sponsored July 4, 2023 fireworks show.

9.4 Recommended approval of a resolution authorizing the City Manager to execute a contract with Center for Public Safety Management to perform an analysis of Fire and Emergency Medical Services (EMS) for the City of St. Helena for a not to exceed cost of $44,694.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Approve the attached Resolution.

9.5 Recommended approval of a Resolution authorizing modifications to the Business Assistance Program guidelines to permanently forgive all business assistance loans that meet the eligibility, job creation and retention requirements.

CEQA Determination: Not a CEQA project
Prepared By: Lesley Milton, Asst. to the City Manager
Recommendation:
Approve a Resolution authorizing modifications to the Business Assistance Program guidelines to permanently forgive all business assistance loans that meet the eligibility, job creation and retention requirements.

9.6 Item 9.63 was pulled.

~~Consideration and proposed adoption of a Resolution authorizing the City Manager to Execute a Task Order with West Yost Associates, Inc. for an amount not-to-exceed $124,200 for consulting services to assist the City with preparation of an update to the Water Neutrality Policy and the Safe Yield Analysis (FY24 CIP No. W24-08).~~

9.7 Item 9.7 was pulled.

~~Consideration and proposed adoption of a Resolution authorizing the City Manager to execute a Task Order with West Yost Associates for preparation of a Recycled Water Facilities Plan (Facilities Plan) and a Planning Grant Application for a not-to-exceed cost of $211,554.~~

9.8 Item 9.8 was pulled.

~~Consideration of a proposed Resolution authorizing the City Manager to execute three Professional Service Agreements to provide engineering support and augmentation services for Public Works with West Yost Associates, Coastland Civil Engineering, LLP, and Cal Engineering & Geology, a Division~~

~~of Haley & Aldrich with each contract including an amount not-to-exceed $100,000.~~

9.9 Item 9.9 was pulled.

~~Consideration and approval of a resolution authorizing the payment of rental of decanting pump at the St. Helena Louis Stralla Water Treatment Plant for a total not-to-exceed amount of $56,000.~~

9.10 Request to approve a resolution approving the appeal of a Planning Commission denial and approval of Demolition Permit and Design Review (file # PL 21-044), for the demolition of an existing single-family dwelling and accessory structures in order to accommodate the construction of a new single-family dwelling and accessory structures at a property located at 2126 Madrona Avenue within the Twenty-Acre Agriculture (A-20) zone.

CEQA Determination: Exempt
Prepared By: Maya DeRosa, Community Development Director
Recommendation:
Based on the May 17, 2023, approval of appeal (file # 23-010), staff recommends the City Council approve the attached resolution granting the demolition permit and design review approval to 2126 Madrona Avenue (file # PL 21-044) and finding the approval not subject to CEQA and exempt from CEQA under State CEQA Guidelines Section 15303.

Vice Mayor Eric Hall moved to approve 9.1 through 9.5 and 9.10 (Mayor Dohring voted "No" on 9.10). The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Lester Hardy, and Council Member Billy Summers
NOES: Mayor Dohring voted "No" on 9.10
ABSENT: Council Member Anna Chouteau
ABSTAIN: None
RECUSE: None

9.6 Consideration and proposed adoption of a Resolution authorizing the City Manager to Execute a Task Order with West Yost Associates, Inc. for an amount not-to-exceed $124,200 for consulting services to assist the City with preparation of an update to the Water Neutrality Policy and the Safe Yield Analysis (FY24 CIP No. W24-08).

CEQA Determination: Not a CEQA project
Prepared By: Joseph Leach, Public Works Director and City Engineer
Recommendation:
It is recommended that the City Council adopt the attached resolution authorizing the issuance of a Task Order for West Yost for a total not-to-

exceed cost of $124,000.

Garry Rose, Tom Belt and Arlene Corsetti addressed the City Council.

Vice Mayor Eric Hall moved to approve item 9.6. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

9.7 Consideration and proposed adoption of a Resolution authorizing the City Manager to execute a Task Order with West Yost Associates for preparation of a Recycled Water Facilities Plan (Facilities Plan) and a Planning Grant Application for a not-to-exceed cost of $211,554.

CEQA Determination: Exempt
Prepared By: Joseph Leach, Public Works Director and City Engineer
Recommendation:
It is recommended that the City Council adopt the attached resolution authorizing the issuance of a Task Order for West Yost for a total not-to-exceed cost of $211,554.

Tom Belt and Arlene Corsetti addressed the City Council.

Council Member Lester Hardy moved to approve item 9.7. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

9.8 Consideration of a proposed Resolution authorizing the City Manager to execute three Professional Service Agreements to provide engineering support and augmentation services for Public Works with West Yost Associates, Coastland Civil Engineering, LLP, and Cal Engineering & Geology, a Division of Haley & Aldrich with each contract including an amount not-to-exceed $100,000.

CEQA Determination: Not a CEQA project

Prepared By: Joseph Leach, Public Works Director and City Engineer
Recommendation:
Adopt the attached Resolution.

Tom Belt and Richard Corsetti addressed the City Council.

Council Member Lester Hardy moved to approve item 9.8. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

9.9 Consideration and approval of a resolution authorizing the payment of rental of decanting pump at the St. Helena Louis Stralla Water Treatment Plant for a total not-to-exceed amount of $56,000.

CEQA Determination: Exempt
Prepared By: Clayton Church, Public Works Operations Manager
Recommendation:
Approval of a resolution authorizing the payment for the rental of decanting pump in the amount not to exceed of $56,000.00 from Herc Rentals.

Tom Belt addressed the City Council.

Mayor Paul Dohring moved to approve item 9.9. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

Mayor Dohring called for a recess at 7:43 pm and reconvened at 7:53 pm.

10. PUBLIC HEARINGS

None

11. OLD BUSINESS

11.1 Consideration and Proposed Approval of a Resolution Adopting the FY 2023-24 and FY 2024-25 Biennial Budget.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Staff recommends approval of a resolution adopting the City of St. Helena FY 2023-24 and 2024-25 Operating Budget.

Anil Comelo, City Manager and April Mitts, Asst. City Manager reported on this item.

Amy Carabba and Stephanie Smithers addressed the City Council.

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

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

Council Member Lester Hardy moved to adopt staff's recommendation and the following:

1. Approve the funding recommendations for the non-profits.
2. Approve the funding recommendation for the Chamber of Commerce.
3. Approve the use of reserves as recommended for FY 2023/24 & FY 2024/25.
4. Council directed staff to explore and return with a proposal to potentially increase the number of authorized Short-Term Rentals.

The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

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

12. NEW BUSINESS

12.1 Consideration and Proposed Approval of a Resolution Adopting the Five-Year Capital Improvement Program for Fiscal Years 2023-24 to 2027-28.

CEQA Determination: Not a CEQA project
Prepared By: Joseph Leach, Public Works Director and City Engineer
Recommendation:
Staff recommends City Council approve the attached Resolution.

Joseph Leach, Public Works Director reported on this item.

No public comment was received.

Vice Mayor Eric Hall moved to adopt staff's recommendation. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

13. CITY COUNCIL REPORTS:

13.1 A. Association of Bay Area Governments (ABAG) - Executive Board

B. Association of Bay Area Governments (ABAG) - General Assembly

C. Napa Valley Tourism Corporation (Umbrella for Napa County)

D. League of California Cities – North Bay Division

E. Napa County City Selection Committee

F. Napa County Flood Control and Water Conservation District

G. Youth Opportunities Commission

H. Napa County Local Agency Formation Commission (LAFCO)

I. Napa Valley Transportation Authority (NVTA)

J. Napa County Watershed Information Center & Conservancy (WICC)

K. Upper Valley Waste Management Agency

L. Napa County Groundwater Sustainability Plan Advisory Committee

M. Napa County Regional Climate Action Committee

N. Council Ad Hoc and Standing Committee Reports

14. ADJOURNMENT

Mayor Dohring adjourned the meeting at 9:18 p.m.

APPROVED: **ATTEST:**

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special City Council Meeting
Monday, June 26, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, Vice Mayor Eric Hall, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. ADOPTION OF THE AGENDA

4.1

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

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

5. PUBLIC COMMENT:

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

6. NEW BUSINESS:

6.1 Request by Ben and Kelly Van Zutphen to subdivide a 16.9-acre parcel to establish 51 single-family residential lots, 11 of which are proposed with accessory dwelling units on approximately 13.4 acres. A 3.13-acre parcel will

be established to accommodate a 25-unit multi-family housing development. Two additional remnant parcels (Parcel A; 0.06 acres) and (Parcel B; 0.04 acres) will remain with no plans for future development. A total of 87 units are intended to be built. The currently vacant project site is located north of Hunt Avenue and east of the future extension of Adams Street within the Medium Density Residential (MR) Zoning and (MDR) General Plan districts.

CEQA Determination: Environmental Impact Report
Prepared By: Eric Norris, Planning Consultant
Recommendation:
After considering the project, staff report, supporting documents, technical studies and all testimony, written and spoken, the Planning Commission of the City of St. Helena recommends that the City Council:

1. Adopt the attached Resolution certifying the Final EIR, and approving a Mitigation Monitoring Program, Findings of Fact and Statement of Overriding Considerations; and

2. Adopt the attached Resolution approving the requested Tentative Map No. 2022-001, File #PL10-040 for the Hunter Subdivision project.

Eric Norris, Interwest Planning Consultant reported on this item.

Elena Neigher, Marina Lavagnino, Denise Nelson, Janey Mills, Sandra McCorkle, Joe McGrath, Garry Rose, Elizabeth Green, Maria Villegas, Suzanne James, Monique Oliver, Daniel Golub, Ann Nevero, Tim Nieman, Bobbi Monnette and James Miller addressed the City Council.

Mayor Dohring called for a recess at 8:12 and reconvened at 8:30 pm.

Council Member Lester Hardy moved to continue the meeting beyond 9:00 pm. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

Vice Mayor Eric Hall moved to adopt the resolution certifying the Final EIR, and approving a Mitigation Monitoring Program, Findings of Fact and Statement of Overriding Considerations. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

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

Vice Mayor Eric Hall moved to adopt the resolution approving the requested Tentative Map No. 2022-001, File #PL10-040 for the Hunter Subdivision project. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

7. ADJOURNMENT

Mayor Dohring adjourned the meeting at 9:17 p.m.

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Donring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, June 27, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, Council Member Lester Hardy, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF THE AGENDA

4.1

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

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

Reports were made by staff and the City Council.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 Project Update: Vine Trail St. Helena to Calistoga by Grant Bailey, P.E./Program Manager - Engineer

8. STAFF BRIEFING

8.1 Presentation on approach for Citywide Vegetation Management
Prepared By: Clayton Church, Public Works Operations Manager

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 for out-of-state travel for Lieutenant Justin Tharp to attend the Federal Bureau of Investigation's National Academy, Session #287, (Also known as FBI National Academy) located in Quantico Virginia, July 08, 2023 through September 14, 2023 and approval of out-of-state travel to Quantico Virginia, for the Police Chief to attend the graduation on September 14, 2023.

CEQA Determination: Not a CEQA project
Prepared By: Chris Hartley, Chief of Police
Recommendation:
Approval this resolution for out-of-state travel for Lieutenant Tharp's training and the Chief of Police's attendance at graduation.

9.2 Consideration of Resolution rescinding Resolution 2022-89 and changing parking designation on the east shoulder of College Avenue from "No Parking" to "Police Parking Only" (parking prohibitions).

CEQA Determination: Not a CEQA project
Prepared By: Justin Tharp, Lieutenant
Recommendation:
Approve the attached resolution.

9.3 Consideration of a Resolution to set a Public Hearing for 6:00 p.m., Tuesday, August 8th, 2023, to consider objections to the proposed annexation of the properties known as 2175 Palmer Drive, St Helena, CA (APN 009-690-014), into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 142; 2125 Palmer Drive, St. Helena, CA (APN 009-690-015), into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 143; 1460 Grayson Avenue, St. Helena, CA (APN 009-340-004), into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 143; 1644 Grayson Avenue, St. Helena, CA (APN 009-280-024), into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 144.

CEQA Determination: Not a CEQA project

Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Staff request City Council to adopt a resolution to consider the applicants request and order a public hearing to be scheduled for August 8, 2023.

9.4 Consideration and Proposed Approval of a Resolution Extending the Waiving of Sign Fees for Businesses

CEQA Determination: Not a CEQA project
Prepared By: Maya DeRosa, Community Development Director
Recommendation:
Staff recommends the City Council approve the attached resolution.

9.5 Consideration and Proposed Approval of a Resolution Approving a one-year agreement with MarinIT to Provide Informational Technology Services for an Amount not-to-exceed $299,006 for FY 2023-24.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Staff recommends City Council approve the attached Resolution.

9.6 Consideration and Proposed Approval of a Resolution (1) Approving the Memorandum of Understanding Between the City of St. Helena and the St. Helena Professional Firefighters Association (SHPFA) for a Three-year Contract Commencing on July 1, 2022 and Expiring on June 30, 2025 and (2) Adopting and Approving Publicly Available Pay Schedule in Accordance with the Requirement of California Code of Regulations, Title 2, Section 570.5, for the St. Helena Professional Firefighters Member Classifications.

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Approval of a Resolution (1) Approving the Memorandum of Understanding Between the City of St. Helena and the St. Helena Professional Firefighters Association (SHPFA) for a Three-year Contract Commencing on July 1, 2022 and expiring on June 30, 2025 and (2) Adopting and Approving Publicly Available Pay Schedule in Accordance with the Requirement of California Code of Regulations, Title 2, Section 570.5, for the St. Helena Professional Firefighters Member Classifications.

9.7 May 2023 Review and Forecasting of City Water Supply Availability

CEQA Determination: Exempt
Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Receive and File

9.8 Approval of a Resolution confirming the St. Helena Police Department Chief of Police as the designated staff member to make the determination for persons/premises applying for an Alcoholic Beverage Control (ABC) licenses.

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Adopt the attached Resolution designating the St. Helena Chief of Police to make the determination for persons/premises applying for an ABC license.

9.9 Consideration and proposed approval of a resolution authorizing the purchase of one Altec AT37G Outrigger F550 4x4 Forestry Flatdeck the amount of $175,013.00 for the Public Works Department.

CEQA Determination: Exempt
Prepared By: Clayton Church, Public Works Operations Manager
Recommendation:
Staff recommends the adoption of the attached Resolution.

9.10 Consideration and approval of a resolution approving Amendment #1 to the Professional Services Agreement in connection with the project described as Professional Audit Services with Brown Armstrong Accountancy Corporation in the amount of $35,850 per year for audit services for a total of $71,700 over a two-year term for audits for Fiscal Years 2022-2023 and 2023-2024.

CEQA Determination: Not a CEQA project
Prepared By: Yosselyn Valencia, Finance Manager
Recommendation:
Staff recommends City Council approve the attached resolution.

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

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

10. PUBLIC HEARINGS

10.1 Public Hearing for consideration and proposed adoption of a resolution approving revised additions to the Measure T project list.

CEQA Determination: Not a CEQA project
Prepared By: Mario Traverso, Public Works Assistant Engineer
Recommendation:
Adopt a resolution approving the requested project additions to the Five-Year Measure T Expenditure Plan for Fiscal Year 2022-23 through Fiscal Year 2026-27.

Joe Leach, Public Works Director reported on this item.

No public comment was received.

Vice Mayor Eric Hall moved to adopt staff's recommendation. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

10.2 Consideration and proposed adoption of resolutions as follows:

1. Consideration and proposed approval of a resolution accepting the City of St. Helena 2023 Water and Wastewater Cost of Service and Rate Study Final Report; and
2. Consideration and proposed approval of a resolution approving
    a. Changes to the water base rates, water use rates, fire line rates, and rate structure effective September 1, 2023; and
    b. Changes to the wastewater base rates, wastewater use rates, and rate structure effective September 1, 2023; and
    c. Approving Drought Surcharges and rate structure effective September 1, 2023: and
    d. The charges for water, wastewater, and drought surcharge rates will become effective on September 1, 2023, and a rate increase will occur every subsequent year on July 1st for the next (5) years as follows:
        i. September 1, 2023
        ii. July 1, 2024
        iii. July 1, 2025
        iv. July 1, 2026
        v. July 1, 2027

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

Staff recommends the following to the City Council:

1. By resolution, accept the City of St. Helena 2023 Water and Wastewater Cost of Service and Rate Study Final Report; and
2. Adopt a resolution approving:
    a. Changes to the water base rates, water use rates, fire line rates, and rate structure effective September 1, 2023; and
    b. Changes to the wastewater base rates, wastewater use rates, and rate structure effective September 1, 2023; and
    c. Approving Drought Surcharges and rate structure effective September 1, 2023: and
    d. The charges for water, wastewater, and drought surcharge rates will become effective on September 1, 2023, and a rate increase will occur every subsequent year on July 1st for the next (5) years as follows:
        i. September 1, 2023
        ii. July 1, 2024
        iii. July 1, 2025
        iv. July 1, 2026
        v. July 1, 2027

Mandy Kellogg, Administrative Services Director reported on this item.

Garry Rose addressed the City Council.

Council Member Lester Hardy moved to adopt a resolution that accepts the City of St. Helena 2023 Water and Wastewater Cost of Service and Rate Study Final Report. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

Council Member Lester Hardy moved to adopt a resolution approving:

    a. Changes to the water base rates, water use rates, fire line rates, and rate structure effective September 1, 2023; and
    b. Changes to the wastewater base rates, wastewater use rates, and rate structure effective September 1, 2023; and
    c. Approving Drought Surcharges and rate structure effective September 1, 2023: and
    d. The charges for water, wastewater, and drought surcharge rates will become effective on September 1, 2023, and a rate increase will occur every subsequent year on July 1st for the next (5) years

as follows:

i. September 1, 2023
ii. July 1, 2024
iii. July 1, 2025
iv. July 1, 2026
v. July 1, 2027

The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

11. OLD BUSINESS

None

12. NEW BUSINESS

12.1 Consideration and proposed approval of a resolution appointing applicants to the Active Transportation & Sustainability Committee, Parks and Recreation Commission and Library Board of Trustees and consider leaving the recruitment open for the unfilled terms of office until filled.

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Staff recommends adopting a resolution appointing applicants to the following committees:

Active Transportation Sustainability Committee

Library Board of Trustees

Parks & Recreation Committee

Mayor Paul Dohring moved to appoint Jeff Farmer and John Zimmerman to the Active Transportation & Sustainability Committee. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

Mayor Paul Dohring moved to appoint David Slaby, Gillian Casey and Janet Myers to the Library Board of Trustee. The motion was seconded by Council Member Lester Hardy and on roll call carried by the following vote:

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

Mayor Paul Dohring moved to appoint Courtney Andrain and Jim Anderson to the Parks and Recreation Commission. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

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

12.2 Provide direction to City Manager on Our Town St. Helena's request to: 1) increase acquisition loan principal from $450,000 to $1 million for 963 Pope Street project; 2) authorize City Manager to extend said acquisition loan repayment date by up to 180 days, if necessary; and 3) convert said acquisition loan to permanent loan when certain conditions are met, and document commitment

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Provide direction to City Manager on Our Town St Helena's request

April Mitts, Asst. City Manager introduced this item.

Jennifer La Liberte, Our Town St. Helena Executive Director reported on this item.

No public comment was received.

The City Council provided staff with the following direction:

1. Council supports increasing the principal amount of the existing temporary loan to OTSH for 963 Pope Street from $450,000 to $1,000,000.

2. Council supports converting the $1,000,000 temporary loan to a permanent loan (resulting in an increase in the permanent loan from $250,000 to $1,000,000).

3. Provided direction to staff and legal to bring a term sheet outlining the proposed loan terms for consideration at the 7/25/23 Council Meeting with a resolution of support to demonstrate the City's funding commitment.

4. Provided direction to legal to provide examples of loan documents that would allow for conversion from temporary to permanent financing.

13. CITY COUNCIL REPORTS:

13.1 A. Association of Bay Area Governments (ABAG) - Executive Board
B. Association of Bay Area Governments (ABAG) - General Assembly

C. Napa Valley Tourism Corporation (Umbrella for Napa County)

D. League of California Cities – North Bay Division

E. Napa County City Selection Committee

F. Napa County Flood Control and Water Conservation District

G. Youth Opportunities Commission

H. Napa County Local Agency Formation Commission (LAFCO)

I. Napa Valley Transportation Authority (NVTA)

J. Napa County Watershed Information Center & Conservancy (WICC)

K. Upper Valley Waste Management Agency

L. Napa County Groundwater Sustainability Plan Advisory Committee

M. Napa County Regional Climate Action Committee

N. Council Ad Hoc and Standing Committee Reports

14. ADJOURNMENT

Mayor Dohring adjourned the meeting at 8:17 p.m.

APPROVED: **ATTEST:**

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

MINUTES
City of St. Helena
Special City Council Meeting
Tuesday, June 27, 2023 @ 4:30 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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 Paul Dohring, Council Member Anna Chouteau, Council Member Lester Hardy, Vice Mayor Eric Hall, and Council Member Billy Summers

Absent: None

1. CALL TO ORDER

2. ROLL CALL

3. ADOPTION OF THE AGENDA

3.1

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

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

4. PUBLIC COMMENT:

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

5. NEW BUSINESS:

5.1 The following lists the names of the individuals with expiring terms and applications received.

Active Transportation & Sustainability Committee
Active Transportation & Sustainability Committee members John Zimmerman

and Jeff Farmer's term of office expire June 30, 2023.

Three applications were received from Anthony Micheli, Jeff Farmer and John Zimmerman for two available terms.

Library Board of Trustees
Library Board of Trustee members Lin Weber, Janet Myers and David Slaby's term of office will expire June 30, 2023.

Four applications were received from David Slaby, Jan Darter, Gillian Casey and Janet Myers for three available terms.

Parks and Recreation Commission
Parks and Recreation Commission members Matthew Demchuk and Rebekah Stoltz Weeman's term of office will expire June 30, 2023.

Three applications were received from Bryan Moorehead, Courtney Andrain and Jim Anderson for two available terms.

Applicant interviews occurred for the Active Transportation & Sustainability Committee, Library Board of Trustees and Parks and Recreation Commission.

6. ADJOURNMENT

Mayor Dohring adjourned the meeting at 4:48 p.m.

APPROVED: **ATTEST:**

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Finance

DATE:	July 25, 2023
FROM:	Mandy Kellogg, Administrative Services Director
SUBJECT:	Consideration of Resolution Approving Marketing and Promotional Services Agreement in the amount of $175,000 per year between the City of St. Helena and the St. Helena Chamber of Commerce for FY 2023-24 and 2024-25.
RECOMMENDED ACTION:	Adopt the attached Resolution approving Promotional Services Agreement with St. Helena Chamber of Commerce for FY 2023-24 and 2024-25.
PREVIOUS COUNCIL ACTION:	June 13, 2023
STATEMENT OF THE PURPOSE:	To provide promotional services to the City of St. Helena.
FINANCIAL IMPACT:	Total fiscal impact of $175,000 per fiscal year has been included in the Fiscal Year 2023-24 and 2024-25 annual budget adopted by City Council on June 13, 2023.

BACKGROUND:

Historically the City of St. Helena has contributed monies to the St. Helena Chamber of Commerce ("Chamber") thereby augmenting the funding available to support the local business community and to market and promote St. Helena as a desirable tourist destination choice. This is a continuation of the practice for promotional and marketing services. The most recent agreements are summarized in Table 1.

Table 1 - Summary of Chamber Agreements since FY 2018-19:

Fiscal Year	Marketing Agreement & Special Events	Holidays	Business Recovery	Total Funding
FY 2018-19	210,000	-	-	210,000
FY 2019-20	210,000	-	25,000	235,000
FY 2020-21	185,000	25,000	25,000	235,000
FY 2021-22	220,500	25,000	100,000	345,500

FY 2022-23	250,000	25,000	50,000	325,000

Through the activities carried out in each agreement, the Chamber of Commerce assists the City with promotion of businesses to generate increased hotel and sales tax revenues which contributes to the City's budget and thereby the quality of life for local residents through the funding of City services and amenities.

DISCUSSION:
During the course of developing the FY 2023-24 and FY 2024-25 the City identified a significant number of funding needs throughout the organization, such as aging infrastructure, equipment replacement needs, updated technology, and staffing levels and competitive compensation. Preliminary budget projections showed estimated expenses exceeding estimated revenues by approximately $1.8 million. While the City currently has a healthy reserve level it is imperative that the City is prudent with the use of reserves to maintain adequate levels to aid with unforeseen demands or emergencies.

As a result of the current budget conditions, the City Council authorized a funding level of $175,000 for the Chamber's Marketing and Promotional Services. As part of the proposed agreement which is attached, the City is effectively reducing the scope of services that will be performed by the Chamber. Specifically, the St. Helena Parks & Recreation will take over the operations for special events, which include the summer concerts. The Chamber has made a commitment to continue promoting the City's events and activities and will manage the holiday barrel tree by seeking donations/sponsorships to cover the cost of installation.

During this upcoming budget cycle, the City moved to a biennial budget. Therefore, the agreement (Attachment 1) between the City and the Chamber is proposed as a two-year agreement providing funding in the amount of $175,000 for FY 2023-24 and $175,000 for FY 2024-25.

DOCUMENTS ATTACHMENTS:

Attachment 1 - City Chamber Contract FY 2024 and 2025
Resolution - Chamber of Commerce

MARKETING AND PROMOTIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ST. HELENA AND THE ST. HELENA CHAMBER OF COMMERCE

THIS MARKETING AND PROMOTIONAL SERVICES AGREEMENT ("Agreement") is made and entered into on July 25, 2023 ("Effective Date") by and between the City of St. Helena, a municipal corporation located in the County of Napa, State of California ("City"), and the St. Helena Chamber of Commerce, a California Non-Profit Corporation ("Chamber"). The City and Chamber are sometimes hereinafter referred to collectively as the "Parties."

RECITALS

A. City seeks to work with the Chamber of and the local business community to invest funding to market and promote St. Helena as a desirable tourist destination choice.

B. California Government Code Section 37110 provides the City with authorization to utilize City General Funds to, among other things, promote the City.

C. Chamber represents it is recognized by the Internal Revenue Service as a Section 501[c][6] nonprofit organization.

D. Chamber represents it is directed by an elected Board of Directors from the local business community with a professional staff, and is organized and equipped to carry on promotional and marketing activities on behalf of the City in accordance with this Agreement.

E. City and Chamber have previously entered into similar promotional and marketing services agreements.

Therefore, for the consideration hereinafter specified, the Parties agree as follows:

Section 1. Scope of Services. Chamber shall provide the services outlined in Exhibit A attached hereto.

Section 2. Term of Agreement. The term of this Agreement shall commence on July 1, 2023, and shall terminate on June 30, 2025, unless sooner terminated in accordance with its terms.

Section 3. Compensation. For the Scope of Services provided in Exhibit A, the City will pay the Chamber the annual sum of ONE HUNDRED SEVENTY FIVE THOUSAND DOLLARS ($175,000) each year during the term of the agreement. Said payments shall be made in quarterly installments of FORTY THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS ($43,750.00) toward Tourism Marketing and Promotional Efforts, the Welcome Center, and Community Collaborations. Quarterly invoice will be paid, within fourteen (14) business days, once invoice

is received from the Chamber of Commerce. Should the Chamber need these dollars sooner, the Chamber shall provide a written request to be approved by the City Manager to advance funds.

Section 4. Accounting. On or prior to the Effective Date, the Chamber shall present the Chamber's operating budget for the 2023-2024 fiscal year and a copy of the prior fiscal year budget and actual expenditures incurred at the Welcome Center and annually in July for each subsequent year of the agreement. The Chamber shall account for all City funding provided under this Agreement and shall keep complete and accurate books and records for all expenditures associated with the City funding provided under this Agreement. Upon not less than 10 calendar days' notice from the City, the Chamber shall make available to the City and submit to inspection, review, and audit by the City and/or other governmental agencies with jurisdiction, all the Chambers' books, records, and financial statements .

Section 5. Performance Evaluation and Tracking. For the purpose of evaluating the effectiveness of the Tourism, Marketing and Promotional Efforts provided by the Chamber under this Agreement, the Chamber shall provide to the City a mid-year review on a date selected by the City, and a final written report at the end of the fiscal year. The mid-year review and final report shall include a report of all expenditures funded under this Agreement, and shall include the following information as of the date of reporting:

- Statistics of visitor activity including the number of visitors to the St. Helena Welcome Center
- Utilization and traffic count on the Chamber website.
- Hours of operation and staffing levels at the St. Helena Welcome Center. The St. Helena Welcome Center is open at minimum, five days per week, of which the days and hours are set at the discretion of the Chamber.
- Reports on advertising, press coverage, and press releases with dates of publication or release.
- Status of projects/programs outlined in Exhibit A, "Scope of Services," including, without limitation, dates, estimated attendees and expenditures.

The City Manager and the Chamber's President/CEO shall meet periodically to discuss and review marketing trends, business climate, etc., within St. Helena and the Napa Valley region and Special Events Productions.

Section 6. Independent Contractors. The Parties understand and agree that in the performance of its work and services under this Agreement, Chamber is and at all times shall remain a wholly independent contractor and not an officer, employee or agent of City. Chamber shall obtain no rights or benefits that accrue to City employees. Consultant shall have no authority to bind City in any manner or to incur an obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

Section 7. Indemnification by Chamber. The Chamber shall, upon the City's written demand and with legal counsel acceptable to the City, defend, indemnify, and hold harmless the City, its agents, officers, City Council members, and employees for all liability, actions, claims, damages, costs, or expenses, including reasonable attorney's fees and legal expenses including expert fees and costs, which may be asserted by any person, including the Chamber, arising out of or in connection with the Chamber's performance of services under this Agreement.

Section 8. Indemnification by City. The City shall, upon the Chamber's written demand and with legal counsel acceptable to the Chamber, defend, indemnify, and hold harmless the Chamber, its agents, officers, and employees for all liability, actions, claims, damages, costs, or expenses, including reasonable attorney's fees and legal expenses including expert fees and costs, which may be asserted by any person, including the City, arising out of or in connection with the City's performance under this Agreement.

Section 9. Insurance Requirements. Chamber shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Chamber, its agents, representatives, or employees, as indicated:

A. Minimum Scope of Insurance. Coverage shall be at least as broad as:
   1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
   2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
   3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

B. Minimum Limits of Insurance. Chamber shall maintain limits no less than:
   1. General Liability: $1,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
   2. Automobile Liability: $1,000,000 per accident for bodily injury and property damage.
   3. Employer's Liability: $1,000,000 per accident for bodily injury or disease.

C. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions of $25,000 or greater must be declared to and approved by the City.

D. Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:
   1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by the

Chamber or Chamber's subconsultants; or automobile owned, leased, hired or borrowed by the Chamber.

2. For any claims related to Chamber's conduct while performing the work of this project, the Chamber's insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Chamber's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

E. Waiver of Subrogation. The workers compensation policy is to be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

F. The Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.

G. Verification of Coverage. Chamber shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

Section 10. Nondiscrimination. The Chamber shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, ancestry, color, sex, sexual orientation, gender, gender identity, gender expression, age, national origin, religion, material status, medical condition, or physical or mental disability.

Section 11. Governing Law. City and Chamber agree that the law governing this Agreement shall be that of the State of California.

Section 12. Compliance with Laws. Chamber shall comply with all applicable laws, ordinances, codes, and regulations of the Federal, State, and Local Agencies (including, without limitation, the City).

Section 13. Disclosure/Provision of Information. Brochures, maps, or other promotional materials produced by Chamber using the funds arising out of this Agreement may include the City logo on the material. Any information developed by Chamber pursuant to this Agreement shall be

provided to the City upon request and Chamber expressly grants City full legal authority and license to use and distribute any such materials.

Section 14. Waiver. The Parties agree that a waiver, breach, or violation of any term or condition of this Agreement shall not be deemed to be a waiver of any other term or condition contained herein or a waiver of any subsequent breach or violation of the same or any other term or condition. The City's acceptance of Chamber's performance of any work or services shall not be deemed to be a waiver of City's rights or Chamber's obligations under this Agreement.

Section 15. Assignment/Delegation. Neither party hereto shall assign, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other Party, and no assignment shall be of any force or affect whatsoever, and shall be void, unless and until the other Party shall have so consented.

Section 16. Conflict of Interest/Anti-Fraud and Anti-Corruption Policies. The Chamber covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services under this Agreement. The Chamber further covenants that in the performance of the Scope of Services under this Agreement, Chamber will not knowingly employ any person having any such conflict of interest with the City.

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

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

C. Consultant understands and acknowledges City maintains an anti-fraud and anti-corruption policy to protect the City, its operations, and its employees from and against financial risks, operational breaches, and unethical, fraudulent, and corrupt activities. Consultant represents and warrants that Consultant, its subcontractor(s) / subconsultant(s) and their respective employees providing services pursuant to the Agreement are (1) in good standing; (2) have not been previously investigated, convicted, or debarred for fraudulent or corrupt activities; (3) will not participate in fraudulent or corrupt activities, and (4) will take steps to ensure that its employees and subcontractor's(s) / subconsultant's(s) employees do not participate in any fraudulent or corrupt activities. Consultant acknowledges and agrees further that it has a duty

to and will report to City any information or incident(s) about possible fraudulent or corrupt activities Consultant may discover, and will cooperate in any fraud or corruption investigation conducted, with respect to Consultant's service provided pursuant to this Agreement.

Section 17. Attorney's Fees. In the event either Party brings an action or proceeding for damages arising out of the other's performance under this Agreement or to establish the rights or remedies of either party, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs as part of such action or proceeding or any post¬ judgment legal proceedings.

Section 18. No Third-Party Beneficiaries. Nothing contained in this Agreement shall be construed to create, and the Parties do not intend to create, any rights or remedies to any person or entity not a Party to this Agreement. In the event that Chamber enters into any agreements with third parties in connection with the work and services provided under this Agreement, City shall be deemed an intended third-party beneficiary of such agreements.

Section 19. Notices. All notices and other communications required or permitted to be given under this Agreement shall be in writing, and shall be personally served or mailed, return-receipt requested, addressed to the respective Parties as follows:

CEO/President
St. Helena Chamber of Commerce
1154 Main Street
St. Helena, CA 94574

City Manager
City of St. Helena
1088 College Avenue
St. Helena, CA 94574

Section 20. Prior Agreements. This Agreement, including all Exhibits attached hereto, represents the entire understanding of the Parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered under this Agreement.

Section 21. Representations. Chamber represents it is recognized by the Internal Revenue Service as a section 501[c][6] nonprofit organization, that it is directed by an elected Board of Directors from the local business community with a professional staff, and is organized and equipped to carry on the Scope of Services to be provided to the City in accordance with the terms of this Agreement.

Section 22. Entire Agreement/ Interpretation. Both Parties acknowledge that by entering into this Agreement, the City is not assuming any obligation to operate, supervise, or fund Chamber or any other obligations to Chamber other than those expressly provided in this Agreement. This Agreement constitutes the entire agreement among the Parties and may not be modified or changed, except by written instrument executed by both Parties. No provision of this Agreement is to be interpreted for or against either Party because that Party or that Party's legal representative drafted such provision.

Section 23. Termination. This Agreement may be terminated prior to June 30, 2025, as follows: By either Party, if the other Party fails to perform any of its obligations hereunder, within the time and in the manner provided, or otherwise violates any of the terms of this Agreement. The Party terminating the Agreement shall give written notice of such termination, stating the reasons for such termination in such event. Termination shall be effective 30 days following such written notice. Upon the termination of this Agreement by either Party, (1) any accrued but unpaid compensation due the Chamber shall be paid to the Chamber within thirty (30) days after receipt of the Chamber's invoice following such termination; and (2) Chamber shall repay to City within thirty (30) days after receipt of the Chamber's invoice following such termination the pro-rata portion of any quarterly payment remaining post-termination. Compensation to the Chamber or Chamber's reimbursement to City due upon termination shall be prorated. For example, if the Agreement were terminated on February 28, 2024, then FOURTEEN THOUSAND FIVE HUNDRED EIGHTY THREE DOLLARS AND THIRTY THREE CENTS ($14,583.33) OF THE FORTY THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS ($43,750) of quarterly funds advanced on January 31 for Tourism Marketing and Promotion Efforts would be returned to the City for the services not performed during March 2024 of the installment period.

Section 24. Special Provisions. This Agreement is subject to the following special provisions:

The Parties are required to provide certificates of coverage for any agreed upon special events ("Event") should they occur and shall name each other as additional insureds for the Event, as set forth below.

Hold harmless**:** to the fullest extent permitted by law, Chamber shall hold harmless, defend at its own expense, and indemnify City its officers, employees, agents, contractors, consultants, and volunteers, from and against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, arising out of, relating to, or resulting from all acts or omissions of contractor or its officers, agents, or employees in rendering services under this contract; excluding, however, such liability, claims, losses, damages, or expenses arising from City's sole negligence, active negligence, or willful misconduct.

Hold harmless: to the fullest extent permitted by law, City shall hold harmless, defend at its own expense, and indemnify Chamber its officers, employees, agents, and volunteers, from and against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, arising out of, relating to, or resulting from, all acts or omissions of City or its officers, agents, or employees in rendering services under this contract; excluding, however, such liability, claims, losses, damages, or expenses arising from Contractor's sole negligence, active negligence, or willful misconduct.

Both Parties shall procure and maintain for the duration of the agreement insurance against claims for injuries to persons or damages to property which may arise out of relate to, or result from the performance of the work hereunder by the respective party, its agents, representatives, or employees.

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than $1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

If the parties maintain broader coverage and/or higher limits than the minimums shown above, the parties require and shall be entitled to the broader coverage and/or the higher limits. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available.

Other Insurance Provisions
The insurance policies are to contain, or be endorsed to contain, the following. provisions:

Additional Insured Status
The parties, their officers, officials, employees, contractors, consultants, and volunteers are to be covered as additional insureds on the other party's CGL policy with respect to liability arising out of, relating to, or resulting from work or operations performed by or on behalf of the respective party, including liability arising out of, relating to, or resulting from materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 forms if later revisions used).

Primary Coverage
For any claims related to this contract, the insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 0104 13 as respects to the parties, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the parties, its officers, officials, employees, or volunteers shall be excess and shall not contribute with it.

Notice of Cancellation
Each insurance policy required above shall state that coverage shall not be canceled, except with notice.

Acceptability of Insurers
Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the parties.

Claims Made Policies
If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims- made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

Verification of Coverage
The parties shall furnish the other with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The parties reserve the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Subcontractors
Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Special Risks or Circumstances
The parties reserve the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

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

Chamber:
By: _____ July 7th, 2023
Name: Amy Carabba-Salazar
Title: CEO/President

City:
By: _____
Name: Anil Comelo
Title: City Manager

Exhibit A Scope of Services
St. Helena Chamber of Commerce Marketing and Promotional Services Agreement

Tourism, Marketing, and Promotional Efforts

The St. Helena Chamber of Commerce ("Chamber") shall use its best efforts to proactively market the City of St. Helena, downtown merchants, and Chamber members to promote tourism and local businesses by implementing an effective marketing and promotional strategy designed to maintain and generate increased TOT and sales tax revenue to the City's General Fund thereby directly contributing to the quality of life for local residents through the funding of core town services. Chamber's marketing and promotional efforts shall include, without limitation, the following activities:

- Direct and implement a Public Relations strategy which can include retaining a public relations professional to assist in the marketing and exposure of the City of St. Helena as a high-end destination.

- Direct and implement a Marketing Strategy with an overall "Visit St. Helena" message designed to directly and indirectly benefit all businesses in and around St. Helena.

- Maintain a robust, timely and current website and provide a link to the City website. The site should be mobile friendly and easy to navigate.

- Operate and staff a Welcome Center at minimum five days per week at the discretion of the Chamber CEO.

- Produce and update as necessary various City promotional information such as but not limited to a map of St. Helena and other such information in collaboration with the City.

CITY OF ST. HELENA

RESOLUTION NO. 2023-

APPROVING A MARKETING AND PROMOTIONAL SERVICES AGREEMENT FOR FISCAL YEARS 2023-24 AND 2024-25 BETWEEN THE CITY OF ST. HELENA AND THE ST. HELENA CHAMBER OF COMMERCE FOR AN AMOUNT NOT-TO-EXCEED $175,000 PER FISCAL YEAR.

RECITALS

A. The City of St. Helena desired to continue working with the St. Helena Chamber of Commerce by investing funding to market and promote St. Helena as a desirable tourist destination choice; and

B. California Government Code Section 37110 provides the City with authorization to spend money from the General Fund to, among other things, promote the City; and

C. The St. Helena Chamber of Commerce represents it is a recognized by the Internal Revenue Service as a Section 501[c][6] nonprofit organization; and

D. The St. Helena Chamber of Commerce represents it is directed by an elected Board of Directors from the local business community with a professional staff and is organized and equipped to carry on promotional and marketing activities on behalf of the City.

RESOLUTION

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

1. The City Council approves the Marketing and Promotional Services Agreement between the City of St. Helena and the St. Helena Chamber of Commerce for FY 2023-24 and FY 2024-25 in an amount not-to-exceed $175,000 per fiscal year; and

2. The City Council authorizes the City Manager to execute the agreement on behalf of the City.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023 by the following vote:

Mayor Paul Dohring: _____

Vice Mayor Eric Hall: _____

Council Member Anna Chouteau: _____

Council Member Lester Hardy: _____

Council Member Billy Summers: _____

APPROVED: ATTEST:

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Police

DATE:	July 25, 2023
FROM:	Chris Hartley, Chief of Police
SUBJECT:	Consideration and proposed approval of a resolution approving the Cannabis Tax Fund Grant Program (CTFGP)
RECOMMENDED ACTION:	Recommend acceptance of the Cannabis Tax Fund Grant in the amount of $146,419.00.
PREVIOUS COUNCIL ACTION:	None
STATEMENT OF THE PURPOSE:	Request City Council to approve acceptance for the Cannabis Tax Grant for use by the St. Helena Police Department.
FINANCIAL IMPACT:	Grant will provide $146,419 to assist with training, provide equipment and Community Awareness programs to mitigate DUI driving as a result of driving under the influence of Cannabis.

BACKGROUND:

In November 2016 California legalized the use of recreational marijuana. With the legalization of Cannabis, legal distribution was taxed with the intent to utilize a portion of those taxes to provide for public education, law enforcement training, and equipment. The City of St. Helena has noticed a large increase in the number of drivers under the influence of Cannabis. The St. Helena Police Department has minimal training in detection of Cannabis impairment and does not have the necessary equipment or resources to create an Cannabis impairment program.

DISCUSSION:

By accepting the CTFGP Grant, the St. Helena Police Department will receive advanced driving impairment training, advanced narcotic influence and detection training, a designated Drug Recognition Expert (DRE) officer, DUI support equipment, and have the ability to create a community education and outreach program. The grant will be monitored by a Sergeant with Grant oversight by the Lieutenant who will also be responsible to grant and statistical reporting.

DOCUMENTS ATTACHMENTS:

Attachment 1 - FY23-24 CTFGP Intent to Award - St. Helena PD
Attachment 2 - Cannabis Tax Grant Budget Breakdown
Attachment 3 - Resolution Cannabis Grant Funds

State of California -- Transportation Agency GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
601 North 7th Street
Sacramento, CA 95811
(916) 843-3330
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

June 7, 2023

File No.: 060.15426.14597.066.2023.06004

Officer Louis Montelli
St. Helena Police Department
1480 Main Street
St. Helena, CA 94574

Dear Officer Montelli:

On behalf of the California Highway Patrol (CHP), it is my pleasure to inform you, the St. Helena Police Department, is conditionally approved for Cannabis Tax Fund Grant Program (CTFGP) funding in the amount of $146,419.00. The purpose of this grant funding is to help your agency reduce and mitigate the impacts of impaired driving in your community.

All grant awards, including any adjustments to requested funding, were made by the Department based on the merits of the Grant Application, scale of operation, and in accordance with the Request for Application (RFA) requirements and associated regulations.

The official Grant Agreement for signature is forthcoming. In order to execute your Grant Agreement, please provide documentation from a local governing body, authorizing your organization to receive this grant funding, to the Cannabis Grants Unit, by email at CGUGrants@chp.ca.gov, as soon as possible. Refer to California Code of Regulations Title 13, Division 2, Chapter 13, Section 1890.13(g) for additional information.

The CHP looks forward to partnering with you and your agency on this project in an effort to make California's roadways a safer place to travel. If you have any questions, please feel free to contact the Cannabis Grants Unit at (916) 843-4360.

Sincerely,

K. M. DAVIS, Chief
Enforcement and Planning Division

Schedule B

Detailed Budget Estimate

Award Number	Organization/Agency	Total Amount
12996	St. Helena Police Department	$146,419.00

Cost Category	Line Item Name	Total Cost to Grant
Other Direct Costs		
	Informational Pamphlets	$600.00
Category Sub-Total		**$600.00**
Personnel		
	DUI Saturation Patrol	$29,808.00
	DUI Detection Field Sobriety Training - Attend	$738.00
	DRE Training - Attend	$5,904.00
	DAR Training - Attend	$1,968.00
	DUI Checkpoint Training - Attend	$328.00
	Presentations	$656.00
	Backfill	$42,417.00
Category Sub-Total		**$81,819.00**
Equipment		
	DUI Patrol Vehicle	$56,000.00
	DUI Patrol Vehicle - Outfitting	$8,000.00
Category Sub-Total		**$64,000.00**

Grant Total	$146,419.00

CITY OF ST. HELENA

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA APPROVING THE RECEIPT OF CANNABIS TAX FUND GRANT PROGRAM (CTFGP) FUND IN THE AMOUNT OF $146,419.00

RECITALS

WHEREAS, protecting every person in our City, including our most vulnerable citizens, from traffic related collisions and injuries resulting from Cannabis impaired driving.

WHEREAS, since 2016, California legalized the use of recreations marijuana which has resulted in an increase in injury related traffic collisions.

WHEREAS, the Cannabis Tax Grant will assist by providing $146,419 in funds for public education, law enforcement training, and equipment to educate, identify, and reduce Cannabis impaired driving.

RESOLUTION

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

1. Accepts the Cannabis Tax Grant and supports the public education and reduction in Cannabis impaired driving crimes.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023, by the following vote:

Mayor Paul Dohring: ____

Vice Mayor Eric Hall: ____

Council Member Anna Chouteau: ____

Council Member Lester Hardy: ____

Council Member Billy Summers: ____

APPROVED:

_____

Paul Jamison Dohring, Mayor

ATTEST:

_____

Cindy Tzafopoulos, City Clerk

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Police

DATE:	July 25, 2023
FROM:	Chris Hartley, Chief of Police
SUBJECT:	Consideration and proposed approval of a resolution approving the Cannabis Tax Fund Grant Program (CTFGP)
RECOMMENDED ACTION:	Recommend acceptance of the Cannabis Tax Fund Grant in the amount of $146,419.00.
PREVIOUS COUNCIL ACTION:	None
STATEMENT OF THE PURPOSE:	Request City Council to approve acceptance for the Cannabis Tax Grant for use by the St. Helena Police Department.
FINANCIAL IMPACT:	Grant will provide $146,419 to assist with training, provide equipment and Community Awareness programs to mitigate DUI driving as a result of driving under the influence of Cannabis.

BACKGROUND:

In November 2016 California legalized the use of recreational marijuana. With the legalization of Cannabis, legal distribution was taxed with the intent to utilize a portion of those taxes to provide for public education, law enforcement training, and equipment. The City of St. Helena has noticed a large increase in the number of drivers under the influence of Cannabis. The St. Helena Police Department has minimal training in detection of Cannabis impairment and does not have the necessary equipment or resources to create an Cannabis impairment program.

DISCUSSION:

By accepting the CTFGP Grant, the St. Helena Police Department will receive advanced driving impairment training, advanced narcotic influence and detection training, a designated Drug Recognition Expert (DRE) officer, DUI support equipment, and have the ability to create a community education and outreach program. The grant will be monitored by a Sergeant with Grant oversight by the Lieutenant who will also be responsible to grant and statistical reporting.

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State of California -- Transportation Agency GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
601 North 7th Street
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June 7, 2023

File No.: 060.15426.14597.066.2023.06004

Officer Louis Montelli
St. Helena Police Department
1480 Main Street
St. Helena, CA 94574

Dear Officer Montelli:

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The official Grant Agreement for signature is forthcoming. In order to execute your Grant Agreement, please provide documentation from a local governing body, authorizing your organization to receive this grant funding, to the Cannabis Grants Unit, by email at CGUGrants@chp.ca.gov, as soon as possible. Refer to California Code of Regulations Title 13, Division 2, Chapter 13, Section 1890.13(g) for additional information.

The CHP looks forward to partnering with you and your agency on this project in an effort to make California's roadways a safer place to travel. If you have any questions, please feel free to contact the Cannabis Grants Unit at (916) 843-4360.

Sincerely,

K. M. DAVIS, Chief
Enforcement and Planning Division

Schedule B

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	DUI Patrol Vehicle	$56,000.00
	DUI Patrol Vehicle - Outfitting	$8,000.00
Category Sub-Total		**$64,000.00**

Grant Total	$146,419.00

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Public Works

DATE:	July 25, 2023
FROM:	Ian Dale, Environmental Services Tech
SUBJECT:	June 2023 Review and Forecasting of City Water Supply Availability
RECOMMENDED ACTION:	Receive and File.
PREVIOUS COUNCIL ACTION:	Monthly Receive and File reports to City Council.
STATEMENT OF THE PURPOSE:	To provide monthly updates of the amount of water produced at the Louis Stralla Water Treatment Plant and the Stonebridge Potable Water Wells, and potable water delivered from the City of Napa.
FINANCIAL IMPACT:	None

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 the City of Napa. In addition to presenting data on the amount delivered monthly, the report includes year-to-date information and prior year data. Water elevation and capacity at the Bell Canyon Reservoir is included as well as information on rain and temperatures.

At the City Council meeting of May 9, 2023, the City Council adopted Resolution 2023-46 adopting City Council goals for FY 2023-24. Five new City Council Goals for FY 2023-24 which include Goal 1: Financial Sustainability, Goal 2: Infrastructure and Environmental Sustainability, Goal 3: Water Security, Goal 4: Community Information and Engagement, and Goal 5: Quality of Life. City Council has the responsibility of establishing broad goals and the City's leadership has the responsibility to develop a work plan to achieve them. To that end, City executives have developed and refined the FY 2023-24 work plan based on the above identified priorities.

DISCUSSION:

City staff has developed a forecasting tool to facilitate its ability to optimize water use and track water availability. Included as Attachment 1 is the Monthly Water Report for June 2023. The water produced for June 2023 is down by -3% when compared to June 2022 and is down -33% compared to the average of June 2018-2020. Below is a chart summarizing the water produced per source:

Water Produced per Source

Source	Average (2018 - 2020) (Acre-Feet)	June 2022 (Acre-Feet)	June 2023 (Acre-Feet)
Bell Canyon	74	34	18
Stonebridge Wells	41	36	44
Napa Water	51	45	50
Total	**166**	**115**	**112**

Percent change from June 2022: -3**%**
Percent change from average of June 2018 - 2020: -33%

Bell Canyon Reservoir

The City is still in drought conditions based upon the Phase I Water Emergency measures remaining in effect. Bell Canyon Reservoir has adequate water to support the City's needs through this calendar year with Phase I Water Emergency measures in effect. The storage in Bell Canyon graph (Attachment 2) has been revised to include historic reservoir supply levels since July 2021. It also shows the water availability forecast through June 2024 based on the highest water usage during a non-drought year (FY 2019/20) and 10 inches of rainfall (lowest recorded).

As of July 1, 2023, Bell Canyon Reservoir elevation was at 420.93 feet representing approximately 2,302.58 acre feet (AF) and 96.6% capacity. Bell Canyon spillway level is 422 feet representing 2,383.69 acre feet in water supply volume. Below is a chart comparing Bell Canyon elevation levels, water supply availability in acre feet, and percent capacity of the reservoir on July 1st in 2021, 2022, and 2023.

Year	**2021**	**2022**	**2023**
Bell Canyon Elevation Level	399.16 Ft.	414.94 Ft.	420.93 Ft.
Acre Feet	905 AF	1,863 AF	2,302.58 AF
Percent Capacity	38%	78.2%	96.6%

As a follow up to the May 24, 2022, City Council meeting, staff developed a graph (Attachment 3) highlighting the relationship between the reservoir elevation level and water supply availability in acre feet. The graph shows the current status of the reservoir. Furthermore, the graph also displays the points where City Council decided to declare Phase I and Phase II Water Emergencies in 2020.

Continued Water Conservation

California experienced two consecutive dry years 2020 and 2021. Due to the combination of warmer-than-average temperatures and minimal precipitation in the state, the Department of Water Resources (DWR) declared 2021 as the fourth-driest year on record statewide. The record-breaking dry period in January and February 2022, and the absence of significant rains in March 2022, required DWR to reduce anticipated deliveries from the State Water Project (SWP). However, the reduction at the time did not affect St. Helena as the City has multiple robust water sources not affected by the executive order.

Water availability from the Bell Canyon reservoir is based on the City's State Water Rights permit and not the SWP. The City has not received any curtailment order from DWR nor does the City anticipate receiving one.

It should be noted that the Phase I Water Emergency remains in effect, even though Bell Canyon Reservoir level is above the level when Council initially declared the Phase I Water Emergency. Staff will monitor State-wide and local drought conditions, weather conditions, and provide updates on a monthly basis. It should be noted that on February 14, 2023, the City Council adopted Resolution 2023-16 to formally end the Phase II Water Emergency and associated restrictions and direct staff to bring an action before Council at a meeting in July 2023 to consider ending the Phase I Water Emergency. The corresponding staff report provided a variety of data to reflect the disposition of the water supply at that time in relation to the Council-adopted Safe Yield Policy.

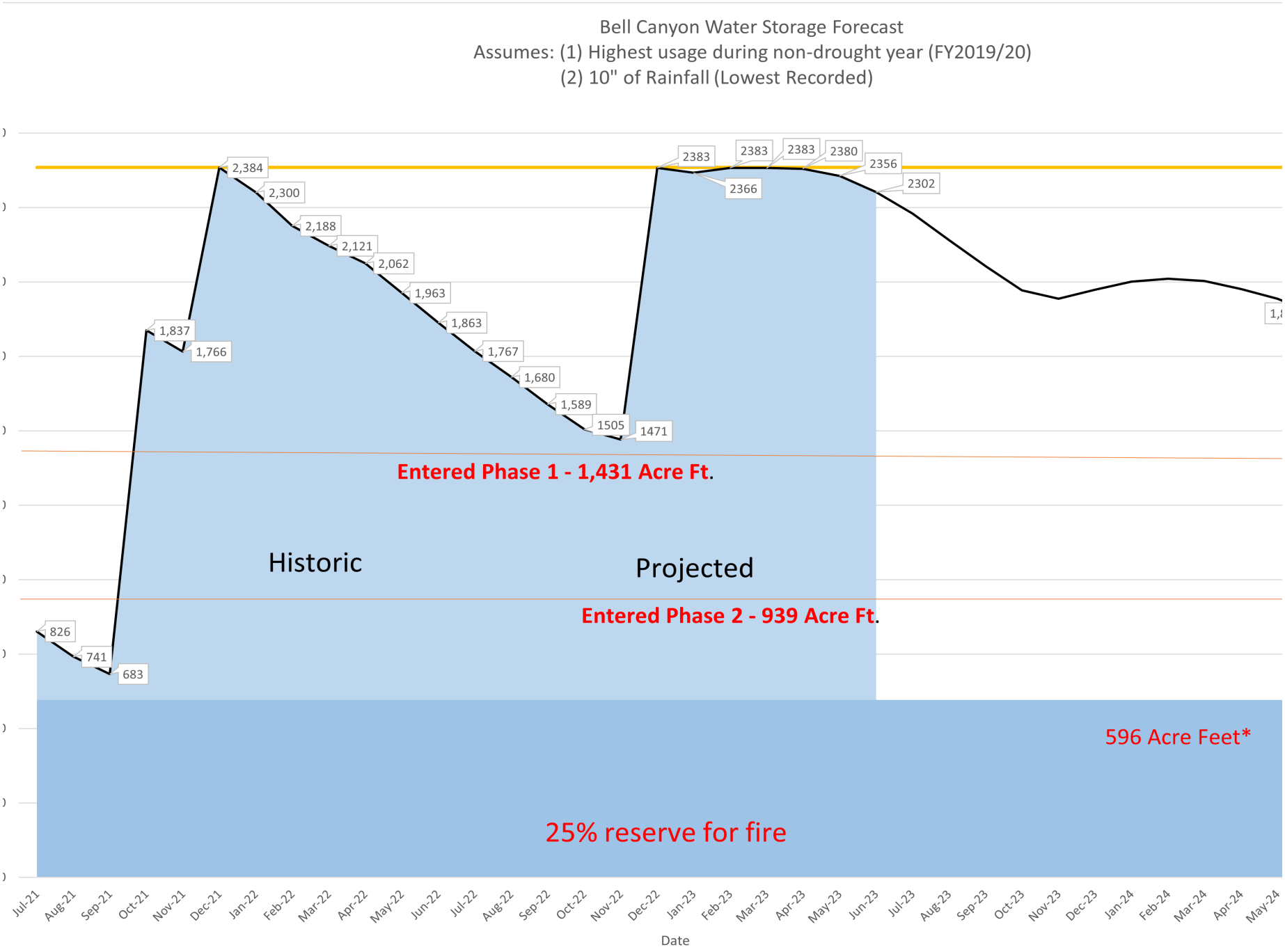
A separate item is on the July 25, 2023 meeting agenda for the City Council to consider staff's recommendation to rescind the Phase I Water Emergency.

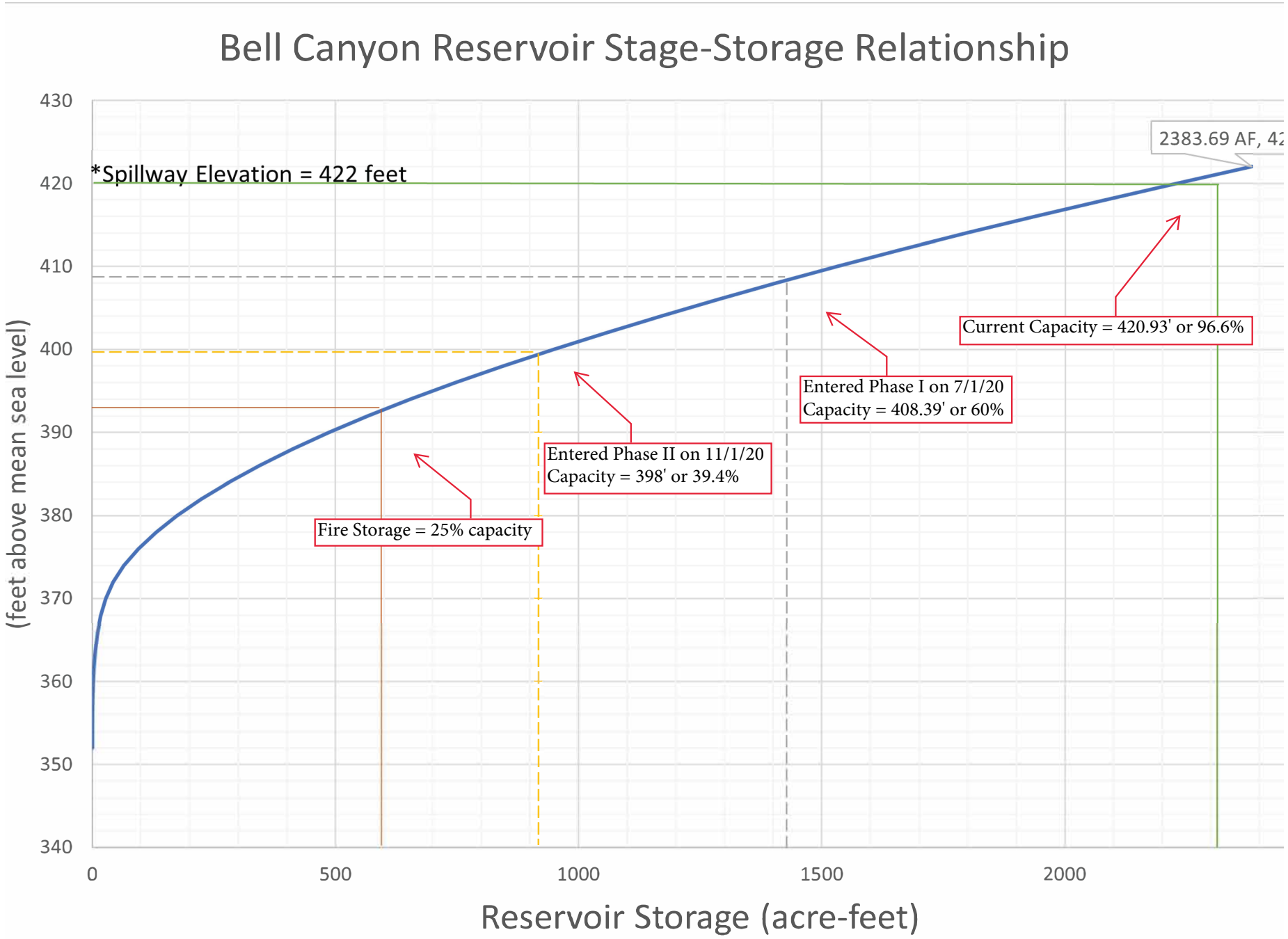
City of Napa Water Supply

Normal operations continue at Rutherford Pump Station (RPS) and the City is taking delivery of the allotment purchased from City of Napa. During the month of June 2023, Rutherford Pump Station was producing an average of 0.546 MG/day for a total of 50.29 acre feet (AF) for the month.

DOCUMENTS ATTACHMENTS:

Attachment 2 - Bell Canyon Water Storage Forecast
Attachment 3 - Bell Canyon Reservoir Storage with Phase I II
MWR June 1-30 2023


Bell Canyon Water Storage Forecast
Assumes: (1) Highest usage during non-drought year (FY2019/20)
(2) 10" of Rainfall (Lowest Recorded)
826
741
683
1,837
1,766
2,384
2,300
2,188
2,121
2,062
1,963
1,863
1,767
1,680
1,589
1505
1471
2383
2366
2383
2383
2380
2356
2302
Entered Phase 1 - 1,431 Acre Ft.
Historic
Projected
Entered Phase 2 - 939 Acre Ft.
596 Acre Feet*
25% reserve for fire
Jul-21
Aug-21
Sep-21
Oct-21
Nov-21
Dec-21
Jan-22
Feb-22
Mar-22
Apr-22
May-22
Jun-22
Jul-22
Aug-22
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Jul-23
Aug-23
Sep-23
Oct-23
Nov-23
Dec-23
Jan-24
Feb-24
Mar-24
Apr-24
May-24
Date


Bell Canyon Reservoir Stage-Storage Relationship
*Spillway Elevation = 422 feet
2383.69 AF, 42
Current Capacity = 420.93' or 96.6%
Entered Phase I on 7/1/20
Capacity = 408.39' or 60%
Entered Phase II on 11/1/20
Capacity = 398' or 39.4%
Fire Storage = 25% capacity
(feet above mean sea level)
430
420
410
400
390
380
370
360
350
340
0
500
1000
1500
2000
Reservoir Storage (acre-feet)

CITY OF ST. HELENA
MONTHLY WATER REPORT

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

June 1-30, 2023

	LOUIS STRALLA WATER PLANT	STONEBRIDGE POTABLE WELLS	SBW IRRIGATION WATER	NAPA WATER	TK #1 & #2 ADJUST
AMOUNT PRODUCED in AF	18.91	44.70	0.00	50.29	-0.44
AMOUNT PRODUCED in MG	6.16	14.56	0.00	16.38	-0.14
PERCENT	**16.7%**	**39.4%**		**44.3%**	-0.4%

WATER PRODUCED ~~DELIVERY~~ (AGGREGATE)

	THIS YEAR	LAST YEAR
TOTAL PRODUCED THIS PERIOD	37.10 **MG**	37.48 **MG**
MAXIMUM DAILY PRODUCED	1.66 **MG**	1.78 **MG**
MINIMUM DAILY PRODUCED	0.65 **MG**	0.50 **MG**
AVERAGE DAILY PRODUCED	1.15 **MG**	1.17 **MG**

WATER YEAR TOTALS

	THIS FISCAL YEAR	%	LAST FISCAL YEAR	%
LOUIS STRALLA WATER PLANT	401.35 **AF**	32.2%	379.00 **AF**	30.6%
	130.73 **MG**		123.45 **MG**	
NAPA WATER	561.92 **AF**	45.1%	393.21 **AF**	31.8%
	183.04 **MG**		128.08 **MG**	
STONEBRIDGE POTABLE WELLS	283.04 **AF**	22.7%	465.53 **AF**	37.6%
	92.20 **MG**		151.64 **MG**	
TOTAL WATER PRODUCED ~~DELIVERY~~ (ALL)	**1246.31 AF**	**100.0%**	**1237.74 AF**	**100.0%**

SBW IRRIGATION WATER

	THIS MONTH	THIS MONTH, LAST YR.
STONEBRIDGE APARTMENTS	0.00 **MG/June 1 -30**	0.18 **MG/June 1-30**
NAPA VALLEY COLLEGE	0.00 **MG/June 1 -30**	0.05 **MG/June 1-30**

WATER ELEVATION, CAPACITY & RAINFALL

	THIS FISCAL YEAR	LAST FISCAL YEAR
ELEVATION BELL CANYON RESERVOIR	420.93 **FT.**	414.94 **FT.**
MONTHLY RISE OR DROP	-0.71 **FT.**	-1.39 **FT.**
CAPACITY AT END OF PERIOD	2302.58 **AF**	1863.46 **AF**
PERCENT OF FULL CAPACITY	96.6 **%**	78.2 **%**
RAINFALL IN THIS PERIOD	0.00 **IN**	0.48 **IN**
TOTAL RAINFALL SEASON TO DATE	41.63 **IN**	27.39 **IN**

TEMPERATURES

	THIS MONTH, THIS YEAR	THIS MONTH, LAST YR.
DEGREES IN FAHRENHEIT	54.5-96.6	54-101.5
AVERAGE	75.55	73.2

REMARKS

City of Napa Water Delivery: RPS producing an average of 0.546 MG/day during June 2023.
DISCLAIMER: The data presented in this report is approximate and for informational purposes only. Updates will be provided if any errors are identified.

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Public Works

DATE:	July 25, 2023
FROM:	Chantel Delay, Administrative Assistant
SUBJECT:	Consideration and proposed approval of a resolution authorizing:1. Flying the Italian flag on the City's ceremonial flagpole during the month of October 2023 for Italian Heritage Month; and 2. All fees are waived for the encroachment permit and Lyman Park Gazebo reservation for the Festa Italiana community celebration to be held on October 7, 2023, from 12:00 pm to 5:00 pm; and 3. Authorizing temporary street parking closure on the westside of Railroad Avenue from the Fire House to the end of Lyman Park and the public parking lot between Lyman Park and the Fire House for Festa Italiana event on October 7, 2023, from 12:00 pm to 5:00 pm; and 4. Approval of mobile food truck(s) to be parked on Railroad Avenue in the street closure area and wine and beer vendors in Lyman Park during the Festa Italiana event.
RECOMMENDED ACTION:	Staff recommends City Council adopt the attached Resolution.
PREVIOUS COUNCIL ACTION:	The previous Festa Italiana was approved by City Council August 23, 2022, by resolution 2022-78.
STATEMENT OF THE PURPOSE:	To celebrate Italian Heritage month by hosting a free event for St. Helena residents
FINANCIAL IMPACT:	Fee waiver of the encroachment fee in the amount of $200 and the Lyman Park Gazebo rental fee in the amount of $50.

BACKGROUND:

Mr. Anthony Micheli first requested the Italian flag be raised on the City's Ceremonial Flagpole in recognition of October being Italian Heritage month in 2019. In addition to celebrating the Italian flag raising, Mr. Micheli chaired the October 5, 2019, Festa Italiana community event at Lyman Park, sponsored by Sons and Daughters of Italy of America.

The Italian flag was raised in October 2020 recognizing Italian Heritage Month, but no community gathering occurred due to the COVID-19 pandemic.

The City Council's adopted policy P-CC-0001 Outdoor Display of Governmental and Non-Governmental Flags on City Property authorizes the display of non-governmental flags on City property. Per this policy, Council Member Eric Hall formally requested in writing

to the City Manager for this matter to be considered at a regular City Council meeting.

DISCUSSION:
Anthony Micheli is chairing the 2023 Festa Italiana community event, sponsored by Sons and Daughters of Italy of America. This event is to take place at Lyman Park from 12:00pm to 5:00 pm on Saturday, October 7, 2023. The community event will start with the Italian National Anthem and host vendors such as Italian owned wineries, Italian beer, food truck(s), and other donated food and beverages will be available to the community.

All food and beverages will be at no cost to the attendees through donations. In honor of Italian Heritage month and in support of the event, Mr. Micheli has made the following requests (Attachment 1):

1. The Italian flag be flown on the City Ceremonial Flagpole for the month of October 2023; and
2. Temporary closure of street parking on the westside of Railroad Avenue from the Fire House to the end of Lyman Park and the public parking lot between Lyman Park and the Fire House for the event; and
3. Approval of mobile food truck(s) to be parked on Railroad Avenue in the 72-hour No Parking area and wine and beer vendors in Lyman Park during the Festa Italiana event; and
4. The City waive the encroachment permit fee and the Lyman Park Gazebo rental fee.

All necessary permits including an encroachment permit and Lyman Park reservation form will be provided to the City in a timely manner including all required liability insurance. It is anticipated that all food and beverages will be provided at no cost, via donations, and the event organizer will be responsible for securing an ABC license, if applicable.

DOCUMENTS ATTACHMENTS:

Festa Italiana 2023
Encroachment Permit Application (Festa Italiana)
Resolution Italian Flag and Festa Italiana 2023

7/5/23

City Manager

I am requesting the City of St. Helena fly the Italian flag at city hall (Main Street) for the month of October 2023. October is Italian Heritage Month. It is cerebrated in many cities across the United States. Italians are the fifth largest ethnic group presently in America. They have contributed to making this great country it is today.

Here in the Napa Valley, if it wasn't for the many Italian and Swiss Italian winery owners that bootlegged wine during Prohibition the wine business would not be what it is today. The mural in our post office honors Italian vineyard heritage.

Along with flying the Italian Flag, I will again be chairman of FESTA ITALIANA in Lyman Park on October 7, 2023. This will be the fourth year for the event. It will be from 12 to 5pm. It is a free event for the residence of St. Helena. The event is sponsored by our local chapter of THE SONS AND DAUGHTERS OF ITALY IN AMERICA.There will be over 25 Italian owned wineries pouring for free, Italian beer, accordion music all day, food (prepared by our local chapter IOOF), pizza(made on site), desert (and Italian Exotic Cars.

I would like to reserve the parking spaces in front of Lyman Park on Railroad Ave for the IOOF food wagon and pizza wagon. There is no interruption of traffic on Railroad Ave. Also the parking lot between Lyman Park and the Firehouse for the Italian Exotic Cars. WE only use the Gazebo and Lyman Park towards Railroad Ave.

I am also requesting the city wave all city fees,(Police,Park and Public Works)

I request the City Manager tell all city employees of this free event.

Thank You Anthony Micheli

anthony micheli

ENCROACHMENT PERMIT APPLICATION

Public Works Department
1088 College Avenue
St. Helena, CA 94574
(707) 968-2658

OFFICE USE ONLY
Encroachment Permit #: _____
Expiration Date: _____

For Additional Information, or Forms and Documents Please Visit the Public Works Website @ http://www.cityofsthelena.org/publicworks

Property and Work Description

Site Address: 1498 MAIN ST. LYMAN PARK

Related Building Permit Number _____ Work/Event Description: _____

DIAGRAM OF PROPOSED ACTIVITY ***attach additional sheet if necessary***

SEE ATTACHED

Estimated Start Date OCT 8, 2023 **Estimated Completion Date** OCT 7, 2023

Property Owner

Owner Name: CITY OF ST. HELENA

Address: 1498 MAIN ST.

City: ST. HELENA State: CA Zip: 94574

Email: _____ Phone #: 707-967-2792

Contractor/Applicant

All communication from our office will be made to this person via email

Company Name: SONS & DAUGHTERS OF ITALY IN AMERICA Contact Name: ANTHONY MICHELI

Contractor License#: _____ Expires: _____

City of St. Helena Business License #: _____ Expires: _____

Address: 1125 CRINELLA DRIVE

City: ST. HELENA State: CA Zip: 94574

Email: ANTHONYMMICHELI@YAHOO.COM Phone #: 707-486-3832

Applicant Check Off List **Permit fees are due at the time of application and are *NON REFUNDABLE.***

Incomplete submittals will not be accepted. Encroachment Permit applications are reviewed on a weekly basis. Please allow up to TWO (2) weeks for approval.

Check Off Major	**Check Off Minor**
$500.00 fee paid	$200.00 fee paid
Proof of Insurance Coverage	Proof of Insurance Coverage
Copy of Civil Plans for Related Building Permit	Copy of Civil Plans for Related Building Permit
Traffic Control Plans	Traffic Control Plans
Site Plans	Site Plans
USA Tag #	

Conditions: _____

_____

Standards Attached: _____

Street Supervisor Approval Signature: _____ **Date:**_____

Water Supervisor Approval Signature: _____ **Date:**_____

Minimum Insurance Requirements;

General Liability	**Major Permit 2 Million General Liability/4 million Aggregate**
	Minor Permit 1 Million General Liability/2 million Aggregate
Auto Liability	**Major/Minor Permit 2 Million or Greater per Accident, Bodily Injury or Property Damage**
Workers Comp	**Major/Minor Permit 2 Million per Injury**

Special Circumstances May Arise Which Could Cause Changes to These Guidelines

Attach Certificate of Insurance (COI) **AND** Endorsements

The language in the Description section (bottom middle) must state the following: "The City of St. Helena, its agents, officers, officials, employees and volunteers" are named as additionally insured."

Disclosure Statement

NOTICE: This application will expire in 180 days from the date of submission if the permit is not pursued in good faith. The permit will expire if work is not started in 180 days or if work is abandoned for more than 180 days. A request for an extension of time must be submitted, in writing, to the Public Works Department within 180 days of issuance, or 180 days from the last approvable inspection.

Permit fees are due at the time of application and are *NON REFUNDABLE.* Incomplete submittals will not be accepted.

I CERTIFY THAT IN THE PERFORMANCE OF THE WORK FOR WHICH THE PERMIT IS ISSUED WILL ADHERE TO THE CITY OF ST. HELENA CITY STANDARDS.

I (We) agree to save, indemnify, and hold harmless the City of St. Helena, its Agents, Officers, Officials, Employees, and Volunteers against judgments, costs and expenses which may in any way accrue against said City in consequence of the granting of this permit.

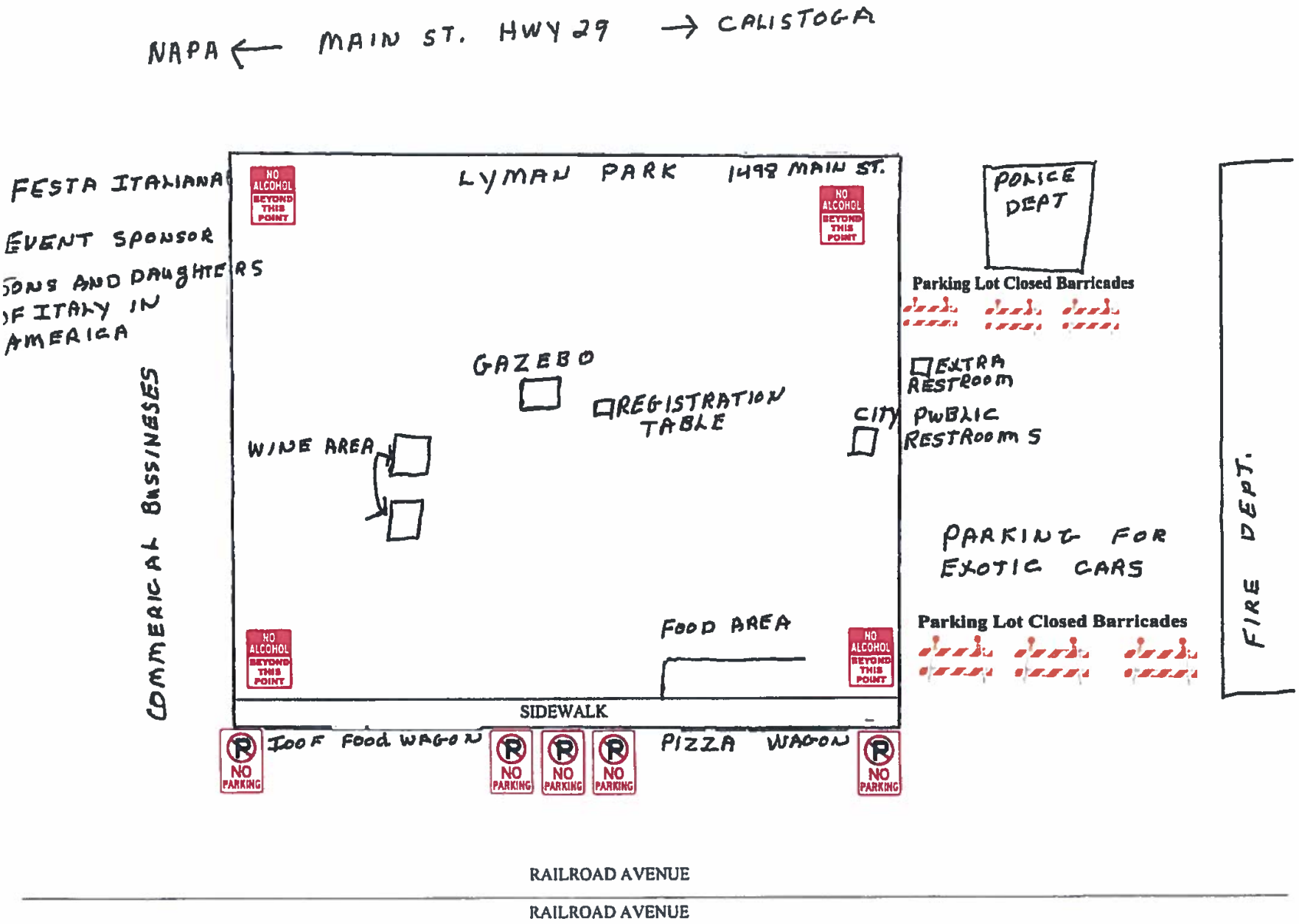
Signature: anthony meneli **Date:** July 10, 2023

☐ **Owner** ☑ **Contractor**

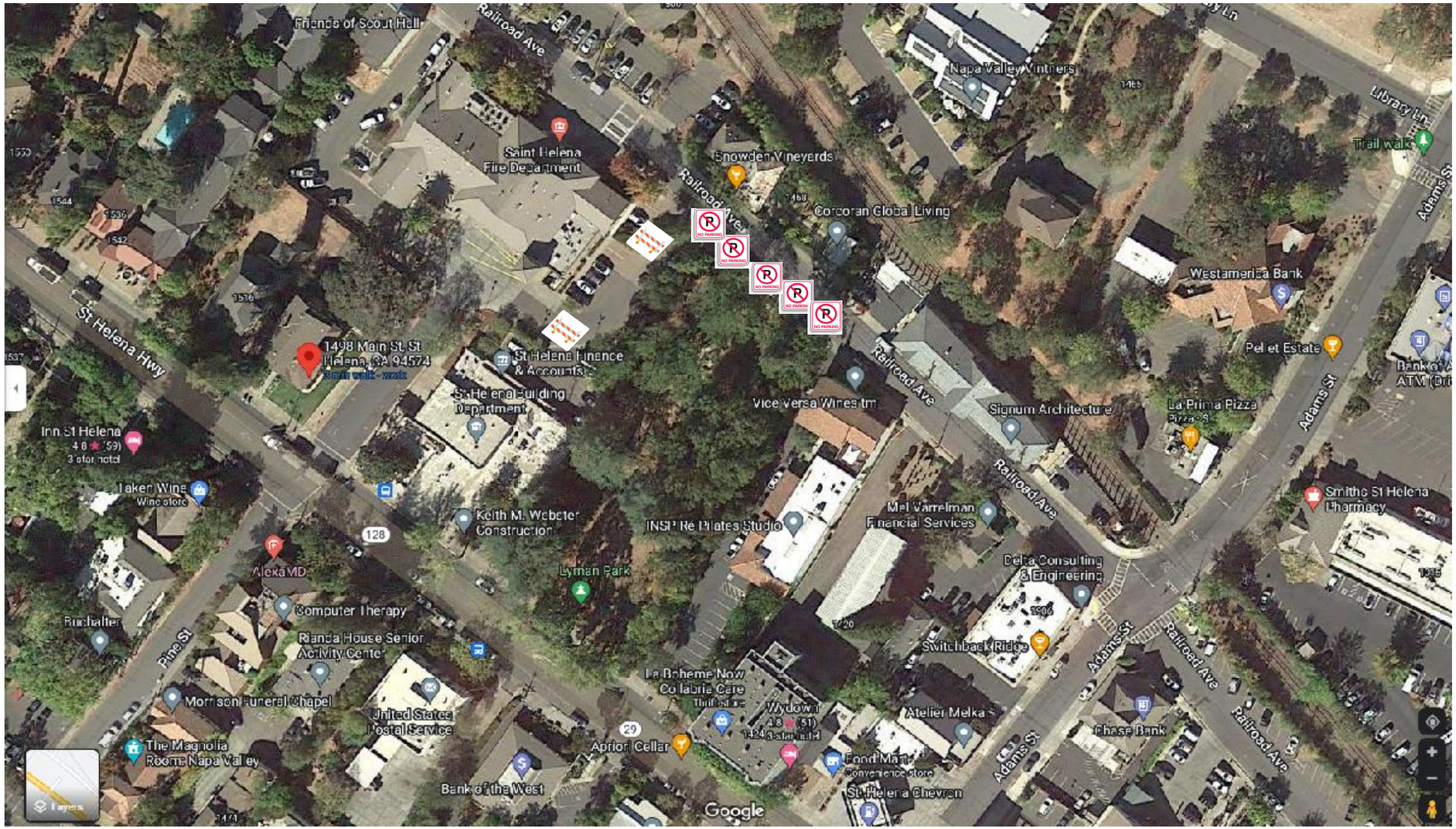
GENERAL PERMIT REGULATIONS

NOTE: ALL REQUIRED DOCUMENTS MUST BE SUBMITTED PRIOR TO APPROVAL

1. Work done under this Permit shall be in accordance with the City Standards of the Department of Public Works, State of California, Division of Highways, the Municipal Code and specifications and the provisions enumerated herein.
2. Applicants must obtain all other permits required by other public or private agencies or individuals necessary in order to perform the intended work. If this provision is not complied with, this Permit/Contract shall be null and void.
3. Authorizations for any installation granted by virtue of this permit/contract are revocable at any time.
4. Maintenance of the encroachment is strictly the responsibility of the Permittee.
5. Should construction, reconstruction or maintenance work on the highway be required, any installation authorized by this Permit shall, upon order of the Director of Public Works, be promptly removed or relocated by and at the expense of the Permittee.
6. The Permittee shall provide, erect and maintain all warning signs, lights, barriers or other devices necessary for the protection of the public.
7. During work on city streets at least one 12-foot wide traffic lane shall be open at all times unless otherwise specifically authorized.
8. Existing drainage conditions must be provided for in every instance. Nothing contained herein shall be construed as relieving the Permittee of responsibility.
9. There shall be a minimum of thirty (30) inches of cover over all pipes or conduits installed except as may be specifically authorized by the Permit.
10. Permittee shall notify the Department of Public Works three (3) days prior to the commencement of any work authorized by this Permit.
11. Insurance is required as set forth in the attached document.
12. The Permittee shall obtain a special permission from the Public Works Director if working or operating machinery outside the standard construction hours of 8:00 AM to 5:00 PM, or Sundays and Holidays.


NAPA ← MAIN ST. HWY 29 → CALISTOGA
FESTA ITALIANA
EVENT SPONSOR
SONS AND DAUGHTERS OF ITALY IN AMERICA
COMMERICAL BUSSINESES
NO ALCOHOL BEYOND THIS POINT
LYMAN PARK 1498 MAIN ST.
NO ALCOHOL BEYOND THIS POINT
GAZEBO
REGISTRATION TABLE
WINE AREA
CITY
POLICE DEPT
Parking Lot Closed Barricades
EXTRA RESTROOM
PUBLIC RESTROOMS
PARKING FOR EXOTIC CARS
FIRE DEPT.
Parking Lot Closed Barricades
NO ALCOHOL BEYOND THIS POINT
FOOD AREA
NO ALCOHOL BEYOND THIS POINT
SIDEWALK
NO PARKING
TOOF FOOD WAGON
NO PARKING
NO PARKING
NO PARKING
PIZZA WAGON
NO PARKING
RAILROAD AVENUE
RAILROAD AVENUE

Traffic Control Plan



72-hour "No Parking" signage on the westside of Railroad Avenue from the Fire Station to the end of Lyman Park

Barricades at the entrances and the rear of the parking lot between Lyman Park and the Fire Station (Exotic cars will be parked within the barricades of the parking lot between Lyman Park and the Fire Station)

CITY OF ST. HELENA

RESOLUTION NO. 2023-____

The City of St. Helena City Council Authorizes: 1. Flying the Italian flag on the City's ceremonial flagpole during the month of October 2023 for Italian Heritage Month; and 2. All fees are waived for the encroachment permit and Lyman Park Gazebo reservation for the Festa Italiana community celebration to be held on October 7, 2023, from 12:00 pm to 5:00 pm; and 3. Authorizing temporary street parking closure on the westside of Railroad Avenue from the Fire House to the end of Lyman Park and the public parking lot between Lyman Park and the Fire House for Festa Italiana event on October 7, 2023, from 12:00 pm to 5:00 pm; and 4. Approval of mobile food truck(s) to be parked on Railroad Avenue in the street closure area and wine and beer vendors in Lyman Park during the Festa Italiana event.

RECITALS

A. On May 28, 2019, the St. Helena City Council adopted policy P-CC-0001 Outdoor Display of Governmental and Non-Governmental Flags on City Property, which authorizes the display of non-governmental flags on City property.

B. A request has been made by Mr. Anthony Micheli for the Italian flag to be flown during the month of October 2023 in honor of Italian Heritage Month.

C. Mr. Micheli is chairing the October 7, 2023, Festa Italiana community event, sponsored by Sons and Daughters of Italy of America at Lyman Park from 12:00 pm to 5:00 pm.

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

RESOLUTION

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

1. Authorizes a ceremonial flag recognizing Italian Heritage Month during the month of October.

2. The City Council finds that the benefits derived from the temporary closing of street parking for the Festa Italiana community event outweigh the anticipated inconvenience and that the closing is necessary for the safety and protection of persons who are to use that portion of the street and parking lot during the temporary closing. The City Council authorizes closure of the following street parking and parking lot during the hours of the event:
    - The street parking westside of Railroad Avenue from the Fire House to the end of Lyman Park
    - The public parking lot between Lyman Park and the Fire House
3. The City Council authorizes the City Manager to waive the Encroachment Permit fee of $200.00 and the $50.00 Lyman Park Rental Permit fee for the Festa Italiana community event but does not waive the permit requirements and the General Conditions applicable to said permit. The event organizer would also be responsible for securing an ABC license if applicable.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023, by the following vote:

Mayor Paul Dohring: _____
Vice Mayor Eric Hall: _____
Council Member Anna Chouteau: _____
Council Member Lester Hardy: _____
Council Member Billy Summers: _____

APPROVED:

_____
Paul Jamison Dohring, Mayor

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Library

DATE:	July 25, 2023
FROM:	Chris Kreiden, Library Director
SUBJECT:	Consideration and proposed approval of a Resolution approving out-of-state travel for Library Assistant Clara Ibarra to attend the Guadalajara International Book Fair in Guadalajara, Mexico from November 24–27, 2023
RECOMMENDED ACTION:	Approve the attached resolution authorizing out-of-state travel for Library Assistant Clara Ibarra to attend the Guadalajara International Book Fair in Guadalajara, Mexico from November 24-27, 2023.
PREVIOUS COUNCIL ACTION:	None
STATEMENT OF THE PURPOSE:	Approval of out-of-state travel.
FINANCIAL IMPACT:	Clara Ibarra, a Library Assistant, has been awarded a Free Pass Program scholarship. The cost to the Library will be the remaining cost of airfare, ancillary travel costs, and additional per diem for meals. In total, this amount is expected not to exceed $800. The Library's annual budget includes monies for conferences. While there, Clara Ibarra will be authorized to make material selections and purchases for the Library not to exceed $2,500.00. These funds have already been designated for the purchase of Spanish-language materials.

BACKGROUND:

The Guadalajara International Book Fair (FIL, from its Spanish name: Feria Internacional del Libro de Guadalajara) is the most important gathering for publishing in Ibero-America. It is the largest book fair of the Americas and the second largest in the world. It is also considered the most important annual cultural event of its kind in the Spanish-speaking world. Created 37 years ago by the University of Guadalajara, FIL is aimed at professionals and the general public alike, a characteristic that sets it apart from other book fairs around the globe. Considered the most important exhibit of Spanish-language books in the world, the FIL provides firsthand access to the latest publications in Spanish with an exhibit of more than 300,000 titles, access to the complete catalogs of more than 1,500 publishers from over 35 countries, and networking opportunities with 15,000 book professionals. There is also literary programming with Latin American authors and lectures on Mexican culture delivered by experts in the field. With more than 1500

librarians attending each year, the FIL also provides plenty of opportunities to network and discuss ideas with colleagues. Several professional training programs are included in FIL activities.

The American Library Association and the FIL are partnering for the 24th year to provide support for ALA members to attend the Fair. The Free Pass Program offers free registration, hotel accommodations for three nights, three free breakfasts, and $100 towards airfare. Free Passes are awarded to 150 librarians who work in the area of Spanish-language acquisitions and/or are working to build their library's Spanish-language collection to better serve their community and users. The FIL is offering an additional $100 to the first 100 applicants who submit their airfare confirmation by October 7, 2023.

St. Helena 2021 Employee Handbook requires City Council approval for out-of-state travel.

DISCUSSION:
As the Library continues to invest in our local Spanish-speaking community, demand for high quality, recent materials in the Spanish language is needed. However, the Spanish language publishing market in the United States is not as progressive as those in Latin countries and primarily consists of translated from English materials rather than original Spanish language publications. These materials generally are all that is available to libraries through traditional vendors, like Baker & Taylor, from which the Library purchases most of its materials. These Spanish language items are mostly purchased sight unseen and often without the benefit of professional reviews. Having the opportunity to see and review original, new Spanish-language publications is not one that is readily available in the United States. Sending staff to the FIL is a huge opportunity for the Library to obtain access to materials not otherwise available to it.

DOCUMENTS ATTACHMENTS:

Resolution Guadaljara Book Fair Free Pass Program 2023

CITY OF ST. HELENA

RESOLUTION NO. 2023-

Resolution approving out-of-state travel for Library Assistant Clara Ibarra to attend the Guadalajara International Book Fair in Guadalajara, Mexico from November 24-27, 2023

RECITALS

WHEREAS, the City of St. Helena Employee Handbook requires City Council Approval for staff to attend out-of-state meetings and training; and

WHEREAS, the Guadalajara International Book Fair is the most important publishing gathering in Ibero-America, providing an opportunity to see, review, and purchase original, new Spanish-language publications that does not exist in the United States; and

WHEREAS, the Library is requesting that Library Assistant Clara Ibarra attend the Guadalajara International Book Fair in Guadalajara, Mexico from November 24-27, 2023; and

WHEREAS, Clara Ibarra has been selected by the American Library Association to be awarded a Free Pass Program scholarship, which covers free registration, hotel accommodations for three days, free breakfast for three days, and $100 for airfare; and

WHEREAS, the total approximate cost to the City, after the scholarship, is $800 which includes the remaining cost of airfare, ancillary travel costs, and additional per diem for meals;

WHEREAS, funds for the Conference are available in the FY 23-24 adopted budget.

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. Travel is not a CEQA project;

SECTION 3. Approves out-of-state travel for Clara Ibarra to attend the Guadalajara International Book Fair in Guadalajara, Mexico as representative of and buyer for the St. Helena Public Library from November 24-27, 2023.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023 by the following vote:

Mayor Paul Dohring: _____

Vice Mayor Eric Hall: _____

Council Member Anna Chouteau: _____

Council Member Lester Hardy: _____

Council Member Billy Summers: _____

APPROVED: ATTEST:

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Public Works

DATE:	July 25, 2023
FROM:	Eric Janzen, Assistant Public Works Director
SUBJECT:	A Resolution of the City of St. Helena City Council authorizing the City Manager to execute Amendment No. 5 to STH Contract: FY 2019-075 in the amount of $122,000 to the Professional Services Agreement with BKF for the Main Street St. Helena Pedestrian Improvements Project, for a total not-to-exceed of $1,045,600 and authorizing a budget increase of $122,000 to design in CIP Project R18-81 with funding allocated from Fund 240.
RECOMMENDED ACTION:	Approve Resolution.
PREVIOUS COUNCIL ACTION:	May 28, 2019 June 11, 2019. November 9, 2021 December 14, 2021 March 28, 2023
STATEMENT OF THE PURPOSE:	Need to expand design scope/fee for Main Street Pedestrian Improvements Project to incorporate the Cultivate St Helena elements into the final plans, specifications and estimate.
FINANCIAL IMPACT:	Approval of resolution authorizing Amendment No. 5 to STH Contract: FY 2019-075 with BKF for CIP Project R18-81 will increase the not-to-exceed cost of the project to by $122,000 to a total of $1,045,600.

BACKGROUND:

The City of St. Helena has contracted with BKF Engineering to provide engineering and landscape architect services for the Main Street St. Helena Pedestrian Improvements Project (CIP Project ID. #R18-81). On December 11, 2018, the City Council approved STH Contract: FY 2019-075 with BKF in the amount of $529,000 for engineering and landscaping services for the Main Street St. Helena Pedestrian Improvements Project.

DISCUSSION:

The City Council, in consultation with the City Manager, has directed Staff to incorporate the design elements of the Cultivate St. Helena program into the south segment of CIP Project #R18-81. This change represents an expansion of the scope approved under Amendment No. 4. BKF has prepared a scope of services and cost schedule to implement

this change. Staff wish to amend the contract with BKF to provide the desired additional engineering and landscape architect services.

BKF has special knowledge of this project and had developed 90% plans for the southern segment prior to November 9th, 2021 decision to segment the project. Continuing to work with BKF preserves this past work and is the most cost-effective solution to make the project bid ready.

ENVIRONMENTAL REVIEW: Exempt

DOCUMENTS ATTACHMENTS:

Resolution.Amendment BKF Contract.amendment 5.2023
BKF_ Amendment #5 STH Contract FY2019-075.20230621
2023_0605_Main_St_PSE_Amendment_5

CITY OF ST. HELENA

RESOLUTION NO. 2023-

Resolution of the City Council of the City of St. Helena authorizing the City Manager to execute Amendment No. 5 to STH Contract: FY 2019-075 in the amount of $122,000 to the Professional Services Agreement with BKF for the *Main Street St. Helena Pedestrian Improvements Project,* for a total not-to-exceed of $1,045,600 and authorizing a budget increase of $122,000 to design in CIP Project R18-81 with funding allocated from Fund 240

WHEREAS, the City of St. Helena has contracted with BKF Engineering to provide engineering and landscape architect services for the *Main Street St. Helena Pedestrian Improvements Project* (CIP Project ID. #R18-81); and

WHEREAS, on December 11, 2018, the City Council approved STH Contract: FY 2019-075 with BKF in the amount of $529,000 for engineering and landscaping services for the *Main Street St. Helena Pedestrian Improvements Project*; and

WHEREAS, the City is prepared to move forward with the southern segment of the *Main Street St. Helena Pedestrian Improvements Project* (Main Street from the Sulphur Creek Bridge to Adams Street); and

WHEREAS, the City wishes to amend the contract with BKF to provide engineering and landscape architect services to include design elements identified in the Cultivate St. Helena streetscape plan, incorporate these additional design elements into the bid documents, technical specifications and engineer's estimate contracted under Amendment No. 4; and

WHEREAS, BKF has special knowledge for the southern segment of this project; and

WHEREAS, continuing to work with BKF preserves this past work and is the most cost-effective solution to complete the project; and

WHEREAS, additional funding in the amount of $122,000 has been requested for a total not-to-exceed contract of 1,045,600; and

WHEREAS, additional funds needed for the work are available in Fund 240.

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. Authorizes the City Manager to execute Amendment No. 5 to STH Contract: FY 2019-075 in the amount of $122,000 to the Professional Services Agreement with BKF for the *Main Street St. Helena Pedestrian Improvements Project*, for a total not-to-exceed amount of $1,045,600.

SECTION 3. Authorizing a budget increase of $122,000 to design in CIP Project R18-81 with funding allocated from Fund 240.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023, by the following vote:

Mayor Paul Dohring: _____

Vice Mayor Eric Hall: _____

Council Member Anna Chouteau: _____

Council Member Lester Hardy: _____

Council Member Billy Summers: _____

APPROVED: ATTEST:

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

AMENDMENT #5

TO PROFESSIONAL SERVICES AGREEMENT WITH BKF ENGINEERS; STH CONTRACT NO: FY 2019-075 FOR PROFESSIONAL SERVICES FOR MAIN STREET ST. HELENA PEDESTIONS IMPROVEMENTS AS PART OF CAPITAL IMPROVEMENT PROJECT R18-81 FOR AN ADDITIONAL $122,000 FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED $1,045,600.00.

This Fifth Amendment to Professional Services Agreement STH Contract: FY 2019-075 dated December 11, 2018 ("Agreement") is made as of this 25th day of July, 2023 by and between the City of St. Helena, a municipal corporation ("City"), and BKF Engineers ("Consultant").

RECITALS

A. On December 11, 2018, the City and Consultant entered into the Agreement for Consultant to provide professional engineering and landscaping services in connection with the project described as St. Helena Downtown Improvements; and

B. On May 28, 2019, City Council authorized Amendment No. 1 in the amount of $74,100 to include fiber light pole coordination, a southern gateway study, input on the downtown restrooms, and additional environmental work as required by Caltrans to complete the downtown pedestrian improvements; and

C. On June 11, 2019, City Council authorized Amendment No. 2 in the amount of $32,500 to include the Napa Valley Vine Trait's Feasibility Study to bring the Vine Trail through St. Helena and a 50% cost share to complete the work for a total amended not-to-exceed amount of the agreement of $635,600; and

D. On December 14, 2021, City Council authorized Amendment No. 3 in the amount of $146,000 to segment the project plans into northern and southern segments, obtain title reports for both segments and prepare additional right-of-way exhibits for the northern segment only for a total not-to-exceed amount of the agreement of $781,600.

E. On March 28, 2023, the City Council authorized Amendment No. 4 in the amount of $155,000 to finalize design work on the southern segment of the project, Main Street from Adams Street to Mitchell Drive for a total not-to-exceed amount of the agreement of $923,600.

F. The City Council now wishes to incorporate into the southern segment of CIP Project #R18-81 the design elements of the Cultivate St. Helena program.

G. The City and BKF Engineers now desire to amend the Agreement to include the additional funding necessary for the Consultant to provide additional Engineering and Landscaping Consulting Services for the Main Street St. Helena Pedestrian Improvements, Capital Improvement Project R18-81 with this Amendment No. 5.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and of the mutual covenants and agreements herein contained, for good and valuable consideration, the adequacy of which is

hereby acknowledged, the parties agree to amend the Agreement as follows:

1. Section 1. Basic Services

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

2. Section 4.A Compensation and Method of Payment, is amended to read as follows:

   "Total compensation shall not exceed $1,045,600.00 ... "

Original Agreement Amount	$529,000.00
Amendment No. 1	$74,100.00
Amendment No. 2	$32,500.00
Amendment No. 3	$146,000.00
Amendment No. 4	$151,000.00
Amendment No. 5	$122,000.00
Total Compensation	**$1,045,600.00**

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

Entered as of the day and year first above stated.

CONSULTANT: BKF Engineers

Signatures of Authorized Persons:

By: _____

Print Name:_____

Title: _____

CITY OF ST. HELENA
a Municipal Corporation

By:_____

Print Name: Anil Comelo
Title: City Manager

APPROVED AS TO FORM:

_____
Ethan Walsh, City Attorney

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

Attachments:
Exhibit A: "Scope of Services"
Exhibit B: "Compensation"

Exhibit A
Scope of Services

Exhibit B
Compensation

June 5, 2023
BKF No 20181627

Joe Leach, PE
Director of Public Works
City of St. Helena
Direct: 707-968-2629
Transmitted via email: jleach@cityofsthelena.org

Subject: **Main Street Downtown Improvements**
Amendment 5 Scope of Work

Dear Joe,

BKF Engineers welcomes the opportunity to submit this scope associated with new services related to the Main Street Project located in the City of St. Helena, California. To arrive at the estimated effort required by our office for this project, we have outlined a proposed scope of services, identified assumptions, and determined a level of effort fee based on our understanding of the project.

BACKGROUND/NEED

We understand the intent within the downtown sidewalk improvement project to incorporate additional elements from the original 'Cultivate St. Helena' visioning project into Phase 2. Specifically, we need to include an 'Artist Walk' and add bulbouts at Adams and Pine Streets.

Additionally, there are recent modifications to the procedures related to encroachments permits and work within the state highway system by Caltrans. Caltrans has introduced the Caltrans DEER (Design Engineering Evaluation Report) process, which ensures that proposed encroachments within the Caltrans right-of-way (R/W) comply with Caltrans' standards, guidelines, and safety requirements. The DEER process aims to promote safety, compliance, efficiency, and collaboration in the design and construction of such encroachments, thereby enhancing the overall quality, reliability, and safety of California's transportation infrastructure. The threshold for the DEER process varies based on standard/non-standard features, R/W, traffic, and cost among other items.

SCOPE OF SERVICES

Scope Items Include:

1. **Environmental Support –** (CEQA/NEPA and cultural) M-Group
    a. Update Project Description
    b. Support with Tribal Consultation/MOU
    c. Update Exemption Justification +NOE
    d. Memo on Historic to validate project compliance

2. **Landscape/Civil Design** – BKF Engineers and David Gates & Associates
    a. Artist Walk per the Cultivate St. Helena master plan documentation
    b. Bulb-outs at Adams and Pine to be included in Phase 2 (other bulb-outs contemplated by the Cultivate St. Helena master plan are covered in the prior amendment)

3. **Caltrans District/Headquarters Permitting** – DEER processing (Optional Services) - BKF Engineers
   Based on a recent project in Concord we believe that the new Caltrans DEER process may be triggered with the improvement contemplated with non-standard features in the Right of Way, maintenance agreement modifications, and signal modifications. We have assumed that Caltrans will not require any traffic studies associated with the process and that no additional work will be required to correct existing non-standard features (e.g. off-set intersection at Pope/Mitchell)

   a. **Caltrans DEER Initial Process** – we have assumed that the City would be the main contact with Caltrans
      i. Develop QMP and DEER Checklist
      ii. Prepare GAD Refinements
      iii. Prepare DSDD Approval of Non-Standard Features
      iv. Work with Caltrans through the City on processing the information through District 4

   b. Caltrans DEER Documentation
      i. Prepare Storm Water Data Report
      ii. Prepare Utility, R/W, and ADA Certifications
      iii. Work with Caltrans through the City on processing info and gaining approval

4. **Survey Mapping** – BKF Engineers
   a. BKF will prepare a plat and legal description that can be used to delineate the location for a public access easement or other legal strategy to accommodate public use of the area.

LEVEL OF EFFORT

Below is a matrix indicating the fee based on the anticipated level of effort fee for each task:

Task	Description	M-Group	BKF	DGA	Fee
1	Environmental	$10,900	$1,700		$12,600
2	Landscape/Civil Design		$11,000	$6,000	$17,000
3a	Caltrans DEER Initial Process		$55,000		$55,000
3b	Caltrans DEER Documentation		$35,000		$35,000
4	Artist Walk Legal Description		$2,400		$2,400
	Total	**$10,900**	**105,100**	**6,000**	**122,000**

Thank you for the opportunity to present this amendment for additional work scope. We look forward to assisting in completing this project. Please contact me at 650-280-0309 if you have any questions regarding our scope of services.

Respectfully,
BKF Engineers

Daniel Schaefer, PE
Principal/Vice President

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Human Resources

DATE:	July 25, 2023
FROM:	Mandy Kellogg, Administrative Services Director
SUBJECT:	Proposed Approval of a Resolution Adopting and Approving Publicly Available Pay Schedule in Accordance with the Requirement of California Code of Regulations, Title 2, Section 570.5, for the St. Helena Professional Firefighters (SHPFA) Member Classifications.
RECOMMENDED ACTION:	Staff recommends approval the attached resolution.
PREVIOUS COUNCIL ACTION:	June 13, 2023 - Adoption of Budget June 27, 2023 - Approval of MOU
STATEMENT OF THE PURPOSE:	Approve and adopt SHPFA salary schedules effective July 1, 2023 and January 1, 2024 in accordance with the approved salary increases outlined in the Memorandum of Understanding.
FINANCIAL IMPACT:	The fiscal impact of this action is $62,415 to the General Fund (101) and has been included in the Fiscal Year 2023-24 and 2024-25 annual budget adopted by City Council on June 13, 2023 via Resolution 2023-66 and was the estimated impact for FY 2023-24 upon approval of the MOU.

BACKGROUND:

The City of St. Helena contracts with the California Public Employees Retirement System (CalPERS) to provide retirement benefits for its employees. As a public employer, the City must abide by the Government Code when establishing and reporting employee compensation. The California Code of Regulations (CCR) Title 2, Section 570.5 (Section 570.5) provides that each pay schedule meets the following requirements:

- Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meeting laws.
- Identifies the position title for every employee position.
- Shows the pay rate for each position.
- Indicates the time base for each pay rate.
- CalPERS uses the City's pay schedules to determine final compensation and to calculate retirement benefits for the City's employees. Inaccurate pay schedules could negatively impact an employee's final retirement calculation or delay receipt of the appropriate retirement compensation.

Based on salary adjustments scheduled in the St. Helena Professional Firefighters Association Memorandum of Understanding it is necessary to adopt new salary schedules for Fiscal Year 2023-24 effective July 1, 2023 and January 1, 2024.

DISCUSSION:
The St. Helena Professional Firefighters Association Memorandum of Understanding (MOU) effective July 1, 2022 – June 30, 2025 was ratified on June 27, 2023 and authorized salary adjustments throughout the term of the agreement.

The approved MOU provides an annual Cost of Living Adjustments (COLA) made on July 1st of each year of the agreement. Fiscal Year 2023-24 includes a COLA as follows:

- 7/1/23 - San Francisco/Oakland/Hayward CPI-U (April/April) minimum increase of 3% and a maximum increase of 5%

Based on data collected from the U.S. Bureau of Labor Statistics the San Francisco/Oakland/Hayward CPI-U (April/April) for the FY 2023-24 calculations is 4.2%.

The approved MOU also provides equity adjustments in Fiscal Year 2023-24. The City will provide equity adjustments for SHPFA represented positions until each classification is within 5% of salary market median (95%) based on updated information from Ralph Anderson & Associates. Annual CPI increases for both City of St. Helena and the market jurisdictions (refreshed annually) are to be considered for purposes of this calculation. Equity adjustments will take place every six months until each classification is within the range and will be as follows:

- 7/1/23 - 2% equity adjustment
- 1/1/24 - 2% equity adjustment

July 1st equity adjustments will be combined with the COLA for salary adjustment calculations.

The attached updated Salary Schedules reflects the July 1, 2023 COLA (Attachment A) and equity adjustment of a maximum of two percent (2%) base salary increase for the following classifications effective July 1, 2023 (Attachment A) and January 1, 2024 (Attachment B).

DOCUMENTS ATTACHMENTS:

Resolution FY23-24 Updated SHPFA Salary Schedules
Attachment A - FY23-24 SHPFA Salary Schedule Effective 2023.07.01
Attachment B - FY23-24 SHPFA Salary Schedule Effective 2024.01.01

CITY OF ST. HELENA

RESOLUTION NO. 2023-__

Duly adopting and approving publicly available pay schedule for St. Helena Professional Firefighters Association in accordance with the requirement of California Code of Regulations, Title 2, Section 570.5, which includes revised salary schedules for the St. Helena Professional Firefighters Association effective July 1, 2023 and January 1, 2024.

RECITALS

A. The City of St. Helena contracts with the California Public Employee' Retirement System ("CalPERS") to provide retirement benefits for its employees; and

B. Pursuant to California Code of Regulations, Title 2, Section 570.5, CalPERS requires governing bodies of local agencies contracting with CalPERS to approve and adopt a publicly available pay schedule in accordance with public meeting laws; and

C. During negotiations with the various bargaining units the City Council authorized a COLA up to 5% Based on data collected from the U.S. Bureau of Labor Statistics the San Francisco/Oakland/Hayward CPI-U (April/April), which was 4.2% effective July 1, 2023; and

D. City Council authorized up to a 2% Equity Adjustment on July 1, 2023 and January 1, 2024 for qualified positions; and

E. July 1st equity adjustments will be combined with the COLA for salary adjustment calculations.

RESOLUTION

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

1. That the City of St. Helena Publicly Available Salary Schedules as follows:

    a. Attachment A – St. Helena Professional Firefighters Association Salary Schedule Effective July 1, 2023
    b. Attachment B – St. Helena Firefighters Association Salary Schedule Effective January 1, 2024

    are hereby approved and adopted in accordance with the requirements of California Code of Regulations, Title 2, Section 570.5, and

2. That the City of St. Helena Publicly Available Salary Schedule will be posted on the City's website and will be made available for public inspection for not less than five years.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023, by the following vote:

Mayor Paul Dohring: _____

Vice Mayor Eric Hall: _____

Council Member Anna Chouteau: _____

Council Member Lester Hardy: _____

Council Member Billy Summers: _____

APPROVED:

_____
Paul Jamison Dohring, Mayor

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

ATTACHMENT A

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

St. Helena Professional Firefighters Association

Approved and Adopted July 25, 2023

Effective July 1, 2023

FY 2023-2024

		Steps				
Position	**Timebase***	**A**	**B**	**C**	**D**	**E**
Full-time Fire Department Positons						
Firefighter	Annual [1]	88,028	92,430	97,051	101,904	106,999
	Monthly [1]	7,336	7,702	8,088	8,492	8,917
	Hourly	30.23	31.74	33.33	34.99	36.74
Engineer	Annual [1]	94,884	99,628	104,610	109,840	115,332
	Monthly [1]	7,907	8,302	8,717	9,153	9,611
	Hourly	32.58	34.21	35.92	37.72	39.61
Captain	Annual [1]	99,616	104,597	109,826	115,318	121,084
	Monthly [1]	8,301	8,716	9,152	9,610	10,090
	Hourly	34.21	35.92	37.72	39.60	41.58

(1) Annual and Monthly salaries are based on a 56-hour work period with a total of 2,912 hours worked annually.

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

5 years - 2.5% of base salary

10 years - 5.0% of base salary

15 years - 7.5% of base salary

20 years - 10% of base salary

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

(4) Holiday Pay - Full-time employees will accrue 3.69 hours per pay period, which will be paid out each pay period at the employee's current hourly rate.

(5) Uniform Allowance - Employees shall receive uniform allowance in the amount $1,200 divided evenly amongst 26 pay periods.

**Annual timebase payrate is rounded up to the nearest whole dollar, while all other timebase payrates are rounded to the nearest cent*

ATTACHMENT B

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

St. Helena Professional Firefighters Association

Approved and Adopted June 25, 2023

Effective January 1, 2024

FY 2023-2024

		Steps				
Position	**Timebase***	**A**	**B**	**C**	**D**	**E**
Full-time Fire Department Positons						
Firefighter	Annual [1]	88,028	92,430	97,051	101,904	106,999
	Monthly [1]	7,336	7,702	8,088	8,492	8,917
	Hourly	30.23	31.74	33.33	34.99	36.74
Engineer	Annual [1]	96,013	100,814	105,855	111,147	116,705
	Monthly [1]	8,001	8,401	8,821	9,262	9,725
	Hourly	32.97	34.62	36.35	38.17	40.08
Captain	Annual [1]	101,608	106,689	112,023	117,624	123,505
	Monthly [1]	8,467	8,891	9,335	9,802	10,292
	Hourly	34.89	36.64	38.47	40.39	42.41

(1) Annual and Monthly salaries are based on a 56-hour work period with a total of 2,912 hours worked annually.

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

5 years - 2.5% of base salary

10 years - 5.0% of base salary

15 years - 7.5% of base salary

20 years - 10% of base salary

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

(4) Holiday Pay - Full-time employees will accrue 3.69 hours per pay period, which will be paid out each pay period at the employee's current hourly rate.

(5) Uniform Allowance - Employees shall receive uniform allowance in the amount $1,200 divided evenly amongst 26 pay periods.

**Annual timebase payrate is rounded up to the nearest whole dollar, while all other timebase payrates are rounded to the nearest cent*

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Human Resources

DATE:	July 25, 2023
FROM:	Lesley Milton, Asst. to the City Manager, Mandy Kellogg, Administrative Services Director
SUBJECT:	Proposed Approval of a Resolution (1) Adopting and Approving Publicly Available Pay Schedule in Accordance with the Requirement of California Code of Regulations, Title 2, Section 570.5, for members covered under the Unrepresented Compensation Program and (2) Approving a Pay for Performance Plan.
RECOMMENDED ACTION:	Staff recommends approval of the attached resolution.
PREVIOUS COUNCIL ACTION:	July 26, 2022 - Approval of MOU June 13, 2023 - Adoption of Budget
STATEMENT OF THE PURPOSE:	Approve and adopt salary schedules for Unrepresented classifications, which includes Mid-management and Executive classifications, effective July 1, 2023 and January 1, 2024 in accordance with the approved salary increases outlined in the Unrepresented Compensation Program and approve a Pay for Performance Plan.
FINANCIAL IMPACT:	The approved MOU estimated the FY 2023-24 budget impact to be $190,390 and is broken down as follows: General Fund (101) - $145,568 Water Fund (561) - $24,816 Wastewater Fund (571) - $19,487 Bocce Fund (286) - $519 The additional fiscal impact of the actions to increase the Chief Building Official classification salary by 12.8%, increase all other classification salaries by 10.0% (excluding City Manager classification), and the total potential cost of the Pay for Performance Plane is an increase of $182,518 as follows: General Fund (101) - $145,906 Water Fund (561) - $21,145 Wastewater Fund (571) - $15,337 Bocce Fund (286) - $130

	The total increase has been included in the Fiscal Year 2023-24 and 2024-25 annual budget adopted by City Council on June 13, 2023 via Resolution 2023-66.

BACKGROUND:
Updated Salary Schedules

The City of St. Helena contracts with the California Public Employees Retirement System (CalPERS) to provide retirement benefits for its employees. As a public employer, the City must abide by the Government Code when establishing and reporting employee compensation. The California Code of Regulations (CCR) Title 2, Section 570.5 (Section 570.5) provides that each pay schedule meets the following requirements:

- Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meeting laws.
- Identifies the position title for every employee position.
- Shows the pay rate for each position.
- Indicates the time base for each pay rate.
- CalPERS uses the City's pay schedules to determine final compensation and to calculate retirement benefits for the City's employees. Inaccurate pay schedules could negatively impact an employee's final retirement calculation or delay receipt of the appropriate retirement compensation.

Based on salary adjustments scheduled in the Unrepresented Compensation Program it is necessary to adopt new salary schedules for Fiscal Year 2023-24 effective July 1, 2023 and January 1, 2024.

DISCUSSION:
Updated Salary Schedules

The Unrepresented Compensation Program effective July 1, 2022 – June 30, 2025 was ratified on July 26, 2022 and authorized salary adjustments throughout the term of the agreement.

The approved MOU provides an annual Cost of Living Adjustments (COLA) made on July 1st of each year of the agreement. Fiscal Year 2023-24 includes a COLA as follows:

- 7/1/23 - San Francisco/Oakland/Hayward CPI-U (April/April) minimum increase of 3% and a maximum increase of 5%

Based on data collected from the U.S. Bureau of Labor Statistics the San Francisco/Oakland/Hayward CPI-U (April/April) for the FY 2023-24 calculations is 4.2%.

The approved MOU also provides equity adjustments in Fiscal Year 2023-24. The City will provide equity adjustments for Unrepresented positions until each classification is within 5% of salary market median (95%) based on updated information from Ralph Anderson & Associates. Annual CPI increases for both City of St. Helena and the market jurisdictions (refreshed annually) are to be considered for purposes of this calculation. Equity adjustments will take place every six months until each classification is within the range and will be as follows:

- 7/1/23 - 2% equity adjustment
- 1/1/24 - 2% equity adjustment

July 1st equity adjustments will be combined with the COLA for salary adjustment calculations.

In alignment with City Council Goal 6: Enhance Employee Morale & Retention and Goal 7: Organizational Effectiveness and Service Delivery, staff recommends City Council consider the following:

1. Recommended Salary Increase

Over the course of the next 5 years, staff will be working on several key initiatives and high-priority projects, which includes delivering $55 million in Capital Improvement projects. In order to retain talent in both the Executive and Mid-Management teams and ensure staffing stability during this critical time a recommendation has been made to increase the Chief Building Official classification salary by 12.8% and increase all other salaries for classifications covered by the Unrepresented Compensation Program by 10% (excluding City Manager classification) effective July 1, 2023. This will be in lieu of the previously approved salary increase of a maximum of 6.2% on July 1, 2023 (4.2% Cola + 2% Equity) and an additional maximum of 2.0% on January 1, 2024 for eligible positions.

The City continues to compete for talent with the surrounding jurisdictions which is becoming more difficult as the City's salaries are significantly lower. Below is the data from the upper valley agencies to illustrate the City's current competitive disadvantage as it relates to recruitment and retention of executive classifications.

Classification	Calistoga	Yountville	St. Helena	Average Difference	Average % Difference
Administrative Services Director	221,544	200,338	174,101	(36,840)	-21.2%
Assistant City Manager	238,584	N/A	210,001	(28,583)	-13.6%
Chief of Police	238,584	N/A	198,302	(40,282)	-20.3%
City Clerk	135,924	129,794	132,569	(290)	-0.2%

Community Development Director	221,544	200,338	197,000	(13,941)	-7.1%
Director of Public Works	221,544	217,756	197,000	(22,650)	-11.5%
Fire Chief	238,584	N/A	193,861	(44,723)	-23.1%
Library Director	N/A	N/A	162,204	N/A	N/A
Parks & Recreation Director	221,544	200,338	168,501	(42,440)	-25.2%

2. Recommended Comparable Cities

As an additional analysis, the City reevaluated the comparable cities that were utilized in the market data analysis and made a recommendation to update the list. The new cities more accurately reflect our employment market in terms of where our employees reside, where we recruit employees from, and agencies that St. Helena is competing with for employees. By adjusting the comparable cities, our labor market data will more accurately establish the City's competitive status and with appropriate adjustments, assist with retention and recruitment of employees. Below is comparison between the previous list and the updated list:

Previous Cities	**New Cities**
Calistoga	Calistoga
Napa	Napa
Healdsburg	Healdsburg
Santa Rosa	Santa Rosa
San Rafael	San Rafael
Benicia	American Canyon
Albany	Fairfield
Cotati	Novato
Larkspur	Petaluma
Mill Valley	Rohnert Park
Napa County	Vacaville
San Anselmo	Yountville
Sonoma	
Windsor	

3. Pay for Performance Plan

City of St. Helena Performance Evaluation Process

The current process of annual evaluations is structured to focus on the measurement of past performance, with intent to set measurable performance standards and goals to measures against on an periodic basis. The current St. Helena process requires

evaluations at 6 months of employment, then every six months until the employee reaches the final pay structure (level E) of the pay scale, after which they are assessed every 12 months.

The current performance levels that are defined in the City of St. Helena Employee Handbook include the following ratings:

•Consistently Exceeds Expectations
•Successfully Meets Expectations
•Improvement Needed
•Unsatisfactory

Per The handbook, if an employee's supervisor rates the employee as "Successfully Meets Expectations" or higher and has not yet achieve Level E of the pay scale, they are recommended for advancement to the next pay scale.

Proposed Modifications

Staff recommends approval of a mechanism to reward Mid-Level Managers and Executive employees for exceeding expectations of performance based on an agreed upon list of objectives, above and beyond their typical duties.

Pay-for-Performance or Merit pay systems are based on the philosophy that individuals should be paid according to their contributions. Pay increases are based on the employee's exceptional performance rather than seniority, equality, or need. Pay-for Performance pay researchers suggest that in order to have a successful merit pay system the following components must exist:

1. Performance must be clearly defined
2. Rewards must be communicated to employees
3. Rewards must be made contingent upon desired performance
4. Opportunities to improve performance must exist, and
5. Perceived relationship between rewards and performance should be viewed as important as the actual relationship.

If approved, this would be part of a reinvigoration of the City's annual evaluation process which will modify evaluations establishing and measuring completion of SMART goals which requires the establishment of goals that are specific, measurable, achievable, relevant and time sensitive with tangible objectives.

A staff member in the Unrepresented Employee Compensation group receiving a rating of "Successfully Meets" or "Consistently Exceeds" Expectations would be eligible for up to $1,000 for Mid-Level Managers and up to $3,000 for Executive Managers, at the discretion of the City Manager. Employees who receive an "unsatisfactory" or "improvement needed" do not advance to the next level in the pay scale and are not eligible for any special performance awards.

The City's pay-for-performance philosophy recognizes that not all employees perform at the same level and therefore this process allows the City Manager the ability to reward employees based on contributions and overall performance. Rewards will be given based on the following criteria: performance appraisals, market salary conditions, and budget availability. The incentive amount would pay over and above any base increase and would be given as a one-time award annually and will not calculate into the employees ongoing base salary. Acceptance of the reward will be voluntary, not mandatory.

The total impact if all eligible classifications received the maximum bonus would be as follows:

Classification Category	**# Employees In Classification**	**PFP Award**	**Total Possible Annual Cost**
Executive Management	9	$3,000	$27,000
Mid-Management & Confidential	11	$1,000	$11,000
Total Fiscal Impact			**$38,000**

ENVIRONMENTAL REVIEW:
Not a CEQA project.

DOCUMENTS ATTACHMENTS:

Resolution FY23-24 Updated Unrepresented Program Salary Schedules
Attachment A - FY23-24 Mid-Management Salary Schedule Effective 2023.07.01
Attachment B - FY23-24 Executive Salary Schedule Effective 2023.07.01
Exhibit 1 - Updated Comparable City List for Market Data

CITY OF ST. HELENA

RESOLUTION NO. 2023-__

Duly adopting and approving publicly available pay schedule for the Unrepresented Compensation Program in accordance with the requirement of California Code of Regulations, Title 2, Section 570.5, which includes revised salary schedules for the St. Helena Employees Association effective July 1, 2023 and Approve the Pay for Performance Program.

RECITALS

A. The City of St. Helena contracts with the California Public Employee' Retirement System ("CalPERS") to provide retirement benefits for its employees; and

B. Pursuant to California Code of Regulations, Title 2, Section 570.5, CalPERS requires governing bodies of local agencies contracting with CalPERS to approve and adopt a publicly available pay schedule in accordance with public meeting laws; and

C. During negotiations with the various bargaining units the City Council authorized a COLA up to 5% Based on data collected from the U.S. Bureau of Labor Statistics the San Francisco/Oakland/Hayward CPI-U (April/April), which was 4.2% effective July 1, 2023; and

D. City Council authorized up to a 2% Equity Adjustment on July 1, 2023 and January 1, 2024 for qualified positions; and

E. July 1st equity adjustments will be combined with the COLA for salary adjustment calculations; and

F. Staff recommends that the Chief Building Official classification receive a 12.8% increase and all other classifications covered under the Unrepresented Compensation Program (excluding City Manager classification) receive a 10.0% increase effective July 1, 2023 to aid with retention and competitive recruiting efforts; and

G. Staff recommends an update to the comparable cities utilized for the salary market data analysis for classifications covered under the Unrepresented Compensation Program to more accurately reflect the City's true market; and

H. Staff recommends approval of a Pay for Performance Plan to reinvigorate the City's annual evaluation process which will modify evaluations establishing and measuring completion of SMART goals which requires the establishment of goals that are specific, measurable, achievable, relevant and time sensitive with tangible objectives.

RESOLUTION

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

1. That the City of St. Helena Publicly Available Salary Schedules as follows:

    a. Attachment A – Unrepresented Mid-Management Salary Schedule Effective July 1, 2023
    b. Attachment B – Unrepresented Executive Salary Schedule Effective January 1, 2024

    are hereby approved and adopted in accordance with the requirements of California Code of Regulations, Title 2, Section 570.5, and

2. That the City of St. Helena Publicly Available Salary Schedule will be posted on the City's website and will be made available for public inspection for not less than five years; and

3. Approve the update to the comparable cities utilized for the salary market data analysis for classifications covered under the Unrepresented Compensation Program (Exhibit 1); and

4. Approve the Pay for Performance Program.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023, by the following vote:

Mayor Paul Dohring: _____

Vice Mayor Eric Hall: _____

Council Member Anna Chouteau: _____

Council Member Lester Hardy: _____

Council Member Billy Summers: _____

APPROVED:

_____
Paul Jamison Dohring, Mayor

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

ATTACHMENT A

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Mid-Management Exempt

Approved and Adopted July 25, 2023

Effective July 1, 2023

FY 2022-2023

		Steps				
Classification	**Timebase***	**A**	**B**	**C**	**D**	**E**
Management Analyst	Annual	91,739	96,326	101,142	106,199	111,509
	Monthly	7,645	8,027	8,429	8,850	9,292
	Hourly	44.11	46.31	48.63	51.06	53.61
Senior Management Analyst	Annual	100,315	105,330	110,597	116,127	121,933
	Monthly	8,360	8,778	9,216	9,677	10,161
	Hourly	48.23	50.64	53.17	55.83	58.62
Public Works Assistant Operations	Annual	107,041	112,393	118,013	123,913	130,109
	Monthly	8,920	9,366	9,834	10,326	10,842
	Hourly	51.46	54.04	56.74	59.57	62.55
Senior Planner	Annual	109,173	114,631	120,363	126,381	132,700
	Monthly	9,098	9,553	10,030	10,532	11,058
	Hourly	52.49	55.11	57.87	60.76	63.80
Project Manager	Annual	112,861	118,504	124,429	130,651	137,183
	Monthly	9,405	9,875	10,369	10,888	11,432
	Hourly	54.26	56.97	59.82	62.81	65.95
Public Works Operations Manager	Annual	117,532	123,408	129,579	136,058	142,861
	Monthly	9,794	10,284	10,798	11,338	11,905
	Hourly	56.51	59.33	62.30	65.41	68.68
Treatment Plant Manager	Annual	118,634	124,566	130,794	137,334	144,200
	Monthly	9,886	10,380	10,899	11,444	12,017
	Hourly	57.04	59.89	62.88	66.03	69.33
Lieutenant	Annual	129,060	135,513	142,288	149,403	156,873
	Monthly	10,755	11,293	11,857	12,450	13,073
	Hourly	62.05	65.15	68.41	71.83	75.42
Chief Building Official	Annual	131,683	138,267	145,180	152,439	160,061
	Monthly	10,974	11,522	12,098	12,703	13,338
	Hourly	63.31	66.47	69.80	73.29	76.95
Senior Civil Engineer	Annual	132,854	139,497	146,471	153,795	161,485
	Monthly	11,071	11,625	12,206	12,816	13,457
	Hourly	63.87	67.07	70.42	73.94	77.64
Assistant Public Works Director	Annual	140,249	147,261	154,624	162,356	170,473
	Monthly	11,687	12,272	12,885	13,530	14,206
	Hourly	67.43	70.80	74.34	78.06	81.96
Confidential Positions						
Management Analyst [(1)]	Annual	91,739	96,326	101,142	106,199	111,509
	Monthly	7,645	8,027	8,429	8,850	9,292
	Hourly	44.11	46.31	48.63	51.06	53.61
Senior Management Analyst [(1)]	Annual	100,315	105,330	110,597	116,127	121,933
	Monthly	8,360	8,778	9,216	9,677	10,161
	Hourly	48.23	50.64	53.17	55.83	58.62

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Approved and Adopted July 25, 2023

Effective July 1, 2023

FY 2022-2023

		Steps				
Classification	**Timebase***	**A**	**B**	**C**	**D**	**E**
Assistant to City Manager [1]	Annual	116,975	122,824	128,965	135,413	142,184
	Monthly	9,748	10,235	10,747	11,284	11,849
	Hourly	56.24	59.05	62.00	65.10	68.36
Human Resources Manager [1]	Annual	116,975	122,824	128,965	135,413	142,184
	Monthly	9,748	10,235	10,747	11,284	11,849
	Hourly	56.24	59.05	62.00	65.10	68.36
Finance Manager [1]	Annual	128,673	135,106	141,861	148,955	156,402
	Monthly	10,723	11,259	11,822	12,413	13,034
	Hourly	61.86	64.95	68.20	71.61	75.19
Assistant Administrative Services Director	Annual	138,204	145,114	152,370	159,988	167,988
	Monthly	11,517	12,093	12,697	13,332	13,999
	Hourly	66.44	69.77	73.25	76.92	80.76

[1] Confidential Positions receive a 3% pay differential that is added to the employee's base salary. Confidential as defined is an employee having access in the course of his/her duties to confidential information on the employer's labor relations.

**Annual timebase payrate is rounded up to the nearest whole dollar, while all other timebase payrates are rounded to the nearest cent*

ATTACHMENT B

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Executive Management - Department Heads

Approved and Adopted July 25, 2023

Effective July 1, 2023

FY 2023-2024

		Steps				
Classification	**Timebase***	**A**	**B**	**C**	**D**	**E**
City Clerk	Annual	119,971	125,969	132,268	138,881	145,825
	Monthly	9,998	10,497	11,022	11,573	12,152
	Hourly	57.68	60.56	63.59	66.77	70.11
Library Director	Annual	146,791	154,130	161,837	169,928	178,425
	Monthly	12,233	12,844	13,486	14,161	14,869
	Hourly	70.57	74.10	77.81	81.70	85.78
Parks & Recreation Director	Annual	152,489	160,113	168,119	176,525	185,351
	Monthly	12,707	13,343	14,010	14,710	15,446
	Hourly	73.31	76.98	80.83	84.87	89.11
Administrative Services Director	Annual	157,556	165,434	173,706	182,391	191,511
	Monthly	13,130	13,786	14,475	15,199	15,959
	Hourly	75.75	79.54	83.51	87.69	92.07
Fire Chief [(1)]	Annual					213,247
	Monthly					17,771
	Hourly					102.52
Director of Community Development	Annual	178,279	187,193	196,553	206,380	216,699
	Monthly	14,857	15,599	16,379	17,198	18,058
	Hourly	85.71	90.00	94.50	99.22	104.18
Director of Public Works	Annual	178,279	187,193	196,553	206,380	216,699
	Monthly	14,857	15,599	16,379	17,198	18,058
	Hourly	85.71	90.00	94.50	99.22	104.18
Police Chief	Annual	179,458	188,431	197,853	207,746	218,133
	Monthly	14,955	15,703	16,488	17,312	18,178
	Hourly	86.28	90.59	95.12	99.88	104.87
Assistant City Manager	Annual	190,045	199,547	209,524	220,001	231,001
	Monthly	15,837	16,629	17,460	18,333	19,250
	Hourly	91.37	95.94	100.73	105.77	111.06
City Manager [(1)]	Annual					235,072
	Monthly					19,589
	Hourly					113.02

(2) Salaries do not have a scale.

**Annual timebase payrate is rounded up to the nearest whole dollar, while all other timebase payrates are rounded to the nearest cent.*

Compensation Analysis – City Update

Previous Cities	New Cities
Calistoga	Calistoga
Napa	Napa
Santa Rosa	Santa Rosa
San Rafael	San Rafael
Healdsburg	Healdsburg
Benicia	American Canyon
Albany	Fairfield
Cotati	Novato
Larkspur	Petaluma
Mill Valley	Rohnert Park
Napa County	Vacaville
San Anselmo	Yountville
Sonoma	
Windsor	

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Human Resources

DATE:	July 25, 2023
FROM:	Mandy Kellogg, Administrative Services Director
SUBJECT:	Proposed approval of a resolution Adopting and Approving the Publicly Available Pay Schedule in Accordance with the Requirement of California Code of Regulations, Title 2, Section 570.5, for the St. Helena Employees Association (SHEA).
RECOMMENDED ACTION:	Staff recommends approval the attached resolution.
PREVIOUS COUNCIL ACTION:	September 13, 2022 - Approval of MOU June 13, 2023 - Adoption of Budget
STATEMENT OF THE PURPOSE:	Approve and adopt SHEA salary schedules effective July 1, 2023 and January 1, 2024 in accordance with the approved salary increases outlined in the Memorandum of Understanding.
FINANCIAL IMPACT:	The approved MOU estimated the FY 2023-24 budget impact to be $186,318 and is broken down as follows: General Fund (101) - $83,550 Water Fund (561) - $54,230 Wastewater Fund (571) - $43,525 Garage Fund (582) - $5,013 The additional fiscal impact of the action to increase the Underground Utilities and Treatment Plant classifications to Median and 75th percentile respectively is an increase of $119,000 as follows: Water Fund (561) - $63,000 Wastewater Fund (571) - $56,000 The total increase has been included in the Fiscal Year 2023-24 and 2024-25 annual budget adopted by City Council on June 13, 2023 via Resolution 2023-66.

BACKGROUND:

The City of St. Helena contracts with the California Public Employees Retirement System (CalPERS) to provide retirement benefits for its employees. As a public employer, the City must abide by the Government Code when establishing and reporting employee compensation. The California Code of Regulations (CCR) Title 2, Section 570.5 (Section 570.5) provides that each pay schedule meets the following requirements:

- Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meeting laws.
- Identifies the position title for every employee position.
- Shows the pay rate for each position.
- Indicates the time base for each pay rate.
- CalPERS uses the City's pay schedules to determine final compensation and to calculate retirement benefits for the City's employees. Inaccurate pay schedules could negatively impact an employee's final retirement calculation or delay receipt of the appropriate retirement compensation.

Based on salary adjustments scheduled in the St. Helena Employees Association Memorandum of Understanding it is necessary to adopt new salary schedules for Fiscal Year 2023-24 effective July 1, 2023 and January 1, 2024.

DISCUSSION:

Scheduled Salary Adjustments

The St. Helena Employees Association Memorandum of Understanding (MOU) effective July 1, 2022 – June 30, 2025 was ratified on September 13, 2022 and authorized salary adjustments throughout the term of the agreement.

The approved MOU provides an annual Cost of Living Adjustments (COLA) made on July 1st of each year of the agreement. Fiscal Year 2023-24 includes a COLA as follows:

- 7/1/23 - San Francisco/Oakland/Hayward CPI-U (April/April) minimum increase of 3% and a maximum increase of 5%

Based on data collected from the U.S. Bureau of Labor Statistics the San Francisco/Oakland/Hayward CPI-U (April/April) for the FY 2023-24 calculations is 4.2%.

The approved MOU also provides equity adjustments in Fiscal Year 2023-24. The City will provide equity adjustments for SHEA represented positions until each classification is within 5% of salary market median (95%) based on updated information from Ralph Anderson & Associates. Annual CPI increases for both City of St. Helena and the market jurisdictions (refreshed annually) are to be considered for purposes of this calculation. Equity adjustments will take place every six months until each classification is within the range and will be as follows:

- 7/1/23 - 2% equity adjustment
- 1/1/24 - 2% equity adjustment

July 1st equity adjustments will be combined with the COLA for salary adjustment calculations.

Water and Wastewater Treatment Plant and Underground Utilities Classifications Salary Adjustments

Over the course of the past three years the City has experienced significant difficulty in recruiting and retaining staff at both the Treatment Plants and the Underground Utilities division in Public Works. Lower than median compensation as resulted in the loss of a

number of staff to neighboring agencies with more growth opportunities, such as the Napa Sanitation and the City of Napa.

Due to requirements from the State of California, only individuals with specialized certifications may perform duties related to these positions. Therefore, the City has contracted with Operational Technical Services in order to ensure that we are meeting our state mandated requirements. This has resulted in a significant financial burden. Therefore, City staff recommended that the classifications within the Underground Utilities division be brought to Market Median and the classifications in the Treatment Plants be brought to the 75th percentile effective July 1, 2023 to aid with retention and competitive recruiting efforts.

The attached updated Salary Schedules reflects the July 1, 2023 COLA (Attachment A) and equity adjustment of a maximum of two percent (2%) base salary increase for the following classifications effective July 1, 2023 (Attachment A) and January 1, 2024 (Attachment B).

DOCUMENTS ATTACHMENTS:

Resolution FY23-24 Updated SHEA Salary Schedules
Attachment A - FY23-24 SHEA Salary Schedule Effective 2023.07.01
Attachment B - FY23-24 SHEA Salary Schedule Effective 2024.01.01

CITY OF ST. HELENA

RESOLUTION NO. 2023-__

Duly adopting and approving publicly available pay schedule for St. Helena Employees Association in accordance with the requirement of California Code of Regulations, Title 2, Section 570.5, which includes revised salary schedules for the St. Helena Employees Association effective July 1, 2023 and January 1, 2024.

RECITALS

A. The City of St. Helena contracts with the California Public Employee' Retirement System ("CalPERS") to provide retirement benefits for its employees; and

B. Pursuant to California Code of Regulations, Title 2, Section 570.5, CalPERS requires governing bodies of local agencies contracting with CalPERS to approve and adopt a publicly available pay schedule in accordance with public meeting laws; and

C. During negotiations with the various bargaining units the City Council authorized a COLA up to 5% Based on data collected from the U.S. Bureau of Labor Statistics the San Francisco/Oakland/Hayward CPI-U (April/April), which was 4.2% effective July 1, 2023; and

D. City Council authorized up to a 2% Equity Adjustment on July 1, 2023 and January 1, 2024 for qualified positions; and

E. July 1st equity adjustments will be combined with the COLA for salary adjustment calculations; and

F. Staff recommended that the classifications within the Underground Utilities division be brought to Market Median and the classifications in the Treatment Plants be brought to the 75th percentile effective July 1, 2023 to aid with retention and competitive recruiting efforts.

RESOLUTION

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

1. That the City of St. Helena Publicly Available Salary Schedules as follows:

    a. Attachment A – St. Helena Employees Association Salary Schedule Effective July 1, 2023
    b. Attachment B – St. Helena Employees Association Salary Schedule Effective January 1, 2024

are hereby approved and adopted in accordance with the requirements of California Code of Regulations, Title 2, Section 570.5, and

2. That the City of St. Helena Publicly Available Salary Schedule will be posted on the City's website and will be made available for public inspection for not less than five years.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023, by the following vote:

Mayor Paul Dohring: _____

Vice Mayor Eric Hall: _____

Council Member Anna Chouteau: _____

Council Member Lester Hardy: _____

Council Member Billy Summers: _____

APPROVED:

_____
Paul Jamison Dohring, Mayor

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

St. Helena Employee Association - Miscellaneous Group

Approved and Adopted July 25, 2023

Effective July 1, 2023

FY 2023-2024

		Steps				
Position	**Timebase***	**A**	**B**	**C**	**D**	**E**
Office Assistant	Annual	50,729	53,265	55,929	58,725	61,661
	Monthly	4,227	4,439	4,661	4,894	5,138
	Hourly	24.39	25.61	26.89	28.23	29.64
Library Associate I	Annual	51,199	53,758	56,446	59,269	62,232
	Monthly	4,267	4,480	4,704	4,939	5,186
	Hourly	24.61	25.85	27.14	28.49	29.92
Maintenance Worker I	Annual	55,813	58,604	61,534	64,611	67,841
Buildings & Streets; Parks & Trees	Monthly	4,651	4,884	5,128	5,384	5,653
	Hourly	26.83	28.17	29.58	31.06	32.62
Library Associate II	Annual	56,345	59,162	62,120	65,226	68,488
	Monthly	4,695	4,930	5,177	5,436	5,707
	Hourly	27.09	28.44	29.87	31.36	32.93
Senior Library Associate	Annual	61,951	65,049	68,301	71,716	75,302
	Monthly	5,163	5,421	5,692	5,976	6,275
	Hourly	29.78	31.27	32.84	34.48	36.20
Permit Technician I	Annual	60,623	63,654	66,836	70,178	73,687
Planning; Building	Monthly	5,052	5,304	5,570	5,848	6,141
	Hourly	29.15	30.60	32.13	33.74	35.43
Accounting Technician I	Annual	60,845	63,887	67,082	70,436	73,958
	Monthly	5,070	5,324	5,590	5,870	6,163
	Hourly	29.25	30.72	32.25	33.86	35.56
Administrative Assistant	Annual	60,873	63,917	67,112	70,468	73,991
	Monthly	5,073	5,326	5,593	5,872	6,166
	Hourly	29.27	30.73	32.27	33.88	35.57
Maintenance Worker I -	Annual	61,246	64,308	67,523	70,900	74,445
Utilities	Monthly	5,104	5,359	5,627	5,908	6,204
	Hourly	29.45	30.92	32.46	34.09	35.79
Maintenance Worker II	Annual	61,392	64,462	67,685	71,069	74,623
Buildings & Streets; Parks & Trees	Monthly	5,116	5,372	5,640	5,922	6,219
	Hourly	29.52	30.99	32.54	34.17	35.88
Librarian I	Annual	64,251	67,463	70,836	74,378	78,097
	Monthly	5,354	5,622	5,903	6,198	6,508
	Hourly	30.89	32.43	34.06	35.76	37.55
Plant Operator in Training	Annual	65,415	68,686	72,120	75,726	79,512
Water; Wastewater	Monthly	5,451	5,724	6,010	6,310	6,626
	Hourly	31.45	33.02	34.67	36.41	38.23

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Approved and Adopted July 25, 2023

Effective July 1, 2023

FY 2023-2024

		Steps				
Position	**Timebase***	**A**	**B**	**C**	**D**	**E**
Administrative Records Assistant	Annual	66,219	69,530	73,006	76,657	80,489
	Monthly	5,518	5,794	6,084	6,388	6,707
	Hourly	31.84	33.43	35.10	36.85	38.70
Human Resources Technician [6]	Annual	66,226	69,538	73,015	76,665	80,499
	Monthly	5,519	5,795	6,085	6,389	6,708
	Hourly	31.84	33.43	35.10	36.86	38.70
Permit Technician II	Annual	66,680	70,014	73,514	77,190	81,050
Planning; Building	Monthly	5,557	5,834	6,126	6,433	6,754
	Hourly	32.06	33.66	35.34	37.11	38.97
Accounting Technician II	Annual	66,932	70,279	73,793	77,483	81,357
	Monthly	5,578	5,857	6,149	6,457	6,780
	Hourly	32.18	33.79	35.48	37.25	39.11
Executive Assistant	Annual	66,966	70,315	73,830	77,522	81,398
	Monthly	5,581	5,860	6,153	6,460	6,783
	Hourly	32.20	33.81	35.50	37.27	39.13
Maintenance Worker II -	Annual	67,376	70,745	74,282	77,996	81,896
Utilities	Monthly	5,615	5,895	6,190	6,500	6,825
	Hourly	32.39	34.01	35.71	37.50	39.37
Lead Maintenance Worker	Annual	67,538	70,915	74,460	78,183	82,093
Buildings & Streets; Parks & Trees	Monthly	5,628	5,910	6,205	6,515	6,841
	Hourly	32.47	34.09	35.80	37.59	39.47
Engineering Technician I	Annual	68,405	71,825	75,417	79,187	83,147
	Monthly	5,700	5,985	6,285	6,599	6,929
	Hourly	32.89	34.53	36.26	38.07	39.97
Environmental Services Technician I	Annual	68,918	72,364	75,983	79,782	83,771
	Monthly	5,743	6,030	6,332	6,648	6,981
	Hourly	33.13	34.79	36.53	38.36	40.27
Librarian II	Annual	70,671	74,204	77,914	81,810	85,900
	Monthly	5,889	6,184	6,493	6,817	7,158
	Hourly	33.98	35.68	37.46	39.33	41.30
Permit Technician III	Annual	73,351	77,019	80,870	84,913	89,159
Planning; Building	Monthly	6,113	6,418	6,739	7,076	7,430
	Hourly	35.26	37.03	38.88	40.82	42.86
Senior Accounting Technician	Annual	73,619	77,300	81,165	85,223	89,484
	Monthly	6,135	6,442	6,764	7,102	7,457
	Hourly	35.39	37.16	39.02	40.97	43.02
Lead Maintenance Worker -	Annual	74,110	77,816	81,707	85,792	90,082
Underground Utilities	Monthly	6,176	6,485	6,809	7,149	7,507
	Hourly	35.63	37.41	39.28	41.25	43.31

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Approved and Adopted July 25, 2023

Effective July 1, 2023

FY 2023-2024

Position	Timebase*	Steps A	B	C	D	E
Engineering Technician II	Annual	75,245	79,007	82,958	87,105	91,461
	Monthly	6,270	6,584	6,913	7,259	7,622
	Hourly	36.18	37.98	39.88	41.88	43.97
Plant Operator I	Annual	75,266	79,029	82,981	87,130	91,486
Water; Wastewater	Monthly	6,272	6,586	6,915	7,261	7,624
	Hourly	36.19	37.99	39.89	41.89	43.98
Environmental Services Technician II	Annual	75,804	79,595	83,574	87,753	92,141
	Monthly	6,317	6,633	6,965	7,313	7,678
	Hourly	36.44	38.27	40.18	42.19	44.30
Assistant Planner	Annual	77,297	81,162	85,220	89,481	93,955
	Monthly	6,441	6,763	7,102	7,457	7,830
	Hourly	37.16	39.02	40.97	43.02	45.17
Senior Librarian	Annual	77,733	81,620	85,701	89,986	94,485
	Monthly	6,478	6,802	7,142	7,499	7,874
	Hourly	37.37	39.24	41.20	43.26	45.43
Recreation Supervisor	Annual	78,976	82,925	87,071	91,425	95,996
	Monthly	6,581	6,910	7,256	7,619	8,000
	Hourly	37.97	39.87	41.86	43.95	46.15
Junior Engineer	Annual	80,416	84,437	88,659	93,092	97,747
	Monthly	6,701	7,036	7,388	7,758	8,146
	Hourly	38.66	40.59	42.62	44.76	46.99
Plant Operator II	Annual	82,755	86,893	91,237	95,799	100,589
Water; Wastewater	Monthly	6,896	7,241	7,603	7,983	8,382
	Hourly	39.79	41.78	43.86	46.06	48.36
Senior Engineering Technician	Annual	82,770	86,908	91,253	95,816	100,607
	Monthly	6,897	7,242	7,604	7,985	8,384
	Hourly	39.79	41.78	43.87	46.07	48.37
Fire Inspector	Annual	83,360	87,528	91,904	96,499	101,324
	Monthly	6,947	7,294	7,659	8,042	8,444
	Hourly	40.08	42.08	44.18	46.39	48.71
Associate Planner	Annual	85,024	89,275	93,739	98,426	103,347
	Monthly	7,085	7,440	7,812	8,202	8,612
	Hourly	40.88	42.92	45.07	47.32	49.69
Human Resources Analyst [6]	Annual	85,646	89,928	94,425	99,146	104,103
	Monthly	7,137	7,494	7,869	8,262	8,675
	Hourly	41.18	43.23	45.40	47.67	50.05
Buildings & Streets Superintendent	Annual	85,690	89,974	94,473	99,197	104,157
Parks & Trees Superintendent	Monthly	7,141	7,498	7,873	8,266	8,680
	Hourly	41.20	43.26	45.42	47.69	50.08

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Approved and Adopted July 25, 2023

Effective July 1, 2023

FY 2023-2024

		Steps				
Position	**Timebase***	**A**	**B**	**C**	**D**	**E**
Administrative Analyst	Annual	87,097	91,452	96,024	100,825	105,867
	Monthly	7,258	7,621	8,002	8,402	8,822
	Hourly	41.87	43.97	46.17	48.47	50.90
Underground Utilities	Annual	89,854	94,346	99,064	104,017	109,218
Superintendent	Monthly	7,488	7,862	8,255	8,668	9,101
	Hourly	43.20	45.36	47.63	50.01	52.51
Plant Operator III	Annual	91,429	96,001	100,801	105,841	111,133
Water; Wastewater	Monthly	7,619	8,000	8,400	8,820	9,261
	Hourly	43.96	46.15	48.46	50.89	53.43
Assistant Engineer	Annual	92,880	97,524	102,400	107,520	112,896
	Monthly	7,740	8,127	8,533	8,960	9,408
	Hourly	44.65	46.89	49.23	51.69	54.28
Associate Civil Engineer	Annual	102,175	107,284	112,648	118,281	124,195
	Monthly	8,515	8,940	9,387	9,857	10,350
	Hourly	49.12	51.58	54.16	56.87	59.71
Chief Plant Operator	Annual	109,954	115,452	121,224	127,286	133,650
Water; Wastewater	Monthly	9,163	9,621	10,102	10,607	11,137
	Hourly	52.86	55.51	58.28	61.20	64.25

(1) Longevity Pay - Employees are eligible to receive longevity based on continuous years of employment according to the dates and rates below:
5 years - 2.5% of base salary
10 years - 5.0% of base salary
15 years - 7.5% of base salary
20 years - 10.0% of base salary

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

(3) Standby Pay - Shall be paid at a rate of $525.00 per week to those employees in the Public Works Department who are required to be on Standby for an entire week (Friday the following at Friday 7:00 a.m.). If a holiday falls on the Friday at the end of the standby period the employee shall receive an additional $100.00 for the extension of the assignment. The same would apply if the holiday fall on a Friday at the beginning of the standby period and the employee would be on call from Thursday through the

(4) Certification Pay - $50.00 per month for each governmental certificate or licensing as follow:
"Operator Cross-certification" (Class I or above) for employees assigned to the Water Treatment Plant or Wastewater Treatment Plant, enabling those employees to perform other plant.
A necessary pesticide certificate, for Public Works employees responsible for pesticide applications programs for the city.
Certification for back-flow prevention devices for Public Works employees.
Playground Inspection Certification for employees working in the Parks Division.
Arborist Certificate for employees working in the Parks Division.
Wastewater Collections Certificate for employees working in the Wastewater Collections/Sewer Division.

(5) Uniform Allowance as follow:
Employees assigned to Water Distribution and Public Works - $35.49 per pay period.
Employees assigned to Parks-Trees-Buildings - $33.06 per pay period.
Employees assigned to the Wastewater Treatment Plant (Chief Plant Operator and Plant Operator II) - $9.29 per pay period.
Employees assigned to the Wastewater Treatment Plant (Plant Operator III) - $5.79 per pay period.
Employees assigned to the Water Treatment Plant - $11.49 per pay period.

(6) Confidential Positions receive a 3% pay differential that is added to the employee's base salary. Confidential as defined is an employee having access in the course of his/her confidential information on the employer's labor relations and consequently excludable from holding Association office and/or divulging confidential employer information

**Annual timebase payrate is rounded up to the nearest whole dollar, while all other timebase payrates are rounded to the nearest cent*

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

St. Helena Employee Association - Miscellaneous Group

Approved and Adopted July 25, 2023

Effective January 1, 2024

FY 2023-2024

		Steps					
Position	**Timebase***	**A**	**B**	**C**	**D**	**E**	**Increase**
Office Assistant	Annual	50,729	53,265	55,929	58,725	61,661	1.000
	Monthly	4,227	4,439	4,661	4,894	5,138	
	Hourly	24.39	25.61	26.89	28.23	29.64	
Library Associate I	Annual	51,199	53,758	56,446	59,269	62,232	1.000
	Monthly	4,267	4,480	4,704	4,939	5,186	
	Hourly	24.61	25.85	27.14	28.49	29.92	
Maintenance Worker I	Annual	55,813	58,604	61,534	64,611	67,841	1.000
Buildings & Streets; Parks & Trees	Monthly	4,651	4,884	5,128	5,384	5,653	
	Hourly	26.83	28.17	29.58	31.06	32.62	
Library Associate II	Annual	56,345	59,162	62,120	65,226	68,488	1.000
	Monthly	4,695	4,930	5,177	5,436	5,707	
	Hourly	27.09	28.44	29.87	31.36	32.93	
Permit Technician I	Annual	60,623	63,654	66,836	70,178	73,687	1.000
Planning; Building	Monthly	5,052	5,304	5,570	5,848	6,141	
	Hourly	29.15	30.60	32.13	33.74	35.43	
Accounting Technician I	Annual	60,845	63,887	67,082	70,436	73,958	1.000
	Monthly	5,070	5,324	5,590	5,870	6,163	
	Hourly	29.25	30.72	32.25	33.86	35.56	
Administrative Assistant	Annual	60,873	63,917	67,112	70,468	73,992	1.000
	Monthly	5,073	5,326	5,593	5,872	6,166	
	Hourly	29.27	30.73	32.27	33.88	35.57	
Maintenance Worker I -	Annual	61,246	64,308	67,523	70,900	74,445	1.000
Utilities	Monthly	5,104	5,359	5,627	5,908	6,204	
	Hourly	29.45	30.92	32.46	34.09	35.79	
Maintenance Worker II	Annual	61,392	64,462	67,685	71,069	74,623	1.000
Buildings & Streets; Parks & Trees	Monthly	5,116	5,372	5,640	5,922	6,219	
	Hourly	29.52	30.99	32.54	34.17	35.88	
Senior Library Associate	Annual	61,951	65,049	68,301	71,716	75,302	1.000
	Monthly	5,163	5,421	5,692	5,976	6,275	
	Hourly	29.78	31.27	32.84	34.48	36.20	
Librarian I	Annual	64,251	67,463	70,836	74,378	78,097	1.000
	Monthly	5,354	5,622	5,903	6,198	6,508	
	Hourly	30.89	32.43	34.06	35.76	37.55	
Plant Operator in Training	Annual	65,415	68,686	72,120	75,726	79,512	1.000
Water; Wastewater	Monthly	5,451	5,724	6,010	6,311	6,626	
	Hourly	31.45	33.02	34.67	36.41	38.23	

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Approved and Adopted July 25, 2023

Effective January 1, 2024

FY 2023-2024

		Steps					
Position	**Timebase***	**A**	**B**	**C**	**D**	**E**	
Administrative Records Assistant	Annual	67,543	70,921	74,467	78,190	82,099	1.020
	Monthly	5,629	5,910	6,206	6,516	6,842	
	Hourly	32.47	34.10	35.80	37.59	39.47	
Human Resources Technician [6]	Annual	66,226	69,538	73,015	76,665	80,499	1.000
	Monthly	5,519	5,795	6,085	6,389	6,708	
	Hourly	31.84	33.43	35.10	36.86	38.70	
Permit Technician II	Annual	66,680	70,014	73,514	77,190	81,050	1.000
Planning; Building	Monthly	5,557	5,834	6,126	6,433	6,754	
	Hourly	32.06	33.66	35.34	37.11	38.97	
Accounting Technician II	Annual	66,932	70,279	73,793	77,483	81,357	1.000
	Monthly	5,578	5,857	6,149	6,457	6,780	
	Hourly	32.18	33.79	35.48	37.25	39.11	
Executive Assistant	Annual	66,966	70,315	73,830	77,522	81,398	1.000
	Monthly	5,581	5,860	6,153	6,460	6,783	
	Hourly	32.20	33.81	35.50	37.27	39.13	
Maintenance Worker II -	Annual	67,376	70,745	74,282	77,996	81,896	1.000
Utilities	Monthly	5,615	5,895	6,190	6,500	6,825	
	Hourly	32.39	34.01	35.71	37.50	39.37	
Lead Maintenance Worker	Annual	67,538	70,915	74,460	78,183	82,093	1.000
Buildings & Streets; Parks & Trees	Monthly	5,628	5,910	6,205	6,515	6,841	
	Hourly	32.47	34.09	35.80	37.59	39.47	
Engineering Technician I	Annual	68,405	71,825	75,417	79,187	83,147	1.000
	Monthly	5,700	5,985	6,285	6,599	6,929	
	Hourly	32.89	34.53	36.26	38.07	39.97	
Environmental Services Technician I	Annual	70,296	73,811	77,502	81,377	85,446	1.020
	Monthly	5,858	6,151	6,458	6,781	7,120	
	Hourly	33.80	35.49	37.26	39.12	41.08	
Librarian II	Annual	70,671	74,204	77,914	81,810	85,900	1.000
	Monthly	5,889	6,184	6,493	6,817	7,158	
	Hourly	33.98	35.68	37.46	39.33	41.30	
Permit Technician III	Annual	73,351	77,019	80,870	84,913	89,159	1.000
Planning; Building	Monthly	6,113	6,418	6,739	7,076	7,430	
	Hourly	35.26	37.03	38.88	40.82	42.86	
Senior Accounting Technician	Annual	73,619	77,300	81,165	85,223	89,484	1.000
	Monthly	6,135	6,442	6,764	7,102	7,457	
	Hourly	35.39	37.16	39.02	40.97	43.02	
Lead Maintenance Worker -	Annual	74,110	77,816	81,707	85,792	90,082	1.000
Underground Utilities	Monthly	6,176	6,485	6,809	7,149	7,507	
	Hourly	35.63	37.41	39.28	41.25	43.31	

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Approved and Adopted July 25, 2023

Effective January 1, 2024

FY 2023-2024

		Steps					
Position	**Timebase***	**A**	**B**	**C**	**D**	**E**	
Engineering Technician II	Annual	75,245	79,007	82,958	87,105	91,461	1.000
	Monthly	6,270	6,584	6,913	7,259	7,622	
	Hourly	36.18	37.98	39.88	41.88	43.97	
Plant Operator I	Annual	75,266	79,029	82,981	87,130	91,486	1.000
Water; Wastewater	Monthly	6,272	6,586	6,915	7,261	7,624	
	Hourly	36.19	37.99	39.89	41.89	43.98	
Assistant Planner	Annual	77,297	81,162	85,220	89,481	93,955	1.000
	Monthly	6,441	6,763	7,102	7,457	7,830	
	Hourly	37.16	39.02	40.97	43.02	45.17	
Environmental Services Technician II	Annual	77,320	81,186	85,245	89,508	93,983	1.020
	Monthly	6,443	6,766	7,104	7,459	7,832	
	Hourly	37.17	39.03	40.98	43.03	45.18	
Senior Librarian	Annual	77,733	81,620	85,701	89,986	94,485	1.000
	Monthly	6,478	6,802	7,142	7,499	7,874	
	Hourly	37.37	39.24	41.20	43.26	45.43	
Recreation Supervisor	Annual	78,976	82,925	87,071	91,425	95,996	1.000
	Monthly	6,581	6,910	7,256	7,619	8,000	
	Hourly	37.97	39.87	41.86	43.95	46.15	
Junior Engineer	Annual	80,416	84,437	88,659	93,092	97,747	1.000
	Monthly	6,701	7,036	7,388	7,758	8,146	
	Hourly	38.66	40.59	42.62	44.76	46.99	
Plant Operator II	Annual	82,755	86,893	91,237	95,799	100,589	1.000
Water; Wastewater	Monthly	6,896	7,241	7,603	7,983	8,382	
	Hourly	39.79	41.78	43.86	46.06	48.36	
Senior Engineering Technician	Annual	82,770	86,908	91,253	95,816	100,607	1.000
	Monthly	6,897	7,242	7,604	7,985	8,384	
	Hourly	39.79	41.78	43.87	46.07	48.37	
Fire Inspector	Annual	85,027	89,279	93,742	98,430	103,351	1.020
	Monthly	7,086	7,440	7,812	8,202	8,613	
	Hourly	40.88	42.92	45.07	47.32	49.69	
Associate Planner	Annual	85,024	89,275	93,739	98,426	103,347	1.000
	Monthly	7,085	7,440	7,812	8,202	8,612	
	Hourly	40.88	42.92	45.07	47.32	49.69	
Human Resources Analyst [(6)]	Annual	87,359	91,727	96,313	101,129	106,185	1.020
	Monthly	7,280	7,644	8,026	8,427	8,849	
	Hourly	42.00	44.10	46.30	48.62	51.05	
Buildings & Streets Superintendent	Annual	85,690	89,974	94,473	99,197	104,157	1.000
Parks & Trees Superintendent	Monthly	7,141	7,498	7,873	8,266	8,680	
	Hourly	41.20	43.26	45.42	47.69	50.08	

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Approved and Adopted July 25, 2023

Effective January 1, 2024

FY 2023-2024

		Steps					
Position	**Timebase***	**A**	**B**	**C**	**D**	**E**	
Administrative Analyst	Annual	88,839	93,281	97,945	102,842	107,984	1.020
	Monthly	7,403	7,773	8,162	8,570	8,999	
	Hourly	42.71	44.85	47.09	49.44	51.92	
Underground Utilities Superintendent	Annual	89,854	94,346	99,064	104,017	109,218	1.000
	Monthly	7,488	7,862	8,255	8,668	9,101	
	Hourly	43.20	45.36	47.63	50.01	52.51	
Plant Operator III Water; Wastewater	Annual	91,429	96,001	100,801	105,841	111,133	1.000
	Monthly	7,619	8,000	8,400	8,820	9,261	
	Hourly	43.96	46.15	48.46	50.89	53.43	
Assistant Engineer	Annual	92,880	97,524	102,400	107,520	112,896	1.000
	Monthly	7,740	8,127	8,533	8,960	9,408	
	Hourly	44.65	46.89	49.23	51.69	54.28	
Associate Civil Engineer	Annual	102,175	107,284	112,648	118,281	124,195	1.000
	Monthly	8,515	8,940	9,387	9,857	10,350	
	Hourly	49.12	51.58	54.16	56.87	59.71	
Chief Plant Operator Water; Wastewater	Annual	109,954	115,452	121,224	127,286	133,650	1.000
	Monthly	9,163	9,621	10,102	10,607	11,137	
	Hourly	52.86	55.51	58.28	61.20	64.25	

(1) Longevity Pay - Employees are eligible to receive longevity based on continuous years of employment according to the dates and rates below:
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**Annual timebase payrate is rounded up to the nearest whole dollar, while all other timebase payrates are rounded to the nearest cent*

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Human Resources

DATE:	July 25, 2023
FROM:	Mandy Kellogg, Administrative Services Director
SUBJECT:	Proposed Approval of a Resolution (1) Memorializing an Agreement to the Memorandum of Understanding Between the City of St. Helena and the Police Officers' Association (POA) for a Three-year Contract Commencing on July 1, 2022 and Expiring on June 30, 2025 and (2) Adopting and Approving Publicly Available Pay Schedule in Accordance with the Requirement of California Code of Regulations, Title 2, Section 570.5, for the Police Officers' Association Member Classifications.
RECOMMENDED ACTION:	Staff recommends approval the attached resolution.
PREVIOUS COUNCIL ACTION:	June 28, 2022 - Approval of MOU June 13, 2023 - Adoption of Budget
STATEMENT OF THE PURPOSE:	The purpose it to approve and adopt POA salary schedules effective July 1, 2023 and January 1, 2024 in accordance with the approved salary increases outlined in the Memorandum of Understanding.
FINANCIAL IMPACT:	The approved MOU estimated the FY 2023-24 budget impact to be $133,155 and is broken down as follows: General Fund (101) - $123,893 Prop 56 Fund (277) - $10,058 The additional fiscal impact of the action to increase the Police Officer and Sergeant classifications by 19.4% and 14.8% respectively is an increase of $133,917 as follows: General Fund (101) - $120,179 Prop 56 Fund (277) - $13,917 The total increase has been included in the Fiscal Year 2023-24 and 2024-25 annual budget adopted by City Council on June 13, 2023 via Resolution 2023-66.

BACKGROUND:

The City of St. Helena contracts with the California Public Employees Retirement System (CalPERS) to provide retirement benefits for its employees. As a public employer, the City must abide by the Government Code when establishing and reporting employee

compensation. The California Code of Regulations (CCR) Title 2, Section 570.5 (Section 570.5) provides that each pay schedule meets the following requirements:

- Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meeting laws.
- Identifies the position title for every employee position.
- Shows the pay rate for each position.
- Indicates the time base for each pay rate.
- CalPERS uses the City's pay schedules to determine final compensation and to calculate retirement benefits for the City's employees. Inaccurate pay schedules could negatively impact an employee's final retirement calculation or delay receipt of the appropriate retirement compensation.

Based on salary adjustments scheduled in the St. Helena Police Officers' Association Memorandum of Understanding it is necessary to adopt new salary schedules for Fiscal Year 2023-24 effective July 1, 2023 and January 1, 2024.

DISCUSSION:

Scheduled Salary Adjustments

The St. Helena Police Officers' Association (POA) Memorandum of Understanding (MOU) effective July 1, 2022 – June 30, 2025 was ratified on June 28, 2023 and authorized salary adjustments throughout the term of the agreement.

The approved MOU provides an annual Cost of Living Adjustments (COLA) made on July 1st of each year of the agreement. Fiscal Year 2023-24 includes a COLA as follows:

- 7/1/23 - San Francisco/Oakland/Hayward CPI-U (April/April) minimum increase of 3% and a maximum increase of 5%

Based on data collected from the U.S. Bureau of Labor Statistics the San Francisco/Oakland/Hayward CPI-U (April/April) for the FY 2023-24 calculations is 4.2%.

The approved MOU also provides equity adjustments in Fiscal Year 2023-24. The City will provide equity adjustments for POA represented positions until each classification is within 5% of salary market median (95%) based on updated information from Ralph Anderson & Associates. Annual CPI increases for both City of St. Helena and the market jurisdictions (refreshed annually) are to be considered for purposes of this calculation. Equity adjustments will take place every six months until each classification is within the range and will be as follows:

- 7/1/23 - 2% equity adjustment
- 1/1/24 - 2% equity adjustment

July 1st equity adjustments will be combined with the COLA for salary adjustment calculations.

Police Officer and Sergeant Classifications Salary Adjustments

Police Officers are currently working mandatory overtime to cover shifts as a result of staffing shortages. These ongoing demands leads to burnout and stress, which significantly impact the ability to retain existing employees.

In order to combat these challenges, Police Departments throughout California are offering increased salaries, signing bonuses to new officers ranging from $5,000 - $75,000, educational stipends, student loan forgiveness, and other incentives in order to fill their ranks.

Therefore, City staff recommended that the Police Officer classification be increased by 19.4% and the Sergeant classification by 14.8% effective July 1, 2023 to aid with retention and competitive recruiting efforts. These recommended salary adjustments will be in lieu of the originally programmed COLA and equity adjustments as detailed in terms of the Side Letter Agreement to Memorandum of Understanding between the City of St. Helena and St. Helena Police Officers' Association Dated July 1, 2022 through June 30, 2025 (Attachment A).

The attached updated Salary Schedules reflects the July 1, 2023 COLA (Attachment B) and equity adjustment of a maximum of two percent (2%) base salary increase for the following classifications effective July 1, 2023 (Attachment B) and January 1, 2024 (Attachment C).

In addition, the POA and the City agreed to amend the comparable cities utilized to obtain Labor Market Salary Survey as follows:

Previous Cities	**New Cities**
Calistoga	Calistoga
Napa	Napa
Healdsburg	Healdsburg
Santa Rosa	Santa Rosa
San Rafael	San Rafael
Benicia	American Canyon
Albany	Fairfield
Cotati	Novato
Larkspur	Petaluma
Mill Valley	Rohnert Park
Napa County	Vacaville
San Anselmo	Yountville
Sonoma	
Windsor	

The new cities more accurately reflect our employment market in terms of where our employees reside, where we recruit employees from, and agencies that St. Helena is competing with for employees. By adjusting the comparable cities, our labor market data

will more accurately establish the City's competitive status and with appropriate adjustments, assist with retention and recruitment of employees.

DOCUMENTS ATTACHMENTS:

Resolution FY23-24 Updated POA Salary Schedules
Attachment A - Side Letter Agreement of MOU Between City and POA
Attachment B - FY23-24 POA Salary Schedule Effective 2023.07.01
Attachment C - FY23-24 POA Salary Schedule Effective 2024.01.01

CITY OF ST. HELENA

RESOLUTION NO. 2023-__

Memorializing an Agreement to the Memorandum of Understanding Between the City of St. Helena and the Police Officers' Association (POA) for a Three-year Contract commencing on July 1, 2022 and expiring on June 30, 2025 and duly adopting and approving publicly available pay schedule for St. Helena Police Officers' Association in accordance with the requirement of California Code of Regulations, Title 2, Section 570.5, which includes revised salary schedules for the St. Helena Employees Association effective July 1, 2023 and January 1, 2024.

RECITALS

A. The City of St. Helena contracts with the California Public Employee' Retirement System ("CalPERS") to provide retirement benefits for its employees; and

B. Pursuant to California Code of Regulations, Title 2, Section 570.5, CalPERS requires governing bodies of local agencies contracting with CalPERS to approve and adopt a publicly available pay schedule in accordance with public meeting laws; and

C. During negotiations with the various bargaining units the City Council authorized a COLA up to 5% Based on data collected from the U.S. Bureau of Labor Statistics the San Francisco/Oakland/Hayward CPI-U (April/April), which was 4.2% effective July 1, 2023; and

D. City Council authorized up to a 2% Equity Adjustment on July 1, 2023 and January 1, 2024 for qualified positions; and

E. July 1st equity adjustments will be combined with the COLA for salary adjustment calculations; and

F. Staff recommended that the Police Officer and Sergeant classifications receive a 19.4% increase and 14.8% increase respectively effective July 1, 2023 to aid with retention and competitive recruiting efforts; and

G. Memorialize the Side Letter Agreement to Memorandum of Understanding between the City of St. Helena and St. Helena Police Officers' Association Dated July 1, 2022 through June 30, 2025.

RESOLUTION

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

1. The City Council memorializes the Side Letter Agreement to Memorandum of Understanding between the City of St. Helena and St. Helena Police Officers' Association Dated July 1, 2022 through June 30, 2025; and

2. That the City of St. Helena Publicly Available Salary Schedules as follows:

    a. Attachment A – St. Helena Employees Association Salary Schedule Effective July 1, 2023
    b. Attachment B – St. Helena Employees Association Salary Schedule Effective January 1, 2024

    are hereby approved and adopted in accordance with the requirements of California Code of Regulations, Title 2, Section 570.5, and

3. That the City of St. Helena Publicly Available Salary Schedule will be posted on the City's website and will be made available for public inspection for not less than five years.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023, by the following vote:

Mayor Paul Dohring: _____

Vice Mayor Eric Hall: _____

Council Member Anna Chouteau: _____

Council Member Lester Hardy: _____

Council Member Billy Summers: _____

APPROVED:

_____
Paul Jamison Dohring, Mayor

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

ATTACHMENT A

SIDE LETTER AGREEMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ST. HELENA AND ST. HELENA POLICE OFFICERS' ASSOCIATION DATED JULY 1, 2022 THROUGH JUNE 30, 2025

The City of St. Helena (City) and St. Police Officers' Association (POA) have met and conferred and hereby make the following changes to the terms and conditions of employment in the current Memorandum of Understanding (MOU) as follows:

1. The City and the POA agree to amend the comparable cities utilized to obtain the Labor Market Salary Survey as follows:

Previous Cities	New Cities
Calistoga	Calistoga
Napa	Napa
Healdsburg	Healdsburg
Santa Rosa	Santa Rosa
San Rafael	San Rafael
Benicia	American Canyon
Albany	Fairfield
Cotati	Novato
Larkspur	Petaluma
Mill Valley	Rohnert Park
Napa County	Vacaville
San Anselmo	Yountville
Sonoma	
Windsor	

2. As it pertains to the Police Officer and Sergeant classifications, in lieu of receiving the scheduled COLA increase on July 1, 2023 of 4.2%, equity adjustment on July 1, 2023 of 2.0%, and equity adjustment on January 1, 2024 of 2.0%, Police Officer and Sergeant classifications shall receive an increase on July 1, 2023 to adjust their salaries to competitive market salaries as follows:

Position Title	Salary Adjustment
Police Officer	19.4% increase
Sergeant	14.8% increase

All scheduled increases for these classifications shall resume on July 1, 2024.

3. All other terms of the current MOU shall remain in full force and effect.

St. Helena Police Officers' Association	City of St. Helena
Louis Montelli, President	Anil Comelo, City Manager

ATTACHMENT B

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Police Officers Association

Approved and Adopted July 25, 2023

Effective July 1, 2023

FY 2023-2024

		Steps				
Position	**Timebase***	**A**	**B**	**C**	**D**	**E**
Dispatcher	Annual	65,568	68,847	72,289	75,904	79,699
	Monthly	5,464	5,737	6,024	6,325	6,642
	Hourly	31.52	33.10	34.75	36.49	38.32
Dispatch Supervisor	Annual	78,707	82,642	86,774	91,113	95,669
	Monthly	6,559	6,887	7,231	7,593	7,972
	Hourly	37.84	39.73	41.72	43.80	45.99
Police Officer Trainee	Annual	55,456				
	Monthly	4,621				
	Hourly	26.66				
Police Officer	Annual	92,428	97,049	101,901	106,996	112,346
	Monthly	7,702	8,087	8,492	8,916	9,362
	Hourly	44.44	46.66	48.99	51.44	54.01
Sergeant	Annual	110,958	116,506	122,331	128,448	134,870
	Monthly	9,247	9,709	10,194	10,704	11,239
	Hourly	53.35	56.01	58.81	61.75	64.84

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

5 years - 2.5% of base salary

10 years - 5.0% of base salary

15 years - 7.5% of base salary

20 years - 10% of base salary

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

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

POST Intermediate Certificate - $150.00

POST Advanced Certificate - $275.00

POST Records Supervisor Certificate - $150.00

(4) Special Assignment Pay:

Motorcycle Officer, Range Master or Reserve Coordinator - $200.00 per month

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

Records Coordinator - 5% of regular salary

Canine, Officer Investigator Position, and School Resource Officer - 3% of base salary

Police Service Dog Handler - $228.13 per pay period

(5) Holiday Pay - Full-time employees will accrue 3.69 hours per pay period, which will be paid out each pay period at the employee's current hourly rate.

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

Sworn Personnel - $1,250.00

Dispatch and CSO Personnel - $1,000.00

Motorcycle Officers - 1 pair of Police motorcycle boots, 2 pairs of Police motorcycle pants, 1 Police motorcycle leather jacket, 2 sets of riding gloves (1 cold weather and 1 warm set) and Protective eyeglasses (not to exceed $150.00)

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

**Annual timebase payrate is rounded up to the nearest whole dollar, while all other timebase payrates are rounded to the nearest cent*

ATTACHMENT C

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE

Police Officers Association

Approved and Adopted July 25, 2023

Effective January 1, 2024

FY 2023-2024

		Steps				
Position	**Timebase***	**A**	**B**	**C**	**D**	**E**
Dispatcher	Annual	66,880	70,224	73,735	77,422	81,293
	Monthly	5,573	5,852	6,145	6,452	6,774
	Hourly	32.15	33.76	35.45	37.22	39.08
Dispatch Supervisor	Annual	80,281	84,295	88,510	92,935	97,582
	Monthly	6,690	7,025	7,376	7,745	8,132
	Hourly	38.60	40.53	42.55	44.68	46.91
Police Officer Trainee	Annual	55,456				
	Monthly	4,621				
	Hourly	26.66				
Police Officer	Annual	92,428	97,049	101,901	106,996	112,346
	Monthly	7,702	8,087	8,492	8,916	9,362
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**Annual timebase payrate is rounded up to the nearest whole dollar, while all other timebase payrates are rounded to the nearest cent*

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Administration

DATE:	July 25, 2023
FROM:	Cindy Tzafopoulos, City Clerk
SUBJECT:	Consideration and Proposed Approval of a Resolution: 1) Rescinding Resolution 2014-45 Protocol for Committees, Commissions and Boards; and 2) Rescinding Resolution 2022-72 Amending Council Rules of Procedure and Standards of Conduct; and 3) Combining and Reestablishing both the Rules of Procedure for the Conduct of Meetings for City Council, Boards, Committees and Commissions and Standards of Conduct
RECOMMENDED ACTION:	Staff recommends approval of the attached resolution
PREVIOUS COUNCIL ACTION:	July 8, 2014 Resolution 2014-45 Establishing the Protocol for Committees, Commissions and Boards August 9, 2022 Resolution 2022-72 Amending Council Rules of Procedure
STATEMENT OF THE PURPOSE:	The purpose is to combine and reestablish the City Council, Committees, Commissions and Boards Rules of Procedure for the Conduct of Meetings & Standards of Conduct.
FINANCIAL IMPACT:	None

BACKGROUND:

The City Council established the Protocols for the Committees, Boards and Commission on July 8, 2014 by resolution 2014.45. (Attachment 1).

The City Council's Rules of Procedure for the Conduct of Meetings & Standards of Conduct most recent amendment occurred on August 9, 2022 (Attachment 2).

DISCUSSION:

On October 11, 2022, the City Council appointed a subcommittee of Mayor Dohring and Council Member Hardy to work with the City Manager and City Clerk to address key items for effective rules of procedure for the conduct of meetings & standards of conducts for all elected and appointees of the City Council.

The subcommittee and staff focused on the following areas:

1. Refresh the format of the City Council agenda and staff reports to endeavor to provide additional clarity and/or information; and
2. Update the City Council Code of Conduct; and

3. Address the recent legislation change related to the Teleconferencing procedures; and
4. Combine the City Council, Boards, Committees & Commissions Rules of Procedure for the Conduct of Meetings & Standards of Conduct.

Staff provided in Attachments 3 and 4 redline and clean versions of the proposed *City Council, Boards, Committees & Commissions Rules of Procedure for the Conduct of Meetings & Standards of Conduct*. Attachment 5 is Rosenberg's Rules of Order.

DOCUMENTS ATTACHMENTS:

Attachment 1 - 2014-45 Approving the City of St. Helena Protocol for Committee, Commissions and Boards and Related Documents
Attachment 2 - 2022-72 AMENDING COUNCIL RULES FOR SELECTION PROCESS OF CITY BOARDS COMMITTEES AND COMMISSIONS
Attachment 3 - 2023 Rules of Procedure and Conduct Exhibit A - Redlined
Attachment 4 - 2023 Rules of Procedure and Conduct Exhibit A - Clean
Attachment 5 - Rosenberg's Rules of Order Simple Parliamentary Procedures for the 21st Century
Attachment 6 Resolution

CITY OF ST. HELENA

RESOLUTION NO. 2014-45

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

WHEREAS, the City Council has a created a number of committees, boards and commissions, including the Planning Commission, the Parks and Recreation Commission, the Library Board of Trustees, the Tree Committee, the Sustainability Committee, the Multicultural Committee, the Active Transportation Committee, and the Water Board; and

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

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

WHEREAS, at its regular meetings of November 27, 2012, January 23, 2013, July 23, 2013, and June 10, 2014, the City Council discussed a draft City of St. Helena Protocol for Committees, Commissions and Boards, and received public testimony on the draft Protocol.

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

PASSED, APPROVED and **ADOPTED** at a regular meeting of the City Council of the City of St. Helena held on the 8th of July, 2014 by the following vote:

AYES:	Councilmember: White, Sculatti and Mayor Nevero
NOES:	None
ABSENT:	Councilmember: Crull and Pitts
ABSTAIN:	None

APPROVED: ATTEST:

Ann Nevero
Mayor

Cindy Black
Interim City Clerk

CITY OF ST. HELENA Incorporated March 21, 1878 Re-Incorporated May 14, 1888 STATE OF CALIFORNIA

1

City of St. Helena Protocol

for

Committees, Commissions and Boards (CCB)

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

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

ROLE AND PURPOSE

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

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

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

MEMBERSHIP AND COMMITTEE STRUCTURE

The City Council defines the membership size by resolution or ordinance when establishing a committee. A committee consists of a minimum of five and a maximum of seven members, except the Planning Commission which consists only of five regular members. The Council may appoint up to two alternate members to serve on a committee in order to ensure a quorum can be reached if members cannot attend. City Council members and staff shall not sit as members on any committees. However,

the City Council may, in its discretion, appoint two Council members in the composition of a City Council subcommittee for a specific purpose.

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

Residency. Committee members must reside within the St. Helena City limits. The Council may approve an exception to this rule on a case-by-case basis. All five Planning Commissioners must live within the St. Helena City limits.

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

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

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

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

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

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

MEETING ADMINISTRATION

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

Quorum and Voting. A quorum is required to hold a meeting. A quorum is defined as the majority of the number of members, not counting alternates, which officially comprise a committee. Absences and vacancies do not change the quorum number. For example, if a committee is established with five members, the quorum is three members. If there are two vacancies on the committee, the quorum is still three members.

If a committee meets but does not have a quorum, either through lack of a quorum at the start of the meeting or due to members leaving the meeting, the committee may not conduct its regular business. In these instances, the committee may only act to adjourn to the next meeting date, recess, or take measures to obtain a quorum.

A majority vote is required to approve any action by the committee, unless otherwise required by law.

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

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

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

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

CITY COUNCIL REPORTS

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

PROFESSIONALISM AND MEETING BEHAVIOR

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

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

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

THE BROWN ACT AND CONFLICT OF INTEREST RULES

The Brown Act

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

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

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

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

Conflicts of Interest/Due Process

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

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

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

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

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

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

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

City of St. Helena

Meeting Ground Rules

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

[COMMITTEE NAME]

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

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

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

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

4) **SCHEDULED MATTERS:**

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

5) **REPORTS AND ANNOUNCEMENTS BY MEMBERS AND STAFF**: Reports by staff and/or [Committee] members on items of general interest. Brief questions for clarification may be posed and answered, and [Committee] members may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the [Committee].

   [List with approximate time allocated for each item]

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

7) **ADJOURNMENT**

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

_____

Cindy Black, Interim City Clerk

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

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

2) **ROLL CALL**:

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

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

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

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

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

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

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

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

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

SUBMITTED BY:

Committee Standards of Conduct

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

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

Responsibilities of Committee Service

In carrying out the responsibilities, committee members shall:

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

Committee Behavioral Norms

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

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

Committee/Staff Relationships and Conduct

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

RESOLUTION NO. 2022- 72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA AMENDING THE COUNCIL RULES OF PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS AND CITY COUNCIL STANDARDS OF CONDUCT TO AMEND THE SELECTION PROCESS FOR CITY BOARDS, COMMITTEES AND COMMISSIONS

WHEREAS, on May 11, 2021, the City Council adopted Resolution No. 2021-63, adopting the most recent version of the City Council Rules of Procedure for the Conduct of Council Meetings & Standards of Conduct (the "Rules of Procedure"); and

WHEREAS, the Rules of Procedure include a process for making appointments to City boards, committees and commissions, including the process of considering and evaluating applications for those positions; and

WHEREAS, the City Council desires to amend the process for considering and evaluating applications for City boards, committees and commissions as set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED The City Council of the City of St. Helena, California, does resolve as follows:

SECTION 1. Recitals. The City Council of the City of St. Helena hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Amendment to Section 2.25 of the Rules of Procedure. The third paragraph of Section 2.25 of the Rules of Procedure is hereby amended to read as follows:

[OPTION 1:

Council reviews applicants for appointments to Commissions, Committees and Boards based on interviews and qualifications. ~~Council shall rank all applicants from highest to lowest and appoint by ballot process.~~ At a council meeting following completion of the interviews, the Council shall discuss the applicants and open positions, including the Council members' preferences for applicants. Following these deliberations, the Mayor shall nominate applicants and appointments are subject to approval by the majority of Council.]

SECTION 3. Rules of Procedure Remain in Effect. Except as modified and amended by this Resolution, all other provisions of the Rules of Procedure shall remain unchanged and in full force and effect.

SECTION 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of St. Helena, California, at a regular meeting held on this 9th day of August, 2022, by the following vote:

Mayor Ellsworth:	Absent
Vice Mayor Dohring:	Yes
Councilmember Chouteau:	Yes
Councilmember Hall:	Yes
Councilmember Hardy:	Yes

PAUL JAMISON DOHRING,
VICE MAYOR

ATTEST:

CINDY TZAFOPOULOS, CITY CLERK

CITY OF ST. HELENA
Incorporated March 24, 1878
Re-incorporated May 14, 1899
STATE OF CALIFORNIA

Exhibit A

CITY COUNCIL, -BOARDS, COMMITTEES & COMMISSIONS

RULES OF PROCEDURE FOR THE CONDUCT OF ~~COUNCIL~~ MEETINGS

&

STANDARDS OF CONDUCT

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Exhibit–*Rosenberg's Rules of Order*: Simple Parliamentary Procedures for the 21st Century

1. PURPOSE

The purpose for establishing City Council Protocols is to provide an effective environment for the City Council to provide leadership. The protocols may be amended by resolution adopted by a majority vote of the Council Members and should be reviewed on a regular basis to ensure that the document remains helpful to the Council by providing a framework for effective leadership.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the Council Members when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

1.1 Council-Manager Form of Government

The City of St. Helena operates according to the Council-Manager form of government which vests authority in an elected City Council which, in turn, hires an appointed executive, the City Manager. The City Council is composed of five members elected from the City on a nonpartisan basis to serve overlapping four-year terms. The Mayor is elected at-large to serve a two-year term as presiding officer at City Council meetings and as the official head of the City for legislative and ceremonial purposes. The City Manager is appointed by the City Council and serves at the pleasure of that body.

The City Council is the City's legislative and policy-making body. Acting as a whole, the City Council is responsible for setting the direction of City policy and for adopting ordinances, resolutions and other orders as necessary for governing the City. The City Manager is responsible for the overall administration of the City, which includes implementation of the general policies set by the City Council in addition to the day-to-day operation of all City functions. The City Manager, with the help of the Staff, provides the City Council with the information needed to fulfill its policy-making role.

The Council-Manager form of government separates legislative and executive responsibilities in a manner similar to state and federal governments. This system provides "checks and balances" of both policy and administrative branches of government by limiting the power of each.

1.2 City Council Vision and City Council Mission

Council Vision

St. Helena strives to be a diverse, inclusive, family-friendly, economically and environmentally sustainable community which prudently manages all of its resources, continues to improve its infrastructure, ensures its water security, provides a full range of housing, business, cultural and

recreational opportunities and cherishes its historic, small-town character, beautiful natural environment and high quality of life.

Council Mission

The City of St. Helena is dedicated to serving its citizens by:

- Promoting a culture of equity, diversity and inclusion
- Supporting thriving families and ensuring the health and wellbeing of our youth
- Ensuring our long-term economic sustainability and focusing on new and diverse sources of revenue
- Preventing, preparing for, and mitigating fire and other local emergencies
- Improving and maintaining City infrastructure
- Updating our water management policies to ensure an adequate water supply
- Responding innovatively to climate change challenges and adopting environmentally sustainable best practices
- Preserving our historic, small-town, rural character
- Expanding recreational, active transportation and cultural opportunities
- Facilitating innovative, well-designed housing for residents of all backgrounds, ages and income levels
- Encouraging full civic participation and ongoing communication
- Strengthening regional collaboration with other public entities and building partnerships with local service providers and stakeholders

(See Resolution Number 2021-__, dated May 11, 2021.)

2. RULES OF PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

2.1 Regular Meeting

The Council shall hold a Regular Meeting on the second and fourth Tuesday of each month, except that the Council may by motion at a Regular Meeting and with adequate public notice, either cancel that meeting or reschedule it to some other date.

Regular Meetings shall be held at the Vintage Hall Board Room, 465 Main Street, St. Helena, and shall begin at 6:00 p.m. If it is necessary to hold a closed session prior to the start of a Regular Meeting, the closed session may begin earlier than the normal starting time to allow the Regular Meeting to begin at 6:00 p.m. Closed session may also occur after a regular meeting was adjourned or outside of a regular meeting day. The closed session shall begin in an open meeting and the Council shall adjourn to closed session.

2.2 Special, Emergency, and Adjourned Meetings

(a) **Special Meetings**. The Mayor or the Vice Mayor in the Mayor's absence or a majority of the members of the Council or the City Manager may at any time call a Special Meeting. At least twenty-four hours before a Special Meeting, written notice of the meeting stating its time and place and the subjects to be considered shall be (a) delivered to the Mayor and each Councilmember personally or by any other means; (b) posted on the Council's principal bulletin board, City website and place of meeting; and (c) emailed to the agenda subscribers. Only those items of business specified in the notice may be considered at a Special Meeting called in this manner.

(b) **Emergency Meeting.** The Council may hold an Emergency Meeting in emergency situations as set forth in the City's Municipal Code and State Law.

(c) **Adjourned Meeting**. A properly called Regular, Special, or Emergency Meeting may be adjourned to a time and place specified. A copy of the notice of adjournment shall be posted as specified on the door of the place where the meeting was held within twenty-four hours after the time of the adjournment. Further notice need not be given of an adjourned session of a properly called Regular, Special, or Emergency Meeting.

2.3 Regular Meeting Agenda

(a) **Setting and Posting of Agenda.** The agenda of business to come before the Council at a Regular Meeting shall normally be closed at the end of eighteen business days preceding the meeting. Under State Law the agenda for a Regular Meeting must be posted at least seventy-two (72) hours prior to the scheduled convening of the Regular Meeting, and no items may be added to the agenda fewer than seventy-two (72) hours prior to the meeting except as may be allowed by State Law. The City Council endeavors to publish the meeting agenda ~~at least ten days~~as early as possible prior to the meeting, but no later than 72 hours in advance.

(b) **Placing Items on the Council Agenda.** Each City Council agenda shall specifically provide for a discussion of Future Agenda Items. Any Council Member may request that an item be considered on a future agenda during that portion of the City Council meeting and, upon agreement by a second Council Member concurring that Staff time and City resources should be expended on the item, the item shall be placed on the soonest practical regularly scheduled Council meeting as determined by the City Manager. A member of the public may request that an item be placed on a future agenda during Public Forum or through other communication with a Council Member. Staff reports may not be prepared on Council Member requested items until Council discussion has occurred and direction provided by the Council unless Staff otherwise

determines. If Council action is contemplated, proposed action shall be included in the Staff report. The City Manager may also add any item of business to a future agenda in his or her sole discretion.

(c) **Agenda Packet Distribution.** Each Councilmember shall be furnished an e-agenda ~~copy of the agenda and the package of agenda material~~ by no later than 5:00 p.m., on the Friday~~Friday~~ prior to the regular meeting. However, staff will strive to publish the agenda as early as possible. The requirement is to publish 72 hours in advance meeting Brown Act guidelines.~~eleven days preceding a Regular Meeting, and T~~the agenda and agenda materials shall be available for public inspection and distribution or copying at that the time of publication. ~~Each Councilmember may opt out from receiving a paper agenda and instead receive and review the agenda electronically on a City issued iPad.~~ Any agenda materials not included in the agenda package by 5:00 p.m., that Friday shall be separately identified, and the Council may by majority vote continue such agenda item until the following meeting to allow for proper study of the materials.

(d) **Order of Agenda.** The business of the Council shall be taken up for consideration in substantially the following order except as may be otherwise ordered:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Adoption of the Agenda
5. Public Forum
6. Reports by Staff and City Council, Future Agenda Items and AB 1234 Reports
7. Presentations and Public Recognitions
8. Staff Briefing
9. Consent Items and Items Removed from Consent
10. Public Hearings
11. Old Business
12. New Business
13. ~~Items likely to be placed on the next or future meeting agenda.~~
14. City Council Reports
15. Adjournment

(e) A copy of the agenda and the package of agenda materials shall be made available for public inspection at City Hall. ~~and at the St. Helena Public Library~~ at or near the time they are circulated to the City Council.

2.4 Public Testimony and Comments Before the Council

(a) **Addressing the Council Generally.** Each person addressing the Council may give his or her name and address (optional) in an audible tone of voice for the record. Each person's comments are limited to four minutes except as provided in section (b) regarding land use Public Hearings. In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group. Speakers may not concede their allotted time to another speaker. The Mayor may extend time for the speaker.

(b) **Addressing Council at Land Use Public Hearings.** An applicant appellant at a land use Public Hearing shall be permitted to address the Council for 15 minutes following the Staff report. If there is a spokesperson for the opposition, the spokesperson shall be permitted to speak for 15 minutes. All other speakers are limited to four minutes each. Applicant shall first be permitted five minutes at close of public comments for rebuttal. If the applicant is the appellee the appellant shall have 15 minutes, the applicant appellee shall have 15 minutes, the appellant five minutes, and the applicant appellee five minutes.

(c) **Presentation by Spokesperson.** Whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Mayor to request that a spokesperson be chosen by the group to address the Council, and, in case additional matters are to be presented at the time by any other member of the group, to limit the number of persons so addressing the Council so as to avoid unnecessary repetition before the Council.

(d) **Irrelevant Testimony.** The Mayor shall rule out of order any testimony not relevant to the agenda item then under discussion.

(e) **Protocol.** The purpose of public testimony is for Councilmembers to benefit from the views of the public. Comments from the public should be directed towards the Council. Councilmembers and Staff should avoid entering into a dialogue with members of the public who may address the Council. Questions raised by members of the public may be referred to Staff.

(f) **Public Comment on Agendized Items.** Members of the public are entitled to speak on any item on the agenda during a Public Hearing on the subject matter opened by the Mayor. Each person is entitled to speak on any agenda item only once at any meeting, and the right to speak at the appropriate time waives any further right to address the Council on

that item at that meeting. Participation in debate on any item before the Council shall be limited to members of the Council, although Councilmembers may ask members of the public for additional information.

Written communications addressed to the City Council are to be referred to the City Clerk for:

Forwarding to the Council and posting to the appropriate agenda packet item. Written communication must be received at least three hours prior to the meeting to be included in the agenda packet. Written communication will not be read aloud at the meeting.

(g) **Public Comment on Non-Agendized Items.** Members of the public are entitled to speak on matters of municipal concern not on the agenda, during consideration of that portion of the meeting agenda entitled "Public Forum" when that item is called by the Mayor. Each person is entitled to speak on non-agendized items only once at any meeting. Brief questions by Councilmembers for clarifications may be posed and answered, and Councilmembers may make requests that items be placed on future agendas, but in accordance with State Law, no substantive discussion may take place unless and until the matter properly appears on the agenda.

2.5 Roll Call and Voice Votes

A roll call vote shall be taken on the approval of the Consent Calendar, the introduction of ordinances, and the adoption of ordinances, resolutions, and orders for the payment of money. Roll call votes shall be entered in the minutes of the Council showing those members voting yes, those voting no, and those abstaining or absent.

Any other motion may be passed by voice vote provided, however, that any Councilmember may request a roll call vote on any items to be voted on.

2.6 Consent Items

Those items on the agenda considered routine by the City Manager shall be grouped together under "Consent Items" and the recommended actions approved by a single vote of the Council. At the request of any Councilmember or any other person present at the meeting, a Consent Item shall be considered separately following approval of the remaining "Consent Items." Items approved under the heading "Consent Items" will appear in the Council minutes in their proper form, as if approved item by item.

2.7 Reports

Under the agenda heading “Reports” the City Manager, other City Staff, and Councilmembers may make reports on matters not on the agenda. Also at this time, Councilmembers or Staff may identify issues or agenda items that need to be addressed by the City Attorney during the meeting, and may propose future agenda items.

2.8 Closing Time of Council Meetings

Council meetings shall adjourn by 9:00 p.m. However, the Council may by majority vote extend the meeting up to an additional thirty minutes (9:30 p.m.) if the Council deems such extension necessary. A unanimous Council vote shall be required to extend the meeting past 9:30 p.m. and adjourn by 10:00 p.m. Otherwise, the meeting shall be adjourned to another day acceptable to the Council, or unfinished business may be continued to the next regular meeting.

2.9 Old Business

“Old Business” will include uncompleted items carried over from a prior meeting agenda and placed under this agenda heading for consideration.

2.10 New Business

The Council shall not consider any resolution, motion, or matter which does not affect the conduct of the business of the City of St. Helena or its corporate powers or duties as a municipal corporation nor shall the Council consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of California, the Congress of the United States or before any officer or agency of the State or Nation unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of St. Helena or its officers or employees as such.

2.11 Office of the Mayor

The Mayor shall preside at meetings of the Council, shall be entitled to vote on all matters, and shall be considered a Councilmember for all purposes, including the determination of whether a quorum is present. The Mayor will recognize members that wish to speak.

The Mayor shall have the following powers:

a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;

b) To enforce the Council’s rules regarding public testimony and to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;

c) To ensure that the public has reasonable opportunity to be heard;

d) To entertain and answer questions of parliamentary law or procedure;

e) To call a brief recess at any time;

f) To adjourn in an emergency;

g) To appoint a Vice Mayor subject to Council approval who shall serve during the term of the Mayor, and becomes the Mayor Pro Tempore in the Mayor's absence.

2.12 Office of Mayor Pro Tempore

A Councilmember who serves as Mayor pro tempore shall be entitled to vote on all matters and shall be considered a Councilmember for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Mayor pro tempore shall have the Mayor's powers and duties. If the Mayor should become physically or mentally unable to perform the duties of his or her office, the other Councilmembers may by unanimous vote declare the Mayor is incapacitated and confer the Mayor's powers and duties on the Mayor pro tempore.

When the Mayor declares that he or she is no longer incapacitated, and a majority of the Council concurs, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and the Mayor pro tempore are absent from a meeting, the Council may elect from among its members a temporary chair to preside at the meeting.

2.13 Action by the Council

Action by the Council shall be by motions made and voted upon. A motion shall require a second. The Mayor and any other Councilmember may make or second a motion. A substantive motion is out of order while another substantive motion is pending.

2.14 Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of California. Resolutions, orders for the payment of money, and all ordinances require at least three votes for passage.

2.15 Discussion

The City Council shall address an agenda item as follow:

(a) Staff shall introduce the agenda item and present the Staff report.

(b) City Council shall ask questions of Staff.

(c) The Mayor will invite public comment on the item.

(d) Having received all public testimony, the Council will deliberate on the matter.

(e) If appropriate, the Mayor will entertain a motion, including any motion proposed by the Mayor.

(f) If a motion has received a second, the Mayor shall state the motion and if any Council Member wishes for the discussion, open for additional Council discussion.

(g) The Mayor shall preside over the discussion according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A person who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the discussion shall alternate between opponents and proponents of the measure.

2.16 Ratification of Actions

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

2.17 Procedural Motions

(a) In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

(b) To Adjourn. The motion may be made only at the conclusion of action of a pending substantive matter; it cannot interrupt deliberation of a pending matter.

(c) To Take a Brief Recess.

(d) Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

(e) To Suspend the Rules. The motion requires for adoption a vote of a majority of the quorum of the Council. The Council may not suspend provisions of the rules that are state requirements imposed by law on the Council.

(f) To Divide a Complex Motion and Consider It by Paragraph.

(g) To Call the Previous Question. The motion is not in order until every member has had an opportunity to speak once.

(h) To Continue an Item to a Future Meeting Certain.

(i) To Refer to Staff for Action.

(j) To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if the amended motion has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last amendment is disposed of by a vote.

(k) To Reconsider. The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain, or at the next Regular Meeting unless intervening actions taken based on the original action make such reconsideration impracticable. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

(l) To Rescind or Repeal a Previous Action. A motion to rescind or repeal a previous action is not in order if the rescission or repeal is forbidden by law or made inappropriate by virtue of actions taken in accordance with the previous action.

(m) To call for a Straw Vote. The Mayor, at the Mayor's discretion, may call for a Straw Vote among members on any item prior to inviting public testimony or Council comment.

2.18 Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before a vote, with or without the consent of any "seconder" of the motion. However, any other Councilmember may ask to be considered the introducer of the motion and, if again seconded, debate may continue without further interruption.

2.19 Duty to Vote

Every member must vote on every item unless prevented from doing so by virtue of an actual or potential conflict of interest under applicable State Law. Any member who believes he or she has a conflict or potential conflict of interest must announce such at the initiation of discussion or when such conflict or potential conflict becomes apparent, and shall refrain from any part in the debate, deliberations, or voting on that issue, except as allowed by State Law.

2.20 Introduction and Passage of Ordinance

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Council. The Mayor shall read the title of the

ordinance, after which a roll call vote shall be taken to introduce the ordinance. The City Clerk shall then read the ordinance in its entirety unless such reading is waived by a separate motion adopted by unanimous vote of the Councilmembers present. An ordinance, other than an urgency, may not be passed within five days of its introduction or alteration. Corrections of typographical or clerical errors are not alterations.

2.21 Closed Sessions

(a) The Council may hold closed sessions only as provided for by law and according to the provisions herein.

(b) As part of any regular or special City Council meeting as appropriate, the City Council, the City Attorney, and relevant Staff may discuss and agree upon the need for any future closed sessions, including the legal authority for the closed session and the nature of the matter to be discussed, in adequate detail to meaningfully inform the public while maintaining required confidentiality and any applicable attorney-client privilege. Where the City Manager and City Attorney agree that the nature of a matter requires consideration in closed session, the requirement for prior open session discussion shall not apply.

(c) The City Council agenda for any regular or special Council meeting shall include general information about closed sessions as follows:

> The City Council will convene in open session at the stated time, but will then adjourn to address any closed sessions items listed on the agenda. The public is invited to address the Council with comment on any listed closed session item immediately prior to Council's adjournment into closed session or consistent with any other provisions permitting public comment. The Council will reconvene in Public Session at 6:00 p.m. or at the first Council meeting following any closed session. At that time, if appropriate and as required under the Brown Act, any actions taken during the preceding closed session will be announced by the City Attorney or Mayor. If necessary, the Council may reconvene in closed session to continue discussion of listed items following the completion of open session business.

(d) The City Council agenda for any regular or special Council meeting at which the Council will adjourn to closed session shall provide notice of that closed session as provided for under the Brown Act and shall include a narrative description of the legal authority for the closed session and the nature of the matter to be discussed in adequate detail to inform the public while maintaining required

confidentiality or any applicable attorney-client privilege. Reporting out of closed session shall be consistent with the requirements of Brown Act, and may be of greater detail than required when the disclosure of such detail is not inconsistent with maintaining required confidentiality and any applicable attorney-client privilege.

2.22 Quorum

A majority of the actual membership of the Council, including the Mayor but excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

2.23 ~~Telephonic~~ Teleconference Attendance Of Council Members At Council Meetings

(a) The City Council Procedures provisions concerning ~~Telephonic~~Teleconference Attendance shall apply to all Boards and Commissions as well as the City Council. Requests by Council Members to attend a Council meeting via ~~telephonic~~teleconference appearance are actively discouraged.

(b) Effective January 1, 2023, Assembly Bill 2449 amended the Brown Act, California Government Code Sections 54950 et seq., as it pertains to teleconference meeting participation by legislative body members.

- **Applicability**

(c) When a legislative body member wishes to attend a legislative meeting by teleconference under the provisions of Assembly Bill 2449, codified at California Government Code Section 54953(f) et seq., the following policies and procedures shall apply. Nothing herein is intended to prevent a member's ability to attend a legislative meeting remotely if such attendance is otherwise authorized by Government Code Section 54953.

- **Terms**

(d) "Chairperson" shall mean the Mayor or Chair of the legislative body, as applicable. "Vice-Chairperson" shall mean the Vice Mayor, or Vice-Chair of the legislative body, as applicable.

"City" shall mean City of St. Helena

"Description" shall mean a brief general description of a legislative body member's circumstances that warrant teleconference meeting attendance under the "Just Cause" exception or "Emergency Circumstances" exception, which need not exceed 20 words and

need not to disclose any medical diagnosis, disability, or exempt personal medical information. (GC 54953(f)(2)(A)(i)–(ii))

"Disclosure" shall mean an announcement by the Member, made during the legislative meeting where the Member will attend by teleconference, disclosing the presence of other individuals over the age of 18 in the room at the Member's teleconference location, and the general nature of the individual's relationship to the Member. (GC 54953(f)(2)(B))

"Legislative body" shall have the same meaning as prescribed by Government Code Section 54952, i.e. a body that is subject to the Ralph M. Brown Act." Meeting" and "legislative meeting" shall have the same meaning as prescribed by Government Code Section 54952.2, i.e. a meeting of a legislative body that is required to be noticed under the Ralph M. Brown Act.

"Member" shall mean a member of a legislative body.

"Notification" shall mean a notification from a legislative body member of the Member's need to attend a meeting by teleconference under the "Just Cause" exception. Notifications shall not require legislative body approval. (GC 54953(f)(2)(A)(i))

"Request" shall mean a request from a legislative body member that their legislative body actively approve their request to attend a meeting by teleconference under the "Emergency Circumstances" exception. (GC 54953(f)(2)(A)(ii))

"Teleconference" attendance at a legislative meeting, for purposes of this policy, shall be presumed to be accomplished by Zoom or the equivalent two-way audio-visual virtual software platform in use by the City at that time. "Teleconference" attendance shall mean attendance solely by virtual platform and shall not include a Member who attends a meeting in person and secondarily views the meeting by virtual platform. Provisions of this policy shall apply only to teleconference attendance under AB 2449 and shall not constrain the Member's ability to attend by teleconference under other sections of the Brown Act.

- **Available Exceptions for Teleconference Attendance**

The Member shall be responsible for determining which of the two available exceptions is applicable to the Member's need to attend by teleconference. The Member's determination shall not be investigated by staff as to the veracity of any such request or claim.

Such determination shall be subject to review by the legislative body alone. The available exceptions are:

1. "Just Cause" (GC 54953(f)(2)(A)(i))
2. "Emergency Circumstances" (GC 54953(f)(2)(A)(ii))

- **Exceptions Defined**

Exception #1: "Just Cause" circumstances are defined as any one of the following:

a. Caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely.

b. A contagious illness that prevents the member from attending in person.

c. A need related to a physical or mental disability.

d. Travel while on business of the legislative body or another state or local agency.

Exception #2: "Emergency Circumstances" are defined as a physical or family medical emergency that prevents a member from attending in person.

The foregoing definitions are set forth in this policy for convenience; in the event applicable law is changed to amend the nature of qualifying teleconference circumstances, the amended law shall supersede this section.

- **Limitation on Number of Uses**

Members may attend meetings by teleconference under AB 2449 no more than the following number of times per calendar year:

a. City Council: Four (4) meetings per year

b. Planning Commission: Four (4) meetings per year

c. All other Boards, Committees and Commissions: Two (2) meetings per year

The above limitations shall factor in all meetings noticed under the Brown Act, whether Regular, Special, Closed, Joint, or otherwise. In the event a Member attends by teleconference multiple, contiguous meetings held on the same date, each meeting shall be counted separately.

1. Notwithstanding any other provision, a Member may utilize the "Just Cause" exception no more than two (2) times per calendar year.

2. Notwithstanding any other provision, a Member may not attend meetings solely by teleconference for a period of more than three consecutive calendar months.

a. In the event a Member attends meetings solely by teleconference for a period of three consecutive calendar months, or attends meetings by teleconference the maximum number of allowable times per year, the Member must either attend in person; attend by other permissible teleconference provisions; or be counted as absent, for the remaining meetings in that calendar year.

- **Procedure for Legislative Body Members**

A Member wishing to avail themselves of the "Just Cause" exception shall adhere to the following:

1. Notification of the member's need to attend by teleconference, along with the required description of the circumstances creating the need, shall be made in writing prior to the meeting, and/or orally at the start of the subject meeting or during any prior meeting.

a. If the notification and description are delivered prior to the meeting, the Member shall submit the notification and description:

b. In writing by email;

c. To the entire legislative body, preferably to the body's group email address;

d. With a copy to staff.

Such communication to the entire legislative body shall be deemed to be not in violation of the Brown Act.

1. If the notification and description are delivered during a meeting prior to the meeting where the Member wishes to attend by

teleconference, the Member shall make the required notification and description during the Member Comments order of business.

2. If the notification and description are delivered at the start of the subject meeting, the Member shall be present on the teleconference platform at the time the meeting is convened, and at the prompting of the Chairperson, shall make the required notification and description during the meeting prior to the attendance roll call. (Refer to Section 3 below.)

3. The Member shall disclose the presence of any other adults in the room at the teleconference location, and the general nature of their relationship to the member, during the subject meeting. This requirement shall apply regardless of the timing of the notification and description.

4. A Member wishing to avail themselves of the "Emergency Circumstances" exception shall adhere the following:

a. A request that the legislative body approve the Member's request to attend by teleconference, along with the required description of the circumstances creating the need, shall be made in writing prior to the meeting, and/or orally at the start of the subject meeting.

b. If the request and description are delivered prior to the meeting, the Member shall submit the request and description:

- In writing by email;
- To the entire legislative body, preferably to the body's group email address;
- With a copy to staff.

Such communication to the entire legislative body shall be deemed to be not in violation of the Brown Act, so long as there is no discussion of any item of business within the legislative body's jurisdiction. Regardless, the legislative body's action to approve or deny the teleconference request must be taken during a noticed meeting.

b. If the request and description are made at the start of the subject meeting, the Member shall be present on the teleconference platform at the time the meeting is convened, and at the prompting of the Chairperson, shall make the required request and description during the meeting prior to the attendance roll call. (Refer to Meeting Procedures, below.)

5. The legislative body must move to approve or deny the request during the meeting prior to the attendance roll call. (Refer to Meeting Procedures, below.)

6. The Member shall disclose the presence of any other adults in the room at the teleconference location, and the general nature of their relationship to the member, during the subject meeting. This requirement shall apply regardless of the timing of the request and description.

7. Notwithstanding any other provision, teleconferencing Member(s) shall participate through both audio and visual technology. Members may mute their microphone while not speaking, but Members shall be visible through the visual technology at all times during the meeting. In the event a member is not visible, the member shall be noted as absent during that period.

- **Recordkeeping**

The Member shall be responsible for assuring that any description, notification, request, and/or disclosure related to teleconference attendance are made in a manner that may be placed into the meeting record.

1. To the extent that the Member's notification, description and/or request is delivered prior to the meeting, staff shall archive the written communication as agenda correspondence along with the meeting record.

2. To the extent that the Member's notification, description, request, and/or disclosure is delivered during a legislative meeting, staff shall record the same in the minute record, along with record of the legislative body's action to approve or deny any "Emergency Circumstances" requests.

3. The legislative body's Minute Clerk shall keep data regarding each Member's use of teleconference attendance provisions under

AB 2449, and apprise the Chairperson if any Member has reached their annual limit. (Refer to Limitation on Number of Uses, above.)

- **Meeting Procedures**

Business to be conducted by the legislative body relating to compliance with these regulations shall be conducted after the Call to Order, but prior to the attendance roll call, of the meeting where a Member will or may attend by teleconference. The Chairperson shall be responsible for the conduct of this portion of the meeting, with assistance from staff if needed. All related business shall be conducted in a manner that is evident to other meeting attendees and may be recorded in the meeting record. Such business to be conducted prior to attendance roll call shall include, and be conducted in substantially this form:

1. If any Member is not present in person and the Chairperson is not aware of the Member's planned absence, the Chairperson shall acknowledge that the Member either is, or may be, present on the teleconference platform.

2. If necessary, staff shall confirm whether the Member is present on the teleconference platform.

3. If the Member is present on the teleconference platform:

a. If the Member has made their notification or request in writing prior to the meeting: The Chairperson shall note for the record that the Member has submitted a notification and description of the need to attend the meeting by teleconference under the "Just Cause" exception; or made a request and description to be permitted to attend by teleconference under the "Emergency Circumstances" exception.

b. If the Member has not made their notification or request in writing prior to the meeting: The Chairperson shall prompt the Member make their notification of the need to attend the meeting by teleconference, and description of the circumstances giving rise to the need under the "Just Cause" exception; or make their request to be permitted to attend by teleconference, and description of the circumstances giving rise to the need under the "Emergency Circumstances" exception.

c. If the Member makes a request to be permitted to attend by teleconference under "Emergency Circumstances" exception, whether before or during the meeting:

i. Any Member present in person may move to add an item of business to the agenda on an urgency basis to allow the legislative body to act on the Member's request. If no motion is forthcoming, the Chairperson shall so move. Such action shall comply with Government Code Section 54954.2(b).

ii. Thereafter, the Chairperson shall ask the remaining Members to either approve or deny the request. Any Member may move approval or denial, but if no motion is forthcoming, the Chairperson shall so move. Members shall consider the request in good faith and shall not capriciously deny the request. The request shall be deemed approved if at least a majority (at least 2 of 3, or 3 of 4) of the Members present in person consent.

d. The Chairperson shall, finally, prompt the Member to disclose the presence of any other individuals over the age of 18 in the room at the Member's remote location, and the general nature of the individual's relationship to the Member. Notwithstanding any other provision, this disclosure shall be made on record during the meeting.

e. If the Member is not present on the teleconference platform; if the Member refuses to make the required requests or disclosures; or if the Member's request to attend under the "Emergency Circumstances" exception is made but not approved, the Member shall be recorded as absent. (Refer to Failure to Comply, below.)

f. This process shall be repeated for each Member not present in person who does, or may, wish to attend the meeting by teleconference.

g. The Chairperson shall then prompt the Meeting Clerk to proceed to attendance roll call.

4. In the event the Chairperson wishes to attend a meeting by teleconference, the Vice-Chairperson, if present in person, shall be responsible for performing the Chairperson's duties as outlined above. Thereafter, the teleconferenced Chairperson may chair the remainder of the meeting, or may ask that the Vice-Chairperson do so.

5. In the event both the Chairperson and Vice-Chairperson wish the attend the meeting by teleconference; or in the event the Chairperson wishes to attend by teleconference and the Vice-Chairperson is absent, an Acting Chairperson shall be selected from among the Members attending the meeting in person, in order to perform the Chairperson's duties as outlined above.

6. In the event three (3) or more Members attempt to join a meeting by teleconference; and/or in the event two (2) or fewer Members are present in person at the meeting location; staff shall announce that the meeting cannot be convened.

- **Failure to Comply; Enforcement Measures**

In the event a Member attempts to attend a meeting by teleconference in excess of the allowable number of times per year; in excess of three consecutive months; without making the necessary notices, requests, or disclosures; or if the Member's request to attend under the "Emergency Circumstances" exception is made but not approved, the Chairperson shall, at the start of the meeting prior to the attendance roll call, ask the remaining legislative body members for concurrence to disallow the Member's attendance at the meeting.

After such concurrence, staff shall permit the Member to remain on the teleconference platform, but shall demote the Member to a passive attendee, and note the Member as absent for the attendance roll call, and in the meeting record.

1. Repeated inability or refusal to comply with the provisions of this policy, or related laws, may be grounds for consideration of dismissal of an Advisory Body Member by the City Council.

2. In the event a Member's inability or refusal to attend a meeting by teleconference in compliance with this policy, or related laws, results in the Member being recorded as absent from the meeting, existing policies and laws regulating legislative body member absences (including Bylaw provisions for Advisory Body

Members, and Government Code Section 36513 for Council Members) shall apply.

- **Other Compliance Measures**

In addition to the above provisions relating the conduct of legislative body members, whenever at least one Member attends a meeting by teleconference under AB 2449, staff shall be responsible for other applicable compliance measures, including but not necessarily limited to the following:

1. Staff shall assure that each posted agenda provides, and describes, means by which all members of the public may observe or attend the meeting and offer public comment.

2. Staff shall assure that members of the public are allowed to make public comment in real time during all allotted public comment periods while attending at a Member's teleconferencing location, and shall give sufficient time for interested parties to indicate their interest in speaking, and request the Member to unmute their device, in order to allow them to comment via the teleconference platform.

3. Staff shall give notice of, and implement, a procedure for swiftly resolving requests for reasonable accommodations for individuals with disabilities.

4. All votes taken at a meeting where any Member attends by teleconference under the provisions of AB 2449 shall be taken by roll call vote.

- **Conflict Between Law and Policy**

In the event this policy conflicts with applicable state law, as exists or may be amended in the future, state law shall control, and the validity of the remaining sections of this policy shall be unaffected.

~~(a) Telephonic attendance shall only be permitted in the event of extraordinary events such as a medical, family or similar emergency requiring a Council Member's absence. In addition, at least a quorum of the Council must participate from a location within the City (Government Code Section 54953(b)(3)).~~

~~(b) If these two threshold requirements are met, the Council Member who will be appearing telephonically must ensure that:~~

~~1. The meeting agenda identifies the teleconference location and is posted at that location in an area that is accessible and visible 24 hours a day for at least 72 hours prior to the meeting.~~

2. The teleconference location is open and fully accessible to the public, and fully accessible under the Americans with Disabilities Act, throughout the entire meeting. These requirements apply to private residences, hotel rooms, and similar facilities, all of which must remain fully open and accessible throughout the meeting, without requiring identification or registration.

3. The teleconference technology used is open and fully accessible to all members of the public, including those with disabilities.

4. Members of the public who attend the meeting at the teleconference location have the same opportunity to address the Council from the remote location that they would if they were present in Council Chambers.

5. The teleconference location must not require an admission fee or any payment for attendance.

6. If the Council Member determines that any or all of these requirements cannot be met, he or she shall not participate in the meeting via teleconference.

(c) Approved Teleconference Guidelines for Council Members:

1. One-week advance written notice must be given by the Council Member to the City Clerk's office; the notice must include the address at which the teleconferenced meeting will occur, the address the Council packet should be mailed to, who is to initiate the phone call to establish the teleconference connection, and the phone number of the teleconference location. Cellular telephones shall not be used to participate in teleconferenced meetings.

2. The Council Member is responsible for posting the Council agenda in the remote location, or having the agenda posted by somebody at the location and confirming that posting has occurred. The City Clerk will assist, if necessary, by faxing or mailing the agenda to whatever address or fax number the Council Member requests; however, it is the Council Member's responsibility to ensure that the agenda arrives and is posted. If the Council Member will need the assistance of the City Clerk in delivery of the agenda, the fax number or address must be included in the one-week advance written notice above.

3. The Council Member must ensure that the location will be publicly accessible while the meeting is in progress.

4. The Council Member must state at the beginning of the Council meeting that the 72-hour posting requirement was met at the location and that the location is publicly accessible. The Council Member also must describe the location. Furthermore, the City

~~Clerk will provide Council with a quarterly report detailing the telephone charges associated with teleconferenced meetings.~~

2.24 Public Hearings

Public Hearings shall be scheduled and notice published without any action required by the City Council, excepting that the Council may, if it so desires, scheduled a Public Hearing on an item of interest for a date certain. In order to accommodate members of the public responding to a noticed Public Hearing, such Hearings will, to the extent practicable, begin at 6:00 p.m. At the time designated for the Public Hearing, or soon after as is practicable, the Mayor shall direct the attention of the Council Members to the Staff report and Staff may respond to questions from Council members, after which the Mayor shall formally open the Public Hearing and members of the public shall be allowed to speak in accordance with the rules set forth elsewhere in these Rules of Procedure. When the allotted time expires, or when no one wishes to speak who has not done so, the Mayor shall declare the hearing closed.

Following the close of the Public Hearing, the Council may discuss or take action on the matter in accordance with these rules. The Mayor may in his or her discretion allow questions and/or comments from the public after close of Public Hearing.

2.25 Appointments to Committees and Boards

The City Clerk posts a Notice of Vacancy in the City designated posting locations, the City's website and sends a Media Release to the St. Helena Star advertising vacancies to Commissions, Committees and Boards.

Applicants must submit a completed application to the City Clerk and shall be interviewed by the Council at a special meeting prior to a regular meeting. Applicants are requested to list references on their applications and individual Council Members may contact those references as part of the interview process. Council Members contacting references should disclose this information during the appointment process.

Council reviews applicants for appointments to Commissions, Committees and Boards based on interviews and qualifications. At a council meeting following completion of the interviews, the Council shall discuss the applicants and open positions, including the Council members' preferences for applicants. Following these deliberations, the Mayor shall nominate applicants and appointments are subject to approval by the majority of Council.~~Council reviews applicants for appointments to Commissions, Committees and Boards based on interviews and qualifications. Council shall rank all applicants from highest to lowest and appoint by ballot process. Mayor shall nominate applicants and appointments are subject to approval by the majority of Council.~~

Depending on the qualifications of the applicants and the needs of the City, there may be times when the City Council does not appoint an applicant who has applied. If an applicant is not appointed, the City Clerk will automatically readvertise for the vacant position(s) to seek additional applicants.

2.26 Protocol for Committees, Commissions and Boards (CCB)

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

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

ROLE AND PURPOSE

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

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

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

MEMBERSHIP AND COMMITTEE STRUCTURE

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

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

Residency. Committee members must reside within the St. Helena City limits. The Council may approve an exception to this rule on a case-by-case basis. All five Planning Commissioners must live within the St. Helena City limits.

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

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

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

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

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

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

MEETING ADMINISTRATION

- Committees should meet at a regular interval (day and time) and location to facilitate public attendance and to provide an accessible forum for the public to attend.

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

Quorum and Voting. A quorum is required to hold a meeting. A quorum is defined as the majority of the number of members, not counting alternates, which officially comprise a committee. Absences and vacancies do not change the quorum number. For example, if a committee is established with five members, the quorum is three members. If there are two vacancies on the committee, the quorum is still three members.

If a committee meets but does not have a quorum, either through lack of a quorum at the start of the meeting or due to members leaving the meeting, the committee may not conduct its regular business. In these instances, the committee may only act to adjourn to the next meeting date, recess, or take measures to obtain a quorum.

A majority vote is required to approve any action by the committee, unless otherwise required by law.

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

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

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

City Staff Liaison. The City Manager will designate a staff liaison to each committee. The liaison will be available to attend committee meetings at the request of the committee chair and with advance notice. The staff liaison's role is

to assist the committee in understanding City functions and requirements, such as state regulations, Municipal Code requirements, and conflict of interest and Brown Act requirements. The staff liaison ensures the continued flow of information regarding the City's efforts and progress on work that pertains to the committee's topic area. The staff liaison will collect and file committee records and minutes.

CITY COUNCIL REPORTS

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

City of St. Helena
Meeting Ground Rules

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

9. No negative body language or personal attacks

10. End on time

[COMMITTEE NAME]

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

1) CALL TO ORDER

2) PLEADGE OF ALLEGIANCE

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

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

5) **REPORTS AND ANNOUNCEMENTS BY MEMBERS AND STAFF**: Reports by staff and/or [Committee] members on items of general interest. Brief questions for clarification may be posed and answered, and [Committee] members may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the [Committee].

6) **CONSENT ITEMS**

6.1 **APPROVAL OF MINUTES**: [Date of minutes]

7) **NEW BUSINESS:**

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

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

9) **ADJOURNMENT**

The next regularly scheduled [Committee] meeting will be held on [Date]. This agenda was posted at 1088 College Avenue, St. Helena, CA 94574, and or/at [location where meeting will be held] on [Date].

_____

Name, Staff Liaison

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

2.26 Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

All procedural matters not otherwise provided for in or controlled by state law or by any ordinance, resolution, rule or regulation of the City shall be governed by Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century (attached as Exhibit). However, no ordinance, resolution, or other action of the Council shall be invalidated or the legality thereof otherwise affected by the

failure or omission of the Council to observe or follow such rules. Certain procedures relating to motions, agenda item discussion, debate, and courtesies contained in *Rosenberg's Rules of Order:* Simple Parliamentary Procedures for the 21st Century are incorporated into this document, except to the extent they are modified by this Protocol document.

3. CITY COUNCIL STANDARDS OF CONDUCT

3.1 Policy Purpose

The St. Helena City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of St. Helena's City government.

3.2 Ethics

The citizens and businesses of St. Helena are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, City Treasurer, and City Clerk and of all Boards, Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

(a) **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of St. Helena and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.

(b) **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of California and the City of St. Helena in the performance of their public duties.

(c) **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives

of other members of Council, Boards, Committees and Commissions, the Staff or public.

(d) **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.

(e) **Conduct at Public Meetings.** Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand.

(f) **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.

(g) **Communication.** Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.

(h) **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Mayor and the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

(i) **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

(j) **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

(k) **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City Staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.

(l) **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

(m) **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When communicating in their individual capacity and presenting their individual opinions and positions on public policy matters within the jurisdiction of the City of St. Helena, members shall explicitly state they do not represent their body or the City of St. Helena, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected

offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.

(n) **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of St. Helena City government as outlined in the St. Helena City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City Staff, Boards, Committees and Commissions, and the public. Except as provided by the City Code, members shall not interfere with the administrative functions of the City or the professional duties of City Staff; nor shall they impair the ability of Staff to implement Council policy decisions.

(o) **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.

(p) **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to Staff.

(q) AB 1234—Required Ethics Training

AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. Staff members listed on the conflict of interest code must also complete the training. It is the City's policy to emphasize the importance of ethics in government and although not required, it is highly encouraged that all advisory body members, including Committees and Commissions, adhere to the same requirements.

The training must occur within two months of assuming office and be renewed within two months of the expiration of the current certificate. The training must cover general ethics principles relating to public service and ethics laws including:

- Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);

• Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources, and prohibitions against gifts of public funds;
• Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act);
• Laws relating to fair processes, including fair contracting requirements, common law bias requirements, and due process.

~~(p)~~

3.3 Code of Ethics and Conduct

The Code of Ethics and Conduct are designed to describe the manner in which elected and appointed officials should treat one another, City Staff, constituents, and others they come into contact with while representing the City of St. Helena.

(a) Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

1. *Honor the role of the chair in maintaining order*
   It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

2. *Practice civility and decorum in discussions and debate*
   Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

3. *Avoid personal comments that could offend other members*
   If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that

challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

4. *Demonstrate effective problem-solving approaches*
   Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(b) Elected and Appointed Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

1. *Be welcoming to speakers and treat them with care and gentleness.*
   a. While questions of clarification may be asked, the official's primary role during public testimony is to listen.

2. *Be fair and equitable in allocating public hearing time to individual speakers.*
   a. The chair will determine and announce limits on speakers at the start of the public hearing process.

3. *Practice active listening*
   a. It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

4. *Maintain an open mind*
   a. Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

5. *Ask for clarification, but avoid debate and argument with the public*

a. Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

(c) Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City Staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

1. *Treat all Staff as professionals*
    a. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards Staff is not acceptable.

2. *Do not disrupt City Staff from their jobs*
    a. Elected and appointed officials should not disrupt City Staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City Staff meetings unless requested by Staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate Staff, and hampers Staff's ability to do their job objectively.

3. *Never publicly criticize an individual employee*
    a. Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about Staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding Staff to the City Manager or the Mayor.

4. *Do not get involved in administrative functions*
    a. Elected and appointed officials acting in their individual capacity must not attempt to influence City Staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

5. *Do not solicit political support from Staff*
    a. Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City Staff. City Staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

6. *No Attorney-Client Relationship*
    a. Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her Staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

(d) Council Conduct with Boards, Committees and Commissions

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

1. *Respect Role of Liaison to City's Boards, Committees and Commissions*

    Several of the City's Boards, Committees and Commissions have a Council Member who serves as its Council liaison. The City Council will collectively review and approve liaison appointments annually. Council Members serving as liaisons should act as an advisor and resource to committee/board/commission members and the committee/board/commission's Staff liaison when issues regarding process, procedure, attendance, interpersonal or public relations arise.

2. *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*

    The City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers (whether or not they are serving as liaisons), nor should Councilmembers feel they have the power or right to

threaten Board, Committee and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with Staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."

3. *Be respectful of diverse opinions*

   A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.

4. *Keep political support away from public forums*

   Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

(e) Elected and Appointed Officials' Conduct With Each Other and the Public in Private Encounters

1. *Continue Respectful Behavior in Private*

   The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions, and set forth above in subsections (a) through (d), should be maintained in private conversations, including telephone calls, texts, e-mails or other forms of communication. Council Members and appointed officials shall refrain from abusive conduct, intimidation, bullying tactics, personal charges, or verbal attacks upon the character or motives of other members or the public.

2. *Be Aware of the Insecurity (Non-Confidentiality) of Written Notes, Texts, Voicemail and E-mail*

   Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message was played on a speakerphone in a full office? What would happen if this E-mail or text message were forwarded to others? Written notes, voicemail messages, texts and E-mail should be treated as potentially "public" communication.

3. *Understand that Even Private Conversations can have Public Presence*

Elected and appointed officials are always on display — their actions, demeanor, fitness, mannerisms, language and timing and form of communication are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, late-night e-mails will be questioned and casual comments between individuals before and after public meetings noticed.

3.4 Enforcement and Sanctions

(a) Acknowledgement of Code of Ethics and Conduct

Upon assuming office each Councilmember, and each Board, Committee and Commission Member ("Member"), shall sign a statement affirming that he or she has been provided with and has read the Code of Ethics and Conduct. Each Councilmember, Board, Committee and Commission Member, shall adhere to the Code of Ethics and Conduct as well as the Council's Rules of Procedure. Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or Council subcommittees. Board, Committee and Commission members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

(b) ***Ethics Training for Local Officials***

~~Councilmembers, City Treasurer, City Clerk, Board, Committee and Commission Members shall report annually to the City Clerk with respect to his or her compliance with State or City mandated requirements for ethics training~~. Councilmembers, City Treasurer, City Clerk, Board, Committee~~, and~~ Commission Members and those listed on the conflict of interest code who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees and may be subject to sanctions.

(c) Behavior and Conduct

The St. Helena Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the St. Helena City Council, Boards, Committees and Commissions. Each Member him or herself has the primary responsibility to assure that he or she understands and satisfies the ethical standards, so that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention. Without violating Brown Act serial meeting requirements,

individual Members should point out to the offending Member perceived infractions of the Code of Ethics and Conduct. ~~If the offenses continue, then the process under 3.4(e) 1-10 shall govern.~~

(d) *Council Authority*

Under California law, the Council does not have the legal authority to remove Members elected or appointed to the City Council or to otherwise deprive them of their office. However, ~~as provided in Section 3.4(e) 9.,~~ a majority of the Councilmembers may remove a Councilmember from any or all Council honorary and/or ceremonial positions and ad-hoc and standing committees, as well as from positions with other governmental agencies or other organizations they hold by virtue of appointment by the City Council.

~~(e) *Process to Address Alleged Violation of Code of Ethics and Conduct*~~

~~1. *Complaint.* Where any person has substantial evidence that a Member has materially violated the Code of Ethics and Conduct, he or she may file a written statement with the City Clerk who will then provide it to the City Council, and the affected Member. The name of the complainant shall initially be redacted and kept confidential and not disclosed until it has been determined as provided in Section 3.4(e) 2 that there is substantial evidence that the Member has materially violated the Code of Ethics and Conduct.~~

~~"*Substantial evidence*" means evidence that reasonably supports a conclusion. It does not mean simply any evidence, nor does it include mere opinions. It must be reasonable in nature, credible, and of solid value.~~

~~2. *Hearing Officer.* Upon receipt of a Complaint as provided in Section 3.4(e) 1., or upon the direction of the City Council, the Mayor, in consultation with the City Manager, shall make a preliminary determination whether there is substantial evidence to support a conclusion that a Member has materially violated the Code of Ethics and Conduct, thereby warranting the further proceedings below. If the Mayor either submitted the Complaint or is the subject of the Complaint, the Vice Mayor (and who is not the subject of the complaint) shall make the preliminary determination as provided above.~~

~~If the Mayor (or, where the Mayor is disqualified as set forth above, the Vice Mayor) makes the initial determination that there is substantial evidence to support a conclusion that a Member has materially violated the Code of Ethics and Conduct, thereby warranting the further proceedings, he or she, in consultation with the City Manager, shall appoint an independent Hearing Officer to review and investigate the Complaint. If the Mayor either submitted the Complaint or is the subject of the Complaint, the Vice Mayor (and who is not the subject of the complaint) shall appoint the Hearing Officer as provided above.~~

In the event both the Mayor and Vice Mayor are disqualified as set forth above or otherwise unable to carry out the duties under this Section, the Council member with the longest tenure shall do so. If two or more Council members have equal tenure, the Council member (who is not the subject of the Complaint) shall be selected by a process of drawing straws supervised by the City Clerk.

3. *Investigation.* To the extent reasonably practicable, the Hearing Officer shall investigate and report, within not more than thirty (30) days, as to whether there is substantial evidence in support of an allegation that a Member has materially violated the Code of Ethics and Conduct. If the Hearing Officer concludes that there is not substantial evidence to support an alleged violation, or that the violation was not material, he or she shall so report to the Council and the matter shall be deemed dismissed unless the Council directs that a public hearing be held pursuant to Section 3.4(e) 5. If the Hearing Officer concludes that there is substantial evidence to support an alleged material violation of the Code of Ethics and Conduct, he or she shall issue a report ("Report") to the City Council and the Member. The Hearing Officer shall allow the affected Member a reasonable opportunity to provide any written comments, evidence and/or arguments which the Hearing Officer shall consider in the investigation and Report.

4. *Enforcement.* The City Council, in its sole discretion, shall enforce the Code of Ethics and Conduct against Members depending upon the extent and severity of the violation by means of either (i) a warning (ii) a written reprimand; (iii) censure; (iv) removal from assignments; or (v) other action as deemed appropriate to the City Council, including without limitation disavowal and/or disapproval of the Member's violation and/or other action and/or statement. The following procedure shall be utilized:

5. *Receipt of Report.* As reasonably practicable, within 30 days after receipt of the Report, the Council will hold a public hearing after which it will determine, among any other determination the Council may deem appropriate, whether the Complaint should be dismissed, a warning should be issued, a written reprimand should be issued, censure issued, or the Member should be removed from his or her office (only for Members other than Council members) or assignments. The City shall provide written notice of the public hearing and opportunity to be heard to the affected Member. The City Council determination shall be set forth in written findings that the Council may direct staff to prepare for subsequent Council approval.

6. *Dismissal.* Where the Council, based on the Report and any statement from the affected Member, determines that it is clear that no violation occurred or that only a trivial or de minimus violation occurred, or that the Complaint was motivated by revenge or other improper motive, the Council may dismiss the Complaint.

7. *Warning.* Where the Council, based on the Report and any statement from the affected Member, determines that there is some evidence that only a minor

violation or a questionable practice has occurred, the Council may issue a written warning to the affected Member specifying the violation(s) and requesting corrective action.

8. *Reprimand*. Where the Council, based on the Report, any statement from the affected Member, and other evidence accepted, determines that there is substantial evidence that the Member has materially violated one or more provisions of the Code of Ethics and Conduct, the Council may adopt a resolution reprimanding the affected Member for their conduct, stating that any violations shall cease, and requesting corrective action. The affected Member may file a rebuttal to the Reprimand with the City Clerk which will become a matter of public record.

9. *Censure*. Where the Council, based on the Report, any statement from the affected Member, and other evidence accepted at a public hearing of the matter, determines that there is substantial evidence that the Member has materially violated one or more provisions of the Code of Ethics and Conduct, and that such violation(s) impugn the integrity or dignity of the City or that such violations are egregious or chronic in nature, then the Council may adopt a resolution censuring the affected Member by condemning his or her actions, removing the Member from all appointive positions representing the City in front of other governments and agencies, demoting the affected Commissioner, Committee or Board member appointed by the City Council who holds a position of chairperson or vice chairperson, stating that the violations shall cease, and demanding corrective actions. The affected Member may file a rebuttal to the Censure with the City Clerk which will become a matter of public record.

10. *Removal from Office*. Notwithstanding any of the provisions in this Section 3.4, the City Council may remove any Commissioner, Committee or Board member appointed by the City Council at its pleasure, and nothing in the Code of Ethics and Conduct or these rules effects or diminishes such power nor vests such Commissioners or Board members with any additional rights.

3.5 Implementation

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, City Treasurer, City Clerk, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign the following a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the

City Council, Boards, Committees and Commissions, and updated it as necessary.

~~Example:~~

I affirm that I have read and understand the City of St. Helena Code of Ethics and Conduct for Elected and Appointed Officials.

_____ _____

Signature Date

Exhibit A

CITY COUNCIL, BOARDS, COMMITTEES & COMMISSIONS

RULES OF PROCEDURE FOR THE CONDUCT OF MEETINGS

&

STANDARDS OF CONDUCT

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APPENDIX

Exhibit–*Rosenberg's Rules of Order*: Simple Parliamentary Procedures for the 21st Century

1. PURPOSE

The purpose for establishing City Council Protocols is to provide an effective environment for the City Council to provide leadership. The protocols may be amended by resolution adopted by a majority vote of the Council Members and should be reviewed on a regular basis to ensure that the document remains helpful to the Council by providing a framework for effective leadership.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the Council Members when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

1.1 Council-Manager Form of Government

The City of St. Helena operates according to the Council-Manager form of government which vests authority in an elected City Council which, in turn, hires an appointed executive, the City Manager. The City Council is composed of five members elected from the City on a nonpartisan basis to serve overlapping four-year terms. The Mayor is elected at-large to serve a two-year term as presiding officer at City Council meetings and as the official head of the City for legislative and ceremonial purposes. The City Manager is appointed by the City Council and serves at the pleasure of that body.

The City Council is the City's legislative and policy-making body. Acting as a whole, the City Council is responsible for setting the direction of City policy and for adopting ordinances, resolutions and other orders as necessary for governing the City. The City Manager is responsible for the overall administration of the City, which includes implementation of the general policies set by the City Council in addition to the day-to-day operation of all City functions. The City Manager, with the help of the Staff, provides the City Council with the information needed to fulfill its policy-making role.

The Council-Manager form of government separates legislative and executive responsibilities in a manner similar to state and federal governments. This system provides "checks and balances" of both policy and administrative branches of government by limiting the power of each.

1.2 City Council Vision and City Council Mission

Council Vision

St. Helena strives to be a diverse, inclusive, family-friendly, economically and environmentally sustainable community which prudently manages all of its resources, continues to improve its infrastructure, ensures its water security, provides a full range of housing, business, cultural and

recreational opportunities and cherishes its historic, small-town character, beautiful natural environment and high quality of life.

Council Mission

The City of St. Helena is dedicated to serving its citizens by:

- Promoting a culture of equity, diversity and inclusion
- Supporting thriving families and ensuring the health and wellbeing of our youth
- Ensuring our long-term economic sustainability and focusing on new and diverse sources of revenue
- Preventing, preparing for, and mitigating fire and other local emergencies
- Improving and maintaining City infrastructure
- Updating our water management policies to ensure an adequate water supply
- Responding innovatively to climate change challenges and adopting environmentally sustainable best practices
- Preserving our historic, small-town, rural character
- Expanding recreational, active transportation and cultural opportunities
- Facilitating innovative, well-designed housing for residents of all backgrounds, ages and income levels
- Encouraging full civic participation and ongoing communication
- Strengthening regional collaboration with other public entities and building partnerships with local service providers and stakeholders

(See Resolution Number 2021-__, dated May 11, 2021.)

2. RULES OF PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

2.1 Regular Meeting

The Council shall hold a Regular Meeting on the second and fourth Tuesday of each month, except that the Council may by motion at a Regular Meeting and with adequate public notice, either cancel that meeting or reschedule it to some other date.

Regular Meetings shall be held at the Vintage Hall Board Room, 465 Main Street, St. Helena, and shall begin at 6:00 p.m. If it is necessary to hold a closed session prior to the start of a Regular Meetingthe closed session may begin earlier than the normal starting time to allow the Regular Meeting to begin at 6:00 p.m. Closed session may also occur after a regular meeting was adjourned or outside of a regular meeting day. The closed session shall begin in an open meeting and the Council shall adjourn to closed session.

2.2 Special, Emergency, and Adjourned Meetings

(a) **Special Meetings**. The Mayor or the Vice Mayor in the Mayor's absence or a majority of the members of the Council or the City Manager may at any time call a Special Meeting. At least twenty-four hours before a Special Meeting, written notice of the meeting stating its time and place and the subjects to be considered shall be (a) delivered to the Mayor and each Councilmember personally or by any other means; (b) posted on the Council's principal bulletin board, City website and place of meeting; and (c) emailed to the agenda subscribers. Only those items of business specified in the notice may be considered at a Special Meeting called in this manner.

(b) **Emergency Meeting.** The Council may hold an Emergency Meeting in emergency situations as set forth in the City's Municipal Code and State Law.

(c) **Adjourned Meeting**. A properly called Regular, Special, or Emergency Meeting may be adjourned to a time and place specified. A copy of the notice of adjournment shall be posted as specified on the door of the place where the meeting was held within twenty-four hours after the time of the adjournment. Further notice need not be given of an adjourned session of a properly called Regular, Special, or Emergency Meeting.

2.3 Regular Meeting Agenda

(a) **Setting and Posting of Agenda.** The agenda of business to come before the Council at a Regular Meeting shall normally be closed at the end of eighteen business days preceding the meeting. Under State Law the agenda for a Regular Meeting must be posted at least seventy-two (72) hours prior to the scheduled convening of the Regular Meeting, and no items may be added to the agenda fewer than seventy-two (72) hours prior to the meeting except as may be allowed by State Law. The City Council endeavors to publish the meeting agenda as early as possible prior to the meeting, but no later than 72 hours in advance.(b) **Placing Items on the Council Agenda.** Each City Council agenda shall specifically provide for a discussion of Future Agenda Items. Any Council Member may request that an item be considered on a future agenda during that portion of the City Council meeting and, upon agreement by a second Council Member concurring that Staff time and City resources should be expended on the item, the item shall be placed on the soonest practical regularly scheduled Council meeting as determined by the City Manager. A member of the public may request that an item be placed on a future agenda during Public Forum or through other communication with a Council Member. Staff reports may not be prepared on Council Member requested items until Council discussion has occurred and direction provided by the Council unless Staff otherwise determines. If Council action is contemplated, proposed action shall be included in the Staff

report. The City Manager may also add any item of business to a future agenda in his or her sole discretion.

(c) **Agenda Packet Distribution.** Each Councilmember shall be furnished an e-agenda by no later than 5:00 p.m., on the Friday prior to the regular meeting. However, staff will strive to publish the agenda as early as possible. The requirement is to publish 72 hours in advance meeting Brown Act guidelines.The agenda and agenda materials shall be available for public inspection and distribution or copying at that the time of publication. Any agenda materials not included in the agenda package by 5:00 p.m., that Friday shall be separately identified, and the Council may by majority vote continue such agenda item until the following meeting to allow for proper study of the materials.

(d) **Order of Agenda.** The business of the Council shall be taken up for consideration in substantially the following order except as may be otherwise ordered:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Adoption of the Agenda
5. Public Forum
6. Reports by Staff and City Council, Future Agenda Items and AB 1234 Reports
7. Presentations and Public Recognitions
8. Staff Briefing
9. Consent Items and Items Removed from Consent
10. Public Hearings
11. Old Business
12. New Business
13. City Council Reports
14. Adjournment

(e) A copy of the agenda and the package of agenda materials shall be made available for public inspection at City Hall.at or near the time they are circulated to the City Council.

2.4 Public Testimony and Comments Before the Council

(a) **Addressing the Council Generally.** Each person addressing the Council may give his or her name and address (optional) in an audible tone of voice for the record. Each person's comments are limited to four

minutes except as provided in section (b) regarding land use Public Hearings. In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group. Speakers may not concede their allotted time to another speaker. The Mayor may extend time for the speaker.

(b) **Addressing Council at Land Use Public Hearings.** An applicant appellant at a land use Public Hearing shall be permitted to address the Council for 15 minutes following the Staff report. If there is a spokesperson for the opposition, the spokesperson shall be permitted to speak for 15 minutes. All other speakers are limited to four minutes each. Applicant shall first be permitted five minutes at close of public comments for rebuttal. If the applicant is the appellee the appellant shall have 15 minutes, the applicant appellee shall have 15 minutes, the appellant five minutes, and the applicant appellee five minutes.

(c) **Presentation by Spokesperson.** Whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Mayor to request that a spokesperson be chosen by the group to address the Council, and, in case additional matters are to be presented at the time by any other member of the group, to limit the number of persons so addressing the Council so as to avoid unnecessary repetition before the Council.

(d) **Irrelevant Testimony.** The Mayor shall rule out of order any testimony not relevant to the agenda item then under discussion.

(e) **Protocol.** The purpose of public testimony is for Councilmembers to benefit from the views of the public. Comments from the public should be directed towards the Council. Councilmembers and Staff should avoid entering into a dialogue with members of the public who may address the Council. Questions raised by members of the public may be referred to Staff.

(f) **Public Comment on Agendized Items.** Members of the public are entitled to speak on any item on the agenda during a Public Hearing on the subject matter opened by the Mayor. Each person is entitled to speak on any agenda item only once at any meeting, and the right to speak at the appropriate time waives any further right to address the Council on that item at that meeting. Participation in debate on any item before the Council shall be limited to members of the Council, although Councilmembers may ask members of the public for additional information.

Written communications addressed to the City Council are to be referred to the City Clerk for:

Forwarding to the Council and posting to the appropriate agenda packet item. Written communication must be received at least three hours prior to the meeting to be included in the agenda packet. Written communication will not be read aloud at the meeting.

(g) **Public Comment on Non-Agendized Items.** Members of the public are entitled to speak on matters of municipal concern not on the agenda, during consideration of that portion of the meeting agenda entitled "Public Forum" when that item is called by the Mayor. Each person is entitled to speak on non-agendized items only once at any meeting. Brief questions by Councilmembers for clarifications may be posed and answered, and Councilmembers may make requests that items be placed on future agendas, but in accordance with State Law, no substantive discussion may take place unless and until the matter properly appears on the agenda.

2.5 Roll Call and Voice Votes

A roll call vote shall be taken on the approval of the Consent Calendar, the introduction of ordinances, and the adoption of ordinances, resolutions, and orders for the payment of money. Roll call votes shall be entered in the minutes of the Council showing those members voting yes, those voting no, and those abstaining or absent.

Any other motion may be passed by voice vote provided, however, that any Councilmember may request a roll call vote on any items to be voted on.

2.6 Consent Items

Those items on the agenda considered routine by the City Manager shall be grouped together under "Consent Items" and the recommended actions approved by a single vote of the Council. At the request of any Councilmember or any other person present at the meeting, a Consent Item shall be considered separately following approval of the remaining "Consent Items." Items approved under the heading "Consent Items" will appear in the Council minutes in their proper form, as if approved item by item.

2.7 Reports

Under the agenda heading "Reports" the City Manager, other City Staff, and Councilmembers may make reports on matters not on the agenda. Also at this time, Councilmembers or Staff may identify issues or agenda items that need to be addressed by the City Attorney during the meeting, and may propose future agenda items.

2.8 Closing Time of Council Meetings

Council meetings shall adjourn by 9:00 p.m. However, the Council may by majority vote extend the meeting up to an additional thirty minutes (9:30 p.m.) if the Council deems such extension necessary. A unanimous Council vote shall be required to extend the meeting past 9:30 p.m. and adjourn by 10:00 p.m. Otherwise, the meeting shall be adjourned to another day acceptable to the Council, or unfinished business may be continued to the next regular meeting.

2.9 Old Business

"Old Business" will include uncompleted items carried over from a prior meeting agenda and placed under this agenda heading for consideration.

2.10 New Business

The Council shall not consider any resolution, motion, or matter which does not affect the conduct of the business of the City of St. Helena or its corporate powers or duties as a municipal corporation nor shall the Council consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of California, the Congress of the United States or before any officer or agency of the State or Nation unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of St. Helena or its officers or employees as such.

2.11 Office of the Mayor

The Mayor shall preside at meetings of the Council, shall be entitled to vote on all matters, and shall be considered a Councilmember for all purposes, including the determination of whether a quorum is present. The Mayor will recognize members that wish to speak.

The Mayor shall have the following powers:

a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;

b) To enforce the Council's rules regarding public testimony and to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;

c) To ensure that the public has reasonable opportunity to be heard;

d) To entertain and answer questions of parliamentary law or procedure;

e) To call a brief recess at any time;

f) To adjourn in an emergency;

g) To appoint a Vice Mayor subject to Council approval who shall serve during the term of the Mayor, and becomes the Mayor Pro Tempore in the Mayor's absence.

2.12 Office of Mayor Pro Tempore

A Councilmember who serves as Mayor pro tempore shall be entitled to vote on all matters and shall be considered a Councilmember for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Mayor pro tempore shall have the Mayor's powers and duties. If the Mayor should become physically or mentally unable to perform the duties of his or her office, the other Councilmembers may by unanimous vote declare the Mayor is incapacitated and confer the Mayor's powers and duties on the Mayor pro tempore.

When the Mayor declares that he or she is no longer incapacitated, and a majority of the Council concurs, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and the Mayor pro tempore are absent from a meeting, the Council may elect from among its members a temporary chair to preside at the meeting.

2.13 Action by the Council

Action by the Council shall be by motions made and voted upon. A motion shall require a second. The Mayor and any other Councilmember may make or second a motion. A substantive motion is out of order while another substantive motion is pending.

2.14 Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of California. Resolutions, orders for the payment of money, and all ordinances require at least three votes for passage.

2.15 Discussion

The City Council shall address an agenda item as follow:

(a) Staff shall introduce the agenda item and present the Staff report.

(b) City Council shall ask questions of Staff.

(c) The Mayor will invite public comment on the item.

(d) Having received all public testimony, the Council will deliberate on the matter.

(e) If appropriate, the Mayor will entertain a motion, including any motion proposed by the Mayor.

(f) If a motion has received a second, the Mayor shall state the motion and if any Council Member wishes for the discussion, open for additional Council discussion.

(g) The Mayor shall preside over the discussion according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A person who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the discussion shall alternate between opponents and proponents of the measure.

2.16 Ratification of Actions

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

2.17 Procedural Motions

(a) In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

(b) To Adjourn. The motion may be made only at the conclusion of action of a pending substantive matter; it cannot interrupt deliberation of a pending matter.

(c) To Take a Brief Recess.

(d) Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

(e) To Suspend the Rules. The motion requires for adoption a vote of a majority of the quorum of the Council. The Council may not suspend provisions of the rules that are state requirements imposed by law on the Council.

(f) To Divide a Complex Motion and Consider It by Paragraph.

(g) To Call the Previous Question. The motion is not in order until every member has had an opportunity to speak once.

(h) To Continue an Item to a Future Meeting Certain.

(i) To Refer to Staff for Action.

(j) To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if the amended motion has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last amendment is disposed of by a vote.

(k) To Reconsider. The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain, or at the next Regular Meeting unless intervening actions taken based on the original action make such reconsideration impracticable. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

(l) To Rescind or Repeal a Previous Action. A motion to rescind or repeal a previous action is not in order if the rescission or repeal is forbidden by law or made inappropriate by virtue of actions taken in accordance with the previous action.

(m) To call for a Straw Vote. The Mayor, at the Mayor's discretion, may call for a Straw Vote among members on any item prior to inviting public testimony or Council comment.

2.18 Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before a vote, with or without the consent of any "seconder" of the motion. However, any other Councilmember may ask to be considered the introducer of the motion and, if again seconded, debate may continue without further interruption.

2.19 Duty to Vote

Every member must vote on every item unless prevented from doing so by virtue of an actual or potential conflict of interest under applicable State Law. Any member who believes he or she has a conflict or potential conflict of interest must announce such at the initiation of discussion or when such conflict or potential conflict becomes apparent, and shall refrain from any part in the debate, deliberations, or voting on that issue, except as allowed by State Law.

2.20 Introduction and Passage of Ordinance

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Council. The Mayor shall read the title of the ordinance, after which a roll call vote shall be taken to introduce the ordinance. The City Clerk shall then read the ordinance in its entirety unless such reading is waived by a separate motion adopted by unanimous vote of the Councilmembers

present. An ordinance, other than an urgency, may not be passed within five days of its introduction or alteration. Corrections of typographical or clerical errors are not alterations.

2.21 Closed Sessions

(a) The Council may hold closed sessions only as provided for by law and according to the provisions herein.

(b) As part of any regular or special City Council meeting as appropriate, the City Council, the City Attorney, and relevant Staff may discuss and agree upon the need for any future closed sessions, including the legal authority for the closed session and the nature of the matter to be discussed, in adequate detail to meaningfully inform the public while maintaining required confidentiality and any applicable attorney-client privilege. Where the City Manager and City Attorney agree that the nature of a matter requires consideration in closed session, the requirement for prior open session discussion shall not apply.

(c) The City Council agenda for any regular or special Council meeting shall include general information about closed sessions as follows:

> The City Council will convene in open session at the stated time, but will then adjourn to address any closed sessions items listed on the agenda. The public is invited to address the Council with comment on any listed closed session item immediately prior to Council's adjournment into closed session or consistent with any other provisions permitting public comment. The Council will reconvene in Public Session at 6:00 p.m. or at the first Council meeting following any closed session. At that time, if appropriate and as required under the Brown Act, any actions taken during the preceding closed session will be announced by the City Attorney or Mayor. If necessary, the Council may reconvene in closed session to continue discussion of listed items following the completion of open session business.

(d) The City Council agenda for any regular or special Council meeting at which the Council will adjourn to closed session shall provide notice of that closed session as provided for under the Brown Act and shall include a narrative description of the legal authority for the closed session and the nature of the matter to be discussed in adequate detail to inform the public while maintaining required confidentiality or any applicable attorney-client privilege. Reporting out of closed session shall be consistent with the requirements of Brown Act, and may be of greater detail than required when the

disclosure of such detail is not inconsistent with maintaining required confidentiality and any applicable attorney-client privilege.

2.22 Quorum

A majority of the actual membership of the Council, including the Mayor but excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

2.23 Teleconference Attendance Of Council Members At Council Meetings

(a) The City Council Procedures provisions concerning Teleconference Attendance shall apply to all Boards and Commissions as well as the City Council. Requests by Council Members to attend a Council meeting via teleconference appearance are actively discouraged.

(b) Effective January 1, 2023, Assembly Bill 2449 amended the Brown Act, California Government Code Sections 54950 et seq., as it pertains to teleconference meeting participation by legislative body members.

- **Applicability**

(c) When a legislative body member wishes to attend a legislative meeting by teleconference under the provisions of Assembly Bill 2449, codified at California Government Code Section 54953(f) et seq., the following policies and procedures shall apply. Nothing herein is intended to prevent a member's ability to attend a legislative meeting remotely if such attendance is otherwise authorized by Government Code Section 54953.

- **Terms**

(d) "Chairperson" shall mean the Mayor or Chair of the legislative body, as applicable. "Vice-Chairperson" shall mean the Vice Mayor, or Vice-Chair of the legislative body, as applicable.

"City" shall mean City of St. Helena

"Description" shall mean a brief general description of a legislative body member's circumstances that warrant teleconference meeting attendance under the "Just Cause" exception or "Emergency Circumstances" exception, which need not exceed 20 words and need not to disclose any medical diagnosis, disability, or exempt personal medical information. (GC 54953(f)(2)(A)(i)–(ii))

"Disclosure" shall mean an announcement by the Member, made during the legislative meeting where the Member will attend by teleconference, disclosing the presence of other individuals over the

age of 18 in the room at the Member's teleconference location, and the general nature of the individual's relationship to the Member. (GC 54953(f)(2)(B))

"Legislative body" shall have the same meaning as prescribed by Government Code Section 54952, i.e. a body that is subject to the Ralph M. Brown Act." Meeting" and "legislative meeting" shall have the same meaning as prescribed by Government Code Section 54952.2, i.e. a meeting of a legislative body that is required to be noticed under the Ralph M. Brown Act.

"Member" shall mean a member of a legislative body.

"Notification" shall mean a notification from a legislative body member of the Member's need to attend a meeting by teleconference under the "Just Cause" exception. Notifications shall not require legislative body approval. (GC 54953(f)(2)(A)(i))

"Request" shall mean a request from a legislative body member that their legislative body actively approve their request to attend a meeting by teleconference under the "Emergency Circumstances" exception. (GC 54953(f)(2)(A)(ii))

"Teleconference" attendance at a legislative meeting, for purposes of this policy, shall be presumed to be accomplished by Zoom or the equivalent two-way audio-visual virtual software platform in use by the City at that time. "Teleconference" attendance shall mean attendance solely by virtual platform and shall not include a Member who attends a meeting in person and secondarily views the meeting by virtual platform. Provisions of this policy shall apply only to teleconference attendance under AB 2449 and shall not constrain the Member's ability to attend by teleconference under other sections of the Brown Act.

- **Available Exceptions for Teleconference Attendance**

The Member shall be responsible for determining which of the two available exceptions is applicable to the Member's need to attend by teleconference. The Member's determination shall not be investigated by staff as to the veracity of any such request or claim. Such determination shall be subject to review by the legislative body alone. The available exceptions are:

1. "Just Cause" (GC 54953(f)(2)(A)(i))

2. “Emergency Circumstances” (GC 54953(f)(2)(A)(ii))

- **Exceptions Defined**

Exception #1: “Just Cause” circumstances are defined as any one of the following:

a. Caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely.

b. A contagious illness that prevents the member from attending in person.

c. A need related to a physical or mental disability.

d. Travel while on business of the legislative body or another state or local agency.

Exception #2: “Emergency Circumstances” are defined as a physical or family medical emergency that prevents a member from attending in person.

The foregoing definitions are set forth in this policy for convenience; in the event applicable law is changed to amend the nature of qualifying teleconference circumstances, the amended law shall supersede this section.

- **Limitation on Number of Uses**

Members may attend meetings by teleconference under AB 2449 no more than the following number of times per calendar year:

a. City Council: Four (4) meetings per year

b. Planning Commission: Four (4) meetings per year

c. All other Boards, Committees and Commissions: Two (2) meetings per year

The above limitations shall factor in all meetings noticed under the Brown Act, whether Regular, Special, Closed, Joint, or otherwise. In the event a Member attends by teleconference multiple, contiguous meetings held on the same date, each meeting shall be counted separately.

1. Notwithstanding any other provision, a Member may utilize the “Just Cause” exception no more than two (2) times per calendar year.

2. Notwithstanding any other provision, a Member may not attend meetings solely by teleconference for a period of more than three consecutive calendar months.

a. In the event a Member attends meetings solely by teleconference for a period of three consecutive calendar months, or attends meetings by teleconference the maximum number of allowable times per year, the Member must either attend in person; attend by other permissible teleconference provisions; or be counted as absent, for the remaining meetings in that calendar year.

- **Procedure for Legislative Body Members**

A Member wishing to avail themselves of the "Just Cause" exception shall adhere to the following:

1. Notification of the member's need to attend by teleconference, along with the required description of the circumstances creating the need, shall be made in writing prior to the meeting, and/or orally at the start of the subject meeting or during any prior meeting.

a. If the notification and description are delivered prior to the meeting, the Member shall submit the notification and description:

b. In writing by email;

c. To the entire legislative body, preferably to the body's group email address;

d. With a copy to staff.

Such communication to the entire legislative body shall be deemed to be not in violation of the Brown Act.

1. If the notification and description are delivered during a meeting prior to the meeting where the Member wishes to attend by teleconference, the Member shall make the required notification and description during the Member Comments order of business.

2. If the notification and description are delivered at the start of the subject meeting, the Member shall be present on the

teleconference platform at the time the meeting is convened, and at the prompting of the Chairperson, shall make the required notification and description during the meeting prior to the attendance roll call. (Refer to Section 3 below.)

3. The Member shall disclose the presence of any other adults in the room at the teleconference location, and the general nature of their relationship to the member, during the subject meeting. This requirement shall apply regardless of the timing of the notification and description.

4. A Member wishing to avail themselves of the "Emergency Circumstances" exception shall adhere the following:

a. A request that the legislative body approve the Member's request to attend by teleconference, along with the required description of the circumstances creating the need, shall be made in writing prior to the meeting, and/or orally at the start of the subject meeting.

b. If the request and description are delivered prior to the meeting, the Member shall submit the request and description:

- In writing by email;
- To the entire legislative body, preferably to the body's group email address;
- With a copy to staff.

Such communication to the entire legislative body shall be deemed to be not in violation of the Brown Act, so long as there is no discussion of any item of business within the legislative body's jurisdiction. Regardless, the legislative body's action to approve or deny the teleconference request must be taken during a noticed meeting.

b. If the request and description are made at the start of the subject meeting, the Member shall be present on the teleconference platform at the time the meeting is convened, and at the prompting of the Chairperson, shall make the required request and description during the meeting prior to the attendance roll call. (Refer to Meeting Procedures, below.)

5. The legislative body must move to approve or deny the request during the meeting prior to the attendance roll call. (Refer to Meeting Procedures, below.)

6. The Member shall disclose the presence of any other adults in the room at the teleconference location, and the general nature of their relationship to the member, during the subject meeting. This requirement shall apply regardless of the timing of the request and description.

7. Notwithstanding any other provision, teleconferencing Member(s) shall participate through both audio and visual technology. Members may mute their microphone while not speaking, but Members shall be visible through the visual technology at all times during the meeting. In the event a member is not visible, the member shall be noted as absent during that period.

- **Recordkeeping**

The Member shall be responsible for assuring that any description, notification, request, and/or disclosure related to teleconference attendance are made in a manner that may be placed into the meeting record.

1. To the extent that the Member's notification, description and/or request is delivered prior to the meeting, staff shall archive the written communication as agenda correspondence along with the meeting record.

2. To the extent that the Member's notification, description, request, and/or disclosure is delivered during a legislative meeting, staff shall record the same in the minute record, along with record of the legislative body's action to approve or deny any "Emergency Circumstances" requests.

3. The legislative body's Minute Clerk shall keep data regarding each Member's use of teleconference attendance provisions under AB 2449, and apprise the Chairperson if any Member has reached their annual limit. (Refer to Limitation on Number of Uses, above.)

- **Meeting Procedures**

Business to be conducted by the legislative body relating to compliance with these regulations shall be conducted after the Call to Order, but prior to the

attendance roll call, of the meeting where a Member will or may attend by teleconference. The Chairperson shall be responsible for the conduct of this portion of the meeting, with assistance from staff if needed. All related business shall be conducted in a manner that is evident to other meeting attendees and may be recorded in the meeting record. Such business to be conducted prior to attendance roll call shall include, and be conducted in substantially this form:

1. If any Member is not present in person and the Chairperson is not aware of the Member's planned absence, the Chairperson shall acknowledge that the Member either is, or may be, present on the teleconference platform.

2. If necessary, staff shall confirm whether the Member is present on the teleconference platform.

3. If the Member is present on the teleconference platform:

a. If the Member has made their notification or request in writing prior to the meeting: The Chairperson shall note for the record that the Member has submitted a notification and description of the need to attend the meeting by teleconference under the "Just Cause" exception; or made a request and description to be permitted to attend by teleconference under the "Emergency Circumstances" exception.

b. If the Member has not made their notification or request in writing prior to the meeting: The Chairperson shall prompt the Member make their notification of the need to attend the meeting by teleconference, and description of the circumstances giving rise to the need under the "Just Cause" exception; or make their request to be permitted to attend by teleconference, and description of the circumstances giving rise to the need under the "Emergency Circumstances" exception.

c. If the Member makes a request to be permitted to attend by teleconference under "Emergency Circumstances" exception, whether before or during the meeting:

i. Any Member present in person may move to add an item of business to the agenda on an urgency basis to allow the legislative body to act on the Member's request. If no

motion is forthcoming, the Chairperson shall so move. Such action shall comply with Government Code Section 54954.2(b).

ii. Thereafter, the Chairperson shall ask the remaining Members to either approve or deny the request. Any Member may move approval or denial, but if no motion is forthcoming, the Chairperson shall so move. Members shall consider the request in good faith and shall not capriciously deny the request. The request shall be deemed approved if at least a majority (at least 2 of 3, or 3 of 4) of the Members present in person consent.

d. The Chairperson shall, finally, prompt the Member to disclose the presence of any other individuals over the age of 18 in the room at the Member's remote location, and the general nature of the individual's relationship to the Member. Notwithstanding any other provision, this disclosure shall be made on record during the meeting.

e. If the Member is not present on the teleconference platform; if the Member refuses to make the required requests or disclosures; or if the Member's request to attend under the "Emergency Circumstances" exception is made but not approved, the Member shall be recorded as absent. (Refer to Failure to Comply, below.)

f. This process shall be repeated for each Member not present in person who does, or may, wish to attend the meeting by teleconference.

g. The Chairperson shall then prompt the Meeting Clerk to proceed to attendance roll call.

4. In the event the Chairperson wishes to attend a meeting by teleconference, the Vice-Chairperson, if present in person, shall be responsible for performing the Chairperson's duties as outlined above. Thereafter, the teleconferenced Chairperson may chair the remainder of the meeting, or may ask that the Vice-Chairperson do so.

5. In the event both the Chairperson and Vice-Chairperson wish the attend the meeting by teleconference; or in the event the Chairperson wishes to attend by teleconference and the Vice-Chairperson is absent, an Acting Chairperson shall be selected from among the Members attending the meeting in person, in order to perform the Chairperson's duties as outlined above.

6. In the event three (3) or more Members attempt to join a meeting by teleconference; and/or in the event two (2) or fewer Members are present in person at the meeting location; staff shall announce that the meeting cannot be convened.

- **Failure to Comply; Enforcement Measures**

In the event a Member attempts to attend a meeting by teleconference in excess of the allowable number of times per year; in excess of three consecutive months; without making the necessary notices, requests, or disclosures; or if the Member's request to attend under the "Emergency Circumstances" exception is made but not approved, the Chairperson shall, at the start of the meeting prior to the attendance roll call, ask the remaining legislative body members for concurrence to disallow the Member's attendance at the meeting.

After such concurrence, staff shall permit the Member to remain on the teleconference platform, but shall demote the Member to a passive attendee, and note the Member as absent for the attendance roll call, and in the meeting record.

1. Repeated inability or refusal to comply with the provisions of this policy, or related laws, may be grounds for consideration of dismissal of an Advisory Body Member by the City Council.

2. In the event a Member's inability or refusal to attend a meeting by teleconference in compliance with this policy, or related laws, results in the Member being recorded as absent from the meeting, existing policies and laws regulating legislative body member absences (including Bylaw provisions for Advisory Body Members, and Government Code Section 36513 for Council Members) shall apply.

- **Other Compliance Measures**

In addition to the above provisions relating the conduct of legislative body members, whenever at least one Member attends a meeting by teleconference under AB 2449, staff shall be responsible for other applicable compliance measures, including but not necessarily limited to the following:

1. Staff shall assure that each posted agenda provides, and describes, means by which all members of the public may observe or attend the meeting and offer public comment.

2. Staff shall assure that members of the public are allowed to make public comment in real time during all allotted public comment periods while attending at a Member's teleconferencing location, and shall give sufficient time for interested parties to indicate their interest in speaking, and request the Member to unmute their device, in order to allow them to comment via the teleconference platform.

3. Staff shall give notice of, and implement, a procedure for swiftly resolving requests for reasonable accommodations for individuals with disabilities.

4. All votes taken at a meeting where any Member attends by teleconference under the provisions of AB 2449 shall be taken by roll call vote.

- **Conflict Between Law and Policy**

In the event this policy conflicts with applicable state law, as exists or may be amended in the future, state law shall control, and the validity of the remaining sections of this policy shall be unaffected.

2.24 Public Hearings

Public Hearings shall be scheduled and notice published without any action required by the City Council, excepting that the Council may, if it so desires, scheduled a Public Hearing on an item of interest for a date certain. In order to accommodate members of the public responding to a noticed Public Hearing, such Hearings will, to the extent practicable, begin at 6:00 p.m. At the time designated for the Public Hearing, or soon after as is practicable, the Mayor shall direct the attention of the Council Members to the Staff report and Staff may respond to questions from Council members, after which the Mayor shall formally open the Public Hearing and members of the public shall be allowed to speak in accordance with the rules set forth elsewhere in these Rules of Procedure. When the allotted time expires, or when no one wishes to speak who has not done so, the Mayor shall declare the hearing closed.

Following the close of the Public Hearing, the Council may discuss or take action on the matter in accordance with these rules. The Mayor may in his or her discretion allow questions and/or comments from the public after close of Public Hearing.

2.25 Appointments to Committees and Boards

The City Clerk posts a Notice of Vacancy in the City designated posting locations, the City's website and sends a Media Release to the St. Helena Star advertising vacancies to Commissions, Committees and Boards.

Applicants must submit a completed application to the City Clerk and shall be interviewed by the Council at a special meeting prior to a regular meeting. Applicants are requested to list references on their applications and individual Council Members may contact those references as part of the interview process. Council Members contacting references should disclose this information during the appointment process.

Council reviews applicants for appointments to Commissions, Committees and Boards based on interviews and qualifications. At a council meeting following completion of the interviews, the Council shall discuss the applicants and open positions, including the Council members' preferences for applicants. Following these deliberations, the Mayor shall nominate applicants and appointments are subject to approval by the majority of Council.

Depending on the qualifications of the applicants and the needs of the City, there may be times when the City Council does not appoint an applicant who has applied. If an applicant is not appointed, the City Clerk will automatically readvertise for the vacant position(s) to seek additional applicants.

2.26 Protocol for Committees, Commissions and Boards (CCB)

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

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

ROLE AND PURPOSE

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

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

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

MEMBERSHIP AND COMMITTEE STRUCTURE

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

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

Residency. Committee members must reside within the St. Helena City limits. The Council may approve an exception to this rule on a case-by-case basis. All five Planning Commissioners must live within the St. Helena City limits.

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

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

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

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

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

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

MEETING ADMINISTRATION

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

Quorum and Voting. A quorum is required to hold a meeting. A quorum is defined as the majority of the number of members, not counting alternates, which officially comprise a committee. Absences and vacancies do not change the quorum number. For example, if a committee is established with five members, the quorum is three members. If there are two vacancies on the committee, the quorum is still three members.

If a committee meets but does not have a quorum, either through lack of a quorum at the start of the meeting or due to members leaving the meeting, the committee may not conduct its regular business. In these instances, the

committee may only act to adjourn to the next meeting date, recess, or take measures to obtain a quorum.

A majority vote is required to approve any action by the committee, unless otherwise required by law.

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

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

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

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

CITY COUNCIL REPORTS

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

City of St. Helena
Meeting Ground Rules

1. Start on time

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

[COMMITTEE NAME]

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

1) **CALL TO ORDER**
2) PLEADGE OF ALLEGIANCE
3) **ROLL CALL**: [LIST MEMBERS, COUNCIL LIAISON, AND STAFF LIAISON]

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

5) **REPORTS AND ANNOUNCEMENTS BY MEMBERS AND STAFF**: Reports by staff and/or [Committee] members on items of general interest. Brief questions for clarification may be posed and answered, and [Committee] members may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the [Committee].

6) **CONSENT ITEMS**

   6.1 **APPROVAL OF MINUTES**: [Date of minutes]

7) **NEW BUSINESS:**

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

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

9) **ADJOURNMENT**

The next regularly scheduled [Committee] meeting will be held on [Date]. This agenda was posted at 1088 College Avenue, St. Helena, CA 94574, and or/at [location where meeting will be held] on [Date].

_____

Name, Staff Liaison

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

2.26 Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

All procedural matters not otherwise provided for in or controlled by state law or by any ordinance, resolution, rule or regulation of the City shall be governed by Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century (attached as Exhibit). However, no ordinance, resolution, or other action of the Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Council to observe or follow such rules. Certain procedures relating to motions, agenda item discussion, debate, and courtesies contained in *Rosenberg's Rules of Order:* Simple Parliamentary Procedures for the 21st Century are incorporated into this document, except to the extent they are modified by this Protocol document.

3. CITY COUNCIL STANDARDS OF CONDUCT

3.1 Policy Purpose

The St. Helena City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of St. Helena's City government.

3.2 Ethics

The citizens and businesses of St. Helena are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, City Treasurer, and City Clerk and of all Boards, Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

(a) **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of St. Helena and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.

(b) **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of California and the City of St. Helena in the performance of their public duties.

(c) **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the Staff or public.

(d) **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.

(e) **Conduct at Public Meetings.** Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand.

(f) **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.

(g) **Communication.** Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.

(h) **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Mayor and the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

(i) **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

(j) **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

(k) **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City Staff time,

equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.

(l) **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

(m) **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When communicating in their individual capacity and presenting their individual opinions and positions on public policy matters within the jurisdiction of the City of St. Helena, members shall explicitly state they do not represent their body or the City of St. Helena, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.

(n) **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of St. Helena City government as outlined in the St. Helena City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City Staff, Boards, Committees and Commissions, and the public. Except as provided by the City Code, members shall not interfere with the administrative functions of the City or the professional duties of City Staff; nor shall they impair the ability of Staff to implement Council policy decisions.

(o) **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.

(p) **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City.

Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to Staff.

(q) AB 1234—Required Ethics Training

AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. Staff members listed on the conflict of interest code must also complete the training. It is the City's policy to emphasize the importance of ethics in government and although not required, it is highly encouraged that all advisory body members, including Committees and Commissions, adhere to the same requirements.

The training must occur within two months of assuming office and be renewed within two months of the expiration of the current certificate. The training must cover general ethics principles relating to public service and ethics laws including:

- Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);
- Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources, and prohibitions against gifts of public funds;
- Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act);
- Laws relating to fair processes, including fair contracting requirements, common law bias requirements, and due process.

3.3 Code of Ethics and Conduct

The Code of Ethics and Conduct are designed to describe the manner in which elected and appointed officials should treat one another, City Staff, constituents, and others they come into contact with while representing the City of St. Helena.

(a) Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

1. *Honor the role of the chair in maintaining order*

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

2. *Practice civility and decorum in discussions and debate*
   Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

3. *Avoid personal comments that could offend other members*
   If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

4. *Demonstrate effective problem-solving approaches*
   Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(b) Elected and Appointed Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

1. *Be welcoming to speakers and treat them with care and gentleness.*
   a. While questions of clarification may be asked, the official's primary role during public testimony is to listen.

2. *Be fair and equitable in allocating public hearing time to individual speakers.*

a. The chair will determine and announce limits on speakers at the start of the public hearing process.

3. *Practice active listening*
    a. It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

4. *Maintain an open mind*
    a. Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

5. *Ask for clarification, but avoid debate and argument with the public*
    a. Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

(c) Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City Staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

1. *Treat all Staff as professionals*
    a. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards Staff is not acceptable.

2. *Do not disrupt City Staff from their jobs*
    a. Elected and appointed officials should not disrupt City Staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City Staff meetings unless requested by Staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may

intimidate Staff, and hampers Staff's ability to do their job objectively.

3. *Never publicly criticize an individual employee*
    a. Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about Staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding Staff to the City Manager or the Mayor.

4. *Do not get involved in administrative functions*
    a. Elected and appointed officials acting in their individual capacity must not attempt to influence City Staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

5. *Do not solicit political support from Staff*
    a. Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City Staff. City Staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

6. *No Attorney-Client Relationship*
    a. Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her Staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

(d) Council Conduct with Boards, Committees and Commissions

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

1. *Respect Role of Liaison to City's Boards, Committees and Commissions*

   Several of the City's Boards, Committees and Commissions have a Council Member who serves as its Council liaison. The City Council will collectively review and approve liaison appointments annually. Council Members serving as liaisons should act as an advisor and resource to committee/board/commission members and the committee/board/commission's Staff liaison when issues regarding process, procedure, attendance, interpersonal or public relations arise.

2. *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*

   The City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers (whether or not they are serving as liaisons), nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with Staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."

3. *Be respectful of diverse opinions*

   A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.

4. *Keep political support away from public forums*

   Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

(e) Elected and Appointed Officials' Conduct With Each Other and the Public in Private Encounters

1. *Continue Respectful Behavior in Private*

   The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions, and set forth above in subsections (a) through (d), should be maintained in private conversations, including telephone calls, texts, e-mails or other forms of communication. Council Members and appointed officials shall refrain from abusive conduct, intimidation, bullying tactics, personal charges, or verbal attacks upon the character or motives of other members or the public.

2. *Be Aware of the Insecurity (Non-Confidentiality) of Written Notes, Texts, Voicemail and E-mail*

   Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message was played on a speakerphone in a full office? What would happen if this E-mail or text message were forwarded to others? Written notes, voicemail messages, texts and E-mail should be treated as potentially "public" communication.

3. *Understand that Even Private Conversations can have Public Presence*

   Elected and appointed officials are always on display — their actions, demeanor, fitness, mannerisms, language and timing and form of communication are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, late-night e-mails will be questioned and casual comments between individuals before and after public meetings noticed.

3.4 Enforcement and Sanctions

(a) Acknowledgement of Code of Ethics and Conduct

Upon assuming office each Councilmember, and each Board, Committee and Commission Member ("Member"), shall sign a statement affirming that he or she has been provided with and has read the Code of Ethics and Conduct. Each Councilmember, Board, Committee and Commission Member, shall adhere to the Code of Ethics and Conduct as well as the Council's Rules of Procedure. Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or Council subcommittees. Board, Committee and Commission members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

(b) *Ethics Training for Local Officials*

. Councilmembers, City Treasurer, City Clerk, Board, Committee, Commission Members and those listed on the conflict of interest code who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees and may be subject to sanctions.

(c) Behavior and Conduct

The St. Helena Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the St. Helena City Council, Boards, Committees and Commissions. Each Member him or herself has the primary responsibility to assure that he or she understands and satisfies the ethical standards, so that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention. Without violating Brown Act serial meeting requirements, individual Members should point out to the offending Member perceived infractions of the Code of Ethics and Conduct.

(d) *Council Authority*

Under California law, the Council does not have the legal authority to remove Members elected or appointed to the City Council or to otherwise deprive them of their office. However, a majority of the Councilmembers may remove a Councilmember from any or all Council honorary and/or ceremonial positions and ad-hoc and standing committees, as well as from positions with other governmental agencies or other organizations they hold by virtue of appointment by the City Council.

3.5 Implementation

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, City Treasurer, City Clerk, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign the following statement (below) acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, Boards, Committees and Commissions, and updated it as necessary.

I affirm that I have read and understand the City of St. Helena Code of Ethics and Conduct for Elected and Appointed Officials.

_____ _____

Signature Date

Exhibit

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century



LEAGUE OF CALIFORNIA CITIES

MISSION:

To restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION:

To be recognized and respected as the leading advocate for the common interests of California cities.



About the League of California Cities

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About *Western City* Magazine

Western City is the League of California Cities' monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit www.westerncity.com.

"Rosenberg's Rules of Order" first appeared in *Western City* magazine in August and September 2003.

About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

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Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. **Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
3. **Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

> There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

> Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then the "nays" is normally sufficient. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this governing body."

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member's desired approach with the words: "I move …" A typical motion might be: "I move that we give 10 days' notice in the future for all our meetings."

The chair usually initiates the motion by:

1. Inviting the members to make a motion: "A motion at this time would be in order."
2. Suggesting a motion to the members: "A motion would be in order that we give 10-days' notice in the future for all our meetings."
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

3. **The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would "move a substitute motion." A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item.* This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

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RESOLUTION NO. 2023-

A Resolution of the City Council of the City of St. Helena 1) Rescinding Resolution 2014-45 Protocol for Committees, Commissions and Boards; and 2) Rescinding Resolution 2022-72 Amending Council Rules of Procedure and 3) Approving Combining and Reestablishing Protocols for the City Council, Committees, Commissions and Boards Rules of Procedure for the Conduct of Meetings & Standards of Conduct

RECITALS

A. N July 8, 2014, the City Council adopted Resolution No. 2014-45, establishing the protocols for Committees, Commissions and Boards; and

B. On August 9, 2022, the City Council adopted Resolution No. 2022-72, adopting the most recent amended version of the City Council Rules of Procedure for the Conduct of Council Meetings & Standards of Conduct (the "Rules of Procedure"); and

C. The City Council desires to amend the protocols for the City Council, Committees, Commissions and Boards to combine protocols for all elected and appointed bodies.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED The City Council of the City of St. Helena, California, does resolve as follows:

1. The City Council of the City of St. Helena hereby finds and determines that the foregoing recitals are true and correct; and

2. The City Council rescinds Resolution 2014-45 Protocol for Committees, Commissions and Boards; and

3.The City Council rescinds Resolution 2022-72 Amending Council Rules of Procedure; and

4. This Resolution combines and reestablishes protocols for the City Council, Committees, Commissions and Boards Rules of Procedure for the Conduct of Meetings & Standards of Conduct shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of St. Helena, California, at a regular meeting held on July 25, 2023, by the following vote:

Mayor Dohring: _____

Vice Mayor Hall: _____

Council Member Chouteau: _____

Council Member Hardy: _____
Councilmember Summers: _____

APPROVED: ATTEST:

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Finance

DATE:	July 25, 2023
FROM:	Yosselyn Valencia, Finance Manager
SUBJECT:	Consideration and approval of a resolution approving Amendment #4 to the Professional Services Agreement in connection with the project described as Professional User Fee Study Services with Willdan Financial Services for the amount of $13,000, with a total contract not-to-exceed $121,435, to complete and update the User Fee Study.
RECOMMENDED ACTION:	Staff recommends City Council approve the attached resolution.
PREVIOUS COUNCIL ACTION:	The previous Willdan Financial Services contract amendment was approved by the City Council August 24th, 2021.
STATEMENT OF THE PURPOSE:	To provide consulting services to establish User Fees.
FINANCIAL IMPACT:	The cost to amend the contract is a one-time expense of $13,000 for fiscal year 2024. There is no additional budgetary impact to the fiscal year 2024 budget for the proposed recommendation. The budget appropriation was approved with the fiscal year 2024 adopted budget.

BACKGROUND:

As part of a general cost recovery strategy, local governments adopt user fees to fund programs and services that provide limited or no direct benefit to the community as a whole. The last full cost recovery study for the City was completed in November 2011 and an updated fee schedule was adopted by City Council on March 27, 2012 by Resolution 2012-21.

In September 2015, staff issued a Request for Proposals for a Full Cost Services and Development Impact Fee Study to include a Cost Allocation Plan, User Fee Study, and a Development Impact Fee Study. On October 9, 2015, the City received four proposals, which were reviewed by City staff and an outside consultant. In November 2015, the City selected Willdan Financial Services (Willdan) to conduct a Full Cost Services and Development Impact Fee Study and entered into a professional services agreement on November 24, 2015 by Resolution 2015-146.

DISCUSSION:

The principal goal of the User Fee Study is to help the City determine the full cost of the services that the City provides. The full cost of providing a service may not necessarily

become the City's fee but serves as an objective basis as to the maximum amount that may be collected. The total cost of each service included in the analysis is based on the full cost of providing City services, including direct salaries and benefits of City staff, direct department costs, and indirect costs from central service support.

The study involves the identification of existing and potential new fees, fee schedule restructuring, data collection and analysis, orientation and consultation, quality control, communication and presentations, and calculation of individual service costs (fees) or program cost recovery levels.

Willdan Financial Services was selected to conduct a User Fee Study and is available to conduct this analysis to prepare recommendations for the City's User Fees. An additional amendment is required to update the data analysis to capture the fluctuating cost and develop a rational basis for setting fees. Staff will return to Council to adopt the new User Fees. Staff is recommending the City of St. Helena to exercise the option to amend the contract for fiscal year 2024.

ENVIRONMENTAL REVIEW: There is no environmental component to this item.

DOCUMENTS ATTACHMENTS:

Attachment 2 Resolution
Attachment 1 Willdan Contract Amendment #4

Attachment 2

CITY OF ST. HELENA

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA AUTHORIZING: AMENDMENT #4 TO A PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN FINANCIAL SERVICES FOR THE AMOUNT OF $13,000, WITH A TOTAL CONTRACT NOT-TO-EXCEED $121,435, TO COMPLETE AND UPDATE THE USER FEE STUDY.

WHEREAS, on November 24, 2015 City Council approved Resolution No 2015-146 approving a Professional Services Agreement with Willdan Financial Services to provide a Full Cost Services and Development Impact Fee Study for an amount not to exceed $81,540.00; and

WHEREAS, in November 2017, the City Council approved Amendment No. 1 via resolution No. 2017-51 to this agreement to increase the contract amount by $16,350.00 for a total not to exceed amount of $97,890.00 to include impact fee studies of the water and wastewater systems which were not included in the initial agreement; and

WHEREAS, in October 2018, the City Council approved Amendment No. 2 via resolution No. 2018-139 to this agreement to increase the contract by $4,500 for a total not-to-exceed amount of $102,390.00 to reassess the cost allocation plan due to the addition of two full-time firefighters, implementation of a compensation and classification study, and a Public Works reorganization that were not factored into the original cost allocation plan; and

WHEREAS, in August 2021, the City Council approved Amendment No. 3 via resolution No. 2021-107 to this agreement to increase the contract by $6,065 for at total not-to-exceed amount of $108,235 for the analysis of the Affordable Housing Fees to prepare recommendations for the amounts and classifications for a housing linkage fee for St. Helena; and

WHEREAS, City has determined to adopt new user fees, the costs associated with the provisions of services fluctuate over time, and a data analysis update is required to reflect the actual cost of certain public services; and

Attachment 2

WHEREAS, During the updated data analysis will allow Willdan to capture rising cost data and prepare up-to-date recommendations for the city's user fees; and

WHEREAS, City and Consultant desire to amend the Agreement to update and complete the user fee study for an additional cost of $13,000; and

WHEREAS, the total amended contract with Willdan Financial Services will not exceed $121,435.00; and

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

1. The City Council of St. Helena hereby approves the Amendment #4 to the contract with Willdan Financial Services for an additional $13,000.00 for a total contract amount not-to-exceed $121,435.00.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023, by the following vote:

Mayor Paul Dohring: _____

Vice Mayor Eric Hall: _____

Council Member Anna Chouteau: _____

Council Member Lester Hardy: _____

Council Member Billy Summers: _____

APPROVED: ATTEST:

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

Attachment 1

THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES WITH WILLDAN FINANCIAL SERVICES.

This Fourth Amendment to Professional Services Agreement dated November 24, 2015 ("Agreement") is made as of this 25th day of July 2023 by and between the City of St. Helena, a municipal corporation ("City"), and Willdan Financial Services. ("Consultant").

RECITALS

A. On November 24, 2015, the City and Willdan Financial Services (Consultant) entered into the Professional Services Agreement (“Agreement”) for a Full Cost Services and Development Impact Fee Study for an amount not to exceed $81,540.00; and

B. In November 2017, the City Council approved Amendment No. 1 via resolution No. 2017-51 to this agreement to increase the contract amount by $16,350.00 for a total not-to-exceed amount of $97,890.00 to include impact fee studies for the water and wastewater systems which were not included in the initial agreement; and

C. In October 2018, the City Council approved Amendment No. 2 via resolution No. 2018-139 to this agreement to increase the contract by $4,500 for a total not-to-exceed amount of $102,390.00 to reassess the cost allocation plan due to the addition of two full-time firefighters, implementation of a compensation and classification study, and a Public Works reorganization that were not factored into the original cost allocation plan; and

D. In August 24, 2021, the City Council approved Amendment No. 3 via resolution No. 2021-107 to this agreement to increase the contract amount by $6,045.00 for a total not-to-exceed amount $108,435.00 to include a commercial linkage fee analysis, which allowed Willdan to prepare recommendations for the amounts and classifications for a housing linkage fee and in conjunction with housing market data Willdan developed a pro forma and determine the affordability gap per unit for each income level by industry and occupation; and

E. City has determined to adopt new user fees, the costs associated with the provisions of services fluctuate over time, and a data analysis update is required to reflect the actual cost of certain public services; and

F. During the updated data analysis will allow Willdan to capture rising cost data and prepare up-to-date recommendations for the city’s user fees; and

G. City and Consultant desire to amend the Agreement to update the user fee study for an additional cost of $13,000; and

H. Amendment No. 4 in the amount of $13,000 to the Agreement for Consultant Services with Willdan Financial Services hereby approved and entered into on July 25, 2023; and

I. The total amended contract not-to-exceed $121,435.00.

Attachment 1

AGREEMENT

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

1. Compensation
   Amendment No. 4 in the amount of $13,000.00 to the Agreement for Consultant Services with Willdan Financial Services for a total amended contract not to exceed $121,435.00; and

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

Entered as of the day and year first above stated.

CONSULTANT:

Signatures of Authorized Persons:

By: _____

Print Name:_____

Title: _____

CITY OF ST. HELENA
a Municipal Corporation

By:_____

Print Name: Anil Comelo
Title: City Manager

APPROVED AS TO FORM:

_____
City Attorney

ATTEST:

_____
City Clerk

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Public Works

DATE:	July 25, 2023
FROM:	Mario Traverso, Public Works Assistant Engineer
SUBJECT:	Consideration and adoption of a Resolution: (1) Awarding the Emergency Back-Up Power Project to CD & Power in the amount of $1,946,637.85; (2) Authorizing the City Manager to execute the Construction Contract with CD & Power; (3) Authorizing the Director of Public Works to approve Change Orders not to exceed 10% of the contract amount; (4) Determining the project to be exempt from the requirements of the California Environmental Quality Act (CEQA).
RECOMMENDED ACTION:	Adopt the attached resolution.
PREVIOUS COUNCIL ACTION:	No previous Council Actions
STATEMENT OF THE PURPOSE:	To award the construction contract for the Emergency Power Back-Up Project to CD& Power.
FINANCIAL IMPACT:	There is no additional budgetary impact to the fiscal year 2024 budget for the proposed recommendation. The budget for the projects are included in the Five-Year Capital Improvement Program for Fiscal Years 2023-24 to 2027-28 adopted by City Council on June 13, 2023.

BACKGROUND:

In the aftermath of the devastating 2020 wildfires, the City of St. Helena identified risks that were posed against the City during the disaster. One risk identified is that in the event of a disaster, or a PG&E Public Safety Power Shutoff (PSPS), the City does not have back-up power to several critical City facilities that provide essential services to first responders and the citizens of St. Helena. Based on this risk to the City, it was determined it was essential to provide a permanent source of back-up power generation to various facilities to minimize the impacts disasters may have on St. Helena.

In response, the City applied for Hazard Mitigation Grants through CalOES/FEMA.

Multi-Generator Project (Corporation Yard and Crinella Pump Station)

On July 29, 2021, City staff submitted an application requesting a designated fixed generator for the Corporation Yard and Crinella Pump Station. On August 8, 2022, the City received confirmation from CalOES that it was awarded the Hazard Mitigation Grant

Program Application - Emergency Backup Power Project. The total estimated project cost is $343,173. The City's required match is $85,793.25.

By providing backup power to these facilities, the City will be able to ensure that it can continue to provide essential services during a disaster without interruption and reduce impacts to the public.

Wastewater Treatment Plant

On April 30, 2021, City staff submitted an application requesting larger capacity generator for the Wastewater Treatment Plant. On March 15, 2023, the City received confirmation from CalOES that it was awarded the Hazard Mitigation Grant Program Application - Wastewater Treatment Plant Emergency Backup Power Project. The total estimated project cost is $971,250. The City's required match is $242,812.50.

The larger capacity generator will allow the City to provide backup power supplies to the Wastewater Treatment Plant during higher risk disasters and support the effluent pump station without interruption and impacts to the public. The generator will also allow the wastewater treatment plant to operate during power outages, minimize the potential for sanitary sewer overflows or filling of the ponds at the wastewater treatment plant, and facilitate ongoing compliance with the City's NPDES permit.

DISCUSSION:

Upon award of the Hazard Mitigation Grant Program grants, staff prepared contract documents in conformance to City and federal procurement requirements. On March 30th 2023, the City issued a Request for Proposals for the Emergency Back-Up Power project. The Request for Proposals was posted on the City's website and the North Bay Builders Exchange. On May 11th 2023, the City received three sealed proposals which were publicly opened at City Hall.

The results are as follows:

Contractor		**Base Bid**
CD & Power	***Martinez CA***	**$1,946,637.85**
Fort Bragg Electric	*Fort Brag CA*	$1,995,920.00
PC Inc.	*Santa Maria CA*	$2,184,812.43

The total project cost for the Multi Generator Project (Corp Yard and Crinella Pump Station) exceeded the grant award by $29,825. The total project cost for the Wastewater Treatment Plant Generator Project exceeded the grant award by $602,390. The City requested additional grant funding and CalOES indicated the additional funding has been set aside pending approval. The CIP Project budget sheets are included as Attachment 3 and 4.

The City considers the solicitation successful; receiving three competitive bids which fulfills federal procurement requirements. CD & Power is the lowest responsible, responsive bid, and holds a valid Class A & C10 Contractor's License No. 757162 in the State of California, with no enforcement actions listed. Their license expires on 12/31/2024.

ENVIRONMENTAL REVIEW:
The generators are Tier 4 Final EPA Certified per the Bay Area Air Quality Management District requirements and the project specifications. Additionally, the generators will be regulated and permitted through the Bay Area Air Quality Management District.

DOCUMENTS ATTACHMENTS:

Attachment 1: Resolution - Emergency Back-Up Power Project
Attachment 2: Construction Contract DRAFT
Attachment 3: C23-01 CIP Budget Sheet
Attachment 4: S23-02 CIP Budget Sheet

CITY OF ST. HELENA

RESOLUTION NO. 2023-

Awarding the Emergency Back-Up Power Project to CD & Power, in the amount of $1,946,637.85, (2) Authorizing the City Manager to execute the Construction Contract with CD & Power, (3) Authorizing the Director of Public Works to approve Change Orders not to exceed 10% of the contract amount; and (4) Determining the project to be exempt from the requirements of the California Environmental Quality Act (CEQA).

RECITALS

A. The contract documents and specifications for the work was prepared by staff in accordance with City and federal procurement requirements; and

B. On March 30, 2023 a notice inviting bids was posted and distributed to contractors inviting bids for the Emergency Back-Up Power Project; and

C. On May 11, 2023, three (3) bids were received and opened in accordance with applicable law; and

D. The lowest responsive and responsible bidder for the Project was CD & Power, of Martinez, CA in the amount of $1,946,637.85; and

E. City staff has determined that CD & Power's bid satisfies the bidding requirements for the project; and

F. City staff has verified that CD & Power possesses a valid Contractor's License, Class A & C10, number 757162 that qualifies CD & Power to complete the project; and

G. The Emergency Back-Up Power Project has been found to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) of Title 14 of the California Code of Regulations as it consists of minor alterations of existing street and sidewalk facilities, as the project involves no expansion of an existing use.

RESOLUTION

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

1. Awarding Emergency Back-Up Power Project to CD & Power in the amount of $1,946,637.85; and
2. Authorizing the City Manager to execute a construction contract in the amount of $1,946,637.85 with CD & Power for Emergency Back-Up Power Project; and

3. Authorizing the Director of Public Works to approve change orders not to exceed 10% of the contract account; and
4. The Emergency Back-Up Power Project is found to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) of Title 14 of the California Code of Regulations as it consists of minor alterations of existing street and sidewalk facilities, as the project involves no expansion of an existing use.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023, by the following vote:

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

APPROVED: ATTEST:

_____ _____
Paul Jamison Dohring, Mayor Cindy Tzafopoulous, City Clerk

CONTRACT

CITY OF ST. HELENA
STATE OF CALIFORNIA

THIS CONTRACT is made and entered into by and between the City of St. Helena, a California municipal corporation, hereinafter called "City", and **Got Power, Inc. DBA CD & Power,** hereinafter called "Contractor," for the construction of the **C23-01 & S23-02 Emergency Back-up Power project** (the "Project")**.**

RECITALS

City has taken appropriate proceedings to authorize construction of the Project herein provided and execution of this Contract.

A notice was duly published for bids, and bids were received for the Project improvement hereinafter described.

On **July 25, 2023** , after notice duly given, the City Council of the City of St. Helena awarded the Contract for the construction of the Project improvement hereinafter described to Contractor, which the City Council found to be the lowest responsive and responsible bidder for construction of said Project improvement.

City and Contractor desire to enter into this Contract for the construction of said Project improvements.

THE PARTIES HERETO AGREE AS FOLLOWS:

1. Contract Documents

The complete Contract consists of the following documents (hereinafter, the "Contract Documents"):

A. The Notice to Contractors
B. The Special Provisions
C. The Technical Specifications
D. The Bid Proposal Forms
E. This Contract
F. The Standard Specifications and Standard Plans of the State of California, Dept. of Transportation, dated 2018
G. City of St. Helena General Conditions for City of St. Helena Construction Projects September 1997 (as amended)
H. The Bid Bond, Faithful Performance Bond, Labor and Material Bond, and Warranty/Maintenance Bond
I. City of St. Helena Standard Specifications and Standard Plans, dated June 1998
J. State of California Building Code
K. State of California Electrical Code
L. All Applicable Federal Requirements
M. Approved and fully executed change orders
N. Addenda

All rights and obligations of City and Contractor are fully set forth and described in the Contract Documents.

All of the above-named Contract Documents are intended to cooperate so that any work called for in one and not mentioned in the other, or vice versa, is to be executed the same as if mentioned in all said Contract Documents.

2. Scope of Work

The scope of work is described in the Contract Documents.

3. Performance of Work

Contractor shall furnish all tools, equipment, apparatus, facilities, labor and materials necessary to perform and complete in a good and workmanlike manner the work of construction as called for, and in the time and manner designated in, and in strict conformity with, the Contract Documents for said work.

The equipment, apparatus, facilities, labor and material shall be furnished, and said work performed and completed, as required in said plans and specifications under the direction and supervision, and subject to the approval, of the City Engineer of the City of St. Helena, or his or her designated assistant or assistants.

4. Contract Price

City shall pay, and Contractor shall accept, in full payment for the work agreed to be done, the dollar amounts shown on the attached Bid Schedule. Increases or decreases in the quantities shall operate in the manner provided for in the Contract Documents. Payment in installments shall be as provided for in the Contract Documents.

5. Extra and/or Additional Work and Changes

Should City at any time during the progress of said work request any alterations, deviations, additions or omissions from said plans, specifications or other Contract Documents, it shall be at liberty to do so and the same shall in no way affect or make void the Contract. The value of such will be added to, or deducted from, the contract price, as the case may be, in accordance with the provisions for such contained in the Contract Documents.

6. Liquidated Damages

In accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum set forth in Section 4-1.02 of the Special Provisions for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Section does not exclude recovery of other damages specified in the Contract Documents

7. Indemnification

Contractor shall provide indemnification and defense as set forth in the Special Provisions.

8. Provisions Cumulative

The provisions of this Contract are cumulative and in addition to, and not in limitation of, any other rights or remedies available to City.

9. Notices

All notices shall be in writing and delivered in person or transmitted by certified mail, postage prepaid. Notices required to be given to City shall be addressed as follows:

City of St. Helena
1088 College Avenue
St. Helena, Ca 94574

Notices required to be given to Contractor shall be addressed as follows:

GOT POWER, INC. DBA CD & POWER

150 NARDI LANE

MARTINEZ, CA 94553

Notices required to be given to Sureties of Contractor shall be addressed as follows:

[Click here and insert Surety Company]
c/o [Click here and insert Surety]
[Click here and insert address]
[Click here and insert City]

DATED this 25th day of July, 2023.

CITY OF ST. HELENA, a Municipal Corporation

_____
Anil Comelo, City Manager

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

APPROVED AS TO FORM:

_____
Ethan Walsh, City Attorney

CONTRACTOR: Got Power, Inc. a corporation doing business as CD & Power

Contractor's License No. 757162

By:_____
[Click here to insert Name and Title]

By:_____
[Click here to insert Name and Title]

Project: Emergency Back-up Power Project

BID SCHEDULE
Emergency Backup Power Project

Item No.	Item Description	Estimated Quantity	Unit	Unit Price	Total Cost
1	Generator Procurement and Installation Corporation Yard	1	LS	**$218,165.20**	**$218,165.20**
2	Generator Procurement and Installation Crinella Pump Station	1	LS	**$154,832.65**	**$154,832.65**
3	Generator Procurement and Installation Wastewater Treatment Plant	1	LS	**$1,573,640.00**	**$1,573,640.00**

* Note: In case of error in extension of price into the total price column, the unit price will govern.

Total Amount of Base Bid (written in words) is:

One Million nine hundred forty six thousand six hundred thirty seven Dollars and

eighty five Cents.

In the event of discrepancy between words and figures, the words shall prevail.

$ $1,946,637.86

Total in Figures

Notes:

- The Contract will be compared and awarded on the basis of the Total Base Bid.
- The City reserves the right to increase or decrease quantities as deemed necessary, with the unit prices bid above.

BID SCHEDULE, continued

150 NARDI LANE	
Address of Bidder	Signature of Bidder
MARTINEZ, CA 94553	MIKE SARTORIO
City	Name of Bidder (Print)
925-229-2700	925-229-2702
Telephone Number of Bidder	Fax Number of Bidder
757162	12/31/24
Contractor's License Number	License's Expiration Date
1000794079	
DIR Registration Number	

ADDENDUM ACKNOWLEDGMENT

Bidder acknowledges receipt of the following addenda, which are attached to the proposal:

Addendum No. #1	Date: 4/25/2023
Addendum No. #2	Date: 5/9/2023
Addendum No.	Date:
Addendum No.	Date:

FAITHFUL PERFORMANCE BOND
(Construction)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT WHEREAS, the City of St. Helena, (hereinafter referred to as "City") has awarded to _____, (hereinafter referred to as the "Contractor") an agreement for **Contract No.**_____, (hereinafter referred to as the "Project").

WHEREAS, the work to be performed by the Contractor is more particularly set forth in the Contract Documents for the Project dated _____, (hereinafter referred to as "Contract Documents"), the terms and conditions of which are expressly incorporated herein by reference; and

WHEREAS, the Contractor is required by said Contract Documents to perform the terms thereof and to furnish a bond for the faithful performance of said Contract Documents.

NOW, THEREFORE, we, _____, the undersigned Contractor and _____ as Surety, a corporation organized and duly authorized to transact business under the laws of the State of California, are held and firmly bound unto the City in the sum of _____ DOLLARS, ($_____), said sum being not less than one hundred percent (100%) of the total amount of the Contract, for which amount well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that, if the Contractor, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and agreements in the Contract Documents and any alteration thereof made as therein provided, on its part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their intent and meaning; and shall faithfully fulfill all obligations including the one (1) year guarantee of all materials and workmanship; and shall indemnify and save harmless the City, its officials, officers, employees, and authorized volunteers, as stipulated in said Contract Documents, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees including reasonable attorney's fees, incurred by City in enforcing such obligation.

As a condition precedent to the satisfactory completion of the Contract Documents, unless otherwise provided for in the Contract Documents, the above obligation shall hold good for a period of one (1) year after the acceptance of the work by City, during which time if Contractor shall fail to make full, complete, and satisfactory repair and replacements and totally protect the City from loss or damage resulting from or caused by defective materials or faulty workmanship. The obligations of Surety hereunder shall continue so long as any obligation of Contractor remains. Nothing herein shall limit the City's rights or the Contractor or Surety's obligations under the Contract, law or equity, including, but not limited to, California Code of Civil Procedure Section 337.15.

Whenever Contractor shall be, and is declared by the City to be, in default under the Contract Documents, the Surety shall remedy the default pursuant to the Contract Documents, or shall promptly, at the City's option:

i. Take over and complete the Project in accordance with all terms and conditions in the Contract Documents; or

ii. Obtain a bid or bids for completing the Project in accordance with all terms and conditions in the Contract Documents and upon determination by Surety of the lowest responsive and responsible bidder, arrange for a Contract between such bidder, the Surety and the City, and make available as work progresses sufficient funds to pay the cost of completion of the Project, less the balance of the contract price, including other costs and damages for which

Surety may be liable. The term "balance of the contract price" as used in this paragraph shall mean the total amount payable to Contractor by the City under the Contract and any modification thereto, less any amount previously paid by the City to the Contractor and any other set offs pursuant to the Contract Documents.

iii. Permit the City to complete the Project in any manner consistent with California law and make available as work progresses sufficient funds to pay the cost of completion of the Project, less the balance of the contract price, including other costs and damages for which Surety may be liable. The term "balance of the contract price" as used in this paragraph shall mean the total amount payable to Contractor by the City under the Contract and any modification thereto, less any amount previously paid by the City to the Contractor and any other set offs pursuant to the Contract Documents.

Surety expressly agrees that the City may reject any contractor or subcontractor which may be proposed by Surety in fulfillment of its obligations in the event of default by the Contractor.

Surety shall not utilize Contractor in completing the Project nor shall Surety accept a bid from Contractor for completion of the Project if the City, when declaring the Contractor in default, notifies Surety of the City's objection to Contractor's further participation in the completion of the Project.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract Documents or to the Project to be performed thereunder shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract Documents or to the Project.

By their signatures hereunder, Surety and Contractor hereby confirm under penalty of perjury that surety is an admitted surety insurer authorized to do business in the State of California.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 2023.

(Corporate Seal)

_____
Contractor/ Principal

By_____

Title_____

(Corporate Seal)

_____
Surety

By _____
Attorney-in-Fact

(Attach Attorney-in-Fact Certificate)

Title_____

The rate of premium on this bond is _____ per thousand. The total amount of premium charges is $_____.
(The above must be filled in by corporate attorney.)

THIS IS A REQUIRED FORM

Any claims under this bond may be addressed to:

(Name and Address of Surety) _____
_____
_____

(Name and Address of Agent or Representative for service of process in California, if different from above) _____
_____
_____

(Telephone number of Surety and Agent or Representative for service of process in California) _____

LABOR AND MATERIALS BOND
(Construction)

KNOW ALL MEN BY THESE PRESENTS That

WHEREAS, the City of St. Helena (hereinafter designated as the "City"), by action taken or a resolution passed _____ , 2023, has awarded to _____ hereinafter designated as the "Principal," a contract for the work described as follows: **Contract No.**_____ (the "Project"); and

WHEREAS, said Principal is required to furnish a bond in connection with said contract; providing that if said Principal or any of its Subcontractors shall fail to pay for any materials, provisions, provender, equipment, or other supplies used in, upon, for or about the performance of the work contracted to be done, or for any work or labor done thereon of any kind, or for amounts due under the Unemployment Insurance Code or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of said Principal and its Subcontractors with respect to such work or labor the Surety on this bond will pay for the same to the extent hereinafter set forth.

NOW THEREFORE, we, the Principal and _____ as Surety, are held and firmly bound unto the City in the penal sum of _____ Dollars ($_____) lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that if said Principal, his or its subcontractors, heirs, executors, administrators, successors or assigns, shall fail to pay any of the persons named in Civil Code Section 9100, fail to pay for any materials, provisions or other supplies, used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, or amounts due under the Unemployment Insurance Code with respect to work or labor performed under the contract, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department or Franchise Tax Board from the wages of employees of the contractor and his subcontractors pursuant to Revenue and Taxation Code Section 18663, with respect to such work and labor the Surety or Sureties will pay for the same, in an amount not exceeding the sum herein above specified, and also, in case suit is brought upon this bond, all litigation expenses incurred by the City in such suit, including reasonable attorneys' fees, court costs, expert witness fees and investigation expenses.

This bond shall inure to the benefit of any of the persons named in Civil Code Section 9100 so as to give a right of action to such persons or their assigns in any suit brought upon this bond.

It is further stipulated and agreed that the Surety on this bond shall not be exonerated or released from the obligation of this bond by any change, extension of time for performance, addition, alteration or modification in, to, or of any contract, plans, specifications, or agreement pertaining or relating to any scheme or work of improvement herein above described, or pertaining or relating to the furnishing of labor, materials, or equipment therefore, nor by any change or modification of any terms of payment or extension of the time for any payment pertaining or relating to any scheme or work of improvement herein above described, nor by any rescission or attempted rescission or attempted rescission of the contract, agreement or bond, nor by any conditions precedent or subsequent in the bond attempting to limit the right of recovery of claimants otherwise entitled to recover under any such contract or agreement or under the bond, nor by any fraud practiced by any person other than the claimant seeking to recover on the bond and that this bond be construed most strongly against the Surety and in favor of all persons for whose benefit such bond is given, and under no circumstances shall Surety be released from liability to those for whose benefit such bond has been given, by reason of any breach of contract between the owner or City and original contractor or on the part of any obligee named in such bond, but the sole conditions of recovery shall be that claimant is a person described in Civil Code Section 9100, and has not been paid the full amount of his claim and that Surety does hereby waive notice of any such change, extension of time, addition, alteration or modification herein mentioned, including but not limited to the provisions of sections 2819 and 2845 of the California Civil Code.

By their signatures hereunder, Surety and Principal hereby confirm under penalty of perjury that surety is an admitted surety insurer authorized to do business in the State of California.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 2023.

(Corporate Seal)

_____
Contractor/ Principal

By_____

Title_____

(Corporate Seal)

_____
Surety

By _____
Attorney-in-Fact

(Attach Attorney-in-Fact Certificate)

Title_____

WARRANTY/MAINTENANCE BOND

WHEREAS, the City Council of the CITY OF ST. HELENA, State of California (hereinafter designated as "City"), and (hereinafter designated as "Principal"), have entered into an agreement ("Contract") dated , 2023, whereby Principal guaranteed that all improvements (as defined therein) constructed by or on behalf of Principal shall be free from defects of materials or work quality and shall perform satisfactorily for a period of at least one (1) year from the date of final acceptance of all work performed under the Contract and further, the principal agreed to repair defects and replace improvements which cannot be repaired within said one (1) year period; and

WHEREAS, said Principal is required to furnish a bond for the faithful performance of its responsibility to maintain repair and replace said improvements.

NOW, THEREFORE, we the Principal and [Click here and insert Surety Agent Name and Number] as surety are held and firmly bound unto the City in the penal sum of $ lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above-bounded Principal, his, her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said Contract and any alteration thereof made as therein provided, on this or their part, to be kept and performed by Principal as required therein and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City and its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in any wise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the work or to the specifications.

In witness hereof, this instrument has been duly executed by the Contractor and surety above named on , 2023.

NOTE: To be signed by Principal, and Admitted Surety and acknowledgement and notarial seal for both attached. Attach copy of authority for surety agent and County Clerk certificate under CCP §995.660)
[SEAL]

_____
(Principal Signature)

[Click and insert Principal Name and Title]

[Click and insert Principal Business Name]

_____
(Surety Signature)

[Click and insert Name and Title]

[Click and insert Surety Business Name]

ACORD **CERTIFICATE OF INSURANCE** ISSUE DATE: _____

PRODUCER:	THIS CERTIFICATE OF INSURANCE IS NOT AN INSURANCE POLICY AND DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
_____	INSURERS AFFORDING COVERAGE:	NAIC#
_____	INSURER A: Insurance Company name	?
_____	INSURER B: Insurance Company name	?
INSURED:	INSURER C: Insurance Company name	?
_____	INSURER D: _____	
_____		
_____		

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

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS	
A	**GENERAL LIABILITY** ■ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ■ OCCURRENCE ☐ OWNER'S & CONTRACTOR'S PROT. ☐ OTHER	_____	_____	_____	EACH OCCURRENCE	$2,000,000
					DAMAGE TO RENTED PREMISES (Ea occurrence)	$
					MED. EXP. (Any one person)	$
					PERSONAL & ADV INJURY	$
					GENERAL AGGREGATE	$2,000,000
					PRODUCTS COMP/OP AGG.	$2,000,000
B	**AUTOMOBILE LIABILITY** ■ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ■ HIRED AUTOS ■ NON-OWNED AUTOS	_____	_____	_____	COMBINED SINGLE LIMIT (Ea accident)	$2,000,000
					BODILY INJURY (Per person)	$
					BODILY INJURY (Per accident)	$
					PROPERTY DAMAGE	$
	EXCESS/UMBRELLA LIABILITY ☐ OCCURRENCE ☐CLAIMS MADE ☐ DEDUCTIBLE ☐ RETENTION				EACH OCCURRENCE	$
					AGGREGATE	$
C	**WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY** **ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICERS/MEMBER EXCLUDED?** **If yes, describe under SPECIAL PROVISIONS below.**	_____	_____	_____	■ WC STATU-TORY LIMITS ☐ OTHER	$
					EACH ACCIDENT	$1,000,000
					DISEASE-POLICY LIMIT	$1,000,000
					DISEASE-EACH EMPLOYEE	$1,000,000
	PROPERTY INSURANCE ☐ COURSE OF CONSTRUCTION				AMOUNT OF INSURANCE	$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

The City of St. Helena, its agents, officials, officers, employees and volunteers are added as additional insured
RE: _____

CERTIFICATE HOLDER	CANCELLATION 10 Days for Non-Payment
CITY OF ST. HELENA 1480 MAIN STREET ST HELENA, CA 94574	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURED WILL ~~ENDEAVOR TO~~ MAIL *30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION ON LIABILITY OF ANY KIND UPON THE INSURED, ITS AGENTS AND REPRESENTATIVES~~.

SAMPLE

Page 1 of 6 Last Updated 1-22-08

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY
CG 20 10 10 01

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:
The City of St. Helena, its' agents, officers, officials, employees and volunteers are additionally insured.

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

A. **Section II – Who Is An Insured** is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of your ongoing operations performed for that insured.

B. With respect to the insurance afforded to these additional insureds, the following exclusion is added:

2. Exclusions

This insurance does not apply to "bodily injury" or "property damage" occurring after:

(1) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the site of the covered operations has been completed; or

(2) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

SAMPLE

Certificate pursuant to 995.640(a) Code of Civil Procedure

Emergency Back-Up Power - Corp Yard & Crinella Pump Station

Project No: C23-01

Category: Civic

Project Location: Corporation Yard and Crinella Pump Station

Responsible Department:



PROJECT PURPOSE & DESCRIPTION: This project will replace existing emergency generators and related equipment at the City's Corporation Yard and Crinella Pump Station. These upgrades increase generator capacities and update aging equipment. This project is funded in part by Hazard Mitigation Grant Program (HMGP) funds secured from FEMA and California Office of Emergency Services.

NOTES:

EXPENDITURE ACCOUNTS: **Fund**: 733 **Dept**: 5010

EXPENDITURES	Total YTD 05/16/23		2023-24	2024-25	2025-26	2026-27	2027-28	PROJECT TOTAL
3150 - Construction Management			17,104					17,104
3160 - Construction Contract			372,998					372,998
EXPENDITURE TOTALS			390,102					390,102
FUNDING SOURCES								
733-Civic CIP			55,177					55,177
733-Civic CIP HMGP Funds			279,748					279,748
773-Wastewater Capital Improvement			55,177					55,177
FUNDING TOTALS			390,102					390,102

Emergency Back-Up Power - WWTP

Project No: S23-02

Category: Wastewater

Project Location: 1 Chaix Ln St. Helena

Responsible Department:



PROJECT PURPOSE & DESCRIPTION: This project will replace the existing emergency generator and related equipment at the Wastewater Treatment Plant. The upgrades increase generator capacities, update aging equipment, and will allow the City to provide backup power to an essential City facility during a disaster. This project is funded in part by Hazard Mitigation Grant Program (HMGP) funds secured from FEMA and California Office of Emergency Services.

NOTES:

EXPENDITURE ACCOUNTS: **Fund:** 773 **Dept:** 5059

EXPENDITURES	Total YTD 05/16/23		2023-24	2024-25	2025-26	2026-27	2027-28	PROJECT TOTAL
3150 - Construction Management			25,223					25,223
3160 - Construction Contract			1,575,640					1,575,640
EXPENDITURE TOTALS			1,600,863					1,600,863
FUNDING SOURCES								
773-Wastewater Capital Improvement			419,133					419,133
773-Wastewater Capital Improvement - HMGP Funds			1,181,730					1,181,730
FUNDING TOTALS			1,600,863					1,600,863

Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Public Works

DATE:	July 25, 2023
FROM:	Joseph Leach, Public Works Director and City Engineer
SUBJECT:	Receive report and consider adoption of Resolution to declare the end of the Phase I Water Emergency retroactively effective on July 1, 2023.
RECOMMENDED ACTION:	Adopt the attached resolution.
PREVIOUS COUNCIL ACTION:	June 23, 2020 Council adoption of Resolution 2020-72 declaring Phase I Water Emergency. October 27, 2020 Council adoption of Resolution 2020-107 declaring Phase II Water Emergency. February 14, 2023 Council adoption of Resolution 2023-16 memorialized the end of the Phase II Water Emergency declared by staff and effective December 2021.
STATEMENT OF THE PURPOSE:	To provide data to support a recommendation to terminate the Phase I Water Emergency based upon current water supply and projected water demand.
FINANCIAL IMPACT:	Similar to the termination of the Phase II Water Emergency, which included a Drought Rate surcharge, the magnitude of either revenue lost (due to elimination of the Phase I Drought Rate surcharge) or gained (due to possible increase in customer usage) is undetermined. Regardless, the termination of the Phase I Water Emergency is being recommended based upon water data not financial considerations.

BACKGROUND:

At the February 14, 2023 City Council meeting, a report was presented and discussion ensued related to formally terminating the Phase II Water Emergency via resolution since it had been declared as such in November 2021 and implemented in December 2021. The report detailed the criteria required to both declare and terminate a Water Emergency, most notably that the analysis was to be performed "after the end of the fiscal year" based upon the St. Helena Municipal Code Section 13.04.010.

DISCUSSION:

During the February 14, 2023 meeting, Councilmembers and members of the community intimately familiar with the process by which the 2011 Safe Yield Committee developed the Safe Yield volume, it was noted that the report inaccurately presented the Safe Yield volume of 2,150 acre-feet per year ("AFY"). It was publicly noted that the Safe Yield

volume of 1,950 AFY already included a 200 AFY increase in the available water supply from the City of Napa (i.e. increase from 400 AFY to 600 AFY with an option to request an additional 200 AFY). The increase in City of Napa water was memorialized by Amendment No. 3 to the Water Supply Agreement between the City of Napa and the City of St. Helena via Resolution No. 2011-82 adopted on November 8, 2011.

As noted in the February 14, 2023 report, Tables 1, 2, and 3 below are the criteria utilized to determine the necessity to continue or rescind a Water Emergency.

Table 1 - Bell Canyon Reservoir Capacity

Month	2019	2020	2021	2022	2023
Nov	57.0%	38.7%	73.5%	61.7%	
Dec	71.7%	34.4%	100%	100%	
May		62.9%	42.0%	82.3%	98.9%

Attachment 1, page 5 depicts the 17-year trend for Bell Canyon capacity. It is essential to note that there has not been a comparative season where the reservoir was 100% full in December and then over 90% full in May. The closest this occurred was in December 2014 where the reservoir was 100% full and then in May 2015 the reservoir was 89.5% full. Additionally, it should be noted that the reservoir has been above 95% capacity in May only 3 times (2006, 2016 and 2023).

Table 2 - Water Production Trend (Bell Canyon, Napa Intertie and Stonebridge Wells)
Values in Acre-Feet, including through June 2023 for FY2022-23, as reported in a separate report on this agenda.

Source	2019-20	2020-21	2021-22	2022-23
Bell Canyon	765	601	379	401
Napa Water	592	487	393	562
Stonebridge Wells	300	576	466	283
Totals	1,657	1,664	1,238	1,246

Attachment 1, pages 3 and 4 depict the 12-year trend for **system water production** between the three sources.

Table 3 - Water Demand Trend (i.e. Water Billed)
Values in Acre-Feet, including through June 2023 for FY2022-23, as reported in a separate report on this agenda.

	2019-20	2020-21	2021-22	2022-23
Water Customers Demand	1,488	1,372	1,032	976
Percent Loss (Audit)	15%	15%	15%	15%

Water Demand	1,751	1,614	1,214	1,148

Attachment 1, page 2 depicts the 12-year trend for **total water demand**.

Attachment 1, page 6, the projected available supply in Bell Canyon Reservoir is approximately 1,865AF in June 2024, significantly above the 1,481AF threshold for declaration of a Phase I Water Emergency.

ENVIRONMENTAL REVIEW: Not a CEQA project.

DOCUMENTS ATTACHMENTS:

Attachment 1 - Presentation COSH Water Update_021423_072523
Attachment 2 - Resolution_072523

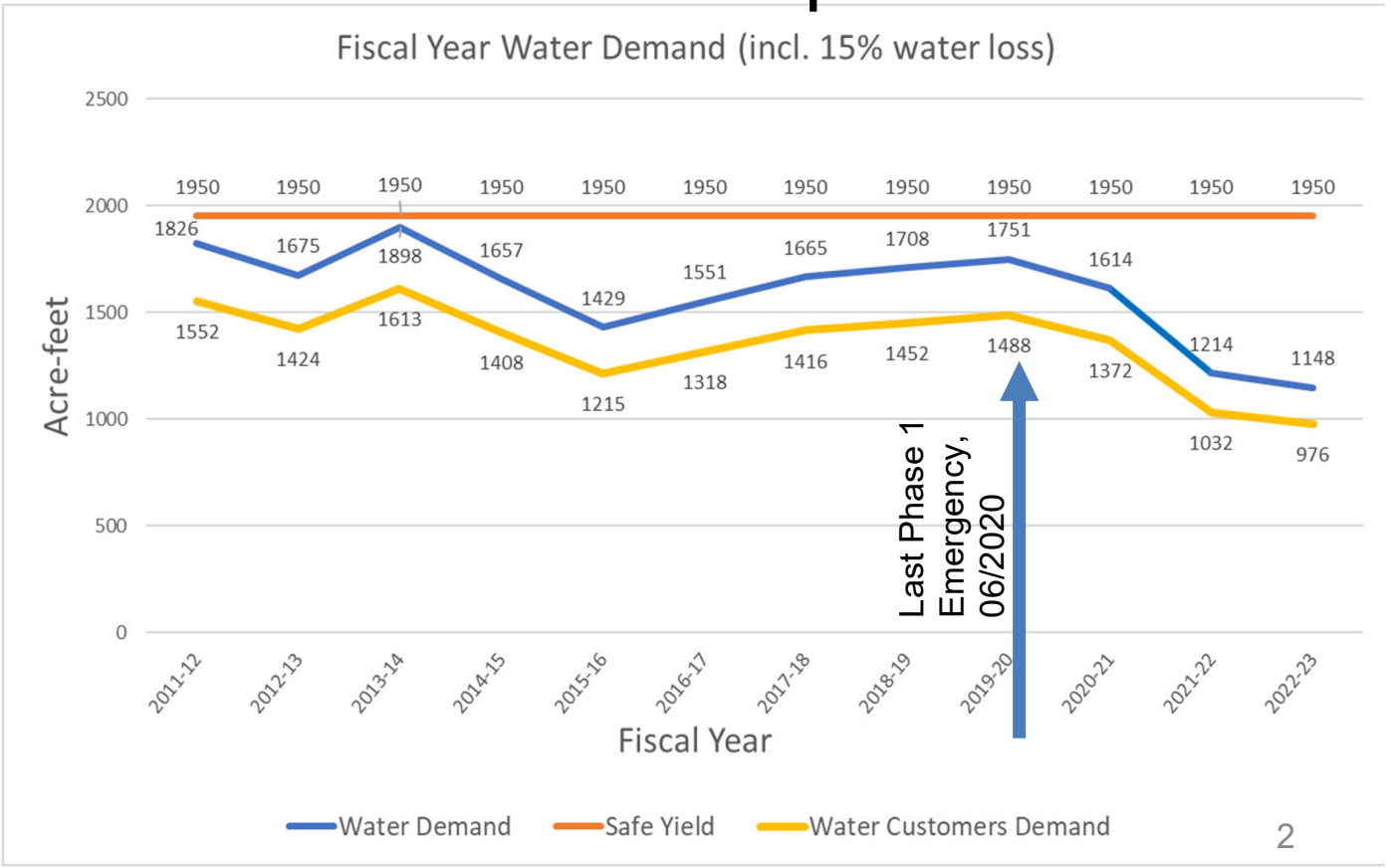
City of St. Helena Water Update
Attachment 1

By: Joe Leach, PE

Director of Public Works

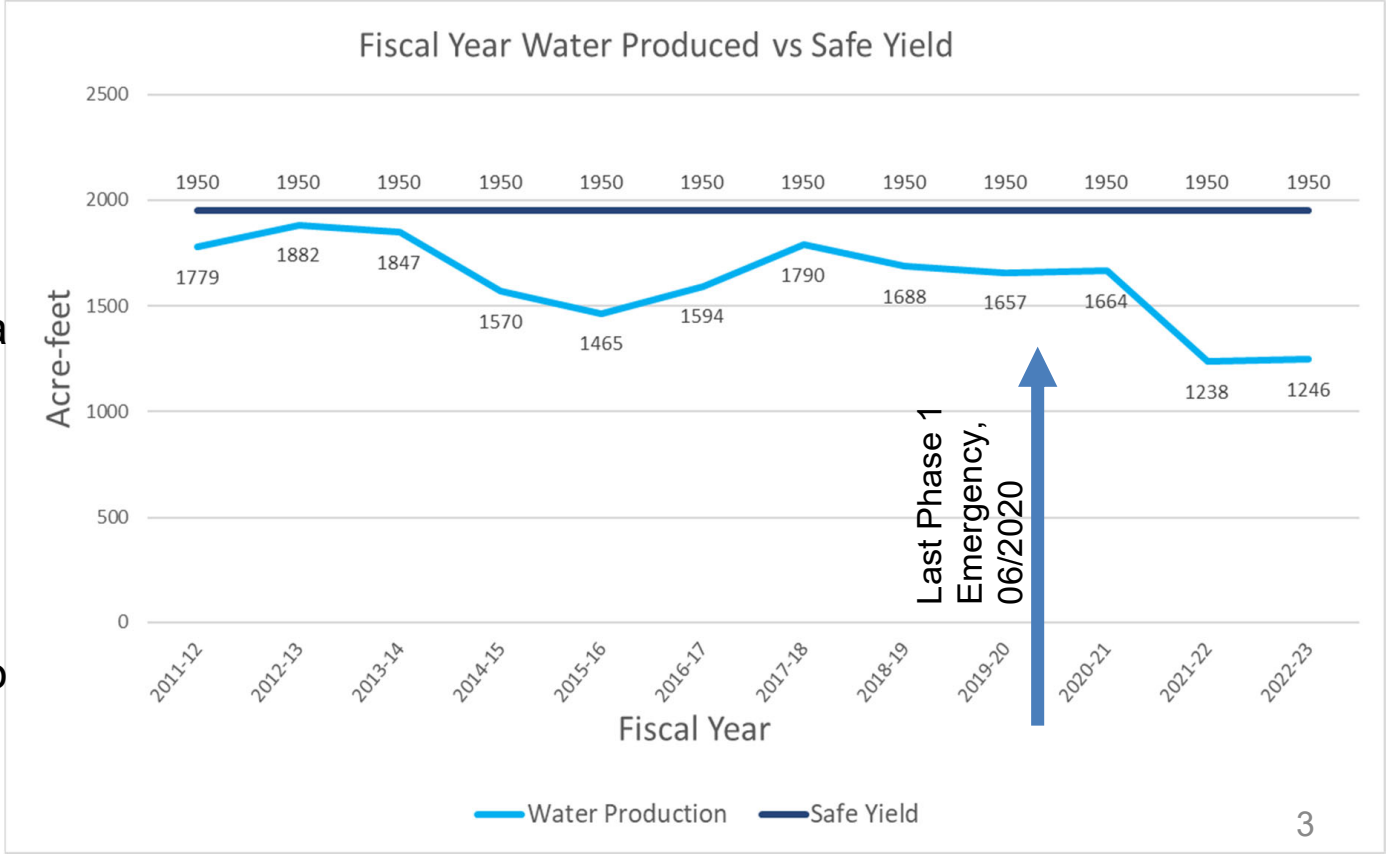
City of St. Helena Water Update

- Fiscal Year water demand incl. 15% “system loss”
- FY2022-23 data complete through June 30, 2023
- Safe Yield Value changed from 2,150AF to 1,950AF



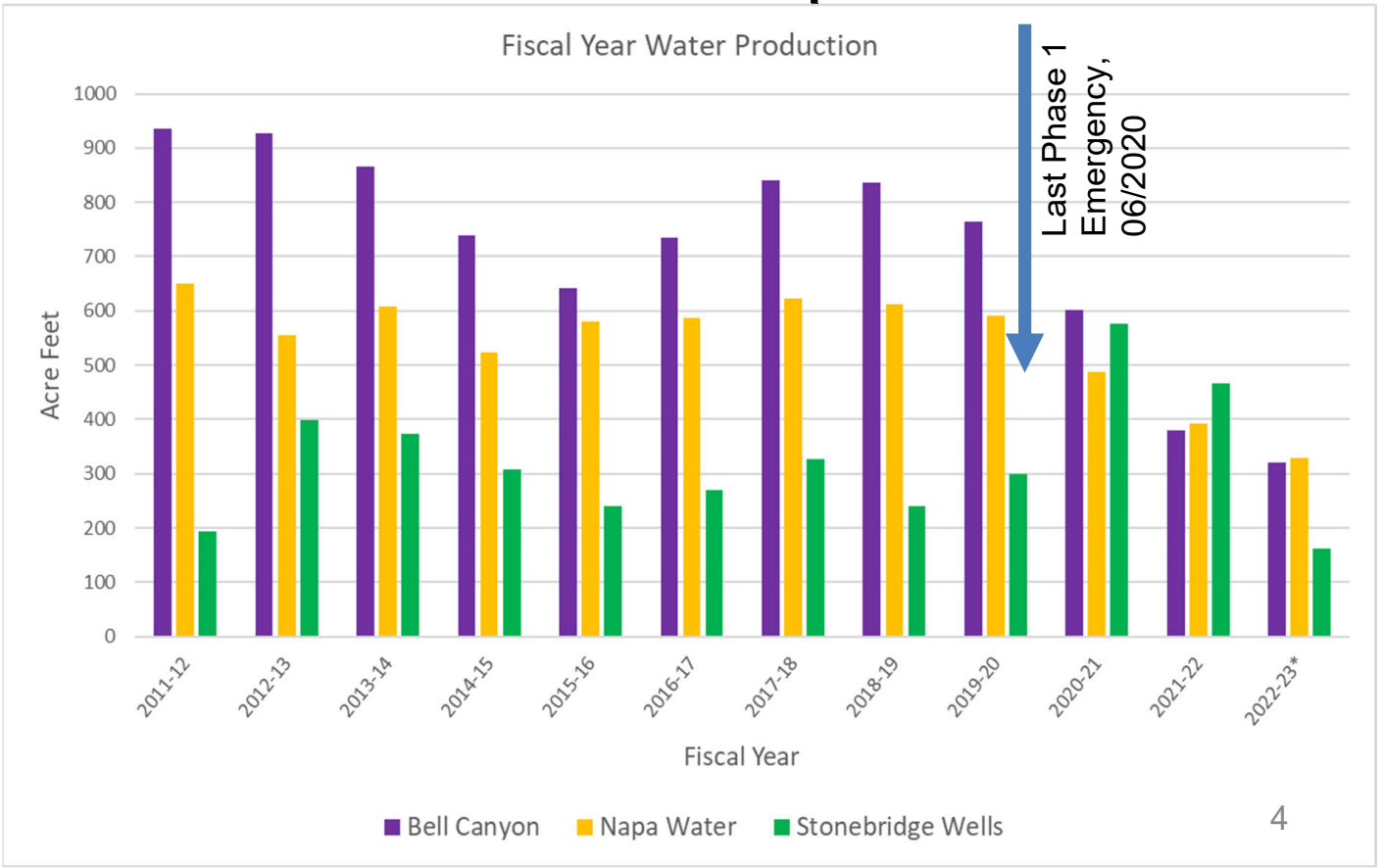
City of St. Helena Water Update

- Fiscal Year water production
- FY2022-23 data complete through June 30, 2023
- Safe Yield Value changed from 2,150AF to 1,950AF



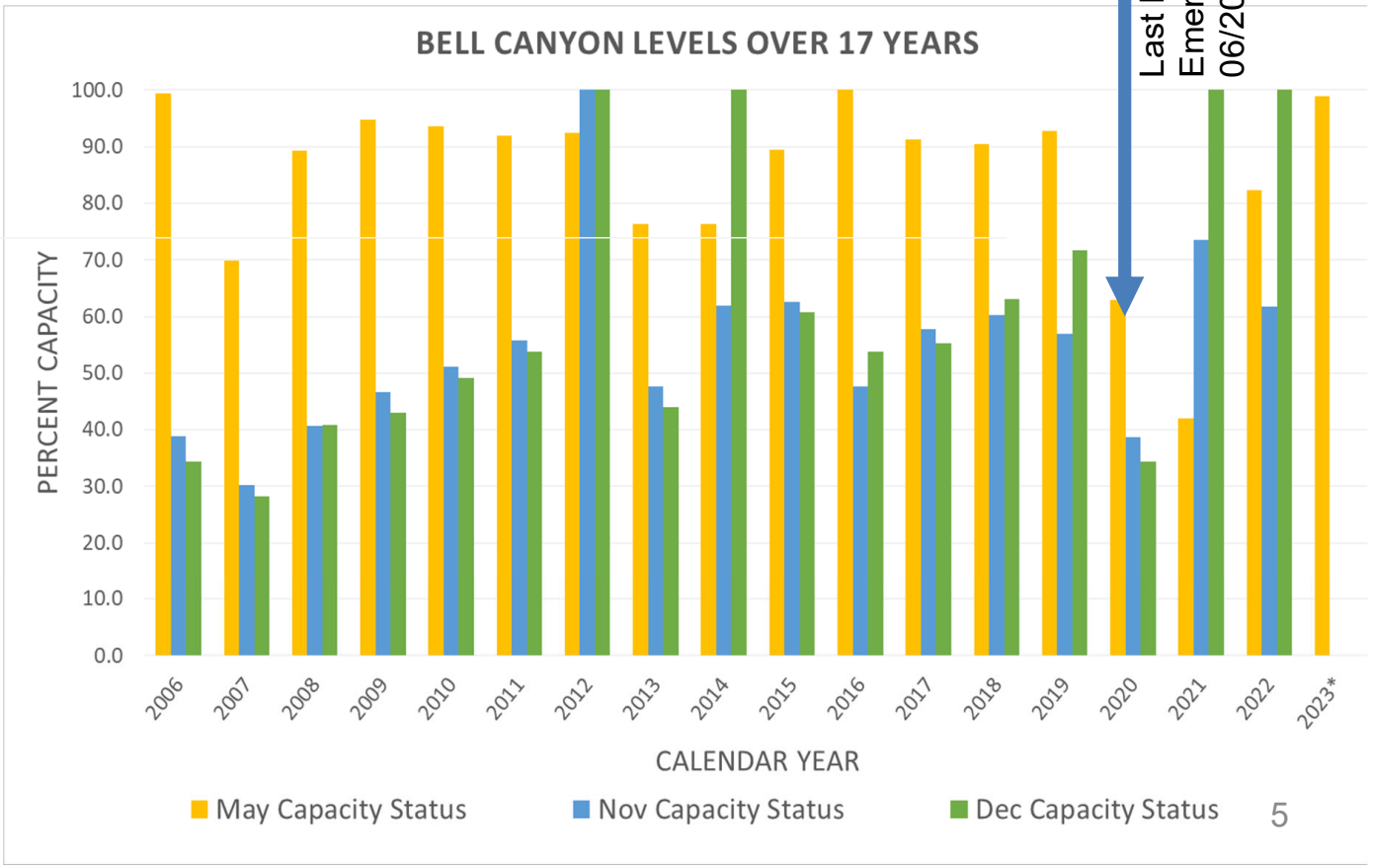
City of St. Helena Water Update

- Combined Water Source Production since FY 2011-12
- FY2022-23 data complete through June 30, 2023



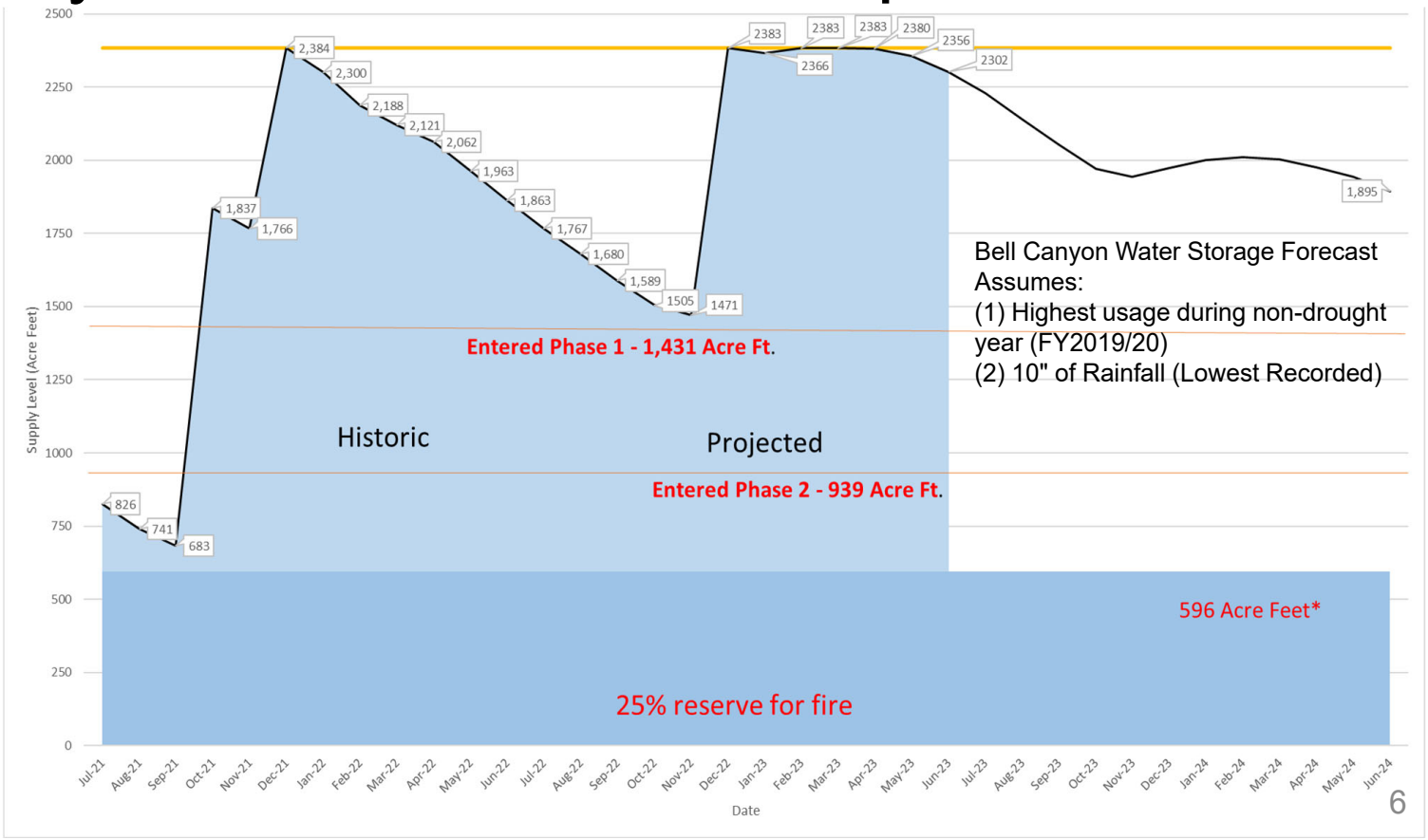
City of St. Helena Water Update

- Bell Canyon Capacity in May, November and December since 2006
- FY2022-23 data complete through June 30, 2023



City of St. Helena Water Update

- Bell Canyon Reservoir Monthly storage
- Projected sufficient supply (1,895AF) beyond June 2024



City of St. Helena Water Update

(updated from 2/14/23 presentation)

- Prior to 2007 no City of Napa water was available
- Post 2011, the City has an annual allocation of 600 acre-feet from the City of Napa with the option to purchase an additional 200 acre-feet per year.
- The 2011 Safe Yield Report assumes limiting the Stonebridge Wells long term average of 450 acre-feet per year. Well usage has been averaging approximately 373 acre-feet/year for the last 5 fiscal years.
- Despite significant staff turnover during the last several years, Water Operations staff continues to equitably balance the supplies.
- Bell Canyon has a projected available capacity of 1,895 acre-feet in June 2024, well above the 1,431 acre-foot level when the Phase I Water Emergency was declared in June 2020.
- It is important to note that the City relies on total water volume availability from all water sources and not just water levels at Bell Canyon to meet system demand.

City of St. Helena Water Update

Director of Public Works Recommendations:

- Adopt Resolution to terminate the Phase I Water Emergency retroactively effective July 1, 2023 to reduce billing complexity.
- Continue to conserve Bell Canyon Reservoir water by minimizing water treatment operations at Louis Stralla and utilizing Stonebridge Wells and City of Napa water allocation, adhere to recommendations adopted in the 2011 Safe Yield Report and continue to provide monthly updates to City Council.
- Alert City Council of any changes to the City's water supply and/or drought restrictions that may be set by the State that would impact the City of St. Helena water customers.

CITY OF ST. HELENA

RESOLUTION NO. 2023-

Resolution of the City Council of the City of St. Helena to terminate the Phase I Water Emergency retroactively effective July 1, 2023

WHEREAS, Resolution No. 2020-72 established a Phase I Water Emergency and Resolution 2020-107 established a Phase II Water Emergency; and

WHEREAS, based upon criteria established by the City of St. Helena Safe Water Yield Committee and Municipal Code, the Public Works Director ended the Phase II Water Emergency in November 2021, effective December 2021; and

WHEREAS, Resolution No. 2023-16 formally terminated the Phase II Water Emergency and directed staff to provide a presentation and recommendation related to the disposition of the Phase I Water Emergency at a Council meeting in July 2023 with the intent to either continue or terminate said conservation requirements; and

WHEREAS, staff performed the required analysis to determine the disposition of water supply in Bell Canyon Reservoir at the end of the fiscal year, specifically it was at 98.9% capacity on July 1, 2023; and

WHEREAS, the projected demand on the system versus the anticipated rainfall over the next year reflects an available supply in Bell Canyon of approximately 1,895 acre-feet, significantly above the 1,481 acre-feet standard for declaration of a Phase I Water Emergency.

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 terminates the Phase I Water Emergency retroactively effective July 1, 2023.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023, by the following vote:

Mayor Paul Dohring: _____

Vice Mayor Eric Hall: _____

Council Member Anna Chouteau: _____

Council Member Lester Hardy: _____

Council Member Billy Summers: _____

APPROVED: ATTEST:

_____ _____

Paul Jamison Dohring, Mayor Cindy Tzafopoulos, City Clerk

Agenda Report to the City Council

Agenda Section: OLD BUSINESS

Department: Administration

DATE:	July 25, 2023
FROM:	April Mitts, Assistant City Manager
SUBJECT:	Discussion and Direction Regarding 2024 Ballot Measure and Consideration and Proposed Approval of a Resolution Approving two Professional Services Agreements: (1) Fairbank, Maslin, Maullin, Metz & Associates (FM3) for Opinion Research Services for an amount not-to-exceed $32,250.00 and (2) TeamCivX for Electoral Feasibility of a Revenue Measure or Measures for the Ballot for an amount not-to-exceed $25,000.00.
RECOMMENDED ACTION:	Discussion and Direction Regarding 2024 Ballot Measure and approval of attached Resolution.
PREVIOUS COUNCIL ACTION:	February 28, 2023 - Baker Tilly report with financial projections and revenue options. May 23, 2023 - Follow-up report by staff regarding revenue options with Council direction to pursue the Real Property Transfer Tax.
STATEMENT OF THE PURPOSE:	Approve Professional Services Agreements for Opinion Research and Electoral Feasibility and provide direction regarding 2024 Ballot Measure(s)
FINANCIAL IMPACT:	Approving two Professional Services Agreements: (1) Fairbank, Maslin, Maullin, Metz & Associates (FM3) for Opinion Research Services for an amount not-to-exceed $32,250.00 and (2) TeamCivX for Electoral Feasibility of a Revenue Measure or Measures for the Ballot for an amount not-to-exceed $25,000.00. Funding for these services is included in the FY 2024 adopted budget.

BACKGROUND:

On February 28, 2023, the City Council received a presentation from BakerTilly which provided financial projections and warned about the need to increase revenues and/or further adjust service levels. The presentation provided several ways of dealing with the financial situation including reducing expenditures, engaging more aggressively in shared services, and increasing various types of fees and taxes. The key conclusion was that if community expectations are to be met, simply addressing the fiscal gap by only reducing expenditures will not work in the long run and new revenue stream(s) would need to be considered.

The financial outlook shows short-term stability; however, there are significant long-term challenges to address including unfunded needs consistent with Council Goals and community expectations that include repair of major streets and sidewalk improvements, infrastructure and environmental sustainability, quality of life, and overall staffing.

As a follow-up to the February 28, 2023 Council meeting, on May 23, 2023, staff brought forth a report to Council that further discussed each of the revenue options for City Council discussion and direction.

DISCUSSION:
At the May 23, 2023 meeting, City Council provided feedback to staff asking to further pursue the Real Property Transfer Tax. Following the May 23, 2023 meeting, staff had reached out to four firms who provide electoral feasibility planning and received three proposals and an additional six firms who provide opinion research services and received five proposals.

Based on the qualifications, pricing, and familiarity with the City of St. Helena and the County of Napa, staff selected and recommends the approval Professional Services Agreements (PSA) with FM3 to provide opinion research services and TeamCivX to provide electoral feasibility planning.

Fairbank, Maslin, Maullin, Metz & Associates (FM3 Research or FM3) is a California-based company with 23 full-time employees and has been conducting policy-oriented opinion research since 1981 on issues of major economic and social concern, such as budgetary issues and taxation; constituent satisfaction with public services and support for policy proposals; transportation; education; healthcare; growth and property development; environmental protection; natural resource conservation and development; energy development; communications technology; and organizational branding. FM3 is recognized as leader in conducting survey research that helps California cities objectively evaluate the viability of passing local ballot measures to secure additional revenue. FM3 has worked successfully in over 140 California cities to develop strategies to pass revenue measures, with a success rate of over 95 percent since its 1981 inception – with over 600 local finance measures approved for California agencies in every region of the state—more than any other research organization.

FM3’s work contributed to the passage of two revenue measures in the City of St. Helena, Measure H (2022) and Measure D (2016).

While TeamCivX is a new entity, their firm's partners have a long history in Napa County, in addition to the work they conducted with the City in 2022 (Measure H GO Bond). TeamCivX partners Jared Boigon and Barry Barnes have worked with St. Helena Unified School District, Napa County Transportation Authority, and Napa Valley College on successful ballot measures, among other local projects, dating back to 2002. Overall TeamCivX partners have helped California cities navigate the electoral process for more than 100 successful ballot measures and have specific recent experience helping prepare

and pass successful Real Property Transfer Taxes. Additionally, they have helped municipalities in similar high-tourism areas like Santa Cruz, Santa Monica, Monterey, Ventura/Santa Barbara, and the Lake Tahoe area compare various possible revenue options, and prepare successful ballot measures.

As stated earlier, based on the qualifications, pricing, and familiarity with the City of St. Helena and the County of Napa, staff selected and recommends utilizing both FM3 and TeamCivX to provide these critical services.

In addition to approval of the two PSA's, staff is seeking Council direction on a variety of items related to the formation of the opinion research questions, which are outlined below.

Target Revenue Amount

Over the past few months analysis conducted by both staff and Baker Tilly, as well as feedback from Council, the annual estimated budget shortfall is between $6.9 and $10 million to meet the expectations of the community. As noted in the Baker Tilly Long Range Financial Plan (LRFP) there are numerous combinations to potentially reach the revenue goal, which include additional taxes, sale of surplus property (non-reoccurring revenue), addition/expansion of hotels. Staff recommends a target revenue measure of $6 million and will consult with both FM3 and TeamCivX for feasibility of this target amount.

Revenue Options and Election Cycles

On May 23, 2023, City Council unanimously endorsed moving forward with obtaining opinion research on a Real Estate Transfer Tax, which require the City to transition from a General Law City to a Charter City, a decision that also requires voter approval.

There are limitations on when certain revenue measures can be placed on a ballot for consideration. For instance the Charter City and the Real Property Transfer Tax election would have to be held at the state-wide general election in November, while a Sales Tax and Gross Receipts tax election can be held in either the primary election (March) or the general election (November) ballot but can not be on a special election unless a fiscal emergency exists that necessitates putting the measure on at a special election. Knowing the limitations for tax initiatives and knowing the financial needs of the City, staff recommends two separate measures and conducting opinion research for separate ballot initiatives as follows:

Election Cycle	Type of Ballot Measure	Estimated Revenue	Timing of Opinion Research*
March 2024	General Obligation Bond - enable the City to fast-track projects such as street/road improvements, downtown sidewalk project, and/or provide	TBD	August/September 2023

	repair to or new bridges/access ways		
November 2024	Charter City and Real Property Transfer Tax	Approx. $5m annually based on 3%	April/May 2024

*In consultation with FM3 and TeamCivX, it is noted that it is not logistically possible to test more than two ballot questions without resulting in a high margin of error and it is suggested to test the March and November ballot measures independently. Based on this information, staff recommends opinion research be conducted at different intervals as noted in the table above. Contract amendments and/or separate contracts for the November 2024 ballot will be required if Council agrees with the staff recommendation.

Permanent or Sunset Date for Real Property Transfer Tax

Revenue measures brought to the ballot can either have a sunset date (limited term tax) or permanent. Because the revenue need is so great with over half the estimated need being re-occurring expenses, staff recommends that no sunset date be included in any revenue measure brought to the voters. However, Council may wish to include in the opinion research to survey the response rate for a temporary tax vs. a permanent tax.

City Council Ad Hoc Committee

There are several components and phases to placing a measure on the ballot including, but not limited to: setting opinion research questions, developing ballot language, and with the Real Property Transfer Tax and corresponding Charter City requirement, development of a draft charter for City Council consideration. Because of the additional work involved, staff recommends the City Council designate a revenue enhancement Ad Hoc committee. This Ad Hoc committee may invite members of the public to provide input and the Ad Hoc committee would be in place for both the March 2024 and November 2024 ballot initiative process.

City Council Recommended Action

Staff recommends City Council approve two Professional Services Agreements: (1) Fairbank, Maslin, Maullin, Metz & Associates (FM3) for Opinion Research Services for an amount not-to-exceed $32,250.00 and (2) TeamCivX for Electoral Feasibility of a Revenue Measure or Measures for the Ballot for an amount not-to-exceed $25,000.00.

City Council Discussion and Direction to Staff

From initial discussions with both FM3 and TeamCivX staff is seeking City Council direction on the following as it relates to opinion research:

1. Determine the target revenue amount - Staff recommends $6 million.
2. Direction to staff on pursuing a General Obligation Bond for March 2024 and the Charter City/Real Property Transfer Tax for November 2024 election cycles.
3. Determine if the revenue options to consider are temporary or permanent, if temporary what time frame: e.g. 9-years, 15-years, etc.

4. Establish a City Council Revenue Enhancement Ad Hoc committee to work with staff and consultants in development of ballot related items.

DOCUMENTS ATTACHMENTS:

Attachment 1 - Resolution
Attachment 2 - Team CivX PSA
Attachment 3 - FM3 PSA

CITY OF ST. HELENA

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA APPROVING TWO PROFESSIONAL SERVICES AGREEMENTS: (1) FAIRBANK, MASLIN, MAULLIN, METZ & ASSOCIATES (FM3) FOR OPINION RESEARCH SERVICES FOR AN AMOUNT NOT-TO-EXCEED $32,250 AND (2) TEAMCIVX FOR ELECTROICAL FEASIBILITY OF A REVENUE MEASURE OR MEASURES FOR THE BALLOT FOR AN AMOUNT NOT-TO-EXCEED $25,000.

RECITALS

WHEREAS, on February 28, 2023, the City Council received a presentation from BakerTilly which provided financial projections and warned about the need to increase revenues and/or further adjust service levels.

WHEREAS, the presentation provided several ways of dealing with the financial situation including reducing expenditures, engaging more aggressively in shared services, and increasing various types of fees and taxes. The key conclusion was that if community expectations are to be met, simply addressing the fiscal gap by only reducing expenditures will not work in the long run and new revenue stream(s) would need to be considered.

WHEREAS, while the financial outlook shows short-term stability; there are significant long-term challenges to address including unfunded needs consistent with Council Goals and community expectations that include repair of major streets and sidewalk improvements, infrastructure and environmental sustainability, quality of life, and overall staffing.

WHEREAS, as a follow-up to the February 28, 2023 Council meeting, on May 23, 2023, staff brought forth a report to Council that further discussed each of the revenue options for City Council discussion and direction.

WHEREAS, at the May 23, 2023 meeting, City Council provided feedback to staff asking to further pursue the Real Property Transfer Tax. Following the May 23, 2023 meeting, staff had reached out to four firms who provide electoral feasibility planning and received three proposals and an additional six firms who provide opinion research services and received five proposals.

WHEREAS, based on the qualifications, pricing, and familiarity with the City of St. Helena and the County of Napa, staff selected and recommends the approval Professional Services Agreements (PSA) with FM3 to provide opinion research services and TeamCivX to provide electoral feasibility planning.

RESOLUTION

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

1. Authorizes a Professional Services Agreement with Fairbank, Maslin, Maullin, Metz & Associates (FM3) for Opinion Research Services for an amount not-to-exceed $32,250.00 and authorizes the City Manager to execute the agreement.
2. Authorizes a Professional Services Agreement with TeamCivX for Electoral Feasibility of a Revenue Measure or Measures for the Ballot for an amount not-to-exceed $25,000.00 and authorizes the City Manager to execute the agreement.

Approved at a Regular Meeting of the St. Helena City Council on July 25, 2023, by the following vote:

Mayor Paul Dohring: ____
Vice Mayor Eric Hall: ____
Council Member Anna Chouteau: ____
Council Member Lester Hardy: ____
Council Member Billy Summers: ____

APPROVED:

_____
Paul Jamison Dohring, Mayor

ATTEST:

_____
Cindy Tzafopoulos, City Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made and entered into on July 25, 2023 by and between the City of St. Helena, located in the County of Napa, State of California (City), and TeamCivX (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as Electoral Feasibility of a Revenue Measure or Measures for the Ballot.

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

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

SECTION 1 – BASIC SERVICES

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

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement that are in addition to or outside of those set forth in this Agreement or **Exhibit A, "Scope of Services"** (the "Services"), unless such additional Services and compensation are authorized in advance and in writing by the City Council or City Manager of the City.

SECTION 3 – TIME FOR COMPLETION

The time for completion of Services shall be as identified in **Exhibit A, "Scope of Services"**. The parties expressly agree that time is of the essence in the performance of this Agreement.

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in Exhibit A, "Compensation" attached hereto and made a part hereof. Total compensation shall not exceed $25,000.00 unless additional compensation is approved in accordance with Section 2.

B. Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories if applicable: labor (by sub-category), travel, materials, equipment, supplies, subconsultant contracts, and miscellaneous expenses. Each original invoice furnished shall include the expenses incurred during the preceding month, the cumulative Agreement amount,

and the amount remaining on the Agreement. City shall independently review each invoice submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. If no charges or expenses are disputed, the invoice shall be approved, and City will use its best efforts to cause Consultant to be paid within 30 days of receipt of invoice. If the City disputes any charges or expenses, the City will return the original invoice to Consultant for correction and resubmission. If the City reasonably determines, in its sole judgment, that the invoiced charges and expenses exceed the value of the Services performed to date and that it is probable that the Agreement will not be completed satisfactorily within the contract price, City may retain all or a portion of the invoiced charges and expenses. Within thirty (30) days of satisfactory completion of the project, City shall pay the retained amount, if any, to Consultant.

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

SECTION 5 – STANDARD OF PERFORMANCE

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

B. In order to induce City to enter into this Agreement, Consultant represents that it is duly organized, existing and in good standing under applicable state law; Consultant is licensed to perform all aspects of the Services; Consultant will employ only persons and Subconsultants with all required licenses and certifications; that Consultant is duly qualified to conduct business in the State; that Consultant has duly authorized the execution, delivery and performance of this Agreement and the Services to be performed herein; and that the Agreement does not violate or create a default under any instrument, agreement, order or decree binding on Consultant.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

City may inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's work within sixty (60) days after submitted to City, unless the parties mutually agree to extend such deadline. City shall reject work by a timely written explanation, otherwise Consultant's work shall be deemed to have been accepted. City's acceptance shall be conclusive as to such work except with respect to latent defects and fraud. Acceptance of any of Consultant's work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, the sections pertaining to indemnification and insurance.

SECTION 7 – INSURANCE REQUIRED

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees, as indicated:

A. Minimum Scope of Insurance. Coverage shall be at least as broad as:
   1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
   2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
   3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

B. Minimum Limits of Insurance. Consultant shall maintain limits no less than:
   1. General Liability: $1,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
   2. Automobile Liability: $1,000,000 per accident for bodily injury and property damage.
   3. Employer's Liability: $1,000,000 per accident for bodily injury or disease.

C. Professional Liability Insurance. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, environmental engineer or other professional engineer, or land surveyor ("design professional"), Consultant shall maintain at least $2,000,000 of professional liability insurance. When Consultant is not a design professional, Consultant shall maintain at least $1,000,000 of professional liability insurance combined single limit for each occurrence, insuring against professional errors and omissions in the Services performed by Consultant under this Agreement, including, without limitation, claims for negligence, misrepresentation, violation of good faith and fair dealing, and inaccurate advise arising out of, resulting from, or in connection with Services performed by Consultant under this Agreement.

D. Excess Limits. If Consultant maintains higher limits than the minimums shown above, City requires and shall be entitled to coverage for the higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

E. Primary Coverage. For any claims related to this contract the Consultants insurance coverage shall be primary insurance as respects to City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of Consultants insurance and shall not contribute with it.

F. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions of $25,000 or greater must be declared to and approved by the City.

G. Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by the Consultant or Consultant's subconsultants; or automobile owned, leased, hired or borrowed by the Consultant.
2. For any claims related to Consultant's conduct while performing the work of this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

H. Waiver of Subrogation. Consultant's commercial general liability, automobile liability, workers' compensation, and employer's liability policies shall be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

I. The Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.

J. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 8 – INDEMNIFICATION

A. To the fullest extent allowed by law (including without limitation California Civil Code Sections 2782 and 2782.8), as may be applicable, Consultant shall indemnify, defend, and hold harmless City, its agents, officers, officials, employees, representatives, and volunteers from any and all claims, demands, suits, loss, damages, injury, and/or liability (including any and all costs and expenses in connection therewith, including legal fees and expert witness costs)

(collectively, "Liabilities"), incurred by reason of any negligent or otherwise wrongful act or omission of Consultant, its officers, agents, employees, subconsultants, and subcontractors, or any of them, under or in connection with this Agreement; and Consultant agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against City, its agents, officers, officials, employees and volunteers, or any of them, arising out of, pertaining to, or relating to such negligent or otherwise wrongful act or omission, and to pay and satisfy any resulting judgments.

B. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor (i.e., a "design professional," pursuant to Civil Code § 2782.8(c)), the provisions of this section regarding Consultant's duty to defend and indemnify apply only to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant.

C. If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from City, shall defend Indemnitees at Consultant's expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. Indemnitees need not have first paid for any of the matters to which Indemnitees are entitled to Indemnification in order to be so indemnified. The insurance required to be maintained by Consultant shall ensure Consultant's obligations under this section, but the limits of such insurance shall not limit the liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

D. The provisions of this section do not apply to claims to the extent occurring as a result of the City's sole negligence, active negligence, or willful acts or misconduct.

E. Duty to Cooperate. Each party shall notify the other party immediately in writing of any claim or damage related to activities or Services performed under this Agreement. The parties shall cooperate with each other in the investigation and disposition of all Liabilities arising out of the activities or Services under this Agreement.

F. In the event that Consultant executes any subconsulting agreements in connection with the Services performed under this Agreement, Consultant shall place in all such subconsulting agreements, and cause its subconsultants to agree to, the indemnity and insurance obligations in favor of City and other Indemnitees, as provided herein, in the exact form and substance of those contained in this Agreement.

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner or to incur an obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

B. The personnel performing the Services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City, nor any

elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees or agents of City.

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

SECTION 10 – CONFLICTS OF INTEREST AND ANTI-FRAUD AND ANTI-CORRUPTION POLICIES

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

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

C. Consultant understands and acknowledges City maintains an anti-fraud and anti-corruption policy to protect the City, its operations, and its employees from and against financial risks, operational breaches, and unethical, fraudulent and corrupt activities. Consultant represents and warrants that Consultant, its subcontractor(s) / subconsultant(s) and their respective employees providing Services pursuant to the Agreement are (1) in good standing; (2) have not been previously investigated, convicted, or debarred for fraudulent or corrupt activities; (3) will not participate in fraudulent or corrupt activities, and (4) will take steps to ensure that its employees and subcontractor(s) / subconsultant(s) employees do not participate in any fraudulent or corrupt activities. Consultant acknowledges and agrees further that it has a duty to and will report to City any information or incident(s) about possible fraudulent or corrupt activities Consultant may discover, and will cooperate in any fraud or corruption investigation conducted, with respect to Consultant's service provided pursuant to this Agreement.

SECTION 11 – OWNERSHIP OF DOCUMENTS

A. All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any Services pursuant to this Agreement shall become the sole property of City and may be used, reused or otherwise disposed of by City without the permission of the Consultant. When requested by City, but no later than three years after project

completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

B. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, improvements, developments, works of authorship, or other products developed or created by Consultant during the course of providing Services (collectively the "Work Product") shall belong exclusively to City. The Work Product shall be considered a "work made for hire" within the meaning of Title 17 of the United States Code. Without reservation, limitation, or condition, Consultant hereby assigns, at the time of creation of the Work Products, without any requirement of further consideration, exclusively and perpetually, any and all right, title, and interest Consultant may have in the Work Product throughout the world, including without limitation any copyrights, patents, trade secrets, or other intellectual property rights, all rights of reproduction, all rights to create derivative works, and the right to secure registrations, renewals, reissues, and extensions thereof.

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

B. Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys' fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite such response.

SECTION 13 – SUSPENSION OF WORK

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

SECTION 14 – COMPLIANCE WITH LAW

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

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

During the performance of this contract, Consultant agrees as follows:

A. Equal Employment Opportunity. In connection with the execution of this Agreement, Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, ancestry, age, sexual orientation, gender, gender identity and gender expression as protected categories specifically and expressively in that category, physical handicap, medical condition, marital status, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, promotion, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training including apprenticeship.

B. Nondiscrimination Civil Rights Act of l964. Consultant will comply with all federal regulations relative to nondiscrimination to federally-assisted programs.

C. Solicitations for Subcontractors including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations, made by Consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by Consultant of Consultant's obligations under this Agreement and the regulations relative to nondiscrimination.

SECTION 16 – COMPLIANCE WITH CALIFORNIA LABOR CODE REQUIREMENTS

A. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is $1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and

harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

B. If the services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

C. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

SECTION 17 – AUDIT AND INSPECTION OF RECORDS

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

B. Consultant shall maintain all documents and records prepared by or furnished to Consultant during the course of performing the Services for at least three (3) years following completion of the Services. Such records include, but are not limited to, correspondence, internal memoranda, technical reports and investigations, calculations, books and accounts, accounting records documenting its work under its Agreement, and invoices, payrolls, records and all other data related to matters covered by this Agreement.

C. Consultant shall permit City to audit, examine and make copies, excerpts and transcripts from such records, and the Consultant shall in no event dispose of, destroy, alter, or mutilate said books, records, accounts, and data in any matter whatsoever for three (3) years

after City makes the final or last payment or within three (3) years after any pending issues between City and Consultant with respect to this Agreement are closed, whichever is later.

SECTION 18 – LIMITATION OF LIABILITY

A. Consultant agrees that any liability of City arising in connection with this Agreement shall be limited exclusively to the City-entity identified as the "City" under this Contract. Under no circumstance shall any other City-entity be liable to Consultant under any theory, whether in contract, tort, or otherwise, and Consultant waives unconditionally any such claims. Consultant hereby waives and release other City-entites from any liability under this Agreement.

B. Notwithstanding any other provision of this Agreement, in no event shall City be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement or the Services performed hereunder.

SECTION 19 – COOPERATION BY CITY

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

SECTION 20 – NOTICES

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

To City: City Manager
1088 College Avenue
St. Helena, California 94574

To Consultant: Team CivX
Jared Boigon, Partner
415-915-4212
jboigon@teamcivx.com

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

SECTION 21 – TERMINATION

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

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

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

SECTION 22 – ATTORNEYS' FEES

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

SECTION 23 – ENTIRE AGREEMENT

This Agreement, including the attached Exhibits, is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and City prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 24 – SUCCESSORS AND ASSIGNS

This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties. However, this Agreement shall not be assigned by Consultant without written consent of the City.

SECTION 25 – CONTINUITY OF PERSONNEL

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

SECTION 26 – DEFAULT

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

SECTION 27 – WAIVER

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or Services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

SECTION 28 – LAW TO GOVERN; VENUE

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

SECTION 29 – SEVERABILITY

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

SECTION 30 – THIRD PARTY BENEFICIARIES

Consultant's subconsultants shall agree to be bound to the terms of the Agreement to the extent of their scope of Services, including but not limited to, terms regarding indemnity and dispute resolution, and shall agree that City is deemed an express third party beneficiary of their subconsultant agreements. Nothing contained in this Agreement, however, shall operate to confer such or similar rights or benefits on persons or entities not party to this Agreement.

SECTION 31 – STATUTES OF LIMITATION

As between the parties to this Agreement, any applicable statute of limitations for action arising out of, pertaining to, or relating to any act or failure to act in connection with this Agreement shall commence to run on the date of City's issuance of the final Certificate for Payment, or termination of this Agreement, whichever is earlier, except for latent defects and/or deficiencies, for which the applicable statute of limitation shall begin to run upon discovery of the defect and/or deficiency and its cause.

SECTION 32 – SPECIAL PROVISIONS

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

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

Consultant:

By: Barry Barnes Digitally signed by Barry Barnes Date: 2023.06.27 09:15:18 -07'00'
Name: Barry Barnes
Title: Partner, Team CivX

City:

By: _____
Name: Anil Comelo
Title: City Manager

Approved as to Form:

By: _____
Name: Ethan Walsh
Title: City Attorney

Exhibit A

June 20, 2023

TO: April Mitts, Assistant City Manager, City of St. Helena
FROM: Jared Boigon, Partner, TeamCivX

RE: Professional services in connection with the project described as Electoral Feasibility of a Revenue Measure or Measures for the Ballot

Dear April-

It was a pleasure speaking to you again recently. We appreciate you returning consider our services again to help the City coordinate citizen engagement & education, as well as voter opinion research, regarding potential ballot measures to generate revenue.

I personally enjoyed working with you and your highly engaged Councilmembers in 2022, specifically Mayor Paul Dohring, Vice-Mayor Eric Hall and Councilmember Lester Hardy, in the lead up to the vital and successful water bond. We were pleased to see that it passed overwhelmingly and proud to have contributed to its success.

While TeamCivX is a new entity, our firm's partners have a long history in Napa County, in addition to our work with the City of St. Helena in 2022. TeamCivX partners Jared Boigon and Barry Barnes have worked with St. Helena USD, Napa County Transportation Authority and Napa Valley College on successful ballot measures, among other local projects, dating back to 2002. We are currently working with the City of Napa to consider potential revenue measures.

Overall, TeamCivX partners have helped California cities navigate the electoral process for more than 100 successful ballot measures. We have specific recent experience helping prepare and pass successful Real Property Transfer Taxes.

We've helped municipalities in similar high-tourism areas like Santa Cruz, Santa Monica, Monterey, Ventura/Santa Barbara and the Lake Tahoe area compare various possible revenuegenerating options, and prepare successful ballot measures.

The next pages summarize our typical scope of services and fees/costs to Cities considering ballot measures. Please let me know if you have any questions.

TEAMCIVX

2023 PHASE ONE PROPOSAL

TeamCivX specializes in helping cities and other public agencies prepare important local funding measures, and conduct informational education efforts to engage members of the public about your funding needs and the proposed ballot measure.

We understand the City of St. Helena is seeking an initial "Phase One" proposal, not-to-exceed $25,000. For that cost, we propose to help the City through the end of 2023 achieve the following milestones:

- Identify and engage a citizen advisory committee to discuss revenue needs and ballot measure options;
- Work with city staff, the citizen advisory committee and your identified pollster to create a questionnaire for scientific voter opinion research;
- Help analyze survey results and identify key recommendations and next steps, including target election date (March or Nov 2024), ideal revenue-generating option (Real Property Transfer Tax, sales tax, or other mechanism), recommended tax rates and key themes for continued public engagement and outreach; and
- Help present survey results and next steps for "Phase Two" to the citizen advisory committee and City Council as directed.

These milestones will result in a clear roadmap for "Phase Two" so the City can prepare a ballot measure in 2024 with a clear chance of success.

SCOPE OF SPECIFIC SERVICES

Generally, our scope of services to Cities such as St. Helena include the following, some of which would be achieved during Phase One, and some of which are likely to be achieved in subsequent Phase Two:

I. Feasibility Assessment. Consultant shall perform the following Services as needed and requested by Client to assess the electoral feasibility of a ballot measure for Client:

1. Develop potential strategies to meet Client's funding needs to be tested in polling;

2. Collaborate with Client's pollster to design, conduct and analyze an opinion survey of voters in the relevant district to assess feasibility of Client's ballot measure;

3. Conduct demographic analysis of voters in the relevant district and how they break into key sub-groups by age, ethnicity, political party, length of residency, parents and other key criteria;

4. Analyze past election results in the relevant district and region to understand voter turnout trends and other relevant voting patterns;

5. Research other local tax proposals that may be heading to an upcoming ballot that could compete with Client's ballot measure; and

6. Make specific recommendations regarding the optimal election date, tax rate, tax structure, and other important ballot measure features.

II. Ballot Measure Development. Consultant shall perform the following Services as needed and requested by Client to assist Client in preparing Client's measure for the ballot:

1. Recommend a final tax rate, duration and tax structure;

2. Recommend the final list of projects, programs and/or services to be funded by Client's ballot measure;

3. Work with legal counsel to develop the 75-word ballot question;

4. Work with legal counsel to develop and refine the full text of Client's ballot measure, and other materials that will appear in the ballot pamphlet mailed to all voters;

5. Present recommendations, documents and resolutions to City Council for approval; and

6. Make recommendations and provide strategic advice regarding timing and planning for any other potential ballot measures considered by Client.

III. Public Information. Consultant shall perform the following Services as needed and requested by Client to raise awareness of Client's funding needs and potential ballot measure:

1. Develop informational messaging and fact sheets to be distributed at community meetings and events;

2. Provide talking points, frequently asked questions and a message training;

3. Provide content related to Client's funding needs and ballot measure to be added to Client's website, used in social media, included in email updates and added to newsletters;

4. Prepare PowerPoint presentation for public and community meetings;

5. Write, design, and produce mailings and advertising to inform local residents (priced separately, not included in fees);

6. Develop strategies and plans to inform internal stakeholder groups, including the City Council, commissions, staff, employee groups and others; and

7. Develop strategies and plans to inform external groups including elected leaders, business leaders, ethnic community leaders, faith community leaders, taxpayer groups and others.

ADDITIONAL POTENTIAL COSTS

Travel and other out-of-pocket expenses are reimbursable; not included in fees.

Fees do not include the cost of potential informational advertising requested by the City, which may include direct mail, digital/social media or other forms as directed by City and approved by legal counsel. Budgets for any such informational advertising will be mutually agreed-upon by Client and TeamCivX.

Ultimate approval for the content and cost of any such informational advertising would remain with the City.

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made and entered into on July 25, 2023 by and between the City of St. Helena, located in the County of Napa, State of California (City), and Fairbank, Maslin, Maullin, Metz & Associates (FM3 Research) (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as Opinion Research Services.

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

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

SECTION 1 – BASIC SERVICES

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

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement that are in addition to or outside of those set forth in this Agreement or **Exhibit A, "Scope of Services"** (the "Services"), unless such additional Services and compensation are authorized in advance and in writing by the City Council or City Manager of the City.

SECTION 3 – TIME FOR COMPLETION

The time for completion of Services shall be as identified in **Exhibit A, "Scope of Services"**. The parties expressly agree that time is of the essence in the performance of this Agreement.

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in Exhibit A, "Compensation" attached hereto and made a part hereof. Total compensation shall not exceed $32,250.00 unless additional compensation is approved in accordance with Section 2.

B. Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories if applicable: labor (by sub-category), travel, materials, equipment, supplies, subconsultant contracts, and miscellaneous expenses. Each original invoice furnished shall include the expenses incurred during the preceding month, the cumulative Agreement amount,

and the amount remaining on the Agreement. City shall independently review each invoice submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. If no charges or expenses are disputed, the invoice shall be approved, and City will use its best efforts to cause Consultant to be paid within 30 days of receipt of invoice. If the City disputes any charges or expenses, the City will return the original invoice to Consultant for correction and resubmission. If the City reasonably determines, in its sole judgment, that the invoiced charges and expenses exceed the value of the Services performed to date and that it is probable that the Agreement will not be completed satisfactorily within the contract price, City may retain all or a portion of the invoiced charges and expenses. Within thirty (30) days of satisfactory completion of the project, City shall pay the retained amount, if any, to Consultant.

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

SECTION 5 – STANDARD OF PERFORMANCE

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

B. In order to induce City to enter into this Agreement, Consultant represents that it is duly organized, existing and in good standing under applicable state law; Consultant is licensed to perform all aspects of the Services; Consultant will employ only persons and Subconsultants with all required licenses and certifications; that Consultant is duly qualified to conduct business in the State; that Consultant has duly authorized the execution, delivery and performance of this Agreement and the Services to be performed herein; and that the Agreement does not violate or create a default under any instrument, agreement, order or decree binding on Consultant.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

City may inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's work within sixty (60) days after submitted to City, unless the parties mutually agree to extend such deadline. City shall reject work by a timely written explanation, otherwise Consultant's work shall be deemed to have been accepted. City's acceptance shall be conclusive as to such work except with respect to latent defects and fraud. Acceptance of any of Consultant's work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, the sections pertaining to indemnification and insurance.

SECTION 7 – INSURANCE REQUIRED

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees, as indicated:

A. Minimum Scope of Insurance. Coverage shall be at least as broad as:
   1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
   2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
   3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

B. Minimum Limits of Insurance. Consultant shall maintain limits no less than:
   1. General Liability: $1,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
   2. Automobile Liability: $1,000,000 per accident for bodily injury and property damage.
   3. Employer's Liability: $1,000,000 per accident for bodily injury or disease.

C. Professional Liability Insurance. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, environmental engineer or other professional engineer, or land surveyor ("design professional"), Consultant shall maintain at least $2,000,000 of professional liability insurance. When Consultant is not a design professional, Consultant shall maintain at least $1,000,000 of professional liability insurance combined single limit for each occurrence, insuring against professional errors and omissions in the Services performed by Consultant under this Agreement, including, without limitation, claims for negligence, misrepresentation, violation of good faith and fair dealing, and inaccurate advise arising out of, resulting from, or in connection with Services performed by Consultant under this Agreement.

D. Excess Limits. If Consultant maintains higher limits than the minimums shown above, City requires and shall be entitled to coverage for the higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

E. Primary Coverage. For any claims related to this contract the Consultants insurance coverage shall be primary insurance as respects to City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of Consultants insurance and shall not contribute with it.

F. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions of $25,000 or greater must be declared to and approved by the City.

G. Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by the Consultant or Consultant's subconsultants; or automobile owned, leased, hired or borrowed by the Consultant.
2. For any claims related to Consultant's conduct while performing the work of this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

H. Waiver of Subrogation. Consultant's commercial general liability, automobile liability, workers' compensation, and employer's liability policies shall be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

I. The Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.

J. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 8 – INDEMNIFICATION

A. To the fullest extent allowed by law (including without limitation California Civil Code Sections 2782 and 2782.8), as may be applicable, Consultant shall indemnify, defend, and hold harmless City, its agents, officers, officials, employees, representatives, and volunteers from any and all claims, demands, suits, loss, damages, injury, and/or liability (including any and all costs and expenses in connection therewith, including legal fees and expert witness costs)

(collectively, "Liabilities"), incurred by reason of any negligent or otherwise wrongful act or omission of Consultant, its officers, agents, employees, subconsultants, and subcontractors, or any of them, under or in connection with this Agreement; and Consultant agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against City, its agents, officers, officials, employees and volunteers, or any of them, arising out of, pertaining to, or relating to such negligent or otherwise wrongful act or omission, and to pay and satisfy any resulting judgments.

B. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor (i.e., a "design professional," pursuant to Civil Code § 2782.8(c)), the provisions of this section regarding Consultant's duty to defend and indemnify apply only to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant.

C. If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from City, shall defend Indemnitees at Consultant's expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. Indemnitees need not have first paid for any of the matters to which Indemnitees are entitled to Indemnification in order to be so indemnified. The insurance required to be maintained by Consultant shall ensure Consultant's obligations under this section, but the limits of such insurance shall not limit the liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

D. The provisions of this section do not apply to claims to the extent occurring as a result of the City's sole negligence, active negligence, or willful acts or misconduct.

E. Duty to Cooperate. Each party shall notify the other party immediately in writing of any claim or damage related to activities or Services performed under this Agreement. The parties shall cooperate with each other in the investigation and disposition of all Liabilities arising out of the activities or Services under this Agreement.

F. In the event that Consultant executes any subconsulting agreements in connection with the Services performed under this Agreement, Consultant shall place in all such subconsulting agreements, and cause its subconsultants to agree to, the indemnity and insurance obligations in favor of City and other Indemnitees, as provided herein, in the exact form and substance of those contained in this Agreement.

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner or to incur an obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

B. The personnel performing the Services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City, nor any

elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees or agents of City.

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

SECTION 10 – CONFLICTS OF INTEREST AND ANTI-FRAUD AND ANTI-CORRUPTION POLICIES

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

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

C. Consultant understands and acknowledges City maintains an anti-fraud and anti-corruption policy to protect the City, its operations, and its employees from and against financial risks, operational breaches, and unethical, fraudulent and corrupt activities. Consultant represents and warrants that Consultant, its subcontractor(s) / subconsultant(s) and their respective employees providing Services pursuant to the Agreement are (1) in good standing; (2) have not been previously investigated, convicted, or debarred for fraudulent or corrupt activities; (3) will not participate in fraudulent or corrupt activities, and (4) will take steps to ensure that its employees and subcontractor(s) / subconsultant(s) employees do not participate in any fraudulent or corrupt activities. Consultant acknowledges and agrees further that it has a duty to and will report to City any information or incident(s) about possible fraudulent or corrupt activities Consultant may discover, and will cooperate in any fraud or corruption investigation conducted, with respect to Consultant's service provided pursuant to this Agreement.

SECTION 11 – OWNERSHIP OF DOCUMENTS

A. All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any Services pursuant to this Agreement shall become the sole property of City and may be used, reused or otherwise disposed of by City without the permission of the Consultant. When requested by City, but no later than three years after project

completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

B. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, improvements, developments, works of authorship, or other products developed or created by Consultant during the course of providing Services (collectively the "Work Product") shall belong exclusively to City. The Work Product shall be considered a "work made for hire" within the meaning of Title 17 of the United States Code. Without reservation, limitation, or condition, Consultant hereby assigns, at the time of creation of the Work Products, without any requirement of further consideration, exclusively and perpetually, any and all right, title, and interest Consultant may have in the Work Product throughout the world, including without limitation any copyrights, patents, trade secrets, or other intellectual property rights, all rights of reproduction, all rights to create derivative works, and the right to secure registrations, renewals, reissues, and extensions thereof.

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

B. Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys' fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite such response.

SECTION 13 – SUSPENSION OF WORK

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

SECTION 14 – COMPLIANCE WITH LAW

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

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

During the performance of this contract, Consultant agrees as follows:

A. Equal Employment Opportunity. In connection with the execution of this Agreement, Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, ancestry, age, sexual orientation, gender, gender identity and gender expression as protected categories specifically and expressively in that category, physical handicap, medical condition, marital status, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, promotion, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training including apprenticeship.

B. Nondiscrimination Civil Rights Act of 1964. Consultant will comply with all federal regulations relative to nondiscrimination to federally-assisted programs.

C. Solicitations for Subcontractors including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations, made by Consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by Consultant of Consultant's obligations under this Agreement and the regulations relative to nondiscrimination.

SECTION 16 – COMPLIANCE WITH CALIFORNIA LABOR CODE REQUIREMENTS

A. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is $1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and

harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

B. If the services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

C. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

SECTION 17 – AUDIT AND INSPECTION OF RECORDS

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

B. Consultant shall maintain all documents and records prepared by or furnished to Consultant during the course of performing the Services for at least three (3) years following completion of the Services. Such records include, but are not limited to, correspondence, internal memoranda, technical reports and investigations, calculations, books and accounts, accounting records documenting its work under its Agreement, and invoices, payrolls, records and all other data related to matters covered by this Agreement.

C. Consultant shall permit City to audit, examine and make copies, excerpts and transcripts from such records, and the Consultant shall in no event dispose of, destroy, alter, or mutilate said books, records, accounts, and data in any matter whatsoever for three (3) years

after City makes the final or last payment or within three (3) years after any pending issues between City and Consultant with respect to this Agreement are closed, whichever is later.

SECTION 18 – LIMITATION OF LIABILITY

A. Consultant agrees that any liability of City arising in connection with this Agreement shall be limited exclusively to the City-entity identified as the "City" under this Contract. Under no circumstance shall any other City-entity be liable to Consultant under any theory, whether in contract, tort, or otherwise, and Consultant waives unconditionally any such claims. Consultant hereby waives and release other City-entites from any liability under this Agreement.

B. Notwithstanding any other provision of this Agreement, in no event shall City be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement or the Services performed hereunder.

SECTION 19 – COOPERATION BY CITY

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

SECTION 20 – NOTICES

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

To City:
City Manager
1088 College Avenue
St. Helena, California 94574

To Consultant:
FM3 Research
Dave Metz
dave@fm3research.com
1999 Harrison St., Suite 2020
Oakland, CA 94612
510-451-9521

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

SECTION 21 – TERMINATION

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

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

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

SECTION 22 – ATTORNEYS' FEES

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

SECTION 23 – ENTIRE AGREEMENT

This Agreement, including the attached Exhibits, is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and City prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 24 – SUCCESSORS AND ASSIGNS

This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties. However, this Agreement shall not be assigned by Consultant without written consent of the City.

SECTION 25 – CONTINUITY OF PERSONNEL

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

SECTION 26 – DEFAULT

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

SECTION 27 – WAIVER

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or Services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

SECTION 28 – LAW TO GOVERN; VENUE

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

SECTION 29 – SEVERABILITY

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

SECTION 30 – THIRD PARTY BENEFICIARIES

Consultant's subconsultants shall agree to be bound to the terms of the Agreement to the extent of their scope of Services, including but not limited to, terms regarding indemnity and dispute resolution, and shall agree that City is deemed an express third party beneficiary of their subconsultant agreements. Nothing contained in this Agreement, however, shall operate to confer such or similar rights or benefits on persons or entities not party to this Agreement.

SECTION 31 – STATUTES OF LIMITATION

As between the parties to this Agreement, any applicable statute of limitations for action arising out of, pertaining to, or relating to any act or failure to act in connection with this Agreement shall commence to run on the date of City's issuance of the final Certificate for Payment, or termination of this Agreement, whichever is earlier, except for latent defects and/or deficiencies, for which the applicable statute of limitation shall begin to run upon discovery of the defect and/or deficiency and its cause.

SECTION 32 – SPECIAL PROVISIONS

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

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

Consultant:

By: _____
Name: DAVID METZ
Title: PRESIDENT

City:

By: _____
Name: Anil Comelo
Title: City Manager

Approved as to Form:

By: _____
Name: Ethan Walsh
Title: City Attorney

Exhibit A

FM3 RESEARCH | OPINION RESEARCH & STRATEGY

TO Dr. April Mitts
City of St. Helena

FROM Dave Metz and Lucia Del Puppo
FM3 Research

RE: Ballot Measure Assessment Research

DATE June 22, 2023

Fairbank, Maslin, Maullin, Metz & Associates (FM3) is pleased to submit this brief proposal providing a proposed methodology and costs to assess the viability of a potential finance measure in St. Helena. This research would help inform the 75-word ballot language, determine voter preference for specific funding mechanisms and amounts, and identify the community's spending priorities and key communication themes. As part of this research. FM3 will build on its prior work for the City and be able to track key questions and attitudes over time.

The table below provides our proposed research approach and associated costs.

Research Methodology	Dual-mode voter survey, with interviews conducted online and via telephone (landline and wireless) and respondents contacted by phone call, email and text message.
Research Population & Sample	300-400 St. Helena voters likely to cast a ballot in November 2024 *In prior years, FM3 has proposed 150-250 sample size for St. Helena but we have been able to reach larger sample sizes using the dual-mode approach. For example, in 2021 we completed 384 interviews among likely November 2022 voters, drawing from a smaller universe than is likely to cast ballots November 2024. Therefore, we propose a 300-400 sample for this research. If the final sample size is smaller than the planned 300-400, FM3 will prorate costs accordingly.*
Margin of Sampling Error*	±5.7% for a sample of 300 interviews ±4.9% for a sample of 400 interviews *At the 95% confidence level (i.e., in 95 out of 100 cases)
Questionnaire	15-20 minutes in length
Deliverables	Following the completion of the survey, we will provide: • A questionnaire with the topline results of the survey for easy reference

12100 Wilshire Boulevard, Suite 350 | Los Angeles, CA 90025
Phone: (310) 828-1183 | Fax: (310) 453-6562

1999 Harrison St., Suite 2020 | Oakland, CA 94612
Phone: (510) 451-9521 | Fax: (510) 451-0384

- A complete set of crosstabs in an easy-to-read, comprehensive format
- Verbatim responses to any open-ended questions
- A complete analysis of survey results in PowerPoint
- A presentation of the survey results

FM3 will also be available for ongoing consultation and any further analysis of the research.

Cost

Figure 1 contains the total estimated costs for this research. These prices are comprehensive and include all costs for questionnaire design; sample acquisition and preparation; programming; email and text invitations; survey hosting; telephone interviewing; data entry and analysis; and reporting. Bilingual interviewing in Spanish is available for an additional $3,000.

Figure 1: Survey Costs

Survey Length	Number of Interviews	
	300	400
15 minutes	$23,000	$26,000
20 minutes	$25,750	$29,250

We would welcome the opportunity to work with you on this research, and if you have any questions or if there is any further information we can provide, please do not hesitate to contact us.

Dave Metz
Fairbank, Maslin, Maullin, Metz & Associates (FM3)
1999 Harrison Street, Suite 2020
Oakland, CA 94612
(510) 451-9521 (Office)
Dave@FM3Research.com

Lucia Del Puppo
Fairbank, Maslin, Maullin, Metz & Associates (FM3)
1999 Harrison Street, Suite 2020
Oakland, CA 94612
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Lucia@FM3Research.com

Cindy Tzafopoulos

From: Thomas W. Allen <tallen@northbaymgt.com>
Sent: Tuesday, July 25, 2023 11:53 AM
To: cityclerk
Subject: [External] Citizen Comment on Revenue Item 11.1

Please distribute to the below addressees:

Dear City Manager and City Council –

I have read with dismay the agenda item related to two professional services contracts to be approved in tonight's meeting.

In my opinion the scopes of these two studies are squarely and narrowly aimed at raising revenue through taxation.

While taxation may be a logical and reasonable element of a comprehensive solution to the City's looming and existential revenue shortfall problem, the most important element to be addressed by the City is TOT – that is, an aggressive and proactive effort to attract meaningful hotels into town to revitalize the spirit and life of our community and to provide the needed TOT.

Our community deserves to see a comprehensive plan from the City and the City Council that fully addresses our need for revenue over the next 5-10 years before seeking short term revenue enhancements through taxation. I am opposed to seeking immediate and inadequate relief through taxation in place of addressing our existential issue of needed revenue head-on with political courage.

Thomas W. Allen
1703 Madrona Avenue
St. Helena, CA 94574
Mobile 415-990-0240
tallen@northbaymgt.com

Cindy Tzafopoulos

From: Oliver Caldwell <oliver@caldwellsnyder.com>
Sent: Tuesday, July 25, 2023 12:39 PM
To: cityclerk
Subject: [External] Please distribute to Council before the hearing Tue July 25, 2023

To the Mayor and City Council Members of St. Helena, CA

Re: City of St Helena City Council Agenda
Tue July 25, 2023
Revenue Item 11.1

Greetings,

There is no doubt that the City has long term unfunded challenges with repairs of major streets and sidewalk improvements, infrastructure and environmental sustainability, quality of life, and overall staffing. As stated by the Staff report to the Council, the annual estimated budget shortfall is between $6.9 and $10 million . . . which is up to about $5,000 per household per year. Subsequent years will require more as inflation continues. Anticipating how the philosophy and politics of equitable contribution runs in California, there could be some affluent homeowners paying $9,500 to help subsidize other homeowners of lessor means paying $500.

The Baker Tilly Long Range Financial Plan (LRFP), which is serving as the guideline going forward, states numerous combinations to potentially reach the revenue goal, which include additional taxes, sale of surplus property (non-reoccurring revenue), addition/expansion of hotels. However, the sale of surplus property and Hotels are merely a footnote in this report. The report is not comprehensive as it does not identify all potential hotel sites with respective potential TOT estimates. It also does not estimate the potential from surplus properties which have been identified by previous ad hoc groups. These two missing revenue sources have been shown to be significant and could far exceed all the possible and politically achievable acceptances of new taxes. The revenue side of the BakerTilly report is mostly about taxes which will come out of the citizens's pockets instead of new revenue coming from hotels guests.

I personally do not want to pay any more taxes until there has been established a comprehensive long term plan to generate needed revenue for the town. A plan that prioritizes seeking new revenues sources from Napa Valley visitors instead of continuously emptying our pockets. A plan that shows the detailed options of all the possible revenue sources so that the citizens have a choice.

Thank you for your services to the Community.

Yours,

Oliver Caldwell
St. Helena