



City of St. Helena
Regular City Council Meeting
Tuesday, September 26, 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. Oaths of office administered by Cindy Tzaopoulos, City Clerk for:
Valeria Ortiz-Gonzalez, Dispatcher
Iris Solana, Dispatcher
Nyna Horn, Operator in Training – Wastewater Treatment Plant
Christopher Berg, Maintenance Worker I – Parks & Trees
Noah Vulk, Maintenance Worker I – Underground Utilities
Scott Borges, Maintenance Worker I – Parks & Trees
Monica Perez-Avina, Library Associate II
Darren Gardette, Plant Operator II – Wastewater Treatment Plant
Chris Laymon, Plant Operator II – Wastewater Treatment Plant

Estimated start time: 6:20 p.m.

- 7.2. National Latino Month Proclamation 7

Estimated start time: 6:30 p.m.

[Proclamation](#)

- 7.3. National Friends of Libraries Week Proclamation 9

Estimated start time: 6:35 p.m.

[Proclamation](#)

8. STAFF BRIEFING

None

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: 6:40 p.m.

- 9.1. Consideration and proposed approval of Regular Meeting Minutes of September 12, 2023 11 - 18
[09-12-2023 Regular City Council - Minutes](#)
- 9.2. Proposed Approval of a Resolution Declaring the Intention to Reimburse Expenditures Relating to Water and Wastewater Projects from the Proceeds of Tax-Exempt Obligations. 19 - 22

CEQA Determination: Not a CEQA project
Prepared By: Mandy Kellogg, Administrative Services Director
Recommendation:
Approve the attached resolution.
[Staff Report - Pdf](#)
- 9.3. August 2023 Review and Forecasting of City Water Supply Availability 23 - 28

CEQA Determination: Not a CEQA project
Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Receive and File.
[Staff Report - Pdf](#)
- 9.4. 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 29 - 141

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzaferopoulos, City Clerk
Recommendation:
Staff recommends approval of the attached resolution
[Staff Report - Pdf](#)
- 9.5. Consideration and proposed approval of a resolution adopting the City of St. Helena Records Retention and Disposition of Information Policy (Policy) and delegate authority to approve future revisions to the Policy to the City Manager with approval by the City Clerk and City Attorney 143 - 165

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzaferopoulos, City Clerk
Recommendation:
Approve the attached resolution.
[Staff Report - Pdf](#)
10. PUBLIC HEARINGS

None
11. OLD BUSINESS

None

12. NEW BUSINESS

- 12.1. Informational report recognizing the formation of the St. Helena Parks & Recreation Foundation 167 - 168

Estimated start time: 7:15 p.m.

CEQA Determination: Not a CEQA project

Prepared By: Dave Jahns, Parks & Recreation Director

Recommendation:

Receive the report and provide feedback as desired.

[Staff Report - Pdf](#)

- 12.2. Introduction and First Reading of an Ordinance Amending Section Chapter 2.04.050 City Council Salary, Considering Proposed Increases to City Council Compensation Based on Changes from Senate Bill 329 that Increases the Maximum City Council Salary that can be Approved by City Ordinance Effective January 1, 2025. 169 - 179

CEQA Determination: Not a CEQA project

Prepared By: Mandy Kellogg, Administrative Services Director

Recommendation:

Introduction and first reading of an ordinance amending section Chapter 2.04.050 City Council Salary, approve first reading by title only and waive further reading for proposed changes to the salary of the members of the City Council.

[Staff Report - Pdf](#)

- 12.3. Discussion and Direction Regarding the Establishment of a Preliminary Water/Wastewater Working Group. 181 - 182

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Assistant City Manager

Recommendation:

Establish a Preliminary Working Group

[Staff Report - Pdf](#)

- 12.4. Approval of a Resolution ratifying known expenditures in an amount of \$1,225,458 related to Resolution 2023-106 Public Emergency for Remediation of Discolored Water and authorizing use of Water Operations Fund balance for the repairs. 183 - 282

CEQA Determination: Not a CEQA project

Prepared By: Joseph Leach, Public Works Director and City Engineer, Lesley Milton, Asst. to the City Manager

Recommendation:

Approve the Attached Resolution

[Staff Report - Pdf](#)

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

The next Regular City Council meeting is scheduled for October 12, 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 September 21, 2023.



Cindy Tzaopoulos, 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
LATINO HERITAGE MONTH
September 15 – October 15, 2023

WHEREAS, National Hispanic Heritage Month (observed in Napa Valley as Latino Heritage Month), began in the United States in 1968 by celebrating the rich cultural traditions of Latino Americans and honoring their significant achievements and contributions to our nation; and

WHEREAS, Latino history is Napa Valley history. It is a story of resilience, determination, and possibility. During Latino Heritage Month, we recognize the countless contributions of Latinos to the Napa Valley throughout every chapter of our history, as well as their central role in our continued growth and prosperity; and

WHEREAS, today nearly 35% of Napa County is made up of Latinos who share diverse roots from throughout the Americas, indigenous communities of Latin America, Africa, and beyond; and

WHEREAS, generations of Latinos have helped shape our culture, our values, our society, and our economy; and we are better and stronger and more diverse because of the presence and contributions of Latinos in our community; and

WHEREAS, the vision, leadership, and achievements of Latinos continue to enrich all facets of our life. With a commitment to faith, hard work, service and integrity, Latino St. Helenans embrace the ideals upon which our city was founded.

NOW, THEREFORE, BE IT RESOLVED, that I, Paul Jamison Dohring, Mayor of the City of St. Helena, along with our City Council, do hereby proclaim September 15 - October 15, 2023 as LATINO HERITAGE MONTH in St. Helena. Let us observe this month with appropriate ceremonies, activities, and programs that celebrate Latino heritage, honor the contributions of Latinos to our St. Helena story, and recognize the impact Latinos have had on our community.

Dated: September 26, 2023

Paul Jamison Dohring, Mayor
City of St. Helena

CITY OF ST. HELENA
PROCLAMATION

National Friends of Libraries Week
October 15-21, 2023

Whereas, Friends & Foundation, St. Helena Public Library raises money that enables our library to move from good to great -- providing the resources for programming, Chromebooks and WiFi hotspots, additional part-time staffing, support for summer reading for all ages, and special events throughout the year;

Whereas, the work of the Friends & Foundation highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connecting with the thoughts and ideas of others from ages past to the present;

Whereas, the Friends & Foundation understands the critical importance of well-funded libraries and encourages community support for the library along with advocating to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to the Internet and online resources, print and electronic materials, along with expert assistance in research, readers' advisory, and children's services;

Now, therefore, be it resolved that I, Paul Dohring, Mayor of the City of St. Helena, along with the St. Helena City Council, proclaim October 15-21, 2023, as Friends of Libraries Week in St. Helena and urge everyone to thank the Friends & Foundation for all they do to make our library and community so much better.

Dated: July 25, 2023

Paul Jamison Dohring, Mayor
City of St. Helena

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, September 12, 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**

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:**

City Attorney Ethan Walsh reported that there was no reportable action from the September 12, 2023 Special City Council Closed session meeting.

Regular City Council
September 12, 2023

Council Member Chouteau requested to have the Napa County Agricultural Commissioner address the Council at an upcoming meeting regarding the beetles that are damaging the valley oak trees. Mayor Dohring agreed with the request.

7. PRESENTATIONS AND PUBLIC RECOGNITIONS

7.1 ~~Oaths of office for:~~

- ~~Iris Solana, St. Helena Police Department Dispatcher~~
- ~~Valeria Ortiz, St. Helena Police Department Dispatcher~~

This item will be rescheduled to the September 26th City Council meeting.

8. STAFF BRIEFING

8.1 Update Related to the Presence of Discolored Water in the Public Water System by Joe Leach, Public Works Director

Director Leach reported on item.

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 Regular Meeting Minutes of August 22, 2023

9.2 Approval of a Resolution Authorizing the City Manager to Execute a Non-Profit Grant Agreement with Nimbus Arts in the amount of \$20,000 for the FY 2023/24 Funding Cycle and Authorizing a Budget Increase to 101-41-00-24-05 Utilizing General Fund Reserves.

CEQA Determination: Not a CEQA project

Prepared By: Dave Jahns, Parks & Recreation Director, Mandy Kellogg, Administrative Services Director

Recommendation:

Approve the attached resolution.

9.3 Consideration and Proposed Approval of a Resolution Establishing the 2024 Tax Rate for General Obligation Bonds.

CEQA Determination: Not a CEQA project

Prepared By: Mandy Kellogg, Administrative Services Director

Recommendation:

Approve the attached resolution.

9.4 Approval of a Resolution Authorizing:

Regular City Council
September 12, 2023

1. Temporary Over-hire of One (1) Sworn Police Officer Position and One (1) Underground Utilities Superintendent Position Above the Current Authorized Allocated Staffing Level; and
2. Authorizing a Budget Increase in Salaries and Benefits to General Fund in the amount of \$86,950, Water Fund in the amount of \$26,900, and Wastewater Fund in the amount of \$13,450 utilizing reserves.

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

- 9.5 Consideration and proposed adoption of a resolution (1) Approving temporary street closures; and (2) Authorizing possession of open alcoholic beverages on public streets and parking lots for the 2023 Harvest Festival.

CEQA Determination: Not a CEQA project
Prepared By: Dave Jahns, Parks & Recreation Director
Recommendation:
Staff recommends City Council adopt the attached resolution.

- 9.6 Consideration and adoption of a Resolution (1) Accepting completion for the emergency water pipeline replacement at the intersection of Mitchell Drive and Highway 29 in St Helena; (2) Authorize staff to release the retention payment.

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

- 9.7 Consideration and proposed approval of a first amendment to Professional Services Agreement SHC 2023-050 with Kosmont Companies for additional tasks related to real estate strategies and asset management advisory services for an additional \$50,000 for a total not-to-exceed contract amount of \$75,000.

CEQA Determination: Not a CEQA project
Prepared By: Lesley Milton, Asst. to the City Manager
Recommendation:
Approval of the proposed contract amendment.

- 9.8 Consideration and proposed approval of a resolution authorizing the City Manager to execute an easement agreement with Napa Valley Wine Train to construct, operate and maintain for public use a pedestrian bridge and walkway on the Sulphur Creek trestle bridge located within Assessor Parcel Number 009-090-042-000 and 009-039-000.

CEQA Determination: Class I Categorical Exemption under Section 15301 of

Regular City Council
September 12, 2023

CEQA

Prepared By: Mario Traverso, Public Works Assistant Engineer

Recommendation:

Staff recommends adoption of the attached resolution.

- 9.9 Consideration and proposed adoption of a Resolution approving the plans for the S18-71 Crinella Pump Station Upgrade Project and authorizing the advertisement for bids.

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

Prepared By: Mario Traverso, Public Works Assistant Engineer

Recommendation:

Adopt the attached resolution and authorize staff to solicit proposals for the Crinella Pump Station Upgrade Project.

- 9.10 Item 9.10 was pulled from consent.

~~Consideration of Approval of a Resolution Authorizing (1) a temporary street closure of Hunt Avenue from November 20, 2023 until January 3, 2024; and (2) possession of open alcoholic beverages on public streets on November 22, 2023 for the Holiday Wine Barrel Tree installation and lighting ceremony.~~

CEQA Determination: Not a CEQA project

Prepared By: Dave Jahns, Parks & Recreation Director

Recommendation:

Staff recommends City Council adopt the attached resolution.

- 9.11 Approval of a Resolution Authorizing the City Manager to Execute a Memorandum of Understanding and Cost Share Agreement for the Installation of Monitoring Wells with Napa County Groundwater Sustainability Agency (NCGSA).

CEQA Determination: Not a CEQA project

Prepared By: Mandy Kellogg, Administrative Services Director

Recommendation:

Approve the attached resolution.

Item 9.11 wasn't pulled from Consent but Council Member Hardy reported on the item and introduced Jamison Crosby, Napa County Natural Resource Conservation manager.

Jamison Crosby addressed the Council.

- 9.12 Consider Authorizing the City Manager to Execute and Make Minor Modifications to Amendment No. 2 to Funding Agreement No. 19-19 with the Napa Valley Transportation Authority (NVTa) for additional construction

Regular City Council
September 12, 2023

contingency funding for the St Helena to Calistoga Vine Trail Project in an Amount Not to Exceed \$133,000.

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

9.13 Item 9.13 was pulled from consent

~~Adopt Resolution Correcting the Administrative Record on Resolutions 2023-06 and 2023-87 and associated contracts with BKF Engineers to update the Not-to-Exceed Dollar Value from \$1,045,600 to \$1,065,600.~~

CEQA Determination: Not a CEQA project
Prepared By: Lesley Milton, Asst. to the City Manager
Recommendation:
Approve the attached Resolution

Council Member Anna Chouteau moved to approve items 9.1 - 9.9 and items 9.11 - 9.12 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

9.10 Consideration of Approval of a Resolution Authorizing (1) a temporary street closure of Hunt Avenue from November 20, 2023 until January 3, 2024; and (2) possession of open alcoholic beverages on public streets on November 22, 2023 for the Holiday Wine Barrel Tree installation and lighting ceremony.

Director Dave Jahns reported on this item.

No public comment was received.

Vice Mayor Eric Hall moved to approve consent item 9.10 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

Regular City Council
September 12, 2023

ABSENT: None
ABSTAIN: None
RECUSE: None

- 9.13 Adopt Resolution Correcting the Administrative Record on Resolutions 2023-06 and 2023-87 and associated contracts with BKF Engineers to update the Not-to-Exceed Dollar Value from \$1,045,600 to \$1,065,600.

Director Joseph Leach reported on item.

No public comment was received.

Council Member Anna Chouteau moved to approve consent item 9.13 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

10. PUBLIC HEARINGS

None

11. OLD BUSINESS

- 11.1 Motion to Reconsider the Urgency Ordinance enacting a moratorium on the issuance of any discretionary permit or other entitlement for the demolition or expansion of existing residential units and accessory structures located within the Twenty-acre Agricultural (A-20) district and determining the Ordinance to be exempt from CEQA.

(This item will only be considered if a motion for reconsideration of the urgency ordinance is approved by the City Council)

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 enacting a moratorium on the issuance of any permit or other entitlement for the demolition or expansion of existing residential units and accessory structures located within the Twenty-acre Agricultural (A-

Regular City Council
September 12, 2023

20) district, and determining the Ordinance to be exempt from CEQA.

City Attorney Walsh reported on the item.

Jack Dinkelspiel and George Giannos addressed the City Council.

Council Member Billy Summers moved to reconsider this item. 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

Jack Dinkelspiel and George Giannos addressed the City Council.

Council Member Lester Hardy moved to adopt the Urgency Ordinance enacting a moratorium on the issuance of any discretionary permit or other entitlement for the demolition or expansion of existing residential units and accessory structures located within the Twenty-acre Agricultural (A-20) district and determining the Ordinance to be exempt from CEQA by title only and waived further reading. 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, and Council Member Billy Summers

NOES: Vice Mayor Eric Hall

ABSENT: None

ABSTAIN: None

RECUSE: None

12. NEW BUSINESS

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

Regular City Council
September 12, 2023

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

Council Member Hardy requested a LAFCO update report be provided by the City Manager at a future Council meeting. Mayor Dohring agreed with the request.

14. ADJOURNMENT

Mayor Dohring adjourned the meeting at 7:44 p.m.

CHALLENGING DECISIONS OF CITY ENTITIES

APPROVED:

ATTEST:

Paul Jamison Dohring, Mayor

Cindy Tzafopoulos, City Clerk



Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Finance

DATE:	September 26, 2023
FROM:	Mandy Kellogg, Administrative Services Director
SUBJECT:	Proposed Approval of a Resolution Declaring the Intention to Reimburse Expenditures Relating to Water and Wastewater Projects from the Proceeds of Tax-Exempt Obligations.
RECOMMENDED ACTION:	Approve the attached resolution.
PREVIOUS COUNCIL ACTION:	None.
STATEMENT OF THE PURPOSE:	The purpose is to approve a resolution that authorizes the City to reimburse expenditures relating to water and wastewater projects from the proceeds of tax-exempt obligations.
FINANCIAL IMPACT:	None.

BACKGROUND:

On June 27, 2023, the City of St. Helena City Council approved and adopted Cost of Service and Rate Study Final Report. The Final Report included a Water Enterprise Capital Improvement Plan that identified \$35.86 million in water improvement projects and \$16.30 million in wastewater improvement projects to be funded with future monies generated from ratepayers and revenue bond proceeds.

City staff is moving to initiate the projects identified in the rate study. However, due to processing times required to secure the funding it is unlikely that funding will be available until after expenses have been incurred. So, staff intends to address this issue with the proposed action with the goal of ensuring that bonds issued are tax-exempt.

DISCUSSION:

The City needs to comply with certain IRS requirements in order for bonds to be issued as tax-exempt. The IRS allows a bond issuer to use the proceeds of its bond issuance to reimburse expenditures made prior to the time bonds are issued, but only so long as the City expresses an intent to do so prior to the actual issuance of the bonds.

A reimbursement resolution is the required expression of intent and is needed if the City will want to use bond proceeds to reimburse itself for costs it actually incurred/payed prior to the issuance of bonds. It then can use the bond proceeds to reimburse itself for costs of the project paid up to 60 days prior to the date the resolution is adopted, subject to certain limitations, the main one being: reimbursement (bond issuance) must occur not

later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date on which the project is placed in service, but in no event more than 3 years after the expenditure was paid. No reimbursement resolution is required for reimbursement of soft costs (with a 20% limit for soft costs older than 60 days prior to the resolution) or if a developer, rather than the City, is to be reimbursed. The resolution is not required for reimbursement of “soft” costs (e.g., design, environmental review), however, it is good practice to adopt the resolution well in advance of the expenditure of “hard” costs (e.g., construction, utility relocation).

In order to reimburse from proceeds of the proposed tax-exempt bonds, the City has been advised by its bond counsel that the Council should adopt a resolution indicating the City’s intent to so reimburse. There is no consequence to the City if bonds are ultimately not issued.

The proposed resolution meets the IRS requirement enabling the reimbursement for prior expenditures. The reimbursement will be only from proceeds of the bonds and is not a general obligation of the City.

DOCUMENTS ATTACHMENTS:

[Resolution - Reimbursement Resolution](#)

CITY OF ST. HELENA
RESOLUTION NO. 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST.
HELENA DECLARING INTENTION TO REIMBURSE
EXPENDITURES RELATING TO WATER AND WASTEWATER
PROJECTS FROM THE PROCEEDS OF TAX-EXEMPT
OBLIGATIONS.**

RECITALS

- A. The City of St. Helena (the "City") has a need to repair and replace components of its water system and sewage infrastructure within the City; and
- B. In response, the City proposes to undertake the water and wastewater projects described below, to issue debt in one or more series for such projects and to use a portion of the proceeds of such debt to reimburse expenditures made for the projects prior to the issuance of the debt; and
- C. United States Income Tax Regulations section 1.150-2 provides generally that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt unless certain procedures are followed, one of which is a requirement that (with certain exceptions), prior to the payment of any such expenditures, the issuer declares an intention to reimburse such expenditure; and
- D. It is in the public interest and for the public benefit that the City declares its official intent to reimburse the expenditures referenced herein.

RESOLUTION

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

Section 1. The City Council hereby declares that it reasonably expects to issue or cause the City to issue tax-exempt obligations in one or more series (the "Obligations") for the purpose of paying the costs of water and wastewater system improvements, which may include the acquisition, construction and improvement of water and wastewater collection, transmission and treatment facilities, including, but not limited to, lift

stations, transmission pipelines and infrastructure, treatment plants and recycled water facilities (the "Projects").

Section 2. The City hereby declares that it reasonably expects (i) to pay certain costs of the Projects prior to the date of issuance of the Obligations and (ii) to use a portion of the proceeds of the Obligations for reimbursement of expenditures for the Project that are paid before the date of issuance of the Obligations.

Section 3. The maximum principal amount of the Obligations is \$2,000,000.

Section 4. This Resolution shall take effect from and after the date of its passage and adoption.

The foregoing Resolution was duly and regularly introduced, passed, and adopted at a Regular Meeting of the St. Helena City Council on September 26, 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 Tzaopoulos, City Clerk



Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Public Works

DATE:	September 26, 2023
FROM:	Ian Dale, Environmental Services Tech
SUBJECT:	August 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.cityofstheleena.org/publicworks/page/water-reports). The report includes the amount of water produced at the Louis Stralla Water Treatment Plant and the Stonebridge Potable Water Wells, and potable water delivered from the City of Napa. In addition to presenting data on the amount delivered monthly, the report includes year-to-date information and prior year data. Water elevation and capacity at the Bell Canyon Reservoir is included as well as information on rain and temperatures.

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.

DISCUSSION:

In connection with City Council Goal 2, 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 August 2023. The water produced for August 2023 is down by -19% when compared to August 2022 and is down -24% compared to the average of August 2018-2020. Below is a chart summarizing the water produced per source:

Water Produced per Source

Source	Average (2018 - 2020) (Acre-Feet)	August 2022 (Acre-Feet)	August 2023 (Acre-Feet)
Bell Canyon	86	79	44.54
Stonebridge Wells	50	46	52.19
Napa Water	61	54	52.77
Total	197	179	149.5

Percent change from August 2022: -19%

Percent change from average of August 2018 - 2020: -24%

Bell Canyon Reservoir

The City is no longer in water emergency conditions based upon the Phase I Water Emergency measures being terminated by City Council adopting Resolution No. 2023-94 on July 25, 2023. Bell Canyon Reservoir has adequate water to support the City's needs through this calendar year. 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 September 1, 2023, Bell Canyon Reservoir elevation was at 418.55 feet representing approximately 2,124.92 acre feet (AF) and 89.14% 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 September 1st in 2021, 2022, and 2023.

Year	2021	2022	2023
Bell Canyon Elevation Level	395.88 Ft.	412.27 Ft.	418.55 Ft.
Acre Feet	740 AF	1,680 AF	2,124.92 AF
Percent Capacity	31.0%	70.5%	89.14%

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 on July 25, 2023, the City Council adopted Resolution No. 2023-94 to formally end the Phase I Water Emergency. The projected demand on the system versus the anticipated rainfall over the next year reflects an available supply in Bell Canyon approximately 1,895 acre-feet, significantly above the 1,481 acre-feet standard for declaration of a Phase I Water Emergency. Staff will monitor State-wide and local drought conditions, weather conditions, and provide updates on a monthly basis. 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.

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 August 2023, Rutherford Pump Station was producing an average of 0.554 MG/day for a total of 52.77 acre feet (AF) for the month.

DOCUMENTS ATTACHMENTS:

[MWR August 1-31 2023](#)

[Attachment 2 - Bell Canyon Water Storage Forecast](#)

[Attachment 3 - Bell Canyon Reservoir Storage Phase I II](#)

CITY OF ST. HELENA
MONTHLY WATER REPORT

CC: CC__X__ PC__X__ FILE____
 RECEIVED:____ BY: __

August 1-31, 2023

	LOUIS STRALLA WATER PLANT	STONEBRIDGE POTABLE WELLS	SBW IRRIGATION WATER	NAPA WATER	TK #1 & #2 ADJUST
AMOUNT PRODUCED in AF	44.54	52.19	1.03	52.77	-0.44
AMOUNT PRODUCED in MG	14.51	17.00	0.34	17.19	-0.14
PERCENT	29.9%	35.0%		35.4%	-0.3%

WATER PRODUCED DELIVERY (AGGREGATE)

	THIS YEAR	LAST YEAR
TOTAL PRODUCED THIS PERIOD	48.70 MG	69.90 MG
MAXIMUM DAILY PRODUCED	n/a MG	2.47 MG
MINIMUM DAILY PRODUCED	n/a MG	1.65 MG
AVERAGE DAILY PRODUCED	1.57 MG	2.07 MG

WATER YEAR TOTALS

	THIS FISCAL YEAR	%	LAST FISCAL YEAR	%
LOUIS STRALLA WATER PLANT	84.79 AF	29.0%	80.96 AF	44.1%
	27.62 MG		26.37 MG	
NAPA WATER	103.85 AF	35.5%	55.32 AF	30.1%
	33.83 MG		18.02 MG	
STONEBRIDGE POTABLE WELLS	103.61 AF	35.5%	47.25 AF	25.7%
	33.75 MG		15.39 MG	
TOTAL WATER PRODUCED DELIVERY (ALL)	292.25 AF	100.0%	183.53 AF	100.0%

SBW IRRIGATION WATER

	THIS MONTH	THIS MONTH, LAST YR.
STONEBRIDGE APARTMENTS	0.25 MG/August 1 -31	0.27 MG/August 1-31
NAPA VALLEY COLLEGE	0.08 MG/August 1 -31	0.13 MG/August 1-31

WATER ELEVATION, CAPACITY & RAINFALL

	THIS FISCAL YEAR	LAST FISCAL YEAR
ELEVATION BELL CANYON RESERVOIR	418.55 FT.	412.27 FT.
MONTHLY RISE OR DROP	-1.15 FT.	-1.05 FT.
CAPACITY AT END OF PERIOD	2124.92 AF	1680.00 AF
PERCENT OF FULL CAPACITY	89.1 %	70.5 %
RAINFALL IN THIS PERIOD	0.00 IN	0.27 IN
TOTAL RAINFALL SEASON TO DATE	0 IN	1.14 IN

TEMPERATURES

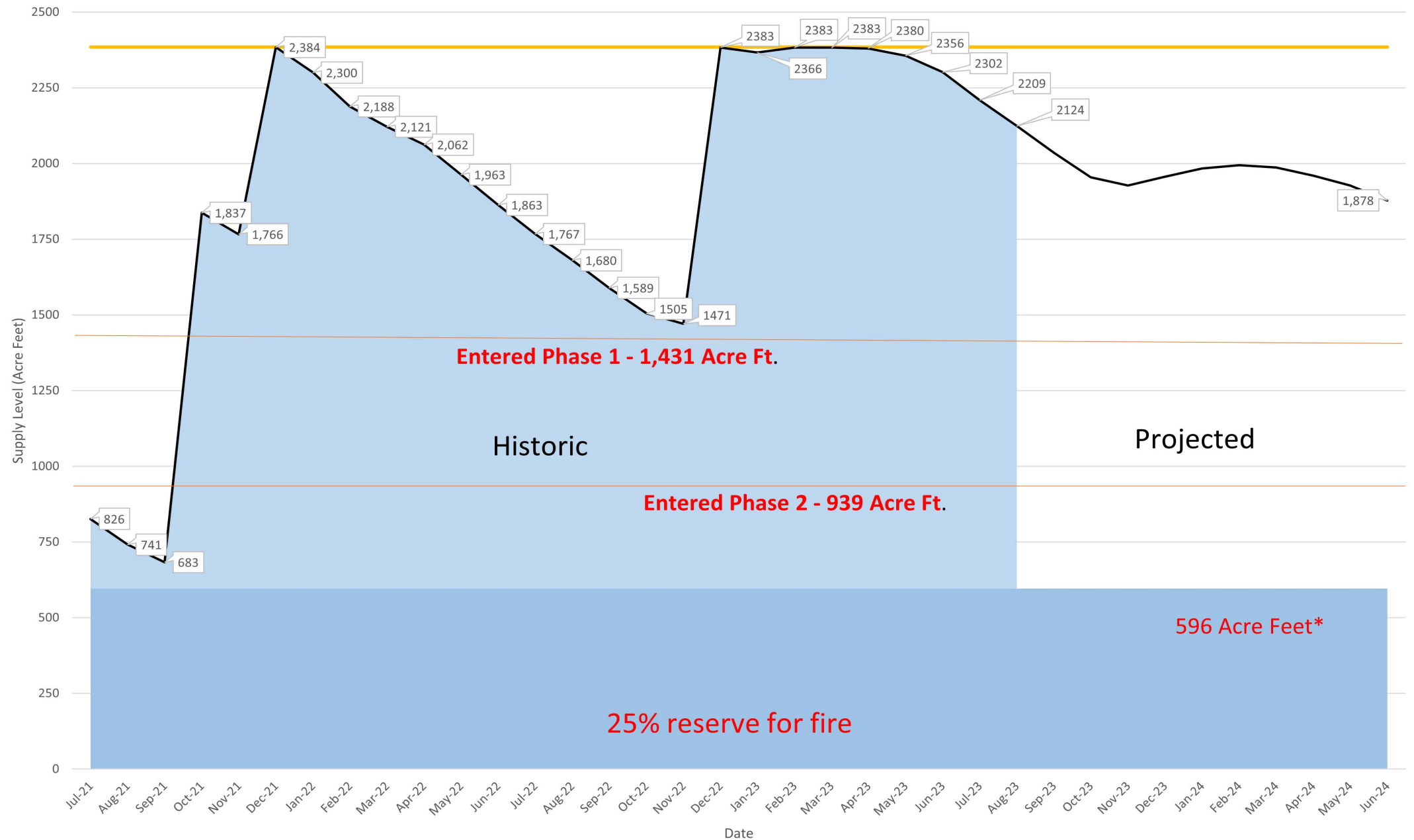
	THIS MONTH, THIS YEAR	THIS MONTH, LAST YR.
DEGREES IN FAHRENHEIT	57.6-99.7	54.0-100.8
AVERAGE	78.65	77

REMARKS

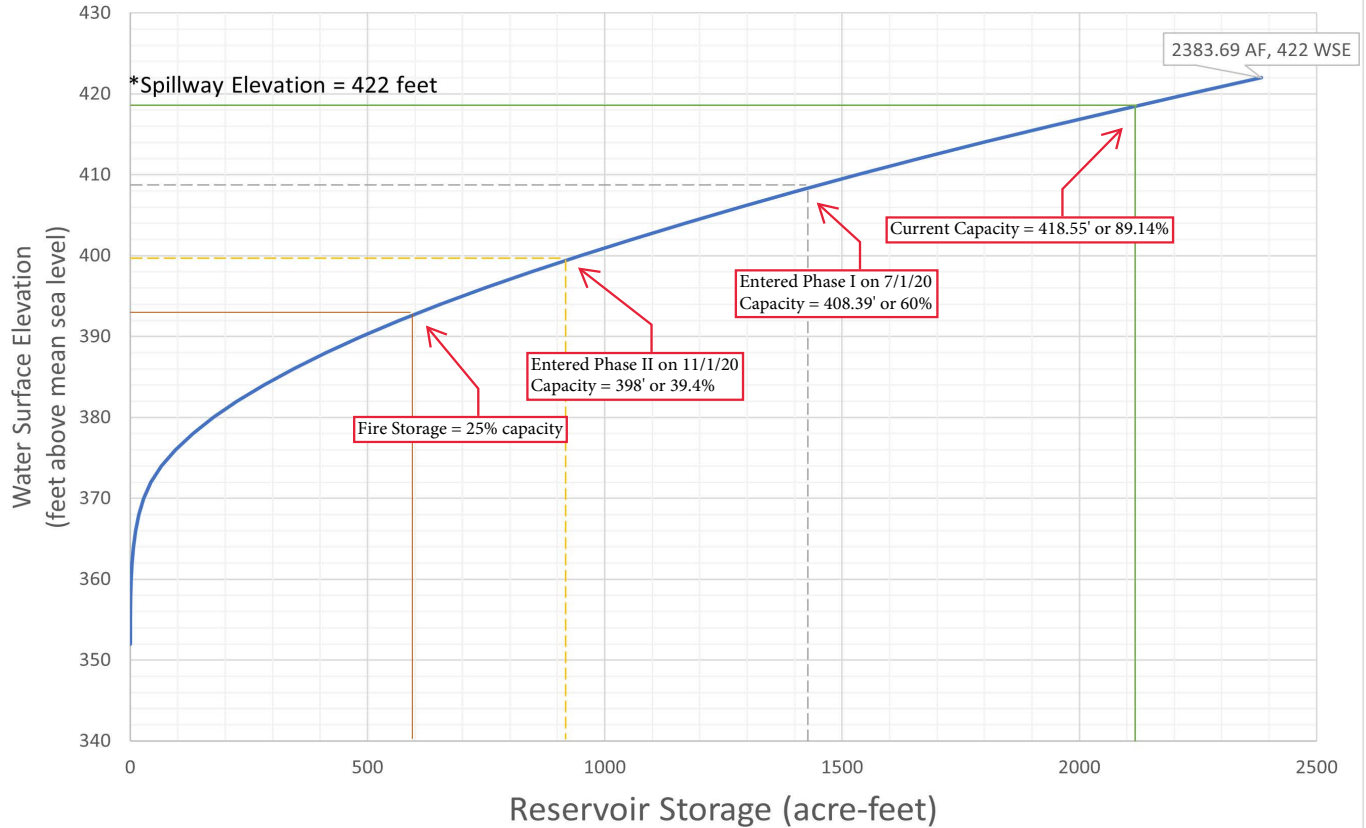
City of Napa Water Delivery: RPS producing an average of 0.554 MG/day during August 2023.
 DISCLAIMER: The data presented in this report is approximate and for informational purposes only.
 Updates will be provided if any errors are identified.

Bell Canyon Water Storage Forecast

Assumes: (1) Highest usage during non-drought year (FY2019/20)
 (2) 10" of Rainfall (Lowest Recorded)



Bell Canyon Reservoir Stage-Storage Relationship





Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Administration

DATE:	September 26, 2023
FROM:	Cindy Tzaopoulos, 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 On July 25, 2022, the City Council considered edits presented from the review committee. It was the consensus of the City Council for additional edits related to public comment and absences.
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. Identified that the City will publish the agenda according to Brown Act guidelines, but endeavors to publish as early as possible. This affords the City Council and the community an opportunity to have ample time to read the staff reports for consideration.
3. Update the City Council Code of Conduct to have a more focused approach of enforcement and sanctions; and
4. Address the recent legislation change related to the Teleconferencing procedures. The Brown Act was amended to include strict guidelines to be able to teleconference; and
5. Combine the City Council, Boards, Committees & Commissions Rules of Procedure for the Conduct of Meetings & Standards of Conduct. The committee felt it was prudent to combine all the bodies into one set of protocols for all. The City Clerk will be tasked to visit each body and present and review the new protocols; and
6. Clarify that public comment would reduce from 4 minutes to three minutes if a large group of people are present to provide public comment. The committee felt this has been a standard practice, but felt it would be good to memorialize the practice; and
7. Verbiage was added to address excessive absences since the previous version didn't address this issue.

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 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.

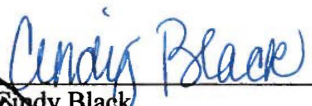
PASSED, APPROVED and ADOPTED at a regular meeting of the City Council of the City of St. Helena held on the 8th of July, 2014 by the following vote:

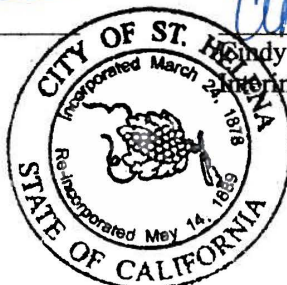
AYES: Councilmember: White, Sculatti and Mayor Nevero
NOES: None
ABSENT: Councilmember: Crull and Pitts
ABSTAIN: None

APPROVED:

ATTEST:


Ann Nevero
Mayor


Cindy Black
Interim City Clerk





City of St. Helena 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.

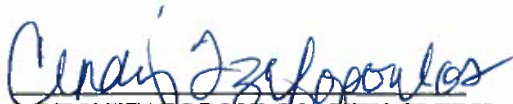
PASSED, APPROVED AND ADOPTED by the City Council of the City of St. Helena, California, at a regular meeting held on this 9th day of August, 2022, by the following vote:

Mayor Ellsworth:	Absent
Vice Mayor Dohring:	<u>Yes</u>
Councilmember Chouteau:	<u>Yes</u>
Councilmember Hall:	<u>Yes</u>
Councilmember Hardy:	<u>Yes</u>



PAUL JAMISON DOHRING,
VICE MAYOR

ATTEST:



CINDY TZAFPOULOS, CITY CLERK



Exhibit A



CITY COUNCIL, ~~BOARDS,~~ COMMITTEES & COMMISSIONS

RULES OF PROCEDURE FOR THE CONDUCT OF ~~COUNCIL~~ MEETINGS

&

STANDARDS OF CONDUCT

TABLE OF CONTENTS

1. PURPOSE	4
1.1 Council-Manager Form of Government	4
1.2 City Council Vision and City Council Mission	4
2. RULES OF PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS	5
2.1 Regular Meeting	5
2.2 Special, Emergency, and Adjourned Meetings	56
2.3 Regular Meeting Agenda	6
2.4 Public Testimony and Comments Before the Council	7
2.5 Roll Call and Voice Votes	89
2.6 Consent Items	9
2.7 Reports	9
2.8 Closing Time of Council Meetings	9
2.9 Old Business	910
2.10 New Business	910
2.11 Office of the Mayor	10
2.12 Office of Mayor Pro Tempore (Vice Mayor)	1011
2.13 Action by the Council	110
2.14 Adoption by Majority Vote	11
2.15 Discussion	11
2.16 Ratification of Actions	1112
2.17 Procedural Motions	1112
2.18 Withdrawal of Motion	1213
2.19 Duty to Vote	13
2.20 Introduction and Passage of Ordinance	13
2.21 Closed Sessions	13
2.22 Quorum	14
2.23 Telephonic <u>Teleconference</u> Attendance Of Council Members At Council Meetings	1415
2.24 Public Hearings	1624
2.25 Appointments to Committees and Boards	1624
<u>2.26 Protocol for Committees, Commissions and Boards(CCB)</u>	<u>25</u>
2.2 <u>76</u> Rosenberg's Rules of Order: Simple Parliamentary Procedures	

	for the 21st Century.....	<u>1731</u>
3.	CITY COUNCIL STANDARDS OF CONDUCT	<u>1731</u>
3.1	Policy Purpose.....	<u>1731</u>
3.2	Ethics.....	<u>1731</u>
3.3	Code of Ethics and Conduct.....	<u>2035</u>
3.4	Enforcement and Sanctions.....	<u>2540</u>
3.5	Implementation.....	<u>2941</u>

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 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 ~~I~~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
- 3-5. Approval of the Minutes
- 4-6. Public Forum
- 5-7. Reports by Staff and City Council, Future Agenda Items and AB 1234 Reports
- 6-8. Presentations and Public Recognitions
- 7-9. Staff Briefing
- 8-10. Consent Items and Items Removed from Consent
- 9-11. Public Hearings
- 10-12. Old Business
11. New Business
13. ~~Items likely to be placed on the next or future meeting agenda.~~
- 12-14. City Council Reports
- 13-15. 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~~their 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, the Mayor may reduce the four-minute time limit for all speakers in circumstances where a large number of citizens intend to make public comments. Additionally, 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 to 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. Excessive absences is defined as failing to attend 3 consecutive meetings or 6 meetings in a 12 month period. 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) PLEDGE 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.

2.276 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 which fall under the jurisdiction of the City of St. Helena, members shall explicitly state that the opinions or positions being expressed do not represent the City of St. Helena or the body upon which they serve~~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

TABLE OF CONTENTS

1. PURPOSE4

1.1 Council-Manager Form of Government4

1.2 City Council Vision and City Council Mission.....4

2. RULES OF PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS5

2.1 Regular Meeting.....6

2.2 Special, Emergency, and Adjourned Meetings6

2.3 Regular Meeting Agenda7

2.4 Public Testimony and Comments Before the Council.....7

2.5 Roll Call and Voice Votes9

2.6 Consent Items9

2.7 Reports.....9

2.8 Closing Time of Council Meetings9

2.9 Old Business.....10

2.10 New Business.....10

2.11 Office of the Mayor.....10

2.12 Office of Mayor Pro Tempore (Vice Mayor)11

2.13 Action by the Council.....11

2.14 Adoption by Majority Vote.....11

2.15 Discussion.....11

2.16 Ratification of Actions.....12

2.17 Procedural Motions.....12

2.18 Withdrawal of Motion.....13

2.19 Duty to Vote.....13

2.20 Introduction and Passage of Ordinance.....13

2.21 Closed Sessions.....13

2.22 Quorum.....14

2.23 Teleconference Attendance Of Council Members At Council Meetings.....15

2.24 Public Hearings.....24

2.25 Appointments to Committees and Boards.....24

2.26 Protocol for Committees, Commissions and Boards(CCB).....25

2.27 Rosenberg’s Rules of Order: Simple Parliamentary Procedures

for the 21st Century.....	31
3. CITY COUNCIL STANDARDS OF CONDUCT	31
3.1 Policy Purpose.....	31
3.2 Ethics.....	31
3.3 Code of Ethics and Conduct.....	35
3.4 Enforcement and Sanctions.....	40
3.5 Implementation.....	41

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 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 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. Approval of the Minutes
6. Public Forum
7. Reports by Staff and City Council, Future Agenda Items and AB 1234 Reports
8. Presentations and Public Recognitions
9. Staff Briefing
10. Consent Items and Items Removed from Consent
11. Public Hearings
12. Old Business
13. New Business
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 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 their 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, the Mayor may reduce the four-minute time limit for all speakers in circumstances where a large number of citizens intend to make public comments. Additionally, 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 to 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. Excessive absences is defined as failing to attend 3 consecutive meetings or 6 meetings in a 12 month period. 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) PLEDGE 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.

2.27 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 which fall under the jurisdiction of the City of St. Helena, members shall explicitly state that the opinions or positions being expressed do not represent the City of St. Helena or the body upon which they serve, 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



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.



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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.

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,

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.

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.

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.

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.

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

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.

pend 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 you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook.

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.

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

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 sus-

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

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege 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

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.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

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 privi-

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.

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.

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 September 26, 2023, by the following vote:

Mayor Dohring: _____
Vice Mayor Hall: _____

Council Member Chouteau: _____
Council Member Hardy: _____
Councilmember Summers: _____

APPROVED:

Paul Jamison Dohring, Mayor

ATTEST:

Cindy Tzaopoulos, City Clerk



Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Administration

DATE:	September 26, 2023
FROM:	Cindy Tzaopoulos, City Clerk
SUBJECT:	Consideration and proposed approval of a resolution adopting the City of St. Helena Records Retention and Disposition of Information Policy (Policy) and delegate authority to approve future revisions to the Policy to the City Manager with approval by the City Clerk and City Attorney
RECOMMENDED ACTION:	Approve the attached resolution.
PREVIOUS COUNCIL ACTION:	On February 14, 2023 the City Council adopted an updated retention schedule.
STATEMENT OF THE PURPOSE:	To adopt the City of St. Helena Records Retention and Disposition of Information Policy so that staff can proceed to identify and records for destruction.
FINANCIAL IMPACT:	There is no fiscal impact.

BACKGROUND:

The City of St. Helena initially contracted with Kaizen in 2016 to develop a comprehensive retention schedule. Since statutes have changed over time it was necessary to contract with Kaizen again to review and recommend updates to the City's retention schedule. On February 14, 2023 the City Council adopted an updated retention schedule.

DISCUSSION:

Records Retention Schedules are comprehensive lists of records series, indicating for each series the length of time it is to be maintained and when, and if, it may be destroyed. The City Clerk maintains retention schedules for each department of the City and updates these schedules on a periodic basis (with the assistance from Kaizen). These schedules establish mandatory minimum retention periods for all City records. If a federal or state law, court ruling, or regulation establishes the retention period for a record, a citation to the relevant provision is given; if no citation is present, authority for the retention period is based on departmental, legal and management recommendations. No department, division, or commission may dispose of an official City record prior to the expiration of its approved retention period, nor may they do so without City Clerk and City Attorney approval.

By controlling the life cycle of records from creation to final disposition, the City better manages its information assets, provides documentation of compliance to State and Federal laws, and preserves a valuable history of the organization. The City Clerk's office

coordinates the Records Management Program in cooperation with assigned department personnel.

The City's Retention Schedule is reviewed Kaizen to ensure it is up to date with current legislation and laws. All suggested revisions are forwarded to the City Clerk, who then reviews and distributes to the departments for their comments. The City Attorney also reviews for accuracy and completeness.

The proposed policy delegates the authority to destroy records in compliance with the adopted Retention Schedule upon the consent of the City Clerk and City Attorney, without further action by the City Council. Considering the level of expertise held by the individuals reviewing the schedule on an annual basis, and to remain consistent it is being requested that the City Council delegate the authority to the City Manager to approve any future revisions to the retention schedules based on Consultant review and with the approval by the City Clerk and the City Attorney.

DOCUMENTS ATTACHMENTS:

[Attachment 1 - St. Helena Disposition Procedure Policy](#)

[Attachment 2 - Exhibit A STHL Retention Schedule](#)

[Attachment 3 - Disposition Form](#)

[Attachment 4 - Resolution](#)

 City of St. Helena Council Policy		Policy Type: Council
		Reso. No. 2023-
		Page 1 of XX
Policy Title: Records Retention and Disposition of Information		Approved by City Council
Effective Date:	Supersedes: N/A	Policy Section: Administration and Government
		Policy Number: AG-1

PURPOSE

To establish policies and procedures under a Records Management Program to control the orderly creation, utilization, maintenance, retention, preservation, and disposition of City records based on State and Federal Statutes governing public records.

To ensure that a responsible program of records management is practiced and documented from creation to disposition in accordance with the law and in the best interest of the City and the general public.

SCOPE

This procedure applies to City employees and contractors regardless of format or where the information may be housed, retained, or stored. It also applies to The City subcontractors that create and/or maintain information on the City's behalf.

This procedure does not apply to electronic information saved for disaster recovery purposes on backup media that are regularly reused and/or overwritten on a rotating basis.

Definition

Term	Definition
Retention Schedule	The Retention Schedule provides direction on how long to retain information.
Legal Hold Notice	Notification issued by the City Attorney to suspend destruction of information that may be relevant to an ongoing or anticipated legal proceeding, investigation, or audit.

POLICY

A. General Requirements

1. This procedure should be implemented on a regular and/or routine basis, but no less than once each year by each department. It is the responsibility of the department that owns the information to ensure compliance with this procedure.

Policy Title Records Retention and Disposition of Information			
Effective Date	Supersedes N/A	Policy Section Administration and Government	Policy Number

2. The City Clerk and City Attorney have been vested with the authority to approve of records in compliance with the retention schedule.
3. Information that has passed its retention requirements and is released from all Legal Holds is to be prepared for disposal. For assistance in determining if a Legal Hold is in effect, contact the City Clerk.

NOTE: Any information subject to an open Legal Hold Notice is to be retained until the Legal Hold Notice is released.

4. Information should be destroyed in accordance with the requirements specified in the Information Destruction Standard, which means to discard paper records and clearing electronic data to be unreadable or irretrievable..
5. Contracts between the City and subcontractors that create, store or maintain information on the City's behalf will incorporate the requirements of this procedure, as well as the Information Destruction Standard, by reference.

B. Information Located in Off-site Storage

1. Staff from the City Clerk's office will generate an annual Destruction Eligibility Report. Reports will be distributed to the departments that own the information. Departments will have 21 days in which to notify the City Clerk's office if any of the information included in the report should not be destroyed due to:
 - a) A Legal Hold;
 - b) An error in the report.
2. Legal Holds enacted by the City Attorney will be tracked by the City Clerk and revalidated no less frequently than every 6 months.
3. Information released by the City Attorney/City Clerk will be processed for destruction.
4. The City Clerk maintains the destruction confirmation paperwork.

C. Information Maintained On-Site

1. Annually, departments will conduct a review of their department information against the Retention Schedule. This review will include:
 - a) Physical documents and files;
 - b) Electronic documents/files in shared drives or other shared access repositories;
 - c) Workstation hard drives;
 - d) The City issued laptops;

Policy Title Records Retention and Disposition of Information			
Effective Date	Supersedes N/A	Policy Section Administration and Government	Policy Number

- e) The City issued mobile device(s) (e.g., cell phones, iPhone, iPad, tablets);
 - f) Email folders.
2. The Director of each Department will contact the City Clerk to determine if there is a Legal Hold in effect, or other business requirement, that would exempt specific categories or types of information from disposal. The Department Director will:
 - a) Inform department staff of those categories or types of information that are to be exempted from disposal, and
 - b) Instruct department staff to delete electronic information that has passed its retention period.
 3. Information will be prepared and processed for deletion in accordance with the requirements specified in the Information Destruction Standard in the retention schedule.
 4. Department staff will comply with instructions received from the Department Director to delete obsolete electronic information, or exempt specific types of electronic information from disposition.
 5. The Director of each Department will communicate to the City Administrative Records Assistant or City Clerk, as well as the City Attorney, that information has been properly managed.

II. DOCUMENT INFORMATION

A. Governing Documents

1. Adopted retention schedule (Exhibit A).

POLICY REVIEW

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

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

REFERENCES

- Retention Schedule, Records Management Procedures, Glossary and Standards

City of St. Helena, CA

Retention Schedule

Instructions

Explanations and Definitions

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

Column Heading Explanations

Record No. - a unique identifying number for the category of information (to be added after all categories have been determined)

Department - the department within the City responsible for the particular type of business process or function represented on the schedule

Business Process - the high-level grouping of business processes within the City

Record Category Name - the actual category or grouping of "like" information upon which retention will be applied

Record Category Description - a description of the category or grouping of "like" information for clarification purposes

Example Records - records and information names that fall within the category or grouping; many actual departmental retention schedule record series are mapped to one of these high-level categories

Retention - how long information in this category must be retained, including any triggering events (described at the top of the schedule, with additional codes below)

Legal Citations - the legal or regulatory requirements or statutes that lead to the calculation of retention (not all information has a legal requirement to be kept; other considerations are mentioned above)

Comments - any special handling or other requirements for information of this category

Vital - the information is critical to the resumption of business immediately after an emergency or natural/man-made disaster; the City's ability to continue functioning would be in jeopardy if this information was no longer available

Records Retention Event Codes from Legal Citations

LA - the statutes of limitation of civil actions

MAINT - maintain records



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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
001	Category Eliminated								
002	Category Eliminated								
003	All Departments	Finance	Grants and Funding Sources	Documents the application, evaluation, awarding, administration, monitoring, and status of grants and other funding sources in which a local government entity is the recipient, grantor, allocator, or administrator.	CL+5Y	Applications (including project proposals) Awards Award Notification Budget Tracking Reports Continuum of Care (CoC) Records Enterprise Funds (water, waste, housing) FEMA / OES Reimbursements Federal, State, Local Grants Gas Tax Grant Administration Grant Funding Grant Evaluations Program Rules, Regulations, Procedures Property Taxes Funding Reports to Funding Agencies Special Revenue Funds Transportation Funding	* CL = Close of Grant, Plus All Final Audit Report Completed; if grant is in perpetuity, it never closes; or, retain per contract stipulation, whichever is longer. Unsuccessful applications are retained for 2 years. NOTE: If a grant requires longer retention, its specific requirements will take precedence. See exception for citation 24 CFR 578.103(c)(2).	CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 570.502(a)(7)(i)(A) - (AC+4Y) US - 24 CFR 578.103(a)(4)(b) - (CL+5Y) US - 24 CFR 578.103(c)(2) - (Where Continuum of Care funds are used for the acquisition, new construction, or rehabilitation of a project site, records must be retained until 15 years after the date that the project site is first occupied, or used, by program participants.)	
004	All Departments	Finance	Payroll	Records and information related to the accounting of City payroll, including garnishment records and information to satisfy debts. This also includes records and information reflecting all remuneration paid to each employee, including: - Name, address, SSN - Total amount and date of payments - Period of service covered for each - Withholding - Tax collected	5Y	1099 1099R Attendance Records, Corrections Benefit Payments CalPERS Reporting Deduction Registers, Reports Deferred Compensation Employee Benefits Employee Deduction Authorizations, Check Information, Extra Help Reports Employee Master Lists, Addresses Federal Tax Garnishments Garnishment Orders, Receipts Longevity Pay Payroll Checks, Copies, Stub Reports Payroll Certifications, Controls Payroll Deduction Authorizations, History, Liens, Claims Payroll Earnings Registers Payroll Tax Returns Personnel Action Forms Processing Reports, Reports to Government Agencies Social Security Tax State Tax Time Sheets - Reports Timekeeping Records (Timecards, Time Sheets, Basic Time and Earnings Cards) Tuition Reimbursements Unemployment Tax W-2 W-4 Wage Rate Tables Work Schedules		CA - 2 CCR 570.5 - (5Y) CA - 2 CCR 571(b)(1)(E) - (5Y) CA - CCR 1085-2 (c) - (4Y) CA - GOV 12846 - (AC+4Y) CA - GOV 34090 - (2Y) CA - LAB 226a (3) CA - LAB 1174 - (3Y) CA - LAB 1197.5 - (LA2Y, LA3Y) CA - UIC 1132 - (LA3Y) US - 26 USC 3301-3311 - (4Y) US - 26 CFR 31.6001-1 (4Y) US - 29 CFR 516.5 - (3Y) US - 29 CFR 516.6 - (2Y) US - 29 CFR 1620.32 - (2Y) US - 29 CFR 1627.3 - (3Y) US - 29 USC 436 - (5Y) US - 48 CFR 4.705-2 - (4Y, 2Y)	x
005	All Departments	Finance	Procurement, Purchasing and Requisitioning	Records and information created or retained in the purchasing or acquisition of goods and services. Documentation that includes the terms and conditions under which vendors will provide goods or services.	CL+4Y	Bids, Awards (Accepted, Unaccepted, Rejected) Change Orders Delivery Records Exhibits Price Lists Proof of Insurance Certificates Purchase Orders Purchasing Cards/CalCards Purchasing Package Quotations Receiving Reports Requisitions Requests for Information (RFI) Requests for Proposal (RFP) Requests for Quote (RFQ) Scorecards Shipping and Receiving (bills of lading, freight bills, manifests, waybills) Specifications	Exception: Procurement documents for acquisitions that are canceled or do not get awarded are retained for 2 years.	CA - CDP 337 - (4Y) CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 29 CFR 516.5 - (3Y)	
006	Category Eliminated								
007	Category Eliminated								
008	All Departments	General	Department Administration	General internal administrative records of City departments.	CL+2Y	Chronological, Reader Files Department Committees Department Goals, Objectives Department Plans Departmental Budget Planning Departmental Projects Employee Desk Files General Files In-House Committees / Employee Committees Lists, Logs and General Reporting (calendars, routine studies & reports, contact lists, indexes, etc.) Notes Office Files, Office Manager Files Organization Charts Permissions, Releases (for copyrighted material) Staff Meetings Traffic Accident Reports (No Claim) Volunteer Recognition Events		CA - GOV 34090 - (2Y)	



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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
009	All Departments	General	Historical Artifacts, Documents, Events, Memorabilia and Collections	Records and information documenting the history and significant milestones of the City including dedications, ribbon-cuttings, grand openings, and groundbreaking ceremonies.	PR	Annual Budgets Biographies of Public Officials, Agency Heads City Generated Historical Studies / Reports City Manager Performance Indicators / Performance Measurements City Publications Executive, City Official Communications, Speeches, Videos History of the Organization Historical Events, Artifacts, Architecture, Designations, Projects Historical Parks, Facilities List of Historic Properties Memorial Programs Picture Collections Significant News Clippings, Releases		CA - GOV 34090 - (2Y)	
010	Category Eliminated								
011	All Departments	General	Policies and Procedures	All documentation of City, agency, council, commission, special district or department policy and procedures.	CL+4Y	Directives Guidelines Handbooks Policies Procedure Manuals Procedures Program / Initiative Plans Records Retention Schedule Rules / Regulations Standards		CA - GOV 34090 - (2Y) US - 26 CFR 301.6501(a)-1 - (4Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1627.3 - (AC+1Y) US - 29 USC 1059 - (AC+1Y)	x
012	Category Eliminated								
013	All Departments	General	Service Issues, Complaints	Documentation regarding department complaints and related requests for service.	CL+2Y	Help Desk Data, Tickets Issues Log Trouble Reports		CA - GOV 945.6(a)(2) - (LABM, LA2Y) CA - GOV 34090 - (2Y)	
014	Category Eliminated								
015	All Departments	Human Resources	Compliance Reporting	Official governmental reports issued by City to comply with regulatory requirements.	5Y	EEOC Reports Labor Reports P.E.R.S. Report		CA - 2 CCR 11013(c)(1) - (2Y) CA - 8 CCR 14300.33(a) - (5Y) CA - GOV 945.6(a)(2) - (LABM, LA2Y) CA - GOV 34090 - (2Y) US - 29 CFR 405.9 - (5Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.30 - (3Y) US - 29 CFR 1602.32 - (3Y)	
016	All Departments	Human Resources	Personnel Files - Employees	All documents related to paid employees, including but not limited to: - hiring - promotion - demotion - transfer - layoff / recall / out-placement - termination / discharge / resignation - pay rates / other terms of compensation	TE+5Y	Applications, Applicant Reference Verifications Attendance Records Awards, Rewards, Commendations, Certificates Background Check (candidate hired) Change in Status (CIS) Civil Service Examination Results and Rankings Complaints Data Protection Forms (Executed, Signed) Disciplinary Actions, Transfers DMV Pull Program (random testing) Employee Acknowledgements, Executed Policy Receipts Employee Relations Records Employee Training/Certification Records (FEMA/NIMS, Base Station Forms, Fire Extinguisher, First Aid/CPR) Goals I-9 Documents Individual Employee Agreements, Contracts (copies) Individual Education, Development, Training Records Investigations Job Offer Letters Job Title and Wage Rate History Leave of Absence / LOA Letters of Office Out-Placement Data Performance Evaluations, Reviews Performance Improvement Plans (PIPs), Counseling Documents Promotions, Recognition Resignations, Exit Interview Notes Roles, Responsibilities		CA - 2 CCR 11013 - (AC+2) CA - GOV 3105(f) - (TE+5Y) CA - GOV 12946 - (TE+4Y) CA - GOV 12960 - (LA3Y) CA - GOV 12965 - (LA2Y) CA - LAB 432.3 - (TE+3Y) CA - LAB 1198.5 - (TE+3Y) CA - LAB 2810.8 - (3Y) US - 8 CFR 274a.2 - (3Y, or TE+1Y) US - 29 CFR 655 Subpart H - (TE+1Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.31 - (TE+2Y) US - 29 CFR 1627.3 - (TE+1Y) US - 29 USC 1059 - (AC+1Y) US - 29 USC 1113 - (LABY) US - 29 USC 1451 - (LABY) US - 41 CFR 60-1.12 (a) - (AC+2Y) US - 41 CFR 60-741.60 - (AC+2Y)	
017	All Departments	Human Resources	Personnel Files - Volunteers and Unpaid Interns	All documents related to unpaid volunteers and interns.	CL+3Y	Applications, Applicant Reference Verifications Attendance Records Awards, Rewards, Commendations, Certificates Change in Status (CIS) Complaints Data Protection Forms (Signed) Volunteer Acknowledgements, Executed Policy Receipts Goals Individual Education, Development, Training Records Investigations Liability Waiver (copies) Recognition Resignations, Exit Interview Notes Roles, Responsibilities		CA - GOV 945.6(a)(2) - (LABM, LA2Y) CA - GOV 34090 - (2Y)	



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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
018	All Departments	Legal	Agreements, Contracts and Leases - Goods and Services	Executed agreements between the City and other parties for acquisitions of goods and services.	CL+4Y	Addendums Agreements/Contracts - ALL Amendments Attachments / Exhibits Contracts Disclosures Easements/Easement Interest Joint Power Agreement (JPA) Leases Letters of Intent Liability Waivers License Agreements, Licenses Licensing, Licenses (general) Memoranda of Agreement (MOAs) Memoranda of Understanding (MOUs) Memorandum of Agreement / Understanding Payment Bonds Performance Bonds for Contracts Schedules Statements of Work (SOW) Surety Bonds Warranties		CA - CCP 337 - (4Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 29 CFR 516.5 - (3Y) US - 48 CFR 4.705-1 - (4Y) US - OMB Circular A-133 - (3Y)	x
114	All Departments	Legal	Agreements, Contracts and Leases - Construction, Improvements to Real Property and Facilities	Executed agreements between the City and other parties for construction of City facilities, or for acquisition or improvements to City real property, facilities, and infrastructure.	PR	Addendums Agreements/Contracts - ALL Amendments Attachments / Exhibits Contracts Disclosures Easements/Easement Interest Joint Power Agreement (JPA) Letters of Intent Liability Waivers License Agreements, Licenses Licensing, Licenses (general) Memoranda of Agreement / Understanding Payment Bonds Performance Bonds for Contracts Property Improvement Contracts Real Estate Leases Schedules Statements of Work (SOW) Surety Bonds Warranties		CA - CCP 315 - (LA10Y) CA - CCP 337 - (4Y) CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - CCP 343 - (4Y) CA - GOV 945.6(a)(2) - (L6M, LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090(a) - (PR) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 91.105(b) - (5Y) US - 24 CFR 52.558 - (CL+5Y) US - 24 CFR 982.158 - (AC+3Y) US - 29 CFR 97.42 - (3Y) US - 29 CFR 516.5 - (3Y) US - 48 CFR 4.705-1 - (4Y) US - OMB Circular A-133 - (3Y)	x
019	All Departments	Public Records Act	Public Records Requests	Records requested by the public and related inquiries.	CL+2Y	Collection Lists Format Public Records Requests Subpoenas for Records (subpoenas duces tecum)		CA - GOV 34090 - (2Y)	
020	City Clerk	Attorney	Advice and Opinions	Records documenting legal counsel and advice on various matters.	S+10Y	Internal Client Communications Opinions		CA - GOV 34090 - (2Y)	
021	Category Eliminated								
022	City Clerk	Elections	Election Records - Unsuccessful Candidates	Records and information related to the filing of campaign and election documentation by candidates not elected.	CL+5Y	Campaign Disclosures, Nomination Papers		CA - GOV 34090 - (2Y) CA - GOV 81009(b) - (5Y) CA - GOV 84816(b) - (4Y)	
023	City Clerk	Elections	Election Records - Vital	Records and information related to the filing and performance of City elections, as well as to elected candidates.	PR	Ballot Measures Campaign Disclosures, Nomination Papers Campaign Information Certificates of Election, Sample Ballots Certification of Election Results Fair Political Practices Commission Files Successful Candidates		CA - ELEC 17300 - (5Y) CA - ELEC 17302 - (6M) CA - ELEC 17304 - (6M) CA - ELEC 17306 - (6M) CA - GOV 81009(b) (PR) CA - GOV 81009(c) (PR)	x
115	City Clerk	Elections	Election Records - Petitions	Records and information related to the filing and performance of City elections for municipal initiative, referendum, and City charter amendment petition.	8M	City Charter Amendment Petitions Initiative Petitions Referendum Petitions		CA - ELEC 17200 - (8M)	x
024	Category Eliminated								
025	City Clerk	Elections	Proposition 218 Assessment Elections and Protest Procedure	Records related to Proposition 218 assessment elections, administration of notifications and protests associated with taxes, assessments and fees subject to Prop. 218.	AC+2Y	Assessment Ballot Proceeding Protest Ballots Property Related Fees Protest Letters Public Hearing Materials	Property owner elections only.	CA - ELEC 17302 - (6M) CA - GOV 34090 - (2Y) CA - GOV 53753 - (2Y) CA - GOV 53755 - (AC+2Y)	
026	City Clerk	General	Franchise Administration	Records and information pertaining to the administration of utility and service franchises within the City.	5Y	Pacific Gas & Electric Pacific Telephone & Telegraph Cable TV System Solid Waste Recycling		CA - CCP 337 - (4Y) CA - GOV 34090 - (2Y)	
027	City Clerk	General	FPPC Filings	Forms mandated by state law related to Fair Political Practices Commission (FPPC) filings, including those for economic interests of certain employees, elected or appointed officials, or candidates for office.	7Y	Form 460 (Campaign Statements) Form 700 (Economic Interest Statements, SEI) Form 801 Form 802 Form 806		CA - GOV 34090 - (2Y) CA - GOV 81009 (4Y, 7Y)	



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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
028	City Clerk	Litigation	Case Files, Claims, Litigation, Arbitration and Resolution	Records and information created or collected to support the City's position in actual or potential litigation or to otherwise evaluate actual or potential litigation relating to the organization, including claims, constituent complaints, grievances, worker compensation. Litigation includes third party litigation, government investigations, mediations, arbitrations, and other judicial or quasi-judicial proceedings.	CL*10Y	ADA Case Files Case Correspondence Cease & Desist Letters Claims Claims Against City, Special District Complaints Contract Disputes Court Orders Constituent Claims Demand Letters EEOC Charges, Cases Injury Reports Meet and Confer Pleadings (Affidavits, Depositions, Exhibits, Court Filings) Settlement Copies Subpoenas Unemployment Compensation Claims Unemployment Compensation Data, Weekly Earnings Data Worker Compensation Benefits (Awards, Claims, Orders, Reports)	* CL = Final resolution of all claims, appeals	CA - 2 CCR 1013 - (CL+2Y) CA - 22 CCR 1085-26) - (4) CA - CDP 315 - (LA10Y) CA - CDP 337 - (LA4Y) CA - CDP 337.15 - (LA10Y) CA - CDP 338.1 - (LA5Y) CA - GOV 911.2 - (LA8M, LA1Y) CA - GOV 945.6(a)(2) - (LA8M, LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) CA - LAB 5410 - (LA5Y) CA - RTC 7154 - (LA5Y) CA - RTC 19704 - (LA6Y) CA - UIC 1132 - (LA3Y) US - 26 CFR 31.6501-1 (4Y) US - 26 CFR 301.6501(a)-1 - (4Y) US - 26 CFR 301.6532-1 - (LA2Y) US - 26 CFR 301.6532-2 - (LA5Y) US - 26 CFR 301.6532-3 (a) - (LA8M) US - 26 USC 6031 - (LA6Y) US - 26 USC 6032 - (LA2Y) US - 29 USC 255 - (LA2Y) US - 29 USC 626(d) - (LA300D) US - 42 USC 2000e-5 (e) - (LA180D) US - 42 USC 2000e-5 (f) - (LA180D)	
029	City Clerk	Recording, Filing	Recorded Documents - Vital	Records and information pertaining to those original key documents recorded on behalf of the City.	PR	Abandonments Annexations City Incorporation Conveyances from the City (Deeds, Easements, Abandonments) Conveyances to the City (Deeds, Easements, Dedications) Deeds Detachments Easements Grant Deeds Liens Rights-of-Way Street / Alley Abandonments, Improvements Vacations		CA - GOV 34090(a) - (PR)	x
030	City Clerk	Records Management	Records, Information Management	Documentation of the compliance with Records and Information Management policy and procedures.	CL*10Y	Document Hold Notices, Updates		CA - CDP 315 - (LA10Y) CA - CDP 337 - (4Y) CA - CDP 337.15 - (LA10Y) CA - GOV 34090 - (2Y) US - 26 CFR 31.6501-1 - (4Y) US - 26 CFR 301.6501(a)-1 - (CY+3Y)	
031	City Council	General	Appointments	Appointments made by authorized elected officials to councils, committees, boards, commissions, task forces, other advisory groups, or public offices, including those to fill vacancies for otherwise elected positions.	TE*2Y	Applications (Appointed, Unsuccessful) Interview Notes Letters of Appointment Letters of Recommendation Oaths of Office Resumes Submitted Documents	* End of term	CA - GOV 34090 - (2Y)	
032	City Council	Meetings, Minutes	Official Meetings, Legislative Actions	Legislative and non-legislative actions that document policy development, including Council and Committee meeting minutes and Ordinances.	PR	Agenda Packets and Facsheets Meeting Minutes, Notices, Recordings, Transcripts Minute Books & Index Municipal Code Ordinances Proclamations Resolutions Summary of Actions, Statement of Actions (SOAs) City Codes City-wide Plans/Programs Adopted Transcriptions of audio or video recordings of meetings	* Many of these have historical value. ** Ordinances, once repealed or overridden, may be destroyed 5 years after being superseded.	CA - CDP 315 - (LA10Y) CA - CDP 321 - (LA5Y) CA - CDP 338 - (LA5Y) CA - CDP 338a - (LA6Y) CA - CDP 337 - (LA4Y) CA - CDP 337.5 - (LA10Y) CA - GOV 945.6(a)(2) - (LA8M, LA2Y) CA - GOV 34090 - (2Y)	x
033	City Council	Meetings, Minutes	Public Notices	Records documenting compliance with laws requiring public notice of government activities. Subjects include assessments, elections, land use changes, public meetings and hearings, sale of property, and others.	2Y	Affidavits of Posting Affidavits of Publication/Legal Notices Public Hearing Notices	Brown Act challenges must be filed within 30 or 90 days of action; Statute of Limitations on Municipal Government actions is 3 - 6 months	CA - GOV 945.6(a)(2) - (LA8M, LA2Y) CA - GOV 34090 - (2Y)	
034	All Departments	Communications, Outreach	Community Outreach, Media and Public Relations	External-facing communications, advertising and press relations materials, including documentation of outreach activities/events held in cooperation or for the benefit of the local community.	2Y	Brochures Community Training FAQs Masters Media Packets, Releases, Kits Newspaper Clippings News, Press Releases Press Kits PD Public Health Services and Community Education, Outreach (CERT, Drug & Alcohol Education, Emergency Action Plans, Street Smart Program, Youth Violence Prevention Education) Public / Media Inquiries Public Information / Outreach / Education Publications Produced by the City Publicity Files Publicity Photographs Social Media Documentation Special Events	CERT (Community Emergency Response Training) Drug / Alcohol Education / Community Training Emergency Action Plans Emergency Forms Street Smart Program Youth Violence Prevention Education / Community Training	CA - GOV 34090 - (2Y) US - 24 CFR 91 Subpart C - (MAINT)	
035	City Manager	Economic Development	Economic Development Programs and Services	Records and information documenting the City's economic development programs.	AC*5Y	Appraisals Business Promotion Programs Business Recruitment Programs Community Activities Court Orders Demographics Economic Development Programs Economic Development Strategy Eminent Domain Redevelopment Agency Files Retail Incentive Programs		CA - CDP 337 - (LA4) CA - GOV 945.6(a)(2) - (LA8M, LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 91.105(h) - (5Y) US - 24 CFR 570.502 - (CL+4Y)	



City of St. Helena
2016 Retention Schedule

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
036	City Manager	General	Emergency Management and Business Continuity Plans	All documentation of City plans for dealing with disasters and/or system failures.	AC+5Y	Business Continuity Plans Disaster Preparedness Disaster Recovery Plan Drill Records Emergency Contact Lists, Employee Lists, Roster of Workers Emergency Evacuation Procedures Emergency Operations Center Emergency Preparedness Emergency Response Emergency Services Hazardous Materials Response Planning School Violence Search and Rescue Telephone Trees Terrorism		CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 91.105(h) - (5Y) US - 29 CFR 97.42(b) - (3Y)	x
037	City Manager	Human Resources	Collective Bargaining	Documentation related to the negotiations between labor unions for collective bargaining purposes.	CL+5Y	Contract Negotiations Labor Relations Union Communications Union Petitions		CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12948 - (AC+4Y) CA - GOV 34090 - (2Y) US - 29 CFR 516.5 - (3Y)	
038	Finance	Accounting	Accounts Payable/Receivable	Records and information related to the accounting of monies paid or received by the City including payment for financial obligation, documenting bad debt, paying of unemployment expenses, employee expense reimbursement, money paid for fines or fees, services rendered, vendor credit cards, cash payments received, etc.	CU+4Y	Cash Disbursement Cash Receipts Credit Card Slips, Statements Credit Memos Employee Expense Reports, Reimbursements Facilities Fees Fee Maintenance and Collection (for licenses, permits, etc.) Fixed / Capital Asset Accounting Flex Spending Form 1099 Records Form W-9 Records Invoices and Vouchers Journal Vouchers Month-End Cost Records Operating Invoices, Paid (General, Contract Vendors) Payables Package, Receipts Payments Petty Cash Data Receivables Package, Receipts Taxes (General fund, property, real property, sales/use, transient occupancy tax (TOT)) Tax Rates Utility Billing Vendor Invoices		CA - CCP 337 - (LA4Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) CA - LAB 1174(d) - (3Y) US - 2 CFR 200.334 - (CL+3Y) US - 18 CFR 125.3(2) - (AC+4Y) US - 24 CFR 570.502(a)(7)(i)(A) - (AC+4Y) US - 24 CFR 862.158 - (AC+3Y) US - 26 CFR 31.6001-1 - (CY+3Y) US - 29 CFR 97.42 - (3Y) US - 29 CFR 516.5 - (3Y) US - 48 CFR 4.705-1 - (4Y; 2Y)	x
039	Category Eliminated								
040	Finance	Accounting	Credit, Collections	Records and information generated or collected in the tracking of debtor transactions and balances.	CU+4Y	Accruals Bad Check Logs Bad Debt Reserves Credit, Collections and Aging Credit Reports Credit Reviews Customer Payments Refund Claims Uncollectable Accounts Write-offs, Adjustments		CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)	x
041	Finance	Accounting	General Ledger, Journal Entries	Records and information related to the transfer of charges between accounts and summaries of account information, including year end summaries of general ledger transactions.	CU+10Y	Account Ledgers Billing Rates, Journal Appropriations Transfers Balance Sheets Books of Account Cash Journals Chart of Accounts Demand Register Expenditure Reports General Ledger Journal Entries Manual Accounting Ledger, Control Ledger Payroll Journal Purchases Journal Revenue Sub-Ledgers Trial Balance Year-End / Account Detail History Report		CA - GOV 34090 - (2Y) US - 26 CFR 31.6001-1 (CY+3Y) US - 26 USC 6531 - (LA6Y)	x
042	Finance	Accounting	Real Property, Fixed Assets	Records and information related to the ownership, purchase, sale, lease or improvement of real property and facilities owned by or used by the City.	PR	Acquisitions Amortization Asset Retirement Records Attachments Buildings Capital Asset Records Capital Improvements Deeds Deeds of Trust Depreciation Schedules Excess Right of Way Fixed Asset Ledger Land Mortgages Parkland Possessory Interest Sales Valuation Information		CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2Y) US - 26 USC 6531 - (LA6Y)	x
043	Category Eliminated								



City of St. Helena
2016 Retention Schedule

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
044	Finance	Audit	Audits (Internal, External)	Records and information related to auditing activities, including reviewing and documenting operational, compliance, or financial information created as a part of an audit.	CL*+6Y	Annual Audit Reports Audit Files, Plans Audit Auditors Reports Audit Schedules Audit Workpapers Comprehensive Annual Financial Report (CAFR) General Purpose Financial Audits, Single Audits Improvement Plans Investigations, Workpapers Management Responses Observations Recommendations Remediation Plans / Results Responses	* Audits are considered active until the final report is issued and all corrective actions have been completed.	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 26 CFR 1.1461-2 - (CU+1Y) US - 26 CFR 31.6001-1(e)(2) - (CU+4Y) US - 26 USC 6531 - (LA6Y)	
045	Finance	Banking	Bank Account Information	Records and information related to banking activities, transactions and correspondence. This category includes deposits and reconciliations.	CU+4Y	Bank Account Administration Bank Statements (All Agencies) Checks, Canceled Check Copies Check Registers, Journals Corrections / Returns Deposit Permits Deposits Electronic Banking Reconciliations Signature Cards Transactions Transfers Voided Checks Wire Transfers		CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 26 CFR 31.6001-1 - (CU+3Y)	
046	Finance	Budgets, Planning	Budget Management	Records and information relating to creating and implementing the final approved budget.	CU+4Y	Final Budget Document Gain Limit Annual Review Revenue/Expenditure Reports Trial Balance/Balance Sheets (Finals)		CA - GOV 34090 - (2Y)	
047	Finance	Budgets, Planning	Financial, Strategic Planning	Records and information relating to financial and strategic planning.	2Y	Business Plans Financial Plans Forecasts Interim Results Revenue Forecasts Strategic Plans		CA - GOV 34090 - (2Y)	
048	Category Eliminated								
049	Category Eliminated								
050	Finance	Financial Reporting	Financial Reporting	Official and general City financial reports, whether required by regulations or generated to track internal transactions and achievements.	CU+4Y	Annual Report of Financial Transactions To State Annual State Controller Filings Audited Financial Statements EEOC Reports Expenditures Reports Monthly Treasurer's Report Payroll Reports (HRA, RMT, ICMA 457 accounts, Nationwide, deferred compensation) Possessory Interest Report / Lease Reports Quarterly Investment Report Weekly Reports		CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 26 CFR 1.1461-2 - (CY+1Y) US - 26 CFR 31.6001-1(e)(2) - (CU+4Y)	
051	Category Eliminated								
052	Finance	Treasurer	Abandoned Property, Escheat	Records and information pertaining to unclaimed funds and warrants held in trust by the City.	10Y	Canceled Warrants (escheat) Uncashed Checks		CA - CCP 1513 - (3Y) CA - GOV 34090 - (2Y) US - Uniform Unclaimed Property Act (2016), Section 404 - (10Y)	
053	Finance	Treasurer	Debt and Investments	Records and information relating to analysis of City financing and investment activities.	CL*+10Y	Bonds Bonded Indebtedness Cash Bonds Certificates of Deposit (CDs) Certificates of Participation Direct Investments Due Diligence Exempted Securities Financial Investment Planning Investment Performance Reporting Investment Reporting Loans Local Agency Investment Fund (LAIF) Long Term Debt Money Manager Statements Performance Bonds, Letters of Credit Portfolio Management, Quarterly Reviews Revenue Bonds Returns Management Security Instruments Stock / Equity / Debt Issuance, Repurchase Records Trust Accounts	* CL = Maturity of Investment	CA - CCP 336 - (5Y) CA - CCP 337 - (4Y) CA - CCP 337.5 (10Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 26 CFR 301.6501(a)(1) - (4Y)	
054	Fire Department	Fire Protection, Prevention	Arson Investigations	Records and information associated with arson investigations.	PR	Evidence Files Investigations		CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (PR) CA - PEN 800 - (LA6Y) CA - PEN 801 - (LA3Y)	
055	Fire Department	Fire Protection, Prevention	Emergency Response Services	Records and information associated with providing emergency response services.	CL+6Y	Ambulance Services Authorization Forms (HIPAA) Emergency Medical Services Forms Emergency Services False Alarm Reports FEMA Reports Incident Reports/Log Books Mandated Reporting: Child Abuse, Elder Abuse, etc. Paramedic Certificates Paramedic Release Forms Patient Care Reports (PCRs)	NOTE: PCRs for minors must be retained for 7Y or until the minor reaches the Age of Majority Status (18Y), whichever is longer.	CA - California Fire Code, 104.6 - (5Y) CA - 13 CCR 1100.7 - (3Y) CA - 22 CCR 70751(e) - (7Y) CA - 22 CCR 100170 - (MAINT) CA - 22 CCR 100171 - (MAINT) CA - CCP 340.5 - (3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 11191 - (3Y)	



City of St. Helena
2016 Retention Schedule

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
056	Fire Department	Fire Protection, Prevention	Fire Equipment	Records and information associated with fire protection and emergency response equipment.	LI*3Y	Apparatus and Maintenance Records Certification Binder Equipment Checks Extinguishers Fire Breaks Hydrants Sprinklers	* LI = Life of Equipment	CA - 8 CCR 3203(b)(1) - (1Y) CA - GOV 34090 - (2Y) US - 29 CFR 1910.157 (Life of extinguisher) NFPA 1911.4.7.3 - (Life of Vehicle)	
057	Fire Department	Fire Protection, Prevention	Fire Inspections	Records and information associated with inspections of commercial and residential facilities.	5Y or Life of Structure, whichever is longer	Commercial Facility Property Files Residential Property Files		CA - California Fire Code, 104.6 - (5Y or Life of Structure or Activity, whichever is longer) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)	
058	Fire Department	Fire Protection, Prevention	Fire Prevention Programs	Records and information associated with department programs to protect the City from fires and emergency incidents.	2Y	Fire Education Weed Abatement		CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)	
059	Human Resources	Benefits	Benefit Plans	Plans and systems established to provide employee benefits and associated administrative documents.	LI*6Y	Carrier Reporting, Performance COBRA Rates, Records, Histories Employee Benefit Plans Group Insurance Cost Data PERS Actuarial Reports Retirement System Summary Plan Descriptions Supplemental Forms	* LI = Life of Plan	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 29 USC 1027 - (6Y) US - 29 USC 1059 - (AC+1Y) US - 29 USC 1113 - (LA6Y) US - 29 USC 1451 - (LA6Y)	x
060	Human Resources	Benefits	Employee Benefits	Employee election (selection), enrollment or termination forms and related correspondence, including transmissions to carriers of additions, changes, claims and deletions (includes employee medical records subject to HIPAA requirements).	CL+6Y	Actuarial Analysis for Benefit Reserves and Accounting Appeals Beneficiary Files, Contract Copies, Enrollments, Appeals Beneficiary Designations Death Claims, Life Event Documents Employee Cost-Sharing Amounts Employment Authorizations, Terminations, Confirmations, Status Changes, Coverage Changes Family & Medical Leave Tracking (Compensation, Complaints/Disputes, FMLA Requests, Parental Leave Forms, Paid/Unpaid Leave) Flexible Spending Enrollment Individual Retirement Accounts (IRAs), 401k Histories Life Insurance Notification Letters/EOI Leave of Absence Documentation Medical Billing Statements Pension Plan Applications, Claims P.E.R.S. Information Premium Information Required Benefits Reporting Retirement Loans / Retirement		CA - 22 CCR 1085-2 - (CU+4Y) CA - GOV 12946 - (AC+4Y) CA - GOV 34090 - (2Y) US - 26 CFR 301.6501(a)(1) - (CU+3Y) US - 29 CFR 516.6 - (2Y) US - 29 CFR 825.500 - (3Y) US - 29 USC 1027 - (6Y) US - 29 USC 1059 - (AC+1Y) US - 29 CFR 4007.10 - (6Y)	
061	Human Resources	Insurance	Claims Management	Records detailing claims against insurance coverage by the City, including appraisals and reports.	CL+10Y	Incident Reports Annual Audit of Open Claims Appraisals Claims By/Against the City Damage Estimate Reports Supporting Documentation Insurance Claims, Appraisals, Reports Investigations Liability Waivers	Exception: Accident, incident, and injury reports not resulting in a claim can be disposed of after 2 years.	CA - 2 CCR 11013 - (AC+2Y) CA - CCP 337 - (5Y) CA - CCP 338.1 - (LA5Y) CA - GOV 911.2 - (LA1Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 12960 - (LA3Y) CA - GOV 34090 - (2Y) CA - VEH 2547 - (LA3Y)	
062	Human Resources	Insurance	Insurance Coverage	Records detailing the City's general coverage against property damage and liability, including renewal submission information, insurance quotes, & broker correspondence.	CL+6Y	Binding Information Binders Broker Correspondence Certificates of Insurance Completed Applications Disability Insurance Flood Insurance Insurance Policies Insurance Procured by Others (Vendors) Insurance Quotes Insurance Submissions Liability Insurance Renewal Strategy Unemployment Insurance		CA - 22 CCR 3267-2 - (MAINT) CA - CCP 337 - (4Y) CA - GOV 8548.7 - (CL+3Y) CA - GOV 34090 - (2Y)	x
063	Human Resources	Labor Management	Collective Bargaining Grievances	Documentation related to labor grievances filed under current collective bargaining agreements.	CL+4Y	Grievance Files/Commission Hearing Grievance/Hearing Logs Union Grievances		CA - CCP 337 - (4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (AC+4Y) CA - GOV 12960 - (LA3Y) CA - GOV 12965 - (LA2Y) CA - GOV 34090 - (2Y) US - 29 CFR 1602.31 - (CL+2Y) US - 29 CFR 1627.3 - (3Y) US - 29 USC 255 - (LA2Y)	
064	Human Resources	Occupational Health	Employee Hazardous Exposure Medical Records	Documents pertaining to medical records of City employees who have been exposed to hazardous substances (includes employee records subject to HIPAA requirements).	TE+30Y	Employee Hazardous Chemical Exposure Hazardous Exposure Radiation Exposure Records Toxic Substance Exposure Records		CA - 8 CCR 3204(a) - (TE+30Y) CA - CCP 338 - (LA3Y) CA - CCP 338.1 - (LA5Y) CA - GOV 12946 - (AC+4Y) CA - GOV 34090 - (2Y) CA - LAB 5410 - (LA5Y) CA - 29 CFR 1904.33 - (CU+5Y) US - 29 CFR 1910.95 - (TE+2Y) US - 29 CFR 1910.1020 - (TE+30Y)	



City of St. Helena
2016 Retention Schedule

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
116	Human Resources	Occupational Health	Occupational Health and Safety Records	Records and information created for managing the health and safety of employees (may include employee records subject to HIPAA requirements).	CL+6Y	Drug Screening Exposure Monitoring Firearms and Field Exposure Worker Compensation		CA - 2 CCR 11013 - (2Y) CA - 8 CCR 3203(b) - (1Y) CA - 8 CCR 1517 - (1Y) CA - 8 CCR 14300.33 - (6Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12960 - (LA3Y) CA - GOV 12965 - (LA2Y) CA - GOV 34090 - (2Y) CA - LAB 6401.7 - (MAINT) CA - LAB 6409.6 - (3Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.31 - (AC+2Y) CA - 29 CFR 1904.33 - (6Y) US - 42 USC 2000e-5(a)(1) - (LA300D) US - 49 CFR 382.40(b)(1) - (5Y)	
065	Category Eliminated								
066	Human Resources	Staffing	Training Records	All documents related to education and training, including technical training, taken by paid employees, unpaid volunteers, elected officials, and candidates for elected office, including: - Canine Deployment - Ethics - FEMA/NIMS - Firearm and Field Training - Base Station Forms - Fire Extinguisher - First Aid/CPR - Harassment - Safety	5Y	Attendance Certification Records Compliance Training Courses/Seminars (Taken by Employees - includes Safety Training) Ethics Training Individual Education, Development		CA - 8 CCR 3203 - (1Y) CA - GOV 34090 - (2Y) CA - GOV 53235.2b - (5Y) CA - GOV 53237.2b - (5Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.31 - (2Y) US - 29 CFR 1627.3(b) - (TE+1Y) US - 41 CFR 60-741.80 - (AC+2Y)	
067	Human Resources	Staffing	Recruitment	Records and information related to applications and related records of candidates interviewed but not hired or accepted, including applications received but not acted upon.	4Y	Applications, CVs, Resumes (Rejected, Unsolicited) Applicant Tracking Records (Hired, Rejected) Background Checks, Investigations, candidate not hired (LiveScan, Criminal Offender Record Information (CORI), Investigations) Drug Testing, Pre-Hire Screening Interview Notes Job Descriptions Job Postings, Announcements Job Requisition Requests Job Specifications Miscellaneous Hiring Process Notes Position Information Recruitment Temporary Intern Staffing Test Results (Non-hires) Unpaid Interns (Rejected) Volunteers (Rejected)		CA - 2 CCR 11013(c)(2) - (2Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 12960 - (LA3Y) CA - GOV 34090 - (2Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.31 - (2Y) US - 29 CFR 1627.3(b)(1) - (1Y) US - 41 CFR 60-741.44(b)(4) - (3Y) US - 41 CFR 60-741.44(k) - (3Y) US - 49 CFR 382.40(b) - (5Y for positive results, 1Y for negative results)	
068	Human Resources	Staffing	Salary, Compensation	Documentation of position and employee compensation.	S+4Y	Classification Studies Compensation Plans, Planning, Analysis Cost of Living Job Descriptions Job Evaluation Documentation Salary Range History Salary Surveys		CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 12960 - (LA3Y) CA - GOV 34090 - (2Y) US - 29 CFR 516.6 - (2Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.31 - (AC+2Y) US - 29 CFR 1627.3 - (TE+1Y)	
069	Human Resources	Staffing	Training Materials, Courses, Scheduling	Documentation regarding the courses and schedules for training offered to employees for training and development.	S+5Y	Attendance Lists Educational Assistance Employee Development Presentation Materials PowerPoint Slide Decks Testing		CA - 8 CCR 3203 - (AC+1) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (AC+4Y) CA - GOV 34090 - (2Y) CA - GOV 53235.2(b) - (5Y) CA - GOV 53237.2(b) - (5Y) CA - LAB 3076.3 - (5Y) US - 29 CFR 1602.14 - (CY+1Y)	
070	Category Eliminated								
071	Library	General	Library Records	Records and information related to the City's library programs and services.	CU+2Y	Borrow/Loan Records Classes Catalog of Holdings Gifts / Donations Material Challenge Records	* CL = life of holding	CA - GC 34090 - (2Y)	
072	Parks and Recreation	General	Parks and Recreation Programs and Services	Records and information documenting the City's parks and recreational programs and services.	CU+2Y	Adult Services Programs / Classes Applications Aquatics Cultural Activities Programs / Classes Facility Rentals (use applications, permits, insurance) Liability Waivers Programs, Classes, Leagues Registrations Forms Special Events Teen Services Programs / Classes Youth Services Programs / Classes Withdrawal Forms	NOTE: Repeat users of facilities remain active	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)	
073	Planning	Building Plans	Building Plans - Commercial	Records of building plans submitted to the City's building and services activities for commercial buildings.	LI*+10Y	Building Plans - Commercial	* LI = Life of Building/Structure	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2) CA - HSC 19850 - (L)	
074	Planning	Building Plans	Building Plans - Residential	Records of building plans submitted to the City's building and services activities for single and multiple family residential buildings, garages and apartment structures of 2 stories or less.	CL*+2Y	Building Plans - Residential	* Closure = Substantial completion of the development or improvement	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2)	



City of St. Helena
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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
075	Planning	Code Enforcement	Code Compliance and Enforcement	Records and information documenting compliance with City codes, including violations.	CL+3Y	Code Citations Code Enforcement Code Violations Compliance with Conditions of Approval Inspections / Enforcement (Business, Residential) Investigations Notices of Violation Photographs Resolution Vehicle Abatement (abandoned vehicles) Violations Zoning Compliance Certificates	CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 802 - (2Y)	CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 802 - (2Y)	
076	Planning	Permitting	Building Codes and Permits	Records and information documenting the City's building services activities for both commercial and residential structures.	PR	Building Codes Building Inspections Building Permits (issued, active, expired, history) Certificates of Occupancy		CA - CBC 107.5 - (180D) CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2) CA - HSC 19850 - (LI)	
077	Planning	Planning and Zoning	Housing Authority Administration	Records and information of housing agency operations and programs, including CDBG, CalHOME and HOME grants.	CL+5Y	Applications Community Development Block Grants (CDBG) Compliance Monitoring Foreclosure Prevention, Counseling Housing Plans HUD Reports (50058) INS Appeal, Informal Hearing Inclusionary Monitoring, Projects Predevelopment Loans Rental Assistance, Vouchers (Section 8) Set-Aside Funds Supportive Services for Veterans Tenant Files		CA - 25 CCR 7721 - (MAINT) CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 24 CFR 5.514 - (5Y) US - 24 CFR 91.105(h) - (5Y) US - 24 CFR 92.508(c) - (CL+5Y) US - 24 CFR 570.502 - (AC+3Y;AC+4Y)	
078	Planning	Planning and Zoning	Housing Authority Financials	Records and information of housing agency operations and programs financial management.	LI+5Y	Affordable Housing Records Development / Affordability Agreements Restricted Units	* LI = Life of Contract	CA - 25 CCR 7721 - (MAINT) CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 24 CFR 5.514 - (5Y) US - 24 CFR 91.105(h) - (5Y) US - 24 CFR 92.508(c) - (CL+5Y) US - 24 CFR 570.502 - (AC+3Y;AC+4Y)	
079	Planning	Planning and Zoning	Planning and Zoning Services	Records and information pertaining to the activities of the planning division, including zoning.	PR	Agricultural Preserve Certificate of Compliance Design Review Development Regulations Discretionary Applications, Approvals and Supporting Materials Downtown Parking Requirements E.I.R., Notice of Determination, Categorical Exemptions, etc. Environmental Reviews, Negative Declarations, etc. General Plan (housing element, amendments, growth management element, noise element, specific plans) Land Use Permits Landscape Master Plans Parking Calculations Planned Unit Development (PUD) Plans (Specific) Public Participation Plans Public Use Resolutions Rezoning Summary of Actions Use Permit Variances Zoning Map Amendments Zoning Text Amendments		CA - 14 CCR 15095 - (Reasonable) CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 12881 - (FR+1Y) CA - GOV 34090 - (2Y) CA - HSC 19850 - (LI) CA - WAT 10931 - (5Y) US - 24 CFR 91.105(h) - (5Y)	
080	Police Department	Case Files	Dead Bodies	Records, crime reports and evidence associated with investigations of dead bodies, whether by natural causes or found.	CL+2Y	Reports Statements	* CL = Case remains active until body has been identified and cause of death determined. If determination is made that the death was a homicide, records are recategorized as "Felony Murder/Homicide" case files (see #83, below).	CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y)	
081	Police Department	Case Files	Felonies, Excluding Murder	Records, crime reports and evidence associated with felony violations of laws, excluding homicide and capital violations.	CL+10Y	AB 109 Case Status Reports Chemical Analysis Records Complaint Reports Court Dispositions Court Orders Crime Analysis Records Diagrams Extradition Records Factually Innocent Fingerprint Records, Latent Fingerprints Interview Records Investigations Investigative Reports Laboratory Tests Officer's Notes Original Arrest Reports Permission to Search Requests Photographs PRCS Cases Special Expenditure Reports Statements of Seized and Returned Property Warrants	* CL = Final resolution is defined as case has been adjudicated, all appeals exhausted or all time served. Provided there are not outstanding warrants, deaths, and it is not classified under PC §800 and 290 and HSC §11850. Statute of limitations is 2 years; Destroy juvenile marijuana after age 18; HSC §11361.5; GC §34090, PC §802, PC §187, 800 et seq	CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (MAINT) CA - PEN 800 - (LA6Y) CA - PEN 801 - (LA3Y) CA - PEN 851.8 - (SEAL&DESTROY) CA - PEN 851.90 - (MAINT) CA - Law Enforcement Evidence and Property Management Guide	



City of St. Helena
2016 Retention Schedule

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
082	Police Department	Case Files	Felony Murder/Homicide, Capital Offenses, and Violations of Public Trust	Records, crime reports and evidence associated with capital felony violations of laws, including homicide, embezzlement of public funds, or falsification of public documents.	PR	Case Status Reports Chemical Analysis Records Complaint Reports Court Dispositions Court Orders Crime Analysis Records Diagrams Extradition Records Fingerprint Records, Latent Fingerprints Interview Records Investigative Reports Laboratory Tests Officer's Notes Original Arrest Reports Permission to Search Requests Photographs Statements of Seized and Returned Property Warrants	No limitation on commencement of action; PC §281, 286, 288, 288a, 288.5, 289, 289.5, and 799.	CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (PR) CA - Law Enforcement Evidence and Property Management Guide	
083	Category Eliminated								
084	Police Department	Case Files	Misdemeanors, Infractions	Records, crime reports and evidence of misdemeanors and infractions, including citations.	2Y	Citations Marijuana Moving Violations Parking Enforcement Standardized Field Sobriety Tests Traffic Tickets Warrants		CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 802 - (LA1Y; LA2Y; LA3Y) CA - Law Enforcement Evidence and Property Management Guide	
085	Police Department	Case Files	Missing Persons and Runaways	Records, crime reports and evidence associated with missing persons and runaways.	CL*+2Y	National Missing and Unidentified Persons System (NaMUS)	* Case is only closed once solved	CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - Law Enforcement Evidence and Property Management Guide	
086	Police Department	Case Files	Officer Involved Shootings	Records, crime reports and evidence associated with criminal cases dealing with officer involved shootings.	PR	Case Files		CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (PR) CA - PEN 832.18 - (2Y) CA - PEN 832.5 - (5Y, where there is not a sustained finding of misconduct; 15Y where was a sustained finding of misconduct) CA - Law Enforcement Evidence and Property Management Guide	
087	Police Department	Case Files	Sealing of Records	Records of court orders to seal criminal records.	SEAL*+3Y	Court Order Petition Letter	*SEAL = Date Records Sealed	CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 851.8 - (SEAL+3Y) CA - PEN 851.90 - (MAINT) CA - WIC 781.5(a) - (SEAL+3Y)	
088	Police Department	Case Files	Stolen Property	Records, crime reports and evidence associated with stolen property.	CL*+3Y	Case Files	* Case is only closed once solved	CA - CCP 338 - (3Y) CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - Law Enforcement Evidence and Property Management Guide	
089	Police Department	Case Files	Traffic Collisions - Fatal	Records, crime reports and evidence associated with traffic collisions involving fatalities.	PR	Case Files		CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (PR) CA - Law Enforcement Evidence and Property Management Guide	
090	Police Department	Criminal Registrations	Gangs	Records for those required to register as gang violence offenders.	5Y	Case Files		CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 196.32 - (5Y)	
117	Police Department	Criminal Registrations	Juvenile Arsonists	Records for those required to register as juvenile arsonists.	Age 25 or SEAL+5Y	Case Files		CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 290(b) - (Life of Offender) CA - PEN 290.008(d) - (5Y; 10Y) CA - PEN 457.1(d) - (Upon reaching age of 25 or when records are sealed) CA - WIC 781 - (SEAL+5Y)	
091	Police Department	Criminal Registrations	Sex Offenders, Adult Arsonists	Records for those required to register as sex offenders or adult arsonists.	LI*	Case Files	* LI = Life of the offender, arsonist NOTE: Juvenile sex offenders can petition Court for removal of registration 10 or 20 years after offense, provided there are no subsequent offenses.	CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 290(b) - (Life of Offender) CA - PEN 290.008(d) - (5Y; 10Y) CA - PEN 457.10(a)(2) - (Life of Arsonist) CA - WIC 781 - (SEAL+5Y)	
092	Police Department	Dispatch and Communications	Dispatch and Communications Records	Records of police emergency calls and responses, to include time and date of call, contents of call, location of call, name of unit sent to scene, and other related information.	100D	911 Emergency Call Logs Computer Aided Dispatch (CAD) Dispatch Activity Log Radio Dispatcher Logs Tape Recordings	* Exception: Recordings used as evidence in a criminal prosecution or claim filed or litigation or potential claims and litigation shall be preserved for 100 days after conclusion of the court action.	CA - GOV 34090.6 - (100D)	
093	Police Department	General	Administrative Reporting	Reports received and/or generated in the routine course of law enforcement activities.	CL+3Y	Activity Reports Arrest Processing Firearms Notifications Forcible Entry Reports Inmate Reimbursement Requests Peace Officer Traffic Stops Report Ride-Along Program Records Serious Incident Reports Shift Assignments Seized Vehicle Impound, Towing Records Trespass Law Enforcement Records Truancy Reports Vehicle Inspection, Inventory Reports Wrecker Service Reports		CA - 11 CCR 999.228(i) - (3Y) CA - 11 CCR 999.229(a) - (3Y) CA - GOV 945.6(a)(2) - (LA&M; LA2Y) CA - GOV 12525.5 - (CU+1Y) CA - GOV 34090 - (2Y)	
094	Category Eliminated								



City of St. Helena
2016 Retention Schedule

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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
118	Police Department	General	Police Routine Body-Worn Camera Video Records	Recordings of routine body-worn camera video monitoring, to include time and date of video, location of video and other related information.	60D	Body-Worn Camera Recordings (body cam)	* Exception: If recordings are evidence in any criminal prosecution, claims filed, potential claims or any pending litigation, they shall be preserved for 2 years after the conclusion of the court action.	CA - GOV 34090 - (2Y) CA - PEN 832.18 - (60D)	
119	Police Department	General	Police - Logs of Access or Deletion of Data for Body-Worn Cameras	Documentation of when and by whom access to or deletion of data from body-worn cameras takes place.	PR	Logs of Access or Deletion		CA - GOV 34090 - (2Y) CA - PEN 832.18(b)(5)(E) - (PR)	
095	Category Eliminated								
096	Police Department	Internal Investigations	Complaints, Investigations - No Sustained Finding of Misconduct	Documentation of complaints received and investigations, including those by Internal Affairs, involving Police department employees (excludes officer involved shootings) where the investigation shows no sustained finding of misconduct.	CL+5Y	Citizen Complaints Crime Reports Departmental Actions		CA - EVID 1045 - (AC+5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (AC+4Y) CA - PEN 801.5 - (4Y) CA - PEN 832.5(b) - (5Y, where there is not a sustained finding of misconduct; 15Y where there was a sustained finding of misconduct) CA - VEI 2547 - (3Y)	
120	Police Department	Internal Investigations	Complaints, Investigations - Sustained Finding of Misconduct	Documentation of complaints received and investigations, including those by Internal Affairs, involving Police department employees (excludes officer involved shootings) where there is a sustained finding of misconduct.	CL+15Y	Citizen Complaints Crime Reports Departmental Actions		CA - EVID 1045 - (AC+15Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (AC+4Y) CA - PEN 801.5 - (4Y) CA - PEN 832.5(b) - (5Y, where there is not a sustained finding of misconduct; 15Y where there was a sustained finding of misconduct) CA - VEI 2547 - (LA3Y)	
097	Police Department	Security	Security Investigations	Documentation regarding internal, non-police investigations related to the security of City facilities, assets, and information.	CL+2Y	Internal Investigations Investigation Logs, Workpapers Investigator Reports, Findings, Notes Security Incidents (response files, reports) Security Investigations		CA - GOV 34090 - (2Y)	x
098	Police Department	Security	Security, Access Operations	Records and information regarding physical security for City buildings and facilities.	2Y	Access Controls Access Reports Badge Lists Daily Activity Logs Privileged Area Access Requests Security Camera (CCTV) Footage Security Plans Transaction Logs Visitor Security / Access Logs		CA - GOV 34090 - (2Y)	
099	Police Department	Seized Property	Seized Property Records	Records documenting tracking and management of physical property seized by the Police department, but not considered as evidence in a criminal investigation, including: - Bicycles - Electronics - Guns - Hazardous Materials (e.g., fireworks) - Narcotics - Vehicles	CL+2Y	Confiscated Property Lists Disposition Records Evidence Tracking Physical Evidence Examination Requests Property Auction Manifests Stolen/Recovered Property Documentation Unclaimed Property Reports		CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - Law Enforcement Evidence and Property Management Guide	
100	Public Works	Facilities	Building, Property Management	Records and information regarding the structure of City physical buildings and facilities.	LI*+10Y	As-Built Blueprints Construction Records Electrical Wiring Schematics Floor Plans Property Inventory	* LI = Life of Building, Asset	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 19850 - (LI)	x
101	Category Eliminated								
102	Police Department Public Works	Facilities	Maintenance, Repairs and Inspection Reports	Records and information regarding the ongoing maintenance and upkeep of City equipment, facilities and infrastructure and inspections of that maintenance.	5Y	Equipment Certifications (radar guns, lidar guns, personal alcohol screening devices, in-car video surveillance devices, mobile video devices) Horticulture Inspections Inspection Logs Inspection Reports Irrigation Landscaping Maintenance and Repair Work Orders Maintenance Reports (buildings, parks, streets, sidewalks) Street Sweeping Trees		CA - AQMD Rule 1470 - (3Y) CA - 3 CCR 6623 - (2Y) CA - COP 337 - (5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 4216.2(f) - (3Y) CA - GOV 34090 - (2Y)	
103	Public Works	Fleet Management	Fleet Management, Maintenance	Records related to the purchase, management and maintenance of City vehicles.	LI*+3Y	Auction Vehicles California Bureau of Automotive Repair (BAR) Smog Records California Highway Patrol Biennial Inspection Terminal (BIT) Records Motor Vehicle Records and Reports Pool Tickets, Vehicle Logs, Usage Logs Registrations, Operating Permits Rental Work Orders Service Calls Tax Exemption Certificates Vehicle Certificates of Insurance Vehicle Inspections Vehicle License Plate Records Vehicle Maintenance Records, Repair Orders	* LI = Life of Vehicle	CA - 22 CCR 6626.130(c)(8) - (3Y) CA - COP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 25250.18(b) - (3Y) CA - VEI 34505.5(c) - (2Y)	
104	Public Works	Fleet Management	Fuel Management	Records related to the purchase, tracking and management of fuel for City vehicles and travel by City employees.	5Y	Bay Area Air Quality Management District (BAAQMD) Permits (aboveground storage tank - AST) California Air Resources Board Certificate Fuel Card Authorizations Fuel Pump, Fuel Tank Maintenance Fuel Reports, Billing Reports, Journals, Fuel Tickets Mileage Reports		CA - CCP 338.1 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)	



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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
105	Public Works	General	Land and Property Maps, Drawings	Maps and geographical information pertaining to City properties.	PR	Aerial Photos Assessment Districts Assessor Parcel Maps Building Site Determination Drainage Improvement Plans, Drawings Land Survey Maps Lot Line Adjustments Major Subdivisions (SD) Minor Subdivisions (MS) Parcel Mergers Parcels Parks Plats Record Maps Record of Survey Maps Redevelopment Sphere of Influence Street Address Files Volums		CA - CCP 337.15 - (LA10Y) CA - GOV 34090(a) - (PR) CA - HSC 19850 - (Life of Building) US - 44 CFR 60.3 - (MAINT)	x
106	Public Works	General	Public Works Project Administration	Records and information associated with the administration of public works, capital improvement and engineering projects.	CL+10Y	Certified Payrolls Construction Manager's Logs Daily Inspections Facilities Projects Field Inspections Project Schedules Progress Meetings Real Estate Appraisals RFIs & Responses		CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 24 CFR 92.508(c) - (AC+5Y) US - 24 CFR 570.502(a)(7)(i)(A) - (AC+4Y) US - 29 CFR 97.42(b) - (AC+3Y)	
107	Public Works	General	Public Works Project Files (CIP)	Records and information related to the analysis, design, development, planning, construction and maintenance of public works, capital improvement and engineering projects for City facilities and infrastructure.	LI*+10Y	As-Built Plans Assessments Bicycle / Pedestrian Trails / Paths Bridges and Creeks Calculations Capacity (water, wastewater) Fees Capital Improvement Project (CIP) Files Certificates of Compliance/Notice of Non-Compliance Change Orders Closures Development Fee Book Drainage Permits E.I.R., Notice of Determination, Categorical Exemptions Encroachment Permits, Certificates Environmental Impact Statements Final Improvement Plans Geologic Studies Grading Permits Insurance Certificates Materials Testing Reports Medians Notice of Completion Parking Parking (residential, non-residential) Pavement Markings / Traffic Legends Photos/Pictures Signs, Signals Soils Reports Sound Walls Standard Plans Studies Submittals Surveys Underground Utilities Streetsights	* LI=Life of Asset/Facility	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - 14 CCR 150856 - (Reasonable) CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) CA - HSC 19850 - (Life of Building or Facility) US - 24 CFR 92.508(c) - (AC+5Y) US - 24 CFR 570.502(a)(7)(i)(A) - (AC+4Y) US - 29 CFR 97.42(b) - (AC+3Y)	x
108	All Departments	Permitting	Permits and Licenses Issued	Permits and licenses - other than building permits - administered, issued and maintained by the City, including: - Alarms - Banner Permits - Business Licenses - Encroachment Permits - Flood Zone Determinations - Grading Permits - Home Business Licenses - Home Occupation Permits (HOP) - Massage Establishments - Massage Technicians - Mobile Vendors, Peddlers - Raw Water Permits - Sign Permits - Taxis (cabs, drivers) - Transportation Permits (oversize, overweight) - Tree Removal Permits	CL+2Y	Annual Licenses Issued Applications Permits Issued		CA - CCP 337 (4Y) CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y)	
109	Public Works	Traffic, Transportation	Traffic and Transportation Planning	Records and information of traffic engineering and transportation planning activities, including studies and surveys.	5Y	School-related Studies/Surveys Speed Surveys Street/Highway Studies/Surveys Traffic Calming Requests Traffic Counts Transportation Planning		CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y)	
110	Public Works	Traffic, Transportation	Traffic Control and Improvement	Records and information related to the City's efforts to manage and improve traffic and circulation.	2Y	Bicycles Enforcement Highway Corridors Impact Studies Signals Signs Temporary Street Closures		CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y)	
111	Public Works	Traffic, Transportation	Transportation Program Services	Records and information related to the City's efforts to provide effective methods by which people and materials move through the City.	AC+3Y	Alternative Transportation Demand / Transportation Demand Management Transportation Systems Management (TDM) / Alternative Modes / Bicycle		CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y)	



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Rec. No.	Applicable Department(s)	Business Process	Record Category Name	Record Category Description	Approved Retention	Sample Records from the Category	Comments	Citations	Vital?
112	Public Works	Waste Management	Air, Sewer, Water and Solid Waste	Records and information associated with planning and maintenance of sewers, waste, water, and land use.	CL+12Y	Backflow Prevention Diversion Goals Environmental Conservation Environmental Programs Flood Control Landfills Meter Inventory NPDES (Engineering) Pipe Inventory Pollution Control Permits Recycling (campaigns, events, reports) Sanitary District Storm Water Monitoring Storm Water Pollution Permits Treatment Plan Trash Services Underground Service Alerts (USA) Waste Water Reclamation Water Agency Information Water Runoff Testing Weight Tickets		CA - 14 CCR 18809.4(a)(4) - (3Y) CA - 22 CCR 64470 - (10Y) CA - CCP 337 - (LA4Y) CA - CCP 338 - (LA3Y) CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - WAT 13263.2(b) - (3Y) US - 40 CFR 70.6 - (CL+5Y) US - 40 CFR 122.21(g) - (5Y) US - 40 CFR 122.41(j) - (5Y) US - 40 CFR 141.33(1) - (5Y; 10Y) US - 40 CFR 141.91 - (12Y) US - 40 CFR 141.155 - (3Y) US - 40 CFR 261.32 - (3Y)	
113	Public Works	Waste Management	Hazardous Waste, Monitoring and Remediation	Planning, monitoring and contingency/emergency action plans for hazardous waste, emergency and spill response, natural and exposure emergencies, notifications and response, environmental action plans and supporting documentation; hazardous communications plans, including labeling, MSDS controls, training programs and procedures.	CL+30Y	Electronic Waste (E-Waste) Emergency Response Programs Employee Hazardous Chemical Exposure Hazardous Material Incident Reports Hazardous Substances Shipping Manifests Hazardous Waste Material Safety Data Sheets (MSDS) Proposition 65 Monitoring Radiation Exposure Records Radioactive Materials Site Mitigation Toxic Substance Inventory	CA - 8 CCR 32044 - (CL+30Y) CA - 8 CCR 14300.33 - (CU+5Y) CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 25160.8(c)(3)(D) - (AC+3Y) US - 29 CFR 1910.1020 - (CL+30Y) US - 40 CFR 141.33 - (10Y) US - 40 CFR 141.91 - (12Y)	CA - 8 CCR 32044 - (CL+30Y) CA - 22 CCR 60262.40 - (3Y) CA - 22 CCR 60263.22 - (3Y) CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 25244.19 - (4Y) CA - HSC 25244.20 - (4Y) CA - HSC 25160.8(c)(3)(D) - (AC+3Y) US - 29 CFR 1910.1020 - (CL+30Y) US - 40 CFR 141.33(1) - (5Y; 10Y) US - 40 CFR 141.91 - (12Y) US - 40 CFR 268.7 - (3Y)	



CITY OF ST. HELENA
DISPOSITION OF OBSOLETE RECORDS
Refer to Policy No. AG1.01, Records Retention and Disposition of Information

Date _____

The _____ has prepared records for destruction in accordance with the
DEPARTMENT
February 14, 2023 City Council Adopted Retention Schedule.

ITEM NO.	OFFICE OF RECORD	DESCRIPTION OF RECORD TO BE DESTROYED	YEARS COVERED BY RECORD	REC. CTR. BOX NO.
		[Record Category] (<i>Retention Period</i>)		
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25.				

DEPARTMENT USE ONLY		CITY ATTORNEY	
Recommended for Destruction by:	— — — —	Consent is hereby given to destroy records:	Date
Records Representative _____	Date _____		
DEPARTMENT USE ONLY		CITY CLERK	
Approved for Destruction:		Consent is hereby given to destroy records:	Date
Department Head _____	Date _____		
FORM SIGNATURES AND DISTRIBUTION		DESTRUCTION BY	
SIGNATURES: "OFFICE OF RECORD" records <u>require</u> Records Representative, Department Head, and City Attorney signatures. Department records, when the department is <u>not</u> designated as the Office of Record, require Records Representative and Department Head signatures only. DISTRIBUTION: The office destroying the records retains a copy and forwards this signed original to the Records Management Section, MS/03.		Method(s) used:	
		☐ Wastebasket ☐ Destruction Services ☐ Shred ☐ Electronic Records Deleted	
		Records Representative/Department	Date

CITY OF ST. HELENA
RESOLUTION NO. 2023-

Resolution of the City Council of the City of St. Helena Adopting a Records Retention and Disposition of Information Policy and Delegating Authority to Approve Future Revisions to the City Manager with Approval by the City Clerk and City Attorney

RECITALS

- A. On February 14, 2023, the City Council adopted an updated records retention schedule; and
- B. A Records Retention Schedule (Schedule) is a comprehensive list of records series, indicating for each series the length of time it is to be maintained and when, and if, it may be destroyed along with any legal citations that govern that length of time; and
- C. A records retention and disposition of information policy provides guidance and direction regarding how a record is to be kept and destroyed; and
- D. The City Clerk and City Attorney have been vested with the authority approve destruction of records in compliance with the Schedule; and
- E. Based on the level of expertise held by reviewers, approval of future revisions could be made by the City Manager, with the concurrence of the City Clerk and City Attorney without need for further action by the City Council.

RESOLUTION

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

- 1. The City Council approves the records retention and disposition of information policy and delegating authority to approve future revisions to the City Manager with approval by the City Clerk and City Attorney.

Approved at a Regular Meeting of the St. Helena City Council on September 26, 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 Tzaopoulos, City Clerk



Agenda Report to the City Council

Agenda Section: NEW BUSINESS

Department: Recreation

DATE:	September 26, 2023
FROM:	Dave Jahns, Parks & Recreation Director
SUBJECT:	Informational report recognizing the formation of the St. Helena Parks & Recreation Foundation
RECOMMENDED ACTION:	Receive the report and provide feedback as desired.
PREVIOUS COUNCIL ACTION:	N/A
STATEMENT OF THE PURPOSE:	Provide City Council with information about an existing non-profit's desire to amend their vision, mission statement, active board members, and share opportunities for the community to be involved with a new Parks and Recreation Foundation.
FINANCIAL IMPACT:	N/A

BACKGROUND:

In 1987, community members established a non-profit organization titled the Upper Valley Community Center, Inc. Their specific charter was to raise funds to "create a community center facility to meet the various needs of upper valley residents and civic organizations." While unable to raise enough funds to create a community center as originally envisioned, the organization has been successful in creating positive community impact through numerous fundraising initiatives and special events, most notably the creation and implementation of the St. Helena Hometown Harvest Festival for many years.

In recent years, the existing Board of Directors (Board) have come to the decision to amend their mission to focus the utilization of utilizing current and future funds for broader community benefit. The organization has raised approximately \$275,000 and it is the Board's wish to work in partnership with City staff to modify their current bylaws and reestablish themselves as the St. Helena Parks and Recreation Foundation (Foundation).

DISCUSSION:

City staff have been in conversation with the Board over the last year about their vision for an amended Foundation with a broader mission. Staff is currently working with the City's Attorney's office to draft a revised set of bylaws that will encompass the following mission and purpose:

- **Name:** *St. Helena Parks & Recreation Foundation*

- **Mission:** *The mission of the St. Helena Parks & Recreation Foundation is to support, enhance, and provide equitable access to programs and public spaces for the community. Through education, advocacy, and fundraising we strive to positively impact and improve quality of life for all St. Helena community members by facilitating the creation and improvement of recreational facilities, preserving parks and open space, and providing contributions to support individuals and families participating in community programs.*

Once the amended bylaws are finalized, the existing Board will be appointing new board members, as it is the current members' wish to eventually step down from their respective roles. The Board President, and potentially other members, have agreed to remain active on the Board during the first year to ensure a smooth transition. The amended mission and newly appointment Board members are intended to reinvigorate the fundraising process and provide an opportunity to have a broader community impact by supporting infrastructure improvements, enhanced programs and events, and financial assistance for individuals or families. Any potential proposed funding donations will be subject to the City's Charitable Gifts and Donation policy, and will be vetted by staff, Parks and Recreation Commission, and/or City Council, depending on the nature and monetary value of the proposed donation.

While the Foundation will be a separate entity from the City organization, it is the desire of the Board to work collaboratively with City staff and the Parks and Recreation Commission, and therefore the City Manager's designee will be appointed to sit on the board as an ex officio member. The Board President attended the March 2023 Parks and Recreation Commission meeting to share the proposed transition and the Commission provided their support and gratitude for future partnership.

What happens next?

- The City Attorney's office, in partnership with the Board, will finalize the amended bylaws and file all appropriate documentation with the State Attorney General's office.
- Recruitment of new Board members will begin immediately.
- Fundraising and a new chapter in supporting community recreation facilities and programs begins.

As part of this announcement, City staff and the Board are putting a call to action out to the community as we wish to see those interested in being part of the new Foundation come forward. The intent is to take the existing funds and launch a matching fundraising campaign in the near future. Interested community members can contact Dave Jahns (Parks and Direction Director) or Katherine Carrick (Board President) for additional information.

ENVIRONMENTAL REVIEW:

There is no direct environmental impact with this item.



Agenda Report to the City Council

Agenda Section: NEW BUSINESS

Department: Finance

DATE:	September 26, 2023
FROM:	Mandy Kellogg, Administrative Services Director
SUBJECT:	Introduction and First Reading of an Ordinance Amending Section Chapter 2.04.050 City Council Salary, Considering Proposed Increases to City Council Compensation Based on Changes from Senate Bill 329 that Increases the Maximum City Council Salary that can be Approved by City Ordinance Effective January 1, 2025.
RECOMMENDED ACTION:	Introduction and first reading of an ordinance amending section Chapter 2.04.050 City Council Salary, approve first reading by title only and waive further reading for proposed changes to the salary of the members of the City Council.
PREVIOUS COUNCIL ACTION:	None.
STATEMENT OF THE PURPOSE:	Recommend proposed changes to the salary of the members of the City Council effective January 1, 2025.
FINANCIAL IMPACT:	None.

BACKGROUND:

Government Code section 36516(a), as adopted in 1984, set certain defined salary limits for city council members in general law cities depending on the size of a city's residential population.

The California Senate unanimously approved legislation from Senator Bill Dodd, D-Napa that would boost participation and diversity on California city councils by allowing the first council pay cap increases in nearly four decades, bringing salaries more in line with the cost of living. SB 329 was supported by the California branch of the NAACP and the League of California Cities, among other groups. "Diversity and inclusion make for better policy-making at all levels of government," said Carolyn Coleman, executive director and CEO of League of California Cities during its passage. "Cal Cities is proud to sponsor this important legislation that lessens barriers for those interested in governing at the local level. This overdue reform is another tool communities can choose to use that can help ensure our city councils are reflective of the residents who live, work and play in their communities."

Senator Dodd's Senate Bill 329 intends to address the inequity by allowing councils to adjust their maximum pay to reflect inflation as measured by the California Consumer Price Index. Any increases would require a majority vote of the city councils. During passage of the bill, Senator Dodd was quoted saying "City council members serve long

hours and make critical decisions for our communities. It's a major commitment that's especially hard on working people and those from diverse or disadvantaged backgrounds who must balance jobs and family obligations. My proposal will improve diverse representation and increase access to elected office for all Californians by making it less of a financial challenge to serve."

The salary of St. Helena City Councilmembers is authorized by Government Code 36516(a), which allows a City Council to establish a salary, by ordinance, up to a ceiling based by the population. For cities up to and including 35,000 in population (like City of St. Helena), the salary approved by ordinance may be up to 300 dollars per month. That salary may be increased by ordinance or amendment, but the increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or last amendment was enacted.

On December 10, 1984, the City Council adopted Ordinance 84-19, which set the City Council's monthly compensation at \$300 per month pursuant to the provisions of Government Code Section 36516 based on a population of approximately 5,000. No additional increases have been authorized to-date during the last almost 40 years. With inflation, that number would have normally have increased from \$300 to \$883.

DISCUSSION:

On June 29, 2023, Governor Newsom signed Senate Bill 329 (SB 329) (Attachment A). SB 329 increases the maximum amount of salary that can be approved by city ordinance based on different population thresholds. The last preceding federal census or a subsequent census shall determine the applicable population. The maximum rates are as follows (the tier for the City of St. Helena population is highlighted in bold text):

Population	Maximum Monthly Salary
Up to 35,000	\$950
35,001 to 50,000	\$1,275
50,001 to 75,000	\$1,600
75,001 to 150,000	\$1,900
150,001 to 250,000	\$2,550
Over 250,000	\$3,200

The new bill would increase the maximum amount of salary, based upon the population of the city, that may be approved by an ordinance passed by the city council, as specified. The bill would authorize the salary of council members to be increased beyond the specified maximums to an amount not exceeding the greater of either 5% for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted, or an amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10% for each calendar year. The bill would require the city council to consider the adoption of an ordinance to increase council member compensation in open session during at least two regular meetings of the city council.

Below is a summary of the City Council compensation for the cities in Napa County:

Agency	Mayor Salary	Council Member Salary	Frequency
American Canyon	315	315	monthly
Calistoga	200	200	monthly
Napa	2,870	1,435	monthly
St. Helena	300	300	monthly
Yountville	777	777	monthly

Staff recommendation is to increase the monthly salary to the maximum allowable amount of \$950 per month (\$11,400 per year) to address inflation and as a token toward the large number of volunteer hours spent by local elected officials in the performance of their duties.

In addition, staff is recommending an additional compensation for the mayor, increasing the overall salary to \$1,200 per month (\$14,400 per year), for the additional duties associated with the role of the mayor. Government Code Section 35616.1 authorizes the mayor's salary to exceed the salary caps imposed upon council members in Section 36516. Furthermore, Section 36516.1 stipulates mayors elected in accordance with Sections 34900 to 34904 "may be provided with compensation in addition to that which they receive as a council member." This additional compensation can be authorized either through a city council-adopted ordinance or by a majority vote of electors during a municipal election.

Government Code Section 36516.5 prohibits any change in compensation during the council member's term in office, therefore staff is recommending the increase to be effective January 1, 2025.

DOCUMENTS ATTACHMENTS:

[ST HELENA Ordinance Increasing Council and Mayor Compensation](#)
[Attachment A: Senate Bill 329](#)

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ST. HELENA SETTING THE COMPENSATION OF CITY COUNCILMEMBERS AND
MAYOR**

WHEREAS, Government Code Section 36516(a)(2) permits the city council to establish by ordinance compensation to be paid to each councilmember up to a ceiling based on the city's population; and

WHEREAS, pursuant to Government Code Section 36516.1, the city council may adopt an ordinance providing compensation to an elected mayor in addition to the compensation received as a councilmember; and

WHEREAS, On December 10, 1984, the City Council for the City of St. Helena ("City Council") adopted Ordinance 84-19 which set the City Council's monthly compensation at \$300 per month pursuant to the provisions of Government Code Section 36516(a)(2) based on a population of approximately 5,000; and

WHEREAS, On June 29, 2023, Governor Newsom signed Senate Bill 329 ("SB 329") which amends Government Code section 36516 to increase the maximum amount of compensation that can be approved by a city ordinance based on different population thresholds; and

WHEREAS, SB 329 authorizes the salary of councilmembers to be increased beyond the specified maximums to an amount not exceeding the greater of either 5% for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted, or an amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10% for each calendar year; and

WHEREAS, SB 362 mandates a two-meeting process for considering the adoption of an ordinance increasing councilmember compensation with the first meeting involving the presentation of the proposed ordinance and findings demonstrating the need for the increased compensation; and

WHEREAS, neither SB 362 nor Government Code Section 36516 require the city council to make similar findings solely when increasing the mayor's compensation; and

WHEREAS, the salaries for the City Council have not been increased or adjusted for thirty-eight years to keep pace with the rising cost of living and inflationary trends; and

WHEREAS, to encourage qualified persons to become members of the City Council and to ensure that members of the City Council are compensated comparably

to councilmembers of other cities, the City Council finds that it is necessary and in the best interests of the City to increase the salaries of the City Council and Mayor; and

WHEREAS, the City Council desires to amend St. Helena Municipal Code Section 2.04.050 to increase the maximum amount of compensation allowed for under Government Code Section 36516(a)(2) which is \$950 per month (\$11,400 per year); and

WHEREAS, pursuant to Government Code Section 36516.1, the City Council further desires to add St. Helena Municipal Code Section 2.08.020 to increase the Mayor's compensation to \$1,500 per month (\$18,000 per year) in addition to what the Mayor receives as a member of the City Council; and

WHEREAS, Government Code Section 36516.5 provides that a change in salary for each city councilmember does not take effect until one or more members of the city council begins a new term of office; and

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

Section 1: Recitals

The Recitals set forth above are true and correct and are incorporated into this Ordinance.

Section 2. Repeal

Ordinance No. 84-19 is hereby repealed upon the effective date of this Ordinance.

Section 3: Amendment Regarding City Council Compensation.

Section 2.04.050 of the St. Helena Municipal Code is hereby amended in its entirety to read as follows (new language is underlined, deletions are in ~~strikeout~~):

2.04.050 City council salary.

Each member of the city council shall receive ~~three hundred~~ nine hundred and fifty dollars (~~\$300~~950.00) each month as salary.

Section 4: Amendment Regarding Mayor Compensation.

Section 2.08.020 of the St. Helena Municipal Code is hereby added to read as follows:

2.08.020 Mayor salary.

In addition to the compensation provided to the mayor under Section 2.04.050 of the St. Helena Municipal Code, the mayor shall receive one thousand and five hundred dollars (\$1,500.00) each month as salary.

Section 5: Severability.

If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 6: CEQA.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (the "Guidelines"), and the environmental regulations of the City. The City Council hereby finds that this ordinance is exempt from review under CEQA under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

Section 7: Findings.

In accordance with the provisions of SB 362, the City Council finds it necessary to increase the salary of City Councilmembers for the reasons stated herein. City Council salaries have remained unchanged for an extended period of thirty-eight years, a duration that has not aligned with the escalating cost of living and inflationary pressures, and the heightened demands inherent in their roles. Furthermore, the City Council finds that the proposed salary increase is necessary, as it will act as a catalyst in attracting in well-qualified individuals to take on the responsibilities of City Councilmembers and ensure the sustained excellence of our local government.

Section 8: Effective Date.

SB 362 requires the City Council to consider adoption of this Ordinance to increase the compensation during at least two regular meetings. After presenting the

Ordinance and supporting findings demonstrating the necessity for increased compensation at tonight's meeting, the City Council will schedule a second meeting to decide on the adoption of this Ordinance, with a minimum seven-day gap following tonight's meeting.

Pursuant to California Government Code Section 36516.5, this Ordinance shall become operative only on and after the date upon which one or more members of the City Council of the City of St. Helena become eligible for the salary prescribed herein by virtue of beginning a new term of office following the general municipal election next succeeding the effective date of this Ordinance. Until said operative date, the current provisions of St. Helena Municipal Code Section 2.04.050 shall be and remain in effect. On the operative date of this Ordinance, Section 2.04.050 shall be, and is hereby, replaced by this Ordinance and Section 2.08.020 shall be added by this Ordinance.

Section 9. Publication.

The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published within fifteen (15) days after its passage at least once, in a newspaper of general circulation, published and circulated in the City of St. Helena, California. This Ordinance of the City of St. Helena shall become effective on January 1, 2025.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the _____ day of _____, 2023, and was adopted at a regular meeting of the St. Helena City Council on the _____ day of _____, 2023, by the following vote:

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

APPROVED:

Paul Jamison Dohring, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Tzaopoulos, City Clerk

I, CINDY TZAFPOULOS, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of ____, 2023. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2023, by the following vote:

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

Senate Bill No. 329

Attachment A

CHAPTER 27

An act to amend Section 36516 of the Government Code, relating to local government.

[Approved by Governor June 29, 2023. Filed with Secretary of State June 29, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 329, Dodd. Cities: city council members: compensation.

Existing law authorizes a city council to enact an ordinance to provide each member of the city council a salary based upon the population of the city, as specified. Existing law authorizes that amount to be increased by the city council by an amount that does not exceed 5% for each calendar year from the operative date of the last adjustment of the salary that is in effect when the increase is enacted. Existing law provides for the procedures by which a city may enact ordinances.

This bill would increase the maximum amount of salary, based upon the population of the city, that may be approved by an ordinance passed by the city council, as specified. The bill would authorize the salary of council members to be increased beyond the specified maximums to an amount not exceeding the greater of either 5% for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted, or an amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10% for each calendar year. The bill would require the city council to consider the adoption of an ordinance to increase council member compensation in open session during at least 2 regular meetings of the city council.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) The compensation schedule for general law cities has not been adjusted since 1984, meaning that city council compensation has not kept pace with inflation.
- (b) Allowing cities to adjust their compensation for inflation since 1984 may help city councils become more diverse because increased compensation can help individuals from across different income levels receive sufficient income from their service to help ensure that they can continue to serve the public and support their families.

SEC. 2. Section 36516 of the Government Code is amended to read:

36516. (a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including nine hundred fifty dollars (\$950) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including one thousand two hundred seventy-five dollars (\$1,275) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including one thousand six hundred dollars (\$1,600) per month.

(D) In cities over 75,000 up to and including 150,000 in population, up to and including one thousand nine hundred dollars (\$1,900) per month.

(E) In cities over 150,000 up to and including 250,000 in population, up to and including two thousand five hundred fifty dollars (\$2,550) per month.

(F) In cities over 250,000 population, up to and including three thousand two hundred dollars (\$3,200) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed the greater of either of the following:

(A) An amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted.

(B) An amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10 percent for each calendar year.

(5) No ordinance shall be enacted or amended to provide automatic future increases in salary.

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

(d) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the city for its employees.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this

section.

(f) A city council member may waive any or all of the compensation permitted by this section.

(g) (1) For the purposes of this section, a city council shall consider the adoption of an ordinance to increase compensation in open session during at least two regular meetings of the city council.

(2) At the first meeting, the city council shall present the proposed ordinance, which shall include findings demonstrating the need for the increased compensation. The ordinance shall not be adopted at the first meeting.

(3) At least seven days after the first meeting, the city council shall hold a second meeting to consider whether to adopt the ordinance.



Agenda Report to the City Council

Agenda Section: NEW BUSINESS

Department: Administration

DATE:	September 26, 2023
FROM:	April Mitts, Assistant City Manager
SUBJECT:	Discussion and Direction Regarding the Establishment of an Ad Hoc Committee.
RECOMMENDED ACTION:	Establish an exploratory Ad Hoc Committee (working group).
PREVIOUS COUNCIL ACTION:	None.
STATEMENT OF THE PURPOSE:	The purpose is to receive feedback and direction to establish an exploratory Ad Hoc Committee (working group) that can identify the issues for which qualified volunteers can best support the Water and Wastewater Enterprises and then to make a recommendation to the City Council regarding such a body.
FINANCIAL IMPACT:	None.

BACKGROUND:

On November 22, 2022, Garry Rose presented a proposal for a permanent Water and Wastewater Commission to the City Council.

At the conclusion of the presentation Councilmembers Chouteau and Hardy supported bringing this back as a scheduled item for further discussion.

Since the initial presentation, others in the community have also expressed interest in this proposal.

DISCUSSION:

Over the last few months staff has been working with the City Council Water Ad Hoc Committee ("Ad Hoc Committee"), comprised of Mayor Dohring and Councilmember Hardy to review the needs of the City as it relates to its Water and Wastewater Enterprises as well as continue the discussion on the concepts presented by Mr. Rose and others.

After receiving feedback from staff and members of the public, it is the recommendation of Mayor Dohring, Councilmember Hardy, and staff that the City Council establish a Water and Wastewater Enterprises ad hoc committee (the WWE Committee or working group) comprised of the Mayor, Council Member Hardy and residents nominated by the Mayor and approved by the Council, with support and participation from staff as needed. The purpose of this working group is to identify the issues for which qualified volunteers can

best support the Water and Wastewater enterprises, and to make recommendations to the Council as how best to organize an advisory body for this purpose.



Agenda Report to the City Council

Agenda Section: NEW BUSINESS

Department: Public Works

DATE:	September 26, 2023
FROM:	Joseph Leach, Public Works Director and City Engineer, Lesley Milton, Asst. to the City Manager
SUBJECT:	Approval of a Resolution ratifying known expenditures in an amount of \$1,225,458 related to Resolution 2023-106 Public Emergency for Remediation of Discolored Water and authorizing use of Water Operations Fund balance for the repairs.
RECOMMENDED ACTION:	Approve the Attached Resolution
PREVIOUS COUNCIL ACTION:	On August 22, 2023, the City Council adopted Resolution 2023-106 ratifying a public emergency due to the presence of brown, discolored water from areas fed by the City's Bell Canyon Water Treatment Plant. The intent of the declaration was to provide a mechanism under the Public Contract Code Section 1102 to expedite repair or replacement of necessary infrastructure to remediate the situation. This action allows the city to proceed with awarding Public Works contracts to perform emergency work outside of typical procurement regulations.
STATEMENT OF THE PURPOSE:	Ratify the know expenditures and accept the update.
FINANCIAL IMPACT:	The Fiscal Impact is \$1,225,458 utilizing fund balance from the Water Operations Fund 561 and transferring the funds to the Water Capital Improvement Fund 764. This action updates CIP Project W24-09 with a project budget of \$1,225,458.

BACKGROUND:

The City acknowledges the impact this emergency is having on residents and businesses and their quality of life and the need to expeditiously repair the necessary infrastructure.

Consistent with governing regulations, the Public Works Department has been soliciting proposals to perform investigation and remediation, identify the cause of the discoloration, determine whether the discoloration poses a safety issue to City water customers, and to take any necessary action to remediate the issue causing the water emergency.

Pursuant to Public Contract Code section 22050(b)3, the City Manager or their designee is required to report to the City Council regarding the status of the water emergency, efforts taken to remediate the emergency, and the need to continue the emergency action at every regularly scheduled meeting until the emergency action is terminated.

Additionally, under Municipal Code Section 3.04.290(b) the City Manager is authorized to enter into contracts to remediate the emergency but also must bring such contracts back to the City Council for ratification.

Current actions taken to remediate the water emergency:

- Systematic Hydrant Flushing: Since early August, the Water Division has performed hydrant flushing. This has allowed them to focus on specific areas of the City, isolate issues, and work to mitigate problems. The team flushes hydrants regularly and is testing specific sections of the City at least three days a week to determine which areas may need additional flushing.
- The City continues to comply with both state and federal regulations when it comes to testing the water coming from the treatment plant and throughout the distribution system.
- The City is contracting with four primary firms to help improve water quality in the short and long-term. Tasks include:
 - Inspection of the filters at the treatment plant.
 - Cleaning, surface preparation, and recoating the Clearwell and Tank 1A.
 - Replacing and/or cleaning and recoating the intake piping and pumps for the Clearwell.

Staff continue to engage specialty contractors to provide cleaning/inspection services for the pipeline between the Clearwell and Tank 1A. It is anticipated that the proposal for those services, as well as any other related expenditures, will be brought before the City Council for subsequent ratification.

DISCUSSION:

As of this report, the City has engaged in the following contracted services to help improve the water quality and service delivery. Staff are requesting the City Council ratify these contractual services consistent with Municipal Code Section 3.04.290(b) and authorize any associated contracts.

Contractor	Description	Amount
West Yost Professional Services Agreement	Engineering Services Clearwell and Tank 1A Rehab	\$56,731.00
ERS Industrial Services Purchase Order - General Services	Filter Inspection Services	\$21,070.00
Marine Industrial Tank, Inc.	Tank 1A and Clearwell Inspection Services	\$15,200.00

Purchase Order - General Services		
Pumpman Purchase Order - Equipment	Municipal Pump and Motor Replacement	\$185,596.41
Marine Industrial Tank, Inc. Construction Contract	Tank1A and Clearwell Cleaning, Resurfacing, and Relining	\$946,860.40
	TOTAL	\$1,225,457.81

Additionally, in an effort to accurately monitor all expenditures related to this action, staff has created the Capital Improvement Program project number W24-09, titled, "Emergency Repairs to Water Infrastructure to address Discolored Water".

Contract & Expenditure Details

West Yost - Engineering Services to Perform Clearwell and Tank 1A Rehabilitation

West Yost will provide engineering and project management services during the pre-construction bid-phase period before refurbishing two concrete water tanks. Services include project management, review of contractor submittals to ensure bids are complete, competitive and stay on schedule.

Total Cost of Services: \$56,731

Estimated Time to Complete Task: Spans the duration of the project.

ERS Industrial Services - Filter Inspection Services

The City has engaged the services of ERS Industrial Services to inspect and service the water treatment plant's eight (8) pressure vessel filters and two (2) one cell gravity filters.

Total Cost of Service: \$21,070.00

Estimated Time to Complete Task: To be determined but coordinated in advance of rehabilitation work.

Marine Industrial Tank Inc. - Tank Inspection Services

The City engaged the services of Marine Industrial Tank Inc. to conduct an inspection and a condition assessment of the Water Treatment Plant 1.4 MG Concrete Reservoir and Clearwell.

Total Cost of Services \$15,200.00

Estimated Time to Complete Task: Complete.

Marine Industrial Tank Inc. - Tank Cleaning, Resurfacing, and Relining.

The City engaged the services of Marine Industrial Tank Inc. to conduct a cleaning, resurfacing and relining of the Water Treatment Plant 1.4 MG Concrete Reservoir and Clearwell.

Total Cost of Services \$946,860.40 consisting of:

- \$787,967.90 - On-Grade Concrete Water Tank
- \$158,892.50 - Clearwell Tank Relining

Estimated Time to Complete Task: Substantial Completion Date: Within 30 calendar days of Commencement Date. Final Completion Date: Within 60 calendar days of Substantial Completion.

Pumpman – Municipal Pump Replacement

The City has engaged the services of Pumpman for replacement pumps and motors for:

- One (1) short set line shaft turbine backwash pump and
- Two (2) short set line shaft turbine high service pumps.

Total Cost for Services \$185,596.41

Estimated Time to Complete Task: Delivery and installation can take place within 8 weeks.

ENVIRONMENTAL REVIEW: This is not a CEQA project.

DOCUMENTS ATTACHMENTS:

[Attachment A Resolution Emergency Water Repairs](#)

[Attachment B Resolution 2023-106 Ratifying Emergency Public Project without Public Bidding relating to Discolored water](#)

[Attachment C W24-09 CIP Project](#)

[Attachment D West Yost Scope - Clearwell and Tank Rehab](#)

[Attachment E STH CONTRACT-FY2023-040 On Call Public Works and Engineering Services](#)

[Attachment F ERS Scope Filter Inspection](#)

[Attachment G MIT Scope Cleaning & Inspection](#)

[Attachment H MIT signed Construction Contract Tank Rehab](#)

[Attachment I Pump Man Scope Close coupled Turbine Pumps with new motors](#)

CITY OF ST. HELENA

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA: (1) ESTABLISHING CIP W24-09 – EMERGENCY REPAIRS TO WATER INFRASTRUCTURE TO ADDRESS DISCOLORED WATER AND ESTABLISHING A BUDGET OF \$1,225,458, (2) RATIFYING KNOWN EXPENDITURES OF \$1,225,458, (3) AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS AND CONTRACTS PERTAINING TO RESOLUTION 2023-106 PUBLIC EMERGENCY FOR DISCOLORED WATER; AND (4) AUTHORIZING UTILIZATION OF FUND BALANCE FROM THE WATER OPERATIONS FUND 561 AND TRANSFERRING THE FUNDS TO THE WATER CAPITAL IMPROVEMENT FUND 764.

RECITALS

- A. On August 22, 2023, the City Council adopted Resolution 2023-106 ratifying a public emergency due to the presence of brown, discolored water from areas fed by the City's Bell Canyon Water Treatment Plant; and
- B. The declaration was necessary to provide a mechanism under the Public Contract Code Section 1102 to expedite repair or replacement of necessary infrastructure to remediate the situation; and
- C. This action allows the City to proceed with awarding Public Works contracts, obtain services, and obtain supplies in order to perform emergency work outside of typical procurement regulations; and
- D. The Public Works Department has been soliciting proposals to perform investigation and remediation, identify the cause of the discoloration, determine whether the discoloration poses a safety issue to City water customers, and to take any necessary action to remediate the issue causing the water emergency; and
- E. It is necessary to establish a Capital Improvement Program (CIP) for the associated remediation; and
- F. The City has engaged in the contracted services located in Table 1 to help improve the water quality and service delivery; and

Table 1 – Contracted Services through 9/21/23

Contractor	Description	Amount
West Yost Professional Services Agreement	Engineering Services Clearwell and Tank 1A Rehab	\$56,731.00
ERS Industrial Services Purchase Order - General Services	Filter Inspection Services	\$21,070.00
Marine Industrial Tank, Inc. Purchase Order - General Services	Tank 1A and Clearwell Inspection Services	\$15,200.00
Pumpman Purchase Order - Equipment	Municipal Pump and Motor Replacement	\$185,596.41
Marine Industrial Tank, Inc. Construction Contract	Tank1A and Clearwell Cleaning, Resurfacing, and Relining	\$946,860.40
	<i>TOTAL</i>	<i>\$1,225,457.81</i>

- G. The City Council must ratify these contractual services consistent with Municipal Code Section 3.04.290(b) and authorize any associated contracts.

RESOLUTION

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

1. Establishes CIP W24-09 – Emergency Repairs to Water Infrastructure to Address Discolored Water and establishing a budget of \$1,225,458.
2. Ratifies known expenditures of \$1,225,458.
3. Authorizes the City Manager to execute all necessary agreements, contracts, and documents related to the expenditures outlined in Table 1 in the Recitals as it relates to CIP W24-09.
4. Authorizes utilization of \$1,225,758 of fund balance from the Water Operations Fund 561 and transferring the funds to the Water Capital Improvement Fund 764.

Approved at a Regular Meeting of the St. Helena City Council on September 26, 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 Tzaopoulos, City Clerk

CITY OF ST. HELENA

RESOLUTION NO. 2023-106

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ST. HELENA RATIFYING EMERGENCY PUBLIC PROJECT
WITHOUT PUBLIC BIDDING RELATING TO THE
PRESENCE OF DISCOLORED WATER IN THE PUBLIC
WATER SYSTEM**

WHEREAS, Public Contract Code section 1102 defines an emergency as “a sudden unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services”; and

WHEREAS, Public Contract Code section 22035 authorizes the City Council of the City of St. Helena (“City”), in cases of emergency when repair or replacements are necessary, to proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts, and if notice for bids to let contracts will not be given, the City shall comply with Public Contract Code section 22050; and

WHEREAS, Public Contract Code section 22050(a) authorizes the City to proceed with awarding a public works contract to perform emergency work without giving notice for bids to let contracts upon adoption by the City Council by a four-fifths vote of a resolution finding that the emergency will not permit a delay resulting from a competitive solicitation for bids and that the action is necessary to respond to the emergency; and

WHEREAS, Public Contract Code section 22050(b) permits the governing body of a local agency to delegate authority to its city manager to make an emergency determination and take immediate action related to that emergency, which the City Council did in Municipal Code section 3.04.290(b); and

WHEREAS, the City has received a precipitous increase in complaints from City residents regarding, brown, discolored water from areas fed by the City’s Bell Canyon Water Treatment Plant (“Plant”), and based on the following facts, the City Manager determined on August 16, 2023, that an emergency exists (“Water Emergency”) that will not permit a delay resulting from a competitive solicitation for bids and that the action is necessary to respond to that emergency:

A. Upon inspection of the Plant’s water tanks, City staff noted with respect to Tank 1A a build-up of certain minerals that may contributed to the water discoloration, and noted adherence of adherence debris to the tank; and

B. While the City has not yet obtained information that suggests that the water is unsafe by state or federal standards, the City must immediately continue its investigation to determine whether the water is safe; and

C. Given the sharp increase in complaints associated with discolored water, the immediate need to further investigate the safety of the water source, and to ensure that the residents have access to safe and clear water, the City must take immediate investigatory and remedial actions without delay.

WHEREAS, the City Manager determined the Water Emergency did not permit undergoing the formal competitive bidding process, or any other required procurement process, to obtain the services required to address the Water Emergency because there is an imminent need to take immediate action to identify the cause of the discoloration, determine whether the discoloration poses a safety issue to City residents, and to take any necessary and related action to remediate the issues causing the Water Emergency; and

WHEREAS, the City Manager is currently soliciting proposals to enter into a contract(s) to perform such investigation and remediation, or has already entered into such contracts, to immediately address the issues giving rise to the Water Emergency; and

WHEREAS, pursuant to Public Contract Code section 22050(b)(3), the City Manager must report to the City Council the reasons justifying why the Water Emergency will not permit a delay resulting from a competitive solicitation for bids and why the action(s) it took, to the extent applicable, is necessary to respond to the emergency; and

WHEREAS, pursuant to Public Contract Code section 22050(c)(2), the City Council must review the emergency action by the City Manager and determine by a four-fifths vote, not later than seven (7) days or at its next regularly scheduled meeting if that meeting will not occur later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, that there is a need the continue the action.

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. That the public interest and necessity demand the immediate expenditure of public funds for emergency work related to the Water Emergency in order to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

SECTION 3. That the emergency would not permit a delay that would have resulted from a competitive solicitation for bids and that action was necessary to respond to the Water Emergency.

SECTION 4. That the City Manager's emergency determination and award of emergency contracts to the extent applicable, are hereby ratified, and if no contracts have been awarded by the City Manager, the City Manager may enter into such contracts consistent with its delegated authority under Municipal Code section 3.04.290(b), and bring such contracts back to the City Council for ratification.

SECTION 5. That the City Manager, or his or her designee, is hereby authorized to continue taking any directly related and immediate action required by the Water Emergency and directed to report back to the City Council regarding the status of the Water Emergency and need to continue the emergency action at every regularly scheduled meeting until the emergency action is terminated.

SECTION 6. That the approvals herein authorized are necessary to protect the public health, safety and welfare.

SECTION 7. This Resolution shall become effective immediately.

Approved at a Regular Meeting of the St. Helena City Council on August 22, 2023, by the following vote:

Mayor Paul Dohring: YES

Vice Mayor Eric Hall: YES

Council Member Anna Chouteau: YES

Council Member Lester Hardy: YES

Council Member Billy Summers: YES

APPROVED:



Paul Jamison Dohring, Mayor

ATTEST:



Cindy Tzaopoulos, City Clerk



Emergency Repairs to Water Infrastructure to address discolored water

Project No: W24-09

Category: Water

Project Location: Louis Stralla Water Treatment Plant
(APN 021-420-019)

Responsible Department:

PROJECT PURPOSE & DESCRIPTION: Project added per Council action on 8/22/23 to declare emergency to address repairs at LSWTP

NOTES: FY24 - costs are preliminary based upon quotes received prior to 8/22/23; some quotes are incomplete based upon needing to assess equipment once removed from operation; scope includes rehab of Clear Well & Tank 1A, filter bed surveillance/rehab, Clear Well/Tank supply line investigation/cleaning, Clear Well pump/motor rehab

EXPENDITURE ACCOUNTS:

EXPENDITURES								PROJECT TOTAL
	Total YTD 05/16/23		2023-24	2024-25	2025-26	2026-27	2027-28	
3110 - Design			10,000					10,000
3140 - Legal Services			5,000					5,000
3160 - Construction Contract			1,200,000					1,200,000
EXPENDITURE TOTALS			1,215,000					1,215,000
FUNDING SOURCES								
763-Water Capital Improvement			1,215,000					1,215,000
FUNDING TOTALS			1,215,000					1,215,000



2235 Mercury Way
Suite 105
Santa Rosa CA 95407
707.543.8506 phone
530.756.7991 fax
westyost.com

August 28, 2023

SENT VIA: EMAIL

Joe Leach, PE
Director of Public Works & City Engineer
City of St. Helena/Public Works
1088 College Avenue
St. Helena, CA 94574

SUBJECT: Proposal for Engineering Services for the City of St. Helena to Perform Clearwell and Tank 1A Rehabilitation

Dear Joe:

The purpose of this letter proposal is to provide the City of St. Helena (City) with a proposed scope of services, budget, and schedule for Engineering Services during the pre-construction bid-phase period before refurbishing two concrete water tanks.

West Yost's understanding of the work is that a 1.4 Mgal concrete potable water tank (Tank 1A) and a 200,000-gallon concrete clearwell have been recently inspected and evaluated for condition. At a minimum, both are believed to be in need of interior re-coating. In addition, the transfer pipeline between the units appears to be corroded or otherwise compromised, also repairs and/or recoating are necessary.

The impetus for the inspections are color and cloudiness issues with the water, potentially caused by dissolved constituents in the water, mineral deposits or sediment on the tank floor(s), or other yet-to-be-identified problems with the piping system and/or concrete tanks themselves. We also understand that the bidirectional transfer piping and valve system may be experiencing localized water hammer, which may contribute to creation or shock stirring of sediment.

The City anticipates engaging a coatings contractor for rehabilitation work. West Yost would contribute to the success of the project by providing engineering review of contractor submittals and issuing formal responses and feedback to City staff.

SCOPE OF SERVICES

The following is a list of the key tasks necessary to perform this proposed scope of services, each further described below:

- Task 1. Project Management
- Task 2. Submittal Quality Control Review
- Task 3. Meetings and Teleconferences
- Task 4. Optional – Water Quality and Hammer Investigation / Mitigation Design
- Task 5. Optional – Engineering Service During Construction

Joe Leach, PE
August 28, 2023
Page 2

Task 1. Project Management

West Yost will provide customary Project Management for coordination of personnel and tasks, as well as tracking of scope, schedule and budget. Included is ample time to coordinate communications, submittal tracking, project meetings, and review teleconferences.

Task 1 Assumptions

- City will provide historical information such as as-built records of the tanks, condition assessments including dive reports, Contractor submittals, and other internal or external communications that pertain to the Tasks.
- West Yost assumes that a remote kick-off meeting and a close-out meeting will be held, and up to six (6) half-hour biweekly status teleconferences. This overall schedule is assumed to require two (2) hours per week for PM tasks.

Task 1 Deliverables

- West Yost will provide the agenda and minutes for each meeting.

Task 2. Submittal Quality Control Review

Our engineering staff will review and develop individual formal responses to City staff for submittals made by the Contractor. This includes technical submittals for products to be used during tank and/or pipe refurbishment, as well as means-and-methods statements and schedules describing how the contractor (or their subs) are to progress the Work. Since there is no design for the contractor to work from, the budget is intentionally conservative.

Task 2 Assumptions

- To aid our understanding of the Work, City will provide information sent to their Contractor(s) including but not limited to Request(s) For Proposals, and schedules and amendments to the contract Scope of Work
- City will forward for review all Contractor Work Plans, shop submittals, schedules, and other internal or external communications that directly bear on the Tasks. Up to 10 submittal packages are included for review under this Task.
- An average of 8 hours is budgeted per submittal.

Task 2 Deliverables

- West Yost will provide a review and written DRAFT response to each submittal. We assume that up to five (5) working days will be required. If multiple submittals have been received, then each submittal review will be in sequence, not in parallel. Following receipt of the DRAFT response to each submittal, the City will confirm acceptance of the document within three (3) business days or provide feedback requiring additional review and discussion. If no comments are received within three (3) days, the response will be issued as FINAL.
- If comments are made or further review of the DRAFT response is required, West Yost may schedule a teleconference with City staff to discuss the comments and additional findings. See Task 3 for further information. If a teleconference is held, a FINAL response will be agreed upon and issued.

Joe Leach, PE
August 28, 2023
Page 3

Task 3. Meetings and Teleconferences

Each submittal response will be transmitted to the City for review and acceptance as noted above. If any of the responses generate questions prior to forwarding to the Contractor, WY will schedule and attend a remote teleconference to discuss concerns and modify the response as needed.

Task 2 Assumptions

- City will be available to participate in teleconferences within three (3) days of returning comments on DRAFT responses to West Yost.
- It is assumed that up to five (5) one-hour teleconferences will be required.

Task 2 Deliverables

- No deliverable will be provided for this task. Findings will be incorporated into Task 2 FINAL documents.

Task 4. Optional – Water Quality and Hammer Evaluation /Mitigation Design

We understand that component corrosion has been a consistent issue with the City's water. Tank No.2 uses sacrificial anodes and a rectifier system. However, we do not know whether there is any protection incorporated into the clearwell, Tank No. 1A, or their related piping system(s). If the City has comprehensive water quality test results available, we can run indices to evaluate potential causes. If current testing is needed, or insufficient parameters were run, the City could obtain fresh samples and send to their lab. A plan to address the corrosion potential can be developed as a deliverable.

West Yost also offers expert hydraulic modeling services for investigation and remediation of mechanical conditions that cause water hammer. We have included an optional task value to this Proposal if it becomes apparent that hydraulic conditions are a primary factor preventing correction of the water quality problems.

No work on this Task will occur without prior direct authorization by the City. If it is used as contingency due to an increase in Task 2 submittals or Task 3 meetings, then no further scope definition is needed. If water quality evaluation or hydraulic modeling is desired, then a list of specific deliverables and an extension of schedule will need to be developed first, as well as verifying the available budgetary fee is sufficient to cover the task. Designs to correct issues would likely need to be addressed with a contract adjustment.

Task 5. Engineering Services During Construction (ESDC)

West Yost offers ESDC services, also known as Construction Administration and Inspection. Our team can oversee the activities of the construction contractor directly, acting as the City's on-site representative. We have included a budgetary allowance for this task based on the assumptions below. Other than in-scope activities covered under Tasks 1 – 3, any on-site services during construction would require direct authorization by the City.

Task 2 Assumptions

- The budget assumes two (2) site visits per week and an overall construction duration of four (4) weeks.
- Two hours on site, two (2) hours office time, and two (2) hours travel time to/from West Yost's Santa Rosa office is included per visit.

Joe Leach, PE
August 28, 2023
Page 4

Task 2 Deliverables

- West Yost will provide one (1) daily report per site visit will be generated and submitted to track contractor details and progress. Pay applications will be reviewed for conformance and recommendations issued to the City.

GENERAL EXCLUSIONS

The following general exclusions apply to this Work:

- No subconsultants are required. If a determination is made during progress of the contract to hire specialty subconsultants, either the City will hire them directly or a contract adjustment will be required for West Yost.
- City will lead all formal communications with their Contractor(s) for Tasks 1 – 4. For that work, West Yost will undertake direct communications only with the City.
- West Yost will not provide assessments of purported Contractor capabilities or advise on contract Terms and Conditions between the City and Others.

PROJECT BUDGET

West Yost's proposed level of effort and budget for each of the tasks described above is shown in Table 1. West Yost will perform the scope of services described above on a time-and-expenses basis, at the billing rates set forth in West Yost's attached 2023 Billing Rate Schedule, with a not-to-exceed budget of \$56,731. Any additional services not included in this scope of services will be performed only after receiving written authorization and a corresponding budget and schedule augmentation.

Table 1. Estimated Project Hours and Budget		
Task	Level of Effort, hours	Estimated Budget, dollars
Task 1. Project Management	28	7,616
Task 2. Submittal Quality Control Review	80	23,860
Task 3. Review Teleconferences	15	4,255
Task 4. Optional – Water Quality or Hammer Evaluation	34	10,000
Task 5. Optional – Engineering Services During Construction	49	11,000
Total Project Hours and Budget		\$56,731

Joe Leach, PE
August 28, 2023
Page 5

SCHEDULE

West Yost anticipates providing Task 2 deliverables as detailed in that Section after receiving notice to proceed and all required data. The overall project duration, not including construction, is estimated to be 16 weeks based on kick-off, 2-week intervals for each of six (6) biweekly progress meetings, and then two additional weeks before close-out. Potential construction duration is assumed and described in Task 5.

Thank you for providing West Yost the opportunity to be of continued service to the City of St. Helena. We look forward to working with you on this important project. Please call if you have any questions or require additional information.

Sincerely,
WEST YOST



Jeff Wanlass
Project Manager
RCE #60930



Corie Moolenkamp
Principal In Charge

Attachment A: West Yost 2023 Billing Rate Schedule

Attachment A

2023 West Yost Billing Rate Schedule

2023 Billing Rate Schedule

(Effective January 1, 2023 through December 31, 2023)*



POSITIONS	LABOR CHARGES (DOLLARS PER HOUR)
ENGINEERING	
Principal/Vice President	\$338
Engineer/Scientist/Geologist Manager I / II	\$319 / \$334
Principal Engineer/Scientist/Geologist I / II	\$288 / \$307
Senior Engineer/Scientist/Geologist I / II	\$259 / \$272
Associate Engineer/Scientist/Geologist I / II	\$215 / \$231
Engineer/Scientist/Geologist I / II	\$173 / \$201
Engineering Aide	\$101
Field Monitoring Services	\$125
Administrative I / II / III / IV	\$92 / \$115 / \$138 / \$152
ENGINEERING TECHNOLOGY	
Engineering Tech Manager I / II	\$332 / \$334
Principal Tech Specialist I / II	\$305 / \$315
Senior Tech Specialist I / II	\$279 / \$291
Senior GIS Analyst	\$252
GIS Analyst	\$239
Technical Specialist I / II / III / IV	\$178 / \$203 / \$228 / \$254
Technical Analyst I / II	\$128 / \$152
Technical Analyst Intern	\$103
Cross-Connection Control Specialist I / II / III / IV	\$133 / \$144 / \$162 / \$180
CAD Manager	\$201
CAD Designer I / II	\$156 / \$176
CONSTRUCTION MANAGEMENT	
Senior Construction Manager	\$322
Construction Manager I / II / III / IV	\$197 / \$211 / \$224 / \$283
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	\$172 / \$191 / \$213 / \$221
Apprentice Inspector	\$156
CM Administrative I / II	\$83 / \$112
Field Services	\$221

- Hourly rates include Technology and Communication charges such as general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses.
- Outside Services such as vendor reproductions, prints, shipping, and major West Yost reproduction efforts, as well as Engineering Supplies, etc. will be billed at actual cost plus 15%.
- The Federal Mileage Rate will be used for mileage charges and will be based on the Federal Mileage Rate applicable to when the mileage costs were incurred. Travel other than mileage will be billed at cost.
- Subconsultants will be billed at actual cost plus 10%.
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates. Expert witness testimony and depositions billed at 200% of standard hourly rates.
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice.

* This schedule is updated annually

Page 1 of 2



2023 Billing Rate Schedule

(Effective January 1, 2023 through December 31, 2023)*

Equipment Charges

EQUIPMENT	BILLING RATES
2" Purge Pump & Control Box	\$300 / day
Aquacalc / Pygmy or AA Flow Meter	\$28 / day
Emergency SCADA System	\$35 / day
Field Vehicles (Groundwater)	\$1 / mile
Gas Detector	\$80 / day
Generator	\$60 / day
Hydrant Pressure Gauge	\$10 / day
Hydrant Pressure Recorder, Impulse (Transient)	\$55 / day
Hydrant Pressure Recorder, Standard	\$40 / day
Low Flow Pump Back Pack	\$135 / day
Low Flow Pump Controller	\$200 / day
Powers Water Level Meter	\$32 / day
Precision Water Level Meter 300ft	\$30 / day
Precision Water Level Meter 500ft	\$40 / day
Precision Water Level Meter 700ft	\$45 / day
QED Sample Pro Bladder Pump	\$65 / day
Stainless Steel Wire per foot	\$0.03 / day
Storage Tank	\$20 / day
Sump Pump	\$24 / day
Transducer Components (per installation)	\$23 / day
Trimble GPS – Geo 7x	\$220 / day
Tube Length Counter	\$22 / day
Turbidity Meter	\$30 / day
Vehicle (Construction Management)	\$10 / hour
Water Flow Probe Meter	\$20 / day
Water Quality Meter	\$50 / day
Water Quality Multimeter	\$185 / day
Well Sounder	\$30 / day

* This schedule is updated annually

Page 2 of 2

STH-CONTRACT-FY2023-040

**AGREEMENT FOR PROFESSIONAL SERVICES
ON-CALL PUBLIC WORKS AND ENGINEERING SERVICES**

THIS AGREEMENT, made and entered into on June 13, 2023 by and between the City of St. Helena, located in the County of Napa, State of California (City), and West Yost (Consultant).

RECITALS:

- A. City desires to employ Consultant to furnish professional services in connection with the project described as On-Call Municipal Public Works and Engineering 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, “Project Budget”** attached hereto and made a part hereof. Total compensation shall not exceed \$100,000.00 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

Page 1 of 12

West Yost On-Call Engineering

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 confirms 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 (“Standard of Care”).

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 advice 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, 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.

Page 5 of 12

West Yost On-Call Engineering

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

Page 6 of 12

West Yost On-Call Engineering

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 reasonable 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 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, and employees 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, or sent by facsimile or first class mail, addressed as follows:

To City: City Manager
1088 College Avenue
St. Helena, California 94574

To Consultant: Vanessa Apodaca, PE
Contract Manager
West Yost
2235 Mercury Way, Suite 105
Santa Rosa, CA 95407

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

SECTION 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 7 days 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.

Page 10 of 12

West Yost On-Call Engineering

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: West Yost Associates

City:

By: Elizabeth T. Drayer
 Name: Elizabeth T. Drayer
 Title: Vice President

By: Anil Comelo
 Name: Anil Comelo
 Title: City Manager

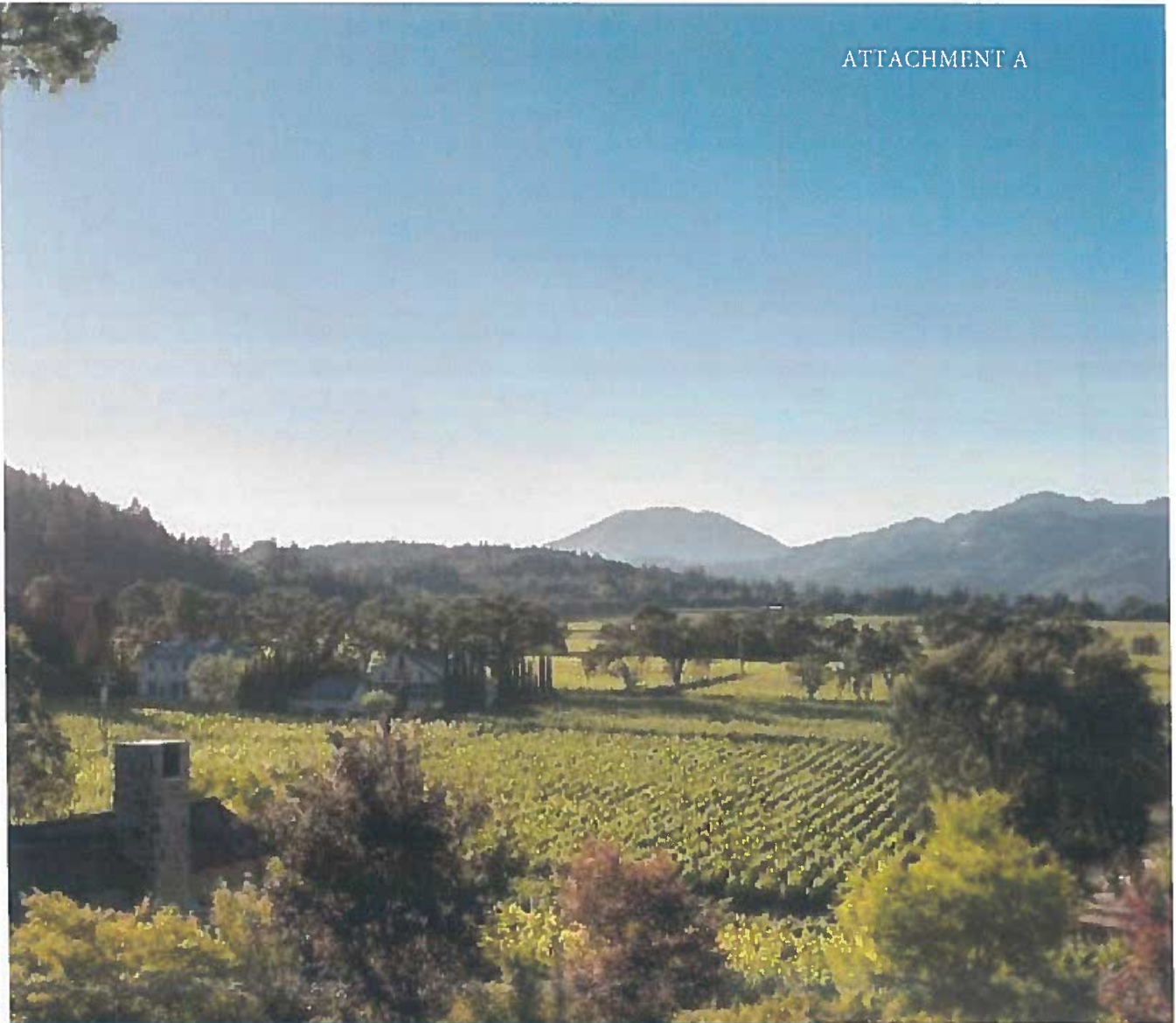
Approved as to Form:

By: Ethan Walsh
 Name: Ethan Walsh
 Title: City Attorney

Page 12 of 12

West Yost On-Call Engineering

ATTACHMENT A



CITY OF ST. HELENA

On-Call Water Planning and Engineering Services

APRIL 17, 2023





2235 Mercury Way 707.543.8506 phone
Suite 105 530.756.5991 fax
Santa Rosa, CA 95407 westyost.com

April 17, 2023

City of St. Helena
Mr. Joe Leach, Director of Public Works
1480 Main Street
St. Helena, CA 94574

Dear Mr. Leach:

Thank you for considering West Yost for **On-Call Water Planning and Engineering Services for the City of St. Helena** (City). We are eager to continue the relationship we have built with the City over the past 19 years.

Since 2004, West Yost has had the opportunity to provide a variety of services for the City, including supporting Capital Improvement Projects, alternatives analyses, construction engineering, and demand and supply projections. We have enjoyed this close collaboration with the City and can provide valuable historical perspective based on our involvement in many important City projects over the years.

West Yost has assembled an experienced team with a depth of technical expertise in resource and program management, system planning, permitting and regulatory compliance, infrastructure design, and operational support across various practice areas including potable water, recycled water, stormwater, groundwater, treatment facilities, collection systems, asset management, cyber security and operations technology, and construction management and inspection. Our team is dedicated and responsive with strong management skills, commitment to our clients, and a proven track record of successful project implementation.

In reviewing the attached Statement of Qualifications (SOQ), please consider the following:

West Yost's firm-wide focus includes water facilities planning and design services: West Yost helps clients build comprehensive, technically rigorous water, recycled, wastewater, stormwater, and SCADA system plans to meet immediate and long-term system needs. The staff members presented in this SOQ are recognized experts in distribution, collection, recycled, and stormwater system hydraulic modeling; distribution, collection, recycled and stormwater system design; feasibility studies and master planning; condition assessments; and grant management services. Each City project will benefit from our robust team of experts and their experience.

Depth of experience with the City: The City is operationally complex and sophisticated in how it plans and provides service to water, wastewater, recycled water and stormwater customers. Through our work with the City, West Yost has developed an understanding of those systems, the planning criteria the City uses, the area-specific and facilities-specific operations for each system, and relationships with the City's regional partners. Our team members will serve effectively as an extension of City staff.

Responsive experience and staff who know your region-specific needs: West Yost has experts readily available to the City from our Santa Rosa, Concord, Pleasanton, Davis and Sacramento offices. Our staff have a long history of working together for regional municipal clients, including the City of Napa, Napa Sanitation District, and others. Our goal is to minimize the burden on City staff by completing projects quickly and efficiently.

West Yost appreciates this opportunity to serve the City, and we look forward to continuing our successful working relationship with the City. We will work closely with you to meet the needs of your projects, and we are confident that our staff and work products will exceed your expectations.

Mr. Joe Leach

April 17, 2023

RE: Response to Request for Qualifications for On-Call Water Planning and Engineering Services

Elizabeth Drayer has the authority to sign contracts for West Yost. If you have any questions or need additional information, please contact Vanessa at 707.508.3671 or vapodaca@westyost.com.

Sincerely,

WEST YOST



Vanessa Apodaca, PE
Contract Manager
vapodaca@westyost.com
707.508.3671



Elizabeth Drayer, PE
Principal-in-Charge
edraye@westyost.com
650.740.3762



Table of Contents

Cover Letter	i
01 Firm Profile and Contact Information	1
02 Qualifications	3
03 General Scope	8
04 Project Team	9
05 Project Experience	11
06 Compensation	21
Appendix A Resumes	23

1 FIRM PROFILE AND CONTACT INFORMATION



Firm Information

West Yost (Legal Name: West Yost & Associates, Inc.)

Davis – Headquarters

2020 Research Park Drive, Suite 100
Davis, CA 95618
Ph: 530-756-5905
Fax: 530-756-5991

Santa Rosa– Local Office

2235 Mercury Way, Ste 205
Santa Rosa, CA 95407
Ph: 707.543.8506
Fax: 530-756-5991

Website: westyost.com

Firm Established

1990

Type of Organization

California Corporation (No. C1956281), private, employee-owned

OREGON

Lake Oswego

CALIFORNIA

Concord

Davis (Corporate HQ)

Lake Forest

Oceanside

Pleasanton

Sacramento

Santa Rosa

ARIZONA

Phoenix



Contact Information



Elizabeth Drayer, PE
Vice President/Principal-in-Charge
T: 925.461.6793
edrayer@westyost.com



Vanessa Apodaca, PE
Contract Manager
T: 707.508.3671
vapodaca@westyost.com

**Vanessa will be the primary contact for the on-call services*

Description of the Firm and Statement of Qualifications

West Yost is a consulting engineering firm that was founded in 1990. Our focus is exclusively water, wastewater, recycled water, groundwater, and stormwater. We have broad experience in providing planning, design, construction management, and program management services in these areas.

West Yost is headquartered in Davis, California. Our staff includes certified or registered professionals in chemical, civil, control systems, electrical, environmental, and mechanical engineering; wastewater treatment and regulatory compliance; geology, engineering geology, and hydrogeology; architecture; GIS; control systems, cybersecurity, and risk management; asset management and condition assessment; project management; and construction management and inspection services.

Ownership Information

West Yost is an employee-owned company incorporated in the State of California.

Financial Stability

West Yost is a financially secure institution that has never filed for bankruptcy or insolvency in its history.

Resources

West Yost has over 220 staff members in 8 offices. We present 29 employees to work directly on City projects and will include subconsultant support as-needed. Our technical professionals rely on administrative and corporate support included in the 226 staff listed below by office.

The City's contract will be managed from West Yost's Santa Rosa office. Work will be completed primarily from West Yost's Bay Area offices (Concord and Pleasanton), Davis, and Sacramento offices. Our SCADA design and support team is located in Phoenix, Arizona, and has successfully served other local clients and municipalities on recent projects from that location.

NUMBER OF EMPLOYEES BY OFFICE		
LOCATION	TOTAL STAFF	EXPECTED TO CONTRIBUTE TO CITY PROJECTS
Santa Rosa	11	2
Concord, CA	17	2
Davis, CA	58	11
Lake Forest, CA	25	2
Lake Oswego, OR	10	1
Phoenix, AZ	11	1
Pleasanton, CA	7	3
Oceanside, CA	11	1
Remote – US	76	6
	226	29

2

QUALIFICATIONS

A PARTNER YOU CAN TRUST

Our team of experts has worked with the City of St. Helena for 19 years. These projects have been a collaboration of West Yost and City staff, and through the process, West Yost has come to understand the City's utility systems and the needs of the people who manage and operate them. Planning projects must clearly prioritize improvements in order to optimize the City's budgets and to limit demands on operations staff for repair, rehabilitation, replacement, and maintenance projects. The City requires design projects that comprehensively and efficiently address critical needs in the utility systems in addition to timely and responsive bidding and construction phase services support to minimize the burden on the City's engineering department during construction. The City's customers expect reliable service through efficient Capital Improvement Project delivery.

In addition to understanding the City and its requirements, West Yost understands water. All of the services we provide—from planning through design, and construction management—are for water, wastewater, stormwater, recycled water, and groundwater projects. West Yost has brought this expertise and experience to on-call contracts for a variety of municipalities.

Our on-call contract success is based largely on our ability to respond quickly to project needs, work seamlessly as an extension of the client's staff, and bring innovative solutions to projects both large and small. Our on-call contracts also benefit from our depth of expertise in water, our large resources of local staff, and our commitment to quality products and services.



West Yost's staff includes one of the largest water and sewer planning and modeling staff in California to help meet the City's project needs as they arise. Our resources are exclusively focused on water—potable water, wastewater, groundwater, stormwater, recycled water, with the vast majority of our work for municipal clients and public agencies.

West Yost uses management tools and systems to accurately and efficiently gauge staff resource allocation and workload coordination. These tools include Deltek Vision, a centralized real-time resource for projecting workload down to the person, hour, and task level. Careful coordination confirms firm-wide staff availability in a consistent and timely manner. We will commit to being available for required services for the City's "As-Needed" projects.

The sections below highlight our qualifications in the following areas:

- Water and Recycled Water System Modeling
- Sewer System Modeling
- Stormwater and Flood Resilience
- Water and Wastewater Treatment
- Feasibility Studies/Master Planning/Condition Assessments
- Pipeline Design
- Pump Station and Tank Design
- Grant Management Services
- Specialized Engineering Support

WEST YOST

City of St. Helena | On-Call Water Planning Engineering Services | April 17, 2023

3

WATER AND RECYCLED WATER SYSTEM MODELING

West Yost is a leader in water resources and water system and recycled water system planning and hydraulic modeling. We have unmatched expertise in modeling for water distribution systems, including:

- Building models from GIS
- Calibrating hydraulic models
- Setting up field data collection programs for hydrant testing and pressure monitoring
- Validating hydraulic models comparing results with SCADA, and
- Performing hydraulic and water quality evaluations in support of new development, operational needs, and design projects.

As part of both model development and water master planning projects, we routinely provide training as part of the project, and as-needed support to our clients in different aspects of model development and analysis. West Yost has 14 staff members who perform water distribution system and recycled water system hydraulic modeling and are available to supplement the proposal team, as needed. Our expertise in planning and hydraulic modeling informs and brings value to infrastructure design.



SEWER SYSTEM MODELING

Sewer collection and treatment systems/facilities planning are part of West Yost's core services. West Yost has helped many clients build comprehensive, technically-rigorous wastewater system master plans to meet immediate and long-term system needs. We provide specialized technical resources in wastewater planning and regulatory compliance evaluations. Our expertise in planning adds value to infrastructure design, which helps clients design and build the right infrastructure at the right time. Our sewer collection system planning services include:

- Collection system master planning and hydraulic modeling

- Sewer system management plans
- Collection system regulatory compliance
- Infiltration and inflow reduction program development
- Condition assessments and rating
- Maintenance planning support and CMMS optimization
- CCTV program development and support
- Prioritized capital improvement program development
- Studies and predesign for sewer replacement and capacity enhancement projects.

STORMWATER AND FLOOD RESILIENCE

West Yost is familiar with the challenges facing cities throughout the San Francisco Bay Area: aging infrastructure, increasing rainfall intensities, increasing San Francisco Bay tidal levels, and real estate re-development. West Yost has completed numerous planning, design, and construction projects to meet these challenges. Our depth of stormwater and flood resilience experience includes on-call development review support services, floodplain mapping, hydraulic modeling, design of stormwater facilities, water quality compliance, stormwater fee assessment, climate assessments, and participation in regional collaborations. For on-call projects, responsiveness and communication are the keys to success. West Yost provides the following services to similar cities to manage and improve stormwater infrastructure within the available budget:

- Review parcel re-development – hydromodification, source control, green Infrastructure/low impact development, trash capture
- Evaluate sea level rise impacts – traditional and natural flood control projects, ordinances, and regional collaborations
- Analyze storm drainage hydraulics – review City/ County criteria and assess system deficiencies through hydraulic models (InfoWorks ICM, XPSWMM, EPA SWMM, HEC-RAS)
- Implement capital improvement plan projects - planning, design, and construction

WATER AND WASTEWATER TREATMENT

West Yost's approach to water treatment will be to listen to you, understand your project objectives, and assign the right team members to perform the work. West Yost is currently using on-call contracts for water treatment work for the Eastern Municipal Water District, City of Redding, City of

Fairfield, and the City of Tracy. Some specific expertise that West Yost team members will bring to the City from the recent project includes:

- Completion of chlorine conversion or upgrade projects, primarily to bulk hypochlorite
- A model for sludge production that accounts for varying chemicals and chemical doses as well as varying raw water quality
- Design and construction phase support for chemical feed systems, including caustic, soda ash, chlorine, ozone, and coagulation
- System optimization evaluations to improve performance, evaluate treatment options for contaminants of concern, and reduce waste streams

West Yost's expertise covers every type of wastewater facility and process, from collection and treatment systems to disposal and reclamation facilities. We provide a full service approach across the entire spectrum of disciplines, including technical studies, modeling, regulatory and permitting assistance, advanced treatment plant design, funding assistance, and construction management. Our firm's unique ability and experience working with clients from permitting through construction bring intrinsic value to our projects and our clients. We bring knowledge gained from the permitting and regulatory process into the planning and design of facilities that meet our clients performance goals, and apply our construction knowledge to the design process to reduce cost and risk during construction.

Incorporating client knowledge and operations staff insights into our designs allows us to deliver successful, award-winning projects for our clients.

FEASIBILITY STUDIES/ MASTER PLANNING /CONDITION ASSESSMENTS

West Yost's Water Planning team is a cohesive and collaborative team whose combined expertise brings value to our clients during the utility planning process. We provide planning, modeling, and regulatory services for recycled water, drinking water, wastewater, and stormwater utilities.

Our team is adept at master planning, including water supply planning. We are often completing multiple plans concurrently. Recent examples include the City of Stockton's Water System and Collection System Master Plans; and the City of Garden Grove Water and SCADA Master Plans, where West Yost was able to complete America's Water

Infrastructure Act (AWIA) compliance while preparing recommendations to implement their SCADA Master Plan.

Our team is also experienced in condition assessments for both horizontal and vertical assets, establishing life cycle cost metrics and infrastructure replacement cycle curves, integrating system data with computerized maintenance and management systems, and using criticality-based methodologies to plan for repair and rehabilitation. With clients faced with aging infrastructure and constraints on capital funding, we routinely integrate condition assessments and risk-based facilities planning into our master plans, to provide clients with prioritized capital improvement programs for renewal and replacement of facilities.

West Yost brings an understanding of the City's planning process, criteria and needs, having completed the City's 2003 Urban Water Management Plan and 2010 Water Supply Plan.



Our Feasibility Studies / Master Planning/ Condition Assessment Services include:

- Water, Recycled Water, Sewer and Storm System Master Planning
- Water Supply Planning and Design
- Water Rights and Water Transfers
- Permitting and Regulatory Compliance
- Integrated Water Resources Planning
- Infrastructure Rehabilitation
- GIS/Mapping and Surveying
- Water and Sewer System Condition Assessments for both horizontal and vertical assets including water and wastewater treatment plants
- Asset Risk Assessments and Renewal/Replacement Prioritization

PIPELINE DESIGN

West Yost's Pipeline Infrastructure team has managed and designed numerous pipeline projects for public agencies throughout the Bay Area. Projects have included various construction methods, including open cut construction, trenchless rehabilitation, and trenchless construction using

auger boring, pilot tube guided boring (PTGB), horizontal directional drilling (HDD), and microtunneling. Many projects require careful coordination with other agencies, including CalTrans and UPRR, to cross freeways, railroads, waterways, and major utilities. All projects involve detailed utility coordination and investigation to minimize costly construction changes and delays.



West Yost's Infrastructure team works in unison with our planning; treatment; operations technology, cybersecurity, and resilience (OTCR); and construction management staff to deliver designs that meet client objectives and consider safety, risk, and long-term, system-wide viability. We listen and collaborate with system owners and their staff to inform our designs by a comprehensive project understanding, conform to client standards, and are readily constructible.

PUMP STATION AND TANK DESIGN

West Yost's Integrated Infrastructure Management approach includes the entire life-cycle for municipal water, wastewater, and stormwater assets. This consists of the evaluation and design of pump stations to reduce risks of failure, manage capital costs, and avoid community impacts. West Yost has a wealth of relevant and recent pump station and tank project experience throughout Northern California.



Working as a trusted advisor, West Yost will work with City staff to fully understand the City's infrastructure and needs for thoughtful and cost-efficient projects and designs, from project conceptualization through construction. We offer a strong local team in our offices in the Bay Area and

Sacramento Area, with the ability to leverage additional resources and expertise as required from our other offices. When needed, our team has experts who can be pulled in on projects for value engineering, constructability, and operations reviews that will improve project cost estimating and reduce risk.

GRANT MANAGEMENT SERVICES

West Yost's funding team offers a full services approach to funding. We assist clients in strategizing and identifying, applying for, capturing, and managing funds obtained through state, federal and local loan and grant programs. We have assisted over 30 clients in securing approximately \$900 million in funding. Our success is based on maintaining excellent working relationships with funding agency staff, solid technical and writing skills, close coordination with our clients, and attention to detail.

West Yost has worked with both California Office of Emergency Services (CalOES) and California Department of Water Resources (DWR), successfully completing grant funding applications and receiving funding from CalOES for FEMA's Hazard Mitigation Grant Program, and from DWR for Integrated Regional Water Management programs, Proposition 50 funding, and Sustainable Groundwater Management Act grants.

West Yost's grant administration consulting services team will provide the highest-quality technical skills and responsive client service for the City's grant project needs. Our team can be supplemented throughout the life of the contract with additional West Yost staff as needed to meet project needs.

SPECIALIZED ENGINEERING SUPPORT

West Yost brings a team ready to support the City with specialized engineering support necessary to project delivery. These specialty areas are highlighted below.

Operations Technology, Cybersecurity and Resilience

To assist our water and wastewater clients in safeguarding their systems and infrastructure, West Yost provides operations technology, cybersecurity and resilience (OTCR) services to utility clients across the United States. Services provided by our Cybersecurity Group include:

- Cybersecurity/Vulnerability Assessments
- Operations Technology Optimization

- Cybersecurity Resiliency Planning
- SCADA Master Planning
- Operations Technology Detailed Design and Implementation

Our methodology employs innovative practices, such as consequence-driven cyber-informed engineering and constructability reviews early in the design process to deliver the highest value project for our clients.



Hydraulic Design and Operations Support

West Yost provides hydraulic modeling in support of design and operations for water, sewer and recycled water systems. Services include hydraulic transient analysis, water quality and energy evaluations, operational evaluations, and design support, such as developing pump system curves.

West Yost's energy analysis examines the cost of existing pump operations to assess whether replacement of pumps or alternative pumping strategies, such as time-of-use electric rate schedules, can be cost-effective. West Yost's water quality modeling includes water age, source tracing, supply blending, and constituent modeling to identify areas potentially at-risk for water quality problems under different operational scenarios. West Yost conducts hydraulic transient analyses to predict the potential for damaging hydraulic transients and mitigation to reduce the risk of damaging transients. West Yost also provides pump station design support, developing system curves for accurate pump selection.

Hydrology/Groundwater

West Yost's hydrology/groundwater team offers a full services approach across the entire spectrum of disciplines required for GSP implementation, including: program and project management; hydrogeologic studies and planning; regulatory support for SGMA and water rights reporting; managed aquifer recharge planning; database management; development and implementation of monitoring programs; and development of data analysis tools.

3 GENERAL SCOPE

ON-CALL SERVICES UNDERSTANDING AND SCOPE

Vanessa Apodaca will serve as the Point-of-Contact for all Project Work Orders resulting from the on-call services agreement, and will provide overall program support. Vanessa will serve as the City of St. Helena's (City) first line of communication when Project Work Orders are issued. Vanessa will work with the City to understand project needs and select or recommend the appropriate West Yost project manager to carry each project forward. She will identify project managers based on the City's project scope, the technical expertise of our staff, and the availability of staff to meet the City's schedule objectives. The assigned project manager will then collaborate with City staff to build a team and further define each project's scope and schedule based on the specific goals and objectives of the individual project.

West Yost uses management tools and systems to accurately and efficiently gauge staff resource allocation and workload coordination. These tools include Deltek Vision, a centralized real-time resource for projecting workload down to the person, hour, and task level. Careful coordination confirms firm-wide staff availability in a consistent and timely manner. We will commit to being available for required services for the City's "On-Call" projects.

West Yost anticipates that the City will issue a task order request and that West Yost will prepare a task order scope and budget for each task order request. West Yost will be responsible for executing the technical work, coordinating with the City, to apprise the City of work progress and status, and assisting the City in preparing presentations/staff reports for council or materials for internal City briefings. We anticipate that the City will be available to provide data required for evaluations, participate in project coordination meetings to provide input on work, and review project deliverables.

UTILITY PLANNING APPROACH

West Yost has successfully helped the City navigate complex planning tasks and modeling tasks through a variety of projects. Since 2004, West Yost has worked with the City on regulatory compliance, wastewater collection systems, and potable water utility systems. This work includes:

- St. Helena 2003 Urban Water Management Plan
- St. Helena 2010 Water Supply Plan
- Stonebridge Wells Water Treatment Plant Filter Restoration
- Potable Water Storage Tank 1A Design & CM
- General Plan Update EIR
- Tank 1A Engineering Services During Construction
- Water Conservation Assistance
- Water Enterprise Services
- Waste Water Interim Project
- Engineering Support for Water Rights (subconsultant)
- Waste Water Treatment Facility Upgrade and Water Recycling (subconsultant)

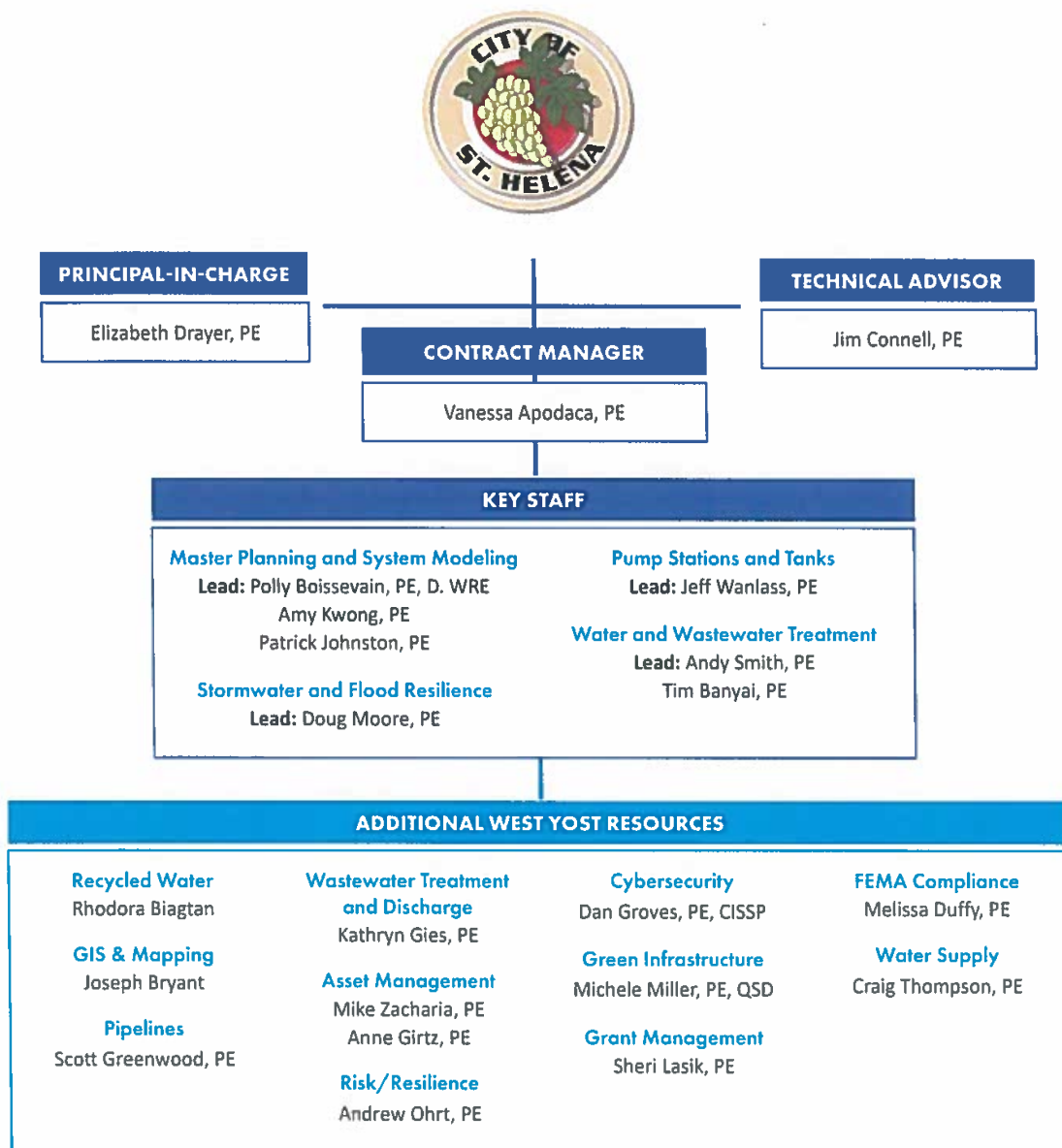
Through these projects, West Yost has developed a thorough understanding of City standards, planning criteria, work processes and guidelines. In all of our projects, we have worked collaboratively with City stakeholders.

Master Planning to Provide Depth, Detail and Flexibility

West Yost uses a collaborative approach to document master planning criteria, understand operational constraints and challenges, prepare water demand and collection system flow projections, evaluate water distribution and collection systems to identify deficiencies and develop improvements, and prepare capital improvement and master plans. Through our planning work with the City, West Yost has developed a thorough understanding of the City's standard practices for master planning and facilities studies. West Yost will continue to use this same approach for future studies, including updating planning data, such as water demand or sewer flow projections based on recent use trends, facilities planning, development impact studies, and facilities siting.

4 PROJECT TEAM

West Yost's organizational chart identifies our contract manager, Vanessa Apodaca, and key personnel available for assignment to the City's projects. Vanessa will lead communications with the City and work with project leads to assign the appropriate personnel to projects. The following section highlights the qualifications and experience of our key team members.



The following section highlights the qualifications and experience of our key team members.



Vanessa Apodaca, PE

Vanessa will serve as **Contract Manager** and will be responsible for allocating the necessary resources to projects. Vanessa specializes in municipal program planning and management and infrastructure

planning, design, construction, and maintenance. Vanessa has served in engineering management and supervisor roles for two cities and one district in northern California and has managed planning, design, permitting, funding, and construction of capital improvement projects for many more municipalities.



Elizabeth Drayer, PE

As **Principal In Charge**, Elizabeth will provide internal reviews of projects to make sure they are being completed on time and on budget. Elizabeth specializes in water resources engineering and coordinating multi-discipline projects. She has experience leading water resources planning studies and design projects. Elizabeth is a West Yost Vice President and serves on West Yost's Board of Directors.



Jim Connell, PE

Jim Connell will act as **Technical Advisor**. Jim is a civil engineer with a focus in water and sewer master planning and design, including condition assessments, flow monitoring, computer modeling, rehabilitation planning,

cost estimating, and capital improvement program development. He has extensive experience in planning and design of municipal infrastructure systems and has completed successful designs for a variety of facilities, including major expansion, rehabilitation, and new construction at a number of water and wastewater treatment plants in California, New England, and St. Helena.



Amy Kwong, PE

Amy has 18 years of experience focused on water master planning, water supply and facilities planning, hydraulic modeling and water system infrastructure design. She has worked on more than 20 water master plans.

She is currently serving as **Project Manager** for water system master plans for California Water Service Bayshore Districts and the City of Fairfield.



Andy Smith, PE

Andy Smith has performed a wide variety of planning and design work for numerous water and wastewater treatment facilities for agencies in California and Oregon. His treatment facility experience includes master planning and predesign, detailed design and cost estimating, and engineering services during construction. His treatment expertise includes preliminary treatment, clarification, filtration, disinfection, chemical storage and metering, pumping stations, solids handling, and dewatering.



Patrick Johnston, PE

Patrick is a civil engineer with 24 years of extensive experience in planning and modeling of water distribution and wastewater collection systems. He has developed master planning and capital improvement program documents. He has experience building and calibrating hydraulic models in a variety of software packages. He uses models to analyze the hydraulic capacity of systems, identify deficiencies and size proposed improvement projects.



Doug Moore, PE

Doug Moore is an engineer with experience in storm drainage facility master planning, stormwater computer modeling, facilities planning, preliminary design, design and specifications, construction and capital cost

estimating, project permitting, and project management. He is skilled at preparing potable water, wastewater, and stormwater evaluations for development specific plans, city and countywide general plans, and environmental impact reports.



Jeff Wanlass, PE

Jeff Wanlass has more than 20 years of experience in project management, planning, design, and services during construction for water supply facilities. He has prepared plans and specifications conforming to the

contracting requirements for state agencies, municipalities, water agencies, and private clients. His civil engineer experience includes designs for water and recycled storage tanks, pump stations, transmission mains, groundwater supply wells, and grading and drainage plans for site development project. Jeff has been involved in more than 25 tank and pump station projects, including inspection, rehabilitation, replacement, and new facilities.



Timothy Banyai, PE

Tim is a registered civil engineer and project management professional with experience managing and designing water and wastewater treatment plants and pumping stations. Tim has served as project manager, lead project

engineer, technical advisor and quality control reviewer. His direct project experience includes design and preparation of drawings and specifications, assisting clients in bidding-phase services, and performing construction-phase duties. Tim has a strong record of developing cost-effective and innovative designs for water treatment plant projects, and is known for managing multi-disciplinary teams for water improvement projects.



Polly Boissevain, PE, D. WRE

Polly Boissevain is an engineer with professional experience in water resources planning, with extensive experience in distribution system master planning and hydraulic modeling of water systems, both steady-state and transient analysis

for closed conduit flow. She has managerial experience for a variety of water resources projects in planning, design, and operations.

5 PROJECT EXPERIENCE



To address the various services requested by the City, West Yost provides history and experience in the following areas:

1. **Water and Recycled Water System Modeling**
2. **Sewer System Modeling**
3. **Stormwater and Flood Resilience**
4. **Water and Wastewater Treatment**
5. **Feasibility Studies/Master Planning/Condition Assessments**
6. **Pipeline Design**
7. **Pump Station and Tank Design**
8. **Grant Management Services**
9. **Specialized Engineering Support**

1. WATER AND RECYCLED WATER SYSTEM MODELING

Water Distribution System Master and On-Call Modeling Support

CITY OF REDWOOD CITY, CA

TEAM: Polly Boissevain (Project Manager, Water Master Plan/ Principal in Charge, Hydraulic Modeling Support) Patrick Johnston (Project Manager, Hydraulic Modeling Support); **COST:** \$350,000 (Master Plan), \$2,000 - \$101,000 (Hydraulic Modeling Support); **DATES:** 2010 – 2012 (Master Plan), 2012 – Current (Hydraulic Modeling Support).

REFERENCE: Phong Du, Supervisory Civil Engineer, City of Redwood City, Community Development Department, 1017 Middlefield Road, Redwood City, 94063-2505, 650.780.7385, pdu@redwoodcity.org

As part of a water system master planning for Redwood City, West Yost developed a new distribution system hydraulic model to evaluate the distribution system's hydraulic capacity, water quality, emergency reliability, and seismic vulnerability. The key aspect of the project was developing a calibrated extended period simulation hydraulic model, for hydraulic, energy, and water quality analysis. West Yost's team built an all-pipe water distribution system model in InfoWater, using the City's existing GIS. The model was calibrated using hydrant flow tests. Because Redwood City rises over 900 feet from sea level, the City's system is complex and includes 17 pressure zones. A challenge was the lack of hourly data from water supply turnouts to develop diurnal curves for the model. West Yost incorporated a special field monitoring program to collect flow data at the City's various turnouts. This information was instrumental in both the model calibration effort and developing accurate diurnal curves for the system.

Since completion of the Master Plan, West Yost has performed eight water system modeling evaluations to assess developer impacts, performed hydraulic analysis supporting a tank siting study, prepared two evaluations to analyze and recommend ways to improve pressure zone operations, and prepared water, recycled water and sewer modeling evaluations to identify water system improvements for various specific plan efforts. West Yost also assisted the City in converting the model to a public domain software so the City could use the model in-house for system evaluations.

Water Facilities Master Plan Update and On-Call Hydraulic Modeling Support

EASTERN MUNICIPAL WATER DISTRICT (EMWD),
PERRIS, CA

TEAM: Polly Boissevain (Project Manager, WFMP / Principal-in-Charge, On-Call Modeling Support), Patrick Johnston, Roger Chu and Amy Kwong (Project Engineers, Hydraulic Modeling); **COST:** WFMP: 1,753,000; **ON-CALL MODELING SUPPORT:** \$20,000 - \$350,000; **DATES:** 2015 – 2016, WFMP | 2016 – current, On-Call Modeling Support.

REFERENCE: Laura Barraza, Principal Civil Engineer, Capital Planning, Eastern Municipal Water District, 2270 Trumble Road, Perris, 92572-8300, 951.928.3777 #4228, barraza@emwd.org

West Yost prepared a Water Facilities Master Plan Update for the District, which serves customers in a 550-square-mile area in western Riverside County. The potable water system has five major service areas with a total of 70 pressure zones. The District anticipated significant future growth, with demand projected to increase approximately threefold through buildout of the District's service area. The Water Facilities Master Plan was completed in 2016. Since completion of the Water Facilities Master Plan, West Yost has provided On-Call hydraulic modeling support for multiple planning, design and operations projects:

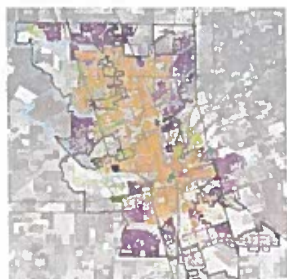
- Prepared an operational assessment to identify improvements to enhance performance of a new storage tank
- Prepared a planning study to evaluate infrastructure for a conjunctive use project
- Conducted a planning study to identify new infrastructure improvements to increase emergency reliability in the Moreno Valley and Temecula Valley service area
- Performed hydraulic peer reviews for two design projects
- Evaluated infrastructure needs for a new development
- Prepared three updates of the District's distribution system hydraulic model
- Supported six project design efforts with hydraulic modeling analysis
- Provided on-call troubleshooting and model support to District staff

In its hydraulics peer review for the implementation of a new pressure zone, West Yost identified an alternative configuration that reduced project costs from \$1.3 million to \$400,000 with the same reliability as the proposed project.

2. SEWER SYSTEM MODELING

Wastewater Master Plan Update

CITY OF STOCKTON, CA



TEAM: Patrick Johnston (Project Manager, Hydraulic Modeler), Jeff Pelz (Principal-in-Charge and QA/QC Reviewer), Chris Malone (Project Engineer), Elizabeth Drayer (Technical Advisor), Tyler Newman (Project Engineer)

REFERENCE: Gemma Biscocho, Senior Engineer, 209.937.8734, gemma.biscocho@stocktonca.gov;

The City of Stockton serves a population of approximately 320,000 residents and has a wastewater collection system that includes ten different subareas with just over 1,000 miles of gravity mains, 35 pump stations and 37 miles of force main piping. West Yost prepared an update to the City's Wastewater Master Plan to provide a comprehensive evaluation the collection system infrastructure needs. For the plan, the West Yost team conducted a flow monitoring program that included 25 temporary flow meters to assess dry weather and wet weather flow conditions, and also performed field surveys to characterize the configuration of multiple flow splits throughout the system. West Yost developed a InfoSWMM hydraulic model of the collection system based on a combination of field survey data and existing City GIS data, and then calibrated the model using the data collected from the flow monitoring program. West Yost developed future flow projections based on planned development in the City's Envision Stockton 2040 General Plan, and performed a hydraulic analysis of existing, 2040, and buildout flow conditions. The model results were used to develop a prioritized 15-year capital improvement program to address existing and anticipated capacity deficiencies, existing system rehabilitation and repair needs identified by previous City studies, and the need for new facilities to serve future growth areas.

The projected wastewater flow development was coordinated carefully with water demand projections developed by West Yost as part of the City of Stockton Water Master Plan update to ensure consistency between the two master plans. West Yost is currently providing ongoing multi-year technical support involving hydraulic analysis of proposed development projects.

WEST YOST

City of St. Helena | On-Call Water Planning Engineering Services | April 17, 2023

Capacity Analysis and Flow Monitoring

ROSS VALLEY SANITARY DISTRICT, CA



TEAM: Jeff Pelz (Principal-in-Charge), Patrick Johnston (modeling Lead), Elizabeth Drayer (Project Engineer), Chris Malone (QA/QC Reviewer)

REFERENCE: Patrick Filippelli, Business System Analyst, 415.259.2949, pfilippelli@rvsd.org;

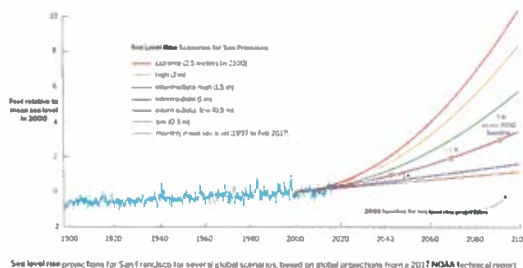
West Yost worked with the Ross Valley Sanitary District to update and calibrate the hydraulic model of the collection system for use in evaluating the District's progress with its program to reduce inflow and infiltration. The District's program has included pipeline replacement, spot repairs of defects, lining of small diameter gravity mains and replacement of sewer laterals. West Yost developed a flow monitoring program to obtain data for recalibrating the current hydraulic model with the intent of evaluating the effectiveness of collection system improvements implemented from 2018 onward. The model was updated with data from the recent improvement projects and with lift station data for both pump curves and controls. The model was recalibrated with the flow monitoring data for both dry weather and wet weather flow conditions. Recalibration involved adjustments to sanitary flow, groundwater infiltration and rainfall-dependent inflow and infiltration. The model was used to evaluate changes to the inflow and infiltration within the District's system and to reevaluate the District's planned capital improvements program. The recalibrated model was used to prioritize the improvement projects that have not yet been implemented and to propose changes to the projects where needed. The model was also used to evaluate the improvement projects that may be required to support the potential annexation of the collection system serving San Geronimo Valley.

13

3. STORMWATER AND FLOOD RESILIENCE

Climate Change: Sea Level Rise Adaptation Assessment and Report

CITY OF MILLBRAE, CA



See level rise projections for San Francisco for several global scenarios, based on global projections from a 2017 NOAA technical report.

TEAM: Polly Boissevain (Principal-in-Charge), Michele Miller (Project Manager); **DATES:** 2019

REFERENCE: Jane Kao, former Senior Engineer, City of Millbrae (Senior Engineer, Silicon Valley Clean Water), 650.832.6265, jkao@svcw.org

The Sea-Level Rise Adaptation Assessment was prepared by West Yost for the City of Millbrae and its partners. This Assessment seeks to expand the understanding of sea-level rise risks to the City, communicate these risks to the community, and plan for sea level rise by identifying potential mitigations, adaptation and hazard mitigation strategies. West Yost managed the project team and provided stakeholder outreach, a review of available data from the County and other sources, a field assessment, planning and coordination, and development of a draft and final assessment report.

The Assessment provided a better knowledge of local assets at risk that will help the City prepare for the future. Our assessment identified key assets (such as communication towers, gas stations, and electric substations) and up to 9.5 miles of key linear assets (such as gas lines) than the County's more previous Assessment.

The Assessment also identified numerous opportunities for the City to prepare for future sea-level rise. Recommended actions include local improvements to the City's drainage infrastructure, implementing a seawall or levee along the shoreline, and continuing to engage in coordination and collaboration to position for funding opportunities. The City has been awarded \$60,000 in grants since the report was written.

Vallejo Flood Control and Wastewater District On-Call Contracts

VALLEJO FLOOD AND WASTEWATER DISTRICT,
VALLEJO, CA

TEAM: Doug Moore (Various), Michele Miller (Various); **DATES:** 2018-2023; **COST:** Task Budgets Range from \$10,000 to \$20,000.

REFERENCE: Mark Tomko, Director of Engineering, 707.652.7801, mtomko@vallejowastewater.org

West Yost has provided engineering services to VFWD for about 20 years through several planning, modeling, and design focused on-call contracts.

Recent tasks have included:

- Mare Island Force Main – We evaluated the changes in water surface elevations in the Mare Island Way trunk sewer for different connection points of the new Mare Island sewer force main.
- Stormwater Engineering Standards – We assisted with the preparation of VFWD's current stormwater engineering standards.
- Trash Capture Devices (hydraulic modeling) – We used VFWD's storm drain models to evaluate the hydraulic impacts of the installation of several trash capture devices.
- White Slough Flood Model – We used the Austin Creek and White Slough storm drain model to understand the impacts for vandalism of the White Slough tide gates on the WSEs in and around White Slough. We also helped develop a low-cost approach to addressing the vandalism by converting two tide gates to simple flap gates and using parts from the converted gates to restore the other two gates to full functionality.
- Peer Review of VFWD Draft Sanitary Sewer Collection System Master Plan and associated sewer model. Through this review we provided a six page comment letter that identify many significant issues with the master plan, like errors in the buildout land uses (including Mare Island having a land use of "Other", cost of improvement allocations between the existing customer and new development were not prepared, why wasn't the I&I monitoring results use in the selection of sewers for rehabilitation and replacement, and that the Sears Point Pump Station and Storage Facility were modeled in a different vertical datum than the rest of the model.
- Peer review of the Draft Mare Island Storm Drain Study, Golf, India, Oscar, Juliet, and Lima Outfalls Report. This review identified several significant issues, including inconsistency with VFWD's new engineering standards, no evaluation of sea level rise, and recommended continued use of several undersized outfalls to Mare Island Straight.

4. WATER AND WASTEWATER TREATMENT

North Bay Regional Water Treatment Plant

CITY OF FAIRFIELD, CA

TEAM: Andrew Smith (Project Manager), Greg Chung (Principal-in-Charge), William Schilling (QA/QC), Steven Barber, Craig Thompson, Cynthia Paredes, Whitbey Sandelin, Cynthia Houghton (Project Engineers); **DATES:** 2013 - ongoing

REFERENCE: Brandon Hitman, Water Treatment Manager, City of Fairfield, 707.437.5381, bhitman@fairfield.ca.gov

West Yost has provided a variety of design services for the NBRWTP since 2013, including the replacement of ozone generation and pre-ozonation equipment, the upgrades to the chemical spill containment basin, the replacement of the decant structures for the plant's three original sludge lagoons, and the remodel of the water quality laboratory. Current design activities include the replacement of baffles in the plant's flocculation and sedimentation basins. Our design experience at NBRWTP has fostered a clear understanding of the unique treatment challenges associated with the plant's dual raw water sources, as well as the operational priorities and preferences of staff at this facility.

Waterman Water Treatment Plant

CITY OF FAIRFIELD, CA

TEAM: William Schilling (Project Manager), Greg Chung (Principal), Craig Thompson (QA/QC), Elizabeth Drayer, Timothy Banyai, Steven Barber, Cynthia Paredes, Alexander Retzlaff, Christopher O'Connor (Project Engineers), Maxine Colorado, Patricia Sweeny, Jean Bolger (Admin)

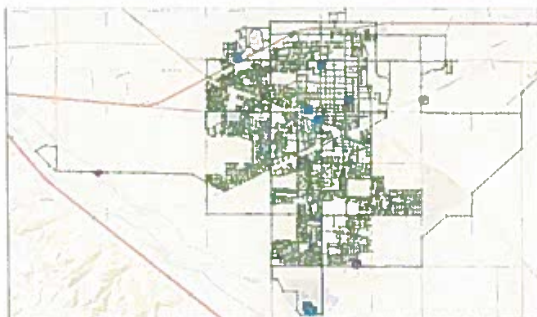
REFERENCE: Stuart Hamilton, Water Treatment Supervisor, 707.428.7448, shamilton@fairfield.ca.gov; **DATES:** 2020 - ongoing

Our work at the Waterman WTP includes the design of replacement liquid oxygen and ozone system equipment, as well as assistance with SCADA and network cybersecurity and the virtualization of SCADA system hardware. Waterman WTP also serves as the operational hub for the City's reservoirs and pump stations. Our activities at Waterman have increased our understanding of the critical links between the City's treatment, transmission and storage facilities, and the importance of the operational flexibility necessary to continue providing high-quality service that the City's residents and customers have come to expect.

5. FEASIBILITY STUDIES/MASTER PLANNING/ CONDITION ASSESSMENTS

Citywide Water System Master Plan Update/On-Call Modeling Support

CITY OF TRACY, CA



TEAM MEMBERS: Elizabeth Drayer (Principal-in-Charge), Amy Kwong (Project Manager), Polly Boissevain (QA/QC Reviewer), Roger Chu (Project Engineer); **COST:** \$481,000 (Master Plan); **DATES:** 2/2018–12/2021

REFERENCE: Veronica Child, Management Analyst, 209.831.6487, veronica.child@cityoftracy.org

West Yost has assisted the City of Tracy with its water system planning for more than 30 years. Work included the development of the City's first Water System Master Plan and integrated planning services for an aquifer storage and recovery (ASR) program and subsequent ASR well permitting and development. West Yost updated the Citywide Water System Master Plan, which addressed changes in the City's development plans and water use trends, incorporated the system improvements that have been constructed, and refined previous recommendations to provide an implementable plan for the City's future water system.

West Yost developed a hydraulic model for the City's water system that has been used to plan infrastructure improvements to serve new developments, and West Yost has performed dozens of subsequent hydraulic analyses. Our team has helped City operations staff troubleshoot operational issues, such as solving low-pressure issues from customers and moving water from one pressure zone to another using the City's model.

The hydraulic model has also been used to simulate fire flow tests to assist the fire department and developers with understanding the actual flow conditions to better design fire sprinkler systems for new buildings. By using the hydraulic model, the City has been able to simulate maximum day conditions for the fire flows and gather valuable data without wasting water.

Water Master Plan and Water Utility Asset Condition Assessment

CITY OF MILPITAS, CA

TEAM MEMBERS: Elizabeth Drayer (Project Manager), Amy Kwong (Deputy Project Manager), Polly Boissevain (QA/QC), Mike Zacharia (Asset Management Lead), Anne Girtz (Asset Management); **COST:** \$600,000; **DATES:** 10/2019 – 3/2021

REFERENCE: Harris Siddiqui, Principal Engineer, City of Milpitas, 455 East Calaveras Blvd., Milpitas, CA 95035, 408.586.3358, hsiddiqui@ci.milpitas.ca.gov

West Yost prepared a Water Master Plan Update and Water Utility Asset Condition Assessment for the City of Milpitas. The City has experienced tremendous growth, and water use trends have changed since the recent drought. The City is updating its General Plan and refining plans for its Midtown and Transit Area Specific Plans. West Yost updated and calibrated the City's water system hydraulic model, evaluated recent water use trends and developed future water use projections based on planned development, conducted a hydraulic analysis of the City's water system to identify needed water system improvements, and developed a prioritized capital improvement program for implementation of recommended improvements.

West Yost performed a desktop analysis of the condition and an associated risk-based analysis of the City's water system assets to prioritize actions for the City's facilities. The water utility asset condition assessment used the City's water system master inventory and GIS database to create an asset registry for the City's water system assets, including both horizontal and vertical assets. West Yost estimated replacement costs and prepared a current water system valuation. West Yost assessed the criticality of the City's water system components by assigning likelihood of failure (LOF) and consequence of failure (COF) scores using a consistent risk assessment approach. Both the LOF and COF criteria were developed specifically for the City, with the COF criteria aligning with the City Council Mission Statement, Values, and Goals to accurately reflect the true consequence of failure to the City. The utility asset condition assessment results were used to identify action levels for different facilities, including continued monitoring, more detailed conditions assessments, or immediate rehabilitation or replacement. As part of the Water Master Plan Capital Improvement Program, West Yost developed a prioritized program of \$53 million in renewal/replacement of facilities over the next 30 years.

6. PIPELINE DESIGN

Driscoll Main Replacement

ALAMEDA COUNTY WATER DISTRICT, FREMONT, CA

TEAM: Adam Brown (Project Manager), Scott Greenwood, Christina Ramirez (Project Engineers); **COST:** \$425,751; **DATES:** 2020 – 2021

REFERENCE: Dorota Budzynska, Project Engineer, 43885 South Grimmer Boulevard, Fremont, CA 94538, 510.668.4420, dorota.budzynska@acwd.com

West Yost provided the design for the replacement of 7,400 feet of 12-inch diameter asbestos cement (AC) pipe with 12-inch and 16-inch diameter steel pipe. The water main design stretches across two pressure zones, requiring detailed phasing and connection details for all connections to the existing water system, consisting of various AC and steel pipe sizes. Cathodic protection design has been included to expand the lifetime of the new water main. The project challenges included: limiting outages and reducing disruption to customers, and maintaining pressures in different pressure zones, reducing traffic impacts, removing the existing AC pipe along select stretches of the project, and constructing tie-ins to the existing system.

West Yost analyzed (and later rejected) an option to remove and replace the pipe in place while providing a temporary bypass system. Our team developed a detailed suggested phasing concept to maintain the required pressures. We located the pipeline close to the edge of the roadway to allow one lane of traffic to be open at all times. Our staff provided agency-specific AC handling/snapping/support details for working around AC pipe. We also provided instructions to the contractor related to proper demolition, handling, and transportation of removed AC pipe. In addition, we developed phased connection details showing an interim condition and a final closure detail for each connection to the existing system.



Sweeney Ridge Tank 7 and Pipeline Replacement

CITY OF SAN BRUNO, CA



TEAM: Jeff Wanlass (Project Manager), Julia McBride and Adam Brown (Project Engineers), Polly Boissevain (Principal-in-Charge), A.T.E.M. (Electrical), Gannett Fleming (Geotechnical), Kleinfelder (Tank Structural); **COST:** \$842,150; **DATES:** 2019 – Present

REFERENCE: Dalia Manaois, Associate Civil Engineer, 567 El Camino Real, San Bruno, CA 94066, 650.616.7047, dmanaois@sanbruno.ca.gov

The Sweeney Ridge project includes replacing the existing dilapidated 0.4-mg welded steel tank and an existing 14-inch welded steel pipeline. The pipeline will be replaced with a pipeline of the same size in approximately the same location as the existing pipeline by traditional open-cut trench excavation. The project will also include grading and associated site improvements. The City has made several repairs to the pipeline that are extremely challenging to perform considering the terrain and limited rural access. The existing water main is immediately adjacent to an existing Pacific Gas & Electric (PG&E) 8-inch diameter gas main and near existing PG&E electrical transmission and distribution facilities. Project challenges include environmental permitting, maintaining supply to various pressure zones, seismic evaluation, construction on steep slopes, easements and coordination with public agencies (San Francisco Public Utilities Commission [SFPUC] and the Golden Gate National Recreation Area).

West Yost has taken an active role in coordinating with permitting agencies. Under this role, we are acting on behalf of the City to ensuring timely attention and decision are made to reduce potential project delays. Our modeling group had developed potential bypass pumping options to ensure water supplies are maintained during construction. West Yost is actively coordinating with City staff and another consultant engineer who is currently designing pump station upgrades for an adjacent pump station to ensure the two projects do not adversely impact water supplies to residents. The West Yost team has worked with the City on this and previous projects to develop multiple seismic mitigation measures to ensure facilities are operational after a seismic event. We evaluated several pipeline construction methods to identify the most cost-effective and constructible solution that addresses the steep slopes.

7. PUMP STATION AND TANK DESIGN

Graham Hill Water Treatment Plant Tank Replacement

CITY OF SANTA CRUZ, CA



TEAM: Jeff Wanlass (Project Manager), Tyler Newman (Project Engineer), Gannett Fleming (Geotechnical), A T.E.E.M. (Electrical), Kleinfelder (Structural); **COST:** Design, \$3,391,000, Construction, \$28,352,350; **DATES:** 2016 – 2023 (estimated)

REFERENCE: Matthew Zeman, PE, Engineering Associate, Water Department, 212 Locust Street, Suite C, Santa Cruz, CA 95060, 831.420.5211, mzeman@cityofsantacruz.com

West Yost designed three prestressed tanks (1.0, 0.7, and 0.7-mg) to replace three existing post-tension concrete tanks at the Graham Hill Water Treatment Plant. The treatment plant, located in the Santa Cruz hills, is on a challenging site with limited space for the construction. The site design included a new pad for one of the new tanks and several retaining walls, including a 40-foot-high soil nail retaining wall. West Yost also designed four replacement pump stations, large diameter pipelines, and an electrical building.

Key challenges on the project included developing detailed construction sequencing plans to allow the water treatment plant to stay in operation during construction. The site has limited space for construction activities, so a secondary site location was identified to allow contractor material storage and staging. The site included several endangered species and heritage trees, coordination with many stakeholders and local residents, and the addition of the large inlet structure at the 90% design needed for connection to a planned future plant upgrade.

Miguelito Reservoir Replacement and Booster Pump Station

SAN JOSE WATER, SAN JOSE, CA

TEAM: Amy Kwong (Project Manager), Jeff Wanlass (Design Lead), Julia McBride and Adam Brown (Project Engineers), Tyler Newman (Project Engineer), Scott Greenwood (Project Engineer), Finn Design Group (Structural), Kleinfelder (Tank Structural); **COST:** Design, \$630,000, Construction, \$12,177,000; **DATES:** 2017 – 2022 (estimated)

REFERENCE: Frank Du, Engineering Unit Manager, 1265 South Bascom Avenue, San Jose, CA 95128, 408.279.7800, frank.du@sjwater.com

The Miguelito Pump Station and Reservoirs is an interzone treated water storage and pumping facility located along with the City of San Jose's eastern foothills. West Yost designed two 0.8-million-gallon prestressed concrete tanks to replace two concrete-lined earthen embankment reservoirs constructed in 1927 and 1962. West Yost's design also includes a new chemical feed and mixing system, flexible pipe connections to new tanks, on-site stormwater treatment, and intertie to the adjacent pump station. The project also included the design of the new pump station to replace the existing pump station, which included two 1,400 gpm 150-hp submersible vertical turbine pumps and two 300 gpm pumps, surge tank, new electrical and mechanical systems.

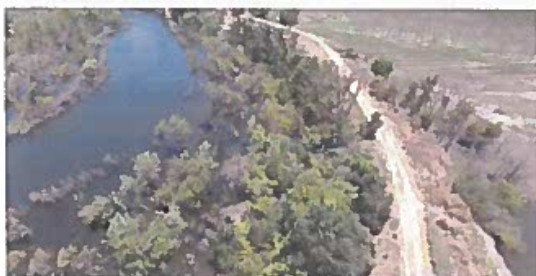
Key challenges for this project included maintaining continuous operation of the booster pumps and at least one reservoir during construction, limited access for equipment needed to demolish and remove existing facilities, limited usable space to construct new facilities, and hazardous materials mitigation (mercury, lead, arsenic, and others). West Yost also developed a construction sequencing plan in coordination with the San Jose Water staff. West Yost worked with San Jose Water's planning, engineer, construction, and operation/maintenance staff to develop the project plans.



8. GRANT MANAGEMENT SERVICES

SURFACE WATER SUPPLY PROJECT PROGRAM MANAGEMENT AND FUNDING SERVICES

STANISLAUS REGIONAL WATER AUTHORITY, TURLOCK, CA



TEAM: Monique Day (Program Management and Funding Task Manager), Sheri Lasick (Funding Strategy, Grant Writer), Hawkeye Sheene (Grant Manager)

REFERENCE: Bob Granberg, General Manager, 209.401.0439, granbergassociates@gmail.com

AMOUNT AND TYPE OF FUNDING RECEIVED (GRANT OR LOAN): \$41.05 million grants secured (one IRWM grant, and one Proposition 68 Parks and Water Bond grant, a \$5 million/Prop 50 grant, and \$184.92 million in SRF loan funding secured.)

West Yost is providing program management services for Stanislaus Regional Water Authority's regional surface water supply project, which consists of funding pursuits, infrastructure planning, design-build (DB) contractor procurement, owner's advisory services, and design. West Yost's funding work includes evaluating grant and loan opportunities, meeting with funding agencies, and drafting applications including a Drinking Water SRF application, two WaterSMART Drought Resiliency grant applications, Riverine Stewardship grant application, IRWM implementation grant application, and Proposition 50 Chapter 6c application.

West Yost is also supporting SRWA with grant management services such as disbursement requests and progress reporting for the SRF loan and IRWM grant.

Grant Strategy Services

ALAMEDA COUNTY WATER DISTRICT, FREMONT, CA



TEAM: Monique Day (Project Manager/Project Engineer/Grant Strategist), Sheri Lasick (Grant Strategist and Grant Writer)

REFERENCE: Ethan Burch, Administrative Analyst, 510.668.4252, ethan.burch@acwd.com

AMOUNT AND TYPE OF FUNDING RECEIVED (GRANT OR LOAN): \$20.3 million grants secured (one Urban Rivers Grant (\$3 million), one WaterSMART WEEG grant (\$2 million), one WaterSMART Drought Preparedness Project grant (\$75,000), one Coastal Conservancy grant (\$825,000), one Streamflow Enhancement Grant (\$5.4 million), one Ecosystem Watershed Restoration Grant (\$5 million), and one IRWM Grant (\$3.3 million)), three Hazard Mitigation Grants pending.

SOURCE OF FUNDING: California Natural Resources Agency Urban Rivers Grant Program, USBR WaterSMART WEEG program, USBR WaterSMART Drought Preparedness Project grant program, State Coastal Conservancy Proposition 1 Coastal Conservancy grant program, Wildlife Conservation Board Streamflow Enhancement Grant, California Department of Fish & Wildlife Ecosystem Watershed Restoration Grant program, and DWR IRWM Grant program.

Since 2016, West Yost has provided the District with strategic grant and funding services to optimize the District's ability to proactively seek and receive grant funding for capital improvement projects and increase its understanding of funding opportunities. West Yost prepared a funding strategy plan and identified, monitored, and pursued grant funding opportunities for District projects.

9. SPECIALIZED ENGINEERING SUPPORT

SCADA Master Plan and SCADA Master Plan Implementation

CITY OF GARDEN GROVE, CA



TEAM: Water Master Plan - Polly Boissevain (Project Manager), Jeff Wanlass (Pump Station and Well Condition Assessment Lead), Amy Kwong (Demand Analysis), Michael Zacharia and Anne Girtz (Risk Assessment), | SCADA Master Plan - Dan Groves (Project Manager) | SCADA Implementation Plan - Dan Groves (Technical Lead); **COST:** SCADA Master Plan, \$235,000, SCADA Master Plan Implementation, \$3,636,000; **YEARS:** SCADA Master Plan, 2019 – 2020, SCADA Master Plan Implementation, 2020 – Present

REFERENCE: Rebecca Li, Senior Civil Engineer, 13802 Newhope Street, Garden Grove, CA 92843. 714.741.5562, rebeccal@ggcity.org

West Yost prepared a Water System Master Plan for the City of Garden Grove that included a visual condition assessment of the City's pump stations and wells, and a risk assessment to develop prioritized recommendations. The plan also included the preparation of a SCADA Master Plan. For the SCADA Master Plan, West Yost conducted site visits to understand baseline conditions. West Yost provided detailed recommendations, including detailed project cut sheets, to provide a roadmap for implementing SCADA system improvements. Fully implementing the Master Plan will provide the City with a modernized SCADA system that is flexible, user-friendly, and physically and cyber-resilient using industry-leading design practices.

West Yost is currently serving as the Program Manager for the SCADA Master Plan implementation. The program consists of over 20 projects to upgrade the City's aging water and sewer SCADA systems, [including foundational projects to design the City's new core SCADA system, standards and global screens, and operational strategy, followed by implementation of specific projects including panel replacements, instrumentation upgrades, PC programming, HMI configuration, bidding support and construction management support for each site.]

6 COMPENSATION

West Yost 2023 Billing Rate Schedule

(Effective January 1, 2023 through December 31, 2023)*

Positions	Labor Charges (Dollars per Hour)
ENGINEERING	
Principal/Vice President	\$318
Engineer/Scientist/Geologist Manager I / II	\$303 / \$315
Principal Engineer/Scientist/Geologist I / II	\$273 / \$288
Senior Engineer/Scientist/Geologist I / II	\$244 / \$255
Associate Engineer/Scientist/Geologist I / II	\$204 / \$217
Engineer/Scientist/Geologist I / II	\$163 / \$190
Engineering Aide	\$95
Field Monitoring Services	\$118
Administrative I / II / III / IV	\$85 / \$108 / \$131 / \$144
ENGINEERING TECHNOLOGY	
Engineering Tech Manager I / II	\$312 / \$315
Principal Tech Specialist I / II	\$286 / \$297
Senior Tech Specialist I / II	\$262 / \$276
Senior GIS Analyst	\$238
GIS Analyst	\$225
Technical Specialist I / II / III / IV	\$168 / \$192 / \$216 / \$241
Technical Analyst I / II	\$121 / \$144
Technical Analyst Intern	\$97
Cross-Connection Control Specialist I / II / III / IV	\$125 / \$136 / \$152 / \$170
CAD Manager	\$190
CAD Designer I / II	\$147 / \$165
CONSTRUCTION MANAGEMENT	
Senior Construction Manager	\$306
Construction Manager I / II / III / IV	\$185 / \$199 / \$212 / \$268
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	\$163 / \$181 / \$201 / \$209
Apprentice Inspector	\$147
CM Administrative I / II	\$79 / \$106
Field Services	\$210

* This schedule is updated annually

West Yost 2023 Billing Rate Schedule (continued)

(Effective January 1, 2023 through December 31, 2023)*

- Technology and Communication charges including general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses will be billed at 6% of West Yost labor.
- Outside Services such as vendor reproductions, prints, shipping, and major West Yost reproduction efforts, as well as Engineering Supplies, etc. will be billed at actual cost plus 15%.
- The Federal Mileage Rate will be used for mileage charges and will be based on the Federal Mileage Rate applicable to when the mileage costs were incurred. Travel other than mileage will be billed at cost.
- Subconsultants will be billed at actual cost plus 10%.
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates. Expert witness testimony and depositions billed at 200% of standard hourly rates.
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice.

Equipment Charges

EQUIPMENT	BILLING RATES
2" Purge Pump & Control Box	\$300 / day
Aquacalc / Pygmy or AA Flow Meter	\$28 / day
Emergency SCADA System	\$35 / day
Field Vehicles (Groundwater)	\$1 / mile
Gas Detector	\$80 / day
Generator	\$60 / day
Hydrant Pressure Gauge	\$10 / day
Hydrant Pressure Recorder, Impulse (Transient)	\$55 / day
Hydrant Pressure Recorder, Standard	\$40 / day
Low Flow Pump Back Pack	\$135 / day
Low Flow Pump Controller	\$200 / day
Powers Water Level Meter	\$32 / day
Precision Water Level Meter 300ft	\$30 / day
Precision Water Level Meter 500ft	\$40 / day
Precision Water Level Meter 700ft	\$45 / day
QED Sample Pro Bladder Pump	\$65 / day
Stainless Steel Wire per foot	\$0 / day
Storage Tank	\$20 / day
Sump Pump	\$24 / day
Transducer Components (per installation)	\$23 / day
Trimble GPS – Geo 7x	\$220 / day
Tube Length Counter	\$22 / day
Turbidity Meter	\$30 / day
Vehicle (Construction Management)	\$10 / hour
Water Flow Probe Meter	\$20 / day
Water Quality Meter	\$50 / day
Water Quality Multimeter	\$185 / day
Well Sounder	\$30 / day

* This schedule is updated annually

APPENDIX A - RESUMES

Table of Contents

- **Contract Manager**
 - Vanessa Apodaca, PE
- **Principal-in-Charge**
 - Elizabeth Drayer, PE
- **Technical Advisor**
 - Jim Connell, PE
- **Key Staff**
 - Amy Kwong, PE
 - Andy Smith, PE
 - Patrick Johnston, PE
 - Doug Moore, PE
 - Jeff Wanlass, PE
 - Timothy Banyai, PE
 - Polly Boissevan, PE, D. WRE



Vanessa Apodaca, PE

Contract Manager

Vanessa Apodaca specializes in municipal program planning and management and infrastructure planning, design, construction, and maintenance. Vanessa has served in engineering management and supervisor roles for two cities and one district in northern California and has managed planning, design, permitting, funding, and construction of capital improvement projects for many more municipalities. Vanessa couples her experience and expertise with strong communications skills and problem-solving abilities.



STAFF TITLE: Senior Engineer II

YEARS OF EXPERIENCE: 18

PROFESSIONAL REGISTRATIONS

- Professional Civil Engineer, California No. 74824

EDUCATION

- BS, Civil Engineering, California Polytechnic State University, San Luis Obispo

EXPERIENCE

Consulting Interim City Engineer and Public Works Director, City of Cloverdale:

Municipal engineering and department management, including regular coordination with partner and regulatory agencies, City staff, consultants, contractors, and the public; fiscal budget recommendations; funding applications and grant administration; construction management oversight; administer contracts for various subconsultants and contractors pertaining to regulatory reports, planning studies, and capital projects; incidental transportation engineering; regional and City drought response; encroachment permit applications, conditions of approval, and inspections; MS4 stormwater permit compliance, annual reporting, and construction site inspections; City council agenda reports, recommendations, and resolutions; various City Council, subcommittee, and City staff meetings; development plans, maps, and other supporting technical documentation for subdivisions, infill development, tenant improvements, building permits, lot line adjustments, and annexations. Experience includes drainage infrastructure, Low Impact Development facilities, collection system, wastewater treatment, distribution system, water treatment, and roadway improvements. Received a commendation from Cloverdale Police Chief for teamwork. Projects include:

- 2021 Urban and Multibenefit Drought Relief Grant Program. Successfully obtained \$3M in funding for City-wide drought relief projects including rehabilitation of two water supply wells, Supervisory Control and Data Acquisition (SCADA) expansion, and water meter upgrades. Grant administration is ongoing.

Consulting City Engineer, City of Angels, CA: Municipal engineering and project management, including preparing capital improvement and public works improvement plans, specifications, cost estimates, technical reports, treatment plant and distribution system operations and management plans, water balances, regulatory compliance documents, funding applications and grant administration, presentations, construction management, site inspections, development review, and City Council meetings and workshops. Experience includes drainage, sidewalks, road and site work, water and wastewater treatment, collection and distribution systems, and effluent disposal. Projects include:

- Waste Discharge Requirement for NPDES permit renewal for the City of Angels Wastewater Treatment Facility tertiary effluent storage and discharge facilities: The work included preparation of Form 200 and associated documentation, including identification of effluent constituents, coordinating sampling and

laboratory analysis, characterization of flows including water balances, descriptions and schematic drawings of all treatment process and facilities. The permit renewal application also included a new tertiary treated effluent discharge facility in Angels Creek to supplement the existing effluent disposal by irrigation. This work involved close coordination with the Central Valley Regional Water Quality Control Board to construct, test, and subsequently successfully operate the new creek discharge facility. Creek discharge testing included dye-studies and laboratory analyses for fish and plant survival.

- Assistance with regulatory enforcement against the City of Angels for various Notices of Violation related to effluent disposal spray fields. The City had accumulated several Notices of Violations over a span of several years for treated effluent spills related to deteriorating spray field infrastructure. The work included close coordination with the City Administrator, City Chief Operator, and Central Valley Regional Water Quality Control Board staff and legal counsel to address the violations, negotiate for non-monetary enforcement response, and prepare the Compliance Report. Compliance was achieved with a subsequent Spray Field Infrastructure Improvement Project. This work included preparation of plans, specifications and estimate as the engineer of record.

Technical Support Services, Russian River Watershed Association (RRWA), CA: Project Management of the annual RRWA Work Plan on behalf of 10 member agencies including several incorporated cities, two counties, and one special district. The work involves ongoing coordination with elected officials, agency staff and the public through regularly scheduled public meetings and outreach programs. Vanessa manages the various Work Plan programs including meeting presentations, agendas, handouts, and minutes; development of subsequent annual work plans; promotion and sponsorship of local clean-up events; outreach strategies including a regional integrated pest management (Our Water Our World) contract, restaurant placemats, publication of monthly environmental articles, website maintenance, interactive watershed atlas, social media accounts and campaigns, the Russian River Friendly Landscaping program, and regional safe medicine disposal program; regulatory advocacy, including regular coordination with North Coast Regional Water Quality Control Board Executive Officer and staff, reviewing proposed regulatory initiatives, technical assistance with member agencies' MS4 permit compliance and renewal; and participation in California Stormwater Quality Association (CASQA) Phase II and Public Information/Public Participation Subcommittees.

Consultant Project Engineer or Assistant City Engineer and Consulting District Engineer for Hidden Valley Lake CSD:

Clients included: City of Jackson, City of Sutter Creek, City of Lone, City of Plymouth, City of Angles, Calaveras Public Utilities District, Calaveras County Water District, Amador Regional Sanitation Authority, Murphys Sanitation District, Union Public Utilities District, Wallace Community Services District, City of Santa Rosa, and various private water utilities. Projects included

- Various Capital Improvement/ Public Works Project Plans and Specifications: Engineer of Record for South Main Street Waterline Replacement Project for CPUD; Jeff Davis Water Treatment Plant Project for access road, culvert, and ditch improvements for CPUD; Gold Cliff Sewer Repair Project for City of Angels; Altaville Sewer Repair & Replacement for City of Angels; Effluent Spray Field Replacement Project for City of Angels; Donahue St., Boyce St., and Decker St. Sewer and Water Replacement Project for City of Santa Rosa; Central Eureka Mine Park Project, a Brownfield site cleanup and access road improvement for City of Sutter Creek; various street overlay and Safe Routes to School projects for City of Angels.
- Typical tasks included: engineering design and preparation of project plans, specifications, and engineer's estimates, including oversight of design support staff. Project management and coordination with surveyors, agency staff, outside consultants, property owners, and contractors. Held pre-bid meetings and established construction budgets and schedules. Performed bid openings, presentations to City Council, and various construction management tasks, including approving contractor submittals, site inspections, addressing field changes, contract change orders, and grant administration, where appropriate.
- Prepared various regulatory compliance documents, including: Sanitary Sewer Management Plans for City of Angels, Murphys Sanitary District, and Hidden Valley Lake Community Services District; Water Treatment Plant Operations Plans for City of Angels, Wallace Community Services District, Union Public Utilities District; Operations and Maintenance Manual and Spill Response Plan for Amador Regional Sanitation Authority; NPDES Permit Application Renewal for City of Angels; Effluent Spray Field Notice of Violation and Compliance Report for City of Angels; Hazardous Materials Management Plan for Hidden Valley Lake CSD Water And Wastewater Treatment Facilities. Prepared Alternatives Evaluation and Preliminary Design Report for West Point and Wilseyville Treatment Facilities Consolidation Project for CCWD for Clean Water State Revolving Fund grant.



Elizabeth Drayer, PE

Principal-in-Charge

Elizabeth specializes in water resources engineering and coordinating multi-discipline projects. She has experience leading water resources planning studies and design projects. She specializes in water supply and infrastructure master planning and has prepared more than 24 water and utility master plans, more than 20 water supply assessments, and more than 30 urban water management plans. She has also prepared many other studies and plans for clients including groundwater studies, drought response and water shortage contingency plans, facility operations plans, and emergency operations plans involving the evaluation of existing facilities, evaluation of existing and future water demands, identification of system deficiencies and needs, evaluation of water supply alternatives, and development of recommendations for capital improvements. She has prepared preliminary and detailed designs for water supply facilities such as pipelines, pump stations, reservoirs, and canals. Elizabeth is a West Yost Vice President and serves on West Yost's Board of Directors.

EXPERIENCE

Water Master Plan Update, City of Garden Grove, CA: QA/QC reviewer for Water Master Plan Update for the City of Garden Grove, a community of 160,000 in north-central Orange County. The focus of the master plan was to address system capacity needs, evaluate facilities condition, assist the City with its asset management program, and update the City's SCADA master plan. For the project, West Yost updated the distribution system hydraulic model, conducted a field program to collect hydrant flow test data, calibrated the model pipeline roughness values using the field data and verified the model comparing model operations to SCADA data. The hydraulic model was used to evaluate normal and emergency operations for existing and future demand conditions. As part of the project, West Yost also prepared a SCADA Master Plan update, performed a facilities condition assessment of the City's wells and pump stations, and prepared an Asset Management Plan.

Water Master Plan Update, City of Milpitas, CA: Project Manager for an update to the Water Master Plan for the City of Milpitas, which also includes a Water Utility Asset Condition Assessment and a Risk and Resiliency Assessment and Emergency Response Plan in compliance with the America's Water Infrastructure Act of 2018. The Water Master Plan included an update and calibration of the City's water system hydraulic model, evaluation of recent water use trends and development of future water use projections based on planned development, hydraulic analysis of the City's water system to identify needed water system improvements, and development of a prioritized capital improvement program for implementation of recommended improvements.

2020 Water Master Plan, City of Sacramento, CA: Project Manager for the preparation of the City's 2019 Water Master Plan. Tasks include evaluation of existing and future demands, including the impacts of the passages of SB 606 and AB 1668, which will establish urban water use efficiency standards for residential indoor water



STAFF TITLE: Vice President

YEARS OF EXPERIENCE: 34

PROFESSIONAL REGISTRATIONS

- Professional Civil Engineer, California No. 46872

EDUCATION

- MS, Structural Engineering, University of California, Berkeley
- BS, Civil Engineering, University of California, Berkeley

CERTIFICATIONS

- Underground Storage Tank Installation
- UC Davis Extension, 32-hour Course, Groundwater Hydrology
- UC Davis Extension, 32-hour Course, Principles of Toxicology

PROFESSIONAL AFFILIATIONS

- American Society of Civil Engineers
- American Water Works Association
- Association of California Water Agencies
- WaterReuse Association

use, residential outdoor water use, commercial, industrial and institutional outdoor irrigation use, and water losses. The City's existing water supplies will be reviewed, and future potential supply alternatives will be evaluated. A prioritized capital improvement program will be developed to meet the City's needs through buildout of the City's General Plan.

Citywide Water System Master Plan Update, City of Tracy, CA:

Project Manager for the development of a Citywide Water System Master Plan for the City of Tracy to provide an evaluation of the required backbone potable and recycled water system facilities required to serve buildout of the City's General Plan. Tasks included developing proposed policies for future water use and water conservation programs; preparing a water supply plan to meet the City's projected water demands through buildout of the General Plan utilizing the City's existing water supplies (including surface water supplies purchased from the Bureau of Reclamation, treated surface water purchased from the South San Joaquin Irrigation District's South County Surface Water Supply Project, and local groundwater) and proposed future water supplies; evaluating water supply costs and developing a recommended development impact fees for water supply and water treatment; and working with the City's EIR consultant to document the potential environmental impacts of the recommended Master Plan facilities.

Water System Master Plan and Capacity Reserve Fee Study, Dublin San Ramon Services District, Dublin, CA:

Project Manager for the preparation of a Water System Master Plan and Capacity Reserve Fee Study for the District. Tasks included a review and update of the District's system performance criteria; development of potable and recycled water demand projections; update of hydraulic water system models for the potable and recycled water systems; hydraulic analysis of existing and future conditions including 2020, buildout (based on adopted general plans), and ultimate planning horizons; development of a prioritized capital improvement plan; and performance of a water system capacity reserve fee study.

Water Master Plan Connection Fee Analysis, Dublin San Ramon Services District, Dublin, CA:

Project Engineer for the evaluation of connection fees for the recommended capital improvement program for the District's recommended potable water and recycled water facilities. The evaluation included a facility cost allocation to District service areas, based on the areas deriving benefit from each of the recommended facilities which included new transmission pipelines, pump stations and reservoirs, to assess service area-specific connection fees.

UC Berkeley Campus Infrastructure Master Plan and Renewal Investment Strategy, University of California at Berkeley:

Project Manager for the development of an infrastructure master plan for the University's central campus infrastructure systems including potable water, sanitary sewer, storm drain, steam/condensate, natural gas and electrical systems. Phase 1 tasks included review of previously prepared reports, interview of operations and maintenance staff, site visits, and closed-circuit television (CCTV) inspections of key sanitary sewer and storm drain lines to evaluate and document the condition of the existing facilities and develop recommendations for additional testing, operations and maintenance activities and capital improvements. Phase 2 tasks included an evaluation of the University's future needs and the ability of existing infrastructure to meet those needs. A prioritized capital improvement plan was developed to provide the University with an implementable plan to meet future needs on the campus. Responsibilities as Project Manager included coordination with the University's project manager as well as other University staff, coordination with the project team (including subconsultants), conducting project status meetings with the University and project team, maintaining an action item list with responsibilities and due dates, developing and monitoring adherence with the project schedule, and review of project team work products and compilation of findings and recommendations.

Water Master Plan, City of Modesto, CA: Project Engineer for the evaluation of existing and potential future water supplies for the City of Modesto in conjunction with the development of the Water Master Plan. Tasks included evaluation of the availability and reliability of the City's treated surface water supplies purchased from the Modesto Irrigation District and treated at the Modesto Regional Water Treatment Plant, and local groundwater supplies pumped from 110 wells located throughout the City. Evaluation of future water supplies included an evaluation of groundwater quality issues, the feasibility of implementing an aquifer storage and recovery program, and the potential for acquisition of additional surface water supplies. Conjunctive use of the City's available and projected surface water and groundwater supplies was also evaluated with respect to seasonal demand patterns and operational issues.

Water Supply and Facilities Master Plan for the Hawaii

Water Service Ka'anapali District, Maui, HI: Project Engineer for the evaluation of available groundwater supplies for the Hawaii Water Service's Ka'anapali District. Tasks included evaluation of the groundwater basin characteristics (including geology, groundwater flow and recharge, groundwater levels), existing and proposed groundwater pumpage from the basin, groundwater yield estimates, and groundwater quality concerns. Evaluation findings were used to recommend future water supply options to serve the District's future water supply needs.



Jim Connell, PE

Technical Advisor

Jim Connell is a civil engineer with a focus in water and sewer master planning and design, including condition assessments, flow monitoring, computer modeling, rehabilitation planning, cost estimating, and capital improvement program development. He has extensive experience in planning and design of municipal infrastructure systems and has completed successful designs for a variety of facilities, including major expansion, rehabilitation, and new construction at a number of water and wastewater treatment plants in California and New England. His assignments have included project management and engineering for water and wastewater system master planning, inflow and infiltration studies, and remedial design. Other design experience includes water, sanitary wastewater, and industrial wastewater treatment systems; gravity sewers; storm water collection; potable water distribution and storage; and, water, wastewater and industrial wastewater pump stations. Other experience includes developing sanitary wastewater, storm water, and water distribution system models; and developing water system unidirectional flushing programs.

EXPERIENCE

General Plan Update EIR, City of St. Helena, CA: The City of St. Helena has recently completed updating its General Plan and is preparing the General Plan Environmental Impact Report. West Yost prepared the Water and Wastewater Utility sections of the EIR.

Engineering Support for Water Rights Issues, City of St. Helena, CA: Provided engineering support for water rights issues including developing a water balance around the surface water reservoir to calculate the maximum amount of water put to beneficial use and to assist in evaluating the effectiveness of reservoir operations in regards to reservoir bypass quantities and direct diversion versus storage requirements.

Water Supply Policy Projects, City of St. Helena, CA: Evaluated the potential impacts and necessary water conservation efforts to comply with a proposed water supply policy. Part of this project work was to develop a water supply spreadsheet model that would act as both a predictive tool and an operations tool to assist the City in determining which water supplies should be operated at a particular time, to recommend which water shortage emergency phase the City should initiate, and to predict the available water supplies for several years in the future.

Water Ordinance Revisions, City of St. Helena, CA: Re-structured the City's water use ordinances to more effectively trigger water shortage emergency phases based on better predictions of available water supplies, reduce the amount of time the City is in the lower water shortage emergency phases, and encourage more responsible use of the water resources.



STAFF TITLE: Principal Engineer II

YEARS OF EXPERIENCE: 30

PROFESSIONAL REGISTRATION

- Professional Civil Engineer, California No. 63052

EDUCATION

- MS, Civil Engineering, University of Wyoming, Laramie, WY
- BS, Civil Engineering, Worcester Polytechnic Institute, Worcester, MA

Dwyer Road Pump Station Feasibility Level Design Memorandum and Final Design, City of Napa, CA:

Developed a Feasibility Level Design Memorandum to assist the City of Napa in constructing a booster pump station at the existing Dwyer Road flow control station, thereby creating an up-valley pressure zone and enabling utilization of the City's existing clearwell storage at the Hennessey water treatment plant. Work included pump sizing and selection, alternative pump configuration layouts, working with City staff to ensure City goals and criteria were met, working with structural and electrical sub-consultants, coordinating with the hydraulic modeling and transient surge analysis team so that modeling findings and recommendations are included in the design constraints, and preparing the Design Memorandum. Design work included preparing options analysis of three pump station configurations and development of bid documents (plans and specifications). Facilities included a firm capacity of 6,250 gpm (9 mgd) with two, 10,000 gallon pressurized bladder tanks (one on suction side and one on discharge side), a 500 gallons surge tank at the turnout of each of the City's two primary customers' (the Cities of St. Helena and Calistoga). The pump station is part of the City's overall water supply strategy to maximize its use of State Water Project Water, as delivered through the North Bay Aqueduct and treated at the Jamieson Canyon Water Treatment Plant, and to hold in reserve the local water supply stored in Lake Hennessey and treated at the Hennessey Water Treatment Plant for dry years.

On-Call Water System Consulting, City of Napa, CA:

Project Manager and technical advisor for several on-call water system consulting projects over several years including Falcon Ridge Hydraulic Issues and Tank Replacement, Alta Heights Pump Station and Pressure Tank Replacement, Westgate PRV and Hillcrest Pump Station Options, and Dwyer Road Temporary Pump Installation.

2050 Napa Valley Water Resources Study, Napa County Public Works, CA:

Developed municipal water demand and supply projections for the 2050 Napa Valley Water Resources Study for the Napa County Flood Control and Water Conservation District. The Project was developed to assist the valley municipalities in the development of an integrated water resources plan to serve water demands projected through 2050. This effort has included review and evaluation of the methodology and accuracy of the planning criteria used in past studies; refinement of the estimates of the County's total existing untreated and treated water demands, and projections of untreated and treated water demands for future demand areas. The primary focus was on agricultural areas, rural residential, and M&I growth consistent with approved General Plans. West Yost quantified the yield available from each of the following sources—local surface water (existing reservoirs, direct

diversion and use, and direct diversion and storage in a new or expanded reservoir), imported surface water, recycled water, and groundwater. Demands were compared with supplies available, and deficits were identified for projected hydrologic conditions. Alternatives were developed and analyzed to provide information on which the local agencies can base decisions for future expenditures on infrastructure, including improvements to the imported water system, recycled water and treated water storage and distribution facilities throughout the valley, and groundwater banking and production facilities. This work has included regular contact with the Water Resources Technical Advisory Committee and coordination with a number of state and federal agencies. The ultimate product for this work was the development of a long-range plan to integrate all the valley resources into an effective program that will maximize the yield from all available water resources for use in a coordinated and shared manner by all the valley urban agencies and the agricultural community.

Emergency Groundwater Supply Program, City of Santa Rosa, CA:

Assistant Program/Project Manager for City of Santa Rosa Emergency Groundwater Supply Program. In its 2013 Groundwater Master Plan (prepared by West Yost), the City identified a need for additional groundwater supply sources to serve potable water during emergency conditions. The City's emergency groundwater program started several years ago with a test well program. This first emergency well design project will construct an emergency groundwater supply well in the vicinity of the Martha Way Test Well, one of the most promising of the recently completed test wells. Work included a siting study to determine the optimal parcels for acquisition by the City, preparation of presentation materials to provide to property owners, preliminary design of the pump station facility, preparation of final bid plans and specifications for both drilling of the emergency well and equipping of the emergency well, construction management, and engineering services during construction of the well and above-grade facilities.



Polly Boissevain, PE, D.WRE

Master Planning and System Modeling

Polly Boissevain is an engineer with professional experience in water resources planning, with extensive experience in distribution system master planning and hydraulic modeling of water systems, both steady-state and transient analysis for closed conduit flow. She has managerial experience for a variety of water resources projects in planning, design, and operations.

EXPERIENCE

Water System GIS Update, City of Fairfield, CA: Project Manager responsible for managing the update of the City's water system GIS data. Specific tasks included reviewing the City's existing GIS and making recommendations for using the ESRI Local Government Information Model. The new GIS structure was then validated using available topology tools to verify the integrity of the GIS and to help facilitate its conversion to a hydraulic model. A utility map book and training workshop were also developed as requested by the City.

Water Master Plan Update, City of Garden Grove, CA: Project Manager for a multi-faceted water master plan update for the City of Garden Grove, a community of 160,000 in north-central Orange County. The City is close to built out and the focus of the master plan is addressing system capacity needs, evaluating facilities condition, assisting the City with its asset management program, and updating the City's SCADA master plan. For the project, West Yost updated the distribution system hydraulic model, conducted a field program to collect hydrant flow test data, calibrated the model pipeline roughness values using the field data and verified the model comparing model operations to SCADA data. The hydraulic model was used to evaluate normal and emergency operations for existing and future demand conditions. As part of the project, West Yost also prepared a SCADA Master Plan update, performed a facilities condition assessment of the City's wells and pump stations, and is preparing an Asset Management Plan. West Yost will be developing a prioritized capital improvement program to address the City's needs.

2021 Water System Master Plan Update, City of San Bruno, CA: Project manager for the update of the City's 2012 Water System Master Plan. As part of the Water System Master Plan Update, West Yost updated the City's all-pipe distribution system network hydraulic model using the City's GIS and calibrated the model with hydrant test data collected for the project. West Yost developed demand projections and evaluated the distribution system's hydraulic capacity, under existing and future conditions, identifying improvements to improve system capacity. West Yost also conducted a facilities condition assessment of the City's pump stations and tanks, and a risk assessment of the City's pipelines to identify renewal and replacement needs. West Yost developed a comprehensive, prioritized Water System Master Plan to address capacity and renewal and replacement needs. The Master Plan also included a high-level rate evaluation to assess the impacts of different levels of funding on rates. The project was completed in 2021.



STAFF TITLE: Engineering Manager II

YEARS OF EXPERIENCE: 39

PROFESSIONAL REGISTRATIONS

- Professional Civil Engineer, California No. 36164, Oregon No. 76795
- American Academy of Water Resources Engineers (AAWRE), Diplomate, Water Resources Engineer (D.WRE)

EDUCATION

- MS, Civil Engineering, Cornell University
- BS, Civil Engineering, Stanford University

PROFESSIONAL AFFILIATIONS

- American Society of Civil Engineers
- American Water Works Association

Water Master Plan Update, City of Milpitas, CA: QA/QC for an update to the Water Master Plan for the City of Milpitas, which also includes a Water Utility Asset Condition Assessment and a Risk and Resiliency Assessment and Emergency Response Plan in compliance with the America's Water Infrastructure Act of 2018. The Water Master Plan included an update and calibration of the City's water system hydraulic model, evaluation of recent water use trends and development of future water use projections based on planned development, hydraulic analysis of the City's water system to identify needed water system improvements, and development of a prioritized capital improvement program for implementation of recommended improvements.

Water Treatment Plant and Distribution System Master Plan, City of Yuba City, CA: Project Manager for a comprehensive master plan update that included developing a new hydraulic model for the City in InfoWater, providing a completed evaluation of the distribution system performance for existing and future demand conditions, including evaluations of system capacity and pressure, distribution system water quality, and performance of the system for different outage scenarios. West Yost also evaluated the future system configuration to assess transmission and distribution system needs to distribute water from the Water Treatment Plant to future growth areas. Based on the analysis results, West Yost developed a list of necessary improvements to address existing deficiencies, serve the City's future growth areas, and a phasing plan to serve near-term development. The Master Plan also included an asset evaluation for key facilities and linear assets and used InfoMaster Water to develop a risk assessment model for City's water distribution pipelines.

Water System Master Plan and Capacity Reserve Fee Study, Dublin San Ramon Services District, Dublin, CA: QA/QC Reviewer for the preparation of a Water System Master Plan and Capacity Reserve Fee Study for the District. Tasks included a review and update of the District's system performance criteria; development of potable and recycled water demand projections; update of hydraulic water system models for the potable and recycled water systems; hydraulic analysis of existing and future conditions including 2020, buildout (based on adopted general plans), and ultimate planning horizons; development of a prioritized capital improvement plan; and performance of a water system capacity reserve fee study.

Water Master Plan, City of Stockton, CA: QA/QC for an update to the Water Master Plan that evaluates water system infrastructure needs and an updated capital improvement plan that supports buildout of the recently-updated Envision Stockton 2040 General Plan. Project tasks include confirmation of goals, strategies, and priorities for the City's water system; update and calibration of the City's water

system hydraulic model; evaluation of recent water use trends and development of future water use projections based on planned development; hydraulic analysis of the City's water system to identify needed water system improvements; and development of a prioritized capital improvement program to implement recommendations. West Yost will provide training for City staff on the update and use of the hydraulic model, and West Yost will provide multi-year technical support for model updates and hydraulic analysis of proposed development projects.

Water Master Plan Update, City of Menlo Park, CA: Project Manager for a comprehensive water master plan update for the City. West Yost prepared a multi-faceted water master plan update for the City. In addition to evaluating the City's water system for its capacity to meet existing demands and future growth, the master plan also included a comprehensive mapping program using hand-held GPS units to map the City's water meters and valves, an assessment of alternative water supplies, including recycled water and gray water, a system-wide condition assessment, using soils information and leak history to prioritize main replacement, a seismic vulnerability assessment to identify improvements to seismically reinforce the system, a water age evaluation to identify and mitigate areas with potential water quality issues, an operations and maintenance review to evaluate existing maintenance programs and staffing, and an advanced meter infrastructure evaluation to assess options to automate the City's meter reading program.

On-Call Hydraulic Modeling Support, Eastern Municipal Water District, Perris, CA: Principal-in-Charge for hydraulic modeling projects for Eastern Municipal Water District on an as needed basis. The District serves customers in a 550 square mile area in western Riverside County. The potable water system has five major service areas with a total of 70 pressure zones. The District's hydraulic model has over 31,000 pipeline features and approximately 25,000 nodes. West Yost used the hydraulic model to provide requested support to the District for several different projects. Requested evaluations have included looking at the Romoland and Murrieta booster pump stations and determining alternatives for rebuilding these pump stations. Four alternatives were evaluated using the hydraulic model to determine hydraulic impacts to the system, improvement requirements, and preliminary cost comparison of the alternatives. The hydraulic model has also been used to support Winchester Hills development in determining how many EDUs could be constructed prior to major storage and pumping improvements were required.



Amy Kwong, PE

Master Planning and System Modeling

Amy Kwong is a water resources engineer with a focus in water master planning, water supply and facilities planning, hydraulic modeling, and the design of water system infrastructure. She has contributed to the development of many water master plans throughout California.

EXPERIENCE

Water System Hydraulic Model Development, City of Fairfield, CA: Project Manager responsible for managing and performing QA/QC on the development and calibration of the City's water system hydraulic model. Specific tasks included importing the City's pipelines, pump stations, and reservoirs into InfoWater using the City's Phase 1 GIS updates and record drawings; reviewing and updating the network connectivity with input from City staff; and spatially allocating existing water demands using historical meter data. Calibration and verification tasks included placing hydrant pressure recorders and conducting hydrant tests; calibrating the pipeline roughness factors using steady state hydrant test simulations; and verifying extended period operations using data collected by hydrant pressure recorders. The hydraulic model was successfully validated to confirm the model's effective use as a planning and operational tool. After completion of the model calibration, various demand planning scenarios were also developed in the hydraulic model.

Water System GIS and Hydraulic Modeling On-Call Services, City of Fairfield, CA: Project Manager/performed QA/QC for a six-year on-call contract to update and maintain the City's water system GIS and hydraulic model. GIS updates are to be performed monthly and will follow an organized structure, as defined in a flowchart developed for the project. Hydraulic model updates are to be conducted annually, with additional modeling evaluations to be conducted on an as-requested basis.

Water Master Plan Update, City of Garden Grove, CA: Task Leader responsible for developing updated demand projections for the City's Water Master Plan to recommend and prioritize capital improvement projects for a 20-year planning horizon. Demand projections were developed with spatial locations to provide a more accurate future demand allocation in the water system hydraulic model. Discussions were held with the City's Planning Department to better understand the timing of future development and to identify the appropriate assumptions for Accessory Dwelling Units (ADUs).

Water System Master Plan, City of San Bruno, CA: Project Engineer responsible for developing a water system master plan and hydraulic model to recommend and prioritize capital improvement projects for a 20-year planning horizon. Tasks included conducting a facility assessment of the City's tanks, wells, and pump stations; reviewing water system facilities data; and developing a hydraulic model to evaluate the City's existing and future water systems. Results from the existing and future water system evaluations were used to develop a comprehensive capital improvement program. Hydraulic model development included calibration using field data collected from hydrant tests.



STAFF TITLE: Principal Engineer II

YEARS OF EXPERIENCE: 18

PROFESSIONAL REGISTRATIONS

- Professional Civil Engineer, California No. 73213

EDUCATION

- MS, Civil and Environmental Engineering, Stanford University, Stanford, CA
- BS, Civil and Environmental Engineering, San Jose State University, San Jose, CA

PROFESSIONAL AFFILIATIONS

- American Water Works Association
- American Society of Civil Engineers
- Bay Area Water Works Association
- Water Education Foundation, 2013 Water Leaders Class

Water Master Plan Update, City of Milpitas, CA: Project Engineer for an update to the Water Master Plan for the City of Milpitas, which also includes a Water Utility Asset Condition Assessment and a Risk and Resiliency Assessment and Emergency Response Plan in compliance with the America's Water Infrastructure Act of 2018. Created and calibrated hydraulic model based on the City's GIS database, record drawings, and hydrant tests. Refined the City's water use factors by linking water meter data to existing land uses. Simulated a range of demand and outage conditions for the existing and future water system and identified capital improvement projects to mitigate existing deficiencies and meet the needs of future developments.

Citywide Water System Master Plan, City of Tracy, CA: Project Engineer responsible for developing and analyzing unit water demand factors to project future water demands based on the City's adopted General Plan land uses. Additional tasks included updating the City's existing potable water system hydraulic model and developing a new recycled water system model to be used for analyzing future water demands and subsequently identify required backbone infrastructure to serve buildout of the adopted General Plan. Improvement projects identified from the hydraulic model evaluations were used to develop a comprehensive capital improvement plan. An additional Operations Guide was developed after the Citywide Water Master Plan to provide City operations staff with a document outlining the recommended water system operational strategies during typical winter and summer demand periods. The Operations Guide also evaluated the impacts to the existing water system from proposed near-term infrastructure improvements.

Water System Master Plan and Capacity Reserve Fee Study, Dublin San Ramon Services District, Dublin, CA: Project Engineer responsible for the development of potable and recycled water demand projections. Additional tasks included development of specific tools to allow District staff to easily update water demand projections in the hydraulic model and training for District staff on using the hydraulic model and demand projection tools.

Water System Hydraulic Model Calibration and Verification, City of Napa, CA: Project Manager. West Yost is performing static calibration and dynamic verification of the City's water system hydraulic model. In coordination with City staff, West Yost conducted hydrant tests to confirm the roughness coefficients (C-factors) of pipelines throughout the water system. The City's hydraulic model was calibrated to match observed field conditions. Following model calibration, West Yost is proceeding with dynamic verification for summer and winter conditions, which consists of developing extended period simulations that generally mimic observed trends over a 48-hour period. Diurnal demand patterns were also developed as part of the verification process.

Water Master Plan, City of Healdsburg, CA: Project Manager responsible for leading the development of the City's Water Master Plan update. The update process included the development and calibration of a new hydraulic model to represent the City's water system. Improvement projects identified from the hydraulic model evaluations were used to develop a comprehensive and prioritized capital improvement plan to address deficiencies in the City's existing water system.

Water Facilities Master Plan Update, Eastern Municipal Water District, Perris, CA: Project Engineer responsible for the hydraulic evaluation of the San Jacinto Valley service area. Project tasks included updating the hydraulic model with new facilities not in the GIS, validating the hydraulic model through comparisons with field operating data, preparing hydraulic evaluations to identify deficiencies and needed improvements, developing cost estimates for capital facilities and documenting results of the master plan in a comprehensive report.

Transmission System Planning Update, Zone 7 Water Agency, Livermore, CA: Project Manager responsible for leading the development of the City's Water Master Plan update. The update process included the development and calibration of a new hydraulic model to represent the City's water system. Improvement projects identified from the hydraulic model evaluations were used to develop a comprehensive and prioritized capital improvement plan to address deficiencies in the City's existing water system.

Water Master Plan, City of Modesto, CA: Project Engineer responsible for developing the City's buildout water demand projections and updating the water demands in the hydraulic model. Directed and performed QA/QC on the hydraulic model calibration (using steady state hydrant test simulations) and verification (using extended period simulations) as well as the existing and buildout water system hydraulic evaluations. Results from the existing and buildout water system evaluations will be used to develop a comprehensive capital improvement program.

Water System Master Plan, City of Hayward, CA: Project Engineer responsible for developing a water master plan and hydraulic model to recommend and prioritize capital improvement projects for a 25-year planning horizon. Tasks included reviewing water system facilities data and developing a hydraulic model to evaluate the City's existing and future water systems. Specialized evaluations included a review of the City's standard operating procedures, an assessment of potentially using the City's emergency groundwater wells for potable water supply, and the development of a Sustainability Plan. Results from the existing and future water system evaluations were used to develop a comprehensive capital improvement program. Hydraulic model development included both static calibration using field data collected from hydrant tests and dynamic verification using a 24-hour period simulation.



Patrick Johnston, PE

Master Planning and System Modeling

Patrick Johnston is a civil engineer who focuses on the planning, design, and construction support services for water and wastewater systems and environmental projects. His experience includes preparing design plans and specifications, evaluating treatment alternatives, modeling wastewater and water hydraulic systems, developing utility master planning documents, preparing cost estimates, contract administration, construction survey layout and construction management for water supply and wastewater projects.

Patrick's experience includes collection system hydraulic modeling using a variety of software packages. Patrick has experience using water billing data to develop wastewater loads, calculating landuse-based flow factors and developing future flow projections based on planning documents and landuse data. Patrick has experience develop flow monitoring plans, analyzing flow monitoring data and using flow monitoring data to calibrate the dry weather and wet weather flow components for collection system models.

EXPERIENCE

Infiltration and Inflow Analysis/Hydraulic Model Update, Ross Valley Sanitary District, San Rafael, CA: Project engineer leading the recalibration of the hydraulic model in Infoworks. The District's existing hydraulic model was recalibrated with flow monitoring data from the 2014 wet season and then recalibrated with limited flow monitoring from the 2020 wet season. The goal was to analyze the effect of capital improvement projects that were performed between the two sets of flow monitoring data. Additional analysis was performed on available SmartCover data in an attempt to determine if certain types of rehabilitation or replacement projects were more effective in reducing inflow and infiltration. Recommendations for further SmartCover monitoring were developed.

Wastewater Master Plan, City of Stockton, CA: Project manager for the wastewater master plan for the City. Project focused on a system-wide flow monitoring program, inflow and infiltration analysis, development of a fully-dynamic hydraulic model and all model inputs using InfoSWMM, evaluation of the system under existing and future dry weather and wet weather flow events, and development of a capital improvement program. The project involved review of land use data and Significant Industrial Users that contribute flow to the sewer system. The model was developed from GIS, survey data and record drawings. The model was calibrated to measured dry weather and wet weather flows and used to evaluate the system under dry weather conditions and wet weather storm events for current and future flow conditions.

Inflow and Infiltration Reduction Services, City of Cotati, CA: Project manager leading the analysis of the wastewater collection system for opportunities to reduce inflow and infiltration (I&I) in the system. This included coordinating field work, documenting and analyzing the findings, and making recommendations for I&I reduction methods. West Yost analyzed available flow monitoring data to determine the type of I&I occurring within the collection system with the goal of reducing the yearly volume of wastewater



STAFF TITLE: Principal Engineer I

YEARS OF EXPERIENCE: 28

PROFESSIONAL REGISTRATIONS

- Professional Civil Engineer, California No. 59028

EDUCATION

- MS, Civil Engineering, Stanford University, Stanford, CA
- BS, Civil Engineering, Tufts University, Medford, MA

PROFESSIONAL AFFILIATIONS

- American Society of Civil Engineers
- Northern California Pipe Users Group

discharged to the wastewater treatment facility. Analysis revealed on-going groundwater infiltration during the wet season as a likely target. Initial recommendation is for CCTV inspection in the low-lying areas of the collection system, with continuing analysis for further recommendations.

Sewer Evaluation and Capacity Assessment Plan, City of Davis, CA: Project engineer responsible for development of a fully dynamic model of the wastewater collection system. Flows were based on a previously developed model. Updated GIS files were used to develop the hydraulic model and flow monitoring data was used to calibrate the model for both dry and wet weather flows. The model was then used to analyze system capacity, identify deficiencies and recommend improvement projects.

Castro Valley Sanitary District, Engineering Support, Castro Valley, CA: Provided engineering support to further analyze previously recommended improvement projects and provide alternative solutions. A portion of the system that contains particularly complex flow diversions was developed in InfoSWMM and refined with flow monitoring data to analyze alternatives.

Carmel Area Wastewater District, Carmel, CA: Project manager for projects to develop a hydraulic model of the existing wastewater collection system and to develop a 20-year capital improvement program. CCTV-based condition assessment information was incorporated with the results from the hydraulic model to develop a prioritized rehabilitation and replacement program. Cost estimates were developed for the proposed replacement projects and included in a database that provided a recommended approach for the rehabilitation and replacement program for the next 20 years.

Yosemite Valley Plan, U.S. Department of Interior, National Park Service, El Portal, CA: Engineering Support responsible for developing model of existing system using H2OMap Water and ArcView. The Yosemite Valley Plan and its Supplemental Environmental Impact Statement presents alternatives to improvements projects located within Yosemite Valley. The preferred alternative of this document included several improvements geared towards enhancing the ecological and cultural features of the Park. The Master Plan incorporated these changes into the infrastructure in a way that integrated the utilities into a common corridor for ease of access and minimal construction impact.

Participated in the planning of sewer locations to serve future facilities and completed construction cost estimate for master planning purposes. Major project activities included modifications to pipeline parameters within the H2OMap Sewer model, simulations, and updates of hydraulic output reporting for technical memorandum.

Mapping, Modeling, and Master Planning, City of San Jose, CA: Project Engineer responsible for development and calibration of a fully dynamic model of the sanitary sewer system for the central area of the city of San Jose, which included nearly 400,000 linear feet of pipe and approximately 1,500 manholes and pipes. The model was completed with Infoworks CS, from Wallingford Software, which was capable of dealing with the numerous flow splits and integrating results from separate modeling work that was being simultaneously performed for adjacent upstream and downstream areas of the City. The model was used to develop capacity improvement projects to resolve the capacity deficiencies. Projects were prioritized and assembled into a Capital Improvement Program of recommended projects for the City to implement over the next 20 years.

Gathered existing data and shape files from the City, and used them to develop mapping for the existing and future land uses in the Central area. Population estimates were developed from the land use mapping, which were then used to generate flows. Used the existing shape file information to develop the physical model network using Infoworks CS. Flow monitoring data was used to calibrate the model for dry weather and to develop contributing flows entering the Central area from adjacent areas that were not modeled. Results from concurrent modeling of adjacent areas that were modeled were used to include downstream backwater conditions, as well as incoming flows entering the central area from upstream areas. Design storms were developed to simulate typical wet weather conditions that result in significant inflow and infiltration. Wet weather flow monitoring was used to develop wet weather parameters for each sub-basin and then to calibrate the model for wet weather conditions.

The model was then run for existing conditions, short-term future conditions and long-term future conditions. Deficiency conditions were identified for each of the sets of modeling results, determining which pipes were not capable of transporting the model flows. The model was used to develop capacity improvement projects to resolve the capacity deficiencies. The projects were prioritized and assembled into a Capital Improvement Program of the recommended projects for the City to implement over the next 20 years.

Capacity and Infiltration/Inflow Assessment and CIP Development for Cease and Desist Order Compliance, City of Marysville, CA: Project Engineer responsible for creating a model of the City's existing wastewater collection system using H2OMap Sewer. Used water meter billing information and sewer return rates to develop flows for the model. Created a flow monitoring plan to measure existing wastewater flows under both dry and wet weather conditions. This information was used to perform complete calibration of the model, which was then used to analyze the capacity of the system under peak wet weather flows. Areas with insufficient capacity were identified.



Doug Moore, PE

Stormwater and Flood Resilience

Doug Moore is an engineer with experience in storm drainage facility master planning, stormwater computer modeling, facilities planning, preliminary design, design and specifications, construction and capital cost estimating, project permitting, and project management. He has hydrologic and hydraulic modeling expertise with XPSWMM (1 and 2 dimensional modeling), Sacramento SWMM, HEC-1, HEC-2, HEC-HMS, HEC-RAS, MOUSE, MIKE URBAN, and RiverFLO-2D. He has provided initial planning, detailed design, and construction period engineering services for four large detention basin projects, each of which created significant wildlife habitat areas. Doug has performed wastewater treatment plant planning and facility evaluations. He has prepared potable water demand estimates and facility evaluations. He is skilled at preparing potable water, wastewater, and stormwater evaluations for development specific plans, city and county wide general plans, and environmental impact reports. Doug is particularly skilled at quickly developing infrastructure concepts and plans that minimize construction costs without compromising system performance.

EXPERIENCE

Soscol Gateway Interior Drainage Project, City of Napa, CA: Project Engineer and Lead Modeler for this project. He reviewed previously prepared technical studies and schematic-level designs of two alternatives to convey overland drainage in the Soscol Gateway area. The project included hydrologic/hydraulic modeling of the existing floodplain and alternative improvement projects, coordination with private land owners, and coordination with the CEQA consultant and regulatory agencies (California Department of Fish and Wildlife, etc.). He developed a drainage plan that reduced the total project cost by about 40 percent under the previously considered alternatives. Also, the performance of the lower cost project has been verified as better than the performance of the previous plans. Doug performed the engineering evaluations for this project, which included confirmation of the sizing of a proposed USACE detention basin/pump station, evaluation of existing storm drains (sized for a 10-year storm) and channels to partially convey the 100-year storm flows, sizing of a proposed new pump station, and determination of the residual flooding depths and flow directions and velocities through 2-dimensional flood modeling using XPSWMM. The 2-dimensional flood modeling results were presented in easily understandable maps of floodwater depths (colored shading) and flow vectors (arrows depicting the direction and velocity) for existing conditions. From these existing conditions maps, improvements were developed that reduce the 100-year flooding to a level that will include only minor ponding in the public streets. Flooding depth and flow velocity maps were prepared for the improvement alternatives. By comparing the existing condition and improved conditions maps, the level of flood reduction is easily visualized and the benefit of the proposed improvements is understood.

Elk Grove Creek Detention Basin Study, City of Elk Grove, CA: Project manager on a study to evaluate detention basin opportunities to reduce the 100-year flooding along Elk Grove Creek. West Yost evaluated expanding four existing detention basins (DB10, DB11, DB12, and DB13) and evaluating four new detention basins and one



STAFF TITLE: Engineering Manager II

YEARS OF EXPERIENCE: 30

PROFESSIONAL REGISTRATION

- Professional Civil Engineer, California No. 58122, Nevada No. 19924

EDUCATION

- MS, Civil Engineering, University of California, Davis
- BS, Geology, University of Oregon
- BS, Mathematics, University of Oregon

PROFESSIONAL AFFILIATIONS

- North Bay Engineers Club
- California Stormwater Quality Association
- Floodplain Management Association

AWARDS

- California Water Environment Association, Sacramento Area Section 2011 Engineering Achievement Award – Dry Creek Levee Relocation at the Wastewater Treatment Plant, City of Roseville
- American Society of Civil Engineers, Sacramento Section 2011 Small Flood Control Project of the Year – Dry Creek Levee Relocation at the Wastewater Treatment Plant, City of Roseville

floodplain storage project (collectively called the “basins”). In the Phase 1 evaluation each of the basins was modeled using the City’s SacCalc hydrologic models and/or the City’s HEC-RAS hydraulic model. The resulting changes in flows and water surface elevations were determined and compared with existing conditions. The water surface elevations were also compared with previously surveyed structure finished flood elevations, and the number of predicted flooded structures was tabulated. Project construction and total capital cost estimates were also prepared. The Phase 1 results were presented to City staff in a workshop, and from the workshop five combinations of the individual project were identified for further evaluation (Combinations A-E). In Phase 2, Combinations A-E were evaluated with the SacCalc and HEC-RAS models and the resulting flow, water surface elevation, and flooded structures were summarized. The results of the Phase 2 work were presented to City staff in a second workshop. The work was also summarized in draft and final Technical Memoranda.

Laguna Creek and Whitehouse Creek Multi-Functional Corridor Project, City of Elk Grove, CA: Quality Assurance/Quality Control reviewer for a floodplain evaluation. The City of Elk Grove plans to construct a raised pedestrian trail along Laguna Creek and Whitehouse Creek. The trail includes one bridge crossing Whitehouse Creek and two bridges crossing Laguna Creek. West Yost is completing a hydraulic analysis using HEC-RAS software to determine the impact of the proposed project to the floodplain during the 10-year and 100-year design storms and evaluating mitigation measures to reduce or eliminate the impact. The evaluation also includes a scour analysis for the three proposed bridges using the HEC-RAS model for the preferred alternative.

Skibbereen Monteith Storm Drain Planning and Design and Bid and Construction Services, Vallejo Flood and Wastewater District, Vallejo, CA: Project Manager for a project to evaluate the downstream impacts of the increased flow and prepare a hydraulic impact evaluation technical memorandum (TM) for the District due to Caltrans enlarging a culvert under Interstate-80 from a 24-inch, corrugated metal pipe to a 30-inch, smooth interior steel pipe, which increased the flow crossing I-80. The evaluation identified the lowest-cost and most feasible approach to mitigate the increased flow was to construct 800 feet of new 30-inch storm drain in Skibbereen Lane and Fleming Avenue. The geotechnical investigation of the new drain alignment identified shallow bedrock, which can be a concern for unknown conditions and added costs during construction. In light of this, West Yost prepared the construction plans set and bid approach to deal with the bedrock that would reduce the number of change orders for the District, led a prebid meeting, and provided engineering services during construction.

Storm Drain Master Plan 2014 Update, University of California, Davis: Project Manager for the preparation of the original UC Davis Storm Drainage Master Plan (SDMP) in 2000, and prepared updates of the SDMP in 2006 and 2014. The 2014 update was undertaken to include use of a linked 1- and 2-dimensional (1D and 2D) modeling. The 2014 update included modeling the storm drain system using the 1-dimensional layer of the XPSWMM model, and using the 2-dimensional model layer to simulate flood water ponding and flow over the ground surface. The model included about 1,300 1-dimensional model links and about 200,000 ground surface grid cells (15 ft by 15 ft). Stormwater system monitoring was performed the morning of December 2, 2012, and included measuring freeboard depths at manholes, flooding depths at several low areas around campus, and photographing flooded streets and pedestrian paths around campus. The storm was simulated with the XPSWMM model. The model was calibrated using this storm event, gaged water levels in the Arboretum Waterway and in the main stormwater lift station, gaged discharge from the lift station, and the observed/photographed flooding. The update also included revising the XPSWMM model of the Central Campus to the current land uses and drainage facility conditions. Finished floor elevations of many of the buildings were surveyed and compared to the modeled water surface elevations to accurately evaluate the risk of building flooding. Areas of particular risk of flooding were identified. Flooding from buildout land use was also evaluated, and three alternative drainage plans were developed and evaluated to address flooding. Alternative flood reduction improvements were evaluated, a preferred set of improvements were identified, and construction cost estimates were prepared. Use of the 2-dimensional model allowed for an accurate evaluation of shallow surface channels and culverts to convey the runoff to a large detention basin. The basin was sized for a 100-year storm. Surface conveyance of the runoff was necessary because constructing large storm drains in the Campus is nearly impossible because of the many other underground utilities.



Jeff Wanlass, PE

Pump Stations and Tanks

Jeff Wanlass has more than 20 years of experience in project management, planning, design, and services during construction for water supply facilities. He has prepared plans and specifications conforming to the contracting requirements for state agencies, municipalities, water agencies, and private clients. His civil engineer experience includes designs for water and recycled storage tanks, pump stations, transmission mains, groundwater supply wells, and grading and drainage plans for site development project. Jeff has been involved in more than 25 tank and pump station projects, including inspection, rehabilitation, replacement, and new facilities.

EXPERIENCE

Garden Grove Water Master Plan – Facility Assessment, City of Garden Grove, CA:

Lead project engineer to conduct facility assessments for mechanical, safety, electrical and instrumentation, structural, and civil facilities for 13 municipal wells and five booster pump stations within the City's distribution system. The assessments included valves, pumps, piping, control valves, corrosion, operations, site drainage, security, pavement, safety, and code evaluation. Structural and electrical evaluations were also conducted by subconsultants. Met with O&M staff to review operational concerns and needs.

Assisted in developing a tiered assessment approach based on condition, useful life, cost to rehabilitate vs replace, and the critical nature of the facility and individual piece of equipment. Prepared preliminary cost estimates of recommended improvements.

Glenview Tank 3 Replacement, City of San Bruno, CA: Project Manager for design of a 2.0 MG prestressed concrete tank with a dome roof to replace a 60-year old concrete tank. The project included layout and design of tank appurtenances, adding a chlorination system, tank mixer, flexible connections, and seismic shut-off system, and improvements to site security. A Fault Trace Study was conducted because of the project site's proximity to the San Andreas Fault. Final design for the tank included collaboration with the geotechnical engineer and the tank manufacturers to develop design parameters for continued operation after a seismic event. The project is currently under construction. Prepared preliminary and engineer's construction cost estimates. Construction: \$4,588,000.

Butcher Road Tank Evaluation and Recoating, City of Vacaville, CA: Project design lead to conduct a condition assessment of two (2.0 and 4.0 MG) welded steel tanks for the City of Vacaville. The existing tanks were originally constructed in 1970 and 1976, respectively. The purpose of the evaluation was to determine structural, safety, coating improvements necessary to meet current codes and extend the useful life of these tanks. The project included review of the City's previous dive inspection reports, visual observations, and review with maintenance staff input. Enhanced interior coating systems were evaluated to extend the life of the coating system. The project improvements recoating the exterior and interior of both tanks, improved site security, chlorine feed systems, tank mixers and aeration systems to reduce THM levels, fall protection systems, and various site improvements.



STAFF TITLE: Principal Engineer II

YEARS OF EXPERIENCE: 24

PROFESSIONAL REGISTRATION

- Professional Civil Engineer, California No. 60930
- Professional Civil Engineer, Oregon No. 91821

EDUCATION

- MS, Civil and Environmental Engineering, Brigham Young University
- BS, Civil and Environmental Engineering, Brigham Young University

PROFESSIONAL AFFILIATIONS

- American Water Works Association
- California Stormwater Quality Association

Gregory Gardens Steel Tank Evaluation, Contra Costa Water District, CA: Project Manager for evaluation safety systems and interior condition assessment of a 3.0 MG welded steel tank. The tank was constructed in 1967 with a diameter of 110.5 feet and shell height of 28.0 feet and includes a steel dome roof. Project included observation of the interior coating systems and corrosion, developed plans and specifications to install perimeter safety guardrail, ladder safety improvements, repair corrosion along the chime, and repair corrosion pits on the interior floor plate.

La Vista Tank Inspection and Evaluation, Carmichael Water District, CA: Project Manager for a condition assessment and evaluation of the District's La Vista Water Storage Tank. The project included interior and exterior coating and corrosion assessments, structural and seismic analysis, safety and code evaluation, geotechnical evaluation, and developed three alternative improvements projects. Alternative 3 was recommended as it will provide the District with a tank that meets all current codes and standards, and provides the flexibility to add additional storage capacity to meet future supply needs, and could be constructed on the adjacent parcel owned by the District so the existing tank could remain in service during construction of the new tank.

Recycled Water Pump Station and Storage Tank Project, City of Hayward, CA: Lead design engineer for a 1.0 MG welded steel tank, 1.6 mgd booster pump station, and 1,000 feet of 16-inch transmission mains. The tank is an at-grade tank with a diameter of 66 feet and a shell height of 44 feet. The pump station facilities consist of four vertical turbine pumps (two 50-hp & two 30-hp) with space for a fifth future pump. Design also included a 3,100-gallon hydropneumatic surge tank, and site grading and drainage.

Evaluation of R16, R17, & R9A Water Storage Tank and Pump Stations, City of Santa Rosa, CA: Project Manager to conduct extensive inspection and evaluation for three welded steel tanks ranging in size from 0.25 to 2.0 million gallons. The work tasks included site and tank interior inspections and develop recommendations for bringing the tanks up to current structural and seismic codes, conduct site specific geotechnical investigations, evaluate potential corrosion and the condition of the coating systems, evaluate the interior and exterior piping, evaluate safety, security, drainage, and current health and OSHA requirements, evaluate site accessibility and potential improvements, and the determine the logistics for taking the storage tanks out of service to implement the recommended improvements. Evaluations included associated pump stations and electrical systems. A report will be prepared summarizing our finding and recommendations, including construction cost estimates.

Alhambra Elevated Concrete Tank Structural and Corrosion Evaluation, City of Sacramento, CA: Project Manager to conducted interior inspections, via a raft, to determine the extent the concrete damage and corrosion associated with the interior steel diaphragm. Recommended improvement were developed and a report was prepared summarizing finding and recommendations. Technical specifications were prepared necessary for City crews to implement the recommended improvements.

Cordes Ranch Tank & Pump Station, City of Tracy, CA: Lead Project Engineer responsible to design review and technical consultant for design by others of a 2.0 MG prestressed concrete tank and 6,300 gpm booster pump station. The tank is partially buried with a column support flat slab roof, with a diameter of 108 feet and a wall height of 34 feet. The pump station facilities consist of two 60-horsepower and four 125-horsepower vertically mounted mixed flow pumps enclosed in a 58-foot by 32-foot masonry building. The electrical equipment, including variable frequency drives, will be located in a climate controlled room in the building. Chemical feed system for sodium hypochlorite and ammonia are located in separate rooms. Emergency standby power facilities are located exterior of the building in sound attenuating enclosure.

Tracy Hills Tank & Pump Station, City of Tracy, CA: Lead Project Engineer responsible to design review and technical consultant for design by others of a 3.75 MG prestressed concrete tank and 8,170 gpm booster pump station. The tank is partially buried with a column support flat slab roof, with a diameter of 137 feet and a wall height of 40 feet. The pump station facilities consist of two 40-horsepower and four 150-horsepower vertically mounted mixed flow pumps enclosed in a 65-foot by 35-foot masonry building. The electrical equipment, including variable frequency drives, will be located in a climate controlled room in the building. Chemical feed system for sodium hypochlorite and ammonia are located in separate rooms. Emergency standby power facilities are located exterior of the building in sound attenuating enclosure.

Garin Tank and Pump Station Improvements, City of Hayward, CA: Project Manager to evaluate and design additional capacity at an existing pump station and tank. The project included increasing the pump station capacity from two 50 horsepower (hp) pumps sized to flow about 300 gallons per minute (gpm) each to four pumps with a capacity of about 750 gpm for a firm capacity of about 2,300 gpm. The work tasks included evaluating the existing site to determine location of new generator and electrical services, electrical upgrades, replacing the existing generator located inside the building to outside, evaluating existing piping for the increased flow, evaluate adding an additional tank. Prepared Preliminary Design Report and plan and specifications for the recommended project.



Andy Smith, PE

Water and Wastewater Treatment

Andy Smith has performed a wide variety of planning and design work for numerous water and wastewater treatment facilities for agencies in California and Oregon. His treatment facility experience includes master planning and predesign, detailed design and cost estimating, and engineering services during construction. His treatment expertise includes preliminary treatment, clarification, filtration, disinfection, chemical storage and metering, pumping stations, solids handling, and dewatering. He has worked on treatment facilities with capacities ranging from <1 mgd to 40 mgd.

EXPERIENCE

North Bay Regional Water Treatment Plant Ozone System Improvements, City of Fairfield, CA: Project Manager for the preliminary and detailed design of \$3 million improvements to an existing ozone system. Improvements to the 40-mgd surface water treatment facility included new ozone generators capable of producing ozone gas at 10-12% by weight to replace the 30-year-old generators that produced five to six percent by weight; modifications to the ozone gas diffuser grids within the plant's existing pre-ozone contactors; and replacement of aging residual ozone destruct units. Improvements to the ozone generators and configuration of the gas diffuser grids improved gas transfer and dispersion and addressed a range of plant flow rates and ozone demand conditions related to the variable blends of surface water from two sources with significantly different ozone demand and DBP precursor characteristics.

Ozone Improvements Project, Waterman Water Treatment Plant, Fairfield, CA:

Andy served as Project Engineer for the detailed design phase of this project to upgrade the existing liquid oxygen (LOX) storage and ozone generation systems at a 30 mgd surface water treatment plant. The project included replacement of a LOX delivery truck connection equipment, a 12,000-gallon LOX storage tank, two existing 5,000 cf/hr vaporizers, and associated valving and pressure regulation equipment. The project also included replacement of three existing power supply units (PSUs) for three existing 300 pounds per day (ppd) ozone generators and installation of a new closed loop cooling water skid to serve the new PSUs. In order to compress the construction schedule, the design team worked with the City and major equipment manufacturers to execute a pre-procurement agreement which locked in pricing and allowed the manufacturer to begin the shop submittal process ahead of bidding the project.

2018 America's Water Infrastructure Act Risk and Resilience Assessment and Emergency Response Plan Compliance Project, City of Fairfield, CA: Project Manager for an all-hazards America's Water Infrastructure Act (AWIA) 2018-compliant Risk and Resilience Assessment (RRA) and Emergency Response Plan (ERP). West Yost completed a thorough gap analysis after reviewing and organizing previously-completed RRA- and ERP-related resources. West Yost completed the RRA and ERP according to the American Water Works Association standards, which represent cross-sector best practices. The RRA includes an assessment of natural, built, cyber, and personnel assets, and relevant threats and hazards. West Yost developed risk and resilience management strategies to address the highest risks and reduce vulnerabilities.



STAFF TITLE: Principal Engineer I

YEARS OF EXPERIENCE: 17

PROFESSIONAL REGISTRATIONS

- Professional Civil Engineer, California No. 74673

EDUCATION

- BS, Civil Engineering, University of California, Davis

PROFESSIONAL AFFILIATIONS

- California Water Environment Association
- Central Valley Clean Water Association
- American Water Works Association

North Bay Regional Water Treatment Plant Laboratory Improvement Project, Cities of Fairfield and Vacaville, CA:

Project Engineer. West Yost designed a complete remodel of the NBRWTP's existing 1,500 square foot water quality laboratory. Improvements are being implemented to the lab to better align the layout with the work being performed in the laboratory; eliminate unnecessary and outdated analytical equipment; and modernize the countertops, cabinets, and lighting. West Yost worked collaboratively with existing laboratory and operations staff in a series of workshops to determine the Cities' needs and develop a preferred layout. Design challenges included extensive modifications to the laboratory's original HVAC and plumbing systems, including working around a complex existing process water & drain piping manifold designed to provide process water to various online, in-lab water quality instruments.

Water Treatment Plant Alternatives Evaluation, City of Vacaville, CA: Project Manager for a screening-level evaluation of options for increasing the City of Vacaville's surface water treatment capabilities, which are currently limited to seasonal, intermittent operation of a nominal 12 MGD diatomaceous earth treatment facility. West Yost's work includes development and evaluation of candidate treatment trains for Solano Project water from Lake Berryessa /Putah South Canal, candidate treatment facility sites and configurations for a WTP providing between 15 and 25 MGD of finished water a buildout, and planning level facility costs and implementation schedules. The results of these evaluations will inform City-wide water master planning work being conducted by West Yost, and will provide valuable reference points as the Cities and Vacaville and Fairfield examine potential future expansions of the nearby North Bay Regional WTP, which currently sends up to 13.3 MGD of treated surface water to Vacaville.

Program Management and Design Services for Surface Water Supply Project, Stanislaus Regional Water Authority (SRWA), Ceres, CA: Pre-Design Task Lead and Assistant Program Manager for a project to define and manage implementation of a \$278 million project to deliver a new treated surface water supply to serve the Cities of Turlock and Ceres. West Yost was selected in 2016 to manage development of a regional Surface Water Supply Project that will include raw water conveyance facilities, a treatment plant, and treated water transmission mains to bring water to each City's distribution system. Andy's preconstruction responsibilities included source water quality characterization, evaluation of treatment process alternatives, planning for the development of and testing of an existing infiltration gallery facility, design of pumping and distribution facilities, coordination of geotechnical investigations, coordination of right-of-way services, engineering support of SRWA's environmental consultant, permitting and utilities coordination, construction cost estimating, bidability and constructability reviews, preparation of life-cycle cost evaluations, and development of detailed technical procurement

documents for the solicitation and evaluation of design-build proposals. Andy's responsibilities during the design-build period include overall coordination of design deliverable reviews, review of key equipment and material submittals, weekly coordination with on-site CM and resident engineers, and planning for commissioning and acceptance testing, which is expected to occur in 2023.

Facilities Master Plan, City of Galt, CA: Staff Engineer for the development of a master plan for the phased upgrade and expansion of the City of Galt's (City) existing 3 mgd WWTP to 6 mgd. Facility improvement alternatives include new primary treatment, expansion of existing secondary and tertiary processes, solids digestion, mechanical dewatering facilities and upgrade and expansion of existing personnel buildings. Responsibilities include condition assessments and capacity analyses of existing facilities, development of a hydraulic profile, predesign and site layout of new facilities and development of detailed construction and life cycle project cost estimates for all alternatives.

Summit Water Treatment Plant Filter Facility Design, San Gabriel Valley Water Company, Rialto, CA: Project Engineer for design of new granular media filters at an existing 20 MGD surface water treatment plant. Up to three new filters are being designed to replace filtration capacity that will be lost when existing 1980s-era diatomaceous earth filters are removed from service and demolished. Filters are being designed to accommodate multiple media types and configurations that are being piloted to substantiate 1) filter loading rates at levels greater than 6 gpm/SF, and 2) the ability of the filters to provide adequate polishing of DBP precursor materials ahead of final disinfection. Project challenges include an extremely constrained site for which vertical shoring will be required to avoid undermining and/or promoting differential settlement in nearby structures. Upon construction of new filters, existing granular media filters will be retrofitted to match new media configuration.

Water System Planning and Improvements Project, Markleeville Water Company, Markleeville, CA: Project Manager for a capital project intended to increase reliability and treated water quality for a small water system. West Yost was hired to evaluate and ultimately design improvements related to the optimization of water treatment plant operations to improve management of DBP formation potential from Markleeville's surface water supply; reconfiguration of existing booster pump stations to alleviate water age issues and increase reliability during power outages; replacement of aging transmission and distribution piping; and installation of new service meters. Design and construction of this project is being conducted under planning and construction grants, respectively, administered by the Drinking Water State Revolving Fund. Andy's responsibilities also include coordination of survey, geotechnical and environmental documentation services.



Timothy Banyai, PE

Water and Wastewater Treatment

Timothy Banyai is a registered civil engineer with experience managing and designing water and wastewater treatment plants and pumping stations. Tim has served as project manager, lead project engineer, technical advisor and quality control reviewer. As a manager, Tim maintains direct client contact, provides project team leadership, and coordinates among disciplines to ensure successful project completion. His direct project experience includes design and preparation of drawings and specifications, assisting clients in bidding-phase services, and performing construction-phase duties. Tim has a strong record of developing cost-effective and innovative designs for water and wastewater treatment plant projects, and is known for managing multi-disciplinary teams for water and sewer infrastructure improvement projects. He also has direct experience as an operator and laboratory technician for a wastewater treatment plant where he conducted laboratory analysis, helped develop and implement a facilities plan study for nitrogen control, performed pilot studies, and developed bench-scale models. Tim's experience as a treatment plant operator provides insights he incorporates into the design for successful construction-phase sequencing, testing and start-up, and operations and maintenance. Tim also has experiencing preparing State Revolving Fund (SRF) applications and managing SRF-funded projects.

EXPERIENCE

Secondary Clarifier, Napa Sanitation District, CA: Project Manager. Tim managed the design of improvements that would add flexibility to the return activated sludge system. This included piping modifications that allowed for RAS to be conveyed to the aeration basins.

Wastewater and Drainage Sump Stations Facilities Station Condition Assessment, Sacramento, CA: Project Engineer for Pump Station Design. The City of Sacramento completed an effort to refine their asset management approach via strategic planning. As part of this project, West Yost completed a multidisciplinary condition assessment of five wastewater and five drainage sump stations. The condition assessment evaluated the existing assets at the sump stations via a scoring method that fed into a facility risk assessment. The scoring used in the condition assessment and facility risk assessment was then incorporated into a strategy for long-term planning for budgeting, rehabilitation and repair, and replacing assets to comply with regulations and maintain public health and safety.

Water and Wastewater Experience and Expertise:

- Pumping stations
- Water booster stations
- WWTP hydraulics
- Headworks
- Primary treatment
- Aeration systems
- Trickling filters
- Secondary clarifiers
- Disinfection
- Solids thickening
- Digestion
- Odor control



STAFF TITLE: Engineering Manager I

YEARS OF EXPERIENCE: 30

PROFESSIONAL REGISTRATIONS

- Professional Civil Engineer, California No. 60715, Kansas No. 14119 (inactive)

EDUCATION

- MS, Environmental Engineering, North Dakota State University
- BS, Civil Engineering, North Dakota State University

PROFESSIONAL AFFILIATIONS

- California Water Environment Association
- Tau Beta Pi Engineering Honor Society
- Water Environment Federation

- Construction sequencing
- Condition assessment
- Master planning
- SRF applications

Clients include: The California cities of Belmont, Folsom, Foster City, Hayward, Hercules, Lompoc, Modesto, Pinole, Salinas, San Jose, San Leandro, San Mateo, Santa Barbara, Santa Rosa, and Ukiah; the County of San Mateo; special districts including Contra Costa Clean Water Program (Richmond), Contra Costa Water District, Dublin San Ramon Services District (Dublin), Las Gallinas Valley Sanitary District (San Rafael), Livermore-Amador Valley Water Management Agency, McKinleyville Community Services District, **Napa Sanitation District**, Orange County Sanitation District, Oro Loma Sanitary District (San Lorenzo), Ross Valley Sanitary District, Sacramento Area Sewer District, Sacramento Regional County Sanitation District (Regional San), Silicon Valley Clean Water (Redwood City), South Tahoe Public Utility District, and Union Sanitary District (Union City); and U.S. service branches including the Navy, Marine Corps, and Air Force.

Don Julio/Watt Avenue Sewer Relief Project, Sacramento Area Sewer District, Sacramento, CA: Project Engineer for the design for the replacement of the Larry Way Sewer Lift Station (S016), and decommissioning of the Don Julio Boulevard Lift Station (S015). The project requires upsizing the S016 facilities. The existing rated capacity for S016 was 4.0 million gallons per day (mgd) and was upsized to 8.5 mgd. Improvements at S016 include three new 70-horsepower submersible pumps, a circular concrete wet well, a standby diesel generator, provisions for the future installation of an odor control scrubber, and upsizing the primary power. Construction sequencing is a major design criterion, as the existing S016 facility must remain in continuous service to minimize disruptions to the public. The S015 facility will be decommissioned and existing flows routed to the upsized S016 facility.

Lift Station Asset Management Program, City of Carlsbad, CA: Project Engineer. The City of Carlsbad owns and operates 11 wastewater lift stations that receive and deliver sanitary sewage to the Encina Wastewater Authority for treatment and disposal. As part of its asset management initiative of utility infrastructure, the City is performing condition assessment of its lift stations and developing business processes to identify improvements to its lift stations. Tim will complete a visual assessment of 11 lift stations in April 2022. The assessment will civil/site, mechanical, structural, electrical, and instrumentation and controls disciplines. Based on the assessment, recommendations for improvements will be made.

Water and Wastewater Treatment Plant and Water Distribution System Master Plans, City of Yuba City, CA: Tim performed condition assessments on six of the City's lift

stations and also performed a condition assessment on the City's Wastewater Treatment Plant. The information collected during the condition assessment was used to identify repairs and upgrades at each of the facilities. Conceptual level capital costs were also developed for the repairs and upgrades. The projects were then ranked and placed into one of three categories for development of a capital improvement program. Projects were ranked as immediate, near-term, and long-term categories.

Water Treatment Plant Facility Plan and Wastewater Treatment Plant Major Upgrades, City of Oceanside, CA:

Condition Assessment Lead and Project Manager. Tim led the multi-discipline condition assessment of the Weese Direct Filtration Water Treatment Plant and the Mission Basin Groundwater Purification Plant that uses reverse osmosis to treat brackish groundwater. The Weese Plant is a 25 mgd facility and the Mission Basin Plant is a 6.4 mgd facility. The primary objectives of the project were to use asset management principles to make risk-based informed decision to develop a prioritize capital improvement plan for the next 20 years. In addition to the capital improvement plan, the City looked to reduce O&M, increase reliability, plan for future regulatory requirements and increase automation, optimize performance and lower energy costs. A detailed work plan was developed to conduct the field work that identified assets to be assessed, scoring criteria, methods to conduct the assessments and responsibilities of all parties. Following the detailed condition assessment field work, a comprehensive risk-based assessment was completed to rank and prioritize capital projects into four time windows: immediate, 2 to 5 years, 5 to 10 years and 10 to 20 years. The team worked closely with the City staff in workshops to prioritize the projects. The City's San Luis Rey Water Reclamation Plant (SLRWRF) wastewater treatment plant was evaluated. The SLRWRF has a capacity of 13.5 mgd and treats a majority of the City's wastewater. West Yost completed a Preliminary Design Report (PDR) that included a high-level condition assessment. Detailed evaluations and condition assessments were developed for the headworks facilities, flow and load equalization facilities, primary and secondary facilities and solids treatment. Each of the detailed analyses included a condition assessment and development of life cycle costs with a focus on reducing energy use and chemical costs. Following the PDR, West Yost assisted the City in developing a phased approach to implementing the improvements to best use the money available. The first phase includes the following major items – headworks improvements with two new screens, new conveyor and washer compactors, new grit removal using the Headcell technology, odor control improvements and consolidation of the primary and secondary electrical facilities into a common electrical building. The estimated construction cost for Phase 1 items is approximately \$12M.

WE SUPPORT OUR COMMUNITIES

WE ARE WATER FOCUSED

WE TAKE PRIDE IN WHAT WE DO

WE STRIVE TO BECOME OUR BEST

WE DO WHAT'S RIGHT

WE BELIEVE IN QUALITY

WE LISTEN

WE SOLVE CHALLENGING PROBLEMS

WE SEE THE BIGGER PICTURE

WE TAKE OWNERSHIP

WE COLLABORATE

WE HAVE FUN

WE ARE WEST YOST





April 5, 2023

Chris Laymon
City of St. Helena
1480 Main St.
St. Helena, Ca. 94574

QUOTE #: SHC040523-3Q

PHONE #: 707-312-1205

EMAIL ADDRESS: Claymon@cityofst.helena.org

Dear Chris:

ERS is pleased to submit its proposal for our Filter Surveillance services for four (8) pressure vessel filters located in St. Helena, Ca.

Scope of Supply for (8) pressure vessel filters:

- Written report documenting the following items.
 - Core filter, gravel profile, and general observations.
 - Sieve analysis of filter sand and anthracite.
 - Flock Retention analysis.
 - Interior and exterior coatings condition.
 - Tank shell condition.

Clarifications:

- Filter to be drained and dirty prior to arrival of crew.
- Quote is based on (4) filters per day.



Standard Provisions:

1. Qualified manpower:
 - a. Onsite Supervisor/Environmental Technician/Hole Watch.
 - b. Certifications in Forklift/Reach Lift, Crane Operator, Confined Space & Rescue, and First Aid/CPR/AED.
2. Equipment and PPE:
 - a. High-power industrial vacuum system.
 - b. Ventilation fan for air circulation.
 - c. Four gas monitors for pre-entry and continuous LEL testing.
 - d. Air-purifying respirators (supplied air respirators available if required).
3. Safety Regulations:
 - a. Confined Space:
 - i. Tripod/winch for emergency evacuation.
 - ii. Fall arrest harnesses with safety lanyards for all men.
 - iii. Permit-required confined space entry permits as applicable.
 - iv. Daily monitoring log.
 - b. 2-Way radios for communication with in-tank personnel.
 - c. Cellular phone as an emergency response tool
4. New media as follows:
 - a. None



PRICING: \$13,500

Quote Valid for 30 days.

Our time and materials work are billed at \$246.00 per man-hour, straight time, plus materials with a 25% margin. Price includes all applicable sales tax.

Please feel free to contact me should you need further information or any clarification. My contact information is: phone – cell (510) 552-3285; office (510) 770-0202; email – nradonich@ersfilter.com

If quote is accepted, please answer questions below, sign and return to Nradonich@ersfilter.com

Sincerely,

Nik Radonich
Sales/Engineering Manager

Is this project subject to PREVAILING WAGE? Yes ☐ No ☐

Is this project deemed PUBLIC WORK and therefore subject to the rules and regulations of the California Department of Industrial Relations (DIR)? Yes ☐ No ☐

If the answers are “NO”, please mark as such and refer to the paragraph at the end of this document

PO or Contract #

DIR Project #

Authorized Representative — Name & Signature

Title

(hereinafter “Contracting Party”) has represented in writing and to ERS and does hereby reaffirm in writing to ERS(hereinafter “Contractor”) that neither the project which is the subject matter of this Agreement nor the requested work to be performed on the project by Contractor are “public work” as defined by federal law, Chapter 1, Part 7 of Division 2 of the California Labor Code (governing “Public Works and Public Agencies”), or any other federal, state or local statute, ordinance, regulation, or administrative and/or judicial decision. Based on the foregoing representation, Contractor has calculated its bid for the subject project based on certain wage rates and benefits. Contracting Party will specifically verify, prior to allowing Contractor to submit a proposal on the project or work to be performed on the project, that project is not deemed to be a public works project and that there are no requirements for prevailing wages or other unique bid requirements. In the event that Contracting Party has made any misrepresentation regarding the foregoing whether intentionally or negligently, Contracting Party specifically agrees to indemnify, reimburse, and hold Contractor harmless from and against any and all claims, penalties, fines or assessments that may arise from Contracting Party’s failure to properly report and describe the project to Contractor. Contracting Party shall reimburse any and all attorney’s fees and all costs associated with defending or enforcing this projection to Contractor

Class A, C33 CSLB License #724233

Registered DIR Public Works Contractor #1000003275

2120 WARM SPRINGS COURT FREMONT, CALIFORNIA 94539 | P: 510.770.0202 | E: SALES@ERSFILTER.COM



April 8, 2023

Chris Laymon
City of St. Helena
1480 Main St.
St. Helena, Ca. 94574

QUOTE #: SHC040523-1Q

PHONE #: 707-312-1205

EMAIL ADDRESS: Claymon@cityofst.helena.org

Dear Chris:

ERS is pleased to submit its proposal for our Filter Surveillance services for two (2) one cell Gravity filters located at the Luis Estralla Plant in St. Helena.

Scope of Supply for (2) gravity filters:

- Written report documenting the following items.
 - Core filter, gravel profile, and general observations.
 - Sieve analysis of filter sand and anthracite.
 - Floc retention.
 - Backwash turbidity analysis.
 - Digital backwash expansion metering.
 - Inspection of coatings on concrete and steel.

Clarifications:

- Filter to be drained and dirty prior to arrival of crew.
 - Quote is based on (2) filters per day
- Price does not include bonding*



Standard Provisions:

1. Qualified manpower:
 - a. Onsite Supervisor/Environmental Technician/Hole Watch
 - b. Certifications in Forklift/Reach Lift, Crane Operator, Confined Space & Rescue, and First Aid/CPR/AED
2. Equipment and PPE:
 - a. High-power industrial vacuum system
 - b. Ventilation fan for air circulation
 - c. Four gas monitors for pre-entry and continuous LEL testing
 - d. Air-purifying respirators (supplied air respirators available if required)
3. Safety Regulations:
 - a. Confined Space:
 - i. Tripod/winch for emergency evacuation
 - ii. Fall arrest harnesses with safety lanyards for all men
 - iii. Permit-required confined space entry permits as applicable
 - iv. Daily monitoring log
 - b. 2-Way radios for communication with in-tank personnel
 - c. Cellular phone as an emergency response tool
4. New media as follows:
 - a. None



PRICING: \$7,570.00

Quote Valid for 30 days

Our time and materials work are billed at \$246.00 per man-hour, straight time, plus materials with a 25% margin. Price includes all applicable sales tax.

Please feel free to contact me should you need further information or any clarification. My contact information is: phone – cell (510) 552-3285; office (510) 770-0202; email – nradonich@ersfilter.com

If quote is accepted, please answer questions below, sign and return to Nradonich@ersfilter.com

Sincerely,

Nik Radonich
Sales/Engineering Manager

Is this project subject to PREVAILING WAGE? Yes ☐ No ☐

Is this project deemed PUBLIC WORK and therefore subject to the rules and regulations of the California Department of Industrial Relations (DIR)? Yes ☐ No ☐

If the answers are “NO”, please mark as such and refer to the paragraph at the end of this document

PO or Contract #

DIR Project #

Authorized Representative — Name & Signature

Title

(hereinafter “Contracting Party”) has represented in writing and to ERS and does hereby reaffirm in writing to ERS(hereinafter “Contractor”) that neither the project which is the subject matter of this Agreement nor the requested work to be performed on the project by Contractor are “public work” as defined by federal law, Chapter 1, Part 7 of Division 2 of the California Labor Code (governing “Public Works and Public Agencies”), or any other federal, state or local statute, ordinance, regulation, or administrative and/or judicial decision. Based on the foregoing representation, Contractor has calculated its bid for the subject project based on certain wage rates and benefits. Contracting Party will specifically verify, prior to allowing Contractor to submit a proposal on the project or work to be performed on the project, that project is not deemed to be a public works project and that there are no requirements for prevailing wages or other unique bid requirements. In the event that Contracting Party has made any misrepresentation regarding the foregoing whether intentionally or negligently, Contracting Party specifically agrees to indemnify, reimburse, and hold Contractor harmless from and against any and all claims, penalties, fines or assessments that may arise from Contracting Party’s failure to properly report and describe the project to Contractor. Contracting Party shall reimburse any and all attorney’s fees and all costs associated with defending or enforcing this projection to Contractor.

Class A, C33 CSLB License #724233 Registered DIR Public Works Contractor #1000003275
2120 WARM SPRINGS COURT FREMONT, CALIFORNIA 94539 | P: 510.770.0202 | E: SALES@ERSFILTER.COM

**Marine Industrial Tank Inc**

3324 Kee Ln
 Modesto, Ca, 95355
 Office: (209) 382-9155
 Fax: (408) 707-1490

Invoice

Invoice Date: Aug 4, 2023
 Invoice Number : 383
 PO#

BILL TO:

ST. HELENA, CITY OF
 1480 Main Street
 ST. HELENA, CA, 94574

SEND TO:

Marine Industrial Tank Inc
 3324 Kee Ln
 Modesto, Ca, 95355

Account Name: **ST. HELENA, CITY OF**
 Due Date: **Sep 1, 2023**

Status: **Created**
 Sales Order:

S.No.	Product Details	Quantity	List Price	Total
1.	water tank cleaning & Inspection	4	\$ 3,800.00	\$ 15,200.00
				Sub Total \$ 15,200.00
				Tax \$ 0.00
				Adjustment \$ 0.00
				Grand Total \$ 15,200.00

Work Completed

Water tank cleaning and inspection of WTP 1.4 MG Concrete, 200kg clearwell and inspection of 1.4MG Steel Welded.

Terms and Conditions

Net 30 Days. 2.5% interest per month on all accounts past 30 days. Proposal does not include Sales or Use Taxes, Registration fees, or licenses unless listed above in proposal. If MIT Diving & Coating is liable for any additional fees requested or required by the customer and are not noted in proposal, the fees will be billed on the final invoice.

CITY OF ST. HELENA
1480 Main Street, St. Helena, CA 94574

CONSTRUCTION SERVICES AGREEMENT

Job Name: W24-09 WTP Tanks Relining

Agreement No. PW W24-09

DATE: 08/30/2023

1. IDENTIFICATION OF CONTRACTOR:

Marine Industrial Tank Inc 3324 Kee Ln Modesto CA, 95355

Office: (209) 382-9155

Mobile: (209) 702-1233

chris@mitdivingcoating.com

SCOPE OF THE WORK

See Scope of Work attached as Appendix A. [To include drawings, technical specifications, etc.]

2. COMPENSATION FOR WORK. Contractor's total compensation for the Work performed under this Agreement (**Contract Sum**) is as follows:

\$787,967.90	1.4mg 104'd X 22'h On-Grade Concrete Water Tank
<u>\$158,892.50</u>	Clearwell Tank Relining
\$946,860.40	Total Not to Exceed Cost

3. to be paid as (**check one**): (1) ☒ lump sum; (2) ☐ lump sum with progress payments; (3) ☐ per attached schedule of rates and charges, up to a guaranteed not-to-exceed amount of \$ \$946,860.40. All payments (**check one**): ☒ shall ☐ shall not be subject to a five percent (5%) retention.

4. SCHEDULE OF PERFORMANCE FOR THE WORK. Contractor shall commence and complete the Work by the following dates:

Commencement Date shall be on the date established in the Notice to Proceed. Owner reserves the right to modify or alter the Commencement Date of the Work.

Substantial Completion Date: Within 30 calendar days of Commencement Date.

Final Completion Date: Within 60 calendar days of Substantial Completion.

4.01 Liquidated Damage Amounts.

- A. As liquidated damages for delay Contractor shall pay Owner Five Hundred dollars (\$500.00) for each Day that expires after the time specified herein for Contractor to achieve Substantial Completion of the entire Work, until achieved.
- B. As liquidated damages for delay Contractor shall pay Owner Five Hundred dollars (\$500.00) for each Day that expires after the time specified herein for Contractor to achieve Final Completion of the entire Work, until achieved.

4.02 Scope of Liquidated Damages

Construction Services Agreement
2018

- A. Contractor and Owner agree that because of the nature of the Project, it would be impractical or extremely difficult to fix the amount of such actual damages incurred by Owner because of a delay in completion of all or any part of the Work. Contractor and Owner agree that specified measures of liquidated damages shall be presumed to be the amount of such damages actually sustained by Owner, and that because of the nature of the Project, it would be impracticable or extremely difficult to fix the actual damages.
- B. Liquidated damages for delay shall cover administrative, overhead, interest on bonds, and general loss of public use damages suffered by Owner as a result of delay. Liquidated damages shall not cover the cost of completion of the Work, damages resulting from Defective Work, lost revenues or costs of substitute facilities, or damages suffered by others who then seek to recover their damages from Owner (for example, delay claims of other contractors, subcontractors, tenants, or other third-parties), and defense costs thereof. Owner may deduct from any money due or to become due to Contractor subsequent to time for completion of entire Work and extensions of time allowed pursuant to provisions hereof, a sum representing then-accrued liquidated damages.

5. TERMS AND CONDITIONS.

- 5.01 Contractor shall perform the Work in accordance with the terms and conditions of this Agreement and the following attachments (together, **Contract Documents**):
 - A. Appendix A – Scope of Work
 - B. Appendix B – General Conditions
 - C. Appendix C – Insurance
 - D. Appendix D – Construction Performance Bond
 - E. Appendix E – Construction Labor and Materials Payment Bond
- 5.02 The Contract Documents are the sole and exclusive provisions that govern the Work described herein. Any provision contained in any purchase order issued in connection with this Agreement or the Work described herein shall be null and void and shall have no force or effect.
- 5.03 Agreement number must appear on all invoices and correspondence. Send invoices in duplicate immediately upon performance of Work ordered hereon to:

City of St. Helena, 1088 College Avenue, St. Helena, CA 94574
and via email to XXXXX@cityofstheleena.org

CONTRACTOR:

Chris Christophersen
Signature

Chris Christophersen, President

Print Name & Title

9/20/23

Date

OWNER: City of St. Helena

Signature

Anil Comelo, City Manager

Date

APPROVED AS TO FORM:

Ethan Walsh, City Attorney

Appendix A to Construction Services Agreement**SCOPE OF WORK****1.4MG 104'D x 22'H ON-GRADE CONCRETE WATER TANK**

Removing the sediment from interior ceiling, walls and floor.
Resurfacing and relining tank interior floors and walls and ceiling with ANSI/NSF 61.

This will be for the complete interior preparations and relining of one 1.4MG concrete tank.

- Safety - Confined Space, Constant Atmospheric Air/Gas Monitoring, Fall protection, and OSHA 30 trained work crew, NACE Level 2
- Provide entry permit, testing and gas monitoring of atmosphere in tank as required for the safety of crew on the interior at all times.
- Provide scaffold to access the complete interior of tank.
- Provide all needed oil-free, Air compressors- Verify oil free air- by way of "Blotter Test".
- Blasters to wear proper PPE- Ear Plugs, Fresh Air supplied Blast Helmets, Coveralls, Chaps, Fall protection (Harness, Lanyard and Lifeline), leather blast glove
- Provide Abrasive-blast, using Kleen-Blast 16/30 grit-or Garnet to achieve, a 3-4 mil profile near white blast as required by coating manufacturer. SSPC SP-10.
- Verify results of anchor pattern/profile, by use of Testex Press-O-Film Replica Tape and a Surface profile comparator. (X-course).

Total includes removing the sediment from interior ceiling, walls and floor. Resurfacing and relining tank interior floors and walls and ceiling

All workmanship and materials will meet or exceed the American water works association. D- 102-10 standards for tank coatings.

All workmanship will be guaranteed for a two-year period from the date of completion.

Conditions of Re-coating Rates

Marine Industrial Tank Inc will clean up area and remove all materials, equipment and trash upon completion, maintaining an orderly and clean work area daily and throughout the project. Any Fabrication needed that is not listed above will be added as a second line item if needed. Total does not include any hazardous lead paint abatement or a temporary water system if needed.

DESCRIPTION ANSI/NSF 61 approved for direct contact with potable water. It is a fast setting, rapid curing, 100% solids, flexible, aromatic, two component spray polyurea that can be applied to suitably prepared concrete and metal surfaces. Its extremely fast gel time makes it suitable for applications down to -20°F. It may be applied in single or multiple applications without appreciable sagging and is relatively insensitive to moisture and temperature allowing application in most temperatures. Polyeuro® 5502-PW offers a tack free time of less than forty- five seconds and exhibits 450% elongation upon curing with 50 Shore D hardness.

FEATURES

- ANSI/NSF 61 Approved for Potable Water
- Zero VOC (100% Solids)
- Seamless
- Excellent Thermal Stability Odorless
- Low Temperature Flexibility Meets USDA Criteria
- Good Chemical Resistance No Toxic Vapors
- Coat Pipe 9" In Diameter or Greater
- Suitable for 5 Gallon Tanks and Larger
- Coats Carbon or Mild Steel Metals without Primer Installed With or Without Reinforcement in Transitional Areas

Total: \$787,967.90

WTP CONCRETE CLEARWELL FIVE CHAMBER WATER TANK CLEANING, RESURFACING AND RELINING

This will be for the complete interior preparations and relining of one 55kg concrete tank.

- Safety - Confined Space, Constant Atmospheric Air/Gas Monitoring, Fall protection, and OSHA 30 trained work crew, NACE Level 2
- Provide entry permit, testing and gas monitoring of atmosphere in tank as required for the safety of crew on the interior at all times.
- Provide scaffold to access complete interior of tank.
- Provide all needed oil-free, Air compressors- Verify oil free air- by way of "Blotter Test".
- Blasters to wear proper PPE- Ear Plugs, Fresh Air supplied Blast Helmets, Coveralls, Chaps, Fall protection (Harness, Lanyard and Lifeline), leather blast glove
- Provide Abrasive-blast, using Kleen-Blast 16/30 grit-or Garnet to achieve, a 3-4 mil profile near white blast as required by coating manufacturer. SSPC SP-10.
- Verify results of anchor pattern/profile, by use of Testex Press-O-Film Replica Tape and a Surface profile comparator. (X-course).

Total includes removing the sediment from interior ceiling, walls and floor. Resurfacing and relining tank interior floors and walls and ceiling.

All workmanship and materials will meet or exceed the American water works association. D- 102-10 standards for tank coatings.

All workmanship will be guaranteed for a two-year period from the date of completion.

DESCRIPTION ANSI/NSF 61 approved for direct contact with potable water. It is a fast setting, rapid curing, 100% solids, flexible, aromatic, two component spray polyurea that can be applied to suitably prepared concrete and metal surfaces. Its extremely fast gel time makes it suitable for applications down to -20°F. It may be applied in single or multiple applications without appreciable sagging and is relatively insensitive to moisture and temperature allowing application in most temperatures. Polyeuro® 5502-PW offers a tack free time of less than forty- five seconds and exhibits 450% elongation upon curing with 50 Shore D hardness.

FEATURES

- ANSI/NSF 61 Approved for Potable Water
- Zero VOC (100% Solids)
- Seamless
- Excellent Thermal Stability Odorless
- Low Temperature Flexibility Meets USDA Criteria
- Good Chemical Resistance No Toxic Vapors• Coat Pipe 9" In Diameter or Greater
- Suitable for 5 Gallon Tanks and Larger
- Coats Carbon or Mild Steel Metals without Primer Installed With or Without Reinforcement in Transitional Areas

TYPICAL USES

Potable Water Tanks - Concrete or Metal

Total: \$158,892.50

Appendix B to Construction Services Agreement**GENERAL CONDITIONS****ARTICLE 1 TERMS OF PERFORMANCE**

- 1.01 Construction Services Agreement (Agreement) Force and Effect.** The provisions of the Agreement and other Contract Documents constitute the entire agreement between the Contractor and Owner regarding the Work described herein. No representation, term or covenant not expressly specified in the Contract Documents shall, whether oral or written, be a part of this agreement. The Agreement and other Contract Documents shall govern the Work described herein (whenever performed), and shall supersede all other purchase orders and agreements between Contractor and Owner, and any proposal, with respect to the Work described herein.
- 1.02 No Modification or Waiver.** The Contract Documents may not be modified, nor may compliance with any of its terms be waived, except by written instrument executed and approved by fully authorized representatives of Owner and Contractor. Contract Documents headings are for convenience only and do not affect the construction of the Contract Documents.
- 1.03 Performance of Work/No Assignment.** Time is of the essence in the performance of the Work. Contractor will perform the Work in a skillful and workmanlike manner; comply fully with criteria established by Owner, and with applicable laws, codes, and all applicable industry standards. Contractor shall maintain its work area in a clean and sanitary condition, clear debris and trash at the end of each work day, and shall not damage or disrupt any property unless specifically part of the scope of the Agreement. Contractor shall not contract any portion of the Work or otherwise assign the Agreement without prior written approval of Owner. (Contractor shall remain responsible for compliance with all terms of the Contract Documents, regardless of the terms of any such assignment.) The Contractor shall permit Owner (or its designees) access to the work area, Contractor's shop, or any other facility, to permit inspection of the Work at all times during construction and/or manufacture and fabrication. The granting of any progress payment, and any inspections, reviews, approvals or oral statements by any Owner representative, or certification by any governmental entity, shall in no way limit Contractor's obligations under the Contract Documents. Either party's waiver of any breach, or the omission or failure of either party, at any time, to enforce any right reserved to it, or to require strict performance of any provision of the Contract Documents, shall not be a waiver of any other right to which any party is entitled, and shall not in any way affect, limit, modify or waive that party's right thereafter to enforce or compel strict compliance with every provision hereof. Owner shall have, at all times, set-off rights with respect to any payment and Contractor's failure to perform the terms of the Contract Documents.

ARTICLE 2 LEGAL AND MISCELLANEOUS

- 2.00 Records and Payment Requests.** Contractor shall submit all billings with all necessary invoices or other appropriate evidence of proper performance, after which Owner shall make payment within thirty (30) days. Each billing furnished shall include the current billing amount, the cumulative contract amount, and the amount remaining in the contract. Upon Owner's written request, Contractor shall make available to Owner, its authorized agents, officers, or employees, any and all ledgers, books of accounts, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to the Work or the expenditures and disbursement charged to Owner, and all correspondence, internal memoranda, calculations, books and accounts, records documenting its Work under the Agreement, and invoices, payrolls, timecards, records and all other data related to matters covered by the Agreement. Contractor shall furnish to Owner, its authorized agents, officers, or employees, such other evidence or information as Owner may require with regard to the Work or any such expenditure or disbursement charged by Contractor. Contractor shall maintain all such documents and records prepared by or furnished to Contractor during the course of performing the Work for at least five years following completion of the Work, except that all such items pertaining to hazardous materials shall be maintained for at least thirty (30) years. Contractor shall permit Owner to audit, examine and make copies, excerpts and transcripts from such records. The State of California or any federal agency having an interest in the subject of the Agreement shall have the same rights conferred to Owner by this section. Such rights shall be specifically enforceable.
- 2.01 Independent Contractor.** Contractor is an independent Contractor and does not act as Owner's agent in any capacity, whatsoever. Contractor is not entitled to any benefits that Owner provides to Owner employees including, without limitation, insurance, worker's compensation benefits or payments, pension benefits, health benefits or insurance benefits. Terms within the Contract Documents regarding directives apply to and concern the result of the Contractor's provision of Work not the means, methods, or scheduling of the Contractor's Work. Contractor shall be solely responsible for the means, methods, techniques, sequences and procedures with respect to its provision of Work under the Contract Documents. Contractor shall pay all payroll taxes imposed by

any governmental entity and will pay all other taxes not specifically identified in the Contract Documents as Owner's responsibility.

2.02 Indemnity/Liability. Contractor shall defend, indemnify, and save harmless, to the fullest extent permitted by law, the Owner and each of its officers, directors, representatives, agents and employees, against all claims, suits, actions, loss, cost, damage, expense, and liability arising from or related to bodily injury to or death of any person or damage to any property, or resulting from any breach and/or Contractor's negligence in performing the Work pursuant to the Contract Documents. Notwithstanding any provision of the Contract Documents, Owner shall not be liable to Contractor or anyone claiming under it, in contract or tort, for any special, consequential, indirect or incidental damages arising out of or in connection with the Contract Documents or the Work. Owner's rights and remedies, whether under the Agreement or other applicable law, shall be cumulative and not subject to limitation.

2.03 Defective Work; Warranties. Contractor warrants that all construction services shall be performed in accordance with generally accepted professional standards of good and sound construction practices, all Contract Documents requirements, and all laws, codes, standards, licenses, and permits. Contractor warrants that all materials and equipment shall be new, of suitable grade of their respective kinds for their intended uses, and free from defects. Contractor hereby grants to Owner for a period of one year following the date of completion its unconditional warranty of the quality and adequacy of all of the Work including, without limitation, all labor, materials and equipment provided by Contractor and its Subcontractors of all tiers. If either prior to completion of the Work, or within one year after completion, any Work (completed or incomplete) is found to violate any of the foregoing warranties (**Defective Work**), Contractor shall promptly, without cost to Owner and in accordance with Owner's written instructions, correct, remove and replace the Defective Work with conforming Work, and correct, remove and replace any damage to other Work or other property resulting therefrom. If Contractor fails to do so, Contractor shall pay all of the Owner's resulting claims, costs, losses and damages. Where Contractor fails to correct Defective Work, or defects are discovered outside the correction period, Owner shall have all rights and remedies granted by law.

2.04 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.

2.06 Termination; Suspension; Disputes. Owner may direct Contractor to terminate, suspend, delay, interrupt or accelerate Work, in whole or in part, for such periods of time as Owner may determine in its sole discretion. Owner will issue such directives in writing, and may do so, in whole or in part, for its convenience or due to Contractor's fault. Owner will compensate Contractor for extra costs resulting from such directives only to the extent that Owner issues such directives for its convenience and not due to Contractor's fault (but Owner shall not compensate Contractor for costs, profit or overhead anticipated to be earned or incurred on Work terminated for Owner's convenience.) Contractor shall continue its Work throughout the course of any dispute, and Contractor's failure to continue Work during a dispute shall be a material breach of the Contract Documents. All claims by Contractor against Owner shall be submitted in writing to Owner, and shall be governed by Public

Contract Code Sections 20104 – 20104.6, after which time the one year time period in Government Code Section 911.2 shall be, pursuant to Government Code Section 930.2, reduced to 90 days. Should Contractor be terminated for default, and such termination is subsequently determined to be wrongful, such termination will be converted to a termination for convenience as provided herein.

- 2.07 Execution; Venue; Limitations.** The Agreement shall be deemed to have been executed in Napa County, California. Enforcement of the Contract Documents shall be governed by the laws of the State of California, excluding its conflict of laws rules. Except as expressly provided in the Contract Documents, nothing in the Contract Documents shall operate to confer rights or benefits on persons or entities not party to the Agreement. As between the parties to the Agreement, any applicable statute of limitations for any act or failure to act shall commence to run on the date of Owner's issuance of the final Certificate for Payment, or termination of the Contract Documents, whichever is earlier, except for latent defects, for which the statute of limitation shall begin running upon discovery of the defect and its cause.
- 2.08 Employee Wages; Records; Apprentices.** Contractor shall pay prevailing wages to its employees on any contract in excess of \$1,000.00 (one thousand dollars). Copies of the prevailing rate of per diem wages are on file at Owner's principal office. Contractor shall comply with the 8-hours per day/40 hours per week/overtime/working hours restrictions for all employees, pursuant to the California Labor Code. Contractor and all subcontractors shall keep and maintain accurate employee payroll records for Work performed under the Agreement. The payroll records shall be certified and submitted as required by law, including Labor Code Section 1771.4 (if applicable) and 1776, including (if the Agreement is awarded on or after April 1, 2015 or continues on or after January 1, 2016) to the Labor Commissioner no less frequently than monthly. Contractor shall comply fully with Labor Code Section 1777.5 in the hiring of apprentices for work relating to the Agreement. If the Agreement exceeds \$2,000 and is funded with federal funds, then Contractor shall pay federal Davis Bacon wages and comply with applicable federal requirements.
- 2.09 Mandatory Contractor and Subcontractor Registration.** *[Applies if Bid is submitted on or after March 1, 2015 or if Agreement is awarded on or after April 1, 2015]* Pursuant to Labor Code Section 1771(a), Contractor represents that it and all of its Subcontractors are currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5. Contractor covenants that any additional or substitute Subcontractors will be similarly registered and qualified.
- 2.10 Worker's Compensation.** Pursuant to Labor Code Sections 1860 and 1861, in accordance with the provisions of Section 3700 of the Labor Code, every contractor will be required to secure the payment of compensation to his employees. Contractor represents that it is aware of the provisions of Labor Code Section 3700 that require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Contractor shall comply with such provisions before commencing the performance of the Work.
- 2.11 Construction Performance Bond; Construction Labor and Materials Payment Bond; Securities in Lieu of Retention Escrow Account.**
- A. If Contract Sum under the Agreement exceeds (or is expected to exceed) \$25,000, Contractor shall provide a construction performance bond in form attached hereto as Appendix D – Construction Performance Bond, and a construction labor and material payment bond, in accordance with Civil Code Section 9550 and in form attached hereto Appendix E – Construction Labor and Materials Payment Bond. Contractor may not substitute cash in lieu of the required bond(s).
 - B. If the Agreement specifies performance retention, Contractor may elect to substitute securities or direct payment to an escrow account, pursuant to Public Contract Code Section 22300 (incorporated herein by this reference).
- 2.12 Earthwork and Underground Facilities.** If the Work involves digging trenches or other excavations that extend deeper than four feet below the surface, Contractor shall notify Owner in writing of any material that Contractor believes may be hazardous waste that is required to be removed in accordance law, subsurface or latent physical conditions at the site differing from those indicated by information about the site made available to bidders prior to the deadline for submitting bids, or unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the Contract Documents, pursuant to Section 7104 of the Public Contract Code. For any Work involving trench shoring that costs in excess of \$25,000, Contractor shall submit and Owner (or a registered civil or structural engineer employed by Owner) must accept, in advance of excavation, a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation of such trench or trenches, pursuant to Labor Code Section 6705. If such plan varies from the shoring system standards, the plan shall be prepared by a registered civil or structural engineer. Consistent with Government Code Section 4215, as between Owner and Contractor, Owner will be responsible

for the timely removal, relocation, or protection of existing main or trunk line utility facilities located on the Site only if such utilities are not identified in the Contract Documents or information made available for bidding.

Appendix C to Construction Services Agreement

INSURANCE

1. Commercial General Liability Insurance, written on an "occurrence" basis, which shall provide coverage for bodily injury, death and property damage resulting from operations, liability for slander, false arrest and invasion of privacy, blanket contractual liability, broad form endorsement, and completed operations, personal and advertising liability, with limits of not less than **[\$2,000,000]** each occurrence and **[\$2,000,000]** general aggregate, subject to a deductible of not more than **[\$1,000]** payable by Contractor.
2. Business Automobile Liability Insurance with limits not less than **[\$2,000,000]** each occurrence including coverage for owned, non-owned and hired vehicles, subject to a deductible of not more than **[\$1,000]** payable by Contractor.
3. Workers' Compensation Employers' Liability limits not less than **[\$2,000,000]** each accident, **[\$2,000,000]** per disease and **[\$2,000,000]** aggregate. Contractor's Workers' Compensation Insurance policy shall contain a Waiver of Subrogation against the City of St. Helena, its officers, directors, officials, agents, employees and volunteers. In the event Contractor is self-insured, it shall furnish Certificate of Permission to Self-Insure signed by Department of Industrial Relations Administration of Self-Insurance, State of California.
4. Builder's Risk Insurance including, without limitation, coverage against loss or damage to the Work by fire, lightening, wind, hail, aircraft, riot, vehicle damage, explosion, smoke, falling objects, vandalism, malicious mischief, collapse, and other such hazards as are normally covered by such coverage. Such insurance shall be in amount equal to the replacement cost (without deduction for depreciation and subject to stipulated value in lieu of average clause) of all construction constituting any part of the Work, excluding the cost of excavations, of grading and filling of the land, and except that such insurance may be subject to deductible clauses not to exceed **[\$10,000]** for any one loss. Such insurance will not cover loss or damage to Contractor's equipment, scaffolding or other materials not to be consumed in the construction of the Work. The insurer shall waive all rights of subrogation against Owner.
5. Insurance policies in Appendix C shall contain an endorsement containing the following terms:
 - 5.01 City of St. Helena, its officers, directors, officials, agents, employees, and volunteers, shall be named as additional insureds, but only with respect to liability arising out of the activities of the named insured, and there shall be a waiver of subrogation as to each named and additional insured.
 - 5.02 The policies shall apply separately to each insured against whom claim is made or suit is brought except with respect to the limits of the company's liability.
 - 5.03 Written notice of cancellation, non-renewal or of any material change in the policies shall be mailed to Owner thirty (30) days in advance of the effective date thereof.
 - 5.04 Insurance shall be primary insurance and no other insurance or self-insured retention carried or held by any named or additional insureds other than Contractor shall be called upon to contribute to a loss covered by insurance for the named insured.
6. Certificates of Insurance and Endorsements shall have clearly typed thereon the Project Name, shall clearly describe the coverage and shall contain a provision requiring the mailing of written notices of cancellation described in clause 5.03 above.
7. All policies of insurance shall be placed with insurers acceptable to Owner. The insurance underwriter(s) must be duly licensed to do business in the State of California and (other than for workers' compensation) must have an A. M. Best Company rating of [A-,VII] or better. Required minimum amounts of insurance may be increased should conditions of Work, in the opinion of Owner, warrant such increase. Contractor shall increase required insurance amounts upon direction by Owner.

Appendix D to Construction Services Agreement**CONSTRUCTION PERFORMANCE BOND**

KNOW ALL PERSONS BY THESE PRESENTS:

1. THAT WHEREAS, **City of St. Helena**, a General Law City and municipal corporation of the State of California (**Owner**) has awarded to **Marine Industrial Tank Inc** as Principal a Construction Services Agreement dated the 28th day of August, 2023 (**Agreement**), titled **THE W24-09 WTP Tanks Relining PROJECT** in the amount of \$946,860.40, which Agreement is by this reference made a part hereof, for the work described as follows:
 - Removing the sediment from interior ceiling, walls and floor of 1.4 MG tank
 - Resurfacing and relining tank interior floors and walls and ceiling with ANSI/NSF of 1.4 MG tank
 - Complete interior preparations and relining of one 55kg concrete tank.
2. AND WHEREAS, Principal is required to furnish a bond in connection with the Agreement, guaranteeing the faithful performance thereof;
3. NOW, THEREFORE, we, the undersigned Principal and _____ as Surety are held and firmly bound unto Owner in the sum of 100% OF THE CONTRACT SUM to be paid to Owner or its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.
4. THE CONDITION OF THIS OBLIGATION IS SUCH, that if Principal, or its heirs, executors, administrators, successors, or assigns approved by Owner, shall promptly and faithfully perform the covenants, conditions, and agreements of the Agreement during the original term and any extensions thereof as may be granted by Owner, with or without notice to Surety, and during the period of any guarantees or warranties required under the Agreement, and shall also promptly and faithfully perform all the covenants, conditions, and agreements of any alteration of the Agreement made as therein provided, notice of which alterations to Surety being hereby waived, on Principal's part to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify, defend, protect, and hold harmless Owner as stipulated in the Agreement, then this obligation shall become and be null and void; otherwise it shall be and remain in full force and effect.
5. No extension of time, change, alteration, modification, or addition to the Agreement, or of the work required thereunder, shall release or exonerate Surety on this bond or in any way affect the obligation of this bond; and Surety does hereby waive notice of any such extension of time, change, alteration, modification, or addition.
6. Whenever Principal shall be and declared by Owner in default under the Agreement, Surety shall promptly remedy the default, or shall promptly:
 - 6.01 Undertake through its agents or independent contractors, reasonably acceptable to Owner, to complete the Agreement in accordance with its terms and conditions and to pay and perform all obligations of Principal under the Agreement including, without limitation, all obligations with respect to warranties, guarantees, indemnities, and the payment of liquidated damages; or
 - 6.02 Obtain a bid or bids for completing the Agreement in accordance with its terms and conditions, and, upon determination by Owner of the lowest responsible bidder, reasonably acceptable to Owner, arrange for a contract between such bidder and Owner and make available as work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the Contract Sum, and to pay and perform all obligations of Principal under the Agreement including, without limitation, all obligations with respect to warranties, guarantees, and the payment of liquidated damages; but, in any event, Surety's total obligations hereunder shall not exceed the amount set forth in the third paragraph hereof. The term "balance of the Contract Sum," as used in this paragraph, shall mean the total amount payable by Owner to the Principal under the Agreement and any amendments thereto, less the amount Owner paid to Principal.
7. Surety's obligations hereunder are independent of the obligations of any other surety for the performance of the Agreement, and suit may be brought against Surety and such other sureties, jointly and severally, or against any one or more of them, or against less than all of them without impairing Owner's rights against the others. Surety may not use Contractor to complete the Agreement absent Owner's written consent.
8. No right of action shall accrue on this bond to or for the use of any person or corporation other than Owner or its successors or assigns.
9. Surety may join in any proceedings brought under the Agreement and shall be bound by any judgment.

10. Correspondence or claims relating to this bond shall be sent to Surety at the address set forth below.
IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 20__.

CONTRACTOR AS PRINCIPAL

SURETY

Company: (Corp. Seal)

Company: (Corp. Seal)

Signature

Signature

Name

Name

Title

Title

Street Address

Street Address

City, State, Zip Code

City, State, Zip Code

Appendix E to Construction Services Agreement

CONSTRUCTION LABOR AND MATERIAL PAYMENT BOND

KNOW ALL PERSONS BY THESE PRESENTS:

1. THAT WHEREAS, the **City of St. Helena**, a General Lay and municipal corporation of the State of California (**Owner**) has awarded to **Marine Industrial Tank Inc** as Principal a Construction Services Agreement, dated the 28th day of August, 2023 (**Agreement**), titled THE **W24-09 WTP Tanks Relining** Project located at 410 Crystal Springs Rd, St. Helena, CA in the amount of \$946,860.40, which Agreement is by this reference made a part hereof, for the work described as follows:
 - Removing the sediment from interior ceiling, walls and floor of 1.4 MG tank
 - Resurfacing and relining tank interior floors and walls and ceiling with ANSI/NSF of 1.4 MG tank
 - Complete interior preparations and relining of one 55kg concrete tank.
2. AND WHEREAS, Principal is required to furnish a bond in connection with the Agreement to secure the payment of claims of laborers, mechanics, material suppliers, and other persons as provided by law;
3. NOW, THEREFORE, we, the undersigned Principal and _____ as Surety, are held and firmly bound unto Owner in the sum of 100% OF THE CONTRACT SUM (\$ _____), for which payment well and truly to be made we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.
4. THE CONDITION OF THIS OBLIGATION IS SUCH, that if Principal, or its heirs, executors, administrators, successors, or assigns approved by Owner, or its subcontractors shall fail to pay any of the persons named in California Civil Code Section 9100, or amounts due under the State of California Unemployment Insurance Code with respect to work or labor performed under the Agreement, or for any amounts required to be deducted, withheld, and paid over to the State of California Employment Development Department from the wages of employees of Principal and subcontractors pursuant to California Unemployment Insurance Code Section 13020 with respect to such work and labor, that Surety will pay for the same in an amount not exceeding the sum specified in this bond, plus reasonable attorneys' fees, otherwise the above obligation shall become and be null and void.
5. This bond shall inure to the benefit of any of the persons named in California Civil Code Section 9100, as to give a right of action to such persons or their assigns in any suit brought upon this bond. The intent of this bond is to comply with the California Mechanic's Lien Law.
6. Surety, for value received, hereby expressly agrees that no extension of time, change, modification, alteration, or addition to the undertakings, covenants, terms, conditions, and agreements of the Agreement, or to the work to be performed thereunder, shall in any way affect the obligation of this bond; and it does hereby waive notice of any such extension of time, change, modification, alteration, or addition to the undertakings, covenants, terms, conditions, and agreements of the Agreement, or to the work to be performed thereunder.
7. Surety's obligations hereunder are independent of the obligations of any other surety for the payment of claims of laborers, mechanics, material suppliers, and other persons in connection with Agreement; and suit may be brought against Surety and such other sureties, jointly and severally, or against any one or more of them, or against less than all of them without impairing Owner's rights against the other.
8. Correspondence or claims relating to this bond shall be sent to Surety at the address set forth below.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 20____.

CONTRACTOR AS PRINCIPAL

SURETY

Company: (Corp. Seal)

Company: (Corp. Seal)

Signature

Signature

Name

Title

Street Address

City, State, Zip Code

Name

Title

Street Address

City, State, Zip Code



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DIR# 1000054366

Wednesday, September 13, 2023

Customer: City of St. Helena
1480 Main Street
St. Helena, CA

RE: New Complete Pumps complete with discharge heads, WITH NEW MOTORS**JOBSITE:** 410 Crystal Springs

NOTE: This quote is for 3 each complete new close coupled turbine 75HP pumps. This does not include the cost to install. HAS NEW MOTORS

QUANT	ITEM	DESCRIPTION	TAXABLE TOTAL
2 Each		1500GPM @ 140TDH 1770RPM VIT - Short Set Line shaft Turbine Pumps Wet pit/Open Sump Line shaft Turbine: Open Line shaft, VIT-FFTM 14RJLC, 2 Stages Bowl Assembly 14RJLC, 2 Stage(s), Manufacturer's Standard Column Assembly 12" x 1.1875" Threaded W/L Column Head Assembly 12" x 16.50" FF W/L Head, 150 # Flange Coating Coating, Bowl OD, Bowl OD First Stage, Tnemec 141, Liquid Epoxy (8 mils), Bowl OD Addl Stage(s), Tnemec 141, Liquid Epoxy (8 mils), Column ID, Tnemec 141, Liquid Epoxy (8 mils), Column OD, Tnemec 141, Liquid Epoxy (8 mils), Head ID, Tnemec 141, Liquid Epoxy (8 mils), Head OD, Tnemec 141, Liquid Epoxy (8 mils) Motor US, VHS 75.00 Hp 1770 RPM H075S2A1GD-WVNU-000A0B000, Steady Bushing: No, Motor Coupling: NRR Order Processing Lead Time 3 - 4 weeks Production Lead Time 10 - 12 weeks + Transit	\$ 109,448.50

1 Each

6000GPM @ 38TDH 1200RPM
VIT - Short Set Line shaft Turbine Pumps
Wet pit/Open Sump Line shaft Turbine: Open Line shaft, VIT-FFTM
16RGHC, 1 Stage
Bowl Assembly
16RGHC, 1 Stage(s), Manufacturer's Standard
Column Assembly
12" x 1.1875" Threaded W/L Column
Head Assembly
12" x 16.50" FF W/L Head, 150 # Flange
Coating
Coating, Bowl OD, Bowl OD First Stage, Tnemec 141, Liquid Epoxy (8 mils),
Column ID,
Tnemec 141, Liquid Epoxy (8 mils), Column OD, Tnemec 141, Liquid Epoxy
(8 mils), Head
ID, Tnemec 141, Liquid Epoxy (8 mils), Head OD, Tnemec 141, Liquid Epoxy
(8 mils)
Motor
US, VHS 125.00 Hp 1770 RPM H125S2A1GD-WVRU-000A0C000, Steady
Bushing: Yes,
Motor Coupling: NRR
Order Processing Lead Time
3 - 4 weeks
Production Lead Time
10 - 12 weeks + Transit

\$

62,798.75

Total for materials	\$	172,247.25
Sales Tax	\$	13,349.16
Freight	\$	-

LABOR DESCRIPTION

No Labor for this quote. Parts only

TOTAL \$ 185,596.41

Sincerely,

Ron Foster
Field and Operations Manager