

Town of Yountville

6550 Yount Street
Yountville, CA 94599



Town of Yountville

"The Heart of the Napa Valley"

Meeting Agenda - Final

Tuesday, August 6, 2019

6:00 PM

Town Hall Council Chambers

Town Council

Mayor John Dunbar
Vice Mayor Kerri Dorman
Council Member Margie Mohler
Council Member Marita Dorenbecher
Council Member Jeffrey Durham

1. CALL TO ORDER; CONVENE REGULAR MEETING - 6:00 P.M.**2. ROLL CALL****3. PLEDGE OF ALLEGIANCE****4. ADOPTION OF AGENDA****5. PROCLAMATIONS AND RECOGNITIONS**

- A. [19-2179](#) Certificates of Appreciation presented to Mikael Tigrett for his service on the Zoning & Design Review Board (ZDRB) and Jake Costa for his service on the Yountville Arts Commission.
- B. [19-2235](#) Presentation of Proclamation to Crush Cancer Napa Valley in recognition of their 9th Annual Fundraiser being held August 10, and 11, 2019 in Yountville.

Attachments: [Proclamation](#)

- C. [19-2234](#) Recognition of the Town, and Finance Department for receiving the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the Town's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2017-2018.

Attachments: [Certificate of Achievement](#)
[News Release](#)

6. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA

Individuals will be limited to a five-minute presentation. No action will be taken by the Council as a result of any item presented at this time.

7. CONSENT CALENDAR

- A. [19-2215](#) Approve request to cancel the September 3, 2019, Town Council Meeting.
- B. [19-2186](#) Adopt Resolution Number 19-3571 Awarding the Bid for the 2019 Microsurfacing Project (MT-3020); Approving a Construction Contract with American Asphalt Repair and Resurfacing Company, Inc. of Hayward, CA; and Authorizing the Town Manager to execute the Construction Contract, Change Orders and Amendments up to the Budget amount.

Attachments: [Resolution](#)

- C. [19-2230](#) Approve minutes of the special and regular meetings held June 4 , 2019.

Attachments: [June 4, 2019 Special Meeting Minutes](#)
[June 4, 2019 Regular Meeting Minutes](#)

- D. [19-2236](#) Approve minutes of the meeting held July 16, 2019.

Attachments: [July 16, 2019 Minutes](#)

8. PRESENTATIONS

- A. [19-2199](#) CalFire Public Safety Quarterly Report.

Attachments: [Quarterly Report](#)
[Presentation](#)

9. PUBLIC HEARINGS - NONE

10. ADMINISTRATIVE / REGULAR ITEMS

- A. [19-2227](#) RESPONSE TO 2018-2019 NAPA COUNTY GRAND JURY REPORT
Discussion and authorization to submit Response letter for the 2018-2019 Napa County Grand Jury Report regarding Napa County Water Quality - It's a Matter of Taste.

Attachments: [Grand Jury Response Letter](#)
[Grand Jury Response Letter Attachments](#)

- B. [19-2226](#) PARKING WORKSHOP FOLLOW UP
Discussion and direction regarding follow-up from July 16, 2019 Parking Workshop.

Attachments: [Parking Discussion Options](#)

- C. [19-2229](#) CANNABIS FOLLOW UP
Discussion and possible action by the Town Council as to whether they wish to move forward with a process to consider the potential development of a regulatory framework to permit a cannabis dispensary to operate within the Town or to continue with the current ban on retail cannabis dispensaries.

Attachments: [Cannabis Staff Report Dated April 16, 2019](#)

D. [19-2220](#) ZONING ORDINANCE UPDATE PROCESS

Discussion and possible action regarding possible change of scope related to update of Zoning Ordinance and General Plan Policy Implementation and based on discussion results possible Adoption of Resolution Number 19-3572 Approving a Professional Services Agreement (PSA) with O'Rourke & Associates for additional consulting services associated with the update of the Zoning Ordinance and General Plan Policy Implementation in an amount not to exceed \$116,845.

Attachments:[Resolution](#)[Zoning Code Update Proposal - Original Scope of Work](#)[Zoning Code Update Proposal - Revised Scope of Work](#)**E. [19-2087](#) YOUNTVILLE COMMUNITY FOUNDATION APPOINTMENTS**

Discussion and possible action to appoint two (2) individuals to the Yountville Community Foundation with one representing the Chamber of Commerce and the other representing the Resident category with the terms of office to commence August 1, 2019 and expire August 1, 2021.

Attachments:[Sandy Fagan Application](#)[Darlene de Beauclair Application](#)[Jessica Penman Application](#)[Hillary Tripp Application](#)[Vittoria Boscarino Application](#)[Notice of Vacancy](#)[Board Details and Roster](#)**F. [19-2189](#) ZONING & DESIGN REVIEW BOARD APPOINTMENT (ZDRB)**

Consider appointment of one (1) individual to the Zoning & Design Review Board with the term of office to commence July 21, 2019 and expire July 21, 2022.

Attachments:[Laurence Kamer Application](#)[Michael Jordan Application](#)[Nathaniel Dorn Application](#)[Notice of Vacancy](#)[Board Details and Roster](#)

- G. [19-2221](#) TOWN COUNCIL PROTOCOLS UPDATE
Consider Adoption of Resolution Number 19-3573 Updating the Town Council Protocols.

Attachments: [Resolution](#)
 [Draft Town Council Protocols](#)
 [February 6, 2018 Protocols Staff Report](#)

11. STAFF INFORMATIONAL REPORTS

- A. [19-2239](#) Update Regarding Second Residential Unit (Accessory Dwelling Unit or “ADU”) Impact Fees and Pending Legislation

Attachments: [Legislative Summary of Pending Bills](#)

12. COUNCIL MEETING REPORTS, COMMENTS AND AGENDA ITEM REQUESTS

- A. Napa County Flood Control & Water Conservation District (Dunbar/Dorenbecher)
- B. Watershed Information and Conservation Council (Dorenbecher/Durham)
- C. Local Agency Formation Commission of Napa County (Mohler)
- D. League of California Cities Update (Dunbar, Mohler, Dorenbecher)
- E. Reports and Announcements

13. CLOSED SESSION

- A. [19-2237](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.)
Property Address: 2180 Madison Street, Yountville, CA 94599
Town Negotiator: Steven R. Rogers, Town Manager
Negotiating Party: Susan Archer, Managing Broker, BHHS Drysdale Properties
Under Negotiation: Price and Terms of Payment

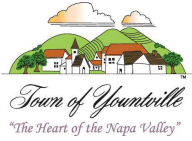
14. ADJOURNMENT

Adjourned to the Town Council Regular Meeting Tuesday, September 17, 2019 at 6:00 p.m. being held in Town Council Chambers located at 6550 Yount Street, Yountville.

I certify that a copy of this Town Council Agenda was posted at a location freely-accessible to the public at Yountville Town Hall, 6550 Yount Street within the Town of Yountville, the Friday before the meeting.

/s/ Eddy Gomez

Eddy Gomez, Management Fellow



Staff Report

File #: 19-2179, Version: 1

Certificates of Appreciation presented to Mikael Tigrett for his service on the Zoning & Design Review Board (ZDRB) and Jake Costa for his service on the Yountville Arts Commission.



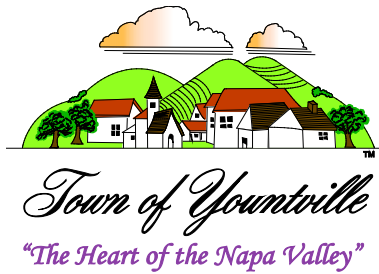
Town of Yountville

6550 Yount Street
Yountville, CA 94599

Staff Report

File #: 19-2235, Version: 1

Presentation of Proclamation to Crush Cancer Napa Valley in recognition of their 9th Annual Fundraiser being held August 10, and 11, 2019 in Yountville.



PROCLAMATION

In Recognition of CRUSH CANCER NAPA VALLEY

WHEREAS, more than 1.7 million new cancer cases are expected to be diagnosed in the United States in 2019, 187,000 of which are estimated to be in California.

WHEREAS, about half of people diagnosed with cancer face financial hardship because of their diagnosis, with some survivors spending more than 20% of their annual income on care.

WHEREAS, beginning in 2010 with "Sisters Crush Breast Cancer" and co-organizer Thomas Willows, the Jordan family has led a dynamic effort to raise funds and awareness in support of cancer patients.

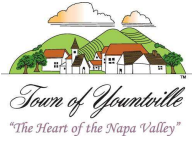
WHEREAS, the organization, now known as Crush Cancer Napa Valley and expanded to assist all cancer diagnoses, has raised over \$200,000 in its mission to assist local cancer patients by providing funds for basic necessities and nutrition support - including groceries, utilities, childcare and transportation - to ease the burden for patients and their caregivers.

WHEREAS, the 9th annual event this year features an expanded two-day format, including a silent auction, dinner and live auction on August 10, followed by the annual 5K Walk/Run on August 11. Crush Cancer Napa Valley also raises funds during Cocktail Month in October from all specialty Crush cocktails sold at restaurant partner, Bistro Don Giovanni.

Now, therefore let it be resolved, that I, John F. Dunbar, Mayor of the Town of Yountville, along with the Town Council, do hereby recognize the dedication of the Jordan family to raise money in support of the fight against cancer and we thank the organizers and participants of Crush Cancer Napa Valley.

John F. Dunbar, Mayor

Dated: August 6, 2019



Staff Report

File #: 19-2234, Version: 1

Recognition of the Town, and Finance Department for receiving the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the Town's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2017-2018.



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**Town of Yountville
California**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2018

Christopher P. Morill

Executive Director/CEO



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

07/18/2019

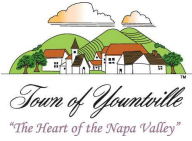
For more information contact:
Michele Mark Levine, Director/TSC
Phone: (312) 977-9700
Fax: (312) 977-4806
E-mail: mlevine@gfoa.org

(Chicago, Illinois)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Town of Yountville** by Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s) or department designated by the government as primarily responsible for preparing the award-winning CAFR.

The CAFR has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

Government Finance Officers Association is a major professional association servicing the needs of over 20,000 appointed and elected local, state, and provincial-level government officials and other finance practitioners. It provides top quality publications, training programs, services, and products designed to enhance the skills and performance of those responsible for government finance policy and management. The association is headquartered in Chicago, Illinois, with offices in Washington, D.C.



Staff Report

File #: 19-2215, Version: 1

Approve request to cancel the September 3, 2019, Town Council Meeting.

September 3, 2019 - Cancel meeting due to holiday.



Staff Report

File #: 19-2186, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019
TO: Mayor and Town Council
FROM: Preya Nixon, Sr. Management Analyst

TITLE

Adopt Resolution Number 19-3571 Awarding the Bid for the 2019 Microsurfacing Project (MT-3020); Approving a Construction Contract with American Asphalt Repair and Resurfacing Company, Inc. of Hayward, CA; and Authorizing the Town Manager to execute the Construction Contract, Change Orders and Amendments up to the Budget amount.

DISCUSSION/BACKGROUND

At the June 17, 2019 Town Council meeting, Council approved the FY 2019-20 Capital Improvement Plan with MT-3020 Annual Street Maintenance and Paving Program which includes a Microsurfacing project in various locations throughout Yountville.

This is the second project funded by Measure T, the Napa Countywide Road Maintenance Act. Measure T is a countywide sales tax administered by the Napa Valley Transportation Authority (NVTA) and is collected and distributed by Napa County for road maintenance. Measure T is budgeted in Special Revenue Fund 25.

The project includes the process of microsurfacing in various locations throughout Town. These locations were determined in conjunction with the pavement condition update which was completed in December 2017 and used to identify and prioritize street improvements based on current conditions. Microsurfacing is the best choice for streets that reached a point in the service life that the street would benefit from crack sealing, limited base repair, and then microsurfacing. This process is more cost effective than delaying street maintenance to the point where it needs to be overlaid or reconstructed with new asphalt.

The Plans, Specifications and Engineering (PS&E) design for this project were completed by Pavement Engineering Inc. (PEI) when the Town Council approved Resolution Number 19-3553. Construction plans and specifications were completed in June 2019.

Town staff is anticipating the project construction to be scheduled for the Fall of 2019 with a maximum 50 day work schedule, weather permitting. It is expected that the actual micro-surfacing work will take one (1) week to complete. The anticipated streets that will be micro-surfaced include: Heather Street, Holly Street, Ivy Court, Jefferson Street, Larkspur Street, Mulberry Street, Pedroni Street and Stags View Lane.

The engineer's estimated total cost for the 2019 Microsurfacing Project (MT-3020) is \$163,000. The current budget for MT-3020 is \$550,000, which is a conservative estimate of revenue. The Town is also planning for street improvements in the Oak Circle neighborhood in the spring of 2020.

Staff solicited a formal 10-day bid for the project on July 19, 2019. Plans were purchased by two (2) contractors and one (1) bid was received. The following bid for construction was received and opened on July 29, 2019. There were no addendums issued.

American Asphalt Repair and Resurfacing Company, Inc.

Bid Amount: \$175,195.80

As specified in the bid documents, the award bid was determined as the lowest bid price. No mathematical or material errors were found in the bid package provided by American Asphalt Repair and Resurfacing Company, Inc. of Hayward, CA, and it is considered the apparent lowest responsive and responsible bidder at \$175,195.80.

Staff recommends awarding the 2019 Microsurfacing Project contract to American Asphalt Repair and Resurfacing Company, Inc. as the lowest responsive and responsible bidder. Staff estimates the total project budget (including 10% construction contingency) would be \$192,000.

ENVIRONMENTAL REVIEW

Categorically Exempt per California Environmental Quality Act (CEQA) Guideline; Class 2, Replacement or Reconstruction

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? Yes

Where is it Budgeted? MT 3020 Annual Street Maintenance and Paving Program

Is it Mandatory or Discretionary? Discretionary

Is there a Staff Resource Impact? Nominal

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Responsible Fiscal Policy:** The Town maintains its fiscal health through policies designed to maximize economic opportunities, manage expenses, and ensure prudent reserves.

Briefly Explain Relationship to Strategic Plan Goal and Objective. Using Measure T funds for street repairs and maintenance, allows for non-General Fund monies to construct streets that will serve their purpose of safe and efficient public access in a fiscally responsible way.

ALTERNATIVES

Reject the bids and direct staff to rebid

Reject the bids and direct staff to hold the project until a later date

RECOMMENDATION

Adopt Resolution Number 19-3571 Awarding the Bid for the 2019 Microsurfacing Project (MT-3020); Approving a Construction Contract with American Asphalt Repair and Resurfacing Company, Inc. of Hayward, CA; and

Authorizing the Town Manager to execute the Construction Contract, Change Orders and Amendments up to the Budget amount.

Town of Yountville

Resolution Number 19-3571

Adopt Resolution Number 19-3571 Awarding the Bid for the 2019 Microsurfacing Project (MT-3020); Approving a Construction Contract with American Asphalt Repair and Resurfacing Company, Inc. of Hayward, CA; and Authorizing the Town Manager to execute the Construction Contract, Change Orders and Amendments up to the Budget amount.

Recitals

- A. At the June 17, 2019 Town Council meeting, Council approved the 2019-20 Capital Improvement Plan with the MT-3020 Annual Street Maintenance Paving Program which includes the 2019 Microsurfacing project.
- B. This is the second project funded by Measure T, the Napa Countywide Road Maintenance Act, and is budgeted in Fund 25.
- C. The project entails the routine maintenance of microsurfacing in various locations throughout Town. Microsurfacing is best for streets that have utility trench cuts and/or block cracking. It is more cost effective than letting a street deteriorate to the point where it needs to be overlaid with asphalt concrete.
- D. Pavement Engineering, Inc. completed the conceptual design and final construction documents in June and staff solicited a formal 10 day bid for the project on July 19, 2019 using the formal bidding procedures specified in the d in Section 3.32.300 of the Yountville Municipal Code; and bids for construction were received from one (1) contractor and opened on July 29, 2019.
- E. The bid from American Asphalt Repair and Resurfacing Company, Inc. is the lowest responsive and responsible bid at \$175,195.80.
- F. Staff recommends awarding the 2019 Microsurfacing Project contract to American Asphalt Repair and Resurfacing Company, Inc. as the lowest responsive and responsible bidder. Staff estimates the total project budget (including 10% construction contingency) would be \$192,000.
- G. This project is categorically exempt under Section 15302(c) Categorical Exempt per California Environmental Quality Act (CEQA) Guideline; Class 2, Replacement or Reconstruction.

Now therefore, the Town Council of the Town of Yountville does resolve as follows:

- 1. Hereby accepts the bid and awards the construction contract to from American Asphalt Repair and Resurfacing Company, Inc.
- 2. Hereby authorizes the Town Manager to sign the construction contract, change orders and amendments up to the budget amount.
- 3. The Resolution is hereby adopted and becomes effective and in full force immediately upon adoption.

Resolution Number 19-3571

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Yountville, State of California, held on this 6th Day of August 2019 by the following vote:

AYES:

NOES:

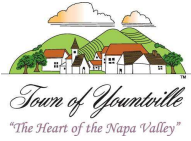
ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC, Town Clerk



Staff Report

File #: 19-2230, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019
TO: Mayor and Town Council
FROM: Michelle Dahme, CMC, Town Clerk

TITLE

Approve minutes of the special and regular meetings held June 4, 2019.

DISCUSSION/BACKGROUND

Staff requests approval of the minutes of the special and regular meetings held June 4, 2019.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? N/A
Is it Currently Budgeted? N/A
Where is it Budgeted? N/A
Is it Mandatory or Discretionary? Mandatory
Is there a Staff Resource Impact? Nominal

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Indirectly
If yes, Identify Strategic Goal and Objective. **Exceptional Town Services and Staff:** The Town supports its talented staff who deliver high quality municipal programs and services while maintaining public infrastructure for the benefit of the community.

Briefly Explain Relationship to Strategic Plan Goal and Objective. Minutes are required to ensure the Legislative History of Town Council actions is maintained.

ALTERNATIVES

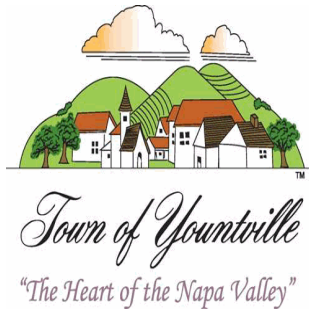
N/A

RECOMMENDATION

Staff requests approval of the minutes of the special and regular meetings held June 4, 2019.

Town of Yountville

6550 Yount Street
Yountville, CA 94599



Meeting Minutes - Draft

Tuesday, June 4, 2019

4:45 PM

Special Meeting - Applicant Interviews

Town Hall Council Chambers

Town Council

Mayor John Dunbar
Vice Mayor Kerri Dorman
Council Member Margie Mohler
Council Member Marita Dorenbecher
Council Member Jeffrey Durham

1. CALL TO ORDER; CONVENE SPECIAL MEETING - 4:45 P.M.

Mayor Dunbar called the special meeting to order at 4:45 p.m.

2. ROLL CALL

Present: 5 - Mayor John Dunbar, Vice Mayor Kerri Dorman, Council Member Margie Mohler, Council Member Marita Dorenbecher, and Council Member Jeffrey Durham

3. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA

None

4. BOARD / COMMITTEE / COMMISSION APPLICANT INTERVIEWS**A. [19-2082](#) Yountville Arts Commission Applicant Interviews**

Attachments: [PJ Hudson - Application Redacted](#)
[Jim McDonald - Application Redacted](#)
[Marty Wordsworth - Application Redacted](#)
[Cynthia Kapjian - Application Redacted](#)
[Catherine Stegman - Application Redacted](#)

The Town Council interviewed the following Applicants: Jim McDonald, Marty Wordsworth and Cynthia Kapjian.

Applicant PJ Hudson withdrew her application. Catherine Stegman was on vacation and unable to complete the questionnaire while traveling which would have been considered by Council in lieu of interview.

5. ADJOURNMENT

Adjourned to the Town Council Regular Meeting Tuesday, June 4, 2019 at 6:00 p.m. being held in Town Council Chambers located at 6550 Yount Street, Yountville.

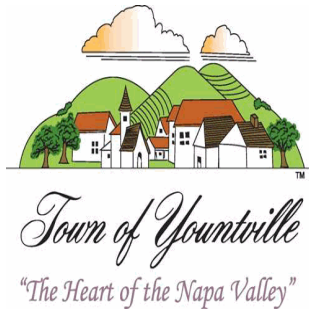
ATTEST:

Michelle Dahme, CMC
Town Clerk

Date Approved: August 6, 2019

Town of Yountville

6550 Yount Street
Yountville, CA 94599



Meeting Minutes - Draft

Tuesday, June 4, 2019

6:00 PM

Town Hall Council Chambers

Town Council

Mayor John Dunbar
Vice Mayor Kerri Dorman
Council Member Margie Mohler
Council Member Marita Dorenbecher
Council Member Jeffrey Durham

1. CALL TO ORDER; CONVENE REGULAR MEETING - 6:00 P.M.

Mayor Dunbar called the meeting to order at 6:00 p.m.

2. ROLL CALL

Present: 5 - Mayor John Dunbar, Vice Mayor Kerri Dorman, Council Member Margie Mohler, Council Member Marita Dorenbecher, and Council Member Jeffrey Durham

3. PLEDGE OF ALLEGIANCE

Dave Means, Parks & Recreation Advisory Commissioner, led the pledge of allegiance.

4. ADOPTION OF AGENDA

A motion was made by Council Member Dorenbecher, seconded by Council Member Mohler to Adopt the Agenda. The motion carried by the following vote:

Aye: 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

5. PROCLAMATIONS AND RECOGNITIONS

- A.** [19-2139](#) Presentation of Proclamation in recognition of Gun Violence Awareness Day June 7, 2019.

Attachments: [Proclamation](#)

Mayor Dunbar presented Proclamation to Moms Demand Action for Gun Sense in America.

- B.** [19-2162](#) Presentation of Proclamation in recognition of June as LGBTQ Pride Month.

Attachments: [Proclamation](#)

Mayor Dunbar presented Proclamation.

6. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA

None

7. CONSENT CALENDAR

- A.** [19-2134](#) Adopt Resolution Number 19-3557 Approving Agreement with the County of Napa for the Town to reimburse Napa County for the provision of Animal Shelter Service costs effective July 1, 2019 through June 30, 2022.

Attachments: [Resolution](#)
[Agreement](#)

This Resolution was adopted.

- B.** [19-2157](#) Second Reading and Adoption of Ordinance Number 19-484 Amending Chapter 5.20 of Title 5 of the Yountville Municipal Code Regarding Peddlers and Solicitors.

Attachments: [Ordinance](#)
[Ordinance Redline](#)

This Ordinance was adopted.

- C.** [19-2150](#) Adopt Resolution Number 19-3559 Authorizing the filing of a Notice of Completion and Accepting the work for the Yount Street Rehabilitation Project (MT-3019) performed by Granite Construction Company for a total amount of \$453,862.

Attachments: [Resolution](#)
[Notice of Completion](#)

This Resolution was adopted.

- D.** [19-2154](#) Adopt Resolution Number 19-3558 Approving Professional Services Agreement (PSA) with O'Rourke and Associates for an Update of the Zoning Ordinance and General Plan Policy Implementation in an amount not to exceed \$100,650.

Attachments: [Resolution](#)
[Agreement](#)

This Resolution was adopted.

Approval of the Consent Agenda

A motion was made by Vice Mayor Dorman, seconded by Council Member Dorenbecher to approve the Consent Calendar items. The motion carried by the following vote:

Aye: 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

8. PRESENTATIONS

- A.** [19-2099](#) Presentation by Yountville Chamber of Commerce: Annual Report.

Attachments: [Chamber of Commerce Annual Report](#)

Whitney Diver-McEvoy, Yountville Chamber of Commerce President and Chief

Executive Officer, presented Annual Report.

9. PUBLIC HEARINGS

- A. [19-2155](#) YOUNTVILLE PARK UNDERGROUND UTILITY ZONE
Consider Adoption of Resolution Number 19-3560 Establishing the Yountville Park Underground Utility Zone Pursuant to Chapter 13.104 of the Yountville Municipal Code.

Attachments: [Resolution](#)
 [Exhibit A](#)
 [PG&E - Rule 20A Work Credit Reallocation Notice](#)

Joe Tagliaboschi, Public Works Director, presented staff report.

Public Hearing Held

Public Comment - None

Following Town Council discussion, Council took the following action:

A motion was made by Council Member Durham, seconded by Council Member Mohler to Adopt the Resolution. The motion carried by the following vote:

Aye: 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

- B. [19-2158](#) MUNICIPAL CODE AMENDMENT
Introduce and Waive the Reading of Ordinance Number 19-485 Amending Title 17 Zoning of the Yountville Municipal Code to remove references to "wine tasting bars" as allowable uses in zones where currently allowed and amend the definition of "wine tasting room" to remove two-ounce pour restriction.

Attachments: [Chamber of Commerce Request](#)
 [Chamber of Commerce PowerPoint](#)
 [Hill Family Letter of Support](#)
 [Fox Letter of Support](#)
 [Jessup Cellars Letter of Support](#)
 [Ordinance Clean](#)
 [Ordinance Redline](#)

Sandra Liston, Planning Director, presented staff report which is in response to a request from the Yountville Chamber of Commerce to change the definition of "wine tasting room" in the Town's Municipal Code to remove the two-ounce pour restriction.

Public Hearing Held

Public Comment Held

Mayor Dunbar advised of email correspondence received by Council and advised it was available with the agenda item.

Carol Fink forwarded email comments by Iren Jenny.

The following individuals spoke on the item: Whitney Diver-McEvoy, President/CEO Yountville Chamber of Commerce on behalf of Arik Housley, and then representing the Chamber of Commerce.

Whitney Diver-McEvoy also commented on letters of support received from A.J. Eisiminger, Jessup Cellars; Larry and Rita Fox, Yountville Residents; Melissa Miller, Priest Ranch; Hill Family, Cameron Shaw, Stewart Cellars; and Allison Steltzner, Heron House.

Allison Negrón, Direct to Consumer Manager, Hill Family Estate; Tracy Mcartle, Jessup Cellars and the Good Life Wine Collective; James Stuart, Stuart Cellars; Richard Hall, Cliff Lede; Rob Stout (Resident).

Vice Mayor Dorman proposed the following changes to the ordinance:

- Leave in a 2-ounce pour.
- Tasting Rooms can pour a full glass or sell it or a full bottle and sell it if the Tasting Room is enrolled in the Town's Employee Parking Management Plan and the Tasting Room does not intensify the use of the property or premises.

Mayor Dunbar polled the Council regarding the Vice Mayor's proposed changes and based on the feedback Council was not in support of the proposed changes.

Following Town Council discussion, Council took the following action to support the Ordinance as presented by staff.

A motion was made by Council Member Durham, seconded by Council Member Mohler to Introduce and Waive the Reading of the Ordinance, as presented by staff. The motion carried by the following vote:

Aye: 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

10. ADMINISTRATIVE / REGULAR ITEMS

- A.** [19-2160](#) ART OF PEACE PROGRAM
Discussion and possible direction regarding request for potential Yountville Arts Project in collaboration with the Art of Peace Program and the Robby Poblete Foundation.

Attachments: [Robby Poblete Foundation Overview](#)

Samantha Holland, Parks & Recreation Director, presented staff report.

Kim Cook, Arts Commission Chair, provided update on the Arts Commission discussion and proposal for the potential sculpture.

Public Comment - None

Following Town Council discussion, Council provided consensus direction to not establish an Ad Hoc Subcommittee and to not move forward with discussion regarding a future permanent art piece.

- B.** [19-2159](#) **FLAG POLICY AND CEREMONIAL FLAG POLE**
Consider Adoption of Resolution Number 19-3561 Establishing a Flag Policy and Ceremonial Flag Pole; and if the policy is approved, consider request to display the "Rainbow Flag" during LGBTQ Pride Month in June on Town Hall Ceremonial Flag Pole.

Attachments: [Resolution](#)

[Resolution and Policy REVISED](#)

Steve Rogers, Town Manager, presented staff report.

Public Comment Held

Mayor Dunbar commented the Town Council received an e-comment from Denise Hughes and emails from Sherry and Joel Breitigam and Megan Mason.

The following individuals spoke on the item: Debbie Alter-Starr, Heather Bailey, Beth Nelson, and Nina Berg.

Following Town Council discussion, Council took the following action.

A motion was made by Vice Mayor Dorman, seconded by Council Member Durham to Adopt the Resolution and Policy as revised by Vice Mayor Dorman. The motion carried by the following vote:

Aye: 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

- C.** [19-2161](#) **YOUNTVILLE ARTS COMMISSION APPOINTMENTS**
Consider appointment of three (3) individuals to serve on the Yountville Arts Commission with the terms of office to commence July 22, 2019 and expire July 21, 2021.

Attachments: [PJ Hudson - Application](#)
[Jim McDonald - Application Redacted](#)
[Marty Wordsworth - Application Redacted](#)
[Cynthia Kapjian - Application Redacted](#)
[Catherine Stegman - Application Redacted](#)
[Notice of Vacancy](#)
[Board Details and Roster](#)

Michelle Dahme, Town Clerk, presented staff report.

Applicant PJ Hudson withdrew her application. Catherine Stegman was on vacation and unable to complete the questionnaire while traveling which would have been considered by Council in lieu of interview.

Public Comment - None

Mayor Dunbar commented Council received an email from Jim McDonald.

The Town Council took the following action:

A motion was made by Council Member Dorenbecher, seconded by Council Member Durham to reappoint Jim McDonald and Marty Wordsworth and appoint Cynthia Kapjian with the terms of office to commence July 22, 2019 and expire July 21, 2021. The motion carried by the following vote:

Aye: 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

11. STAFF INFORMATIONAL REPORTS

A. Hosting Platform Update (Rental Property - VRBO/HomeAway/Others)

Steve Rogers, Town Manager, presented staff informational report.

12. COUNCIL MEETING REPORTS, COMMENTS AND AGENDA ITEM REQUESTS

Agendas and Minutes related to Council Members meeting attendance are maintained separately by the various meeting bodies.

A. Napa County Flood Control & Water Conservation District (Dunbar/Dorenbecher)

Mayor Dunbar reported on District meeting.

B. League of California Cities Update (Dunbar, Mohler, Dorenbecher)

Mayor Dunbar advised he will be attending the League of California Cities Executive Forum and Board of Directors meetings in Newport Beach, and Council Members Mohler and Dorenbecher will be attending the League's Policy Committee meetings in Sacramento.

C. Reports and Announcements

Council Member Mohler reported LAFCO met to discuss the direction of their Sphere of Influence (SOI) Policy and agreed to move forward with creating a roundtable policy committee.

Mayor Dunbar recognized that he along with Vice Mayor Dorman, Council Member Dorenbecher and Public Works Director Tagliaboschi attended the Emergency Management Preparedness Summit held in Sacramento.

Council Member Dorenbecher reported she attended the Summit and breakout sessions and said how interesting it was to hear from Paradise, Santa Rosa and Santa Barbara where she learned that the recovery is actually the hardest part of the event.

Mayor Dunbar reported he and Vice Mayor Dorman met with NVUSD Superintendent Dr. Mucetti, staff members, and Board of Trustees about the status of the District budget and plans to evaluate principally small schools (below 300 students) which would include Yountville Elementary School. June 20 is possibly the Board meeting where they will discuss the small school situation and financial difficulties.

Mayor Dunbar reported he was able to represent, as the Second Vice President, the League of California Cities and the Town and met with members of the State of California Governor's Office, Department of General Services and Housing and Community Development to discuss potential housing development at the Veterans Home.

Town Manager Rogers reported Planning Director Liston attended a regional meeting regarding SB 2 (Building Homes and Jobs Act) planning implementation and advised the Town is working on a grant proposal to look at studies to support the feasibility of housing on the Veterans Home campus.

Mayor Dunbar reported that he and Vice Mayor Dorman were on a teleconference call with staff from the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) who were supportive and wanted the Town to work with them on preparing grants to obtain SB 2 money.

13. CLOSED SESSION - NONE

14. ADJOURNMENT

Adjourned to the Town Council Special Meeting Monday, June 17, 2019 at 6:00 p.m. being held in Town Council Chambers located at 6550 Yount Street, Yountville.

ATTEST:

Michelle Dahme, CMC
Town Clerk

Date Approved: August 6, 2019



Staff Report

File #: 19-2236, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019

TO: Mayor and Town Council

FROM: Michelle Dahme, CMC, Town Clerk

TITLE

Approve minutes of the meeting held July 16, 2019.

DISCUSSION/BACKGROUND

Staff requests approval of the minutes of the meeting held July 16, 2019.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? N/A

Is it Currently Budgeted? N/A

Where is it Budgeted? N/A

Is it Mandatory or Discretionary? Mandatory

Is there a Staff Resource Impact? Nominal

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Indirectly

If yes, Identify Strategic Goal and Objective. **Exceptional Town Services and Staff:** The Town supports its talented staff who deliver high quality municipal programs and services while maintaining public infrastructure for the benefit of the community.

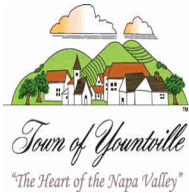
Briefly Explain Relationship to Strategic Plan Goal and Objective. Minutes are required to ensure the Legislative History of Town Council actions is maintained.

ALTERNATIVES

N/A

RECOMMENDATION

Staff requests approval of the minutes of the meeting held July 16, 2019.



Town of Yountville

6550 Yount Street
Yountville, CA 94599

Meeting Minutes - Draft

Town Council

Mayor John Dunbar
Vice Mayor Kerri Dorman
Council Member Margie Mohler
Council Member Marita Dorenbecher
Council Member Jeffrey Durham

Tuesday, July 16, 2019

6:00 PM

Town Hall Council Chambers

1. CALL TO ORDER; CONVENE REGULAR MEETING - 6:00 P.M.

Mayor Dunbar called the meeting to order at 6:00 p.m.

2. ROLL CALL

Present: 4 - Mayor John Dunbar, Vice Mayor Kerri Dorman, Council Member Margie Mohler, and Council Member Jeffrey Durham

Excused: 1 - Council Member Marita Dorenbecher

3. PLEDGE OF ALLEGIANCE

The pledge of allegiance was held.

4. ADOPTION OF AGENDA

Mayor Dunbar commented that agenda 8-B may be continued to a future meeting.

A motion was made by Council Member Mohler, seconded by Vice Mayor Dorman, to Adopt the Agenda . The motion carried by the following vote:

Aye: 4 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, and Council Member Durham

Excused: 1 - Council Member Dorenbecher

5. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA

None

6. CONSENT CALENDAR

A. Approve request to cancel the October 15, 2019 Town Council Meeting.

This Action Item was approved.

B. Adopt Resolution Number 19-3567 Approving Plans and Specifications

and Authorizing Solicitation of Bids for the 2019 Microsurfacing Project (MT-3020).

Attachments: [Resolution](#)
[Notice to Bidders](#)
[Plans](#)

This Resolution was adopted.

- C. Adopt Resolution Number 19-3568 Approving and Adopting the plans, specifications and working details, and authorizing the solicitation of bids for the Hopper Creek Path Reconstruction Project from the Hopper Creek Condos to Yount Street (CP-0014).

Attachments: [Resolution](#)
[Notice to Bidders](#)
[Topographic Map](#)
[Plan](#)

This Resolution was adopted.

- D. Adopt Resolution Number 19-3569 approving the Plans, Specifications and Working Details for the Relocation of the Pressure Regulator Station on Yountville Cross Road at Finnell Road and directing staff to solicit bids for the project (WA-0007).

Attachments: [Resolution](#)
[Notice to Bidders](#)
[Plans](#)

This Resolution was adopted.

- E. Approve minutes of the meeting held July 2, 2019.

Attachments: [July 2, 2019 Minutes](#)

The Minutes were approved.

Approval of the Consent Agenda

A motion was made by Council Member Mohler, seconded by Vice Mayor Dorman to approve the Consent Calendar items. The motion carried by the following vote:

Aye: 4 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, and Council Member Durham

Excused: 1 - Council Member Dorenbecher

7. PRESENTATIONS

- A. Presentation Regarding California Public Utilities Commission's (CPUC) Limousine Enforcement by Sheriff Deputy Steve Lombardi.
- Napa County Sheriff Deputy Steven Lombardi gave presentation.

8. PUBLIC HEARINGS

- A. MUNICIPAL CODE AMENDMENT
- Introduce and Waive the First Reading of Ordinance Number 19-486 Amending Title 18 Design Standards to remove the one and one-half story limitation for Second Residential Units Above Garage and to increase the maximum allowable second floor plate height.

Attachments: [Ordinance](#)
[ZDRB Staff Report Dated 4-9-19](#)

Sandra Liston, Planning and Building Director, presented staff report.

Public Hearing Held.

Public Comment Held.

The following individual spoke on the item: Al Perry, Cately Brannen, and Eric Knight, residents of Yountville.

Following Town Council discussion, Council provided consensus direction to not introduce the ordinance.

A motion was made by Council Member Mohler, seconded by Council Member Durham, to deny introduction of the ordinance. The motion to deny carried by the following vote:

Aye: 3 - Vice Mayor Dorman, Council Member Mohler, and Council Member Durham

Nay: 1 - Mayor Dunbar

Excused: 1 - Council Member Dorenbecher

- B. ACCESSORY DWELLING UNIT (ADU) IMPACT FEE
- Consider Adoption of Resolution 19-3570 Amending and Reducing the impact fees for Accessory Dwelling Units (ADUs).

Attachments: [Resolution](#)

Mayor John Dunbar requested Town Attorney Gary Bell to present this item with an explanation to continue to a future date.

Town Attorney Bell recommended this item be continued to the August 6, 2019,

Town Council meeting to give staff additional time to review the underlying study and evaluate the various options available.

A motion was made by Council Member Mohler, seconded by Vice Mayor Dorman to continue this item to August 6, 2019, Town Council meeting. The motion carried by the following vote:

Aye: 4 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, and Council Member Durham

Excused: 1 - Council Member Dorenbecher

9. ADMINISTRATIVE / REGULAR ITEMS

A. NAPA VALLEY UNIFIED SCHOOL DISTRICT - SMALL SCHOOLS CLOSURE 7-11 COMMITTEE

Continued discussion regarding appointment of a member of Town Council to apply to represent Yountville as a part of the Napa Valley Unified School District's 7-11 Committee regarding the Small Schools Closure discussion. (CONTINUED FROM THE JULY 2, 2019 COUNCIL MEETING.)

Steve Rogers, Town Manager, presented staff report.

Public Comment Held

The following individuals spoke on the item: Tom Bardesono and Eric Knight, Yountville residents.

Vice Mayor Dorman presented two letters of support. One from Michelle Dixon, President of Yountville Elementary School Parents Teachers Association, and from Tom Bardesono of the Yountville Little League Board.

Council Member Mohler stated she feels choosing a Council Member to the board is a conflict of interest to the Council.

Town Attorney Gary Bell stated the only rule that could be a conflict of interest to a Council Member if appointed to the 7-11 committee by the Napa Valley Unified School District, is that such person cannot make decisions that affect real property use if they live within 500 feet of the school. Appointing a Council Member to the 7-11 does not cause a conflict of interest.

Following Town Council discussion, the Council provided direction to support Vice Mayor Dorman's application to represent Yountville on the 7-11 District Advisory Committee regarding the small schools closure discussion.

A motion was made by Mayor Dunbar, seconded by Vice Mayor Dorman, to support Vice Mayor Dorman's application to represent Yountville on the 7-11 District Advisory Committee regarding the small schools closure discussion. The motion carried by the following vote:

Aye: 3 - Mayor Dunbar, Vice Mayor Dorman, and Council Member Durham

Nay: 1 - Council Member Mohler

Excused: 1 - Council Member Dorenbecher

10. STAFF INFORMATIONAL REPORTS - NONE

11. COUNCIL MEETING REPORTS, COMMENTS AND AGENDA ITEM REQUESTS

Agendas and Minutes related to Council Members meeting attendance are maintained separately by the various meeting bodies.

A. Napa County Flood Control & Water Conservation District (Dunbar/Dorman)

None

B. League of California Cities Update (Dunbar, Mohler, Dorenbecher).

Mayor Dunbar testified as Mayor and Second Vice President of the League of California Cities at the Local Government Committee and the State Assembly in support of Senate Bill 5 which would provide \$2 billion dollars annually for affordable housing infrastructure and other community development projects. The bill passed the committee and moved to the Appropriation Committee for a vote.

C. Reports and Announcements

Mayor Dunbar informed the Council he and Vice Mayor Dorman were invited by Superintendent Rosanna Mucetti and members of the staff and Board of Trustees to meet with them on Thursday, July 18, 2019, for a briefing prior to the 7-11 Committee process moving forward. The school board will review the 7-11 committee applications at their August 8, 2019, meeting.

Mayor Dunbar wanted to recognize Estate Yountville for hosting the 21st Annual V Foundation Wine Celebration weekend being held August 1, 2019, to August 4, 2019.

Mayor Dunbar informed there is a Public Research Symposium being held Saturday, August 3, 2019, from 9:30 a.m. to 11:30 a.m., with a primary focus on K9 research.

Vice Mayor Dorman informed Council that the Estate Yountville is opening to the public the first annual Fire Fighter and First Responders Barbeque Fundraiser with Chef Adam Perry Lang Saturday, July 27, 2019, from 12:00 p.m. to 3:00 p.m. at the pavilion between the shops at the V-Marketplace and Vintage House. All proceeds go to the Local Fireman and First Responders Fund.

12. CLOSED SESSION - NONE

13. ADJOURNMENT

Adjourned to the Town Council Special Meeting Tuesday, August 6, 2019 at 4:00 p.m. being held in Town Council Chambers located at 6550 Yount Street, Yountville.

ATTEST:

Eddy Gomez
Management Fellow

Date Approved: August 6, 2019.



Staff Report

File #: 19-2199, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019
TO: Mayor and Town Council
FROM: Jason Martin, Battalion Chief, CalFire

TITLE

CalFire Public Safety Quarterly Report.

DISCUSSION/BACKGROUND

The attached CalFire public safety quarterly report is presented as an informational item to the Town Council on a quarterly basis.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

Is there a Fiscal Impact? N/A
Is it Currently Budgeted? N/A
Where is it Budgeted? N/A
Is it Mandatory or Discretionary? Discretionary
Is there a Staff Resource Impact? N/A

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Indirectly

If yes, Identify Strategic Goal and Objective. **Exceptional Town Services and Staff:** The Town supports its talented staff who deliver high quality municipal programs and services while maintaining public infrastructure for the benefit of the community. **Quality of Life:** The Town enhances the livability of Yountville by providing well-maintained public facilities, parks, and trails, and quality programs and events.

Briefly Explain Relationship to Strategic Plan Goal and Objective. The Town contracts with the County of Napa CalFire to provide fire protection services.

ALTERNATIVES

N/A

RECOMMENDATION

Receive and File



CAL FIRE / Napa County Fire

**YOUNTVILLE FIRE STATION
7401 SOLANO AVE.**



Town of Yountville

April, May, June QUARTERLY REPORT 2019

July 1, 2019
*Prepared by
Fire Apparatus Engineer Tom Lee*

TOWN OF YOUNTVILLE

Fire Department Summary

April, May, June

2019

Statistical Analysis

The attached spreadsheet shows a total of 487 calls for the three-month period. This includes the total number of calls responded to by Yountville Station personnel. The breakdowns of emergency calls for Station 12:

Medical Aids:	342
Public Assists:	20
Traffic Collisions:	45
Vehicle Fires:	1
Alarm Soundings:	40
Structure Fires:	7
Vegetation Fires:	5
Smoke Checks:	5
Rescues:	4
Hazardous Conditions:	18

Of the total 487 calls, the breakdown according to response area is as follows:

Town of Yountville:	89 Calls
Veterans Home:	252 Calls
County Areas:	145 Calls
Napa City:	1 Call

This data is consistent with history and call analysis. As is typical with virtually all Fire Departments today, our largest call volume continues to be medical emergencies.

Major Events

Tanker Role Over Highway 29 At RLS

Early in the afternoon of April 25th, Rescue 12 staffed with Yountville Firefighters along with The Napa County Rescue Team and Napa County Interagency Hazardous Materials Team also staffed with Yountville personnel, responded to a fuel tanker rollover on highway 29. The fuel tanker and trailer were both fully loaded with thousands of gallons of fuel oil. The transport had rolled over on a particularly steep portion of the mountain and the ground was also extremely soft making it difficult to navigate. Rescue 12 secured the tanker and provided critical rigging, lighting and equipment to allow HazMat team to access and mitigate the hazard. Rescue 12 and the Napa County Rescue Team members were committed to the incident for over thirteen hours, returning to Yountville at three in the morning the following day. Because of the efforts and skill of all involved there were no injuries and no environmental damage.

St. Helena Shop Destroyed

On the Evening of April 4th, The Fleet Maintenance building co-located with Station 26 in St. Helena was destroyed when a fire from an unknown source ignited in the building. Two Napa County Water tenders were destroyed in the blaze along with two County engines sustaining damaged.

Both Engine and Truck 12 responded to the fire and assisted in suppressing the fire. Members from station 12 responded with the Napa County Interagency Hazardous Materials Response Team to contain the runoff from the fire suppression efforts. The next day, Truck 12 returned to assist with the investigation, and overhaul.

Hot Air Balloon Incident.

In the morning hours of April 1st, a hot air balloon with twenty people on board struck a powerline south of the Town of Yountville. Three passengers were injured including one person whose injuries required them to be flown to an out of the area hospital. Truck 12, Engine 12 and Battalion 1416 responded and were able to render aid to the victims, minimizing injuries.

Structure Fire Jefferson St.

On May 4th, early in the evening both Engine and Truck 12 responded to a structure fire on the north end of Jefferson Street. Truck 12 arrived at scene and observed smoke coming from the rear of a residence. Truck 12 made access with tools and water and initiated a search for victims and extension of the fire. The fire was on the rear deck underneath a large overhang of the house. The residence had only moderate damage to the exterior and no one was present. Engine 12 pulled attack lines and assisted in overhaul. The neighbor to the property had heard an explosion, most likely caused by a lighter found at scene, and saw the fire on the porch. The neighbor suppressed the fire with a garden hose until the Fire Department arrived, preventing thousands of dollars more of damage.

Special Events

Vets Softball

The Mixed Nuts softball team from the Yountville Veterans Home along with the Yountville Firefighters Played the Home Depot Softball Team. Firefighters accepted the challenge and gave the Home Depot Team a run for their money. The game was fun for all and Firefighters were honored for the opportunity to play ball with our veterans. Home Depot was very generous and made some incredible improvements at the Veteran's Home again this year. It was also evident that the Home Depot Softball Team had been practicing.

Easter Egg Hunt

E12 and T12 attended the annual Easter egg hunt at Yountville park. The crews were happy to show off the Engine and Truck to the attendees. Thank you, Jen, for inviting us again.

Movie Night in the park

E12 and T12 attended the movie night in the park event that was held in Yountville park on June 22nd.

Training

Fire Extinguisher Training and Hands Only CPR

A few businesses requested us to teach and give demonstrations on the use of fire extinguishers and hands only CPR. We are here for benefit of the people of the Town of Yountville and Napa County and we could not be more thrilled to share what we know with the public.

Station 12 encourages everyone to learn hands only CPR. Per the American Heart Association, hands only CPR can increase a person's chance of survival after a cardiac event by three-fold. Please feel free to contact the station and set up a class for fire extinguisher training, hands only CPR or both, it would be our pleasure.

Live Fire Training

The Napa County Volunteer Academy concluded with a live fire training in front of friends and family of the recruits. It was an excellent turn out and a great opportunity for the recruits to experience live fire in a safe environment, and their families to see what their loved ones have been doing nearly every weekend the past few months. The graduates are now at stations throughout the county providing a vital service.

Monticello Drill

Rescue 12 staffed with Yountville Firefighters were fortunate enough to participate in the multi-agency rescue drill again this year at Monticello Damn. While conducting training, exercises Rescue 12 responded to multiple traffic collisions and one non-training rescue in the area where they where they were able safely rescue a patient from over an edge.

Safety Message

Now that we are in the heart of another dry summer, CAL FIRE would like to remind homeowners of defensible space. We encourage removing dead and dry vegetation within 100 feet of your home. For more information on preparing for wildfire and defensible space please visit www.ReadyForWildfire.org. Or you can stop by Yountville station and talk to station personnel and pick up the pamphlets on defensible space.



Staff Report

File #: 19-2227, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019

TO: Mayor and Town Council

FROM: Steve Rogers, Town Manager, Joe Tagliaboschi, Public Works Director

TITLE

RESPONSE TO 2018-2019 NAPA COUNTY GRAND JURY REPORT

Discussion and authorization to submit Grand Jury Response letter for the 2018-2019 Napa County Grand Jury Report regarding Napa County Water Quality - It's a Matter of Taste.

DISCUSSION/BACKGROUND

On June 14, 2019 the Grand Jury issued a Final Report titled "regarding Napa County Water Quality - It's a Matter of Taste. The Town Council directs the Town Manager to ensure that each Town official called to provide testimony or records to the Grand Jury makes contact with the Town Attorney to discuss the scope of the Town official's responsibilities to the Grand Jury, specifically including the scope of the secrecy admonition, and the scope of any potentially conflicting responsibilities by Town employees to maintain confidential information from the Grand Jury (such as information protected by the attorney client privilege per California Evidence Code section 954, and information protected by the official information privilege per California Evidence Code section 1040).

The Town of Yountville has carefully reviewed and considered the findings and recommendations of the Napa County Grand Jury in its report dated June 14, 2019 entitled: "Napa County Water Quality: It's a Matter of Taste". By letter dated June 11, 2019, the Grand Jury requested the Town's responses to the report's findings one through eight and the report's recommendations one through seven. This letter provides those responses pursuant to California Penal Code section 933.05, subdivisions (a) and (b).

FINDINGS:

F1. Drinking water supplied by all Napa County municipalities meets all USEPA and State Water Resources Control Board standards and is safe to drink.

The Town's Response:

The Town Agrees. As indicated by our Consumer Confidence Reports. In all cases the town meets or exceeds all established standards.

F2. Drinking water supplied by each municipality is acknowledged by all Napa County Public Works officials to have, from time-to-time, predictable Taste and Odor (T&O) and color issues which, while not unsafe, the water-consuming public may find objectionable and a cause for concern.

The Town's Response:

The Town partially disagrees. While the Town has recognized some T&O complaints (verified in the complaint and follow up log as provided) the complaints are not predictable. The Town agrees that there is no cause for concern in the complaints for T&O that have been investigated and followed up on with Town staff and the person (or business) filing the complaint. The vast majority of the complaints have been about low water pressure and not T&O.

It should be noted that the T&O complaints noted in the Grand Jury report On April 5, 2019 were a result of the treatment process which is an operation conducted at the Rector Reservoir Treatment Plant which is owned and operated by the California Department of Veterans Affairs (CDVA/Veterans Home). The Plant did acknowledge that the problem was a result of a filter failure and treatment process. As a result the Town went on City of Napa Water for a period of 66 days while the filters were re-conditioned and repaired.

F3. Communication of water quality testing and T&O and color issues to the public by all Napa County Public Works municipalities is inconsistent and, at times, inadequate.

The Town's Response:

The Town disagrees. The Town publishes the Annual Consumer Confidence report online and issues a media release (examples provided). Operation (and testing) of public water distribution systems are heavily regulated by the State of California. The Town takes great pride in operating a well maintained system which meets or exceeds the State requirements for the Towns Water Distribution System. In addition, all complaints regarding water related issues are followed up by town staff and noted in a complaint log (copy provided) a member of town staff responds to the complaint, conducts an investigation, and follows up with the responsible party. In cases where there is a concern, or the system is in other than normal operations the Town uses a variety of options to communicate with the public including media release, social media and emergency notification systems (NIXLE) (examples provided).

F4. Napa County Public Works officials are aware of existing T&O and color issues and a number of municipalities are assessing and testing various treatment options for improvement, including long-term capital improvement projects.

The Town's Response:

The Town partially disagrees. The Town is not responsible for the treatment of the water supplied to Town customers. Water Treatment operations and processing are conducted at Rector Reservoir Treatment Plant which is owned and operated by the California Department of Veterans Affairs (CDVA/Veterans Home). The Veterans Home is in the process of a project to remedy some of the past T&O issues that have been reported and are consistent with treatment and processing failures at the plant.

F5. Public Works official's countywide treat T&O and color issues as less important than Federal and State regulated contaminant standards, thereby minimizing T&O and color concerns in their water treatment standards and reporting.

The Town's Response:

The Town disagrees. The Town (and Town Staff) treat all complaints with the same urgency and concern as evidenced by the complaint, and response log provided in previous examples. T&O can be an indication of distribution system (or treatment plant) health, and other than normal operations, as such staff responds promptly to investigate, remediate (if needed), and follow up with the responsible party on the results of the complaint.

F6. All municipalities lack formal written procedures for the handling of water quality complaints.

The Town's Response:

The Town partially disagrees. The Town does not know what written procedures exist at other agencies and Rector Reservoir. The Town staff does have a complaint log but does not have a formal written policy. A written policy will be developed and implemented on, or before June 30, 2020 per the Grand Jury request.

F7. There are large disparities in household drinking water and wastewater rates between the municipalities, with smaller up-valley cities in Napa County paying much higher costs for the same amount of residential drinking water and wastewater.

The Town's Response: The Town agrees. However, the Town notes that water and wastewater rates are highly governed by a number of state laws. The rates cannot exceed the actual costs to deliver that service in each community based on its water supply, maintenance and operations costs, capital improvement program costs, and personnel and other costs. The rate setting process is typically on a 5-year cycle and is governed by the majority protest and other procedures of Propositions 218 and 26 and their implementing state laws.

F8. Residents of mobile home parks, gated communities and apartment buildings do not always receive communication about water quality or taste and odor issues - rather the owner/operator/manager of the site receives required water quality notifications and is not required to pass the notification on to individual residents.

The Town's Response:

The Town does not entirely agree. The residents in town receive notification of all other than normal water operations from a variety of methods- including the Yountville Sun, The Myville app which includes the current news feature and a report application as well, NIXLE Alerts and a variety of social media applications. This is typical for all town water customers and does not exclude the residents on any of the examples listed in F.8. The Town continues to work on more effective and efficient communications in all of the interactions with the public.

RECOMMENDATIONS

R1. Each Napa County municipality's Department of Public Works explain on its City and/or Department of Public Works website, in water invoices, via social and other local media, what ongoing water quality tests are taken, where and when are they taken, and what is required if results do not meet USEPA and State standards. Each of Napa County's five Department of Public Works should implement these actions no later than June 30, 2020.

The Town's Response: The recommendation has been implemented. The Town currently includes information such as its Customer Confidence Report (CCR) on its website at www.townofyountville.com <<http://www.townofyountville.com>> and has in the past utilized social media and media releases to inform and educate its residents on water quality issues. The Town commits to continuing this recommended action. The Town notes that it does not operate Rector Reservoir which is operated by the California Department of Veterans Affairs (CDVA/Veterans Home) and as the water treatment facility operator that department should also be included in sharing this information.

R2. Each Napa County municipality's Department of Public Works advise citizens of known and anticipated T&O and color issues by notices on its Department of Public Works website and within social media and news media. Each of Napa County's five Department of Public Works should implement these actions no later than June 30, 2020.

The Town's Response: The recommendation has been implemented. The Town has previously utilized and

will continue to utilize its website at www.townofyountville.com <<http://www.townofyountville.com>> and social media and media releases to inform and educate its residents on water quality issues. The Town commits to continuing this recommended action. The Town notes that it does not operate Rector Reservoir which is operated by the California Department of Veterans Affairs (CDVA/Veterans Home) and as the water treatment facility operator that department should also be included in sharing this information.

R3. Each Napa County municipality's Department of Public Works identify, evaluate, and estimate water treatment process improvements and longer-term capital improvement programs that could mitigate T&O and color issues in their respective water treatment operations. Each of Napa County's Department of Public Works should implement these actions no later than June 30, 2020 for the 2021/2022 budget year.

The Town's Response: The recommendation will not be implemented because the Town is not the operator of the water treatment plant facility at Rector Reservoir. The Town is a wholesale water customer of Rector Reservoir which is operated by the California Department Veterans Affairs (CDVA/Veterans Home). As it is not the owner or operator of Rector Reservoir and water treatment plant facility, the Town does not have jurisdiction over this facility and cannot implement this recommendation, although it does agree with the recommendation as it is consistent with the Town's own long-range capital planning and improvement program policies.

R4. Each Napa County municipality's Department of Public Works publish T&O and color quality measures and results as part of their Annual Consumer Confidence Water Quality Report provided to citizens. Each of Napa County's Department of Public Works should implement this action in the 2019 Report published by June 30, 2020.

The Town's Response: The recommendation has not yet been implemented, but will be implemented in the future by the June 30, 2020 deadline.

R5. Each Napa County municipality's Department of Public Works establish a formal written complaint policy identifying how complaints should be received, processed, tracked, responded to, and reported, including a written complaint resolution notice to be issued for every complaint. Each of Napa County's Department of Public Works should implement these actions no later than June 30, 2020.

The Town's Response: This recommendation has been partially implemented and full implementation is expected by June 30, 2020. The Town has an IOS and Android app called MYville which has a "report it" feature allowing residents to report on a number of complaints to town staff, including water quality complaints. The Town is receptive and agrees to evaluate its current processes and to look at ways to improve the process for managing water quality complaints including development of a written formal policy.

R6. Each Napa County municipality's Department of Public Works establish a formal written communication policy identifying how to better communicate to and interact with customers in mobile home parks, gated communities, and apartment residents that are beyond the water meter. Each of Napa County's Department of Public Works should implement these actions no later than June 30, 2020.

The Town's Response: The recommendation has been partially implemented and full implementation is expected by June 30, 2020. The Town has an IOS and Android app called MYville which has a "report it" feature and a news feature which shows current Town-provided information allowing residents (including those in mobile home park communities and apartment complexes who may have individual meters) access to information from the Town on water quality and other issues. The Town is receptive and agrees to evaluate its current processes and to look at ways to improve the process for communicating to residents beyond the water meter including development of a written formal policy.

R7. The LAFCO Municipal Service Review of drinking water and wastewater countywide resources recommendations are due in February 2020. Each Napa County municipality's senior municipal elected officials should review, evaluate, respond to, and where appropriate, incorporate the LAFCO MSR recommendations into each Napa County municipality's operating and long-range plans. Each of Napa County's senior municipal elected officials should implement these actions by no later than June 30, 2020.

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ENVIRONMENTAL REVIEW

NA

FISCAL IMPACT

Is there a Fiscal Impact? No

Is it Currently Budgeted? N/A

Where is it Budgeted? NA

Is it Mandatory or Discretionary? N/A

Is there a Staff Resource Impact? Nominal

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Indirectly

If yes, Identify Strategic Goal and Objective. **Exceptional Town Services and Staff:** The Town supports its talented staff who deliver high quality municipal programs and services while maintaining public infrastructure for the benefit of the community.

Briefly Explain Relationship to Strategic Plan Goal and Objective. A well maintained and managed Water Distribution system is essential to a healthy community.

ALTERNATIVES

A response to the Grand Jury Presiding Judge is required by State Law.

Receive report from staff offer edits or changes to the report.

Reject report and provide direction to staff for response to Grand Jury Presiding Judge.

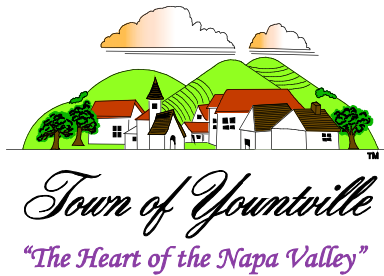
RECOMMENDATION

Receive staff report and direct questions to staff.

Receive public comment.

Conduct Council discussion on proposed Grand Jury response.

Discussion and possible action authorizing the Town Manager to sign and submit Response letter for the 2018 -2019 Napa County Grand Jury Report regarding Napa County Water Quality - It's a Matter of Taste.



August 6, 2019

The Honorable Elia Ortiz
Presiding Judge of the Civil Grand Jury
The Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

Napa County Civil Grand Jury
c/o Foreperson Kort van Bronkhorst
1754 Second Street, Suite D
Napa, CA 94559

Re: Response to Napa County Grand Jury Report Dated June 14, 2019 Entitled:
"Napa County Water Quality: It's a Matter of Taste"

Dear Judge Ortiz and Foreperson Bronkhorst:

The Town of Yountville has carefully reviewed and considered the findings and recommendations of the Napa County Grand Jury in its report dated June 14, 2019 entitled: "Napa County Water Quality: It's a Matter of Taste". By letter dated June 11, 2019, the Grand Jury requested the Town's responses to the report's findings one through eight and the report's recommendations one through seven. This letter provides those responses pursuant to California Penal Code section 933.05, subdivisions (a) and (b).

FINDINGS:

F1. Drinking water supplied by all Napa County municipalities meets all USEPA and State Water Resources Control Board standards and is safe to drink.

The Town's Response:

The Town Agrees. As indicated by our Consumer Confidence Reports. In all cases the town meets or exceeds all established standards.

F2. Drinking water supplied by each municipality is acknowledged by all Napa County Public Works officials to have, from time-to-time, predictable Taste and Odor (T&O) and color issues which, while not unsafe, the water-consuming public may find objectionable and a cause for concern.

The Town's Response:

The Town partially disagrees. While the Town has recognized some T&O complaints (verified in the complaint and follow up log as provided) the complaints are not predictable. The Town agrees that there is no cause for concern in the complaints for T&O that have been investigated and followed up on with Town staff and the person (or business) filing the complaint. The vast majority of the complaints have been about low water pressure and not T&O.

It should be noted that the T&O complaints noted in the Grand Jury report On April 5, 2019 were a result of the treatment process which is an operation conducted at the Rector Reservoir Treatment Plant which is owned and operated by the California Department of Veterans Affairs (CDVA/Veterans Home). The Plant did acknowledge that the problem was a result of a filter failure and treatment process. As a result the Town went on City of Napa Water for a period of 66 days while the filters were re-conditioned and repaired.

F3. Communication of water quality testing and T&O and color issues to the public by all Napa County Public Works municipalities is inconsistent and, at times, inadequate.

The Town's Response:

The Town disagrees. The Town publishes the Annual Consumer Confidence report online and issues a media release (examples provided). Operation (and testing) of public water distribution systems are heavily regulated by the State of California. The Town takes great pride in operating a well maintained system which meets or exceeds the State requirements for the Towns Water Distribution System. In addition, all complaints regarding water related issues are followed up by town staff and noted in a complaint log (copy provided) a member of town staff responds to the complaint, conducts an investigation, and follows up with the responsible party. In cases where there is a concern, or the system is in other than normal operations the Town uses a variety of options to communicate with the public including media release, social media and emergency notification systems (NIXLE) (examples provided).

F4. Napa County Public Works officials are aware of existing T&O and color issues and a number of municipalities are assessing and testing various treatment options for improvement, including long-term capital improvement projects.

The Town's Response:

The Town partially disagrees. The Town is not responsible for the treatment of the water supplied to Town customers. Water Treatment operations and processing are conducted at Rector Reservoir Treatment Plant which is owned and operated by the California Department of Veterans Affairs (CDVA/Veterans Home). The Veterans Home is in the process of a project to remedy some of the past T&O issues that have been reported and are consistent with treatment and processing failures at the plant.

F5. Public Works official's countywide treat T&O and color issues as less important than Federal and State regulated contaminant standards, thereby minimizing T&O and color concerns in their water treatment standards and reporting.

The Town's Response:

The Town disagrees. The Town (and Town Staff) treat all complaints with the same urgency and concern as evidenced by the complaint, and response log provided in previous examples. T&O can be an indication of distribution system (or treatment plant) health, and other than normal operations, as such staff responds promptly to investigate, remediate (if needed), and follow up with the responsible party on the results of the complaint.

F6. All municipalities lack formal written procedures for the handling of water quality complaints.

The Town's Response:

The Town partially disagrees. The Town does not know what written procedures exist at other agencies and Rector Reservoir. The Town staff does have a complaint log but does not have a formal written policy. A written policy will be developed and implemented on, or before June 30, 2020 per the Grand Jury request.

F7. There are large disparities in household drinking water and wastewater rates between the municipalities, with smaller up-valley cities in Napa County paying much higher costs for the same amount of residential drinking water and wastewater.

The Town's Response: The Town agrees. However, the Town notes that water and wastewater rates are highly governed by a number of state laws. The rates cannot exceed the actual costs to deliver that service in each community based on its water supply, maintenance and operations costs, capital improvement program costs, and personnel and other costs. The rate setting process is typically on a 5-year cycle and is governed by the majority protest and other procedures of Propositions 218 and 26 and their implementing state laws.

F8. Residents of mobile home parks, gated communities and apartment buildings do not always receive communication about water quality or taste and odor issues – rather the owner/operator/manager of the site receives required water quality notifications and is not required to pass the notification on to individual residents.

The Town's Response:

The Town does not entirely agree. The residents in town receive notification of all other than normal water operations from a variety of methods- including the Yountville Sun, The Myville app which includes the current news feature and a report application as well, NIXLE Alerts and a variety of social media applications. This is typical for all town water customers and does not exclude the residents on any of the examples listed in F.8. The Town continues to work on more effective and efficient communications in all of the interactions with the public.

RECOMMENDATIONS

R1. Each Napa County municipality's Department of Public Works explain on its City and/or Department of Public Works website, in water invoices, via social and other local media, what ongoing water quality tests are taken, where and when are they taken, and what is required if results do not meet USEPA and State standards. Each of Napa County's five Department of Public Works should implement these actions no later than June 30, 2020.

The Town's Response: The recommendation has been implemented. The Town currently includes information such as its Customer Confidence Report (CCR) on its website at www.townofyountville.com and has in the past utilized social media and media releases to inform and educate its residents on water quality issues. The Town commits to continuing this

recommended action. The Town notes that it does not operate Rector Reservoir which is operated by the California Department of Veterans Affairs (CDVA/Veterans Home) and as the water treatment facility operator that department should also be included in sharing this information.

R2. Each Napa County municipality's Department of Public Works advise citizens of known and anticipated T&O and color issues by notices on its Department of Public Works website and within social media and news media. Each of Napa County's five Department of Public Works should implement these actions no later than June 30, 2020.

The Town's Response: The recommendation has been implemented. The Town has previously utilized and will continue to utilize its website at www.townofyountville.com and social media and media releases to inform and educate its residents on water quality issues. The Town commits to continuing this recommended action. The Town notes that it does not operate Rector Reservoir which is operated by the California Department of Veterans Affairs (CDVA/Veterans Home) and as the water treatment facility operator that department should also be included in sharing this information.

R3. Each Napa County municipality's Department of Public Works identify, evaluate, and estimate water treatment process improvements and longer-term capital improvement programs that could mitigate T&O and color issues in their respective water treatment operations. Each of Napa County's Department of Public Works should implement these actions no later than June 30, 2020 for the 2021/2022 budget year.

The Town's Response: The recommendation will not be implemented because the Town is not the operator of the water treatment plant facility at Rector Reservoir. The Town is a wholesale water customer of Rector Reservoir which is operated by the California Department Veterans Affairs (CDVA/Veterans Home). As it is not the owner or operator of Rector Reservoir and water treatment plant facility, the Town does not have jurisdiction over this facility and cannot implement this recommendation, although it does agree with the recommendation as it is consistent with the Town's own long-range capital planning and improvement program policies.

R4. Each Napa County municipality's Department of Public Works publish T&O and color quality measures and results as part of their Annual Consumer Confidence Water Quality Report provided to citizens. Each of Napa County's Department of Public Works should implement this action in the 2019 Report published by June 30, 2020.

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The Town's Response: The recommendation requires further analysis as the referenced report has yet to be completed or released and is expected in February 2020. The Town agrees that review and consideration of implementation of possible recommendations contained in the LAFCO MSR is important. As with other recommendations and reports from LAFCO, the Town is committed to a thorough review and analysis of this report once it is published in early 2020. However, before the Town can commit to implement a course of yet unknown recommendations, it would be appropriate for the Town to review, evaluate, and fully understand the scope and implications of the recommendations contained in the LAFCO MSR.

The Town welcomes and appreciates the Grand Jury's interest in the Town's operations, as well as the opportunity to respond to the findings and recommendations contained in the report.

Sincerely,

Steve Rogers, Town Manager
Town of Yountville



Town of Yountville
"The Heart of the Napa Valley"

F1/R4

WATER QUALITY REPORT

2018

ENSURING THE SAFETY OF YOUR DRINKING WATER

In order to ensure that tap water is safe to drink, the U.S. Environmental Protection Agency (USEPA) and the State Water Resources Control Board, Division of Drinking Water (SWRCB, DDW) prescribe regulations which limit the amount of certain contaminants in water provided by public water systems.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the U.S. Environmental Protection Agency's **Safe Drinking Water Hotline: 1-800-426-4791**

Para obtener esta información en español, por favor visite nuestro sitio web:
www.townofyountville.com

O llámenos al (707) 944-8851

The Town of Yountville is pleased to report that the drinking water supplied to you meets or exceeds state and federal public health standards for drinking water quality and safety. California water retailers, including the Town of Yountville, are required by law to inform customers about the quality of their drinking water. The results of the testing and monitoring programs of 2018 are included in this report. If you have any questions, please contact the Town of Yountville Utility



Your Water System

The Town of Yountville's main source of water is supplied from Rector Reservoir, which is owned and operated by the California Department of Veterans Affairs (CDVA) (707) 944-4800. They are responsible for conducting all the required water sampling for water source data for the year. Chlorine is added to the water to help ensure that the water is safe when it is used by customers. The Town purchases water from the CDVA and distributes it in pipes under Town streets to customers. Town staff takes water samples from the distribution system for testing for coliform and general physical properties as required by the California State Water Resources Control Board, Division of

Drinking Water (SWRCB, DDW). Disinfection by-products samples are also taken for Haloacetic Acids and Trihalomethanes, four times per year. Disinfection by-products are trace elements left in the water after chlorination. Additionally lead and copper samples are taken every three years with the most recent cycle occurring in 2018. In addition to the routine lead and copper sampling conducted by the Town, in 2018 lead samples were collected at Yountville Elementary School as required by Water Permit Amendment 2017PA_Schools_2810007. Sample results verified that all (6) sample points were well below the action level and in some cases not detectable at all.

Definitions:

MCL: Maximum Contaminant Level. The highest level of a contaminant that is allowed in drinking water. Primary MCL's are set as close to the PHG's (or MCLG's) as is economically and technologically feasible. Secondary MCL's are set to protect the odor, taste and appearance of drinking water.

MCLG: Maximum Contaminant Level Goal. The level of a contaminant in drinking water below which there is no known or expected risk to health. Set by the U.S. Environmental Protection Agency.

MRDL: Maximum Residual Disinfectant Level. The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

MRDLG: Maximum Residual Disinfectant Level Goal. The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLG's do not reflect the benefits of the use of disinfectants to control microbial contaminants.

Primary Drinking Water Standard: MCL's and MRDL's for contaminants that affect health along with their monitoring and reporting requirements, and water treatment requirements.

MFL: Million Fibers per Liter

RAA: Running Annual Average

MG/L: Milligrams per Liter
(Parts per Million)

µG/L: Micrograms per Liter
(Parts per Billion)

AL: Action Level

ND: Not Detectable

DLR: Detection Levels for purposes of reporting.

Distribution System Information

Monitoring for bacteriological constituents in the distribution system is required to determine the presence of micro biological contaminants such as Coliform, Fecal Coliform, and E. Coli.

Coliform Bacteria Sampling	
Minimum number of monthly samples required:	3
Maximum number of monthly positive samples allowed (MCL):	1
Average monthly number of samples taken in 2018:	3.4
Total number of samples taken in 2018:	41
Maximum number of positives in one month:	0
Total number of E. Coli sample positives:	0
Number of months in violation:	0

Chlorine Residual Monitoring

Disinfection is required to keep water safe, and chlorine is the agent used to disinfect. Chlorine dosage is strictly regulated so that the water has just enough without it being dangerous. The maximum residual level for Chlorine is 4 MG/L (milligrams per liter), and the minimum is 0.2 MG/L. The common level for our systems is between 0.75 and 1.5 MG/L.

MRDLG (MG/L)	MRDL (MG/L)	Range (MG/L)		RAA (MG/L)	Meets Standard Yes/No	Source
		Low	High			
4	4	0.61	1.39	1.05	Yes	Drinking Water Disinfectant

Disinfection By-Products Sampling

Disinfection by-product samples are taken for Haloacetic Acids and Trihalomethanes, which is currently done four times per year. Disinfection by-products are trace elements formed in the water after disinfection with Chlorine.

By-Product	MCL (µG/L)	Range (µG/L)		RAA (µG/L)	Meets Standard Yes/No
		Low	High		
Trihalomethanes	80	21	37	29.625	Yes
Haloacetic Acids	60	14	22	17.125	Yes

General Mineral and Physical Sampling

MCL's for contaminants that relate to aesthetic qualities such as taste, color, mineral content and appearance are not directly related to health issues.

Chemical or Constituent	MCL	Range LOW HIGH		RAA	Likely Source of Contamination
Color	15	ND	4.0	1.17	Naturally occurring organic compounds
Odor	3	1	10.0	5.42	Naturally occurring organic compounds or chlorine
Turbidity	3	ND	0.2	0.10	Naturally occurring organic compounds and soil runoff

Lead and Copper Tap Sampling

Lead and Copper occur naturally in water in small amounts. The testing performed in this report is for Lead and Copper in drinking water that is primarily from materials and components associated with service lines and internal home plumbing systems. Most internal systems are comprised of copper pipe and soldered fittings. The use of solder containing any amount of lead was banned in 1986.

	Samples Collected (Date)	90% Detected (MG/L)	Number of Sites Exceeding	AL (MG/L)	Likely Source of Contamination
Lead	11 (2018)	0.0085	0	0.015	Internal corrosion of household water plumbing systems; discharges from industrial manufacturers; erosion of natural deposits.
Copper	11 (2018)	0.63	0	1.3	Internal corrosion of household water plumbing systems; erosion of natural deposits; leaching from wood preservatives.

Asbestos Sampling

Asbestos is a naturally occurring substance and can be found in small concentrations in water. Asbestos cement (AC) pipe was used extensively in the mid-1900s in potable water distribution systems, particularly in the western United States. Over time, AC pipe undergoes gradual degradation in the form of corrosion (i.e., internal calcium leaching due to conveyed water and/or external leaching due to groundwater). Some older areas of town still have AC pipe left in the system and the long term goal of the PW department is to replace all old pipes in town.

Chemical or Constituent	Units	MCL (AL)	DLR	Result (Date)	Violation Yes/No	Likely Source of Contamination
Asbestos	MFL	7	7	ND (2011)	No	Internal corrosion of asbestos cement water pipes; erosion of natural deposits.

The Town of Yountville has upgraded all water meters in Town to a system that allows customers to monitor and track their usage. Follow the link and the steps below to utilize the new system and all of it's features.

<https://eyeonwater.com/signup>

1. Select your utility by entering your service address ZIP Code (94599).
2. Enter your account number as it appears on your water bill. **DO NOT ENTER DASHES, ONLY NUMBERS.**
3. Enter and confirm your email address.
4. Create and confirm your password.
5. Read and accept the Terms of Use.
6. Verify your email address in the confirmation email.

Enjoy using EyeOnWater!

Please contact Yountville Town Hall with any questions.

Low Income Subsidy Program

The Town Council has established a utility rate assistance program for eligible low-income residents. Eligible accounts will receive a monthly reduction of \$25 off of their fixed fee charges, which is approximately 25% of their fixed fees. Compared to the other programs in the area this is a slightly higher rate reduction and is discounted between both water and wastewater charges. Water consumption charges are not discounted.

To check eligibility and to apply, please stop by Town Hall or call 944-8851.



A \$\$\$Cash for Grass\$\$\$ rebate assists in financing water efficient landscapes like the one pictured.

For more information on the \$\$\$Cash for Grass\$\$\$ program or other Town water conservation efforts, please visit www.townofyountville.com/water.

Source Water Sampling

Page 4

The following tables are sampling results performed by CDVA water treatment staff members and are a requirement for source water monitoring by the CA State Water Resources Control Board, Department of Drinking Water. The data in these tables is provided so that all water quality related sampling and results for both source water and the Towns Water Distribution Sampling are available to you. A source water assessment was completed in July 2009 for the Rector Reservoir. Results from the Assessment indicate that the most significant potential sources of contaminants to our water source are from fires and vineyards. The complete assessment is available upon request by writing: Plant Operations, 190 California Dr., Yountville, CA 94599, or by contacting Plant Operations, VHC-Y, at (707) 944-4800.

Reporting Units	Chemical	Analyses Results	DLR
MG/L	Total Hardness (as CaCO3)	34	
MG/L	Calcium (CA)	6.9	
MG/L	Sodium (NA)	5.7	
MG/L	Bicarbonate (HCO3)	43	
MG/L +	Sulfate (SO4)	4.6	.5
MG/L +	Chloride (C1)	5.8	
MG/L	Nitrate (as NO3)	.58	2.0
MG/L	Fluoride (F)	ND	.10
UMHO/CM +	Specific Conductance (E.C.)	100	
MG/L +	Total Filterable Residue (TDS)	100	

+ Indicates Secondary Drinking Water Standards

Contact Information

Town of Yountville Water Staff

Steven Rogers, Town Manager
srogers@yville.com

Joe Tagliaboschi, Public Works Director
jtagliaboschi@yville.com

Don Moore, Utility Operations Manager
dmoore@yville.com

Nick Hickman, Water System Maintenance Worker II
nhickman@yville.com



Town of Yountville

"The Heart of the Napa Valley"

WATER QUALITY REPORT

2018

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General Mineral and Physical Sampling

MCL's for contaminants that relate to aesthetic qualities such as taste, color, mineral content and appearance are not directly related to health issues.

Chemical or Constituent	MCL	Range LOW HIGH		RAA	Likely Source of Contamination
Color	15	ND	4.0	1.17	Naturally occurring organic compounds
Odor	3	1	10.0	5.42	Naturally occurring organic compounds or chlorine
Turbidity	3	ND	0.2	0.10	Naturally occurring organic compounds and soil runoff

Lead and Copper Tap Sampling

Lead and Copper occur naturally in water in small amounts. The testing performed in this report is for Lead and Copper in drinking water that is primarily from materials and components associated with service lines and internal home plumbing systems. Most internal systems are comprised of copper pipe and soldered fittings. The use of solder containing any amount of lead was banned in 1986.

	Samples Collected (Date)	90% Detected (MG/L)	Number of Sites Exceeding	AL (MG/L)	Likely Source of Contamination
Lead	11 (2018)	0.0085	0	0.015	Internal corrosion of household water plumbing systems; discharges from industrial manufacturers; erosion of natural deposits.
Copper	11 (2018)	0.63	0	1.3	Internal corrosion of household water plumbing systems; erosion of natural deposits; leaching from wood preservatives.

Asbestos Sampling

Asbestos is a naturally occurring substance and can be found in small concentrations in water. Asbestos cement (AC) pipe was used extensively in the mid-1900s in potable water distribution systems, particularly in the western United States. Over time, AC pipe undergoes gradual degradation in the form of corrosion (i.e., internal calcium leaching due to conveyed water and/or external leaching due to groundwater). Some older areas of town still have AC pipe left in the system and the long term goal of the PW department is to replace all old pipes in town.

Chemical or Constituent	Units	MCL (AL)	DLR	Result (Date)	Violation Yes/No	Likely Source of Contamination
Asbestos	MFL	7	7	ND (2011)	No	Internal corrosion of asbestos cement water pipes; erosion of natural deposits.

The Town of Yountville has upgraded all water meters in Town to a system that allows customers to monitor and track their usage. Follow the link and the steps below to utilize the new system and all of it's features.

<https://eyeonwater.com/signup>

1. Select your utility by entering your service address ZIP Code (94599).
2. Enter your account number as it appears on your water bill. **DO NOT ENTER DASHES, ONLY NUMBERS.**
3. Enter and confirm your email address.
4. Create and confirm your password.
5. Read and accept the Terms of Use.
6. Verify your email address in the confirmation email.

Enjoy using EyeOnWater!

Please contact Yountville Town Hall with any questions.

Low Income Subsidy Program

The Town Council has established a utility rate assistance program for eligible low-income residents. Eligible accounts will receive a monthly reduction of \$25 off of their fixed fee charges, which is approximately 25% of their fixed fees. Compared to the other programs in the area this is a slightly higher rate reduction and is discounted between both water and wastewater charges. Water consumption charges are not discounted.

To check eligibility and to apply, please stop by Town Hall or call 944-8851.

Source Water Sampling

Page 4

The following tables are sampling results performed by CDVA water treatment staff members and are a requirement for source water monitoring by the CA State Water Resources Control Board, Department of Drinking Water. The data in these tables is provided so that all water quality related sampling and results for both source water and the Towns Water Distribution Sampling are available to you. A source water assessment was completed in July 2009 for the Rector Reservoir. Results from the Assessment indicate that the most significant potential sources of contaminants to our water source are from fires and vineyards. The complete assessment is available upon request by writing: Plant Operations, 190 California Dr., Yountville, CA 94599, or by contacting Plant Operations, VHC-Y, at (707) 944-4800.

Reporting Units	Chemical	Analyses Results	DLR
MG/L	Total Hardness (as CaCO3)	34	
MG/L	Calcium (CA)	6.9	
MG/L	Sodium (NA)	5.7	
MG/L	Bicarbonate (HCO3)	43	
MG/L +	Sulfate (SO4)	4.6	.5
MG/L +	Chloride (C1)	5.8	
MG/L	Nitrate (as NO3)	.58	2.0
MG/L	Fluoride (F)	ND	.10
UMHO/CM +	Specific Conductance (E.C.)	100	
MG/L +	Total Filterable Residue (TDS)	100	

+ Indicates Secondary Drinking Water Standards

Contact Information



A \$\$\$Cash for Grass\$\$\$ rebate assists in financing water efficient landscapes like the one pictured. For more information on the \$\$\$Cash for Grass\$\$\$ program or other Town water conservation efforts, please visit www.townofyountville.com/water.

Town of Yountville Water Staff

Steven Rogers, Town Manager
srogers@yville.com

Joe Tagliaboschi, Public Works Director
jtagliaboschi@yville.com

Don Moore, Utility Operations Manager
dmoore@yville.com

Nick Hickman, Water System Maintenance Worker II
nhickman@yville.com

Water Quality Complaints (2015 – Current)

1-7-2015 – 1558 Yountville Crossroad Maria Guliani 944 8356

Customer contacted Town Hall reporting low pressure at her residence. I went out to the property and the meter showed that there was no active usage eliminating the possibility of the pressure loss being due to an active leak. I asked if there was a pressure regulator on the property, and her husband showed me to the location of their pressure regulator. Using a pressure gauge on the hose bib, I assisted the customer with raising their pressure from 37 psi to 65 psi. The customer checked water pressure in the home and were pleased with the 65 psi.

4-8-2015 – 6750 Jefferson St. Bryan Lilenthal

Had an email forwarded to me by Steve Rogers regarding an odor complaint he received. Customer complained odor in water smelling similar to a wet dog. This is two blocks from the towns Monroe sample station where we have had recent results with high odor. I contacted the lab and requested more information on those results. On 4-13-17 I received confirmation that the odor results were for a strong chlorine smell, likely from disinfecting the sample port. We will begin using 91% isopropyl alcohol rather than bleach for disinfection of sample ports. Flushing was performed on the following hydrants as a precaution with no noticeable odors during flushing. H-3, H-10, H-14, H-24.

5-19-2015 – 6786 Jefferson St. Kathleen Brannan 944 5609

I received an email from Valerie Jones mentioning that the customer is complaining of extremely high water pressure and that it has been this way since the weekend. Because I was in a training in Ukiah, I contacted George De Ocampo and asked him to check the pressure at the customer's residence as well as the two regulator stations. George reported 95 psi at the residence and 112 psi at the Finnell regulator station. I walked George through shutting down the regulator station and the town ran off of the Town Hall regulator station until the PRV on Finnell was replace a couple weeks later.

6-9-2015 – 1901 A Yountville Crossroad Casey Klien 805 252 9328

Customer called Town Hall complaining of red rings in both his toilet and his cat's water bowl. Water out of the tap looked, smelled, and tasted fine. None of the neighboring units was experiencing anything similar. Recommended cleaning and contacting us if issue occurred again.

6-22-2015 – 44 Rancho De Napa Serva Gill 944 2186

Customer complained of water smelling "funny". Water out of the tap looked, smelled, and tasted fine. Recommended having galvanized piping replaced with copper and flushing hot water heater.

6-30-2015 – 115 Rancho De Napa Gonzalez 944 2698

Customer complained of water tasting like copper. I explained that the mobile home parks internal system was private and recommended contacting park management. Filled a bottle from the test cock on the backflow device protecting the property water looked and smelled fine.

7-22-2015 – 1899 Finnell Rd. Arroyo Grande Apartments

During high velocity flushing of the water system, we received a complaint of debris in the water. Responded to the customer and flushed the Hydrant on the property and recommended the customer flush internal lines for 5-10 minutes.

8-14-2015 – 6641 Jefferson

During high velocity flushing of the water system, we received a complaint of debris in the water. Responded to the customer and flushed the external hose bibs on the property for the customer.

8-20-2015 – 1919 Mulberry Mike Gates

During high velocity flushing of the water system, we received a complaint of sand and other debris in the water. I offered to have a plumber out to make repairs and flush the internal system at the towns cost, however customer chose to deal with the issue himself.

9-17-2015 – 1986 Yountville Crossroad Culton 944 1930

Customer complained of debris clogging her water filter. I explained that the town had recently completed some high velocity flushing and that may have cause the clogging. I replaced her water filter for her.

10-12-2015 – 1911 Vintner Ct. Jan Kendall 944 1941

Responded to a water quality complaint. There were no taste, odor, or visual issues noted. Low volume flushing was done where water entered the house. Chlorine residual was 0.81.

2-26-2016 – 1862 Oak Circle Julie Worthington

Customer complained of "poor water quality". Chlorine residuals at Vineyard Park and the neighbor at 1866 were both normal. Water looked, smelled, and tasted fine to me. Recommended flushing internal system.

5-9-2016 – 12 Redwood Billie Hewitt

Customer complained of low water pressure. When I arrived, pressure on the front hose bib was regulated to 29 psi. I helped her raise it to 65 psi.

7-21-2016 - RED WATER FROM VA

Received complaints from the following addresses

6778 Yount, 17 Stags View, 1 Lande, 5 Redwood, 16 Stags View, 6480 Washington, 6462 Washington

Flushed system from 10:30am until after 6:00pm.

7-27-2016 – 2 Foxglove Zoe Harris 815 0210

Customer contacted Town Hall regarding low water pressure. Went out and found pressure regulated to 41 psi, adjusted to 65 psi for her.

8-17-2016 – 94 Rancho De Napa Dave 760 412 2975

Customer contacted Town Hall complaining of low water pressure. Let customer know that pressure at the service was over 70 psi and that he should contact park management if the issue persists.

12-29-2016 – 3 Heritage Ct. Holly Hanson

Customer complained of low water pressure, especially in her shower. System has been on Napa water for several weeks due to a transmission main leak at Rector Reservoir. System pressure is typically 10-20 psi lower on Napa versus Rector. Let customer know we were switching back to Rector and to contact us again if pressure does not improve.

6-30-2017 – 1949 Mount Ave. Bob Tinsley

Customer contacted town Hall regarding low pressure. Pressure at the home was 71 psi, Hydrant next door was 72 psi.

7-6-2017 – 6529 Yount St. Maison Fleurie

Customer inquired about the use of phosphates in the treatment process. The pool company for the property are attributing low ph in the pool to the water quality being served. Joe Tagliaboschi responded to the customer letting her know that zinc orthophosphate is used to aid against corrosion control at the VA plant and that we have no other complaints. He also mentioned that there are no ph issues at the Towns community pool.

9-7-2017 – Arroyo Grande Apartments Lori Hennig

Customer complained of small “gel balls” in her drinking water. After doing some research and inspecting her Secondary water filtration unit, it was found that the gel was coming from her filter and not the water itself.

5-2-2018 – 6700 Mesa Ct.

Customer complained of “black specs” in the water. Internal flushing was suggested and Town staff flushed the dead end blow off located just downstream of the properties service. No specs were visible during the flush, including several attempts to collect it in a clean white bucket. Nothing visible in samples taken at 6701 or 6703 either.

8-7-2018 – 27 Forrester Ln.

Received a call from the owner that the tenants were complaining over very low pressure. When I arrived, the Hydrant in front was at 74 static PSI. The pressure on the hose bib in front was only at 40 static PSI. Pressure regulator was able to raise the pressure to 62 static PSI, but it was not operating properly and the customer was notified of such.

9/12/2018 – 1899 Finnell Rd. #121

Customer complained of the tap water staining her water bottles. She stored two bottles of water with tap water and two with tap water that went through a secondary “pure” filter. The two that had not gone through secondary filtration seemed to be high in iron and staining the bottles a brownish color.

9/21/2018 – 6757 Washington St.

Colored water complaint @ North Block Hotel

9/26/2018 – 6526 Yount St.

Colored water complaint @ Bardessono Hotel

10/5/2018 – 6757 Washington St.

Second colored water complaint from North Block Hotel. Received text message from Don requesting me to go check it out and do some low flow flushing if necessary. Water was slightly cloudy. Flushed for approximately five minutes to move water in the main. Had to stop flushing due to complaints from RH manager.

4/3/2019 – 11 Redwood, 9 Jasmine, & 6550 Yount St.

4/5/2019 – 6 Forrester, 6589 Oak Leaf Ct.

Staff received 3 separate complaints of musty smelling and tasting water on 4/3/19 and two additional complaints on 4/5/19. Staff responded and flushed several hydrants in the area. When contacting Rector Reservoir staff to notify them to expect high flows in the system, they mentioned that the odor was also inside the plant and was potentially due to some pre filter chlorination they had been testing out. Once it was clear that Rector staff had no plan to flush their system, town staff switched sources to City of Napa Water. On 4/9/2019 staff verified that the Rector water was of significantly better quality than the previous week and made the switch back to Rector water. Staff flushed throughout the system on 4/9/2019 to help pull the fresh water into the system.

5-23 to 6-21-2019 – 1926 Mount, 10 Jasmine, 6 Redwood, 6600 Yount, 6468 Washington




Staff has received five separate low pressure inquiries since the water main valve repair at Jasmine/Mount on 5-21-2019. In each case the pressure was similar to the system pressure. Most likely they are noticing the lower pressure due to being on Napa water rather than Rector water, but associate it with the leak that they saw or heard about.

7/8/2019 – 6468 Washington St.

Customer complained of “smelly water in bathroom”. Don & Jeff responded and came to the conclusion that she does not use her spare bathroom and the pea trap had dried up. There did not seem to be any odor from the actual water.

F3/R2/R5

PRESS RELEASES

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Official Press Releases from Town Hall

Annual Water Quality Report for the Town of Yountville Issued

Post Date: 06/14/2019 2:26 PM

MEDIA RELEASE

FOR IMMEDIATE RELEASE

Date: June 14, 2019

Contact: Joe Tagliaboschi, Public Works Director
jtagliaboschi@yville.com
(707) 944-8851

Subject: Annual Water Quality Report for the Town of Yountville Issued

The Town of Yountville is pleased to report that the drinking water supplied to water customers meets or exceeds state and federal public health standards for drinking water quality and safety. California water retailers, including the Town of Yountville, are required by law to inform customers about the quality of their drinking water. The results of the testing and monitoring programs of 2018 are included in the full report, which can be viewed at the following link:

<http://www.townofyountville.com/home/showdocument?id=11837>

The Town of Yountville's main source of water is purchased and supplied from Rector Reservoir, which is owned and operated by the California Department of Veterans Affairs (CDVA). They take all the required water sampling for water source data for the year.

Town staff takes water samples from the distribution system for testing for coliform and general physical properties as required by the California State Water Resources Control Board, Division of Drinking Water. Disinfection byproducts samples are also taken for Haloacetic Acids and Trihalomethanes, which is done four (4) times per year. Disinfection byproducts are trace elements left in the water after chlorination. Additional lead and copper samples are taken every three (3) years.

Para obtener esta información en español, por favor visite nuestra pagina web: www.townofyountville.com

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Official Press Releases from Town Hall

Water Line Main Break in Washington Park Neighborhood

Post Date: 05/21/2019

MEDIA RELEASE

FOR IMMEDIATE RELEASE

Date: May 21, 2019

Contact: Joe Tagliaboschi, Public Works Director
jtagliaboschi@yville.com
(707) 944-8851

Subject: Water Line Main Break in Washington Park Neighborhood

The Town Public Works Director and Utility Operations staff are responding to a water line main break at Jasmine Street and Mount Avenue in the Washington Park neighborhood. The break occurred at 4:30 a.m. and the Town immediately dispatched the Utility Operations on call emergency repair staff to the site.

The water line break will cause some water to run throughout the streets. Residents and visitors are advised to avoid the area to allow Public Works crew to complete repairs. At this time, only two residences will have limited water services while the work is being completed.

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END



Water Service Disruption on Yount Street at Various Locations Beginning February 19

Post Date: 02/13/2019 4:42 PM

MEDIA RELEASE

FOR IMMEDIATE RELEASE

Date: February 13, 2019

Contact: Joe Tagliaboschi, Public Works Director
jtagliaboschi@yville.com
Debby Hight, Deputy Public Works Director
dhight@yville.com
(707) 944-8851

Subject: Water Service Disruption on Yount Street at Various Locations Beginning February 19

As part of the Yount Street Waterline Replacement (WA-0010) project that began on January 7, 2019, the project's contractor D&D Pipelines will begin the second phase of the new pipeline replacement on February 19, 2019 which will lead to water shutdowns impacted by the new pipeline. These locations and dates are scheduled in three (3) phases:

- The first water shutdown will affect residential areas along Yount Street, Humboldt Street and Webber Avenue on February 19 until February 22, 2019.
- The second water shutdown will affect businesses located along Yount Street north of Finnell from February 25 until February 27, 2019.
- The third shutdown will be on Yount Street at Mount Avenue on February 27, 2019.

The water shutdowns will occur at different times throughout the day and are expected to last from one (1) to six (6) hours long. A notice will be placed on resident and business doors 48 hours prior to the water being shutdown affecting that specific location.

During construction, Yount Street will be accessible to local traffic only, with delays up to 15 minutes. All work will be done between 9:00 a.m. to 6:00 p.m. to adhere to the Town's noise and construction rules. These closures are there for the safety of the public and the workers on site. The Town requests that the closures and detours are observed.

Questions or concerns should be directly addressed to the Town's inspection manager, Danny Willow by calling (707) 888-0688 or the Town's Public Works Department at (707) 944-8851.

END

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Official Press Releases from Town Hall

Yount Street Waterline Replacement Begins January 7, 2019

Post Date: 01/02/2019

MEDIA RELEASE

FOR IMMEDIATE RELEASE

Date: January 2, 2019

Contact: Joe Tagliaboschi, Public Works Director
jtagliaboschi@yville.com (707) 944-8851

Subject: Yount Street Waterline Replacement Begins January 7, 2019

A waterline replacement project on Yount Street from the Bardessono Hotel to Mount Street will start in early January 2019 with completion near the end of February. The project entails the replacement of about 1300 linear feet of 8-inch water main constructed almost fifty (50) years ago. This project was approved at the June 19, 2018, Town Council Meeting and is part of the Town's Capital Improvement Plan (CIP). The contract to replace this was awarded to D&D Pipeline with a contract amount of \$429,372 at the December 4, 2018, Town Council meeting and this is funded by the Water Utility Enterprise fund.

During construction, Yount Street will be accessible to local traffic only with delays up to 15 minutes. All work will be done between 9:00 a.m. to 6:00 p.m. to adhere to the Town's noise and construction rules.

Questions or concerns should be directly addressed to the Town's inspection manager, Danny Willow by calling (707) 888-0688 or the Town's Public Works Department at (707) 944-8851.

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Official Press Releases from Town Hall

Potential for Low Water Pressure in North Yountville

Post Date: 12/04/2018

MEDIA RELEASE

FOR IMMEDIATE RELEASE

Date: December 4, 2018

Contact: Steve Rogers, Town Manager
srogers@yville.com
(707) 944-8851

Subject: Potential for Low Water Pressure in North Yountville

At approximately 1:00 pm a truck and trailer struck a water distribution standpipe at Finnell and Yountville Cross Road. The damage occurred on the Veterans Home water main that also serves the Town of Yountville from the Rector Reservoir Water Treatment Plant. The plant is part of the system owned and operated by the Veteran's Home. Utility Operations Staff quickly switched water supply to the Napa/Conn water main so the water main could be isolated and repaired.

As a result of this accident, the Town will use the City of Napa system for the Town's water source. Customers in the northern portions of the Town may experience low water pressure. Town Utility Staff is aware of the situation. No water service interruption is expected for customers located in or out of Town limits. If you have questions, please contact Don Moore, Utility Operations Manager at dmoore@yville.com





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Official Press Releases from Town Hall

Annual Water Quality Report for the Town of Yountville Issued

Post Date: 06/14/2018 10:10 AM

MEDIA RELEASE

FOR IMMEDIATE RELEASE

Date: June 14, 2018

Contact: Joe Tagliaboschi, Public Works Director
jtagliaboschi@yville.com (707) 944-8851

Subject: Annual Water Quality Report for the Town of Yountville Issued

The Town of Yountville is pleased to report that the drinking water supplied to water customers meets or exceeds state and federal public health standards for drinking water quality and safety. California water retailers, including the Town of Yountville, are required by law to inform customers about the quality of their drinking water. The results of the testing and monitoring programs of 2017 are included in the full report, which can be viewed at the following link:

<http://www.townofyountville.com/home/showdocument?id=9933>

The Town of Yountville's main source of water is purchased and supplied from Rector Reservoir, which is owned and operated by the California Department of Veterans Affairs (CDVA). They take all the required water sampling for water source data for the year. Chlorine is added to the water to help ensure that the water is safe when it is used by customers.

Town staff takes water samples from the distribution system for testing for coliform and general physical properties as required by the California State Water Resources Control Board, Division of Drinking Water. Disinfection byproducts samples are also taken for Haloacetic Acids and Trihalomethanes, which is done four (4) times per year. Disinfection byproducts are trace elements left in the water after chlorination. Additional lead and copper samples are taken every three (3) years.




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Official Press Releases from Town Hall

Annual Water Quality Report for the Town of Yountville Issued

Post Date: 06/29/2017 3:23 PM

MEDIA RELEASE

FOR IMMEDIATE RELEASE

Date: June 29, 2017

Contact: Joe Tagliaboschi, Public Works Director
jtagliaboschi@yville.com (707) 944-8851

Subject: Annual Water Quality Report for the Town of Yountville Issued

The Town of Yountville is pleased to report this year that the drinking water supplied to water customers meets or exceeds state and federal public health standards for drinking water quality and safety. California water retailers, including the Town of Yountville, are required by law to inform customers about the quality of their drinking water. The results of the testing and monitoring programs of 2016 are included in the full report, which can be viewed on the [Town's website](#).

The Town of Yountville's main source of water is supplied from Rector Reservoir, which is owned and operated by the California Department of Veterans Affairs (CDVA). They take all the required water sampling for water source data for the year. Chlorine is added to the water to help ensure that the water is safe when it is used by customers.

The Town purchases water from the CDVA and distributes it in pipes under Town streets to customers. Town staff takes water samples from the distribution system for testing for coliform and general physical properties as required by the California State Water Resources Control Board, Division of Drinking Water. Disinfection byproducts samples are also taken for Haloacetic Acids and Trihalomethanes, which is done four times per year. Disinfection byproducts are trace elements left in the water after chlorination. Additional lead and copper samples are taken every three years.




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Official Press Releases from Town Hall

Low Pressure Water For Yountville Water Customers; Water service interrupted for Customers at Yountville Cross Road and Silverado Trail

Post Date: 12/07/2016 3:29 PM

MEDIA RELEASE

FOR IMMEDIATE RELEASE

Date: December 7, 2016

Contact: Joe Tagliaboschi, Public Works Director
(707) 944-8851 jtagliaboschi@yville.com

Subject: Low Pressure Water For Yountville Water Customers; Water service interrupted for Customers at Yountville Cross Road and Silverado Trail

The Town received a call shortly after 1:15 p.m. from staff at the Rector Reservoir Treatment Plant operated by the Veterans Home, that they have a leak on the 18 inch line that serves the Town's (and Veterans Home) drinking water. The Town has switched over to the City of Napa's water supply for the time being to allow for the Veterans Home staff to make repairs. Customers will notice a drop in the water pressure as the Napa system is feeding the Town's system at approximately 60 psi which is approximately 15 psi lower than normal water pressure in Town.

Out of town customers on Yountville Cross Road and Silverado Trail will have water service interrupted until repairs can be made by the Veterans Home, as this portion of the system is not tied to Napa Transmission system. It is unknown when the repairs will be complete.

To stay informed, residents are encouraged to sign up for Nixle at nixle.com and on the Town's website at www.townofyountville.com

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Official Press Releases from Town Hall

Water line repair to occur on Thursday 12/1 on Yount Street Between Starkey and Adams

Post Date: 11/29/2016 3:38 PM

MEDIA RELEASE

FOR IMMEDIATE RELEASE

Date: November 30, 2016

Contact: Joe Tagliaboschi, Public Works Director
(707) 944-8851 jtagliaboschi@yville.com

Subject: Water line repair to occur on Thursday 12/1 on Yount Street Between Starkey and Adams

On Thursday December 1, 2016, the Town will have a contractor repairing a leak in the service line at the water main in the north bound lane of Yount Street between Starkey and Adams. This repair work will begin at 9:00 a.m. and will tentatively end before the weekend. Traffic control will be in place to divert vehicles around the work.

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Yountville



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Neighborhood



Recommendations



For Sale & Free



Events



Real Estate



Crime & Safety



Lost & Found



Documents



General

Groups



Eddy Gomez, Yountville



Town of Yountville Water Department Consumer Confidence Report

Dear Yountville residents,

The Town of Yountville has published a media release regarding the 2018 Town of Yountville Water Department Consumer Confidence Report which is now available at www.townofyountville.com.

Please go to <http://www.townofyountville.com/home/showdocument?id=11837> to review your 2018 Consumer Confidence Report and learn more about your drinking water. The report contains information about the source and quality of your drinking water. If you would like a paper copy of the 2018 Consumer Confidence report mailed to you, please call (707) 944-8851 or email pnixon@yville.com

[TOWNOFYOUNTVILLE.COM](http://www.townofyountville.com)

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Yountville



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Neighborhood



Recommendations



For Sale & Free



Events



Real Estate



Crime & Safety



Lost & Found



Documents



General



Eddy Gomez, Yountville

**Water Line Main Break in Washington Park Neighborhood**

Dear Yountville residents,

The Town has released a press release regarding the waterline main break in Washington Park neighborhood. Follow the attached link for more detailed information.

<http://www.townofyountville.com/Home/Components/News/News/4178/32?backlist=%2f>

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Yountville



Map

Neighborhood



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For Sale & Free



Events



Real Estate



Crime & Safety



Lost & Found



Documents



General

Groups



All groups (4)



Eddy Gomez, Yountville

**Yount Street Waterline Replacement Begins January 7, 2019**

Dear Yountville residents,

A waterline replacement project on Yount Street from the Bardessono Hotel to Mount Street will start in early January 2019 with completion near the end of February. The project entails the replacement of about 1300 linear feet of 8-inch water main constructed almost fifty (50) years ago. This project was approved at the June 19, 2018, Town Council Meeting and is part of the Town's Capital Improvement Plan (CIP). The contract to replace this was awarded to D&D Pipeline with a contract amount of \$429,372 at the December 4, 2018, Town Council meeting and this is funded by the Water Utility Enterprise fund.

During construction, Yount Street will be accessible to local traffic only with delays up to 15 minutes. All work will be done between 9:00 a.m. to 6:00 p.m. to adhere to the Town's noise and construction rules.

Questions or concerns should be directly addressed to the Town's inspection manager, Danny Willow by calling (707) 888-0688 or the Town's Public Works Department at (707) 944-8851.

2 Jan · Yountville in General



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- Events
- Real Estate
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- Documents
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- All groups (4)
- Topics
- All Topics New
- Directories
- Neighbors
- Pets
- Public Agencies

 Eddy Gomez, Yountville

Potential for Low Water Pressure in North Yountville

Dear Yountville residents,

At approximately 1:00 pm a truck and trailer struck a water distribution standpipe at Finnell and Yountville Cross Road. The damage occurred on the Veterans Home water main that also serves the Town of Yountville from the Rector Reservoir Water Treatment Plant. The plant is part of the system owned and operated by the Veteran's Home. Utility Operations Staff quickly switched water supply to the Napa/Conn water main so the water main could be isolated and repaired.

As a result of this accident, the Town will use the City of Napa system for the Town's water source. Customers in the northern portions of the Town may experience low water pressure. Town Utility Staff is aware of the situation. No water service interruption is expected for customers located in or out of Town limits. If you have questions, please contact Don Moore, Utility Operations Manager at dmoore@yville.com



4 Dec · Yountville in General

 Reply

 4



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3

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Comment



Write a comment...

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GIF

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Town of Yountville - Local Government

Published by Julie Baldia [?] · June 14 · 🌐

Dear Yountville residents,

The Town of Yountville has published a media release regarding the 2018 Town of Yountville Water Department Consumer Confidence Report which is now available at www.townofyountville.com.

Please go to <http://www.townofyountville.com/home/showdocument?id=11837> to review your 2018 Consumer Confidence Report and learn more about your drinking water. The report contains information about the source and quality of your drinking water. If you would like a paper copy of the 2018 Consumer Confidence report mailed to you, please call (707) 944-8851 or email pnixon@yville.com

TOWNOFYOUNTVILLE.COM

Yountville, CA | Home

Yountville Out Loud is scheduled for Thursday May 9 at 5:30 p.m. in the Yountville Community Center plaza. This open mic is the opportunity for community members to step up to the podium and is in its seventh year....

216
People Reached

8
Engagements

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Town of Yountville - Local Government



Published by Julie Baldia [?] · January 2 · 🌐

Dear Yountville residents,

A waterline replacement project on Yount Street from the Bardessono Hotel to Mount Street will start in early January 2019 with completion near the end of February. The project entails the replacement of about 1300 linear feet of 8-inch water main constructed almost fifty (50) years ago. This project was approved at the June 19, 2018, Town Council Meeting and is part of the Town's Capital Improvement Plan (CIP). The contract to replace this was awar... [See More](#)

390

People Reached

26

Engagements

Boost Post



3

1 Share



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Town of Yountville - Local Government

Published by Julie Baldia [?] · December 4, 2018 ·

Dear Yountville residents,
The Town has sent out a media release regarding the potential for low water pressure in northern Yountville area:
MEDIA RELEASE... [See More](#)



Turn on job features for this post to reach more applicants.

Turn On

451
People Reached

69
Engagements

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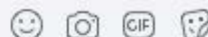
Services

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Write a comment...



Town of Yountville - Local Government



Published by Julie Baldia [?] · June 14, 2018 ·

Annual Water Quality Report for the Town of Yountville Issued

The Town of Yountville is pleased to report that the drinking water supplied to water customers meets or exceeds state and federal public health standards for drinking water quality and safety. California water retailers, including the Town of Yountville, are required by law to inform customers about the quality of their drinking water. The results of the testing and monitoring programs of 2017 are included in the full report, which can be viewed at the following link:

<http://www.townofyountville.com/home/showdocument?id=9933>

280

People Reached

11

Engagements

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5

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Message Type

Advisory

Sent To:

Public Groups:

Nixle Wire

Message Details:

Entered by:

Town of Yountville

Entered on:

Tuesday, May 21 2019 :: 8:32 a.m. PDT

Contact:

Town of Yountville

6550 Yount St Yountville, CA 94599 | 707-944-8851

Statistics:

Delivery Statistics

	Mobile	Email
Sent	2,234	No Email sent
Start Time	05/21 8:32:26	
Finish Time	05/21 8:32:29	
Forwards	0 0%	
Unsubscribes	0 0%	

Reports[Notification Summary Report](#)

SMS Message:

TOWN OF
YOUNTVILLE: The Town
Public Works crews are
responding to water main
line break in the Mount
Ave and Jasmine St.
area. Please, avoid the
area.

Message Expires:

May 22, 2019, 8:26 a.m.

Town of Yountville

[Overview](#)[Message Center](#)[Groups](#)[Collect Contacts](#)[Tipping](#)[Reporting](#)[New Message](#)[Sent Messages](#)[Scheduled Messages](#)[Email Template](#)[Message Widgets](#)[Rebroadcasts](#)[« Back](#) | **Full Message**Published as [web message](#) ([Deactivate](#))[Edit Message](#)

Message Type

Advisory

Sent To:

Public Groups:

Nixle Wire

Message Details:

Entered by:

Town of Yountville

Entered on:

Saturday, April 20 2019 :: 11:16 a.m. PDT

Contact:

Town of Yountville

6550 Yount St Yountville, CA 94599 | 707-944-8851

Statistics:

Delivery Statistics

	Mobile	Email
Sent	2,229	1,073
Start Time	04/20 11:16:50	04/20 11:16:43
Finish Time	04/20 11:16:54	04/20 11:20:02
Forwards	0 0%	0 0%
Unsubscribes	0 0%	0 0%

Reports[Notification Summary Report](#)

Images:

No images in this message

SMS Message:

Town of Yountville: Low water pressure in town as a result of change to City of Napa Water . - nixle.us/AY5FG

The link below each text directs users to a web version of your message. This web page can be viewed by members of your community.

<https://local.nixle.com/alert/7239104/>[nixle.us/AY5FG](#)

Email & Web Message:

Email & Web Subject

Low water pressure in town as a result of change to City of Napa Water.

Email & Web Body



Preview

Due to the request of the Rector Reservoir Treatment plant the town has switched over to City of Napa Water early this morning. The most noticeable result will be lower than normal water pressure. The staff at the rector plant are working to resolve the issue and expect this to be a short term outage.

Thanks in advance for your patience and understanding .

Joe Tagliaboschi






Message Expires:


Apr 22, 2019, 9 a.m.

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9:47

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jsolis@yville.com


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Details (optional)


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Staff Report

File #: 19-2226, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019
TO: Mayor and Town Council
FROM: Steven R. Rogers, Town Manager

TITLE

Discussion and direction regarding follow-up from July 16, 2019 Parking Workshop

DISCUSSION/BACKGROUND

The Town Council held a Parking Workshop on July 16, 2019. Participants shared concerns and issues regarding parking and also discussed a number of possible approaches to help improve parking supply, improve the Employee Parking Management program, and other ideas to address “parking issues” and ideas to address potential impacts in our residential/business transition nodes.

Town staff met after the Parking Workshop to discuss the various ideas discussed during the workshop by town staff, members of the public and Town Council. Town staff is proposing the following work plan based on feedback and discussion from the workshop:

Short Term Implementation Steps consisting of the following action: Staff would move forward immediately with implementing these actions within an estimated 90 to 120 day time period if approved by the Town Council:

Recover and restore parking in the existing Town public right-of-way at the following locations:

North Washington Street adjacent to Pancha’s and Ciccio’s, and along west Washington Street on the eastern side of Van de Leur park, and to evaluate existing parking and loading zones along Creek Street and on Washington Street in front of the Yountville Community Center to maximize parking capacity. Maps of the proposed areas are attached to provide an understanding of the public right-of-way areas recommended for installation of parking “T’s”.

Implement a 3 Hour Parking Limit Demonstration project in the following locations: East side of North Washington Street from Pedroni Street to Madison Street; West side of South Washington Street adjacent to Veterans Memorial Park roughly from California Drive to Champagne Drive, and the South side of Jackson Street closest to Yountville Community Park. Maps of the proposed locations are attached to provide an illustration of the areas proposed for the demonstration project. Implementation of this program will require installation of appropriate signage to comply with state law and a level of follow-up enforcement activity. Staff will evaluate possible budget and staff constraints with regard to costs of implementation and enforcement. As two of the proposed restricted parking time limits are adjacent to Town parks this would need to be discussed first by PRAC and then come to the Town Council for final action. A resolution approving the implementation of restricted time parking will be required to come back to the Town Council to implement this action.

Implement a ban on limo and bus parking on residential streets. Initially staff heard complaints about this principally in the Old Town neighborhoods. Staff would propose the ban include the following streets: Jefferson Street from Webber to the northern town limits, Pedroni Street, Starkey Avenue, Adams Street, Monroe Street and Webber Avenue between Washington and Yount Street. Installation of signage at the entry points would be required in order for law enforcement to enforce the parking restriction. A resolution establishing the no bus and no limo parking zones will be required to come back to the Town Council to implement this action.

Install "Respect our Neighbors" themed signage in the residential and business transition nodes to remind employees and visitors that people live here and to please be respectful and mindful. It is anticipated that these signs, similar to what was installed several years ago on Humboldt Street, would be installed principally in the Old Town neighborhood based on resident feedback. Only a small number of signs in key locations along walk path from the business location to residential areas are anticipated initially to evaluate effectiveness. This program could easily be expanded to other neighborhoods if there was resident interest.

Complete evaluation and identification of designated Ride Share Drop Off locations along Washington Street. Staff is working with NVTa staff on how to incorporate existing bus stop locations and to identify other locations to set up this program. There may be a loss of several existing parking spaces in order to implement this program although that will be kept to a minimum. Concept location plan would be shared with the business community and law enforcement to get feedback and to modify if necessary. Signage would be required to designate the appropriate Ride Share Drop Off Locations along with pavement marking where appropriate. Once the locations are determined an education effort working with Lyft and Uber and the local business community in partnership with the Yountville Chamber of Commerce would begin to education both drivers and users to use the locations.

Intermediate Action Steps consisting of the following: These action steps may start now but will require a longer course of action to get to the implementation stage:

Establish a Signage Working Group which would be comprised of Town staff (Planning and Public Works), two Council Members, two ZDRB Members, and representatives of the Chamber and business community. Task would be to evaluate current signage regulation and evaluate if changes are needed to make signage related to rear parking lots of businesses and signage identifying location and direction to available public parking could be improved. The group would recommend any ordinance or design standard modifications may be appropriate and to look at what any public parking signage program might look like including and cost of such program might be and to make recommendation and final report to the PRAC and Town Council.

Establish an YCC Parking Lot Capacity Working Group which would be comprised of Town staff (Town Manager and Parks and Recreation staff), two Council Members, two PRAC members, and representatives of the Chamber and business community. Task would be to evaluate and complete an assessment as to how to best utilize parking lot capacity with objective to determine if a limited number of parking spaces could potentially be used by employees of adjacent businesses. The group would also evaluate possible budget and staff constraints with regard to costs of implementation and enforcement and make determine program requirements and costs of such a program in a recommendation and final report to the PRAC and Town Council.

Establish a North Washington Street ROW (Right of Way) Public/Private Partnership Working Group which would be comprised of Town staff (Town Manager and Public Works), two Council Members, two PRAC members and representatives of the Chamber and business community. Task would be to evaluate options for construction of parking in the existing North Washington ROW and to make a preferred recommendation and to discuss and evaluate potential methods for public private partnership to finance and construct the parking in the existing ROW (right of way). The possible construction of a parking in this ROW is contemplated in the

existing 5 Year CIP with design identified in 2021 but the project lacks funding for construction.

Evaluate longer term options for employee parking in Mid-Town. Evaluate if possible partnership to lease underutilized Church parking lot space for employee parking could be implemented. Staff will meet with representatives of the businesses not enrolled in program to discuss parking impacts, and to continue to find ways to obtain enrollment in Town's Employee Parking Management Program for businesses not currently enrolled.

Longer Term Action Steps include: These projects do not have funding at this time and will require engineering and design work, and once the design and specifications are approved would go out to competitive bid and then final construction.

Construction of parking in the North Washington ROW (right of way) which includes utility undergrounding.

Construction of parking lot in Town owned gravel lot south of Veterans Memorial Park which includes utility undergrounding.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? Partially

Where is it Budgeted? Public Works streets budget can absorb some of the sign cost. Staff time is currently budgeted may be diverted from other projects.

Is it Mandatory or Discretionary? Discretionary

Is there a Staff Resource Impact? Yes

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Quality of Life:** The Town enhances the livability of Yountville by providing well-maintained public facilities, parks, and trails, and quality programs and events; **Engaged Residents:** The Town embraces our residents' commitment to community as seen through volunteerism, civic engagement, and public participation that enhances the quality of life in Yountville; **Visionary Leadership:** The Town's leadership maintains an open-minded, forward-thinking decision-making process. We value engagement and participation from all members of the community as we work together to create policies and plan for the future.

Briefly Explain Relationship to Strategic Plan Goal and Objective. This proposed action plan represents a proactive response to try to address a quality of life issues as identified by residents and business community members. The recommendations show a willingness to consider some out of the box approaches to try to resolve or improve upon the situation.

ALTERNATIVES

Town Council is asked to give feedback and direction to the proposed action plan.

Town Council could eliminate, add or modify the various elements of the proposed action plan.

RECOMMENDATION

Receive staff report and direct questions to staff.

Receive public comment.

Conduct Council discussion on Parking Workshop.

Town Council is asked to give feedback and provide consensus direction to the proposed action plan or to modification of the proposed action plan as determined by Town Council comments.

If there is something the Town Council does not want staff to pursue or not on the work plan, staff is requesting feedback and direction.

3 HOUR PARKING



CICCIO AND PANCHAS



COMMUNITY CENTER PARKING



VAN DE LEUR PARK

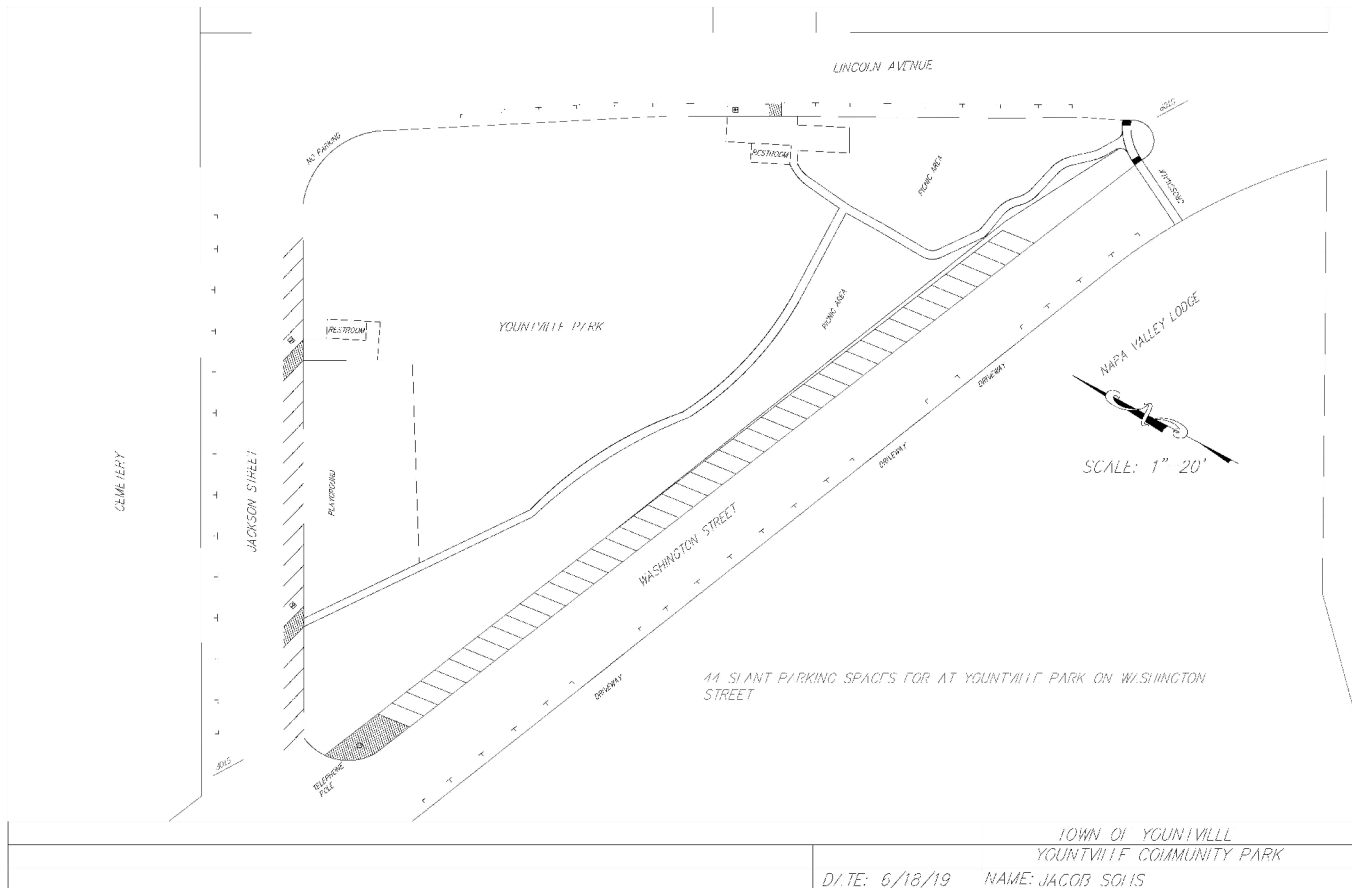


10 new parking spaces can be added on the Van de Leur side of Jefferson St.

CREEK STREET



NORTH YOUNTVILLE PUBLIC PARKING



APARTMENTS

VINEYARD

CHURCH

LAND LANE

WASHINGTON ST.

VERTEBRAL MEMORIAL PARK

CONCEPT DRAWING

HIGHWAY 29

2 HANDICAP SPACES
6 PARALLEL SPACES
38 PERPENDICULAR AND SLANT SPACES
47 POTENTIAL PARKING SPACES

Town of Yountville
VETERANS MEMORIAL PARK PARKING LOT

PREPARED BY: JACOB SOLIS
DATE: 11/4/13



Staff Report

File #: 19-2229, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019
TO: Mayor and Town Council
FROM: Steven R. Rogers, Town Manager

TITLE

Discussion and possible action by the Town Council as to whether they wish to move forward with a process to consider the potential development of a regulatory framework to permit a cannabis dispensary to operate within the Town or to continue with the current ban on retail cannabis dispensaries.

DISCUSSION/BACKGROUND

The Town Council has been reviewing and discussing cannabis regulation as allowed under evolving state law. Currently the Town permits retail cannabis delivery, indoor grow of six plants, and prohibits retail cannabis dispensaries, outdoor personal grow of plants, outdoor cultivation, and warehousing and distribution.

The Town Council has held a number of public workshops over the past several years on this topic. The Town Council has established an Ad Hoc Cannabis committee comprised of Council Members Jeff Durham and Kerri Dorman. The Ad Hoc Committee was charged to review and consider possible changes as it relates to the potential for permitting a retail cannabis dispensary. The members have met several times and have attended a number of League of California Cities and Cannabis Industry Regulatory workshops and education programs.

The Town has one permitted retail delivery permit. Town staff has had a number of inquiries from potential cannabis dispensary operators as to whether the Town would permit a dispensary and what that process might look like. Staff has advised potential operators that retail cannabis dispensaries are currently prohibited.

Council Member Durham has advised the Town Manager that he wishes to withdraw from being a member of the Cannabis Ad Hoc committee. He has also requested that the full council vote on whether the Town Council desires to move forward with a process to consider the potential development of a regulatory framework to permit a cannabis dispensary to operate within the Town or to continue with the current ban on retail cannabis dispensaries. His thought is that it might be more appropriate for the Town Council as a whole to discuss and develop the potential regulatory framework rather than the Cannabis Ad Hoc committee. Choosing this option would result in disbanding the Cannabis Ad Hoc committee.

The Town Council also has the option to appoint another Council Member to the Cannabis Ad Hoc committee and have them continue with the task of researching and evaluating the next steps with regards to consideration of a retail cannabis dispensary.

This action to move forward would not necessarily be a vote to allow a retail cannabis dispensary, but rather a

vote to move forward with the full council discussing the type of regulatory framework and process necessary to permit a potential retail cannabis dispensary.

If the Town Council expresses an interest in furthering the discussion Town staff would bring back discussion elements at future council meetings to guide the development of the regulatory structure to permit a cannabis dispensary for vote by the council to consider at a future date. These future meetings would be noticed public meetings with additional community outreach so the community was aware. If there was not Council interest in moving forward the conversation would end.

A copy of the prior cannabis workshop staff report is attached for reference as it serves to indicate the nature of the questions and conversation required of the Town Council related to consideration of a regulatory framework for permitting a retail cannabis dispensary.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? No

Is it Currently Budgeted? No

Where is it Budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Is there a Staff Resource Impact? Yes

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Quality of Life:** The Town enhances the livability of Yountville by providing well-maintained public facilities, parks, and trails, and quality programs and events; and **Visionary Leadership:** The Town's leadership maintains an open-minded, forward-thinking decision-making process. We value engagement and participation from all members of the community as we work together to create policies and plan for the future.

Briefly Explain Relationship to Strategic Plan Goal and Objective. The Town Council has held a number of community workshops and participated in a number of educational workshops since the voters legalized recreational cannabis sales and recognizes that an its regulatory processes to either allow or not allow retail cannabis dispensaries impacts the quality of life in the community.

ALTERNATIVES

Town Council can choose to discontinue discussions about a retail cannabis permit process.

Town Council could choose to appoint a new member to the Cannabis Ad Hoc committee and continue current direction of having Ad Hoc committee work on a draft process.

Town Council could choose to work on development of the regulatory framework to consider permitting a cannabis retail dispensary as a whole council and discontinue use of Ad Hoc Committee.

RECOMMENDATION

Receive staff report and direct questions to staff.

Receive public comment.

Conduct Council discussion on proposed Cannabis options.

This is a Council policy determination to provide direction whether they wish to continue further with the development of a regulatory framework that would permit a cannabis dispensary or not.



Legislation Details (With Text)

File #: 19-2042 **Version:** 1 **Name:** Cannabus Workshop Discussion
Type: Informational Report **Status:** Administrative
File created: 2/21/2019 **In control:** Town Council
On agenda: 4/16/2019 **Final action:**
Title: Cannabis Workshop Discussion
Sponsors:
Indexes:
Code sections:
Attachments: 1. Buffer Locations Maps, 2. Table of Dispensary Regulations

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Yountville Town Council Staff Report

DATE: April 16, 2019
TO: Mayor and Town Council
FROM: Sandra Liston, Planning & Building Director

TITLE

Cannabis Workshop Discussion

DISCUSSION/BACKGROUND

Legislative History. In 1996, California voters enacted Proposition 215, which was entitled the Compassionate Use Act (CUA). It decriminalized the possession and cultivation of medical marijuana for limited personal medical reasons. The CUA did not preempt local ordinances that regulate medical marijuana dispensaries.

In 2015, the “Medical Cannabis Regulation and Safety Act” (MCRSA) bills were enacted to create a state regulatory and licensing system governing the cultivation, testing, and distribution of medical marijuana, the manufacturing of medical marijuana products, and physician recommendations for medical marijuana. MCRSA expressly preserved local control over medical marijuana facilities and land uses.

In 2016, voters approved Proposition 64, entitled the “Control, Regulate and Tax Adult Use of Marijuana Act” (AUMA), which legalizes and regulates the adult use of nonmedical (recreational) marijuana in California. The AUMA requires that nonmedical cannabis businesses obtain a state license in order to lawfully operate.

In 2017, the Governor signed Senate Bill 94, which repealed MCRSA and renamed the AUMA as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). In addition to consolidating state laws regarding medical and nonmedical marijuana, SB 94 revised references in existing law from “marijuana” to “cannabis” and from “nonmedical” to “adult-use”.

California Business and Professions Code Section 26200, which is part of MAUCRSA, expressly recognizes the ability of cities to regulate or prohibit adult-use cannabis businesses. This staff report presents questions for the Town Council regarding whether to allow one or more cannabis dispensaries in Town.

Bureau of Cannabis Control. The Bureau of Cannabis Control (Bureau) is the lead State agency that regulates commercial cannabis licenses for medical and adult-use cannabis. It is responsible for licensing retailers, distributors, testing laboratories, microbusinesses, and temporary cannabis events.

The Bureau's rules for the regulation of dispensaries provides that security measures must be implemented at the licenses premises. The rules require alarm systems, commercial grade locks, secure storage of cannabis, security personnel, and 24-hours video surveillance for areas containing cannabis, entryways, exits, and point-of-sale areas. Staff must be at least 21 years of waste.

Dispensaries are not allowed to package or label cannabis or product on the premises - this must be done before it arrives. Dispensaries may only sell and deliver cannabis between 6am and 10pm. Before leaving the retail premises, cannabis purchases must be placed in opaque exit packaging.

Deliveries must be made by a direct employee of the licensee to a physical address and delivery vehicles may not contain more than \$3,000 of cannabis product at any time. The retailer must also be able to immediately locate all vehicles.

Bureau employees must be given a right of access to enter and inspect the dispensary, and review and copy records. Failure to cooperate may result in a licensing violation subject to discipline. Prior notice of investigation, inspection, and audit are not required.

Other California Communities. California is divided into 58 counties and contains 482 municipalities, of which 78 allow dispensaries. Jurisdictions that allow recreational dispensaries include large cities in the Bay Area like San Francisco, Oakland, San Jose, Berkeley, Richmond, and Hayward. Sacramento and Davis allow dispensaries, as do Santa Rosa, Cloverdale, Cotati, Sebastopol, and Sonoma County.

The City of Napa allows medical dispensaries only. No other Napa County jurisdictions allow recreational dispensaries. Attached is a matrix for some of the jurisdictions noted, detailing their approach to buffers or separation from other uses, maximum number of dispensaries permitted, permits required, hours of operation, and location and operating requirements.

WORKSHOP DISCUSSION.

Separation Requirements. State law provides that a cannabis dispensary "shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center." A local jurisdiction, however, may reduce or increase the amount of the separation based on local conditions and in an effort to protect the health, safety, and welfare of the public. Yountville Elementary School (YES) is a K-6 school that is subject to this rule.

"Day care center" is defined in the Health and Safety Code as "a child day care facility, and includes infant centers, preschools, extended day care facilities, school age child care centers, and child care centers licensed" by the State. Wine Country Day is a day care center that falls under this definition. It is located on the grounds of YES.

"Youth center" is defined in the Health and Safety Code as "any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities." This definition captures such things as organized instruction programs for physical activity such as dance, yoga, and martial arts and academic and arts programs such as science, crafts, and theater. The

definition also captures opportunities for unstructured activities such as game playing, socializing, club meetings, and outdoor play. While Yountville does not have private uses, like a dance or martial arts studios that would clearly fall within this definition, it does have child and teen programming at Yountville Elementary School and Yountville Community Center.

Youth events (before and after school programs, spring and summer camps) occurring at YES are already subject to the separation requirement or K-12 schools and no additional separation would apply. The Community Center programming includes Six Weeks of Summer Fun, Halloween Carnival, Meet Santa Claus, kids classes (egg coloring, etc) toddler events (Little Sluggers, Little Hoopster, Little Kickers), teen events (open gym, gaming, book club), and the Library hosts kid-oriented events and is home to Miss Audrey's Book Nook. The Community Center serves as a unique place for kids programming since Yountville does not otherwise have private businesses devoted to kids activities.

It is important to note that Yountville Community Park also hosts some kids programming, although more sporadic, including Hot Summer movie nights, Annual Camp Out, East Egg hunt and breakfast, and others. It is also the location of the largest and most frequently used playground in Town.

Staff has prepared the attached map that shows various setbacks to illustrate the impact different separation requirements would have in Town.

100' Separation from Residential Zoning Districts. Many jurisdictions require some sort of setback from residential uses, with the most common being a 100 foot radius from residential zoning districts. If this were required in Yountville, it would exclude all commercial properties except for V Marketplace and Hotel Villagio. Therefore, it may prove to be too restrictive in Yountville where residential uses are already separated from the commercial district based on an east-west divide. This is somewhat different from other communities where commercial and residential districts are more integrated and show less of a clear line division.

Separation from Yountville Elementary School. YES provides K-6 education and is also home to Wine Country Day preschool and Town of Yountville before/after programs and spring/summer camps. It is a use that clearly falls into the category of uses that require a 600 separation at the State level, unless a local jurisdiction determines that a lesser or greater separation should apply.

The attached map shows options for a 300 foot, 600 foot, or 1,000 foot separation. Many of the larger jurisdictions have increased the separation requirement for some uses to 1,000 feet, but as you will see in the attached map that has a very dramatic impact in Yountville and may exclude far more properties that is necessary.

A 300 foot separation would exclude only Edward James Courtyard and Bardessono Hotel commercial uses. A 600 foot separation would expand to exclude Vintage House, Bouchon, Petit Logis, Maison Fleurie, and La Calenda. A 1,000 foot separation would further expand to exclude V Marketplace, Gates Estates, Hestan, Railway Inn, JCB Village, and Community Center.

Separation from Yountville Community Center. While Community Center programming is not predominately oriented to kids, it is one of the few facilities in Town that offers programming for toddlers, kids, and teens, including the Library. For this reason, it may be appropriate to consider some level of separation from the Community Center, but due to its location at the center of town, it also has the potential of eliminating properties where a dispensary actually may be most appropriate. As with YES, the attached map shows options for a 300 foot, 600 foot, or 1,000 foot separation.

At 300 feet, V Marketplace, JCB Village, Hotel Villagio, Railway Inn, Bardessono Hotel, Petit Logis, La Calenda, Hill Family Estate, Bistro Jeanty, and Ranch Market would all be excluded. At 600 feet, Villagio Spa, Handwritten, Edward James Courtyard, Bouchon, and Maison Fluerie are pulled into the exclusion zone. At 1,000 feet, the exclusion zone is extended south to the former Redd and north to Vintage Inn, thereby

eliminating the heart of Yountville's business district and commercial zones.

Yountville Community Park. The playground and the park itself are frequently used by kids and is the location of community events focused on kids. Since it is located near the northern Town limits, the separation requirement will have less of an impact on the Town's business district.

A 300 foot separation would exclude only Washington Square, while a 600 foot separation would exclude North Block/Redd Wood, Ciccio, Panchas, and Stewart. A 1,000 foot separation would add Jessup and RH to the exclusion zone.

Other Parks and Churches. Staff included a 300 foot separation from Joan of Arc Catholic Church, Yountville Community Church, and the Seventh Day Adventist Church, as well as the Tot Lot to the map. These uses are located in residential zoning districts and are not generally in close proximity to commercial uses.

When selecting the best separation requirements for the Town's geography and demographic, it is necessary to balance the needs of the group for which the setback requirements are intended against the desirability of the zone within which dispensaries may be most appropriate. Staff's research indicates that most communities stick with the 600 foot separation from schools, day care, and youth centers, add other separation requirements (i.e. for parks or libraries), and increase the minimum separation requirements, rather than lowering the standard. Sometimes, the separation requirement can make it difficult or impossible for a potential retailer to locate a site for a dispensary. The Town's separation requirements should seek to offer a range of options, but not result in a prohibition on dispensaries, if that is the direction that Council would like to take.

The City of Napa offers an example of these issues at work. Napa allows medical cannabis dispensaries and initially established a 1,000 foot separation from "youth oriented facilities". Potential retailers were having trouble locating appropriate locations, so they approached the City Council with a request to reduce the separation requirement. The Council amended the ordinance downward to 600 feet to allow greater flexibility.

One last note is that many of the jurisdictions that allow dispensaries, clearly specify that the separation requirement only applies at the time of permit issuance for a new dispensary. If at the time the dispensary first receives its permit, there was no protected facility within the separation requirement, the use may remain provided it has continuously held a valid permit. If a protected facility later opens, it will not force the closing of the dispensary.

Zoning Districts Where Permitted. There are four commercial zoning districts in Town:

- Primary Commercial (west side of Washington, center of Town),
- Residential Scaled Commercial (east side of Washington, center of Town),
- Old Town Commercial (both sides of Washington, NOYO), and
- Retained Use Commercial (Washington Street between Webber and Creek).

The Town could permit dispensaries in each of the Town's commercial zoning districts, subject to the separation requirements. Alternately, the Town could choose one or more districts, such as the Primary Commercial zone.

Please note, however, that the Retained Use Commercial district that includes the French Laundry, the adjacent residential parcel, the former Bordeaux House, and Lavender Inn are restricted to "restaurant, hotel, motel, inn, and support functions for the primary use" and could not otherwise support a dispensary unless the permitted use within that zoning district are amended.

Capping Max Number of Dispensaries. Nearly all of the communities that allow cannabis dispensaries impose a cap on the maximum number permitted within their municipal limits. Of those that impose a cap, most also

have a competitive application process to select the dispensaries that will best meet the needs of the city and its residents. Applications are typically ranked on a point system and may include review of the business plan, safety and security plan, neighborhood integration plan, labor and employment plan, and air quality plan. Special findings are often created to assist in the process of selection.

If the Council is interested in allowing more than one dispensary, the Council may wish to impose a separation requirement between dispensaries. Many jurisdictions require that a dispensary be separated by 600 feet from another dispensary, but some require more and others less.

Parking. Dispensaries typically have a high-volume, quick, in-and-out style business. This translates into a heavy parking demand, which may not be satisfied by the Town's existing parking regulations. Those standards provide that retail uses shall produce one parking space per 250 feet of use area. This means that the larger commercial properties with large parking lots offer the best opportunity to satisfy the heavy parking demand that is expected to accompany a dispensary use. V Marketplace is best suited to satisfy this demand. It is noted for the Town Council's information that the parking spaces on the east side of Washington are small because the lots and uses are small, primarily because they back up to residential uses and commercial impacts can be more profound.

Operational Requirements. Staff researched the requirements that several other jurisdictions impose on cannabis dispensaries, including those for Cloverdale, Cotati, Davis, Malibu, Mt. Shasta, Pacifica, Pasadena, Santa Barbara, Santa Cruz, San Diego, and Sebastopol. Staff found that these jurisdictions had a similar approach to the operational requirements, addressing such issues as security, odor control, recordkeeping, and inspections

Security. All jurisdictions impose some level of security on a dispensary, despite the fact that the Bureau also regulates premises security. These measures include video surveillance cameras and retention of the video for a period of time, lighting and alarms to ensure the safety of people and protect the premises from theft, onsite security guard(s) during hours the business is open, secure storage of cannabis, secure lobby area separated from the dispensing area, emergency contact information for a manager who can be reached in the event of an incident, and reporting measures in the event of an inventory issue, theft, or other problem.

Odor Control. Odor control measures typically require that devices and techniques are utilized to ensure that odors are not detected offsite. These measures can include a ventilation/exhaust air filtration system with odor control/absorption or an air system that creates negative air pressure between the interior and exterior.

Hours of Operation. The Bureau limits hours of operation from 6am to 10pm. As seen in the attached matrix, none of the jurisdictions that staff researched allow hours as extensive as permitted by the Bureau and we find that local control of hours is more restrictive. Most cities allow the same hours each day of the week, while some make Sunday's hours shorter than the rest of the week. Please see the attached matrix.

Permit Requirements. Many jurisdictions do not classify the permit to operate a cannabis business as an entitlement under the Planning or Building Code. Rather they classify it as a regulatory permit, which does not constitute a permit that runs with the land. Many also impose a limitation that the license is valid for one year, shall be renewed annually, and is not transferable.

Other Common Requirements:

- Requirements for compliance with all applicable building and fire codes.
- Restrictions on signage and window displays to maintain the community character.
- Restriction on onsite consumption of cannabis products.
- Age restrictions for persons entering and those employed by the cannabis business, including criminal background checks. Some communities conduct background checks on owners,

principals, and officers only, while other jurisdictions conduct background checks for all employees, such as managers, employees, contractors, and volunteers.

- Requirements for recordkeeping and allowing staff to enter and inspect.

CONCLUSION

This staff report raises a number of options for the Town Council's consideration when evaluating whether to allow one or more dispensaries in Yountville. Staff requests that the Council conduct a discussion and provide feedback so that staff can begin drafting an ordinance that will come back before the Council at a future meeting.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? Yes

Where is it Budgeted? Planning and Building

Is it Mandatory or Discretionary? Discretionary

Is there a Staff Resource Impact? Nominal

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Quality of Life:** The Town enhances the livability of Yountville by providing well-maintained public facilities, parks, and trails, and quality programs and events.

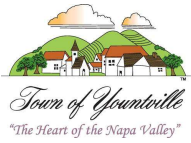
Briefly Explain Relationship to Strategic Plan Goal and Objective. Ordinances regulating land use ensure that Yountville maintains a high quality of life.

ALTERNATIVES

Conduct workshop discussion and provide feedback to staff.

RECOMMENDATION

Conduct workshop discussion and provide feedback to staff.



Staff Report

File #: 19-2220, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019
TO: Mayor and Town Council
FROM: Sandra Liston, Planning and Building Director

TITLE

Discussion and possible action regarding possible change of scope related to update of Zoning Ordinance and General Plan Policy Implementation and based on discussion results possible Adoption of Resolution Number 19-3572 Approving a Professional Services Agreement (PSA) with O'Rourke & Associates for additional consulting services associated with the update of the Zoning Ordinance and General Plan Policy Implementation in an amount not to exceed \$116,845.

DISCUSSION/BACKGROUND

On June 4, 2019, the Town Council adopted Resolution 19-3558 approving a Professional Services Agreement (PSA) with O'Rourke & Associates for an update of the Zoning and Design Ordinances (ZODO). The scope of work includes implementing the following General Plan programs:

- Update the Zoning Ordinance to specify the uses allowed in each zoning district.
- Update the Land Use Map and Land Use Designations consistent with the objectives, policies and programs of all chapters of the General Plan.
- Amend the Zoning Ordinance to simplify and consolidate development standards and design guidelines.
- Develop an incentive based program for the west side of Washington Street for projects that provide a significant community benefit. Also, amend the Design Standards to allow an FAR bonus for underrepresented uses.
- Rezone the two vacant parcels on Humboldt to Residential-Scaled Commercial and develop use and design standards for development.
- Create an overlay district for North Washington to allow mixed use in addition to the required residential use.
- Amend the Temporary Structures Ordinance to allow pop-up retail.
- Update the Sign Ordinance.
- Consider amending the Outdoor Lighting Ordinance.
- Rezone Hotel Yountville consistent with earlier action of the Town Council.
- Update the Park Land Dedication Ordinance.

The current approved process includes a total of 8 meetings: 2 study sessions each with the Zoning and Design Review Board (ZDRB) and the Town Council to provide feedback on draft regulations, 1 study session each with the ZDRB and Council to provide feedback on the draft, and 1 public hearing each with the ZDRB and the Council for final adoption.

The scope of work can be completed within one year of the commencement of the effort with content areas reviewed separately but adopted in one action at the conclusion of the effort. The contract amount is not to exceed \$100,650 and funds were encumbered in the 2018/19 Fiscal Year budget.

On June 17, 2019, staff brought a report to the Town Council to describe the steps associated with the ZODO update, including the study sessions and meetings noted above. Staff sought feedback from the Council, with the goal of receiving direction as to whether any changes to the scope or process were desired.

At the meeting, the Town Council expressed general support for the scope of work and the rough timeline; however, we heard a desire for a more involved and engaged process involving the Council, ZDRB members and the community at large. Several members wanted more Council feedback on content early in the process. The requested change was for staff to bring ideas to the Council for discussion and feedback prior to drafting the Code sections, rather than having the Council's first input on draft regulations, to ensure that we are all "on the same page." We heard interest in establishing an Ad Hoc Committee comprised of Council members to help direct the process. We also heard that the Council would like to see a more structured plan from the consultant that could be reviewed by the Council at a future meeting.

On June 27, 2019, staff and the consultant team conducted the kick-off meeting to better define the process based on Council feedback received at the June 17 meeting. A revised plan for a change in process and the associated change in scope is now before the Town Council for consideration and feedback.

The proposal augments the approved contract in the following ways:

- It provides a more robust public review process that includes more meetings and the preparation and use of white papers that summarize existing regulations, identify issues, provide comparisons to other jurisdictions' codes, present options, and receive feedback. The white papers will address the 14 topics that are outlined in the proposal. The idea is to group two white papers topics per study session. Where the white papers are more complex and include change areas and design criteria, two study sessions are anticipated: the first to raise issues, share options, and receive feedback, the second to review proposed regulations. Included in the revised scope of work are 10 Council Ad Hoc meetings (all additional meetings), 13 ZDRB meetings (11 are additional meetings), and 13 Town Council meetings (11 are additional meetings). The purpose of the Ad Hoc Committee is to have that group review the work plan, site design alternatives for the change areas and vacant parcels, and draft white papers before they proceed to ZDRB and Council.
- It includes the development of site design concepts that articulate design guidelines for specific sites, including the change areas (West side of Washington, North Washington, Humboldt Street) and significant vacant parcels (Catholic Church mixed residential parcel and the French Laundry Garden site), and revised/additional design criteria to the Design Ordinance in general. For the change areas and vacant parcels, this item will include a discussion of site layout, street frontage, circulation, and building height and articulation to develop agreed-upon language for site-specific guidelines. The design consultant will provide conceptual sketches or sample graphics. The Design Ordinance will also be reviewed for potential revisions or additions, which may include illustrations of appropriate and inappropriate design to clarify important design concepts.
- It includes updates of additional ordinances, including the Home Occupation Ordinance, the Noise Ordinance, and Good Neighbor Practices that were not included in the earlier PSA.
- It adds a three-phase approach for adoption in November 2019, May 2020, and August 2020:
 - Phase 1: (1) rezone Hotel Yountville, (2) prezone Domain Chandon, (3) revise the Use Permit

Findings, and (4) update the Zoning Map. These were identified as the first phase because the rezone and the prezone are simple steps to codify previous action by the Council, while the revised Use Permit findings represent an effort to simplify and clarify the application process.

- Phase 2: (1) develop design criteria for the change areas, (2) develop an incentive-based program for third-story bonus and FAR bonus west of Washington, (3) rezone the Humboldt properties, (4) develop an overlay district for North Washington, (5) revise the home occupations and pop-up retail ordinances, and (6) update the Zoning Map.
- Phase 3: (1) update the Lighting Ordinance, (2) update the Sign Ordinance, (3) update the Noise Ordinance, (4) update the Parkland Dedication Ordinance, (5) create Good Neighbor Practice, and (6) comprehensively update and reorganize the Zoning Ordinance.

The more involved and engaged process would result in changes to the project deliverables and cost. In terms of budget, the addition of 14 white papers, 28 more meetings, and 3 additional draft ordinances would increase the budget by \$91,845. Bringing an architectural design consultant on board for the design guidelines would increase the budget by \$25,000. This brings the entire ZODO update budget to \$217,495. The 2019/20 Fiscal Year budget has \$130,000 set aside for the ZODO update to implement the General Plan. This is because the original PSA is encumbered out of the 2018/19 Fiscal Year budget.

The modified scope represents all items that staff believes are necessary to honor the Council direction for greater input. However, it could be scaled back. The white pages and study sessions represent the majority of the proposed amended budget. White pages would first be reviewed by the Ad Hoc Committee, and then the ZDRB and Council. For the change areas and vacant parcels that require design assistance, two study sessions are planned, but the others will require only one study session. To reduce the budget, we could consider holding joint Council and ZDRB meetings for the study sessions, but we have purposefully kept these meetings separate. The reason being that we obtain more robust input and feedback from the ZDRB when they meet on their own and their comments can be stifled in the format of a joint meeting.

It is also important to note that approved PSA will result in a turn-key, complete update of the ZODO, although with less public engagement and fewer meetings. Under the approved PSA, the study sessions are reserved for updates to the Outdoor Lighting Ordinance, the Sign Ordinance, and the Temporary Structures Ordinance, rather than the 10 items identified in the proposed PSA. The reason for fewer study sessions under the approved PSA is because the change areas and other zoning amendments were the focus of extensive discussions during the General Plan update. Therefore, sufficient detail is incorporated into General Plan that would allow for staff and the consultant to start drafting the code sections. Under the current PSA, the Council would provide feedback on draft regulations, rather than shaping content earlier in the process.

This is a Town Council policy determination and staff is presenting three different options for consideration. The first option is to approve the PSA as presented and nominate two members of the Council to the Ad Hoc Committee. The second option is to provide feedback for a scaled-back approach, in which case staff would bring a revised PSA before the Council at a future meeting. The third option is to stay the course and proceed with the terms of the PSA that is already agreed upon. We are seeking consensus feedback tonight as to these options.

ENVIRONMENTAL REVIEW

Review of and incorporation into the Program EIR prepared for the General Plan update.

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? Yes

Where is it Budgeted? Planning Department Contract Services

Is it Mandatory or Discretionary? Discretionary

Is there a Staff Resource Impact? Nominal

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Visionary Leadership:** The Town's leadership maintains an open-minded, forward-thinking decision-making process. We value engagement and participation from all members of the community as we work together to create policies and plan for the future.

Briefly Explain Relationship to Strategic Plan Goal and Objective. The Zoning and Design Ordinances update will build upon the visionary leadership of the Town Council in adopting the General Plan.

ALTERNATIVES

1. Adopt Resolution approving a Profession Services Agreement (PSA) with O'Rourke & Associates for additional consulting services associated with the update of the Zoning Ordinance and General Plan Policy Implementation in an amount not to exceed \$116,845.

Appoint two Town Council members to the Council Ad Hoc Committee for the Zoning Ordinance Update.

2. Provide Town Council feedback on proposed modifications to the proposed PSA for additional consulting services and direct staff to bring a modified PSA before the Town Council at a future meeting.
3. Do not modify the scope of work and proceed under the terms of the approved PSA.

RECOMMENDATION

Receive staff report and direct questions to staff.

Receive public comment.

Conduct Council discussion on proposed Zoning Ordinance Update.

Discussion and possible action regarding the following:

This is a Town Council policy determination as to which approach it would like to proceed with for the ZODO update. If the council desires to modify the scope and approach, staff recommends adoption of Resolution Number 19-3572 Approving a Professional Services Agreement (PSA) with O'Rourke & Associates for additional consulting services associated with the update of the Zoning Ordinance and General Plan Policy Implementation in the amount not to exceed \$116,845 and then to appoint two councilmembers to the ZODO ad hoc committee.

If council desires to continue with the current approach and project scope, no action on the part of the council is needed.

Town of Yountville

Resolution Number 19-3572

Approving a Professional Services Agreement (PSA) with O'Rourke & Associates for additional consulting services associated with the update of the Zoning Ordinance and General Plan Policy Implementation in an amount not to exceed \$116,845.

Recitals

- A. The Town Council of the Town of Yountville approved a Professional Services Agreement with O'Rourke & Associates for an update of the Zoning Ordinance and General Plan Policy Implementation in an amount not to exceed \$100,650 on June 4, 2019.
- B. On June 17, 2019, the Town Council discussed the steps associated with the Zoning Ordinance update and provided feedback that they would like a more involved and engaged process.
- C. On June 27, 2019, staff and O'Rourke & Associates conducted the kick-off meeting to better define the process based on Town Council feedback received at the June 17 meeting.
- D. O'Rourke and Associates provided a proposal for additional consulting services to update the Town's Zoning Ordinance on July 22, 2019.

Now therefore, the Town Council of the Town of Yountville does resolve as follows:

- 1. Hereby Adopts the Resolution approving a Professional Services Agreement (PSA) with O'Rourke & Associates for additional consulting services associated with the update of the Zoning Ordinance and General Plan Policy Implementation in an amount not to exceed \$____.
- 2. The Town Council authorizes the Town Manager to sign the agreement and amendments up to the budgeted amount.
- 3. The Resolution is hereby adopted and becomes effective and in full force immediately upon adoption.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Yountville, State of California, held on this 6th day of August, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk



Proposal to Update the **Yountville Zoning Code**

May 15, 2019

Christine O'Rourke, Principal
O'Rourke & Associates
20 Nunes Drive
Novato, CA 49445
christine.o@comcast.net

O'Rourke & Associates

PROJECT OVERVIEW

O'Rourke & Associates is pleased to submit this proposal for a Zoning Code update to implement the Town of Yountville's newly adopted General Plan. Our approach to updating the Zoning Code will be to work closely with Town staff, the Zoning & Design Review Board, and the Town Council to develop a Zoning Code that is easy to use and understand and clearly and comprehensively articulates General Plan policies for development form, design and uses. The project will simplify and consolidate development standards and design guidelines currently found in Title 17 and Title 18 of the Yountville Municipal Code, as well as update the ordinances and master plan identified in the work plan.

As the prime consultant, O'Rourke & Associates will contract with all subconsultants necessary to complete the project. The project team includes Bob Brown, principal of Sustainable Community Planning. Mr. Brown has been a planning manager and director for 33 years in some of the most progressive cities in the Bay Area, including Palo Alto, Berkeley, San Mateo, San Rafael, and Novato. De Novo Planning Group, the environmental consultant that prepared the Yountville General Plan Existing Conditions Report and Environmental Impact Report, will provide CEQA documentation and GIS support. The project team's qualifications are attached to this proposal.

WORK PLAN

Our team has thoroughly reviewed the Town's updated General Plan and has prepared the following detailed work plan to update the Zoning Code. Our scope of work includes implementing the following General Plan programs:

LU-1.1a: **Land Use.** Use the Zoning Ordinance to specify uses allowed in each zoning district, consistent with Table LU-2.

LU-1.1b **Density and Intensity of Development.** Allow development at any density or intensity within the range shown by the Land Use Map (Figure LU-3) and Land Use Designations (Table LU-2) provided applicable objectives, policies, and programs of all chapters of the General Plan are met.

LU-1.1c **Zoning Code Amendment.** Amend the Zoning Code to simplify and consolidate development standards and design guidelines and to ensure consistency with General Plan policies.

LU-2.6a **Design Standards Ordinance Amendment.** Develop an incentive-based program that offers a third-story bonus on the west side of Washington Street between Humboldt and Mulberry Streets and, on the west side of Highway 29, between Humboldt Street and California Drive in the area shown in Figure LU-1 on the condition that the project and its uses will provide a community benefit such as affordable housing, under-represented retail, stand-alone office, or services.

LU-2.8a **Pop-Up Retail Standards.** Amend the Temporary Structures Ordinance to include standards for pop-up retail, addressing such issues as the design of the structure and allowable uses.

LU-4.3a **Lighting Design Guidelines.** Consider amending the Outdoor Lighting Ordinance to update standards for exterior lighting that support Dark Sky principles, addressing issues such as security, appearance, intensity, and light spillage.

LU-5.1a **Vista Condominiums.** Consider amending the Vista Condominiums Master Plan to allow existing housing units to add a second story provided buildings conform to Policy LU-5.1.

LU-6.2a **North Washington.** Create an overlay district to allow mixed use, including live-work, office, service, and under-represented retail uses in addition to required residential uses, and apply the new district to the six residential parcels on the east side of North Washington, as shown in Figure LU-2. New mixed uses may be allowed within the existing structures and in redeveloped buildings that reflect the Old Town character.

LU-6.2b **Humboldt Rezoning.** Rezone two vacant residential parcels at the northeast intersection of Humboldt Street and Jefferson Street from Old Town Historic to Residential-Scaled Commercial with a minimum lot size of 10,000 square feet. Food and wine use incidental to a related retail use, such as a pharmacy soda fountain, may be acceptable as determined by the Town Council. Full-service restaurant, cannabis businesses, tasting rooms, wine bars, and similar uses are not permitted. Require at least two second-story rental housing units in any development proposal. One of the units may be used as a primary dwelling by either the owner or the owner's immediate family.

LU-6.2c **Hotel Yountville Rezoning.** Rezone the Residential-Scaled Commercial portion of the site (APN 036-090-026) to Planned Development.

LU-6.8a **Sign Regulations.** Regularly evaluate and update the Town's sign regulations to reflect community values, new technologies, and State and federal law.

LU-7.5a **Design Standards Ordinance Amendment.** Amend the Design Standards Ordinance to allow an FAR bonus for retail and service uses on the west side of Washington Street between Humboldt and Mulberry Streets, and, on the west side of Highway 29, between Humboldt Street and California Drive as shown in the area in Figure LU-1.

OS-1.2b **Park Land Dedication Ordinance.** Administer and update as appropriate the Town's Park Land Dedication Ordinance to assure that new development contributes to addressing community park needs.

All documents will be produced in Word and/or PDF formats unless otherwise identified in the task description.

TASK 1: MEETINGS AND PROJECT MANAGEMENT

1.1 Kick-off Meeting

The consultant team will attend a kick-off meeting with Town staff to start the project, meet key staff, discuss problems and issues with current regulations, and finalize the work plan and schedule. The meeting will include a tour of Yountville neighborhoods, the downtown, and change areas identified in the General Plan.

1.2 Review Project-Related Documents

The consultant team will conduct an initial review of project-related documents, including the General Plan and EIR, the Yountville Municipal Code, the Vista Condominiums Master Plan, and other documents that will inform our work.

1.3 Project Management

O'Rourke & Associates principal, Christine O'Rourke, will be the dedicated project manager for the project. The Project Manager will conduct project check-ins every two weeks with key Town staff to review progress and deadlines, track work tasks and products, resolve issues, and identify next steps. The Project Manager will prepare a status report and project schedule in advance of each check-in. This approach ensures open lines of communication, transparency in our work effort, and accountability.

The consultant team is committed to completing this project on schedule and within budget and will take all appropriate steps to ensure that the project is managed effectively. As the prime consultant, O'Rourke will handle contracts and billing with subconsultants and will ensure quality deliverables are provided by each subconsultant.

TASK 2: ZONING CODE UPDATE

2.1 Evaluation of Existing Zoning Ordinance

The consultant team will conduct a review the existing Zoning Code with Town staff. In addition, we will interview up to 3 community users of the code, such as local architects and developers, to receive feedback on current regulations and usability of the document. The consultant team will provide a summary of the Zoning Code evaluation.

2.2 Determine Layout and Organizational Changes

Based on the staff and public evaluation of the current Zoning Ordinance, the consultant will prepare an outline of the Zoning Code update, identifying whether existing code sections are to be maintained, amended or discarded, and suggest changes to the layout and/or organization of the document.

2.3 Study Sessions

Study sessions will be facilitated with the Zoning and Design Review Board and Town Council to provide direction on updates to the Outdoor Lighting Ordinance (YMC §17.128), the Signs Ordinance (YMC §17.92), and the Temporary Structures Ordinance (YMC §17.124). The consultant team will provide PowerPoint presentations for the study sessions.

2.4 Develop New Zoning Districts and Regulations

The consultant team will draft new Zoning Ordinance regulations and zoning districts to implement the newly adopted General Plan. Existing design and development standards for residential development will be reviewed and updated as necessary to establish objective standards that comply with State law. Other design and development standards and guidelines will be evaluated and updated as necessary to achieve high-quality design consistent with the General Plan, especially Policy LU-2.4 Building Massing and Policy LU-6.7 Parking Efficiency. Terms and definitions will be reviewed and updated to reflect contemporary language and ensure consistency throughout the code. Draft code sections will be shared with Town staff, including the Town Attorney, for feedback and refinement.

2.5 Prepare Maps and Graphics

O'Rourke will work with DeNovo to prepare the Zoning Map for the Zoning Code Update. It is anticipated that the Town's General Plan Map will serve as the basis for the Zoning Code Update map, with modifications where appropriate to implement zoning overlays or other changes anticipated by the General Plan. De Novo will prepare Zoning Code figures for meetings and public hearings as necessary. De Novo anticipates preparation of an initial working zoning map for the project team's input, followed by a series of map revisions based on community and decision-maker input. At the completion of the Zoning Code Update, De Novo will provide the Town with the GIS map package for the Zoning Code, as well as PDF versions of the map in 8.5x11 and large-scale (30 x 42 or other size as requested by the Town). De Novo anticipates a current version of Napa County assessor parcel data will be provided at no cost by the Town if there have been any parcel changes that should be reflected on the Zoning Map. De Novo has budgeted 40 hours for this task.

If desired, a graphic designer can be subcontracted to provide illustrations for regulatory sections of the code to improve comprehension.

2.6 Public Review of the Draft Zoning Code

The consultant will facilitate up to two study sessions with the Zoning and Design Review Board and Town Council to provide feedback on draft new zoning districts and/or regulations. Property owners in affected areas will be notified of these study sessions so they may participate in shaping new regulations. The consultant team will provide PowerPoint presentations for the study sessions.

2.7 CEQA Analysis

De Novo will prepare supplemental CEQA documentation to address adoption of the Zoning Code Update. We anticipate the Zoning Code Update project will be within the scope of the General Plan Update Project Description used for the Environmental Impact Report and that the Zoning Code Update will not involve components that would increase the intensity, density, or location of development beyond those changes associated with the General Plan Update project. Therefore, we anticipate that a memo will be prepared for the Zoning Code Update that describes the characteristics of the project and the consistency of the project with the Program EIR prepared for the General Plan Update. This memo will document the project's coverage under the Program EIR as allowed for by CEQA Guidelines Section 15168(c), which identifies the standards for use of a Program EIR with later activities.

2.8 Zoning Code Adoption

The consultant team will attend, prepare materials for, and make formal presentation at two Zoning and Design Review Board hearing and two Town Council hearings for adoption of the Zoning Ordinance and Zoning Map. Any final revisions from the Town Council hearing will be incorporated into the final documents.

TASK 3: UPDATE PARK LAND DEDICATION ORDINANCE

3.1 Draft Updated Ordinance

The consultant team will draft an update of the Park Land Dedication Ordinance (YMC §16.24.020) to conform to the requirements of the Quimby Act (Gov't. Code §66477), including standards for determining the proportion of a subdivision to be dedicated and the amount of in-lieu fees. The draft ordinance will be shared with Town staff, including the Town Attorney, for feedback and refinement.

3.2 Public Review of the Draft Ordinance

The consultant will facilitate up one study session with the Zoning and Design Review Board and Town Council to provide feedback on the draft ordinance and revise the draft ordinance accordingly.

2.3 Ordinance Adoption

The consultant will attend, prepare materials for, and make a formal presentation at one Zoning and Design Review Board hearing and one Town Council hearing for adoption of the updated Park Land Dedication Ordinance. Any final revisions from the Town Council hearing will be incorporated into the final document.

TASK 3: AMEND THE VISTA CONDOMINIUMS MASTER PLAN

3.1 Draft Updated Ordinance

The consultant team will draft an amendment to the Vista Condominiums Master Plan that allows existing housing units to add a second story. The draft amendment will be shared with Town staff, including the Town Attorney, for feedback and refinement.

3.2 Public Review of the Draft Ordinance

The consultant will facilitate up one study session with the Zoning and Design Review Board and Town Council to provide feedback on the draft ordinance and revise the draft ordinance accordingly.

2.3 Ordinance Adoption

The consultant will attend, prepare materials for, and make a formal presentation at one Zoning and Design Review Board hearing and one Town Council hearing for adoption of the updated Park Land Dedication Ordinance. Any final revisions from the Town Council hearing will be incorporated into the final document.

SCHEDULE

Task		2019						2020					
		June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May
Task 1: Project Management													
1.1	Kick-Off Meeting												
1.2	Review Project-Related Documents												
1.3	Project Management												
Task 2: Zoning Code Update													
2.1	Evaluation of Existing Zoning Ordinance												
2.2	Determine Layout and Organizational Changes												
2.3	Study Sessions												
2.4	Develop New Regulations & Guidelines												
2.5	Prepare Maps & Graphics												
2.6	Public Review of Draft Zoning Code												
2.7	CEQA Analysis												
2.8	Zoning Code Adoption												
Task 3: Update Park Land Dedication Ordinance													
3.1	Draft Updated Ordinance												
3.2	Public Review of the Draft Ordinance												
3.3	Ordinance Adoption												
Task 4: Amend the Vista Condominiums Master Plan													
4.1	Draft Master Plan Amendment												
4.2	Public Review of the Amended Master Plan												
4.3	Amended Master Plan Adoption												

COST PROPOSAL

Our Cost Proposal includes all personnel and direct costs for the prime consultant and subconsultants. Additional meetings not included in the scope of work will be billed at the consultants' hourly rates.

	O'Rourke (hours at \$125/hour)	SCP (hours at \$125/ hour)	DeNovo	TOTAL COST
Task 1: Project Management				
1.1 Kick-off Meeting	6	6		\$1,500
1.2 Review Project-Related Documents		6		\$750
1.3 Project Management	40			\$5,000
Subtotal Task 1	46	12	\$0	\$7,250
Task 2: Zoning Code Update				
2.1 Evaluation of Existing Zoning Ordinance	16	32		\$6,000
2.2 Determine Layout and Organizational Changes	20	45		\$8,125
2.3 Study Sessions	40	40		\$10,000
2.4 Develop New Zoning Districts and Regulations	60	140		\$25,000
2.5 Prepare Maps and Graphics	5		\$4,280	\$4,905
2.6 Public Review of the Draft Zoning Code	60	60		\$15,000
2.7 CEQA Analysis			\$4,120	\$4,120
2.8 Zoning Code Adoption	32	32		\$8,000
Subtotal Task 2	233	349	\$8,400	\$81,150
Task 3: Update Park Land Dedication Ordinance				
3.1 Draft Updated Ordinance	20	4		\$3,000
3.2 Public Review of the Draft Ordinance	15			\$1,875
3.3 Ordinance Adoption	10			\$1,250
Subtotal Task 3	45	4	\$0	\$6,125
Task 4: Amend the Vista Condominiums Master Plan				
4.1 Draft Master Plan Amendment	20	4		\$3,000
4.2 Public Review of the Amended Master Plan	15			\$1,875
4.3 Amended Master Plan Adoption	10			\$1,250
Subtotal Task 3	45	4	\$0	\$6,125
TOTAL	369	369		\$100,650



CHRISTINE O'ROURKE

PRINCIPAL, O'ROURKE & ASSOCIATES

20 Nunes Drive
Novato, CA 94945
(415) 613-2907
christine.o@comcast.net

AREAS OF EXPERTISE

- General Plans
- Climate Action Plans
- Housing Elements
- Project Planning
- Project Management
- Ordinance Development
- Grant Writing and Management

PROFESSIONAL HISTORY

O'Rourke & Associates
2005-Present

Baird + Driskell
2002-2005

EDUCATION

Boston University, BA
San Francisco State University,
MBA

CLIENT RELATIONSHIPS

- Town of Yountville
- City of Novato
- City of San Rafael
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- City of Saratoga
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Background

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His focus has been on creating livable and sustainable communities that balance environmental, social and economic imperatives with practical implementation.

Bob brings this expertise and practical knowledge of General Plan and Zoning Code implementation, public process and staff relations to prepare new plans and ordinances that respond to community-identified issues and provide easy utility by public, staff and decision makers.

Education

Master of Urban and Regional Planning (1980)

San Jose State University, San Jose, California

Bachelor of Sciences, Environmental Biology (1976)

University of Santa Clara, Santa Clara, California

Certificate in Sustainable Practices (2009)

Dominican University of California, San Rafael, California

Work History

Community Development Director

City of Novato, California (2012-2019)

Community Development Director

City of San Rafael, California (1998-2011)

Community Development Director

City of Milpitas, California (1994-1997)

Chief of Planning

City of San Mateo, California (1987-1994)

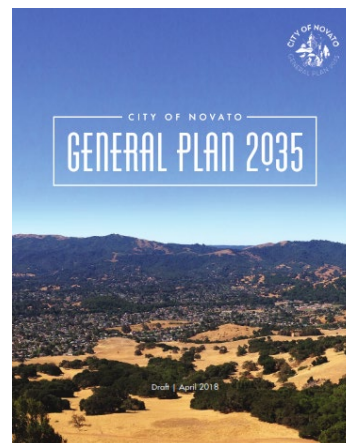
Zoning Administrator

City of Palo Alto, California (1980-1987)

General Plan Experience

Novato General Plan 2035 (pending adoption Summer 2019)

Bob Brown and Christine O'Rourke managed the preparation of [General Plan 2035](#) which seeks to balance the community's desire to retain its small town character with visions of expanding opportunities for a bio-tech hub, infill housing near the downtown with a fine-grained form-based zoning code, and a vibrant mixed-use downtown. Themes of Sustainability and Healthy Eating/Active Living are highlighted. The 4-year process included well-received community charrettes for four focus areas, 11 policy white papers, and multiple venues and on-line opportunities for public engagement. The document achieves its goals of being very graphic and readable, and easy for staff implementation.



San Rafael General Plan 2020 (2004)

Bob Brown managed the preparation of General Plan 2020 with an emphasis on community-based planning. The process included assisting a 19-member Steering Committee and forty-five volunteers who served on four Task Groups to provide more detailed input on specific topic areas. Community design options for six focus areas were addressed through 2-day public charrettes with assistance from 48 volunteer architects. The Plan incorporated a Neighborhoods Element, condensing previous neighborhood plan policies, a Governance Element, an Economic Vitality Element and integrated the Downtown Vision and Vision North San Rafael.



San Mateo General Plan 2000 and Downtown Transit Center Master Plan (1996)

Teaching and Lectures

Adjunct Professor, Dominican University of California, Sustainable Practices Certificate Program (2009-2014)

American Planning Association National Convention (2003, 2005, 2007, 2010)

American Planning Association California Chapter Conference (2006, 2008, 2009, 2010)

California League of Cities Planning Commissioners Institutes (2002-2008, 2011)

Association of Environmental Professionals California State Conference (1998-2003, 2006)

Edge Cities Conference (2001)

Awards

Leadership in Sustainability Award – Marin Builders Association (2010)

San Rafael General Plan 2020 – California Chapter American Planning Association (2005)

San Rafael Downtown Specific Plan – Ahwahnee Award, Local Government Commission (2001)

San Mateo General Plan 2000 – American Planning Association (1991)

DE NOVO PLANNING GROUP

De Novo Planning Group is a land use and environmental planning firm specializing in general plan updates, CEQA compliance, community planning, environmental studies, and sustainability planning. The founding principals have successfully completed over 300 projects consisting of comprehensive general plans, specific plans, housing elements, environmental impact reports, negative declarations, initial studies, NEPA analyses, climate action plans, biological assessments, wetland delineations, and development projects throughout California. De Novo Planning Group incorporated in July 2008 and maintains offices in Northern and Southern California.

De Novo's mission is to provide municipal and private sector clients with world-class professional services, through principal-level attention to every project. They pride themselves on their ability to work with clients to balance the often-conflicting goals of economic, social, environmental, legal, and political forces. Their services result in an integrated planning and environmental solution for every project that is technically sound, cost effective and delivered within the client's schedule.

Beth Thompson - Principal and Project Manager



Ms. Thompson is a founding Principal with De Novo, with over 22 years of professional planning experience. Her responsibilities include general plan preparation and management, senior review of environmental documents, environmental planning, Housing Element updates, policy document preparation, and contract planning.

Ms. Thompson specializes in Community Planning, CEQA and National Environmental Policy Act compliance. Her experience includes the preparation and management of numerous General Plan projects, including the Cotati General Plan Update, Brentwood General Plan Update, Sebastopol General Plan Update and

Zoning Code, Colusa County General Plan Update, Half Moon Bay General Plan Housing Element, Zoning Code, and Land Use Element/Local Coastal Program Revisions, City of Lakeport Housing Element Update, City of Escalon Housing, Air Quality, Circulation, and Land Use Elements Update, Town of Paradise Housing Element Update, and City of Lakeport Housing Element Update. Ms. Thompson also has extensive experience preparing and managing General Plan EIRs, including the Town of Yountville General Plan Update EIR, City of Colusa GP EIR, the City of Manteca Circulation Element Update EIR, the City of Jackson Land Use and Circulation Element Update EIR, the El Dorado County General Plan Amendment EIR, the City of Elk Grove General Plan Amendment EIRs, the Mendocino County General Plan EIR, and senior CEQA review of the City of Livingston General Plan Master EIR. Ms. Thompson is an industry leader in the field of Housing Elements and General Plan EIRs, and she has a proven track record of successfully completing complex and legally defensible environmental and planning documents. Ms. Thompson graduated from the University of California, Davis with a bachelor's degree in Environmental and Resource Sciences.



Proposal for Additional Consulting Services to Update the **Yountville Zoning Code**

July 30, 2019

Christine O'Rourke, Principal
O'Rourke & Associates
20 Nunes Drive
Novato, CA 49445
christine.o@comcast.net

O'Rourke & Associates

PROJECT OVERVIEW

O'Rourke & Associates is pleased to submit this proposal for additional services to update the Zoning Code and implement specific programs of the Town of Yountville's newly adopted General Plan. The proposal augments the original Professional Services Agreement for a Zoning Code Update, dated May 15, 2019 and approved by the Town Council on June 4, 2019, by adding a three-phase approach to the project, a more robust public review process, development of site design concepts to articulate design guidelines for specific sites, and updates of additional ordinances.

As the prime consultant, O'Rourke & Associates will contract with all subconsultants necessary to complete the project. The project team includes Bob Brown, principal of Sustainable Community Planning. Mr. Brown has been a planning manager and director for 33 years in some of the most progressive cities in the Bay Area, including Palo Alto, Berkeley, San Mateo, San Rafael, and Novato. Van Meter Williams Pollack is an award-winning architecture and urban design firm that provides comprehensive design and planning services, including the development of land use plans and design guidelines that strengthen and enhance the existing character of a neighborhood, street corridor, or entire town. De Novo Planning Group, the environmental consultant that prepared the Yountville General Plan Existing Conditions Report and Environmental Impact Report, will provide GIS support. The project team's qualifications are attached to this proposal.

WORK PLAN

Our work plan includes implementing the following General Plan programs and policy not included in the May 15, 2019 scope of work:

QL-1.3b Home Occupations. Consider revising the Home Occupation Ordinance to allow a greater diversity of home-based businesses that reflect current market conditions.

NS-1.1a Noise Ordinance. Maintain and periodically update a Noise Ordinance that addresses noise resulting from tourism, outdoor businesses, building construction, landscape maintenance machines and leaf blowers, amplified music, special events, on-site trash disposal, animals, and similar sources. Consider advancements in technology and the needs of all community members when revising the ordinance.

QL-1.4 Good Neighbor Practices. Maintain clear and consistent good neighbor practices, including, but not limited to, parking, noise, litter, waste disposal, and privacy.

In addition, we are proposing to break up the process in to three phases as follows:

Phase 1: Rezone the Hotel Yountville property (GP program LU-6.2c), prezone the Domaine Chandon property (GP policy LU-9.3), and revise Use Permit findings. This will include an update of the Zoning Map. The Phase 1 changes would be adopted and incorporated into the existing Code, and the comprehensive revision of the Code in Phase 3 will then include these Phase 1 sections.

Phase 2: Develop design criteria for the change sites (West Side of Washington, North Washington Street, Humboldt Street, Catholic Church mixed residential property, and the French Laundry Garden property), develop an incentive-based program for a third-story bonus (GP program LU-2.6a) and an FAR bonus for retail and service uses (GP program LU-7.5a), rezone the Humboldt Street property (GP programs LU 6.2 b), develop an overlay district for the North Washington area (GP program LU-6.2a), and revise the home occupations and pop-up retail ordinances (GP programs QL-1.3b and LU-2.8a). This phase will require a second update of the Zoning Map. The Phase 2 changes

would be adopted and incorporated into the existing Code, and the comprehensive revision of the Code in Phase 3 will then include these Phase 2 sections.

Phase 3: Update the following ordinances: Outdoor Lighting (GP Program LU-4.3a), Signs (LU-6.8a), Parkland Dedication Ordinance (OS-1.2b), Good Neighbor Practices (QL-1.4), and Noise (NS-1.1a). This phase will also include a comprehensive update and reorganization of the Zoning code.

All documents will be produced in Word and/or PDF formats unless otherwise identified in the task description.

TASK 1 PROJECT MANAGEMENT

O'Rourke & Associates principal, Christine O'Rourke, will be the dedicated project manager for the project. The Project Manager will conduct project check-ins every two weeks with key Town staff to review progress and deadlines, track work tasks and products, resolve issues, and identify next steps. The Project Manager will prepare a status report and project schedule in advance of each check-in. The cost proposal is for three additional months of project management.

TASK 2 SITE DESIGN AND GUIDELINES FOR CHANGE AREAS

2.1 Change Areas and Design Guidelines

For the five change areas, the design consultant will develop the zoning code envelope and concepts for each site based on the zoning and the current design guidelines, and then explore how the Town's goals might be achieved by refining design guidelines or additions to the design guidelines with sketches to illustrate the various design concepts. The design consultant will facilitate discussions with the ZDRB, Town Council and public regarding site layout, street frontage, circulation, and building height and articulation to develop agreed-upon language for site-specific guidelines. Conceptual sketches or sample graphics will be utilized to convey concepts.

2.2 Meeting Attendance

It is expected that the design consultant will attend approximately 5 public meetings of the Zoning and Design Review Board and 5 public meetings of the Town Council.

TASK 3 WHITE PAPERS

The consultant team will prepare white papers that summarize existing regulations, identify issues, provide comparisons to other jurisdictions' codes, present options, and receive feedback. White papers will be prepared for:

1. Use Permit Findings
2. North Washington: overlay zoning district, design and use criteria
3. French Laundry Garden Property: site design criteria
4. West of Washington Street: design and use criteria, third-story bonus, FAR bonus for retail and service uses
5. Humboldt Street: rezoning, design and use criteria
6. Catholic Church Mixed Residential Property: site design criteria
7. Home Occupations Ordinance
8. Pop-Up Retail

9. Outdoor Lighting Ordinance
10. Sign Ordinance
11. Good Neighbor Practices
12. Noise
13. Parking
14. Design Guidelines

TASK 4 COUNCIL SUBCOMMITTEE MEETINGS

The consultant team will meet with the Council Subcommittee to review the work plan, site design alternatives for the change areas, and draft white papers developed in Task 3. The budget assumes 9 Council Subcommittee meetings.

TASK 5 STUDY SESSIONS

The consultant team will facilitate study sessions with the Zoning and Design Review Board and Town Council to review the work plan and white papers developed in Task 3 and receive feedback. We will group two of the white papers per study session for efficiency and to maintain momentum. Two study sessions will be needed for change areas, first to share issues and options and receive feedback, and a second to review proposed regulations. The cost proposal is for 6 additional Zoning & Design Review Board meetings and 7 additional Town Council meetings.

TASK 6 DRAFT ORDINANCES

The consultant team will draft ordinances for review by Zoning Design and Review Board and adoption by the Town Council for Home Occupations (YMC Chapter 17.12) and Temporary Structures for pop-up retail (YMC 17.124) for Phase 2, and for Noise Control Regulations (YMC Chapter 8.04) for Phase 3.

TASK 7 PREPARE MAPS

O'Rourke will work with DeNovo to prepare the Zoning Map for the Zoning Code Update. It is anticipated that the Town's General Plan Map will serve as the basis for the Zoning Code Update map, with modifications where appropriate to implement zoning overlays or other changes anticipated by the General Plan. De Novo will prepare Zoning Code figures for meetings and public hearings as necessary. The cost estimate is for hours to prepare one additional Zoning Code map for adoption in Phase 1.

SCHEDULE

Meetings	2019												2020											
	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug											
Study Sessions																								
A Discuss Process & Objective Standards																								
B Use Permit Findings																								
D West of Washington & Humboldt																								
E North Washington & French Laundry Garden																								
F Catholic Church Mixed Residential																								
G Home Occupations & Pop-Up Retail																								
H Outdoor Lighting & Signs																								
I Good Neighbor Practices & Noise																								
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N Code Rewrite																								

■ Council Subcommittee Meeting
■ ZDRB
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COST PROPOSAL

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	O'Rourke (hours at \$125/hour)	SCP (hours at \$125/ hour)	Van Meter Williams Pollack	DeNovo	TOTAL COST
Task 1: Project Management	10				\$1,250
Task 2: Site Design & Guidelines					
2.2 Change Areas and Design Guidelines			\$25,000		\$25,000
2.3 Meeting Attendance			\$5,000		\$5,000
Task 3: White Papers	180	180			\$45,000
Task 4: Council Subcommittee Meetings	54	54			\$13,500
Task 5: Study Sessions	104	104			\$26,000
Task 6: Draft Ordinances	40				\$5,000
Task 7: Prepare Maps				\$2,220	\$2,220
SUBTOTAL	388	338	\$30,000	\$2,220	\$122,970
Less Costs for Vista Condominiums Master Plan	(45)	(4)			(\$6,125)
TOTAL	343	334	\$30,000	\$2,220	\$116,845



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Background

Bob Brown, AICP, has 40 years of experience as a community development director or planning director in several progressive Bay Area communities including San Rafael, Novato, San Mateo, Palo Alto, Berkeley and Milpitas. He has experience in departmental management, preparation of numerous general and neighborhood plans, creation of innovative regulatory tools (including the first Junior Accessory Dwelling Unit ordinance), all with a focus on robust community involvement. He has prepared 3 new General Plans using staff resources.

His focus has been on creating livable and sustainable communities that balance environmental, social and economic imperatives with practical implementation.

Bob brings this expertise and practical knowledge of General Plan and Zoning Code implementation, public process and staff relations to prepare new plans and ordinances that respond to community-identified issues and provide easy utility by public, staff and decision makers.

Education

Master of Urban and Regional Planning (1980)

San Jose State University, San Jose, California

Bachelor of Sciences, Environmental Biology (1976)

University of Santa Clara, Santa Clara, California

Certificate in Sustainable Practices (2009)

Dominican University of California, San Rafael, California

Work History

Community Development Director

City of Novato, California (2012-2019)

Community Development Director

City of San Rafael, California (1998-2011)

Community Development Director

City of Milpitas, California (1994-1997)

Chief of Planning

City of San Mateo, California (1987-1994)

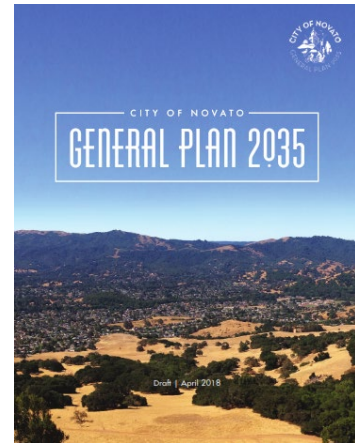
Zoning Administrator

City of Palo Alto, California (1980-1987)

General Plan Experience

Novato General Plan 2035 (pending adoption Summer 2019)

Bob Brown and Christine O'Rourke managed the preparation of [General Plan 2035](#) which seeks to balance the community's desire to retain its small town character with visions of expanding opportunities for a bio-tech hub, infill housing near the downtown with a fine-grained form-based zoning code, and a vibrant mixed-use downtown. Themes of Sustainability and Healthy Eating/Active Living are highlighted. The 4-year process included well-received community charrettes for four focus areas, 11 policy white papers, and multiple venues and on-line opportunities for public engagement. The document achieves its goals of being very graphic and readable, and easy for staff implementation.



San Rafael General Plan 2020 (2004)

Bob Brown managed the preparation of General Plan 2020 with an emphasis on community-based planning. The process included assisting a 19-member Steering Committee and forty-five volunteers who served on four Task Groups to provide more detailed input on specific topic areas. Community design options for six focus areas were addressed through 2-day public charrettes with assistance from 48 volunteer architects. The Plan incorporated a Neighborhoods Element, condensing previous neighborhood plan policies, a Governance Element, an Economic Vitality Element and integrated the Downtown Vision and Vision North San Rafael.



San Mateo General Plan 2000 and Downtown Transit Center Master Plan (1996)

Teaching and Lectures

Adjunct Professor, Dominican University of California, Sustainable Practices Certificate Program (2009-2014)

American Planning Association National Convention (2003, 2005, 2007, 2010)

American Planning Association California Chapter Conference (2006, 2008, 2009, 2010)

California League of Cities Planning Commissioners Institutes (2002-2008, 2011)

Association of Environmental Professionals California State Conference (1998-2003, 2006)

Edge Cities Conference (2001)

Awards

Leadership in Sustainability Award – Marin Builders Association (2010)

San Rafael General Plan 2020 – California Chapter American Planning Association (2005)

San Rafael Downtown Specific Plan – Ahwahnee Award, Local Government Commission (2001)

San Mateo General Plan 2000 – American Planning Association (1991)

Environmentally intelligent building design and urban planning are crucial to the world's future.



Van Meter Williams Pollack is an award-winning Architecture and Urban Design firm based in San Francisco and Denver. Since 1989 we have provided a full range of comprehensive design and planning services for a variety of project types, scales and clients. The partners and staff bring their knowledge and expertise to all aspects and phases of our projects.

VMWP's comprehensive and innovative design approach considers environmental, social, economic, and client needs to create buildings and communities that resonate with people. From small towns grappling with pressures of sprawl, to major urban centers requiring infill and redevelopment, one of our strengths is the ability to work in the variety of communities that make up diverse, growing regions.

OUR PRINCIPLES

- **meet** the unique requirements of every client
- **engage** the communities in which we live and work
- **work** within the realities of economic constraints
- **create** the highest quality design and planning
- **commit** to sustainable design principles in all planning & design

Van Meter Williams Pollack's Architecture and Urban Design projects emphasize pedestrian and transit-oriented development patterns that serve a community's economic, social and cultural needs. Our success in master planning, community design, mixed-use developments, and revitalizing urban infill sites demonstrates that there are alternatives to the outward expansion of cities, towns and suburbs. High-density urban infill, transit-oriented development, and pedestrian-focused streetscapes support sustainable development.

We have advanced economically viable plans that address transportation and infrastructure, community development, population growth and diversity, historic preservation, and sustainable growth patterns to a wide range of clients throughout the United States. Our greatest assets are an understanding of land use patterns, development types, and appropriate pedestrian environments for each community; our commitment to an open, clear, and direct process; and our ability to implement a community vision.

MIXED-USE DEVELOPMENT

Mixed-use projects connect communities and create pedestrian-friendly neighborhoods where people can drive less and use resources more efficiently. The right mix, concentration and placement of uses can spark a neighborhood's identity. VMWP specializes in designing projects that combine living, working, shopping and leisure, within one shared environment. Access to local necessities invites people to walk more, drive less, brings life to the street, and supports both business and the environment.

INFILL DEVELOPMENT

Infill development presents an opportunity to transform underused urban areas into inviting public realms. Responsive infill gives a place new life, making it more functional, exciting, beautiful and sustainable, while at the same time preserving its character and history.



Our aim is to create straightforward, comfortable spaces, using good design and intimate scale to evoke a unique sense of renewal. Projects as diverse as the Rail Yard Lofts in Denver and 55 Laguna in San Francisco highlight our approach to infill development.

AFFORDABLE HOUSING

We plan, design and build a wide variety of affordable housing from high-density urban communities to small-lot single-family housing. Our work has received numerous design awards in national and local design competitions. Most recently, our St. Joseph's project was awarded the 2017 CNU Charter Award and the 2015 ULI Global Award for Excellence. As cost and quality of life are primary concerns in our housing, we use simple elements of construction, building materials and scale to create beautiful spaces.

DEVELOPMENT FEASIBILITY

We specialize in quick, comprehensive studies to assess the layout and feasibility of development opportunities. Our practical understanding of the economic and implementation issues involved lays a firm foundation for all of our projects.

VMWP's architects and urban designers bring in-depth experience and knowledge of development prototypes, project phasing and implementation techniques to this process.

COMMUNITY PROCESS

Community involvement is essential to any project's success. As part of our commitment to community design, we promote the active participation of a variety of stakeholders in the planning process. We work with both market rate and non-profit, community-based developers and jurisdictions to ensure that this participation is an inclusive, efficient, effective and (most of all) fun process. VMWP has developed an engaging community participation model that effectively uncovers the needs and concerns of future residents and the surrounding neighborhood. This approach also elicits community-driven alternatives, which facilitate consensus on design and other community issues. Often, the most important discussions are not about technical issues, but instead revolve around "concern with change," or concern for creating a "sense of place."

TRANSIT-ORIENTED DEVELOPMENT

Our transit-oriented projects combine mixed-use and infill development with pedestrian-friendly streets close to public transportation. These comprehensive plans create lively villages that inspire people to buy locally, use more public transit and drive less. Our TOD projects have included land use plans and urban design guidelines, master plans for new mass transit station areas, and infill visions for park-and-ride lots. VMWP works with municipalities to develop implementation strategies as well as guidelines with which to evaluate development proposals.

MASTER PLANNING & SPECIFIC DESIGN

VMWP's master planning experience includes plans for new town centers, neighborhoods, mixed-use urban infill and redevelopment projects. Our pedestrian-oriented approach to master planning and urban design creates a dynamic urban environment. Corridor planning and streetscape projects range in scale from land use and design analysis along regional thoroughfares and local networks, to local commercial streetscape designs focused on improving the pedestrian experience and the commercial viability of districts and neighborhoods.

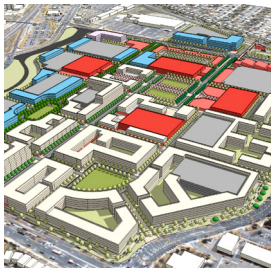
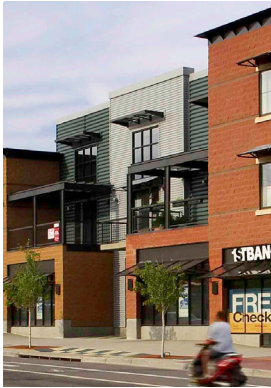
DESIGN GUIDELINES

We build on the best qualities of a place to strengthen and enhance the existing character of a neighborhood, a street corridor, or an entire city. The process of setting such standards is a crucial way for a community to transform its vision into a reality, while creating an invaluable tool to both shape and accommodate a city's future. VMWP has written guidelines and created development prototypes for single and multi-family residential development, neighborhood commercial centers, large-scale new development, and transit villages.

STREETSCAPE DESIGN

Great streets happen when pedestrians, cars and bicycles all get along. Our streetscape projects focus on making streets more comfortable to walk and gather, and better connected to a variety of retail districts and neighborhoods. When there are inviting places to sit, linger and enjoy private or social time, people feel more connected to their communities.

We celebrate cities. We believe in them. That's why we're so passionate about making them more livable.



SUSTAINABILITY: FROM REGION TO BUILDING

Sustainable design means satisfying the needs of the present generation without jeopardizing the needs of future ones. Our use of technology, creativity and strategic planning help us to conserve resources, build communities, and express the interconnectedness of people and their physical surroundings. We strive to create places that enhance the environment and are worthy of affection.

GREEN DESIGN ON THE REGIONAL SCALE

- Regional Planning: Visionary planning for future urban growth and conservation of open space.
- Greenways: Connected open space corridors for recreation and/or conservation.
- Urban Growth Boundaries: Growth management policy tools that establish boundaries around towns or metropolitan areas and discourage development outside of them.
- Policies and Initiatives: Programs developed by municipalities and other organizations towards a more sustainable way of life, one that safeguards and enhances local resources, prevents harm to the natural environment and human health, and strengthens the community and local economy.

GREEN BUILDING ON THE NEIGHBORHOOD SCALE

- Street Connectivity: Provides drivers, walkers and bikers with multiple direct routes, creating pedestrians a more attractive environment where people want to drive less.
- Transit-Oriented Development: Significant development within walking distance of transit stations means that greenfields on the urban fringe can be preserved as open space.
- Green Street Design: Green streets mimic natural conditions by managing runoff and pollutants and add to urban beautification.
- Complete Streets: Mix of pedestrian, bicycle and automobiles

GREEN BUILDING ON THE SITE SCALE

- Site Planning: Sustainable Site Design
- Water Management: Conservation and Mitigation
- Energy: Efficient and Energy Producing
- Materials: Conservation of Resources and use of Sustainable Products
- Health: Indoor Environmental Quality

TOOLS USED TO DEVELOP SUSTAINABLE PROJECTS

- Environmental Goals Collaborative Charrette
- VMWP Green Checklist
- Design Team with LEED Accredited Professionals & Green Point Raters
- VMWP's Integrated Design Process and Project Delivery

DE NOVO PLANNING GROUP

De Novo Planning Group is a land use and environmental planning firm specializing in general plan updates, CEQA compliance, community planning, environmental studies, and sustainability planning. The founding principals have successfully completed over 300 projects consisting of comprehensive general plans, specific plans, housing elements, environmental impact reports, negative declarations, initial studies, NEPA analyses, climate action plans, biological assessments, wetland delineations, and development projects throughout California. De Novo Planning Group incorporated in July 2008 and maintains offices in Northern and Southern California.

De Novo's mission is to provide municipal and private sector clients with world-class professional services, through principal-level attention to every project. They pride themselves on their ability to work with clients to balance the often-conflicting goals of economic, social, environmental, legal, and political forces. Their services result in an integrated planning and environmental solution for every project that is technically sound, cost effective and delivered within the client's schedule.

Beth Thompson - Principal and Project Manager



Ms. Thompson is a founding Principal with De Novo, with over 22 years of professional planning experience. Her responsibilities include general plan preparation and management, senior review of environmental documents, environmental planning, Housing Element updates, policy document preparation, and contract planning.

Ms. Thompson specializes in Community Planning, CEQA and National Environmental Policy Act compliance. Her experience includes the preparation and management of numerous General Plan projects, including the Cotati General Plan Update, Brentwood General Plan Update, Sebastopol General Plan Update and

Zoning Code, Colusa County General Plan Update, Half Moon Bay General Plan Housing Element, Zoning Code, and Land Use Element/Local Coastal Program Revisions, City of Lakeport Housing Element Update, City of Escalon Housing, Air Quality, Circulation, and Land Use Elements Update, Town of Paradise Housing Element Update, and City of Lakeport Housing Element Update. Ms. Thompson also has extensive experience preparing and managing General Plan EIRs, including the Town of Yountville General Plan Update EIR, City of Colusa GP EIR, the City of Manteca Circulation Element Update EIR, the City of Jackson Land Use and Circulation Element Update EIR, the El Dorado County General Plan Amendment EIR, the City of Elk Grove General Plan Amendment EIRs, the Mendocino County General Plan EIR, and senior CEQA review of the City of Livingston General Plan Master EIR. Ms. Thompson is an industry leader in the field of Housing Elements and General Plan EIRs, and she has a proven track record of successfully completing complex and legally defensible environmental and planning documents. Ms. Thompson graduated from the University of California, Davis with a bachelor's degree in Environmental and Resource Sciences.



Staff Report

File #: 19-2087, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019

TO: Mayor and Town Council

FROM: Michelle Dahme, CMC, Town Clerk

TITLE

Discussion and possible action to appoint two (2) individuals to the Yountville Community Foundation with one representing the Chamber of Commerce and the other representing the Resident category with the terms of office to commence August 1, 2019 and expire August 1, 2021.

DISCUSSION/BACKGROUND

The Town of Yountville Community Foundation (TOYCF) was established January 19, 2016, by Resolution Number 16-3319.

The purpose of the TOYCF is to promote and raise funds to support community-based programming to benefit and serve the residents of the Town including, but not limited to:

- Youth recreation and education programs
- Community based wellness and enrichment programs
- Senior recreation, leisure, education programs and support services
- Parks and facilities improvements
- Cultural arts programs such as the Public Art Walk, the Gallery at the Community Hall, literary programs, visual and performing arts programs
- Initiatives for events and programs staffed by community volunteers
- Potential for other community organizations to partner with the foundation subject to development of a partnership agreement and approval by the Foundation Board of Directors of the partnership agreement as outlined herein

The TOYCF is intended to operate as an administrative organization providing the financial and administrative support for various areas of specified interest, such as the Yountville Arts Fund and the Youth Subsidy Fund. The TOYCF will serve to facilitate local fund-raising and provide a structure for collection and distribution of funds consistent with the provisions of its Bylaws.

TOYCF COMPOSITION/MEMBERSHIP

The Board of Directors shall consist of no less than five (5) and no more than nine (9) members, to be known individually as Directors and collectively as the Board of Directors (hereinafter "the Board").

One (1) Director, providing there is a willing applicant, should be a member of the Town of Yountville Parks and

Recreation Advisory Commission.

One (1) Director, providing there is a willing applicant, should be a member of the Yountville Arts Commission.

One (1) Director, providing there is a willing applicant, should be a member of the Yountville Chamber of Commerce.

One (1) Director, providing there is a willing applicant, should be member from each community partner organizations that may enter into a partnership agreement with the TOYCF. Nothing shall prohibit additional representatives from such programs also being Directors.

The balance of the remaining Directors shall be residents of the Town of Yountville.

Advisory Board Members: The Town of Yountville Town Manager and the Parks and Recreation Director or his/her designee shall serve as an ex officio member of the Board, and shall be invited to all board meetings as a non-voting advisor to the TOYCF.

In addition and at its discretion, the Board may invite community members and business owners to participate as non-voting advisors to the TOYCF.

Members will serve staggered two-year terms of office.

MEETINGS

Regular meetings of the TOYCF shall be held at least quarterly and meeting date, time, and location will be established by resolution of the Board of Directors. Additional meetings may be called during the initial organization of the TOYCF.

RECRUITMENT

The Town Clerk posted a Notice of Vacancy on April 19, 2019 at the Town's official posting locations and on the Town's website. The application filing period closed on May 20, 2019.

The Town received five (5) applications. Applications were received from the following: Incumbent member Sandy Fagan representing the Resident Category, Jessica Penman representing the Chamber of Commerce, and new applications from Darlene deBeaclair, Hillary Trippr, and Vittoria Boscarino.

The Town Council interviewed the above Applicants earlier this afternoon and staff is requesting the Council appoint one applicant to represent the Resident Category and the other to represent the Chamber of Commerce with their terms of office to commence August 1, 2019 and expire August 1, 2021. To maintain staggered terms of office, the term stated above will remain in effect; however, the actual appointment date is August 6, 2019.

Town Council Protocols state that Council makes appointments by interview and ballot process with a motion to confirm appointments. Should Council decide not to appoint from the five (5) applicants, staff would re-advertise to fill any remaining vacancies.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? No

Is it Currently Budgeted? N/A

Where is it Budgeted? N/A

Is it Mandatory or Discretionary? Mandatory

Is there a Staff Resource Impact? Nominal

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Engaged Residents:** The Town embraces our residents' commitment to community as seen through volunteerism, civic engagement, and public participation that enhances the quality of life in Yountville.

Briefly Explain Relationship to Strategic Plan Goal and Objective. See above.

ALTERNATIVES

Appoint two (2) individuals from the five (5) Applicants.

Do not appoint some or all of the Applicants and request the Town Clerk continue recruitment.

RECOMMENDATION

Receive staff report and direct questions to staff.

Receive public comment.

Conduct Council discussion on TOYCF appointments.

Discussion and possible action to appoint two (2) individuals to the Yountville Community Foundation with one representing the Chamber of Commerce and the other representing the Resident category with the terms of office to commence August 1, 2019 and expire August 1, 2021.

Profile

Sandy

First Name

Fagan

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

What district do you live in? *☒ Yes

Primary Phone

Alternate Phone

Retired - Civil Rights Advocate

Employer

Job Title

Which Boards would you like to apply for?

Yountville Community Foundation Board: Submitted

Are you a Yountville Business Owner?☐ Yes ☒ No

Living in Yountville?☒ Yes ☐ No

Are you a part of a Non-Profit Organization?☒ Yes ☐ No

Are you registered to vote in Yountville?☒ Yes ☐ No

Why do you want to serve on this Board, Commission, Committee?

I was appointed to the Foundation Board as a "charter member" and, gratefully, I was involved in configuring the parameters of the Board and the fiscal process of receiving donations and responding to grant requests. I would very much appreciate the opportunity to continue with the Foundation Board and advance its very valuable mission.

What do you perceive is the role of this Board, Commission, or Committee

The role of the Community Foundation Board is to oversee the administration of funds to support local initiatives. Further, Board members, as residents, are in a position to promote the Foundation and its mission to friends, neighbors and business associates.

How would you represent the interests of the community?

I am active in various aspects of the community and I listen. I feel I have earned credibility with many of our residents and I trust that credibility will enhance candid conversations with donors and grant applicants. I appreciate how effective a Board comprised of dedicated, committed people can be. I see that composition in the present Foundation Board.

What strengths/expertise,special skills would you bring to the Board, Commission, or Committee?

I have had significant experience working on and with a variety of Boards and I understand Board member responsibilities. I have written funding applications, administered funding contracts and worked closely with Federal and State programs as a recipient of funding, as well as developing criteria for awarding funding.

Please describe your previous community service and volunteer experience.

Please see my resume re: community service and volunteer experience. In particular, please note my involvement as a Board and/or Commission member in a variety of venues.

Please list accomplishments of which you are proud and/or attach a resume.

Recently, I have had the honor to provide input on a number of projects and programs, including park renovations (Veterans' Park, Yountville Park, Forrester Park), new park development (Oak Circle Park), the development of park use policies and the like. Further, I have had experience participating in and/or overseeing community-based projects and programs for youth, seniors and the community-at-large.

Anything else you would like to tell us?

As a panelist for an on-going feature in the Yountville Sun, I've had a chance to weigh-in on a number of local and regional issues of general interest and of local significance. I grew up in the Napa Valley and I have an understanding of the interests of both longtime residents and "new arrivals". Further, as a continuing member of the TOYCF Board, a re-appointment would permit me to assist in developing award criteria for grant proposals and to help fine-tune the Board's mission.

Name, Addresses and Phone numbers of three (3) individuals familiar with your background

Samantha Holland, Town of Yountville Parks and Rec Director 707-944-8712 Jessica Penman, Yountville Chamber of Commerce 707-944-0904 Linda Moyer, Yountville Resident, 944-2777

Interests & Experiences

[VOLUNTEERING_EXPERIENCE_RESUME.docx](#)

Upload a Resume

Profile

Darlene

First Name

de Beauclair

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

What district do you live in? *☒ Yes

Primary Phone

Alternate Phone

Retired

Employer

Job Title

Which Boards would you like to apply for?

Yountville Community Foundation Board: Submitted

Are you a Yountville Business Owner?☐ Yes ☒ No

Living in Yountville?☒ Yes ☐ No

Are you a part of a Non-Profit Organization?☐ Yes ☒ No

Are you registered to vote in Yountville?☒ Yes ☐ No

Why do you want to serve on this Board, Commission, Committee?

I feel very fortunate to live in Yountville and this is an opportunity for me to give back. I would like to be part of a group that makes a difference and serves our residents. On a personal level, I want to continue growing, learning and broadening my horizons. This appears to be a chance to accomplish all of that.

What do you perceive is the role of this Board, Commission, or Committee

In short, to enhance life for Yountville Residents, through the delivery of a variety of programs/events that will impact individual and/or family unit well being. There appears to be, appropriately, a fair amount of focus on seniors, youth and the underprivileged, offering experiences and activities they many not otherwise have access to. The Yountville Community Foundation seems to be a positive voice at a time when we desperately need one.

How would you represent the interests of the community?

i have come to know many of our citizens through an array of activities in Yountville, and live in Rancho de Napa, which is well populated with seniors, some of them underprivileged. I was here through the fires, the shootings at the Vets Home, and the loss of Alaina. Through my work with the Chamber I have been exposed to many of our local businesses and had the opportunity to speak with business owners and their employees. My three nieces attended YES, and I will have another one coming up in two years. All in all, I offer a well rounded perspective of our town, our residents and some of the challenges which we face. Additionally, I bring a lot of energy and the willingness to work on behalf of Yountville residents.

What strengths/expertise,special skills would you bring to the Board, Commission, or Committee?

As you will see in my resume, much of my career was spent at a Marketing Agency where we worked in teams to develop custom programs/solutions to address client-specific issues. The work was project/program based and afforded me exposure to all aspects of project management, team building and gaining consensus. We worked in an environment where open, creative discussions and brainstorming were encouraged. I would like nothing better than to be part of a team that delivers programs to enhance life in Yountville, in small and/or large ways. Especially projects that might be geared toward seniors, youth and/or the underprivileged. In addition to my background, I bring high levels of energy and enthusiasm and a strong sense of community. I would be very proud to serve on the Community Foundation Board, and begin to give back a portion of what Yountville has given me. Delivering cheer, assistance and positivity would be very gratifying.

Please describe your previous community service and volunteer experience.

Many years ago I was involved with CASA in Orange County. I have served as an Assistant Girl Scout Troop Leader and coached Girl's Softball, even though I don't have children, and have been in a mentoring position, similar to that of Big Sister. Since retiring and moving to Yountville, the past two years I have become involved with the Pickleball Steering Committee, taken a position on the Yountville Bocce Club Board and volunteer at the Chamber of Commerce. Prior to retirement, my time was sorely limited, but now I have time to share and would like to add a more broad spectrum opportunity to my life.

Please list accomplishments of which you are proud and/or attach a resume.

I had a long, successful career in Sales and Marketing, which is outlined in my resume. However, looking back, I realize that one of my biggest accomplishments won't be found on a resume. Growing up, it was ingrained in me to be a good daughter, sister, wife, aunt, family member and friend. As a result, I have fortunately been surrounded by a loving, supportive family and truly great friends. At the end of the day, that's what's important, at least for me. I want to be the best role model/mentor I can be, and to share my good fortune with others.

Anything else you would like to tell us?

I would really like to be involved with the Yountville Community Foundation Board!

Name, Addresses and Phone numbers of three (3) individuals familiar with your background

Marilyn Cardone, [redacted] Yountville, CA 94599 [redacted] Jerry Schmitt,
[redacted] [redacted] Newport Beach, CA [redacted] Susan Sirota, [redacted] [redacted]
Irvine, CA [redacted]

Interests & Experiences

[Darlene de Beauclair Resume 5-19-2019.docx](#)

Upload a Resume



DARLENE DE BEAUCCLAIR

[REDACTED] | [REDACTED] | [REDACTED] Yountville , CA 94599

Summary

Energetic personality considered highly adaptable and always ready to find the best solutions. Has always been capable of working with a wide range of businesses to increase customer numbers and profits by developing and implementing custom, targeted programs. Strategic planner with an adaptable approach and strong relationship building skills. Now seeking opportunities to engage with the Town of Yountville, working to increase the well-being of Yountville Residents.

Skills

- Good communicator
- Works efficiently
- Ability to partner well with a variety of personalities and styles
- High energy, high enthusiasm
- Account/Project oversight
- Strategic thinking

Career Experience

Director, Northern California Sales 02/2003 - 06/2016
Royce Digital Systems, Inc. | Irvine, CA
Grew Northern California Sales from zero to an average of \$4,000,000 per year.
Increased breadth of products and services offered.
Raised the bar for service delivery levels.
Partnered with a major Healthcare Provider Network in over 25 locations.
Worked with Client IT Infrastructure Project Management Teams for IT startup in new Healthcare facilities.

Enterprise Account Executive 02/1998 - 01/2003
BI Worldwide | Minneapolis, MN
Led Account Teams in the development and implementation of custom solutions for a variety of industries, with specialization in Automotive, Food Service and Transportation.
Managed the Account Team for one of BI Worldwide's largest customers, a leader in the telecom industry; our Team grew business by 150% in two years.
Developed and implemented a safety program for a well-known Air Cargo company.
Earned the Partnership Award, voted on by 1,100 employees for four out of six eligible years.
Was the first female Account Executive; within 7 years, females represented 20% of the Account Executive population.

Prior Experience

Multiple Positions 06/1977- 1988
Wang Laboratories, Inc. | Lowell, MA
Began as a Receptionist and elevated through Customer Service, Education Delivery, Sales, Branch Management, Regional Marketing Program Management

Education and Training

Completed 3 years working toward a Bachelor of Arts in Business Administration 1974
College of San Mateo and California State University – Fullerton & San Francisco Campuses

Left to take a full-time position at Wang Laboratories, Inc., continuing with evening and weekend classes.

Current & Past Activities

Volunteer, Yountville Chamber of Commerce, Welcome Center

Correspondence Secretary, Yountville Bocce Club Board

Team Member, Pickleball Steering Committee

Participate annually in Operation with Love and Kiwanis Christmas Drive

Walked in the Susan G. Komen 3-Day Breast Cancer Walk, personally raising \$3,200, without Corporate Sponsors

Became CASA Certified in Orange County, but then moved to Dallas, TX and was unable to become active due to excessive business travel

Worked with Girl Scouts of America as an Assistant Troop Leader

Coached Girls' Softball for two seasons

Profile

Yountville Chamber

First Name

Commerce

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

What district do you live in? *☒ No

Primary Phone

Alternate Phone

Yountville Chamber of
Commerce

Employer

Operations & Membership
Manager

Job Title

Which Boards would you like to apply for?

Yountville Community Foundation Board: Submitted

Are you a Yountville Business Owner?☐ Yes ☒ No

Living in Yountville?☐ Yes ☒ No

Are you a part of a Non-Profit Organization?☒ Yes ☐ No

Are you registered to vote in Yountville?☐ Yes ☒ No

Why do you want to serve on this Board, Commission, Committee?

I would like to continue to serve as the Yountville Chamber representative on the Yountville Community Foundation Board. I am excited to get the foundation really going and to see what a difference it can make in our community.

What do you perceive is the role of this Board, Commission, or Committee

The role of the Yountville Community Foundation Board is to approve and manage funds for the Yountville Community Foundation.

How would you represent the interests of the community?

I am an active member in the Yountville community and would represent the interests of both the business and residents communities in Yountville by actively working to make sure the Yountville Community Foundation is working to make Yountville the best place to live, work, and play.

What strengths/expertise,special skills would you bring to the Board, Commission, or Committee?

Since the Yountville Community Foundation is so new I think it is important to keep consistency on the Board until we are more established. I bring institutional knowledge which is important at this stage. I also have lots of connections in Yountville via my current and past job. I love this town and look forward to continuing to serve on the Community Foundation.

Please describe your previous community service and volunteer experience.

I have previously served on the Yountville Arts Commission I currently serve on the Yountville Community Foundation Board and the Napa County Arts & Culture Committee I am currently enrolled in Leadership Napa Valley Class 32 I also volunteer regularly at Lucky Penny in Napa

Please list accomplishments of which you are proud and/or attach a resume.

Resume attached

Anything else you would like to tell us?

I am a Napa Valley native and I love working in my home county. I have loved seeing how much the valley has grown and want to continue to help make Yountville and Napa County a great place to live and work

Name, Addresses and Phone numbers of three (3) individuals familiar with your background

Kristie Sheppard, [REDACTED], Sonoma, CA 95476, [REDACTED] Whitney Diver McEvoy, 6468 Washington Street, Yountville, 707-944-0904 Rebecca Scott, [REDACTED], Napa CA 94559 [REDACTED]
[REDACTED]

Interests & Experiences

Jessica Lee Penman

Napa, CA 94558

Summary of Qualifications

Teamwork, management skills, ability to think laterally to solve a wide range of problem, ability to work creatively in diverse situations with limited resources, ability to work with a wide range of people and cultures, ability to adapt skills and knowledge base to new situations, disaster preparedness, attention to detail and ability to record relevant details, quantitative data handling, literacy, ability to compile a structured report, presentation skills, budgeting, timekeeping and forward planning, event planning and management, Weblink, Canva, Raisers Edge and PastPerfect proficient, ability to work in a fast paced environment, ability to work under stress and intense physical and mental conditions while maintaining a positive attitude

Current Positions

Yountville Chamber of Commerce

April 2017-Present

Operations and Membership Manager

- Run Yountville Welcome Center
- Run YCC volunteer program
- Work with Director of Membership and Sales on membership development and retention
- Run Associate Member program
- Run major chamber events
- Creating Napa Valley Young Professionals Program
- Point of contact for YCC Workforce Development projects
- Manage YCC TripAdvisor Page and Instagram Stories
- Manage Community Events

Napa Valley College

June 2014-Present

Adjunct Instructor of Anthropology

- Content development
- Teach 1-2 classes a semester both online and in person

Silver Oak

On call event server

July 2015-Present

- Set up/break down event
- Serve at high end events
- Pour high end wine at events

Volunteer Work

Leadership Napa Valley Class 32

September 2018-Present

Lucky Penny Theater

September 2018-Present

Napa County Arts and Culture Committee

October 2018-Present

Yountville Community Foundation Board of Directors

March 2018-Present

Vice Chair

- Promote and raise funds to support community based programming that benefits the residents of Yountville
- Approve grant request when they are submitted to Yountville Community Foundation
- Provide administrative and financial support to various areas in Yountville

Yountville Arts Commission

July 2015-June 2017

Arts Commissioner

- Run four gallery shows a year
- Help plan major fundraiser Art Sip and Stroll
- Run marketing committee
- Choose art for Yountville public art walk

Arts Council Napa Valley Leadership Network

March 2016-April 2017

Committee Member

- Raise awareness for the Arts in Napa County
- Research ways to serve underserved populations in Napa County
- Work collaboratively with arts professionals in Napa County
- Be an active leader in the arts community

Other Work Experience

Napa Valley Museum

July 2015-April 2017

Development Manager

- Membership Program coordination
- Foundation grants
- Government grants
- Annual Fundraiser coordinator
- Event coordinator
- Volunteer coordination
- Intern coordination
- Community outreach coordination
- Online postings and marketing
- Patron Member program coordination

Napa Valley Museum

May 2014-July 2015

Collections Manager and Volunteer Manager

- Volunteer program coordination
- Museum volunteer outreach
- Care for the NVM's 15,000 object collection
- Accessioning new items
- Inventory
- Research collections items
- Research items in need of deaccessioning
- Condition reports for incoming items

Napa Valley Museum

July 2012-May 2014

Collections Manager

- Care for the NVM's 15,000 object collection
- Accessioning new items
- Inventory
- Research collections items
- Research items in need of deaccessioning
- Condition reports for incoming items

Salon D'Art

May 2013-May 2014

District Representative for Northern California

- Manage 4-8 member sales team
- Responsible for home sale visits in Northern California
- Manage Northern California hotel properties
- Control over entire company inventory

Napa Valley Museum

April 2012-July 2012

Collections and Exhibitions Intern

- Learn the basics of collections management
- Inventory of NVM's art collection
- Helped to instal and de-instal several exhibitions

Mumm Napa

July 2012-August 2013

Hospitality representative

- Serve and explain Mumm wines to guests
- Give tours of the sparkling wine making process
- Ring customers up for wine and merchandise

Boys and Girls Club of the Napa Valley

October 2011-June 2012

Teen Center Project Assistant

- Create a safe place for Napa teens to spend hours after school
- Head cooking and workout classes
- Help to raise money for teen programs

Education:**University College London 2011**

MA Egyptian Archaeology (with Merit)

London, United Kingdom

University of Arizona

B.A. Anthropology and Classics (Cum Laude) 2009

Tucson, Arizona USA

Centro Studi Città di Orvieto

University of Arizona Study Abroad Program 2007-2008

Areas of Study: Art History, Classics, Archaeology

Orvieto, Italy

Additional Skills and Certificates

- Emerging Leaders Program Certificate-CVNL Fall 2016
- WordPress
- Office Suite
- Weblink
- Canva
- Canvas
- Blackboard
- Raisers Edge
- Constant contact
- AASLH: The Basics of Archives online workshop
- PastPerfect
- Instagram Stories

Profile

Hillary

First Name

Trippr

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

What district do you live in? *☒ Yes

Primary Phone

Alternate Phone

Retired attorney

Employer

Job Title

Which Boards would you like to apply for?

Yountville Community Foundation Board: Submitted

Are you a Yountville Business Owner?☐ Yes ☒ No

Living in Yountville?☒ Yes ☐ No

Are you a part of a Non-Profit Organization?☐ Yes ☒ No

Are you registered to vote in Yountville?☐ Yes ☒ No

Why do you want to serve on this Board, Commission, Committee?

I am a new resident of Yountville, and am interested in making a contribution to the community. I have considerable experience volunteering for educational non-profits and working with both seniors and children.

What do you perceive is the role of this Board, Commission, or Committee

Oversee the funds and programs administered by the Foundation. The Foundation supports community interests and activities for children and adults.

How would you represent the interests of the community?

My initial job would be to learn and listen. As a retired person in my early 60's, I have a good perspective on programs to benefit my age group. Having volunteered for several years tutoring second graders in reading, I also feel connected with the interests of school aged children. As a new resident to Yountville, I also can represent the perspective of someone who specifically chose the town due to its wonderful quality of life.

What strengths/expertise,special skills would you bring to the Board, Commission, or Committee?

My experience as a volunteer is outlined below in brief terms. As a retired corporate attorney, I bring analytical rigor, support for good governance practices and an ability to work with others on a common goal.

Please describe your previous community service and volunteer experience.

I previously served on the board of directors in the following organizations: Sheveland Ranch HOA; Third Walnut Creek Mutual HOA; and Center for Youth Development. I have been a member of the following City Boards: planning Commission (City of Orinda) and Rent Board (City of Oakland) I volunteered tutoring reading to second graders for two years through an Oakland community non-profit, and also was volunteer coach for a high school mock trial team for three years.

Please list accomplishments of which you are proud and/or attach a resume.

I raised a wonderful daughter (who lives in Napa), had 32 mostly successful years of being an attorney and business person, and now had the good idea of retiring to live in Yountville. I am also especially proud of several of the high school students I coached and have helped as they now navigate their college years.

Anything else you would like to tell us?

Name, Addresses and Phone numbers of three (3) individuals familiar with your background

Karen Mannix [REDACTED], Napa: [REDACTED] Karen Groppi [REDACTED] Santa Cruz Ca:
[REDACTED] 0 Sandy Stevens [REDACTED] Vallejo Ca. [REDACTED]

Interests & Experiences

Upload a Resume

Profile

Vittoria

First Name

Boscarino

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

What district do you live in? *☒ Yes

Primary Phone

Alternate Phone

Clos Du Val

Employer

Sales & Tasting Room

Job Title

Which Boards would you like to apply for?

Yountville Community Foundation Board: Submitted

Are you a Yountville Business Owner?☐ Yes ☒ No

Living in Yountville?☒ Yes ☐ No

Are you a part of a Non-Profit Organization?☐ Yes ☒ No

Are you registered to vote in Yountville?☒ Yes ☐ No

Why do you want to serve on this Board, Commission, Committee?

To be involved in community service within the town I now live in.

What do you perceive is the role of this Board, Commission, or Committee

I don't know. I assume the board, as foundation, may handle different town related organizations and/or needs?

How would you represent the interests of the community?

By actively seeking solutions to existing issues and/or resolutions by taking into consideration all aspects of a specific problem.

What strengths/expertise,special skills would you bring to the Board, Commission, or Committee?

Ability to listen, tackle issues by looking at facts and circumstances, discuss pros and cons, and provide genuine feedback.

Please describe your previous community service and volunteer experience.

For the last 25 years I have been in the working field without any spare time to offer. I have managed Spas for big hotels until 201, and I'm now working in the wine industry to stay busy and active and earn some extra spending money as I approach full retirement.

Please list accomplishments of which you are proud and/or attach a resume.

I have successfully managed small and large hotel spas with a staff of 30 and up to 150 employee. I am a proud mom of 3 amazing children and 6 incredibly fabulous grandchildren.

Anything else you would like to tell us?

I was born and raised in Italy but have lived in the US since 1974. First in NYC, Boston, Connecticut and then in California. I'm well travelled, love food and wine, music, books, the outdoors and I look forward to become more involved within my community.

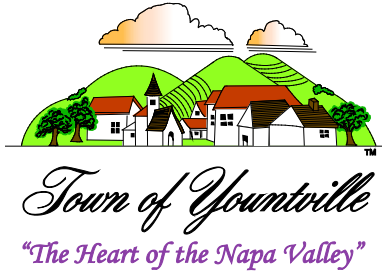
Name, Addresses and Phone numbers of three (3) individuals familiar with your background

I will be happy to provide this information in the event you are interested in considering me for the position. Thank you in advance for your time, and I look forward to hearing back from you. Kindest regards, Vittoria Boscarino

Interests & Experiences

Upload a Resume

New Vacancies for Boards and Commissions



YOUNTVILLE COMMUNITY FOUNDATION

The Town of Yountville is seeking one (1) resident and one (1) Yountville Chamber of Commerce representative to serve on the Yountville Community Foundation with the terms of office to commence August 2, 2019 and expire August 1, 2021.

MEMBERSHIP

The Yountville Community Foundation is comprised of the members shown below who will be known individually as Directors and collectively as the Board of Directors (hereinafter "the Board"):

- Five (5) residents of the Town of Yountville.
- One (1) Town of Yountville Parks and Recreation Advisory Commission (Optional).
- One (1) Yountville Arts Commission (Optional).
- One (1) Yountville Chamber of Commerce (Optional).
- One (1) Director, should be member from each community partner organizations that may enter into a partnership agreement with the Yountville Community Foundation (Optional)

PURPOSE

The purpose of the Town of Yountville Community Foundation (TOYCF) is to promote and raise funds to support community-based programming to benefit and serve the residents of the Town including, but not limited to:

- Youth recreation and education programs
- Community based wellness and enrichment programs
- Senior recreation, leisure, education programs and support services
- Parks and facilities improvements
- Cultural arts programs such as the Public Art Walk, the Gallery at the Community Hall, literary programs, visual and performing arts programs.
- Initiatives for events and programs staffed by community volunteers
- Potential for other community organizations to partner with the foundation subject to development of a partnership agreement and approval by the Foundation Board of Directors of the partnership agreement as outlined herein.

TERMS OF OFFICE

Members of the Board shall be approved by the Yountville Town Council and serve terms of two (2) years.

MEETINGS

Regular meetings of the Board shall be held at least quarterly every year. The next meeting is scheduled for July 26, 2019 at 3:00 p.m. at the Yountville Community Center located at 6516 Washington Street.

Applications must be submitted electronically by Monday, May 20, 2019 at 5:00 p.m.

Save the Date: Applicant interviews are tentatively set for Tuesday, July 16, 2019 at approximately 5:30 p.m. Time will vary depending on the number of applications received.

Date Posted: April 19, 2019

How To Apply

Check out the Town's new on-line Board and Commission Application process to view current vacancies by visiting the Town's website at www.townofyountville.com and clicking on the Town Council tab and then Boards and Commissions. To complete an Application, select the Apply button to complete Application on-line.



YOUNTVILLE COMMUNITY FOUNDATION BOARD

BOARD DETAILS



OVERVIEW



SIZE 9 Seats



TERM LENGTH 2 Years



TERM LIMIT N/A

The Town of Yountville Community Foundation (TOYCF) was established by Resolution Number 16-3319 and was formerly known as the Yountville School Foundation.

The purpose of the non-profit organization is to promote and raise funds to support community-based programming to benefit and serve the residents of the Town including but not limited to: 1) youth recreation and education; 2) community based wellness and enrichment; 3) senior recreation, leisure, education and support services; 4) parks and facilities improvements; 5) cultural arts; literary, visual and performing arts programs; and 6) initiatives for events and programs staffed by community volunteers.

The Board of Directors shall be comprised of five to nine members to include: 1) five residents from the Town of Yountville; 2) one member of the Parks and Recreation Advisory Commission; 3) one member of the Arts Commission; 4) one member of the Chamber of Commerce; 5) one member from each community partner organization; 6) Ex-Officio Town Manager; and 7) Ex-Officio Parks & Recreation Director.

Regular meetings of the Board of Directors shall be held quarterly at 3:00 p.m. at the Yountville Community Center located at 6516 Washington Street on the following dates:

- July 27, 2018
- October 26, 2018
- January 25, 2019
- April 26, 2019



DETAILS

AGENDAS, MINUTES AND MEETING VIDEOS

<https://townofyountville.legistar.com/Calendar.aspx>

NOTICE OF VACANCY

ENACTING RESOLUTION

Resolution No. 16-3319

ENACTING RESOLUTION WEBSITE



YOUNTVILLE COMMUNITY FOUNDATION BOARD

BOARD ROSTER



YOUNTVILLE CHAMBER COMMERCE

1st Term Aug 01, 2017 - Aug 01, 2019

Appointing Authority Chamber of Commerce and Town Council

Position Vice Chair

Category Yountville Chamber of Commerce Representative



SANDY FAGAN

1st Term Jan 15, 2019 - Aug 01, 2019

Appointing Authority Town Council

Position Director

Category Resident



RONDA SCHAER

1st Term Sep 19, 2018 - Aug 01, 2020

Appointing Authority Town Council

Position Director

Category Yountville Arts Commission Representative



BILLIE HEWITT

1st Term Aug 01, 2017 - Aug 01, 2020

Appointing Authority Town Council

Position Director

Category Resident



SHANNON MCDERMOTT

1st Term Aug 01, 2017 - Aug 01, 2020

Appointing Authority Town Council

Position Chair

Category Resident



PAMELA ZEIDELL

1st Term Aug 01, 2017 - Aug 01, 2020

Appointing Authority Town Council

Position Director

Category Resident



ERIC KNIGHT

1st Term Aug 01, 2017 - Aug 01, 2020

Appointing Authority Town Council

Position Director

Category Resident



VACANCY

Appointing Authority Town Council

Position Director

Category Community Partner Organization



VACANCY

Appointing Authority Parks & Recreation Advisory Commission and the Town Council

Position Director

Category Parks & Recreation Advisory Commission Representative



Staff Report

File #: 19-2189, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019

TO: Mayor and Town Council

FROM: Michelle Dahme, CMC, Town Clerk

TITLE

ZONING & DESIGN REVIEW BOARD APPOINTMENT

Consider appointment of one (1) individual to the Zoning & Design Review Board with the term of office to commence July 21, 2019 and expire July 21, 2022.

DISCUSSION/BACKGROUND

The Zoning and Design Review Board (ZDRB) was established by Ordinance Number 172 in January 1986. The ZDRB was established to discuss planning matters, consider public comment and offer recommendations to the Town Council. The ZDRB is comprised of five (5) volunteer members serving three-year staggered terms of office. In order to serve on the ZDRB, an individual must reside within Town limits and be registered to vote in the Town.

Desirable applicants will have knowledge of the Town, a commitment to the goals and objectives of the General Plan and be familiar with Yountville architecture. The ability to read building and construction plans is highly desirable. The ZDRB shall make decisions regarding use permits in the R-District, home occupations, second dwelling units, change in uses in C-Districts, design review in H-Districts and lot line changes. The ZDRB will also hold study sessions and advise the Council regarding amendments to the General Plan, Zoning and Subdivision Ordinances, Capital Improvement Plan and Design review in other zoning districts.

Initial Recruitment

During the initial recruitment for the ZDRB, there were three (3) vacant positions due to the expiration of terms.

The initial Notice of Vacancy was posted April 19, 2019 in the designated Town locations including the Town's website. At the conclusion of the filing period, the Town received four applications for three positions. Applications were received from incumbent members Kim Cook and Michael Zagorsek and one new application was received from Michael Jordan. One application was received after the close of the filing period and consistent with Town practice was not considered at that time.

On June 17, 2019, the Town Council interviewed and reappointed incumbent members Kim Cook and Michael Zagorsek. Applicant Jordan was not in attendance for the initial interview date.

Town staff posted a second Notice of Vacancy July 1, 2019 with an application filing deadline of July 19, 2019 at 5:00 p.m. for the one remaining vacancy to be filled on the ZDRB.

Staff reached out to Applicants Michael Jordan and Laurence Kamer to see if both were still interested in being considered for the ZDRB and both indicated yes they were still interested. At the close the second filing period, the Town received one new application from Nathaniel Dorn.

The Town Council conducted applicant interviews earlier this afternoon and staff is requesting Council appoint one (1) member with the term of office to commence July 21, 2019 and expire July 21, 2022. To maintain staggered terms of office, the term stated above will remain in effect; however, the actual appointment date will be August 6, 2019.

Town Council Protocols state that Council makes appointments by interview and ballot process with a motion to confirm appointments. Appointment for the one position will be based on the Applicant ranking. Should Council determine not to appoint one of the Applicants, the Town Clerk would re-advertise to fill the position(s).

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? N/A

Is it Currently Budgeted? N/A

Where is it Budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Is there a Staff Resource Impact? N/A

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Engaged Residents:** The Town embraces our residents' commitment to community as seen through volunteerism, civic engagement, and public participation that enhances the quality of life in Yountville.

Briefly Explain Relationship to Strategic Plan Goal and Objective. ZDRB is a volunteer Board that assists the Town Council with its goals and objectives to manage community development; provide for orderly development by well-planned and compatible land uses; maintain a high quality design aesthetic in our built environment; create conditions for economic vitality; provide an adequate and diverse supply of housing; and conserve natural and cultural resources.

ALTERNATIVES

Appoint one individual to the ZDRB.

Do not appoint from the list of three applicants to the ZDRB and direct staff to conduct new recruitment to fill vacancy.

RECOMMENDATION

Receive staff report and direct questions to staff.

Receive public comment.

Conduct Council discussion.

Complete ballots and provide to the Clerk for recording.

Consider appointment of one (1) individual to the Zoning & Design Review Board with the term of office to commence July 21, 2019 and expire July 21, 2022.

Profile

Laurence

First Name

Kamer

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

What district do you live in? *☒ Yes

Primary Phone

Alternate Phone

Kamer Consulting Group LLC

Employer

CEO

Job Title

Which Boards would you like to apply for?

Zoning and Design Review Board: Submitted

Are you a Yountville Business Owner?☒ Yes ☐ No

Living in Yountville?☒ Yes ☐ No

Are you a part of a Non-Profit Organization?☒ Yes ☐ No

Are you registered to vote in Yountville?☒ Yes ☐ No

Why do you want to serve on this Board, Commission, Committee?

Yountville works well because so many of its citizens are involved at every level - through civic and business groups, religious organizations and nonprofits, school and sports. This is especially true for our Town government, which is fortunate to benefit from the volunteer time of people of different backgrounds and life experiences. I approach ZDRB service in this context - to make a contribution to our community, bring some perspective based on my experiences, and ultimately to improve our surroundings.

What do you perceive is the role of this Board, Commission, or Committee

The Board has literal and larger obligations. Literally, as the Town website says, the ZDRB is responsible for making decisions regarding use permits in the R-District, home occupations, second dwelling units, change in uses in C-Districts, design review in H-Districts and lot line changes. But at the larger level, it's responsible for handling many day-to-day matters that ultimately produce a sustainable community with a unique and special character - in short, a Town that works well.

How would you represent the interests of the community?

Experience and perspective is what distinguishes any board member, and I will certainly bring these with sincerity and care to the ZDRB. Representing the interests of the community means listening to staff's technical advice, interested parties in each zoning/design matter, stakeholders directly affected by the ZDRB's work, and then rendering the most responsible decision possible. It's also important to carefully study facts and arguments and discuss these, with an open mind, with colleagues.

What strengths/expertise,special skills would you bring to the Board, Commission, or Committee?

I've been involved in local government and politics since 1975 - starting in Chicago and then in N. California since the mid 1980s. I have degrees in political science and urban studies. Professionally, I work extensively in the land use area and have represented governments, developers, and other interested parties. I am familiar with CEQA and its intended - and practical outcomes. I am currently engaged by the County of Napa CEO to assist with communications surrounding the Napa County Strategic Plan and represent the developers of the proposed Napa City Hall. I have a talent for quickly absorbing information, seeking agreement and consensus where possible, and advocating for positions I believe are justified - even if not always popular. Above all, I have one singular agenda - to do what I believe is right for my Town.

Please describe your previous community service and volunteer experience.

I have served on the Napa County Mental Health Board and currently serve on the Boards of three non-profits: Congregation Beth Shalom in Napa, the Napa Center for Thought and Culture, and Dreamcatchers Empowerment Network, which works to secure employment for people transitioning out of mental health institutions. Past community service include the boards of the American Red Cross Bay Area, Jewish Vocational Service (board president), and the Bay Area Council.

Please list accomplishments of which you are proud and/or attach a resume.

Resume attached.

Anything else you would like to tell us?

It would be an honor to serve, and thank you for reviewing my qualifications.

Name, Addresses and Phone numbers of three (3) individuals familiar with your background

Kerri Dorman, Council Member, Town of Yountville John Dunbar, Mayor, Town of Yountville Minh Tran,
County Executive Officer, County of Napa

Question applies to Zoning and Design Review Board

Interests & Experiences

[Resume_Laurence_Kamer_1.docx](#)

Upload a Resume

Laurence M. Kamer

6690 Yount Street

Yountville, CA 94599

(415) 290-7240

lkamer@kamergroup.com

Counselor to companies, government, nonprofits and educational institutions on strategic communications, media relations, reputation and crisis management, digital and social media, corporate social responsibility, and employee communications. Consistently highly rated trainer and lecturer. Subject matter expert in land use, health care, insurance, higher education issues. Successful track record as media strategist and spokesperson. A talent for rallying action around urgent problems and quickly gaining respect, confidence and consensus.

Professional Experience

Kamer Consulting Group, LLC San Francisco and Napa, California Owner/CEO

2011 – Present

Strategic communications advisor to boards, CEOs, CCOs and attorneys. Specialize in public affairs, risk communication and crisis management. Key clients: County of Napa (Napa Strategic Plan), Oxbow Market, Plenary Properties Napa (Napa Civic Center), True Life Companies (Yellow Rose Ranch, Calistoga), The Pathway Home, Blue Oak School, Diocese of Oakland, Crestwood Behavioral Health, Turner Construction, San Francisco 49ers, Chevron. Notable work includes work for Napa County CEO on community outreach for revised County Strategic Plan; community and public affairs liaison for developer of new Napa Civic Center; marketing and digital communications for \$5 billion global insurance network; turnaround communications for City College of San Francisco during accreditation and financial crisis, and; complex litigation communications for numerous companies.

The Glover Park Group Washington, DC Managing Director and Head of Public Affairs 2009 – 2011

Managed staff of 40, budget of \$12 million. Led firm's social media planning. Key clients included Toyota, GE, PhRMA, Visa, JP Morgan Chase and First Solar. Notable work included leading crisis team for Toyota during 2009-2010 recalls; securing interim funding for GE Aviation's F-136 jet engine; media campaigns for JP Morgan Chase and Visa on credit regulation and data security issues.

Fleishman Hillard International Communications San Francisco Senior Partner, West Region Director 2007 - 2009

Led five offices in California and Oregon, total staff of 150, budget of \$20 million. Served on global management team. Key clients included Visa, San Francisco 49ers, Pulte Homes, and American Psychiatric Association. Notable work included management of botulism food recall for Castleberry's Food Company, won Silver Anvil Award.

Laurence M. Kamer

Manning Selvage & Lee Public Relations (MSLPR)

San Francisco and Chicago

President, North America (Chicago), 2006- 2007

Led 11 offices in U.S. and Canada, total staff of 400, budget of \$40 million. Served on global management team, direct report to global CEO. Key clients included General Motors (client lead), Safeway, Cracker Barrel, Marathon Oil, and Reebok. Notable work included labor relations and executive communications support for GM; revision of anti-discrimination programs and litigation support for Cracker Barrel; international product recalls for Reebok; and strike communications for Safeway in Northern California.

Director, Issues and Crisis Management (San Francisco) 2005 – 2006

Developed and rolled out firm's crisis offering. Key clients included Procter & Gamble, Hoffmann-La Roche, General Motors, and Palo Alto Medical Foundation.

Kamer Consulting Group, LLC

San Francisco

Owner/CEO

2001 - 2005

Management consulting firm specializing in reputation and crisis management. Began as startup, grew to 12 employees, budget of \$3 million. Key clients included General Motors, Clorox, Amway, and Levi Strauss. Notable work includes leading crisis management and spokesperson responsibilities during dissolution of Brobeck law firm; national media investigation of Amway sales practices; development of post-9/11 risk and crisis plans for Port of Oakland and Clorox.

GCI Group

San Francisco

CEO, GCI Kamer Singer

1999 – 2001

Led integration and management of newly combined firm following acquisition, with added responsibilities overseeing GCI healthcare team. Managed staff of 50, budget of \$6 million.

Kamer-Singer & Associates

San Francisco

Founder and CEO

1989 – 1999

Began as solo consulting firm, grew through partner and talent acquisition to \$5 million and staff of 35. Consistently cited as one of America's best midsize public affairs firms. Clients included Nike, Chevron, Kaiser Permanente, State of Nevada, Williams-Sonoma, Levi Strauss, Gap Inc., and Arnold Palmer Golf Management. Notable work includes: principal outside consultant to Nike during "sweatshop" crisis; oil spill response work for Chevron in five countries; strategist for Kaiser Permanente in partnership agreement with AFL-CIO. Led agency sale process to Grey Global Group.

University Teaching and Related Experience

Carnegie Mellon University, Heinz College. Chief Information Security Officer Executive Training Program. 2013 – present. Areas of instruction: crisis management and communications strategies surrounding ransomware, data breach, denial of service and other cybersecurity incidents.

University of San Francisco, College of Arts and Sciences. M.A. in Professional Communication Program. 2016 – present. Areas of instruction: crisis communications, leadership communications.

Laurence M. Kamer

University of San Francisco, College of Arts and Sciences. Leo T. McCarthy Center for Public Service and the Common Good. M.A. Program. 2012-2016. Areas of instruction: communications strategy, critical thinking, crisis management and communications.

Hult International Business School, San Francisco CA. MBA Program. 2013 – 2015. Areas of instruction: corporate communications, marketing strategies.

University of Southern California, Annenberg School for Communication and Journalism, Los Angeles CA. Graduate Program in Strategic Public Relations. 2011 – 2013. Areas of instruction: strategic communications planning, crisis communications.

Guest lecturer and visiting instructor. Georgetown University, University of California Berkeley, San Francisco State University, Mills College, Northwestern University, Saint Mary's College, University of British Columbia, University of Munich.

Fulbright Specialist. Selected 2017.

Community Service

The Pathway Home, Yountville CA, Board of Directors
Napa County Mental Health Commission, Member
Congregation Beth Shalom, Napa CA, Board of Directors
Napa Center for Thought and Culture, Napa CA, Founding Board Member
American Red Cross Bay Area, San Francisco, Board of Directors
Dreamcatchers Empowerment Network, Sacramento, Board of Directors
Jewish Vocational Service, San Francisco, Past President
Jewish Federation of San Francisco, Board of Directors
Bay Area Council, Board of Directors
Extensive *pro bono* service to educational, religious, and community organizations

Education

Northwestern University
Evanston, Illinois
M.A. Public Policy
B.A. Political Science/Urban Affairs

Profile

Michael

First Name

Jordan

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

What district do you live in? *☒ Yes

Primary Phone

Alternate Phone

Self-employed

Employer

Agricultural Appraiser

Job Title

Which Boards would you like to apply for?

Zoning and Design Review Board: Submitted

Are you a Yountville Business Owner?☒ Yes ☐ No

Living in Yountville?☒ Yes ☐ No

Are you a part of a Non-Profit Organization?☐ Yes ☒ No

Are you registered to vote in Yountville?☒ Yes ☐ No

Why do you want to serve on this Board, Commission, Committee?

I have a keen interest in the direction and future of our town / community.

What do you perceive is the role of this Board, Commission, or Committee

To guide future development while honoring the zoning laws and regulations.

How would you represent the interests of the community?

By taking an active role in decisions being made for the good of the community.

What strengths/expertise,special skills would you bring to the Board, Commission, or Committee?

My experience as a real estate appraiser has enabled me to deal with zoning laws and regulations and how they affect the surrounding community. The implementation of those existing rules and regulations is critical to the long term well being of our town.

Please describe your previous community service and volunteer experience.

For the past 10 years I have volunteered with our family supporting a fund raising event which is now a non profit chaired by my wife.

Please list accomplishments of which you are proud and/or attach a resume.

See attached resume.

Anything else you would like to tell us?

Name, Addresses and Phone numbers of three (3) individuals familiar with your background

Steven Kim, Retired Architect, [REDACTED] Steven Miller, Designer, [REDACTED] Kerri Dorman, Yountville Town Council Member

Question applies to Zoning and Design Review Board

Interests & Experiences

[Resume.Michael.J.Jordan.pdf](#)

Upload a Resume

Michael J. Jordan

[REDACTED] Yountville, California 94599 [REDACTED]

Professional Profile

After some college, I worked as a foreman and superintendent in heavy commercial construction for 28 years. I then had the opportunity to become an agricultural and commercial real estate appraiser, a profession I have enjoyed for the past 20 years. Appraising has given me deep knowledge and understanding of existing and proposed projects, large and small, and insight into evaluating the scope of such projects. I interact closely with winery and estate owners, staff and project managers.

Pertinent Education and Experience

The appraisal profession requires accurate knowledge of current laws in the California real estate market for which I attend annual and biannual continuing education courses.

Summary

My desire for a seat on the Zoning and Design Review Board stems from my passion for the Town of Yountville and the special look and feel we should maintain. If selected, I will contribute mindful respect for Yountville's past, along with an objective, open-minded and considerate approach to future projects and ideas as they arise.

Profile

Nathaniel

First Name

Dorn

Last Name

[REDACTED]
Email Address[REDACTED]
Street Address

Suite or Apt

Yountville

City

CA

State

94599

Postal Code

What district do you live in? *☒ Yes[REDACTED]
Primary Phone[REDACTED]
Alternate Phone

Tuck Beckstoffer Wines

Employer

COO

Job Title

Which Boards would you like to apply for?

Zoning and Design Review Board: Submitted

Are you a Yountville Business Owner?☐ Yes ☒ No

Living in Yountville?☒ Yes ☐ No

Are you a part of a Non-Profit Organization?☐ Yes ☒ No

Are you registered to vote in Yountville?☒ Yes ☐ No

Why do you want to serve on this Board, Commission, Committee?

I have lived in Yountville for 10 years now and I am raising two children and plan to be apart of the community for much of our future and would like to have an impact on the continued success

What do you perceive is the role of this Board, Commission, or Committee

to continue keeping Yountville moving forward keeping in mind residents, visitors and evolution.

How would you represent the interests of the community?

next generation with the appreciation of the attention to detail, longevity

What strengths/expertise,special skills would you bring to the Board, Commission, or Committee?

I bring a very keen eye and attention to detail. I worked with Bill Harlan for the past 15 years and opened and ran The Restaurant at Meadowood (3 Michelin stars). I have built three Restaurants and one hotel so I understand the permit process and how to read drawings.

Please describe your previous community service and volunteer experience.

most of my past regarding our community service has been educating and feed the children of The Napa Valley through the Restaurants.

Please list accomplishments of which you are proud and/or attach a resume.

Two Restaurants (James Beard Award for best service in the country and three Michelin stars and best new Restaurant) Two Kids (Kaiden and Kennedy) Two Dogs (Burton and Ernie) One House (Yountville) One Wife (Thankful she stuck around) One new future venue (Yountville :))

Anything else you would like to tell us?

i would say that I would represent the next generation of people that want to raise their family in Yountville. The Tab for which board director position is not working - Zoning and Design Review Board

Name, Addresses and Phone numbers of three (3) individuals familiar with your background

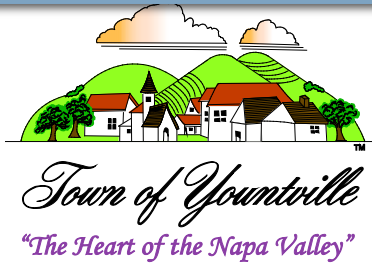
Brain Woolery - [REDACTED] John Dunbar - [REDACTED] Antonio Castalucci - [REDACTED]

Question applies to Zoning and Design Review Board

Interests & Experiences

Upload a Resume

New Vacancies for the Zoning & Design Review Board



The Town of Yountville is seeking one (1) community volunteer to serve on the Zoning and Design Review Board (ZDRB) due to upcoming expiration of terms of office. The new terms of office will be from July 20, 2019 to July 19, 2022.

Deadline to File: Applications must be submitted on-line by July 19, 2019 at 5:00 p.m.

COMPOSITION, MEETING TIME AND LOCATION

The ZDRB consists of five members serving staggered terms of office and meets regularly on the second Tuesday of each month at 6:00 p.m. in Town Council Chambers located at 6550 Yount Street, Yountville.

PURPOSE

The purpose of the ZDRB is to review matters related to planning and development and make recommendations to the Town Council consistent with Yountville's Zoning and Design Ordinances, General Plan and administrative policies. The Town is in the final stages of updating its General Plan which will guide staff in updating ordinances to achieve the goals of the General Plan. Other items for consideration include, but are not limited to, residential design, variances, commercial design, master development plans, use permits, sign permits, rezones, land use and design policies.

DESIRABLE QUALIFICATIONS INCLUDE:

- The ability to read building and construction plans is highly desirable.
- Make Planning and Land Use decisions for the Town's Residential, Historic, and Commercial Districts and make recommendations to Town Council
- Conduct Design Review
- Review and update the Town's General Plan, Zoning and Design and Subdivision Ordinances, as needed
- Ability to read architectural, building and construction plans
- Ability to consistently attend monthly meetings
- Ability to serve on Ad Hoc Subcommittees, as needed

SAVE THE DATE

Applicants will be requested to appear before the Town Council prior to the Special Town Council Meeting, Tuesday, August 6, 2019 at approximately 5:00 p.m. to be interviewed. Time is determined by the number of applications received.

Residents interested in further information regarding the functions of the Zoning and Design Review Board may inquire with Sandra Liston, Planning Director, or Daniel Gordon, Senior Management Analyst, by calling Town Hall at 944-8851.

Important Note

Applicants must reside within Town limits and be registered to vote in the Town.

The individual selected will be required to take an Oath of Office and file an FPPC Annual Statement of Economic Interest on-line which is then forwarded to the State of California Fair Political Practices Commission in Sacramento. Individual(s) selected will also be required to take on-line Ethics training upon appointment and every 2 years thereafter.

Date Posted: July 1, 2019


How To Apply

Check out the Town's new on-line Board and Commission Application process to view current vacancies by visiting the Town's website at www.townofyountville.com and clicking on the Town Council tab and then Boards and Commissions. To complete an Application, select the Apply button to complete on-line.




ZONING AND DESIGN REVIEW BOARD


BOARD DETAILS




OVERVIEW



SIZE 5 Seats



TERM LENGTH 36 Months




TERM LIMIT N/A

The Zoning & Design Review Board (ZDRB) is comprised of five (5) members appointed by the Town Council to staggered three-year terms of office. The ZDRB is responsible for making decisions regarding use permits in the R-District, home occupations, second dwelling units, change in uses in C-Districts, design review in H-Districts and lot line changes. The ZDRB will also hold study sessions and advise the Council regarding amendments to the General Plan, Zoning and Subdivision Ordinances, Capital Improvement Plan and design review in other zoning districts. Desirable applicants will have knowledge of the Town, a commitment to the goals and objectives of the General Plan and be familiar with Yountville architecture. The ability to read building and construction plans is highly desirable.

Meeting Time and Location: The ZDRB meets on the second Tuesday of each month at 6:00 p.m. Meetings are held in the Town Hall Council Chambers located at 6550 Yount Street, Yountville.

The Planning and Building Department is the liaison department providing staff support to the ZDRB.

 <p>DETAILS</p>	AGENDAS, MINUTES AND MEETING VIDEOS	https://townofyountville.legistar.com/Calendar.aspx
	NOTICE OF VACANCY	
	ENACTING RESOLUTION	
	ENACTING RESOLUTION WEBSITE	



ZONING AND DESIGN REVIEW BOARD

BOARD ROSTER



MICHAEL ZAGORSEK

1st Term Jul 17, 2018 - Jul 19, 2019

Appointing Authority Town Council
Office/Role Member



KIMBERLY COOK

2nd Term Jul 19, 2016 - Jul 19, 2019

Appointing Authority Town Council
Office/Role Chair



MIKAEL TIGRETT

2nd Term Jul 19, 2016 - Jul 19, 2019

Appointing Authority Town Council
Office/Role Vice Chair



STEVEN MILLER

1st Term Jul 17, 2018 - Jul 21, 2021

Appointing Authority Town Council
Office/Role Member



LINNEA PINA

1st Term Jul 17, 2018 - Jul 21, 2021

Appointing Authority Town Council
Office/Role Member



Staff Report

File #: 19-2221, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019

TO: Mayor and Town Council

FROM: Town Council Ad Hoc Committee Members Mayor Dunbar, Council Member Mohler and Steve Rogers, Town Manager, Michelle Dahme, Town Clerk and Eddy Gomez, Management Fellow

TITLE

Consider Adoption of Resolution Number 19-3573 Updating the Town Council Protocols.

DISCUSSION/BACKGROUND

The Town Council originally discussed and developed a consensus for creating the Town Council Protocols' during a Study Session held on March 28, 2006 and adopted the Protocols on April 4, 2006 by Resolution Number 2452-06.

The Town Council Protocols were subsequently updated January 5, 2010 by Resolution Number 2841-10 and March 4, 2014 by Resolution Number 3156-14.

The Town of Yountville operates according to the Council-Manager form of government. The Town Council is the legislative and policy making body and is responsible for passing resolutions, ordinances and orders necessary for governing the Town and for setting the direction of Town policy.

The Town Council Protocols sets forth statutory and regulatory requirements, procedures and guidelines necessary to conduct legislative activities of the Town Council, and serves as a guiding document for the Town Council to administratively conduct their regular business and other areas of legislative advocacy and actions relating to ethics, organization, professional development, staff and attorney relationship, meeting procedures, Council conduct, communications, and official Town communication procedures.

2018/2019 PROTOCOLS DISCUSSION

The Town Council Protocols are reviewed and updated periodically to reflect procedural changes and were last reviewed and amended March 4, 2014. The Protocols continue to be a useful tool for assisting Council and staff in administering Town policy. Staff has monitored the Protocols keeping track of changes to the law, internal policy changes and requests from the Town Council.

On February 6, 2018, the Council reviewed and provided comments regarding the proposed updates to the Town Council Protocols. In addition, Council appointed Mayor Dunbar and Council Member Mohler to serve on an Ad Hoc Subcommittee for further review and update of the Protocols.

Updates to the Protocols were made following the February 6, 2018 Council Meeting and were subsequently

presented to the Ad Hoc Subcommittee meetings held April 18, 2018 and March 29, 2019 and reviewed by email June 4th and June 5th.

On June 17, 2019, the Town Council reviewed the draft Protocols and provided additional changes which are presented this evening.

The Protocols have been updated to include new sections and updates to existing sections as outlined below.

New Sections:

- 2.3 Mandatory Training
- 6. Local Government Advocacy
- 7.4 iPad/Tablet Standard and Stipend
- 7.5 Professional Development
- 8.3.7 Town Issued Email for Board and Commission Members
- 8.3.8 Annual Meeting with Yountville Board, Commission and Committees
- 10.6 Official Town Communications (Distribution and Press Conferences)

Updated Sections:

- 2. Town Council Vision includes the current Strategic Planning Framework
- 2.3 Mandatory Training
- 2.3 Town of Yountville General Plan
- 3.4 Newly-Elected Council Members Orientation
- 3.5 Duties of Mayor and Vice Mayor - Mayor
- 5.1 Council Quasi-Judicial Proceedings - Defined
- 7.1 Council Compensation and Benefits
- 7.3 Travel and Expense Reimbursements
- 8.2 Town Council Member Appointments to External Boards or Commissions
- 8.3 Citizens Appointed to Local and Countywide Boards, Commissions and/or Committees
- 9.2.1 Agenda - Placing Items on the Agenda
- 9.3.3 Recognitions and Proclamations
- 9.3.4 Public Comment - Items Not on the Agenda
- 9.3.7 Public Hearings
- 9.3.10 Council Meeting Reports and Requests for Placing Items on the Agenda
- 9.4.1 Addressing the Council Generally
- 9.4.8 Public Comments on Items on the Agenda
- 9.4.9 Disruptive Comments and/or Conduct
- 9.5.9 Quorum and Duty to Vote
- 9.5.10 Introduction and Passage of Ordinances
- 9.7.4 Derogatory Comments
- 10.3 Citizen Complaint Process
- 12.5 Applicability of Protocols

Other more minor changes, not listed above, can be referenced in the Town Council Protocols. These changes may include routine updates, clean-up items, and minor word changes.

The staff report presented to Council February 6, 2018 is attached for reference.

CONCLUSION

The updated Protocols are being presented to the full Town Council for review and comment.

Staff requests the Town Council adopt the attached Resolution and draft Protocols. If substantive changes are made during Council discussion, staff would ask Council to approve those items that Council agrees on and continue outstanding items item to the October 1, 2019 Council Meeting for final adoption.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? No

Is it Currently Budgeted? N/A

Where is it Budgeted? N/A

Is it Mandatory or Discretionary? N/A

Is there a Staff Resource Impact? Nominal

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Indirectly

If yes, Identify Strategic Goal and Objective. **Visionary Leadership:** The Town's leadership works together to create policies and plan for the future.

Briefly Explain Relationship to Strategic Plan Goal and Objective. The objective is for Council to work together to sustain sound governance and effective oversight of the management of the Town which includes review and updating of Town Council Protocols.

ALTERNATIVES

Add or modify draft Protocols.

Leave Protocols in its current form and make no changes.

RECOMMENDATION

Receive staff report and direct questions to staff.

Receive public comment.

Conduct Council discussion on proposed Protocols.

Adopt Resolution Number 19-3573 Updating the Town Council Protocols.

Town of Yountville
Resolution Number 19-3573

Approving Updates to the Town Council Protocols

Recitals

- A. The Town of Yountville operates according to the Council-Manager form of government;
- B. The Town Council is the legislative and policy making body and is responsible for passing ordinances and orders necessary for governing the Town and for setting the direction of Town policy;
- C. The Town Council Protocols sets forth statutory and regulatory requirements, procedures and guidelines necessary to conduct legislative activities of the Town Council, and serves as a guiding document for the Town Council to administratively conduct their regular business and other areas of legislative advocacy and actions relating to ethics, organization, professional development, staff and attorney relationship, meeting procedures, Council conduct, communications, and official Town communication procedures;
- D. "*Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century*" is hereby incorporated as an exhibit to the Town Council Protocols and will serve as an additional tool, replacing *Robert's Rules of Order*;
- E. The Town Council Protocols were originally adopted April 4, 2006 by Resolution Number 2452-06 as a result of a Study Session held on March 28, 2006 and based on periodic review was amended January 5, 2010 by Resolution Number 2841-10;
- F. Section 11 Protocol Administration provides for periodic review and update of the Town Council Protocols, as needed. The Town Ad Hoc Subcommittee and staff presented changes for review by Town Council at their February 16, 2018 and June 17, 2019 Town Council meetings.
- G. Based on Ad Hoc Subcommittee and Town Council feedback, staff has incorporated changes and additions to the Town Council Protocols and is requesting Council adopt the resolution approving the updated Town Council Protocols; and
- H. The Town Council Protocols were reviewed by the Town Attorney.

Now therefore, the Town Council of the Town of Yountville does resolve as follows:

- 1. The Town Council Protocols, a copy of which is attached and hereby made a part of this resolution, is hereby adopted and becomes effective and in full force immediately upon adoption.

2. The Town Council Protocols may be amended at any time by a majority vote of the Council Members, by Resolution.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Yountville, State of California, held on this 6th day of August, 2018 by the following vote:

AYES:

NOES:

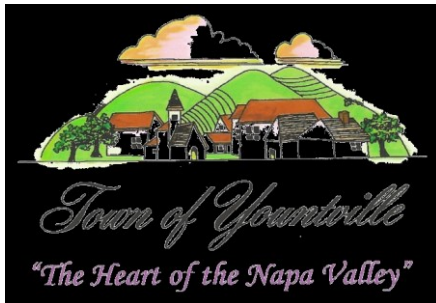
ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk



TOWN OF YOUNTVILLE TOWN COUNCIL PROTOCOLS

August 6, 2019

Deleted: March

Deleted: 2014

Date Adopted:

By: Resolution Number **19-XXXX**

(Originally Adopted April 4, 2006 by Resolution Number 2452-06)

Deleted: March 4, 2014

Deleted: 3156-14

An Electronic Version of the Town Council Protocols is available on the Town's Website at www.townofyountville.com by selecting the Town Council tab and then selecting Mayor and Council Members.

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APPENDIX

Exhibit–*Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century*

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TOWN COUNCIL PROTOCOLS

1. PURPOSE

The purpose for establishing Town Council Protocols is to provide an effective environment for the Town 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 Town 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 Town of Yountville operates according to the Council-Manager form of government which vests authority in an elected Town Council which, in turn, hires an appointed executive, the Town Manager. The Town Council is composed of five members elected from the Town on a nonpartisan basis to serve overlapping four-year terms. The Mayor is elected at-large to serve a four-year term as presiding officer at Town Council meetings and as the official head of the Town for legislative and ceremonial purposes. The Town Manager is appointed by the Town Council and serves at the pleasure of that body.

The Town Council is the Town's legislative and policy-making body. Acting as a whole, the Town Council is responsible for setting the direction of Town policy and for adopting ordinances, resolutions and other orders as necessary for governing the Town. The Town Manager is responsible for the overall administration of the Town, which includes implementation of the general policies set by the Town Council in addition to the day-to-day operation of all Town functions. The Town Manager, with the help of the staff, provides the Town 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.

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1.2 Town Council Vision

In early 2017, the Yountville Town Council engaged in a strategic planning process which involves articulating a clear vision and mission for the organization, establishing goals, identifying priority initiatives, and creating an implementation plan. The Town of Yountville's Strategic Plan is intended to represent the Mayor and Town Council's vision for the community and those specific initiatives that will help accomplish that vision. The Town Council's Strategic Planning Framework is included as an attachment to these protocols.

The process of developing a strategic plan explores three specific questions:

1. What do we know to be true today? – Where are we? 2. What do we hope will be true in the future? – Where do we want to go? 3. What must go well in order to make it so? – How do we get there?

In this way, the Town of Yountville's Strategic Plan is a road map to help guide the community towards the outlined vision. Ultimately, a strategic plan is a fundamental management tool that exists to help the organization improve its delivery of services to the community. The strategic plan provides a framework for Town activities. The vision, mission, values, and critical success factors are intended to have a long-term view. The vision is a statement of what the Town wishes to become; the mission and values guide Town staff in their service to the community; and the critical success factors are those big buckets of "things that must go well" in order for the Town to achieve the vision.

The critical success factors, shown on the following page, provide a lens for viewing and understanding Town business. Initiatives were developed within several critical success factors that, when accomplished, move the Town towards the vision.

The Town Council reinforces the strategic plan and integrates it into the life and work of the organization through such mechanisms as Town Council Agenda items, Budgeting and Goal Setting, Internal and External Communications, and Performance Measures.

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Town of Yountville Strategic Planning Framework



Vision

Yountville...
Building community. Welcoming all.
Embracing our small TOWN.

- Treasured history
- Outstanding people
- World class experiences
- Natural Beauty

Mission Statement

Yountville employees...
Connected to our community. Delivering
exceptional public services for our
residents. Supporting a world-class
destination with HEART.

Organizational Values

- Hard working
- Ethical
- Adaptable
- Respectful
- Teamwork

Critical Success Factors



Exceptional Town Services and Staff

The Town supports its talented staff who deliver high quality municipal programs and services while maintaining public infrastructure for the benefit of the community.



Engaged Residents

The Town embraces our residents' commitment to community as seen through volunteerism, civic engagement, and public participation that enhances the quality of life in Yountville.



Responsible Fiscal Policy

The Town maintains its fiscal health through policies designed to maximize economic opportunities, manage expenses, and ensure prudent reserves.



Quality of Life

The Town enhances the livability of Yountville by providing well-maintained public facilities, parks, and trails, and quality programs and events.



Premier Destination

The Town values its residents, rich history, natural environment, culinary excellence, arts, and distinguished businesses that make our home a place people love.



Visionary Leadership

The Town's leadership maintains an open-minded, forward-thinking decision-making process. We value engagement and participation from all members of the community as we work together to create policies and plan for the future.

2. STATUTORY REQUIREMENTS / REGULATORY GUIDELINES

Certain state laws and other established regulations exist which govern various responsibilities of the Town Council. This protocol manual is not intended to duplicate, modify, supersede or repeat any existing statutes or regulations. Town Council Members are responsible for becoming familiar with these statutes and regulations and any discrepancies with state law will result in state law taking precedence.

2.1 The Brown Act

The Ralph M. Brown Act ("Brown Act") is a law which provides that all meetings of a legislative body, whether meetings of the Town Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. In order to ensure open and public meetings, the Brown Act includes numerous and detailed provisions affecting Town Council conduct. For example, regular meetings of the Town Council, or of other public bodies subject to the Brown Act, must be noticed and an agenda provided 72 hours prior to the meeting. Special Meetings require only a 24-hour notice and emergency meetings may be called with less time for notification. With a few exceptions and special rules, a "meeting" takes place whenever a quorum is present and subject matter related to the Town business is heard, discussed, or deliberated upon. Please refer to the Brown Act, California Government Code section 54950 et seq., for further details.

2.2 Political Reform Act

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding Conflicts of Interests and Campaign Receipts and Expenditures.

2.3 Mandatory Training

Ethics Training for Local Officials (AB 1234)

Assembly Bill 1234 requires (among other things) that all local agencies that provide compensation, salary, or stipend to, or reimburses the expenses of, members of a legislative body must provide ethics training to local agency officials by January 1, 2007 and every two years thereafter. Training is currently provided through the Fair Political Practices Commission (FPPC), League of California Cities or by the Town, as needed.

Sexual Harassment Prevention Training

In addition, Council Members are required to take Sexual Harassment Prevention Training every two years.

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"To provide leadership, inspire community spirit, maintain fiscal health and offer a high level of service to the residents, businesses and visitors in Yountville."¶

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Provide our residents, guests and businesses and our Napa Valley neighbors with high quality public services and facilities.¶

Encourage citizen engagement and welcome a variety of viewpoints.¶

Maintain the unique character that is Yountville.¶

Assure the long-term vitality of our town through good planning and prudent financial management.¶

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(See Resolution Number 2718-08, dated September 2, 2008.)¶

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2.4 Town of Yountville Municipal Code

The Town of Yountville's Municipal Code consists of those codified ordinances of general municipal regulations and laws, and may be referred to as the Municipal Code. The Town Clerk is responsible for coordinating the codifying of ordinances as adopted by the Town Council which affect the Municipal Code and provides supplements on a bi-annual basis.

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2.5 Town of Yountville General Plan

State Law requires every community in California to have a General Plan, which must contain seven elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. An updated Housing Element that is consistent with State housing laws must be submitted to the State for review every eight years. A comprehensive review and revision of Yountville's General Plan occurred in 1992, with several additional revisions since then. The latest comprehensive General Plan review occurred as part of the Envision Yountville effort in 2017 and 2018 with final approval in 2019.

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2.6 Town of Yountville Fiscal Year Budget

The Town's Fiscal Year Budget covers the period from July 1 through June 30. The Fiscal Year Budget is developed through various Budget Workshops or Work Sessions whereby Council together with staff establishes priorities for the upcoming Fiscal Year. The Fiscal Year Budget document consists of an overview of the prior year's budget, significant activities, activities of the state relating to the budget, current outlook, general fund revenues and expenditures, lease revenue bonds, personnel, enterprise and special project funds. Once adopted by majority of the Town Council, the budget sets policy for the coming fiscal year. It also approves expenditures, authorizes staffing levels and serves as a tool for current year goals and objectives.

2.7 Town of Yountville Five-Year Capital Improvement Program (CIP)

The Capital Improvement Program (CIP) is the primary infrastructure and planning tool for the Town. The CIP is a statement of the Town's policies and financial abilities to manage the physical development of the community's streets, water, sewer, public facilities, parks and recreation facilities infrastructure needs.

The Capital Improvement Program (CIP) is a five-year planning instrument used by the Town to identify capital improvement needs and to coordinate financing and timing of those needs in a manner that maximizes the return to the public. Each year projects are reviewed for priority and rearranged as necessary. The first year of the CIP reflects the Capital Budget generally adopted in June of the current Fiscal Year Budget. The remaining four future years represent a schedule and estimate of future capital needs that may be funded given projected revenue estimates.

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2.8 PERSONNEL RELATED DOCUMENTS

2.8.1 Personnel Rules and Policies

The Town of Yountville Personnel Rules and Policies consolidates all personnel and administrative policies and procedures of a general or inter-departmental nature into one document which is adopted by the Town Council and administered by the Town Manager.

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2.8.2 Department Heads (Management)

All individuals appointed to positions designated as management by the Town Council including, but not limited to, Planning Director, Public Works Director/Town Engineer, Finance Director/Town Treasurer and Parks & Recreation Director who serve at the will of the Town may be appointed and dismissed by the Town Manager. Nothing contained in the personnel rules is intended to imply additional rights and benefits to these individuals. Managers work by approval of an employment contract, which is negotiated by the Town Manager and approved by the Town Council.

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Employees not included in the competitive service shall serve at the will of the Town Manager and may not utilize Section 9 (Complaint Procedure), Section 10 (Grievance Procedure) or Section 11 (Disciplinary Actions) of the Personnel Rules.

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2.8.3 Yountville Employees' Mid-Management & Professional Unit (Memorandum of Understanding)

The Yountville Employees' Association Mid-Management Professional Unit is a recognized employee organization. The intent and purpose of the Memorandum of Understanding (MOU) is to set forth the total and complete understanding and agreement regarding wages, hours, and terms and conditions of employment. All present rules, employee rights, privileges, and benefits shall remain in effect unless specifically altered by the provisions of the MOU.

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2.8.4 Yountville Employees' Association (Memorandum of Understanding)

The Yountville Employees' Association is a recognized employee organization of the Town of Yountville. The Town and Association works under a Memorandum of Understanding (MOU) which is negotiated and agreed upon on typically a multi-year basis. The intent and purpose of the Memorandum of Understanding (MOU) is to set forth the total and complete understanding and agreement regarding wages, hours, and terms and conditions of employment. All present rules, employee rights, privileges, and benefits shall remain in effect unless specifically altered by the provisions of the MOU.

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2.9 ***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 Town 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 Town Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Town 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. COUNCIL ORGANIZATION

3.1 Municipal Elections

The consolidated general municipal election for the Town shall be held on the first Tuesday after the first Monday in November of even-numbered years beginning November 2006. (Municipal Code Section 2.04.070) Each candidate who runs for office shall comply with the residency requirements in place as established by the California Elections Code or, if permitted, by any other requirements imposed by the Town Council by ordinance as authorized and permitted by law.

3.2 Mayor and Council Member Terms of Office

The Mayor is a directly elected member of the Town Council and shall be elected for a term of 4 years. Members of the Council shall be elected for terms of 4 years. The Mayor and Council shall hold office from the date of the installation of officers following adoption by Council of the official canvass of the election and until their successors are elected and qualified. (Municipal Code Section 2.04.010)

3.3 Candidate Orientation

The Town Manager will conduct a candidate orientation which will include all incumbent candidates and new candidates in order to provide an overview of the Town's Departments and key issues being considered by the Town Council. The candidate orientation is also an opportunity for all candidates to ask questions and seek clarification on items of interest. During an election year, candidates may request information through the Town Manager to better educate/inform themselves regarding Town related matters. Written information provided in response to a candidate's request will be provided to all candidates.

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3.4 Newly-Elected Council Members Orientation

Newly Elected Council Members

The newly-elected Mayor and/or Council Members will be sworn into office at a special or regular Town Council meeting after receiving the official canvass of election results from the Napa County Elections Division. Immediately upon election (even before being sworn into office), newly-elected Council Members are subject to the provisions of the Brown Act. Newly-elected Council Members shall not be allowed to attend closed sessions before being sworn into office.

Newly-elected Mayor and/or Council Members shall submit the FPPC Form 700 (Assuming Office) and complete the 2.0 hour minimum Ethics Training mandated by AB 1234 as referenced in Section 2.3 of the Protocols within 30 days of assuming office.

Orientation

The Town Manager will conduct an orientation for newly-elected Council Members which will include presentations and/or meetings with Town Department Heads and tour of Town Facilities.

Newly-elected Council Members are encouraged to attend the League of California Cities New Mayor and Council Member Orientation Workshop.

3.5 Duties of Mayor and Vice Mayor

Mayor

The Mayor shall preside at the meetings of the Council and perform such duties consistent with the office as may be required by the Council or by vote of the people. The Mayor may make or second any motion, and present and discuss any matter, as a member of the Council. The Mayor does not possess any power of veto.

Unless otherwise designated, the Mayor may sign:

- a. All warrants drawn on the Town Treasury;
- b. All conveyances made or entered into by the Town;
- c. All instruments requiring the Town seal.

The Council may provide by resolution or ordinance that the instruments described in a, b and c above, be signed by an officer other than the Mayor. Pursuant to Resolution Number 2848-10 adopted January 19, 2010; the Town Council designated and authorized the signatures of the Town Manager, Town Finance Director and Planning/Building Director on Town warrants.

The Mayor shall serve as Chair of the Disaster Council convened in accordance with the Town's Emergency Operations Plan (pursuant to Municipal Code Section 2.52.030).

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The Mayor and Town Manager may consult and coordinate in the development of agendas for meetings of the Town Council. A majority of Council may also approve an agenda item.

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If the Mayor is absent or unable to act, the Vice Mayor shall serve until the Mayor returns or is able to act.

Vice Mayor

The office of Vice-Mayor shall be an appointed office. The Vice-Mayor shall be selected from amongst the members of the Council and shall be appointed by a majority vote of the Council as soon as is practical following a regular Town election or the creation of a vacancy in the office of Vice-Mayor for any reason. The Vice-Mayor shall serve a 2-year term. In the case of an appointment to fill a vacancy in office, the term shall be for the remainder of the unexpired term of the former incumbent.

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The Vice-Mayor shall have all the powers and duties of the Mayor should the Mayor be absent or unable to perform any of those duties for any reason (Municipal Code Section 2.04.050).

The Vice Mayor shall serve as Chair of the Disaster Council in the absence of the Mayor (pursuant to Municipal Code Section 2.52.030).

3.6 Vacancies

When a Council Member is absent without permission from all regular council meetings for 60 days consecutively from the last regular meeting he/she attended, his/her office becomes vacant and shall be filled as any other vacancy.

Vacancies in the Council shall be filled in accordance with Government Code section 36512. (Municipal Code Section 2.04.080)

3.7 Representation at Ceremonial Functions

The Mayor shall be recognized as the official head of the Town for all ceremonial functions. The Mayor may, at his/her own discretion, ask another Council Member to represent the Council at any function. Should an individual Council Member, other than the Mayor, be asked to make a ceremonial presentation the individual Council Member should redirect the request to the Mayor.

Council Members shall be reimbursed for admission and meal expense to attend ceremonial functions for which the Council Member was invited to represent the Town in accordance with the Town's Travel and Expense Policy.

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3.8 Seating Order

At the time of the Council change in membership, the Mayor shall have the prerogative to designate the seating order for the Council dais. Otherwise, the seating order shall be organized by seniority, with the Vice Mayor seated to the right of the Mayor, most senior Council Member on the right side of the Vice Mayor and the least senior to the far left of the Mayor.

4. CODE OF ETHICS

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4.1 Preamble

The residents and businesses of Yountville are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Yountville Town Council adopts this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

4.2 Public Interest

Council Members will work for the common good of the people of Yountville and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

Council Members shall comply with the laws of the nation, the State of California, and the Town in the performance of their public duties.

4.3 Conduct

Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of others.

Council Members shall perform their duties in accordance with the processes and rules of order established by the Town Council.

Council Members shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on current business issues.

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Council Members shall base their decisions on the merits and substance of the matter submitted for review.

4.4 **Conflict of Interest**

4.4.1 Applicable Law.

The rules relating to conflicts of interest are set forth in the Political Reform Act (PRA) (Government Code Sections 81000 and following), the Regulations promulgated by the Fair Political Practices Commission (FPPC) and case law. They are complex and not necessarily intuitive. The consequences of violating the rules can be severe, including substantial monetary penalties and possible criminal prosecution to individual Council Members.

4.4.2 Sources of Assistance.

The FPPC is the state agency that administers the PRA, issues regulations, gives conflict advice, and enforces the rules. The FPPC also provides a "hotline" that a Council Member may call for informal advice. The Town Attorney is available for consultation, but the Town Attorney's advice on conflict matters cannot provide a Council Member with any immunity from prosecution. Most conflict of interest questions ultimately turn on whether it is reasonably foreseeable that the decision will have a "material financial effect" on the Council Member's economic interest. Municipal attorneys generally do not advise public officials as to whether a material financial effect would exist unless the answer is absolutely certain based upon applicable regulations. While the Town Attorney may have his or her own opinion as to whether or not a material financial effect will be present, it is ultimately up to the Council Member to determine this issue. Only a formal written opinion from the FPPC provides immunity from prosecution for violations of the conflict of interest rules. The Town Attorney is available to assist with preparing a request for a formal opinion.

4.4.3 Identifying Conflicts

It is the responsibility of each Council Member to identify, disclose and declare his or her conflict before action is taken on a matter. If possible, the conflicted Council Member should notify staff (i.e. Town Manager, Town Attorney and Town Clerk) prior to the council meeting at which the matter will be heard, to ensure the presence of a quorum. Staff will attempt to assist with identifying obvious conflicts, but the ultimate responsibility is with each Council Member.

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4.4.4 General Rules

Council Members shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organizational responsibility, or personal relationship that would present a conflict of interest under applicable State law. As required by law, Council Members declaring a conflict of interest shall recuse themselves and leave the Council Chambers.

In accordance with the law, members shall file written disclosures of their economic interests and, if they have a conflict of interest regarding a particular decision, refrain from participating in that decision, unless otherwise permitted by law.

Council Members shall not take advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general, nor shall they use public resources not available to the public for private gain or personal purposes. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

Council Members shall not appear on behalf of private interests of third parties before the Town Council or any board, commission, committee or proceeding of the Town.

Council Members shall represent the official policies and positions of the Town Council to the best of their ability. When presenting their personal opinions and positions, members shall explicitly state they do not represent the Council or the Town.

Council Members shall refrain from using their positions to unduly influence the deliberations or decisions of Town commissions, boards or committees.

A public official who has a financial interest in a decision shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

- a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

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- b. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.
- c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
- d. Notwithstanding paragraph c, a conflicted public official may speak on the issue during the time that the general public speaks on the issue when he or she appears solely to represent himself or herself on a matter related to his or her personal interest. Personal interests are interpreted to include, but are not limited to:
 1. An interest in real property that is wholly owned by the official or members of his/her immediate family.
 2. A business entity wholly owned by the official or member of his or her immediate family.
 3. A business entity over which the official exercises sole direction and control, or over which the official and his/her spouse jointly exercises sole direction and control.

5. COUNCIL QUASI-JUDICIAL PROCEEDINGS

5.1 Defined

Quasi-judicial proceedings (also known as adjudicatory hearings) are those proceedings in which the Town Council is required to make findings based on an evidentiary record as to the entitlement. Quasi-judicial proceedings involve applying rules and laws to specific, pre-existing facts. In quasi-judicial proceedings, the Town Council is required to make findings based on the evidence and records presented. Examples of quasi-judicial actions include issuance of discretionary land use permits, code enforcement, business licenses, civil service grievance hearings, rent control hearings on applications for rent increases or decreases, and other similar actions in which a property interest is at stake and the body is charged with applying legal standards to a specific factual situation. By contrast, quasi-legislative proceedings involve creating rules that apply to all future factual situations. This includes the development of Town Ordinances, development agreements, and the adoption of the Town General Plan.

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5.2 Due Process

Under the federal and state Constitutions, due process means that decision-makers will conduct a fair hearing. In a quasi-judicial proceeding, a fair hearing includes many different components, and different factors can affect fairness in different "hearing" settings. However, the basic components of a fair hearing are notice that a matter will be heard, and an opportunity for interested person to be heard on that matter.

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Circumstances that can affect a hearing's fairness include that a decision-maker may have received *ex parte* contacts, which are communications to a decision-maker

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outside of the public hearing. *Ex parte* communications may prevent the opportunity for interested persons to be heard on all information that a decision-maker may rely on to decide a matter. *Ex parte* communications can be handled by avoiding them, or, if received, by disregarding them in the decision-making process. However, the most conservative method to avoid the risk of a legal challenge based on a violation of due process is to disclose the substance of *ex parte* contacts so that everyone interested in the matter is aware of all of the information upon which a decision may be based.

In addition, fairness may be denied where a decision-maker does not wait for a hearing, where all information relevant to a matter is publicly presented, before making up his or her mind on a matter. If an applicant or other affected person can show that any one of the decision-makers voting on a matter had made up their mind before the public hearing, the decision is at risk of legal challenge. As discussed below, these types of hearings and decisions differ from the action taken by the Town Council on legislative matters.

If applicable, Council shall verbally advise of any communication with an applicant prior to the discussion of the agenda item.

Council Members should consult the Town Attorney on any questions regarding due process.

6. LOCAL GOVERNMENT ADVOCACY

Council Advocacy

Generally, Council advocacy should be preceded by and based on prior formal Council demonstrated action and should adhere strictly to such actions. There may, however, be situations where, in the interest of time, it is necessary or advisable for the Town to take a policy position on an issue prior to formal Council action. In such limited instances, the Town Manager or his/her designee will work with the Mayor to determine if the position is congruent with established Town policies and related actions, and, to the extent allowed by law and practical circumstances, and the whole Town Council must be polled by the Town Manager or his/her designee in compliance with the Brown Act. Such policy statements, if signed, shall be signed by the Mayor, the Town Manager and/or their designees, and all Council Members shall receive a copy of the letter or email.

Generally, the Council shall not consider any resolution, motion, or matter which does not directly affect the conduct of the Town of Yountville or its corporate powers or duties as a municipal corporation. As such, the Town Council may support a resolution or motion supporting or opposing any legislation or pending action in the Legislature of the State of California, the Congress of the United States, or before any officer of the State of California or United States government that has an impact on or will affect the conduct of the municipal business or the powers, duties, and responsibilities of the Town of Yountville or its officers or employees as such.

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The Mayor and Town Manager have the authority to respond to legislation consistent with prior Town action without a vote of Council. The Town Council, Town Manager and Town Clerk shall receive a copy of any legislative response.

Local Government Advocacy Organization Outreach

The Town of Yountville is a member of various organizations such as the League of California Cities, National League of Cities, U.S. Conference of Mayors and others which advocate for and assist local government agencies in the conduct and support of local government activities. These agencies have developed various advocacy tools which enable town officials to play an active role in policy through communications with various elected State and National elected officials explaining how proposed legislation may impact our community. These various advocacy tools allow town elected and appointed officials to communicate positions and concerns consistent with the Council's goals related to the impact proposed legislation or action could have on Yountville to appropriate State and National elected officials.

League of California Cities Mobile Action Alerts

If Council Members would like to receive mobile legislative action alerts, the League of California Cities has developed a smart phone app that serves as an advocacy tool enabling town/city officials to play an active role in State policy. The app pushes out legislative updates and enables users to rapidly respond to "action alerts" directly from their mobile devices.

7. COUNCIL COMPENSATION AND BENEFITS

7.1 Compensation and Benefits

In accordance with State law, the Council may increase by ordinance the salary established in accordance with State law, provided that the amount of such increase may not exceed an amount equal to 5% for each calendar year from the operative date of the last adjustment.

Discussion of Council salary adjustments will be placed on the Town Council Agenda prior to budget workshops during each non-election year. Salary adjustments will not be effective until after the following regular election.

A. Each member of the Council currently receives a salary of Six Hundred and Forty Eight Dollars (\$648) per month (Ordinance Number 16-450 Adopted June 7, 2016).

B. The Town Council adopted Ordinance Number 19-483 May 21, 2019 authorizing a salary adjustment from \$648 to \$777 per month for Mayor and Town Council Members to be effective upon commencement of new Councilmember terms following certification of the November 2020 Election.

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C. The salary established is in addition to Council Member reimbursement for actual and necessary expenses incurred in the performance of official duties, in accordance with the Town Travel and Expense Policy.

7.2 Medical, Dental and Life Insurance

Council Members shall be entitled to Town-funded participation in Health and Dental Benefits and group life insurance benefits pursuant to the current plan for the Town of Yountville.

Council Members are not eligible for short and long-term disability or the retiree medical program benefits. (See Resolution Number 2739-09, dated January 6, 2009).

7.3 Travel and Expense Reimbursements

Council Members shall be subject to the travel and expense reimbursement guidelines as established for employees which can be found in the Personnel Rules and Policy Manual, Section 22 – Travel and Travel Reimbursement.

The Travel and Travel Reimbursement Policy is available on the Town's website or a copy may be obtained from the Human Resources Manager via request. Employees should refer to the Travel and Travel Reimbursement Policy for details concerning its provisions. In general, the Town will reimburse employees for reasonable expenses incurred for business purposes including, but not limited to, meals, lodging, and transportation. The Town will reimburse mileage driven on your personal automobile at the current IRS-approved rate per mile. All business travel and business purchases must be approved in advance by your Supervisor.

A Travel Expense Reimbursement Report, including all receipts shall be prepared and submitted to the Finance Department by the person claiming the expenditures. Expense reports must document that the expense in question meets the requirements of the Travel and Travel Reimbursement Policy. Reimbursement Reports should be filed as soon as practicable after the meeting or conference and in any case within five working days after the employee's return to work, and no later than thirty (30) days after an expense being incurred.

(See Resolution Number 18-3514 adopted September 18, 2018.)

7.4 iPad/Tablet Standard and Stipend

The Town Council receives a hybrid iPad/Tablet Policy and taxable stipend amount every 3 years to be used to purchase the Town standard device.

The iPad/Tablet is the Town Council Member's personal property, and Town business accomplished on the device is subject to the California Public Records Act and California Political Reform Act, established Computer Use, E-mail and Internet

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Policy outlined in Section 26 of the Town's Personnel Rules and Policy Manual Regulations and any additional applicable laws.

(See Resolution Number 3066-12 Adopted November 6, 2012.)

7.5 Professional Development

The Council shall establish an annual budget for conferences, meetings, and training. Council Members shall attend these functions at their own discretion for purposes of improving their comprehension of and proficiency in municipal affairs and/or legislative operations.

8. BOARDS / COMMISSIONS / COMMITTEES

8.1 Town Council Standing/Ad Hoc Committees

The Town Council and/or Mayor may establish Council subcommittees from time-to-time. Subcommittees usually comprise less than a quorum of the Council and are generally used to provide more detailed review and analysis of complex issues. Subcommittees make recommendations to the Council but cannot take formal action on behalf of the Council.

For purposes of the State's open meeting law (the "Brown Act") there are two types of Council subcommittees: standing committees and ad hoc advisory committees.

Standing Committees

Under the Brown Act, "standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body" are subject to all open meeting requirements.

Standing Committees shall be established and consist of two Council Members appointed by the Council. Membership shall only be modified by Council action. Standing Committees shall select a Chair to conduct meetings.

Ad Hoc Advisory Committees

Ad hoc advisory committees are composed of less than a quorum of the Council and are created for a limited time for a particular purpose. Under the Brown Act, ad hoc committees are not required to comply with open meeting requirements.

The Mayor may create Ad Hoc Advisory Committees to assist in particular matters as they arise. Members of the Council may request the creation of an Ad Hoc Advisory Committee through the Mayor. Ad Hoc Advisory Committees have a fixed, limited assignment and recommendations of the Committee must be presented to the entire Council at a noticed meeting. Any action to modify the Committee shall be placed on the Council agenda.

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8.2 Town Council Member Appointments to External Boards or Commissions

Council Members are requested to serve on various boards and committees for external agencies. Annually, after each regular election or as vacancies arise, the Council shall review the list of current assignments and make appointments. Any Council Member desiring to serve on a certain committee (or who desires not to be considered) should inform the Council in open session. These appointments are subject to approval by the majority of Council. Appointments to some external Boards require that the Mayor and/or Vice Mayor shall be appointed.

Town Council Members and their Alternates appointed to an external Board or Commission shall coordinate with each other directly when the Member is unable to attend a meeting shall coordinate directly with the Alternate to attend in his/her absence.

Town Council Members serving on an external Board or Commission and receiving a stipend shall report the stipend amount to the Town Clerk in order to complete and be in compliance with the requirements of the Fair Political Practices Commission's Form 806 – Stipend, which is required to be posted on the Town's website.

8.3 Citizens Appointed to Local and Countywide Boards, Commissions and/or Committees

The Town Council recognizes the valuable untapped resources that exist in the community and appreciates the public participation and input in the operation of Town government.

Therefore, the Town Council establishes various advisory boards, commissions, and committees, taskforces, standing committees and/or ad hoc committees for the purpose of assisting in the effectiveness of Town government and services. The Town Council will consider for appointment qualified individuals whose interests, background, experience, perspective and talents may contribute to the purpose of the various boards, commissions and committees. A definition of Board, Commission and Committee is provided below:

Board

A group of persons having managerial, supervisory, or advisory powers. In parliamentary law, a board is a form of deliberative assembly and is distinct from a committee, which is usually subordinate to a board or other deliberative assembly in having greater autonomy and authority.

Commission

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A group of people officially authorized to perform certain duties or functions with certain powers or authority granted; the act of granting certain powers or the authority to carry out a particular task or duty.

Committee

A group of people officially delegated to perform a function, such as investigating, considering, reporting, or acting on a matter.

8.3.1 Town of Yountville (Local) Boards, Commissions, and Committees

Town advisory Boards, Commissions and Committees are established by ordinance or resolution. Individuals are appointed by Council to carry out various responsibilities in accordance with the policies and guidelines established by Council. The role of advisory bodies is to facilitate public input and citizen participation in the determination of public policy. This is accomplished by formulating recommended courses of action and policies to the Town Council with whom final determination rests.

The Town's Zoning and Design Review Board (ZDRB) is not only advisory, but a regulatory body, having authority to make final determination in applicable circumstances.

The Yountville Arts Commission is an advisory body having authority to produce events and manage programs.

8.3.2 Board, Commission, and Committee Recruitment/Appointment

The Town Clerk posts a Notice of Vacancy in the Town designated posting locations, the Town's website and sends a Media Release to the Yountville Sun advertising vacancies to Town Boards, Commissions and Committees.

Applicants must submit a completed application to the Town Clerk and shall be interviewed by the Council 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 boards, commissions, and committees based on interviews and qualifications. Council shall rank all applicants from highest to lowest and appoint by ballot process. Appointments are subject to approval by the majority of Council.

Depending on the qualifications of the applicants and the needs of the Town, there may be times when the Town Council does not appoint an applicant who has applied. In this instance Council may request a separate vote for each applicant. If an applicant is not appointed, the Town Clerk

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will automatically re-advertise for the vacant position(s) to seek additional applicants.

8.3.3 Board, Commission and Committee Terms of Office

Terms of office are established by Town ordinance or resolution and are typically 2 or 3 years. Those members whose terms have expired, must submit a written request for reappointment, terms are not automatically renewed.

8.3.4 Town of Yountville Representative (Countywide) Boards, Commissions and Committees

The County of Napa creates various Boards, Commissions and Committees which identify the need for representatives from the municipalities within the County in order to collaborate on countywide topics of interest.

The Town follows the same recruitment process it utilizes for local appointments and recommends Town representatives to serve on various regional Boards, Commissions and Committees subject to final appointment by the Board of Supervisors or other appropriate body (i.e. Napa Valley Transportation Agency (NVTa)).

Terms of office for Countywide Boards, Commissions and Committees are established by the countywide bodies.

Individuals appointed to represent the Town on Countywide Boards and Commissions will be asked to present an Annual Report to Council.

8.3.5 Statutory Requirements/Regulations and Code of Ethics

Board, Commission and Committee members are subject to the same statutory requirements, regulations and code of ethics as outlined in Sections 2 and 4 of the Town Council Protocols, unless specified otherwise.

8.3.6 New Member Orientation

Town Manager or his/her designee may meet with newly appointed Board, Commission and/or Committee members to discuss Council policy direction when representing the Town on Countywide Boards.

Newly appointed members will receive a Board and Commission Handbook.

Yountville Representatives to Countywide Boards will receive orientation from their respective County Boards.

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8.3.7 Town Issued Email for Board and Commission Members

On March 2, 2017, the California Supreme Court published its decision in City of San Jose v. Superior Court, concluding the California Public Records Act ("CPRA") applies to electronic communications that Town officials and employees send on private devices from private accounts.

On June 5, 2018, the Town Council adopted Resolution Number 18-3489 authorizing Town staff to issue Town email addresses for its Board and Commission Members, so electronic communications that are disclosable under the CPRA are easily searchable and locatable in the event a request is made.

Board and Commission Member email addresses will be deactivated after electronic completion of the FPPC Form 700 Leaving Office Statement in conjunction with an expiration of term of office, resignation or removal from a Board or Commission.

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8.3.8 Annual Meeting with Yountville Board, Commission and Committees

The Town Council will meet annually with all Board, Commission and Committees to discuss current projects, potential projects and assist with prioritization consistent with Town Council Policy.

The Town currently has the following Board, Commissions and Committee:

- Zoning & Design Review Board
- Yountville Arts Commission
- Parks and Recreation Advisory Commission
- Yountville Community Foundation
- Measure S Affordable and Workforce Housing Oversight Committee

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8.4 **Contact with Board, Commission, and Committees**

Members of the Town Council should not attempt to influence or publicly criticize board, commission, or committee recommendations, or to influence or lobby individual members on any item under their consideration. It is important for such bodies to be able to make objective recommendations to the Town Council on items before them. Members of the Council who attempt to influence commission positions on any item may prejudice or hinder their role in reviewing the body's recommendation as a member of the Town Council.

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8.5 **Problem Solving with Boards, Commissions, and Committees**

The majority of Council may from time-to-time direct Council Members to meet with commissions, boards and committees for specific purposes such as establishing goals or for problem solving.

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9. MEETING GUIDELINES & PROCEDURES

9.1 Meeting Dates

9.1.1 Regular Meetings

Pursuant to the Yountville Municipal Code, regular meeting dates are established by Council Resolution Number 2262-04. The regular meeting dates are the first and third Tuesdays of each month commencing at 6 p.m. No Council meeting shall continue past the hour of 10:00 p.m. with the exception that, by a majority vote of the members present, Council may extend the final deadline, as necessary.

Council Members shall inform the Town Manager and Town Clerk of any expected absences.

For the months of August and December, Council shall hold only the first meeting of the month as established in Resolution Number 1353-97. The Town Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the Town Council during the period of recess except for those duties specifically reserved by law, and including such emergency actions as are necessary for the immediate presentation of public peace, health or safety.

9.1.2 Adjourned/Special Meetings/Emergency Meetings

The Brown Act sets forth specific requirements for holding adjourned, special, and emergency meetings.

9.2 Agenda

9.2.1 Placing Items on the Agenda

Public Comment - During public comment or by prior correspondence with a Council Member, a member of the public may request that the Council consider an item on a future agenda. A majority of Council Members present must consent to this request.

Council Meeting Reports, Comments and Agenda Item Requests – During this Agenda Item, Council Members may request an item be considered on a future agenda. A majority of Council Members present must consent to this request.

Placing items on the agenda for initial review shall not exceed 1 to 2 hours of time for the Town Manager or his/her designee. Review requiring more than two hours shall be agendized for Council consideration and shall be approved by a majority of the Council. Council may provide direction

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The Town Manager determines which items are placed on the agenda and works with the Mayor regarding the timing and order for such items. Council Members may request items to be placed on future agendas during the Future Agenda Items portion of the Council meeting by Council consensus, or provide their request to the Town Manager in writing. ¶

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regarding the scope and time for review for items that are not part of the current budget priorities approved by Council.

Communications that do not directly relate to the conduct of business for the Town of Yountville shall be provided to the Council on an informational basis only. Such communications may be placed on a Council Agenda upon request of a majority of the Council Members.

9.2.2 Agenda Packet Preparation

The Town Manager reviews and approves all items for the Council agenda. Paperless agenda packets are compiled and made available electronically by the Town Clerk's office and are generally available by 3:00 p.m. on the Friday before the Council meeting.

9.2.3 Order of Agenda Items

The Agenda for regular Council meetings (first and third Tuesdays) shall be taken up for consideration in substantially the following order, except as may be otherwise ordered by the Mayor and/or Council.

The Town Manager and Mayor give special consideration on the ordering of agenda items in the following manner: 1) families and children; 2) veterans and seniors; 3) items with an anticipated large audience; and 4) paid consultants.

Call to Order

Roll Call

(Reconvene Regular Meeting when Closed Session is held)

Pledge of Allegiance

Adoption of the Agenda

Recognitions and Proclamations

Public Comment

Consent Calendar

Presentations

Public Hearings

Administrative/Regular Items

Staff Informational Reports

Council Meeting Reports, Comments and Agenda Item Requests

(Closed Session as needed. May be held at the beginning/end of a Council meeting, be continued to a future meeting or be held by separate special Meeting Agenda.)

Adjournment

The Mayor shall, at any time by majority consent of the Council Members, permit a Council Member to propose the reordering of agenda items. However, reordering of items is normally done during the Adoption of the Agenda process.

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9.3 Council Meeting Flow

9.3.1 Call to Order

The Mayor will call the meeting to order at 6:00 p.m. and announce policies regarding public speaking, submission of information, special assistance, and public testimony procedures and ask that audience members turn off electronic devices while in the Council Chambers.

9.3.2 Adoption of the Agenda

The Council will adopt the agenda by motion or choose to re-arrange or add/delete items. To add an item to the Agenda requires a 4/5 vote of the Town Council and must be of an emergency nature which arose after the posting of the agenda. Adoption of the agenda is performed by voice vote.

9.3.3 Recognitions and Proclamations

Recognitions and proclamations shall be scheduled as necessary in recognition of persons or groups for the promotion of an event, service, and/or employee retirement. Requests must be submitted to the Town Clerk in writing in advance of the agenda deadline. The Town Manager shall request approval from the Mayor as to the appropriateness and scheduling of such recognition or proclamation. The proclamation is intended for locals or for items that have a local connection. The Town Manager/Town Clerk will provide a draft to the Mayor for content review and approval. Upon approval by the Mayor, the Town Clerk will then coordinate the presentation with the requesting party in order to schedule the item on any given agenda. The requesting party determines whether or not he/she will be present for acceptance of such presentation.

9.3.4 Public Comment – Items Not on the Agenda

Members of the public are entitled to speak for 3-minutes per speaker on matters of municipal concern not on the agenda, during consideration of that portion of the meeting agenda entitled "Public Comment" when that item is called by the Mayor. However, the Mayor has the discretion to limit speaking time when it is reasonable under the circumstances, including when there are many items on the agenda or a high volume of members of the public who intend to speak. The Mayor also has the discretion to extend the time to speak. The Mayor shall limit or extend speaking time in a consistent manner that is not based on the content or viewpoint of the speech. 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. However, in accordance with State Law, Council Members can have no substantive discussion unless and until the matter properly appears on the agenda.

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9.3.5 Approval of Consent Calendar

Those items on the Agenda which are considered to be of a routine and non-controversial nature by the Town Manager shall be listed on "Consent Calendar". These items so listed shall be approved, adopted, accepted, etc. by one motion of the Council.

Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration.

At the request of any Council Member or any other person, a Consent Calendar Item shall be considered separately in the order of the agenda following approval of the remaining "Consent Calendar".

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9.3.6 Presentations

Presentations shall be scheduled as necessary for the promotion of an event or service or general information items to the Council.

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9.3.7 Public Hearings

Public Hearings can be legislative or quasi-judicial (adjudicatory) and may be required on certain items as prescribed by the municipal code or by state or federal law.

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Legislative decisions generally involve fundamental policy questions of jurisdiction-wide concern; legislative decisions involve changes in existing law to govern future situations.

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Quasi-judicial hearings call for Council to assume a judge-like role, applying rules to specific facts. Quasi-judicial decisions are subject to more exacting judicial review and should be accompanied by carefully drawn findings in support of the decision made.

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The Public Hearing process is a guideline and not intended to duplicate, modify, repeat or supersede any state or federal regulations. Public Hearings shall be posted ten (10) days prior to the meeting, except those requiring separate posting requirements, set by various government codes. The general procedure for public hearings is as follows:

- a. The Mayor opens the public hearing.
- b. Town Council members should disclose any ex parte communications with applicant and/or related parties. **(Please refer to Section 5 regarding the Quasi-Judicial Process.)**

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- c. Staff presents its report. Council Members shall only ask questions of staff and defer any opinion on the item(s) until after the public comments section of the meeting.
- d. Applicant(s) ~~shall present their request/proposal for up to 15 minutes. However, an applicant may request additional time if necessary under the circumstances.~~
- e. Members of the public ~~shall~~ present their comments ~~subject to time limits established by Council at 3 minutes per speaker. The Mayor may approve time reductions or extensions, as necessary.~~
- f. Applicant(s) shall be permitted 5 minutes at the close of public comments for rebuttal.
- g. The Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so.
- h. Council addresses questions from applicants/appellants or the public, proceeds with questions and deliberation, discussion, and takes action. For quasi-judicial matters, Council members should not express any opinion or position on the matter being heard prior to the close of the public hearing and not until all evidence, both oral and written, has been presented and the public hearing has concluded. Adhering to this practice will avoid the appearance of bias by any one or group of members of the Town Council and will ensure that parties appearing before the Town Council will receive a fair hearing.
- i. For matters of a legislative nature, it is recommended, but not required, that members of the Town Council defer expressing their views on such matters involving legislative decisions until such time as that issue is presented to the collective body at a meeting of the Town Council. Each member of the Town Council shall use his or her own good judgment and discretion in adhering to this recommended practice.

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9.3.8 Administrative/Regular Items

~~The Administrative/Regular items portion of the meeting is for those reports brought forth for Council approval that are neither public hearings nor reports of Council or staff, but require adoption of a resolution or require action by the Council. Public Comment will be sought on Regular Items.~~

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9.3.9 Staff Informational Reports

The Staff Informational Reports portion of the meeting agenda provides an opportunity for the Town Manager and/or Town Staff to report on items of interest, status reports on significant projects, updates on events or meetings they participated in, provide acknowledgement to citizens or

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individuals, or address requests for information or follow-up by Town staff on particular matters as requested by the public.

Informational Reports can be presented in Staff Report format and report is not intended to be a verbal report. Additional reports may be done verbally.

9.3.10 Council Meeting Reports and Requests for Placing Items on the Agenda

The Town Council Reports portion of the meeting provides Council Members the opportunity to briefly comment on Council business, Town operations, Town projects, meeting attendance and other items of community interest. Council Members shall govern themselves as to the length of their comments, but shall generally not exceed ten minutes. The Mayor has the responsibility to assist Council Members by signaling when the Council Member has been speaking for over ten minutes.

Council Members shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

During this Agenda Item, Council Members may request an item be considered on a future agenda. A majority of Council Members present must consent to this request. Refer to Section 8.2.1 Placing Items on the Agenda.

9.3.11 Closed Sessions

The Brown Act requires all council action to be discussed and taken in open session, except for specified and limited exceptions such as personnel matters, real property negotiations, and pending or threatened litigation. ALL MATTERS DISCUSSED IN CLOSED SESSION ARE CONFIDENTIAL. Closed Sessions may be held at the beginning/end of a Council meeting, be continued to a future meeting or be held by separate special Meeting Agenda.

A. Town Council Members shall consider all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to insure that the Town's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the Town Attorney or Town Manager.

B. If the Town Council in closed session has provided direction to Town staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, a proposed or pending claim or litigation, and/or employee negotiations, all contact with the other party and/or attorney shall be limited to, and made by,

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the designated Town staff representative handling the negotiations, claim or litigation. No Council Member shall have any contact or discussion with the other party or its representative involved with the negotiation, claim or litigation during this time, nor shall any Council Member communicate or disclose any discussion conducted or information received in closed sessions. All public statements, information and press releases shall be handled exclusively by the designated Staff spokesperson.

9.3.12 Adjournment

Adjournment of a meeting is customarily by motion of the Town Council or can be accomplished by unanimous consent and the Mayor simply declares the meeting adjourned. A motion to adjourn to another time can be done similarly, but is debatable only as to the time to which the meeting is to be adjourned.

9.4 Members of the Public Addressing the Council

9.4.1 Addressing the Council Generally

Each person addressing the Council may give his or her name and address (optional) in an audible tone of voice for the record. Each person's comments shall be limited to 3 minutes. The Mayor may approve time reductions or extensions, as necessary. In the further interest of time, speakers will be asked to limit their comments to new materials and not repeat what a prior speaker said. Whenever any group of persons wishes to address the Council on the same subject matter, the Mayor may request a spokesperson be chosen by the group to address the Council. If members of the group wish to address additional matters, the Mayor may request they limit the number of persons addressing the Council to avoid unnecessary repetition. Speakers may not concede any part of their allotted time to another speaker.

9.4.2 Addressing the Council at Public Hearings

The applicant at a land use Public Hearing shall be permitted to address the Council for up to 15 minutes following the staff report. If there is a spokesperson for the opposition, the spokesperson shall be permitted to speak for up to 15 minutes. All other speakers will be limited to 3 minutes each. Applicant shall be permitted 5 minutes at close of public comments for rebuttal.

9.4.3 Irrelevant Testimony

For testimony during consideration of an agenda item, the Mayor shall rule out of order any testimony not relevant to the agenda item under discussion.

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¶ Additional Time¶

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There may be an occasion where justification for more time is more time is necessary warranted for public comment to accomodate that intend to. Citizens must ask for this at the outset of the comment period and have it approved by the Town Council prior to speaking.¶

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¶ Less Time¶

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9.4.4 Public Testimony Protocol

The purpose of public testimony is for Council Members to benefit from the views of the public. Comments from the public should only be directed toward the Council. All comments and testimony shall be made from the podium or other approved Council location; no comment or testimony shall be shouted from the audience. Council Members and staff should avoid entering into a dialogue with members of the public who address the Council.

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9.4.5 Public Comment on Items on the Agenda

Members of the public are entitled to speak on any item on the agenda for 3-minutes either immediately after the item is called by the Mayor or during a public hearing on the subject matter opened by the Mayor. The Mayor may approve time reductions or extensions, as necessary. The Council can restrict speech about an agenda item to the time allotted to discuss that item. 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 is generally limited to members of the Council, although Council Members may ask members of the public for additional information.

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9.4.6 Disruptive Comments and/or Conduct

No person who addresses the Council shall make any belligerent, personal, impertinent, irrelevant, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the Council, staff or other individuals in a manner which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting, nor shall any person engage in any other disorderly conduct which so disrupts, disturbs or impedes the orderly conduct of the meeting. Any violation of this rule shall be grounds for terminating the citizen's comment period. Prior to terminating a citizen's comment period or removal from the meeting, the Mayor will remind the person of the rules of conduct of the meeting and the potential consequences for violating those rules. If, after being reminded, the person persists in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting, the Council may terminate the comment period or remove the person from the meeting. Council shall not be belligerent or make disparaging commentary toward the speaker. Nothing in this section shall prohibit or discourage orderly criticism of any Town decision or policy within the limits of these rules.

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The Mayor has the discretion to adjourn the Council meeting if disruption persists.

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9.5 Council Voting and Related Actions

9.5.1 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 Council Member may make or second a motion. A substantive motion is out of order while another substantive motion is pending.

9.5.2 Roll Call and Voice Votes

A roll call vote shall be taken on the introduction of ordinances. 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. All other matters may be made by voice vote indicating consensus on the proposed action. Pursuant to the Government Code section 54953(c)(1) and (2), there shall be no action by secret ballot, whether preliminary or final, and the Mayor or Chair shall publicly report the vote or abstention of each member present for the action or vote taken on each matter. The final electronic vote cast will also be displayed on the monitors in Council Chambers.

9.5.3 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 a recorded majority vote of the total membership of the Council. (GC 36936).

If a motion has received a second, the Mayor shall state the motion and then open the floor to debate on it. The Mayor shall preside over the debate according to the following general principles:

- a. The maker of the motion is entitled to speak first;
- b. A person who has not spoken on the issue shall be recognized before someone who has already spoken;
- c. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

9.5.4 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.

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Legislative Matters Considered¶

¶ The Council shall not consider any resolution, motion, or matter which does not affect the conduct of the business of the Town of Yountville 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 Town of Yountville or its officers or employees as such.¶

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9.5.5 Procedural Motions

In addition to substantive proposals, the following procedural motions 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. All procedural matters not otherwise provided for in or controlled by state law or by any ordinance, resolution, rule or regulation of the Town shall be governed by Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century (attached as Exhibit).

- a. 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.
- b. To Take a Brief Recess.
- c. 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.
- d. To Suspend the Rules. A vote of the majority of the quorum of the Council is required to suspend the rules. The Council may not suspend provisions of the rules that are state requirements imposed by law on the Council.
- e. To Divide a Complex Motion and consider it by Paragraph (bifurcate).
- f. To Call the Previous Question. The motion is not in order until there have been at least fifteen (15) minutes of debate, and every member has had an opportunity to speak once.
- g. To Continue an Item to a Future Meeting Certain.
- h. To refer to staff for action.
- i. 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.
- j. Substitute Motion. A substitute motion may be used to completely do away with the basic motion that is before the Council and put a new motion before the Council.
- k. To Reconsider. A motion to reconsider can be made by any 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. Reconsideration requires a majority vote of the members present. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting. In the case of a tie vote on an action, any member of the Town Council may request a reconsideration as outlined above.

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- I. 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.

9.5.6 Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before a vote, with or without the consent of any "second" of the motion. However, any other Council Member may ask to be considered the introducer of the motion and, if again seconded, debate may continue without further interruption.

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9.5.7 Conflict of Interest

Every member should vote on every item unless prevented from doing so by virtue of an actual or potential conflict of interest under applicable State Law or the Regulations of the FPPC. Any member who believes he or she has a conflict or potential conflict of interest must, consistent with the requirements expressed by the FPPC Regulation, Government Code section 1090 or other applicable State Law, announce such at the initiation of debate or when such conflict or potential conflict becomes apparent, shall disclose and describe that the conflict involves either an investment, business position, interest in real property, or the receipt of income, loans or gifts, and shall refrain from any part in the debate, deliberations, or voting on that issue. Each member is individually responsible, with the assistance of the Town Attorney, Town Manager or the FPPC, to determine if a conflict of interest exists which would require that the member not participate directly or indirectly in influencing the outcome of a matter or from participating in or voting on matter and to state on the record the reasons for the disqualifying interest or to disclose any non-disqualifying circumstances which must be placed into the record or minutes of the Council meeting as required by law.

If the governmental decision is made during a closed session of a public meeting, the disclosure(s) shall be made orally during the open session either before the body goes into closed session or immediately after the closed session.

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9.5.8 Legally Required Participation

When members are disqualified based on a conflict of interest under GC Section 87100, legally required participation can be instituted in order for the body to take action (the "Rule of Necessity" as defined by the FPPC Regulations). A random selection may be used to select only the number of officials needed. When an official is selected (by drawing lots), he or she is selected for the duration of the proceedings in all related matters until

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his or her participation is no longer legally required, or the need for invoking the exception no longer exists.

9.5.9 Quorum and Duty to Vote

A majority of the actual membership of the Council, including the Mayor but excluding vacant seats, constitutes 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 exists. Resolutions, orders for the payment of money, and all ordinances require a recorded majority vote of the entire Council. (Government Code section 36936).

Each Councilmember may vote "yes," "no," or abstain on any particular action. An abstention vote is counted as the absence of a vote ("Members who abstain are counted for purposes of determining a quorum (they are 'present'), but you treat the abstention votes on the motion as if they did not exist (they are not 'voting')). (Rosenberg's Rules, 2011 Rev., p. 6.). The opposite is true if a Councilmember recuses because of a disqualifying conflict of interest. In that case, the Councilmember is not counted towards the quorum for purposes of vote tallying. For example, unless a different vote is required under state law (discussed above), if four of five Councilmembers are present, two Councilmembers vote in favor of the motion, one Councilmember votes against the motion, and one Councilmember abstains, the motion passes with only two Councilmembers in support. However, if four of five Councilmembers are present, two Councilmembers are disqualified because of a conflict of interest, and two Councilmembers vote in favor of the motion, the motion fails for lack of a quorum: only two Councilmembers are counted towards the quorum under this scenario. For this reason, Councilmembers are encouraged to consider the effect an abstention may have on the outcome of a particular action.

Although Councilmembers can abstain from a vote, "there is a strong public policy that members of public legislative bodies take a position, and vote, on matters brought before them." (*Kunec v. Brea Redevelopment Agency* (1997) 55 Cal.App.4th 511, 520). Even if a Councilmember abstains from a vote, he or she is encouraged to explain the reason for that abstention.

9.5.10 Introduction and Passage of Ordinances

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Council. The Clerk or the maker of the motion shall read the title of the ordinance, after which a roll call vote shall be taken by the Council to introduce and, at the Council's option, waive its reading. The ordinance is then scheduled for its second reading and adoption and can be adopted by vote of the Town Council. Ordinances cannot be adopted at a Special Meeting.

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Deleted: For the purposes of this section, a "quorum" shall constitute the minimum number of members required to conduct business and when the vote of a supermajority is required to adopt an item, the "quorum" shall be that minimum number of members needed for that adoption (GC Sections 81002, 81003 and Government Code section 87101, operative 11/23/98). Resolutions, orders for the payment of money, and all ordinances require a recorded majority vote of the entire Council. (Government Code section 36936). If, for example, only three members are present (creating a quorum), then all three must approve such actions. Each Councilmember may vote "yes," "no," or abstain on any particular ¶ action. However, when a Councilmember abstains, he or she is still counted ¶ towards the quorum for purposes of vote tallying. The opposite is true if a ¶ Councilmember recuses because of a disqualifying conflict of interest. In ¶ that case, the Councilmember is not counted towards the quorum for ¶ purposes of vote tallying. For example, unless a different vote is required ¶ under state law (discussed above), if four of five Councilmembers are ¶ present, two Councilmembers vote in favor of the motion, one ¶ Councilmember votes against the motion, and one Councilmember ¶ abstains, the motion passes with only two Councilmembers in support. ¶ However, if four of five Councilmembers are present, two Councilmembers ¶ are disqualified because of a conflict of interest, and two Councilmembers ¶ vote in favor of the motion, the motion fails for lack of a quorum: only two ¶ Councilmembers are counted towards the quorum under this scenario. For ¶

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Ordinances become effective 30 days after their adoption unless otherwise specified by Government Code. Upon the ordinance's final adoption and within 15 days of its passage, the Clerk will post the full text of the ordinance in the Town's designated legal posting locations, and as needed, update the Municipal Code.

An ordinance, other than an urgency, may not be passed within five (5) days of its introduction or alteration. Corrections of typographical or clerical errors are not alterations.

9.5.11 Closed Sessions

The Council may hold Closed Sessions only as provided for by law. Only those actions specifically authorized by statute may be taken in Closed Session, and actions so taken shall be reported as required by law. The Town Manager or Town Attorney may, at his/her discretion, announce any actions taken prior to the next Regular Meeting if doing so would not have a deleterious effect on the conduct of Town's business and would be consistent with the spirit of the action taken.

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9.5.12 Public Hearings

Public Hearings shall be scheduled and notice posted without any action required by the Town Council, excepting that the Council may, if they so desire, schedule a Public Hearing on an item of interest for a date certain.

At the time designated for the Public Hearing, or soon after as is practicable, the Mayor shall direct the attention of a report and 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 Public Hearing closed.

Following the close of the Public Hearing, the Council may debate or take action on the matter in accordance with these rules.

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¶ A majority of the actual membership of the Council, including the Mayor but excluding vacant seats, shall constitutes 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. A Councilmember is counted for the purpose of the quorum if they abstain from voting on a particular matter. An abstention does not count as either a yes or no vote, even if the event of a tied vote. A councilmember is not counted towards the quorum if they are disqualified from a matter due to a conflict of interest.¶

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Breaks¶

¶ The Council will generally take a 15-minute break around 8:00 p.m. and will extend their meeting time by vote if conducting business beyond 10:00 p.m.¶

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9.6 Policy / Decision Making Process (i.e. Budget Priorities/Work Session)

Policy / Decision Making Process may be initiated by individual Council Members, Citizen Advisory Boards, Committees, Commissions, Strategic Plan, and/or staff. These individuals or groups may request the full Council to consider the review or revision of existing policies or the consideration of new policy. Members of the public may request a Council Member to initiate the full Council's consideration.

9.6.1 Initial Consideration

Initial consideration is accomplished by including the matter on an upcoming meeting agenda for the Council's consideration and to present a staff report of the matter that briefly explains the request so that Council can choose if they wish to dedicate staff time and resources to review the matter. During initial consideration, a vote of the Council should be taken to indicate if the majority chooses to dedicate staff time and resources to investigate and review revisions or possible modifications to Council policy.

No further consideration is necessary if the majority of the Council chooses not to dedicate staff time and resources to investigate and review policy changes at this time, the decision-making process is complete.

9.6.2 Scope and Direction

Scope and Direction includes the Town Council defining the scope of the investigation to be undertaken and assigning primary responsibility for the task to a Board, Commission, Committee or staff.

9.6.3 Administrative Report

An Administrative Report should be prepared based on the scope and direction provided by Council including background, current status, alternatives and potential funding concerns. After the Administrative Report is completed, recommendations are presented to Council for consideration.

9.6.4 Policy Direction

At the conclusion of the Council's discussion regarding the administrative report, a majority of Council reaches a decision and provides direction as to which alternative(s) will be implemented.

The Town Council annually adopts its Fiscal Year Budget and establishes Council Goals and Objectives consistent with the Town's Strategic Plan. The Town Manager develops a work plan to implement these goals. Town Council shall give serious consideration to establishing additional goals or new work plan initiatives as this could have an impact on staff's ability to deliver the established work plan and stay within the adopted budget.

9.7 Rules of Council Conduct

9.7.1 Discussion Rules

The Mayor has the responsibility to control the debate and the order of speakers.

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9.7.2 Council Questions of Speakers

Council Members who wish to ask questions of speakers may do so, but only after being recognized by the Mayor.

Members of Council shall not engage in debate with a member of the public at Council meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting.

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9.7.3 Germane Comments/Time Limit for Council

Council Members shall limit their comments to the subject matter, item, or motion being currently considered by the Council. A determination of relevance shall be made by the Mayor, but may be appealed to the full Council.

Council Members shall govern themselves as to the length of their comments, but shall generally not exceed ten minutes. The Mayor has the responsibility to assist Council Members by signaling when the Council Member has been speaking for over ten minutes.

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9.7.4 Derogatory Comments

Council Members are expected to interact with one another with mutual respect and courtesy. Derogatory, snappy, or sarcastic comments towards another Council Member, a member of the public or a staff member are inappropriate.

The Mayor may call for a short recess should a Council Member or member of the public become disruptive or agitated so as to interfere with the normal conduct of business. The Mayor has the discretion to adjourn the Council meeting if disruption persists.

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9.7.5 Packing of Audience

It is inappropriate for a Council Member to pack the audience for a specific agenda item.

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9.8 Use of Council Chambers

The Town Clerk and Human Resources Manager are responsible for maintaining a calendar on the use of the Council Chamber. Use of the Council Chamber by Town commissions, committees, and other advisory bodies shall take precedence over any other group or agency. Favorable consideration shall be given to other governmental agencies. No events of a commercial nature shall be allowed. No admission shall be charged. Regularly scheduled meetings by other agencies and groups shall be discouraged, except for governmental or regional agencies of which the Town is a

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member. When a question arises regarding permission for any group to use the facility, the Town Manager shall have authority to make the final decision.

10. COMMUNICATIONS

10.1 ~~Televising, Recording, and Web Streaming of Council Meetings~~

~~Televised Live~~

It is the policy of the Council that regular and special meetings, except for Town Commission interviews, be televised live and be recorded by Napa Valley TV ~~and broadcast on the Public Educational and Governmental (PEG) Access television (also known as cable Channel 28).~~

~~Web Streaming~~

Council Meetings will be web streamed over the Internet by accessing the Town's website www.townofyountville.com and clicking on Agendas and Minutes. Web Streaming can be viewed live and at later date by video archive.

Internet web streaming will be provided at all times unless, for some unforeseen/uncontrollable reason there is technical difficulty.

Web streamed meetings are maintained permanently pursuant to the Town's Record Retention Schedule.

10.2 Processing of Mail

~~Town Clerk or his/her designee~~, shall open all mail addressed to the Mayor and Council, date stamp it and ~~distribute to Town Council~~. Mail which is directly related to a particular department shall be copied to that Department Head. Council letters of complaints shall be sent directly to the Town Clerk for disposition, with copy to the Town Manager and Department Head(s). Junk mail will be disposed of and no mail marked confidential or personal which is addressed to the Council shall be opened by Town staff.

Mail addressed to the Mayor and Town Council shall be distributed to each Council Member with the notation "All Council Received." Correspondence addressed to the Mayor which requires a response shall be coordinated by the Town ~~Manager and/or Town~~ Clerk and copied to all Council Members.

10.3 ~~Citizen Complaint Process~~

All complaints directed to the Mayor or Town Council shall be given to the Town Manager with a copy ~~to~~ the Town Clerk for informational purposes. The Town Manager or ~~his/her~~ designee shall draft a response to the complaint for ~~either~~ the ~~Town Manager's or Mayor's signature, as appropriate~~, with a copy to the Town Manager and Town Clerk.

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Original videos are kept for 90 days after which time they may be destroyed pursuant to the Town's Record Retention Schedule. ¶

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A duplicate copy of the Council Meeting DVD can be requested by the public at a charge determined by the company duplicating the video. The Town Clerk will coordinate the video duplication process. ¶

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Council Members are discouraged from responding directly to complaints without coordinating with the Town Manager to gather information to ensure a unified response and to prevent dual efforts in the event another department is already preparing a response.

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If the Mayor or Council Member receives a complaint and desires that it be addressed by the Town Manager, he/she should present it to the Town Manager for disposition and tracking.

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Town staff will copy or otherwise communicate all responses to the Town Council.

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10.4 Use of Town Letterhead & Logo

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All Council Member correspondence written with Town resources, i.e., letterhead, typing, staff support, postage, etc., will reflect the position of the full Council, not individual Council Members' positions. All Council Member correspondence using Town resources shall be copied to the full Council.

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¶ Responses to all requests for information will be copied to all Council Members. ¶

Regarding the use of Town logo, Municipal Code Section 1.08.020 provides "No person other than the Town, may in any way use the Town's logo without prior approval of the Council." Resolution Number 2172-03 authorizes the Town Manager or Town Clerk to approve use of the Town's Logo for specific purposes by other government agencies to which the Town maintains membership. All authorized use of the Town's logo shall be in writing, shall indicate the specific use allowed, and shall include the words "Any other use of this logo is prohibited."

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10.5 Representing Majority Decision vs. Individual Opinion

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If a member of the Town Council appears before another governmental agency or organization to give a statement on an issue affecting the Town, the Council Member should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not represent the position of the Town Council.

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10.6 Official Town Communication

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The Town Manager and Management Team may prepare official public communications which include formal media/press releases, community information and alerts, Town event and parks and recreation marketing information, social media information, and other communications to convey information about the Town's business to its residents, businesses, and visitors

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¶ Council Members, the Town Manager and Management Team may prepare routine media/press releases from time-to-time, which may range in scope from generic topics to sensitive and controversial issues. ¶

Official Town Communication Distribution

All official town communications/electronic media/social media platforms prepared for distribution shall first be submitted to the Town Manager for approval and should be prepared as follows:

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A. All official town communications shall be formatted using the appropriate Town template and/or electronic or social media platform format.

B. Official town communications shall contain the name, title, telephone number, and email address of the Town official available to address any inquiries.

C. As a general rule, inquiries from the press and media should be given a high priority and be responded to as quickly and efficiently as possible. Every effort should be made to meet media deadlines and ensure that all information released is accurate.

D. All official town communications release shall be provided via email to the following agencies:

- Yountville Sun
- Napa Valley Register
- KVON/KVYN and/or other local radio outlets
- Veterans Home
- Town's website including e-notifier subscribers
- Social Media Platforms such as Nextdoor and the Town's Facebook page, are examples
- Other appropriate outlets as determined by Town Manager

In addition, all official town communications shall be sent to the Town Council and All Town Staff.

When reporters seek information that requires interpretation or information that is not readily available or routinely provided to the general public, the request shall be referred to the Town Manager, or his/her designee or the Mayor and Council Members. Individual Council Members are entitled to provide their opinion on any matter. However, individual Council Members cannot state or insinuate that such opinion is the position of the Town unless otherwise authorized by the Mayor and Town Manager.

Press Conferences

The Town may conduct press conferences to make extremely announcements and/or to facilitate the immediate flow of accurate information. Press conferences shall be conducted by the Mayor, the Town Manager and/or their designees, and should be reserved for circumstances in which it is not practical to disseminate information through other means contemplated by these protocols or the Town's standard operating procedures. Individual Council Members may not conduct press conferences regarding official Town business unless requested to do so by the Mayor or the Town Manager. The full Council and the Town Clerk shall be informed in advance of the substance, time and place of any press conference called per this paragraph.

Nothing contained in these Protocols shall abridge or attempt to restrict any Council Member's right to express his/her views as an individual citizen on matters affecting or related to the Town or on any other matter. Provided, however, that (1) such

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¶ Press/media releases shall contain the name, title and telephone number and email address of the Town official available to address any inquiries. As a general rule, inquiries from the press and other publications should be given a high priority and be responded to as quickly and efficiently as possible. Every effort should be made to meet media deadlines and ensure that all information released is accurate.¶

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Deleted: <#>Department Head, or in their absence, the Town Clerk. Council should be notified of any major news interviews.

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individual speech shall be clearly identified as such and shall consistent with these Protocols to the extent applicable, and (2) Council Members must avoid expressing opinions on quasi-judicial matters before the Town until such time as those matters are presented to the Town Council.

11. COUNCIL / STAFF / TOWN ATTORNEY RELATIONSHIPS

11.1 Council/Staff Relationships

Town Staff acknowledges the Council as policy makers and the Town Council acknowledges Staff as administering the Council's policies.

11.2 Communications with Staff and Requests for Information

Council Members may contact the Town Manager and/or Department Head (with a copy to Town Manager if by e-mail) directly to ask questions for clarification or to request information. Council Members may also request reasonable research from the Town Manager on a given topic directly when it is anticipated that the request can be completed by staff in less than one hour.

Council Member requests for research or information that are anticipated to take staff more than one hour to complete shall be directed to the Town Manager. Request for new information or policy direction will be brought to the full Council for consideration. Responses to all requests will be provided to all Council Members.

A Council Member shall not direct Staff to initiate any action, change a course of action, or prepare any report that is significant in nature, nor shall a Council Member initiate any project or study without the approval of a majority of Council.

11.3 Undue Influence on Staff and Commissions

Council Members shall not attempt to coerce or influence Staff or Commissions in the making of appointments, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of Town licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any Town department.

11.4 Complaints Regarding Performance of Staff

Any concerns by a member of Council over the behavior or work of a Town employee shall be directed to the Town Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly, nor shall they communicate their concerns to anyone other than the Town Manager.

11.5 Handling of Litigation and Other Confidential Information

Town Council Members shall consider all written materials and verbal information provided to them on matters that are confidential under State law in complete

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confidence to ensure that the Town's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the Town Attorney or Town Manager. All written materials should be returned to the Town Manager after consideration for disposition.

11.6 Town Attorney/Council/Staff Relations

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The Town Attorney is hired by and reports directly to the Council pursuant to State law. The Town Attorney serves at the pleasure of the Council under a professional services agreement terminable at will by either party upon 60 days' notice. The Town Attorney represents as his or her client the Town as a legal entity, acting through the Town Council as the Town's highest administrative authority. No individual Council Member nor any other officer or employee of the Town is a client of the Town Attorney.

There is an attorney-client privilege as to council and staff communications with the Town Attorney regarding matters that involve parties outside the Town. For example, attorney-client communications are protected where someone sues the Town and seeks to compel disclosure. Similarly, everyday communications between Council Members and the Town Attorney are generally protected. Communications between staff and the Town Attorney are *not* protected from disclosure to the Council, since the Council is the holder of the attorney-client privilege.

There is no attorney-client privilege between Council Members and the Town Attorney when the Town Attorney has reason to believe that the Council Member is violating or intends to violate conflict of interest rules or some other law. The Town Council authorizes the Town Attorney to publicly disclose conflict of interest violations or other violations of law, where the violation is clear and where the public official proposes or takes action that clearly violates the conflict of interest rules or other laws in disregard of the Town Attorney's advice.

Since the Town Attorney is responsible directly to the Council, Council Members may contact the Town Attorney directly to ask questions or to request information. Council Members may also request research from the Town Attorney on a given topic directly when it is anticipated that the request can be completed in less than one hour. A Council Member shall not direct the Town Attorney to initiate any action, change a course of action, or prepare any report that is significant in nature without the approval of a majority of Council and notice to the Town Manager.

12. PROTOCOL ADMINISTRATION

12.1 Review of Town Council Protocols

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The council will review and revise the Town Council Protocol, as needed.

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12.2 Adherence to Protocols

During Town Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to insure that the Town Council, staff and members of the public adhere to the Council's adopted protocol.

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12.3 Town Attorney as Protocol Advisor

At the behest of the full Council, the Town Manager may be directed to confer with the Town Attorney in interpreting the Town Council's adopted protocol and proposed changes.

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12.4 Adherence to Administrative Procedure and Process Protocol

The Council has delegated the Town Manager responsibility to discuss, on behalf of the full Council, any perceived or inappropriate administrative action with a Council Member. The Town Manager will discuss with the Council Member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the Town Manager will report the concern to the full Council.

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12.5 Applicability of Protocols

The Town of Yountville Council Protocols shall also apply to the Town Council when sitting as other entities or agencies such as the Town Housing Authority, Parking Authority, Finance Authority or any other body. The role of Mayor and Vice Mayor shall be interchangeable with the Chair and Vice Chair, or President and Vice President when sitting as another entity. If the Town Council or any other entity or agency inadvertently takes any actions inconsistent with these protocols, the protocols shall be deemed waived to the extent there is a conflict.

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12.6 Protocol Update History

- Updated by Resolution Number 19-XXXX, August 6, 2019
- Updated by Resolution Number 3156-14, March 4, 2014
- Updated by Resolution Number 2841-10, January 5, 2010
- Initial Adoption by Resolution Number 2452-06, April 4, 2006

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Staff Report

File #: 18-1535, **Version:** 1

Yountville Town Council Staff Report

DATE: February 6, 2018

TO: Mayor and Town Council

FROM: Michelle Dahme, CMC, Town Clerk

TITLE

Discussion and possible direction regarding review and update to the Town Council Protocols.

DISCUSSION/BACKGROUND

The Town Council originally discussed and developed a consensus for creating the Town Council Protocols' during a Study Session held on March 28, 2006 and adopted the Protocols on April 4, 2006 by Resolution Number 2452-06.

The Town Council Protocols were subsequently updated January 5, 2010 by Resolution Number 2841-10 and March 4, 2014 by Resolution Number 3156-14.

The Town of Yountville operates according to the Council-Manager form of government. The Town Council is the legislative and policy making body and is responsible for passing resolutions, ordinances and orders necessary for governing the Town and for setting the direction of Town policy.

The Town Council Protocols sets forth statutory and regulatory requirements, procedures and guidelines necessary to conduct legislative activities of the Town Council, and serves as a guiding document for the Town Council to administratively conduct their regular business and other areas of legislative actions relating to ethics, organization, professional development, staff and attorney relationship, meeting procedures, Council conduct, communications, and media procedures.

2018 PROTOCOLS DISCUSSION

The Town Council Protocols are reviewed and updated periodically to reflect procedural changes and were last reviewed and amended March 4, 2014. The Protocols continue to be a useful tool for assisting Council and staff in administering Town policy. Staff has monitored the Protocols keeping track of changes to the law, internal policy changes and requests from the Town Council.

A detailed list of the proposed changes are provided in the attached Exhibit and include additions, deletions and amendments, as well as items for Council discussion and direction. New items and items for discussion include the following:

5.2 Due Process - Discuss Ex Parte Communications. Specifically, a policy that would require written disclosure of ex parte communications to be included in the agenda materials when the item comes before Council for consideration.

Communication with the public regarding Agenda Items - Discuss and provide direction.

6. COUNCIL ADMINISTRATION / PROFESSIONAL DEVELOPMENT - Add new section regarding the iPad/Tablet Standard and Stipend.

7. BOARDS / COMMISSIONS / COMMITTEES - Add new section for Town Issued Emails for Board and Commission Members.

The Town Attorney has previously advised that On March 2, 2017, the California Supreme Court published its decision in *City of San Jose v. Superior Court*, concluding the California Public Records Act ("CPRA") applies to electronic communications that Town officials and employees send on private devices from private accounts.

As a result, Town staff will be issuing Town email addresses for its Board and Commission Members so that electronic communications that are disclosable under the CPRA are easily searchable and locatable in the event a request is made. Staff will be preparing a staff report that will require the Town to consider its policy regarding retention and storage of electronic communications.

7.3.3 Board, Commission and Committee Terms of Office - Discuss the appointment process.

8.3.7 Public Hearings - Discuss Findings (Resolution of Findings) content and format in terms of how they support or do not support the General Plan.

8.4.1 Addressing the Council Generally - Discuss Public Comment Time Limit.

8.4.4 Addressing Council at Land Use Public Hearings - Discuss Public Comment Time Limit.

8.4.9 Disruptive Comments and/or Conduct - Discuss updating language in this section.

The Town Attorney advises the Town Council has the authority to "establish rules for the conduct of its meetings" (e.g., the Town Council Protocols). (Gov. Code, Section 36813.) It also has the authority to adopt "reasonable regulations" under the Brown Act concerning public comment by members of the public including. (Gov. Code, Section 54954.3, subd. (b).). These provisions together authorize the Town Council to adopt a regulation prohibiting "disorderly or disruptive behavior" within the bounds of the First Amendment. However, these regulations must not "prohibit public criticism of the policies, procedures, programs, or services of the [Town], or the acts or omissions of the [Town Council]." (Gov. Code, Section 54954.3, subd. (c). For example, it would be a violation of the First Amendment to eject a person from a meeting for conduct that is not actually disruptive. The key is that the conduct must be the motivating factor, and not the speech itself.

8.5 Meeting Procedures -

8.5.1 Legislative Matters Considered - Discuss establishing a separate more formal section on "lobbying" and the ability to send support or opposition letters in a timely matter in between scheduled Council Meetings. Attached are examples of Legislative Policies from City of Dublin, City of Temecula, and the Local Agency Formation Commission (LAFCO) of Napa County. Each example varies in the level of complexity and depending on which policy example Council selects (or a hybrid of each) may have varying degrees of impact on staff involvement.

Add New Section - League of California Cities Smart Phone App that serves as an advocacy tool enabling the Town to play an active role in State policy.

8.5.8 Conflict of Interest and Impact upon Duty to Vote - Discuss and recommend changes, if necessary.

9.7 Media / Press Relations - Discuss and review communication with the media in general and consider adding language related to emergencies.

CONCLUSION

Staff has attached the draft Town Council Protocols with tracking for Council discussion and direction along with an Exhibit of the proposed additions, deletions, amendments. Staff is also requesting Council provide any additional items that Council would like to see added to the Protocols.

Following Town Council direction, staff will bring back a resolution for Council consideration and adoption of the amended Town Council Protocols.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? No

Is it Currently Budgeted? N/A

Where is it Budgeted? N/A

Is it Mandatory or Discretionary? N/A

Is there a Staff Resource Impact? Nominal

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Indirectly

If yes, Identify Strategic Goal and Objective. **Visionary Leadership:** The Town's leadership works together to create policies and plan for the future.

Briefly Explain Relationship to Strategic Plan Goal and Objective. The objective is for Council to work together to sustain sound governance and effective oversight of the management of the Town which includes review and updating of Town Council Protocols.

ALTERNATIVES

Add or delete individual recommended revisions from the Protocols.

Leave Protocols in its current form and make no changes.

RECOMMENDATION

Receive staff report and direct questions to staff.

Receive public comment.

Conduct Council discussion and provide direction to staff on proposed changes to the Town Council Protocols.



Town of Yountville

"The Heart of the Napa Valley"

TOWN OF YOUNTVILLE TOWN COUNCIL PROTOCOLS

~~March-2014~~ XXXX 2018

Date Adopted: **~~March 4, 2014~~**

By: Resolution Number **~~3156-1418-XXXX~~**

(Originally Adopted April 4, 2006 by Resolution Number 2452-06)

An Electronic Version of the Town Council Protocols is available on the Town's Website at www.townofyountville.com
by selecting the Town Council tab and then selecting Mayor and Council Members.

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APPENDIX

Exhibit–*Rosenberg’s Rules of Order*: Simple Parliamentary Procedures for the 21st Century

TOWN COUNCIL PROTOCOLS

1. PURPOSE

The purpose for establishing Town Council Protocols is to provide an effective environment for the Town 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 Town 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 Town of Yountville operates according to the Council-Manager form of government which vests authority in an elected Town Council which, in turn, hires an appointed executive, the Town Manager. The Town Council is composed of five members elected from the Town on a nonpartisan basis to serve overlapping four-year terms. The Mayor is elected at-large to serve a four-year term as presiding officer at Town Council meetings and as the official head of the Town for legislative and ceremonial purposes. The Town Manager is appointed by the Town Council and serves at the pleasure of that body.

The Town Council is the Town's legislative and policy-making body. Acting as a whole, the Town Council is responsible for setting the direction of Town policy and for adopting ordinances, resolutions and other orders as necessary for governing the Town. The Town Manager is responsible for the overall administration of the Town, which includes implementation of the general policies set by the Town Council in addition to the day-to-day operation of all Town functions. The Town Manager, with the help of the staff, provides the Town 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 Town Council Vision and Guiding Principles Update with Current Strategic Plan Vision

Vision Statement

~~"To provide leadership, inspire community spirit, maintain fiscal health and offer a high level of service to the residents, businesses and visitors in Yountville."~~

Guiding Principles

- ~~➤ Provide our residents, guests and businesses and our Napa Valley neighbors with high quality public services and facilities.~~
- ~~➤ Encourage citizen engagement and welcome a variety of viewpoints.~~
- ~~➤ Maintain the unique character that is Yountville.~~
- ~~➤ Assure the long term vitality of our town through good planning and prudent financial management.~~

~~(See Resolution Number 2718-08, dated September 2, 2008.)~~

2. STATUTORY REQUIREMENTS / REGULATORY GUIDELINES

Certain state laws and other established regulations exist which govern various responsibilities of the Town Council. This protocol manual is not intended to duplicate, modify, supersede or repeat any existing statutes or regulations. Town Council Members are responsible for becoming familiar with these statutes and regulations and any discrepancies with state law will result in state law taking precedence.

2.1 The Brown Act

The Ralph M. Brown Act ("Brown Act") is a law which provides that all meetings of a legislative body, whether meetings of the Town Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. In order to ensure open and public meetings, the Brown Act includes numerous and detailed provisions affecting Town Council conduct. For example, regular meetings of the Town Council, or of other public bodies subject to the Brown Act, must be noticed and an agenda provided 72 hours prior to the meeting. Special Meetings require only a 24-hour notice and emergency meetings may be called with less time for notification. A "meeting" takes place whenever a quorum is present and subject matter related to the Town business is heard, discussed, or deliberated upon. Please refer to the Brown Act, California Government Code section 54950 et seq., for further details.

2.2 Political Reform Act

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act

establishes regulations regarding Conflicts of Interests and Campaign Receipts and Expenditures.

2.3 Ethics Training for Local Officials (AB 1234)

Assembly Bill 1234 requires (among other things) that all local agencies that provide compensation, salary, or stipend to, or reimburses the expenses of, members of a legislative body must provide ethics training to local agency officials by January 1, 2007 and every two years thereafter. Training is currently provided through the Fair Political Practices Commission (FPPC), League of California Cities or by the Town, as needed.

2.4 Town of Yountville Municipal Code

The Town of Yountville's Municipal Code consists of those codified ordinances of general municipal regulations and laws, and may be referred to as the Municipal Code. The Town Clerk is responsible for coordinating the codifying of ordinances as adopted by the Town Council which affect the Municipal Code and provides supplements on an as-needed basis.

2.5 Town of Yountville General Plan

~~By State Law,~~ requires every community in California ~~is required~~ to have a General Plan, which must contain ~~and address~~ seven elements: Circulation, Open Space, Land Use, Housing, Conservation of Natural Resources, Safety, and Noise. An updated Housing Element that is consistent with State housing laws must be submitted to the State for review every five years. The last comprehensive review and revision of Yountville's General Plan was in 1992, with several additional revisions since then. The latest major comprehensive General Plan review occurred as part of the Envision Yountville effort in 2017 and 2018.

2.6 Town of Yountville Fiscal Year Budget

The Town's Fiscal Year Budget covers the period from July 1 through June 30. The Fiscal Year Budget is developed through various Budget Study or Work Sessions whereby Council together with staff establishes priorities for the upcoming Fiscal Year. The Fiscal Year Budget document consists of an overview of the prior year's budget, significant activities, activities of the state relating to the budget, current outlook, general fund revenues and expenditures, lease revenue bonds, personnel, enterprise and special project funds. Once adopted by majority of the Town Council, the budget sets policy for the coming fiscal year. It also approves expenditures, authorizes staffing levels and serves as a tool for current year goals and objectives.

2.7 Town of Yountville Five-Year Capital Improvement Program (CIP)

The Capital Improvement Program (CIP) is the primary infrastructure and planning tool for the Town. The CIP is a statement of the Town's policies and financial abilities

to manage the physical development of the community's streets, water, sewer, public facilities, parks and recreation facilities infrastructure needs.

The Capital Improvement Program (CIP) is a five-year planning instrument used by the Town to identify capital improvement needs and to coordinate financing and timing of those needs in a manner that maximizes the return to the public. Each year projects are reviewed for priority and rearranged as necessary. The first year of the CIP reflects the Capital Budget generally adopted in June of the current Fiscal Year Budget. The remaining four future years represent a schedule and estimate of future capital needs that may be funded given projected revenue estimates.

2.8 PERSONNEL RELATED DOCUMENTS

2.8.1 Town of Yountville Personnel Rules and Policies

The Town of Yountville Personnel Rules and Policies consolidates all personnel and administrative policies and procedures of a general or inter-departmental nature into one document which is adopted by the Town Council and administered by the Town Manager.

2.8.2 Department Heads (Management) Personnel

All individuals appointed to positions designated as management by the Town Council including, but not limited to, Planning Director, Public Works Director/Town Engineer, Finance Director/Town Treasurer and Parks & Recreation Director who serve at the will of the Town and may be appointed and dismissed by the Manager. Nothing contained in the personnel rules is intended to imply additional rights and benefits to these individuals. Managers work by approval of an employment contract, which is negotiated by the Town Manager and approved by the Town Council.

Employees not included in the competitive service shall serve at the will of the Town Manager and may not utilize Section 9 (Complaint Procedure), Section 10 (Grievance Procedure) or Section 11 (Disciplinary Actions) of the Personnel Rules.

2.8.3 Yountville Employees' Mid-Management & Professional Unit (Memorandum of Understanding)

The Yountville Employees' Association Mid-Management Professional Unit, is a recognized employee organization. ~~It is~~ the intent and purpose of ~~this~~ the Memorandum of Understanding (MOU) is to set forth the total and complete understanding and agreement regarding wages, hours, and terms and conditions of employment. All present rules, employee rights, privileges, and benefits shall remain in effect unless specifically altered by the provisions of this MOU.

2.8.4 Yountville Employees' Association (Memorandum of Understanding)

The Yountville Employees' Association is a recognized employee organization of the Town of Yountville. The Town and Association works under a Memorandum of Understanding (MOU) which is negotiated and agreed upon on typically a multi-year basis. The intent and purpose of the Memorandum of Understanding (MOU) is to set forth the total and complete understanding and agreement regarding wages, hours, and terms and conditions of employment. All present rules, employee rights, privileges, and benefits shall remain in effect unless specifically altered by the provisions of the MOU.

2.9 *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 Town 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 Town Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Town 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. COUNCIL ORGANIZATION

3.1 Municipal Elections

The consolidated general municipal election for the Town shall be held on the first Tuesday after the first Monday in November of even-numbered years beginning November 2006. (Municipal Code Section 2.04.070) Each candidate who runs for office shall comply with the residency requirements in place as established by the California Elections Code or, if permitted, by any other requirements imposed by the Town Council by ordinance as authorized and permitted by law.

3.2 Mayor and Council Member Terms of Office

The Mayor is a directly elected member of the Town Council and shall be elected for a term of 4 years. Members of the Council shall be elected for terms of 4 years. The Mayor and Council shall hold office from the date of the installation of officers following adoption by the Council of the official canvass of the election and until their successors are elected and qualified. (Municipal Code Section 2.04.010)

3.3 Candidate Orientation

The Town Manager will conduct a candidate orientation which will include all incumbent candidates and new candidates in order to provide an overview of the Town's Departments and key issues being considered by the Town Council. The candidate orientation is also an opportunity for all candidates to ask questions and seek clarification on items of interest. During an election year, candidates may request information through the Town Manager to better educate/inform themselves regarding Town related matters. Written information provided in response to a candidate's request will be provided to all candidates.

3.4 Newly-Elected Members

The newly-elected Mayor and/or Council Members will be sworn into office generally at the first regular Council meeting in December following a regular municipal election. Immediately upon election (even before being sworn into office), newly-elected Council Members are subject to the provisions of the Brown Act. Newly-elected Council Members shall not be allowed to attend closed sessions before being sworn into office.

Newly-elected Mayor and/or Councilmembers shall submit the FPPC Form 700 (Assuming Office) and complete the 2.0 hour minimum Ethics Training mandated by AB 1234 as referenced in Section 2.3 of the Protocols within 30 days of Assuming Office.

Newly-Elected Council Member Orientation

The Town Manager will conduct an orientation for newly-elected Council Members which will include presentations and/or meetings with Town Departments Heads and tour of Town Facilities.

Newly elected Council Members are encouraged to attend the League of California Cities New Mayor and Council Member Orientation Workshop.

3.5 Duties of Mayor and Vice Mayor

Mayor

The Mayor shall preside at the meetings of the Council and perform such duties consistent with the office as may be required by the Council or by vote of the people. The Mayor may make or second any motion, and present and discuss any matter, as a member of the Council. The Mayor does not possess any power of veto.

Unless otherwise designated, the Mayor may sign:

- a. All warrants drawn on the Town Treasury;
- b. All conveyances made or entered into by the Town;
- c. All instruments requiring the Town seal.

The Council may provide by resolution or ordinance that the instruments described in a, b and c above, be signed by an officer other than the Mayor. Pursuant to Resolution Number 2848-10 adopted January 19, 2010; the Town Council designated and authorized the signatures of the Town Manager, Town Finance Director and Planning/Building Director - on Town warrants.

The Mayor shall serve as Chair of the Disaster Council convened in accordance with the Town's Emergency Operations Plan (pursuant to Municipal Code Section 2.52.030).

The Mayor, or Council designee, may consult and coordinate with the Town Manager in the development of agendas for meetings of the Town Council.

If the Mayor is absent or unable to act, the Vice Mayor shall serve until the Mayor returns or is able to act.

Vice Mayor

The office of Vice-Mayor shall be an appointed office. The Vice-Mayor shall be selected from amongst the members of the Council and shall be appointed by a majority vote of the Council as soon as is practical following a regular Town election (first meeting in December of each year) or the creation of a vacancy in the office of Vice-Mayor for any reason. The Vice-Mayor shall serve a 2-year term. In the case of an appointment to fill a vacancy in office, the term shall be for the remainder of the unexpired term of the former incumbent.

The Vice-Mayor shall have all the powers and duties of the Mayor should the Mayor be absent or unable to perform any of those duties for any reason (Municipal Code Section 2.04.050).

The Vice Mayor shall serve as Chair of the Disaster Council in the absence of the Mayor (pursuant to Municipal Code Section 2.52.030).

3.6 Vacancies

When a Council Member is absent without permission from all regular council meetings for 60 days consecutively from the last regular meeting he/she attended, his/her office becomes vacant and shall be filled as any other vacancy.

Vacancies in the Council shall be filled in accordance with Government Code section 36512. (Municipal Code Section 2.04.080)

3.7 Representation at Ceremonial Functions

The Mayor shall be recognized as the official head of the Town for all ceremonial functions. The Mayor may, at his/her own discretion, ask another Council Member to represent the Council at any function. Should an individual Council Member, other

than the Mayor, be asked to make a ceremonial presentation the individual Council Member should redirect the request to the Mayor.

Council Members shall be reimbursed for admission and meal expense to attend ceremonial functions for which the Council Member was invited to represent the Town in accordance with the Town's Travel and Expense Policy.

3.8 Seating Order

At the time of the Council change in membership, the Mayor shall have the prerogative to designate the seating order for the Council dais. Otherwise, the seating order shall be organized by seniority, with the Vice Mayor seated to the right of the Mayor, most senior Council Member on the right side of the Vice Mayor and the least senior to the far left of the Mayor.

4. CODE OF ETHICS

4.1 Preamble

The residents and businesses of Yountville are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Yountville Town Council adopts this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

4.2 Public Interest

Council Members will work for the common good of the people of Yountville and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

Council Members shall comply with the laws of the nation, the State of California, and the Town in the performance of their public duties.

4.3 Conduct

Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of others.

Council Members shall perform their duties in accordance with the processes and rules of order established by the Town Council.

Council Members shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on current business issues.

Council Members shall base their decisions on the merits and substance of the matter submitted for review.

Council Members shall publicly share substantive information that is relevant to a matter under consideration that they may have received *ex parte* meaning received *from* sources outside of the public decision-making process.

4.4 Conflict of Interest

4.4.1 Applicable Law.

The rules relating to conflicts of interest are set forth in the Political Reform Act (PRA) (Government Code Sections 81000 and following), the Regulations promulgated by the Fair Political Practices Commission (FPPC) and case law. They are complex and not necessarily intuitive. The consequences of violating the rules can be severe, including substantial monetary penalties and possible criminal prosecution to individual Council Members.

4.4.2 Sources of Assistance.

The FPPC is the state agency that administers the PRA, issues regulations, gives conflict advice, and enforces the rules. The FPPC also provides a "hotline" that a Council Member may call for informal advice. The Town Attorney is available for consultation, but the Town Attorney's advice on conflict matters cannot provide a Council Member with any immunity from prosecution. Most conflict of interest questions ultimately turn on whether it is reasonably foreseeable that the decision will have a "material financial effect" on the Council Member's economic interest. Municipal attorneys generally do not advise public officials as to whether a material financial effect would exist unless the answer is absolutely certain based upon applicable regulations. While the Town Attorney may have his or her own opinion as to whether or not a material financial effect will be present, it is ultimately up to the Council Member to determine this issue. Only a formal written opinion from the FPPC provides immunity from prosecution for violations of the conflict of interest rules. The Town Attorney is available to assist with preparing a request for a formal opinion.

4.4.3 Identifying Conflicts

It is the responsibility of each Council Member to identify, disclose and declare his or her conflict before action is taken on a matter. If possible, the conflicted Council Member should notify staff (i.e. Town Manager, Town Attorney and Town Clerk) prior to the council meeting at which the matter will be heard, to ensure the presence of a quorum. Staff will attempt to assist with identifying obvious conflicts, but the ultimate responsibility is with each Council Member.

4.4.4 General Rules

Council Members shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organizational responsibility, or personal relationship that would present a conflict of interest under applicable State law. As required by law, Council Members declaring a conflict of interest shall recuse themselves and leave the Council Chambers.

In accordance with the law, members shall file written disclosures of their economic interests and, if they have a conflict of interest regarding a particular decision, refrain from participating in that decision, unless otherwise permitted by law.

Council Members shall not take advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general, nor shall they use public resources not available to the public for private gain or personal purposes. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

Council Members shall not appear on behalf of private interests of third parties before the Town Council or any board, commission, committee or proceeding of the Town.

Council Members shall represent the official policies and positions of the Town Council to the best of their ability. When presenting their personal opinions and positions, members shall explicitly state they do not represent the Council or the Town.

Council Members shall refrain from using their positions to unduly influence the deliberations or decisions of Town commissions, boards or committees.

A public official who has a financial interest in a decision shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

- a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- b. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.
- c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
- d. Notwithstanding paragraph c, a conflicted public official may speak on the issue during the time that the general public speaks on the issue when he or she appears solely to represent himself or herself on a matter related to his or her personal interest. Personal interests are interpreted to include, but are not limited to:
 1. An interest in real property that is wholly owned by the official or members of his/her immediate family.
 2. A business entity wholly owned by the official or member of his or her immediate family.
 3. A business entity over which the official exercises sole direction and control, or over which the official and his/her spouse jointly exercises sole direction and control.

5. COUNCIL QUASI-JUDICIAL PROCEEDINGS

5.1 Defined

Quasi-judicial proceedings (also known as adjudicatory hearings) are those proceedings in which the Town Council is required to make findings based on an evidentiary record as to the entitlement. In quasi-judicial proceedings, the Town Council sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of quasi-judicial actions include issuance of discretionary land use permits, code enforcement, business licenses, civil service grievance hearings, rent control hearings on applications for rent increases or decreases, and other similar actions in which a property interest is at stake and the body is charged with applying legal standards to a specific factual situation.

5.2 Due Process Discussion/Direction Item

Under the federal and state Constitutions, due process means that decision-makers will conduct a fair hearing. In a quasi-judicial setting, a fair hearing includes many different components, and different factors can affect fairness in different "hearing" settings. However, the basic components of a fair hearing are notice that a matter will be heard, and an opportunity for interested person to be heard on that matter.

Circumstances that can affect a hearing's fairness include that a decision-maker may have received *ex parte* contacts, which are communications to a decision-maker outside of the public hearing. *Ex parte* communications may prevent the opportunity for interested persons to be heard on all information that a decision-maker may rely on to decide a matter. *Ex parte* communications can be handled by avoiding them, or, if received, by disregarding them in the decision-making process. However, the most conservative method to avoid the risk of a legal challenge based on a violation of due process is to disclose the substance of *ex parte* contacts so that everyone interested in the matter is aware of all of the information upon which a decision may be based.

In addition, fairness may be denied where a decision-maker does not wait for a hearing, where all information relevant to a matter is publicly presented, before making up his or her mind on a matter. If an applicant or other affected person can show that any one of the decision-makers voting on a matter had made up their mind before the public hearing, the decision is at risk of legal challenge. As discussed below, these types of hearings and decisions differ from the action taken by the Town Council on legislative matters.

Council Members should consult the Town Attorney on any questions regarding due process.

6. COUNCIL ADMINISTRATION / PROFESSIONAL DEVELOPMENT

6.1 Compensation

Discussion of Council salary adjustments may be raised by any Council Member, scheduled, agendaized and discussed in open session.

- A. Each member of the Council currently receives a salary of Six Hundred and Forty Eight Dollars (\$648) per month (Ordinance Number 16-450 Adopted June 7, 2016).
- B. The salary established is in addition to Council Member reimbursement for actual and necessary expenses incurred in the performance of official duties, in accordance with the Town Travel and Expense Policy.
- C. In accordance with State law, the Council may increase by ordinance the salary established in accordance with state law, provided that the amount of such increase may not exceed an amount equal to 5% for each calendar year from the operative date of the last adjustment. ~~Ordinance Number 347-04 was adopted October 5, 2004 and increased the Council salary to \$405, which~~

became effective upon certification of the March 2005 election. Ordinance Number 16-450 was adopted June 7, 2016 and increased the Council salary to \$648 per month, which became effective upon certification of the November 2016 election.

6.2 Retirement / Medical and Dental Insurance / Life Insurance

Council Members shall be entitled to Town-funded participation in Health and Dental Benefits and group life insurance benefits pursuant to the current plan for the Town of Yountville.

PERS retirement benefits are an elective benefit. Council Members must be enrolled in CalPers retirement in order to receive any medical benefits. Council Members are not eligible for short and long term disability or the retiree medical program benefits. (See Resolution Number 2739-09, dated January 6, 2009).

6.3 Car Allowance

Council Members shall not receive a car allowance, but may be reimbursed for mileage expenses pursuant to the Town Travel and Expense Policy. Town vehicles, if available, may be used for local area travel in connection with official Town business. Use of a Town Vehicle shall require notification to the Town Manager. Carpooling with Town staff or elected is encouraged when appropriate.

6.4 Professional Development

The Council shall establish an annual budget for conferences, meetings, and training. Council Members shall attend these functions at their own discretion for purposes of improving their comprehension of and proficiency in municipal affairs and/or legislative operations.

6.5 Travel and Expense Reimbursements

Council Members shall be subject to the travel and expense reimbursement guidelines as established for employees in the Personnel Rules and Policy Manual, Section 14 (See Resolution Number 2435-06, dated February 23, 2006). Receipts for all expenses shall be included with the reimbursement request.

6.6 iPad/Tablet Standard and Stipend

The Town Council receives a hybrid iPad/Tablet Policy and taxable stipend amount of \$1,800 every 3 years to be used to purchase the Town standard device.

The iPad/Tablet is the Town Council's personal property, and Town business accomplished on the device is subject to the California Public Records Act, California Political Records Act, California Political Reform Act, established Computer Use, E-mail and Internet Policy outlined in Section 26 of the Town's Personnel Rules and Regulations and any additional applicable laws. (See Resolution Number 3066-12 Adopted November 6, 2012.)

7. BOARDS / COMMISSIONS / COMMITTEES

7.1 Town Council Standing/Ad Hoc Committees

The Town Council and/or Mayor may establish Council subcommittees from time-to-time. Subcommittees usually comprise less than a quorum of the Council and are generally used to provide more detailed review and analysis of complex issues. Subcommittees make recommendations to the Council but cannot take formal action on behalf of the Council.

For purposes of the State's open meeting law (the "Brown Act") there are two types of Council subcommittees: standing committees and ad hoc advisory committees.

Standing Committees

Under the Brown Act, "standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body" are subject to all open meeting requirements.

Standing Committees shall be established and consist of two Council Members appointed by the Council. Membership shall only be modified by Council action. Standing Committees shall select a Chair to conduct meetings.

Ad Hoc Advisory Committees

Ad hoc advisory committees are composed of less than a quorum of the Council and are created for a limited time for a particular purpose. Under the Brown Act, ad hoc committees are not required to comply with open meeting requirements.

The Mayor may create Ad Hoc Advisory Committees to assist in particular matters as they arise. Members of the Council may request the creation of an Ad Hoc Advisory Committee through the Mayor. Ad Hoc Advisory Committees have a fixed, limited assignment and recommendations of the Committee must be presented to the entire Council at a noticed meeting. Any action to modify the Committee shall be placed on the Council agenda.

7.2 Town Council Member Appointments to Outside Boards or Commissions

Council Members are requested to serve on various boards and committees for outside agencies. Annually, after each regular election or as vacancies arise, the Council shall review the list of current assignments and make appointments. Any Council Member desiring to serve on a certain committee (or who desires not to be considered) should inform the Council in open session. These appointments are subject to approval by the majority of Council. Appointments to some outside Boards require that the Mayor and/or Vice Mayor shall be appointed.

Town Council Members and their Alternates appointed to Outside Boards and Commissions shall coordinate with each other directly when the Member is unable to attend a meeting and requires the Alternate to attend in his/her absence.

Town Council Members serving on an Outside Board or Commission and receiving a stipend shall report the stipend amount to the Town Clerk in order to complete and be in compliance with the requirements of the Fair Political Practices Commission's Form 806 – Stipend, which is required to be posted on the Town's website.

7.3 Citizens Appointed to Local and Countywide Boards, Commissions and/or Committees

The Town Council recognizes the valuable untapped resources that exist in the community and appreciates the public participation and input in the operation of Town government.

Therefore, the Town Council establishes various advisory boards, commissions, and committees, taskforces, standing committees and/or ad hoc committees for the purpose of assisting in the effectiveness of Town government and services. The Town Council will consider for appointment all persons willing to serve and whose interests, background, experience, perspective and talents may contribute to the purpose of the various boards, commissions and committees. A definition of Board, Commission and Committee is provided below:

Board

A group of persons having managerial, supervisory, or advisory powers. In parliamentary law, a board is a form of deliberative assembly and is distinct from a committee, which is usually subordinate to a board or other deliberative assembly in having greater autonomy and authority.

Commission

A group of people officially authorized to perform certain duties or functions with certain powers or authority granted; the act of granting certain powers or the authority to carry out a particular task or duty.

Committee

A group of people officially delegate to perform a function, such as investigating, considering, reporting, or acting on a matter.

7.3.1 Town of Yountville (Local) Boards, Commissions, and Committees

Town advisory Boards, Commissions and Committees are established by ordinance or resolution. Individuals are appointed by Council to carry out various responsibilities in accordance with the policies and guidelines

established by Council. The role of advisory bodies is to facilitate public input and citizen participation in the determination of public policy. This is accomplished by formulating recommended courses of action and policies to the Town Council with whom final determination rests.

The Town's Zoning and Design Review Board (ZDRB) is not only advisory, but a regulatory body, having authority to make final determination in applicable circumstances.

The Yountville Arts Commission is not only an advisory body, it is also a working body that produces events and manages programs, such as the Art Walk.

7.3.2 Board, Commission, and Committee Recruitment/Appointment – Discussion/Direction Item

The Town Clerk posts a Notice of Vacancy in the Town designated posting locations, the Town's website and sends a Media Release to the Yountville Sun advertising vacancies to Town Boards, Commissions and Committees.

Applicants must submit a completed application to the Town Clerk and shall be interviewed by the Council 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 boards, commissions, and committees based on interviews and qualifications. Council shall rank all applicants from highest to lowest and appoint by ballot process. Appointments are subject to approval by the majority of Council.

Depending on the qualifications of the applicants and the needs of the Town, there may be times when the Town Council does not appoint an applicant who has applied. In this instance Council may request a separate vote for each applicant. If an applicant is not appointed, the Town Clerk will automatically readvertise for the vacant position(s) to seek additional applicants.

7.3.3 Board, Commission and Committee Terms of Office

Terms of office are established by Town ordinance or resolution and are typically 2 or 3 years. Those members whose terms have expired, must submit a written request for reappointment, terms are not automatically renewed.

7.3.4 Town of Yountville Representative (Countywide) Boards, Commissions and Committees

The County of Napa creates various Boards, Commissions and Committees which identify the need for representatives from the municipalities within the County in order to collaborate on countywide topics of interest.

The Town follows the same recruitment process it utilizes for local appointments and recommends Town representatives to serve on various regional Boards, Commissions and Committees subject to final appointment by the Board of Supervisors.

Terms of office for Countywide Boards, Commissions and Committees are established by the countywide bodies.

7.3.5 Statutory Requirements/Regulations and Code of Ethics

Board, Commission and Committee members are subject to the same statutory requirements, regulations and code of ethics as outlined in Sections 2 and 4 of the Town Council Protocols, unless specified otherwise.

7.3.6 New Member Orientation

Town Manager or his/her designee may meet with newly appointed Board, Commission and/or Committee members to discuss Council policy direction when representing the Town on Countywide Boards.

Newly appointed members will receive a Board and Commission Handbook.

Yountville Representatives to Countywide Boards will receive orientation from their respective County Boards.

7.3.7 Town Issued Email for Board and Commission Members

On March 2, 2017, the California Supreme Court published its decision in City of San Jose v. Superior Court, concluding the California Public Records Act ("CPRA") applies to electronic communications that Town officials and employees send on private devices from private accounts.

As a result, Town staff will be issuing Town email addresses for its Board and Commission Members effective XXXX 2018, so that electronic communications that are disclosable under the CPRA are easily searchable and locatable in the event a request is made.

7.4 Contact with Board, Commission, and Committees

Members of the Town Council should not attempt to influence or publicly criticize board, commission, or committee recommendations, or to influence or lobby

individual members on any item under their consideration. It is important for such bodies to be able to make objective recommendations to the Town Council on items before them. Members of the Council who attempt to influence commission positions on any item may prejudice or hinder their role in reviewing the body's recommendation as a member of the Town Council.

7.5 Problem Solving with Boards, Commissions, and Committees

The majority of Council may from time-to-time direct Council Members to meet with commissions, boards and committees for specific purposes such as establishing goals or for problem solving.

8. MEETING GUIDELINES & PROCEDURES

8.1 Meeting Dates

8.1.1 Regular Meetings

Pursuant to the Yountville Municipal Code, regular meeting dates are established by Council Resolution Number 2262-04. The regular meeting dates are the first and third Tuesdays of each month commencing at 6 p.m. No Council meeting shall continue past the hour of 10:00 p.m. with the exception that, by a majority vote of the members present, Council may extend the final deadline to 10:30 p.m., at which time all meetings shall be automatically adjourned.

Council Members shall inform the Town Manager and Town Clerk of any expected absences.

For the months of August and December, Council shall hold only the first meeting of the month as established in Resolution Number 1353-97. The Town Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the Town Council during the period of recess except for those duties specifically reserved by law, and including such emergency actions as are necessary for the immediate presentation of public peace, health or safety.

8.1.2 Adjourned/Special Meetings/Emergency Meetings

The Brown Act sets forth specific requirements for holding adjourned, special, and emergency meetings.

8.2 Agenda

8.2.1 Placing Items on the Agenda

The Town Manager determines which items are placed on the agenda and works with the Mayor regarding the timing and order for such items. Council Members may request items to be placed on future agendas during the Future Agenda Items portion of the Council meeting by Council consensus, or provide their request to the Town Manager in writing.

During public comment periods or by correspondence with Council Members, a member of the public may ask that the Council consider and item, and upon consent of a majority of Council Members present, a staff report will be prepared and processed for a future agenda.

Communications that do not directly relate to the conduct of business for the Town of Yountville shall be provided to the Council on an informational basis only. Such communications may be placed on a Council Agenda upon request of a Council Member.

8.2.2 Agenda Packet Preparation

The Town Manager reviews and approves all items for the Council agenda. Paperless agenda packets are compiled and made available electronically by the Town Clerk's office and are generally available by 3:00 p.m. on the Friday before the Council meeting.

8.2.3 Order of Agenda Items

The Agenda for regular Council meetings (first and third Tuesdays) shall be taken up for consideration in substantially the following order, except as may be otherwise ordered by the Mayor and/or Council.

The Town Manager and Mayor give special consideration on the ordering of scheduling items dealing in the following manner: 1) families and children; 2) veterans and seniors; 3) items with an anticipated large audience; and 4) paid consultants.

Call to Order

Roll Call

(Reconvene Regular Meeting when Closed Session is held)

Pledge of Allegiance

~~Closed Session Report~~

Adoption of the Agenda

Recognitions and Proclamations

Public Comment

Approval of Consent Calendar

Presentations

Public Hearings

~~Administrative/~~Regular Items

Staff Informational Reports

Council Reports

(Closed Session as needed. May be held at the beginning of the meeting.)

Adjournment

The Mayor shall, at any time by majority consent of the Council Members, permit a Council Member to propose the reordering of agenda items. However, reordering of items is normally done during the Adoption of the Agenda process.

8.3 Agenda Items

8.3.1 Call to Order

The Mayor will call the meeting to order at 6:00 p.m. and announce policies regarding public speaking, submission of information, special assistance, and public testimony procedures and ask that audience members turn off electronic devices while in the Council Chambers.

8.3.2 Adoption of the Agenda

The Council will adopt the agenda by motion or choose to re-arrange or add/delete items. To add an item to the Agenda requires a 4/5 vote of the Town Council and must be of an emergency nature which arose after the posting of the agenda. Adoption of the agenda is performed by voice vote.

8.3.3 Recognitions and Proclamations

Recognitions and proclamations shall be scheduled as necessary in recognition of persons or groups for the promotion of an event, service, and/or employee retirement. Requests must be submitted to the Town Clerk in writing in advance of the agenda deadline. The Town Manager shall request approval from the Mayor as to the appropriateness and scheduling of such recognition or proclamation. Upon approval by the Mayor, the Town Clerk will then coordinate the presentation with the requesting party in order to schedule the item on any given agenda. The requesting party determines whether or not he/she will be present for acceptance of such presentation. ~~and if not present, the item will be placed under the Consent Calendar of the agenda.~~

8.3.4 Public Comment

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 Comment" when that item is called by the Mayor. 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 may take place unless and until the matter properly appears on the agenda.

8.3.5 Approval of Consent Calendar

Those items on the Agenda which are considered to be of a routine and non-controversial nature by the Town Manager shall be listed on "Consent Calendar". These items so listed shall be approved, adopted, accepted, etc. by one motion of the Council.

Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration.

At the request of any Council Member or any other person, a Consent Calendar Item shall be considered separately in the order of the agenda following approval of the remaining "Consent Calendar".

8.3.6 Presentations

Presentations shall be scheduled as necessary for the promotion of an event or service or general information items to the Council.

8.3.7 Public Hearings **Discussion/Direction Item**

Public Hearings can be legislative or quasi-judicial (adjudicatory) and may be required on certain items as prescribed by the municipal code or by state or federal law.

Legislative decisions generally involve fundamental policy questions of jurisdiction-wide concern; legislative decisions also can involve changes in existing law to govern future situations.

Quasi-judicial hearings call for Council assuming a more judge-like role and decisions are subject to more exacting judicial review and should be accompanied by carefully drawn findings in support of the decision made.

The Public Hearing process is a guideline and not intended to duplicate, modify, repeat or supersede any state or federal regulations. Public Hearings shall be posted ten (10) days prior to the meeting, except those requiring separate posting requirements, set by various government codes. The general procedure for public hearings is as follows:

- a. The Mayor opens the public hearing.
- b. Town Council members should disclose any conversation(s), meetings or communication with applicants and/or other party(ies). **(Please refer to Section 5 regarding the Quasi Judicial Process.)**

- c. Staff presents its report. Council Members shall only ask questions of staff and defer any opinion on the item(s) until after the public comments section of the meeting.
- d. Applicant(s)/Staff present their request/proposal subject to time limits established by Council and subject to public testimony rules in Section 7.4.4 of this document.
- e. Members of the public present their comments subject to time limits established by Council and subject to public testimony rules in section 7.4.1 of this document.
- f. Applicant(s) shall be permitted 5 minutes at the close of public comments for rebuttal.
- g. The Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so.
- h. Council addresses questions from applicants/appellants or the public, proceeds with questions and deliberation, discussion, and takes action. For quasi-judicial matters Council members should not express any opinion or position on the matter being heard prior to the close of the public hearing and not until all evidence, both oral and written, has been presented and the public hearing has concluded. Adhering to this practice will avoid the appearance of bias by any one or group of members of the Town Council and will ensure that parties appearing before the Town Council will receive a fair hearing.
- i. For matters of a legislative nature, it is recommended, but not required, that members of the Town Council defer expressing their views on such matters involving legislative decisions until such time as that issue is presented to the collective body at a meeting of the Town Council. Each member of the Town Council shall use his or her own good judgment and discretion in adhering to this recommended practice.

8.3.8 Regular Items

Regular items are those reports brought forth for Council approval that are neither public hearings nor reports of Council or staff, but require adoption of a resolution or require action by the Council. Public Comment will be sought on Regular Items.

8.3.9 Staff Informational Reports

The Staff Informational Reports portion of the meeting agenda provides an opportunity for the Town Manager and/or Town Staff to report on items of interest, status reports on significant projects, updates on events or

meetings they participated in, provide acknowledgement to citizens or individuals, or address requests for information or follow-up by Town staff on particular matters as requested by the public.

Informational Reports can be presented in Staff Report format and report is not intended to be a verbal report. Additional reports may be done verbally.

8.3.10 Council Reports

The Town Council Reports portion of the meeting provides Council Members the opportunity to briefly comment on Council business, Town operations, Town projects, request Future Agenda Items, and other items of community interest. Council Members shall govern themselves as to the length of their comments, but shall generally not exceed ten minutes. The Mayor has the responsibility to assist Council Members by signaling when the council member has been speaking for over ten minutes.

Pursuant to Government Code section 53232.3(c) and (d), "Expense reports must be submitted "within a reasonable time....as determined by the legislative body. Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body."

Given this requirement, Council Members attending such meetings/conferences will alert the Town Clerk of the need to agendaize the item under Council Reports. A verbal or written report may be given at that time.

8.3.11 Closed Sessions

The Brown Act requires all council action to be discussed and taken in open session, except for specified and limited exceptions such as personnel matters, real property negotiations, and pending or threatened litigation. ALL MATTERS DISCUSSED IN CLOSED SESSION ARE CONFIDENTIAL. Closed Sessions are held at the end of the regular Council meeting and, if needed, can be continued to the next regular meeting.

- A. Town Council Members shall consider all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to insure that the Town's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the Town Attorney or Town Manager.
- B. If the Town Council in closed session has provided direction to Town staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, a proposed or

pending claim or litigation, and/or employee negotiations, all contact with the other party and/or attorney shall be limited to, and made by, the designated Town staff representative handling the negotiations, claim or litigation. No Council Member shall have any contact or discussion with the other party or its representative involved with the negotiation, claim or litigation during this time, nor shall any Council Member communicate or disclose any discussion conducted or information received in closed sessions. All public statements, information and press releases shall be handled exclusively by the designated Staff spokesperson.

8.3.12 Adjournment

Adjournment of a meeting is customarily by motion of the Town Council or can be accomplished by unanimous consent and the Mayor simply declares the meeting adjourned. A motion to adjourn to another time can be done similarly, but is debatable only as to the time to which the meeting is to be adjourned.

8.4 Meeting Conduct

8.4.1 Addressing the Council Generally **Discussion/Direction Item**

Each person addressing the council may give his or her name and address (optional) in an audible tone of voice for the record. Each person's comments shall be limited to 5 minutes except as provided in section 8.4.4. regarding land use Public Hearings. In the further interest of time, speakers will 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 any part of their allotted time to another speaker.

8.4.2 Additional Time

There may be an occasion where justification for more time is warranted for public comment. Citizens must ask for this at the outset of the comment period and have it approved by the Town Council prior to speaking.

8.4.3 Less Time

Where the Council determines that the existence of unusual or controversial issues exist, that the large number of speakers wishing to address the Council so justifies, or that other considerations make modification appropriate, the Council may limit the total amount of time to be devoted to public comment, the amount of time to be afforded each speaker, or the

number of speakers to be heard on an issue, or may make such other modifications as the Council may deem appropriate. To the extent practicable, the Council shall make any such modification or limit at the time the given issue or matter is scheduled for public hearing, and the Town Clerk shall, to the extent practicable, include notice of such modification or limit in published notice of the hearing.

8.4.4 Addressing Council at Land Use Public Hearings **Discussion/Direction Item**

The applicant 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 will be limited to 5 minutes each. Applicant shall be permitted 5 minutes at close of public comments for rebuttal.

8.4.5 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.

8.4.6 Irrelevant Testimony

The Mayor shall rule out of order any testimony not relevant to the agenda item then under discussion.

8.4.7 Protocol

The purpose of public testimony is for Council Members to benefit from the views of the public. Comments from the public should only be directed toward the Council. All comments and testimony shall be made from the podium or other approved Council location; no comment or testimony shall be shouted from the audience. Council Members and staff should avoid entering into a dialogue with members of the public who may address the Council.

8.4.8 Public Comment on Agendized Items

Members of the public are entitled to speak on any item on the agenda either immediately after the item is called by the Mayor or 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 Council Members may ask members of the public for additional information.

8.4.9 Disruptive Comments and/or Conduct **Discussion/Direction Item**

No person who addresses the Council shall make any belligerent, personal, impertinent, irrelevant, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the Council, staff or other individuals in a manner which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting, nor shall any person engage in any other disorderly conduct which so disrupts, disturbs or impedes the orderly conduct of the meeting. Any violation of this rule shall be grounds for terminating the citizen's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, also shall be grounds for removal from the meeting. Council shall not be belligerent or make disparaging commentary toward the speaker. Nothing in this section shall prohibit or discourage orderly criticism of any Town decision or policy within the limits of these rules.

8.5 Meeting Procedures **(Consider New Separate Section for Legislative Items)**

8.5.1 Legislative Matters Considered **Discussion/Direction Item**

The Council shall not consider any resolution, motion, or matter which does not affect the conduct of the business of the Town of Yountville 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 Town of Yountville or its officers or employees as such.

New Section

League of California Cities Smart Phone App

The League of California Cities has developed a smart phone app that serves as an advocacy tool enabling town/city officials to play an active role in State policy. The app pushes out legislative updates and enables users to rapidly respond to "action alerts" directly from their mobile devices. Action taken by individual Council Members must be consistent with the Town's legislative platform.

8.5.2 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 Council Member may make or second a motion. A substantive motion is out of order while another substantive motion is pending.

8.5.3 Roll Call and Voice Votes

A roll call vote shall be taken on the introduction of ordinances. 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. All other matters may be made by voice vote indicating consensus on the proposed action. Pursuant to the Government Code section 54953(c)(1) and (2), there shall be no action by secret ballot, whether preliminary or final, and the Mayor or Chair shall public report the vote or abstention of each member present for the action or vote taken on each matter.

8.5.4 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 a recorded majority vote of the total membership of the Council. (GC 36936).

If a motion has received a second, the Mayor shall state the motion and then open the floor to debate on it. The Mayor shall preside over the debate according to the following general principles:

- a. The maker of the motion is entitled to speak first;
- b. A person who has not spoken on the issue shall be recognized before someone who has already spoken;
- c. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

8.5.5 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.

8.5.6 Procedural Motions

In addition to substantive proposals, the following procedural motions 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. All procedural matters not otherwise provided for in or controlled by state law or by any ordinance, resolution, rule or regulation

of the Town shall be governed by Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century (attached as Exhibit).

- a. 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.
- b. To Take a Brief Recess.
- c. 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.
- d. To Suspend the Rules. A vote of the majority of the quorum of the Council is required to suspend the rules. The Council may not suspend provisions of the rules that are state requirements imposed by law on the Council.
- e. To Divide a Complex Motion and consider it by Paragraph (bifurcate).
- f. To Call the Previous Question. The motion is not in order until there have been at least fifteen (15) minutes of debate, and every member has had an opportunity to speak once.
- g. To Continue an Item to a Future Meeting Certain.
- h. To refer to staff for action.
- i. 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.
- j. To Reconsider. A motion to reconsider can be made by any 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. Reconsideration requires a majority vote of the members present. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting. In the case of a tie vote on an action, any member of the Town Council may request a reconsideration as outlined above.
- k. 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.

8.5.7 Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before a vote, with or without the consent of any "second" of the motion. However, any

other Council Member may ask to be considered the introducer of the motion and, if again seconded, debate may continue without further interruption.

8.5.8 Conflict of Interest and Impact upon Duty to Vote **Discussion/Direction Item**

Every member should vote (aye, no or abstain) on every item unless prevented from doing so by virtue of an actual or potential conflict of interest under applicable State Law or the Regulations of the FPPC. Any member who believes he or she has a conflict or potential conflict of interest must, consistent with the requirements expressed by the FPPC Regulation, Government Code section 1090 or other applicable State Law, announce such at the initiation of debate or when such conflict or potential conflict becomes apparent, shall disclose and describe that the conflict involves either an investment, business position, interest in real property, or the receipt of income, loans or gifts, and shall refrain from any part in the debate, deliberations, or voting on that issue. Each member is individually responsible, with the assistance of the Town Attorney, Town Manager or the FPPC, to determine if a conflict of interest exists which would require that the member not participate directly or indirectly in influencing the outcome of a matter or from participating in or voting on matter and to state on the record the reasons for the disqualifying interest or to disclose any non-disqualifying circumstances which must be placed into the record or minutes of the Council meeting as required by law.

If the governmental decision is made during a closed session of a public meeting, the disclosure(s) shall be made orally during the open session either before the body goes into closed session or immediately after the closed session.

8.5.9 Legally Required Participation

When members are disqualified based on a conflict of interest under GC Section 87100, legally required participation can be instituted in order for the body to take action (the "Rule of Necessity" as defined by the FPPC Regulations). A random selection may be used to select only the number of officials needed. When an official is selected (by drawing lots), he or she is selected for the duration of the proceedings in all related matters until his or her participation is no longer legally required, or the need for invoking the exception no longer exists.

For the purposes of this section, a "quorum" shall constitute the minimum number of members required to conduct business and when the vote of a supermajority is required to adopt an item, the "quorum" shall be that minimum number of members needed for that adoption (GC Sections 81002, 81003 and 87101, operative 11/23/98).

8.5.10 Introduction and Passage of Ordinances

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Council. The Clerk or the maker of the motion shall read the title of the ordinance, after which a roll call vote shall be taken by the Council to introduce and, at the Council's option, waive its reading. The ordinance is then scheduled for its second reading and adoption and can be adopted by voice vote of the Town Council.

Ordinances become effective 30 days after their adoption unless otherwise specified by Government Code. Upon the ordinance's final adoption and within 15 days of its passage, the Clerk will post the full text of the ordinance in the Town's designated legal posting locations, and as needed, update the Municipal Code.

An ordinance, other than an urgency, may not be passed within five (5) days of its introduction or alteration. Corrections of typographical or clerical errors are not alterations.

8.5.11 Closed Sessions

The Council may hold Closed Sessions only as provided for by law. Only those actions specifically authorized by statute may be taken in Closed Session, and actions so taken shall be reported as required by law. The Town Manager or Town Attorney may, at his/her discretion, announce any actions taken prior to the next Regular Meeting if doing so would not have a deleterious effect on the conduct of Town's business and would be consistent with the spirit of the action taken.

8.5.12 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.

8.5.13 Public Hearings

Public Hearings shall be scheduled and notice posted without any action required by the Town Council, excepting that the Council may, if they so desire, schedule a Public Hearing on an item of interest for a date certain.

At the time designated for the Public Hearing, or soon after as is practicable, the Mayor shall direct the attention of a report and 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 debate 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.

8.5.14 Breaks

The Council will generally take a 15-minute break around 8:00 p.m. and will extend their meeting time by vote if conducting business beyond 10:00 p.m.

8.6 Policy / Decision Making Process (i.e. Budget Priorities/Work Session)

Policy / Decision-Making Process may be initiated by individual Council Members, Citizen Advisory Boards, Committees, Commissions, Strategic Plan, and/or staff. These individuals or groups may request the full Council to consider the review or revision of existing policies or the consideration of new policy. Members of the public may request a Council Member to initiate the full Council's consideration.

8.6.1 Initial Consideration

Initial consideration is accomplished by including the matter on an upcoming meeting agenda for the Council's consideration and to present a staff report of the matter that briefly explains the request so that Council can choose if they wish to dedicate staff time and resources to review the matter. During initial consideration, a vote of the Council should be taken to indicate if the majority chooses to dedicate staff time and resources to investigate and review revisions or possible modifications to Council policy.

No further consideration is necessary if the majority of the Council chooses not to dedicate staff time and resources to investigate and review policy changes at this time, the decision-making process is complete.

8.6.2 Scope and Direction

Scope and Direction includes the Town Council defining the scope of the investigation to be undertaken and assigning primary responsibility for the task to a Board, Commission, Committee or staff.

8.6.3 Administrative Report

An Administrative Report should be prepared based on the scope and direction provided by Council including background, current status, alternatives and potential funding concerns. After the Administrative Report is completed, recommendations are presented to Council for consideration.

8.6.4 Policy Direction

At the conclusion of the Council's discussion regarding the administrative report, a majority of Council reaches a decision and provides direction as to which alternative(s) will be implemented.

The Town Council annually adopts its Fiscal Year Budget and establishes Council Goals and Objectives consistent with the Town's Strategic Plan. The Town Manager develops a work plan to implement these goals. Town Council shall give serious consideration to establishing additional goals or new work plan initiatives as this could have an impact on staff's ability to deliver the established work plan and stay within the adopted budget.

8.7 Rules of Council Conduct

8.7.1 Discussion Rules

The Mayor has the responsibility to control the debate and the order of speakers. Each Council Member shall be allowed the opportunity to speak twice on each issue and the Mayor shall call upon all Council Members fairly.

8.7.2 Council Questions of Speakers

Council Members who wish to ask questions of speakers may do so, but only after being recognized by the Mayor.

Members of Council shall not engage in debate with a member of the public at Council meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting.

8.7.3 Germane Comments/Time Limit for Council

Council Members shall limit their comments to the subject matter, item, or motion being currently considered by the Council. A determination of relevance shall be made by the Mayor, but may be appealed to the full Council.

Council Members shall govern themselves as to the length of their comments, but shall generally not exceed ten minutes. The Mayor has the responsibility to assist Council Members by signaling when the Council Member has been speaking for over ten minutes.

8.7.4 Derogatory Comments

Council Members are expected to interact with one another with mutual respect and courtesy. Derogatory, snappy, or sarcastic comments towards another Council Member, a member of the public or a staff member are

inappropriate. The Mayor may call for a short recess should a Council Member or member of the public become disruptive or agitated so as to interfere with the normal conduct of business.

8.7.5 Packing of Audience

It is inappropriate for a Council Member to pack the audience for a specific agenda item.

8.8 **Use of Council Chambers**

The Town Clerk and Management Analyst are responsible for maintaining a calendar on the use of the Council Chamber. Use of the Council Chamber by Town commissions, committees, and other advisory bodies shall take precedence over any other group or agency. Favorable consideration shall be given to other governmental agencies. No events of a commercial nature shall be allowed. No admission shall be charged. Regularly scheduled meetings by other agencies and groups shall be discouraged, except for governmental or regional agencies of which the Town is a member. When a question arises regarding permission for any group to use the facility, the Town Manager shall have authority to make the final decision.

9. **COMMUNICATIONS**

9.1 **Televising, ~~Videotaping~~ and Web Streaming of Council Meetings**

Televised Live, ~~Replayed and Videotaped~~ and Web Streamed

It is the policy of the Council that regular and special meetings, except for ~~Budget/Study Sessions and~~ Town Commission interviews, be televised live and be recorded by Napa Valley TV. ~~In addition, Town Council meetings are rebroadcast the Friday following the Council meeting.~~

~~Webstreamed meetings are maintained permanently Original videos are kept for 90 days after which time they may be destroyed~~ pursuant to the Town's Record Retention Schedule.

A duplicate copy of the Council Meeting DVD can be requested by the public at a charge determined by the company duplicating the video. The Town Clerk will coordinate the video duplication process.

Web Streaming

Council Meetings will be web streamed over the Internet by accessing the Town's website www.townofyountville.com and clicking on Agendas and Minutes. Web Streaming can be viewed live and at later date by video archive.

Internet web streaming will be provided at all times unless, for some unforeseen/uncontrollable reason there is technical difficulty.

9.2 Processing of Mail

Town Clerk or his/her designee Staff shall open all mail addressed to the Mayor and Council, date stamp it and distribute to Town Council. ~~forward it to the Town Clerk for disposition.~~ Mail which is directly related to a particular department shall be copied to that Department Head ~~by the Town Clerk.~~ Council letters of complaints shall be sent directly to the Town Clerk for disposition, with copy to the Town Manager and Department Head(s). Junk mail will be disposed of ~~by the Town Clerk~~ and no mail marked confidential or personal which is addressed to the Council shall be opened by Town staff.

Mail addressed to the Mayor and Town Council shall be distributed ~~by the Town Clerk~~ to each Council Member with the notation "All Council Received." Correspondence addressed to the Mayor which requires a response shall be coordinated by the Town Town Manager and/or Town Clerk and copied to all Council Members.

9.3 Citizen Complaint Process

All complaints directed to the Mayor or Town Council shall be given to the Mayor, Town Manager with a copy for the Town Clerk for information purposes. The Town Manager or his designee shall draft a response to the complaint for the Mayor's signature with a copy to the Town Manager and Town Clerk.

Council Members are discouraged from responding directly to complaints without coordinating with the Town Manager to ensure a unified response and to prevent dual efforts in the event another department is already preparing a response.

If the Mayor or Council Member receives a complaint and desires that it be addressed by administration, he/she should present it to the Town Clerk for disposition and tracking.

Staff will copy or otherwise communicate all responses to the Town Council.

9.4 Distribution of Information

Responses to all requests for information will be copied to all Council Members.

9.5 Use of Town Letterhead & Logo

All Council Member correspondence written with Town resources, i.e., letterhead, typing, staff support, postage, etc., will reflect the position of the full Council, not individual Council Members' positions. All Council Member correspondence using Town resources shall be copied to the full Council.

Regarding the use of Town logo, Municipal Code Section 1.08.020 provides "No person other than the Town, may in any way use the Town's logo without prior approval of the Council." Resolution Number 2172-03 authorizes the Town Manager

or Town Clerk to approve use of the Town's Logo for specific purposes by other government agencies to which the Town maintains membership. All authorized use of the Town's logo shall be in writing, shall indicate the specific use allowed, and shall include the words "Any other use of this logo is prohibited."

9.6 Representing Majority Decision vs. Individual Opinion

If a member of the Town Council appears before another governmental agency or organization to give a statement on an issue affecting the Town, the Council Member should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not represent the position of the Town Council.

9.7 Media/Press Relations Discussion/Direction Item

Council Members, the Town Manager and Management Team may prepare routine media/press releases from time-to-time, which may range in scope from generic topics to sensitive and controversial issues.

Distribution

All media/press releases prepared for distribution to newspapers or the electronic media shall first be submitted to the Town Manager for approval and to the Town Clerk and should be prepared as follows:

- A. All press/media releases shall be formatted using the Town template.
- B. Press/media releases shall contain the name, title and telephone number of the Town official available to address any inquiries. As a general rule, inquiries from the press and other publications should be given a high priority and be responded to as quickly and efficiently as possible. Every effort should be made to meet media deadlines and ensure that all information released is accurate.
- C. The media/press release shall be emailed and mailed to the following agencies, with the need for additional agencies to be determined by the Town Manager:
 - Yountville Sun
 - Napa Valley Register
 - KVON/KVYN and/or other local radio outlets
 - Veterans Home
 - Town's website including e-notifier subscribers
 - ~~Channel 28 (time permitting based on program scheduling)~~
 - Additional Media Outlets/Social Media, as determined by Town Manager

In addition, media/press releases will be sent to the Town Council and All Town Staff.

~~D. The Town Clerk should receive a copy of every media/press release that is distributed by any departmental staff.~~

When reporters seek information that requires interpretation, an opinion, or information that is not readily available or routinely provided to the general public and of which Council Members may not be aware, the request shall be referred to the Town Manager or Department Head, or in their absence, the Town Clerk. Council should be notified of any major news interviews.

Press Conferences

When necessary, press conferences may be conducted to make extremely important announcements and facilitate the flow of immediate, accurate information when several reporters request information that Town officials cannot respond to on an individual basis. The Town Manager and Town Clerk must be notified in advance of a Council Member or Department Head's intent to hold a press conference. The full Council shall also be informed of a press conference.

Consistent with the protocols expressed above, nothing contained herein shall abridge or attempt to restrict any member of the Town Council from expressing their views on matters within the subject matter jurisdiction of the Town or other matters, provided, however, that Council members are to avoid expressing opinions on quasi-judicial matters before the Town until such time as those matters are presented to the Town Council.

10. COUNCIL / STAFF / TOWN ATTORNEY RELATIONSHIP

10.1 Council/Staff Relationships

Town Staff acknowledges the Council as policy makers and the Town Council acknowledges Staff as administering the Council's policies.

10.2 Communications with Staff and Requests for Information

Council Members may contact the Town Manager and/or Department Head directly to ask questions for clarification or to request information. Council Members may also request research from the Town Manager on a given topic directly when it is anticipated that the request can be completed by staff in less than one hour.

Council Member requests for research or information that are anticipated to take staff more than one hour to complete shall be directed to the Town Manager. Request for new information or policy direction will be brought to the full Council for consideration. Responses to all requests will be copied to all Council Members.

A Council Member shall not direct Staff to initiate any action, change a course of action, or prepare any report that is significant in nature, nor shall a Council Member initiate any project or study without the approval of a majority of Council.

10.3 Undue Influence on Staff and Commissions

Council Members shall not attempt to coerce or influence Staff or Commissions in the making of appointments, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of Town licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any Town department.

10.4 Complaints Regarding Performance of Staff

Any concerns by a member of Council over the behavior or work of a Town employee shall be directed to the Town Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly, nor shall they communicate their concerns to anyone other than the Town Manager.

10.5 Handling of Litigation and Other Confidential Information

Town Council Members shall consider all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to ensure that the Town's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the Town Attorney or Town Manager. All written materials should be returned to the Town Manager after consideration for disposition.

10.6 Town Attorney/Council/Staff Relations

The Town Attorney is hired by and reports directly to the Council pursuant to State law. The Town Attorney serves at the pleasure of the Council under a professional services agreement terminable at will by either party upon 60 days notice. The Town Attorney represents as his or her client the Town as a legal entity, acting through the Town Council as the Town's highest administrative authority. No individual Council Member nor any other officer or employee of the Town is a client of the Town Attorney.

There is an attorney-client privilege as to council and staff communications with the Town Attorney regarding matters that involve parties outside the Town. For example, attorney-client communications are protected where someone sues the Town and seeks to compel disclosure. Similarly, everyday communications between Council Members and the Town attorney are generally protected. Communications between staff and the Town Attorney are *not* protected from disclosure to the Council, since the Council is the holder of the attorney-client privilege.

There is no attorney-client privilege between Council Members and the Town Attorney when the Town Attorney has reason to believe that the Council Member is violating or intends to violate conflict of interest rules or some other law. The Town Council authorizes the Town Attorney to publicly disclose conflict of interest violations or other violations of law, where the violation is clear and where the public

official proposes or takes action that clearly violates the conflict of interest rules or other laws in disregard of the Town Attorney's advice.

Since the Town Attorney is responsible directly to the Council, Council Members may contact the Town Attorney directly to ask questions or to request information. Council Members may also request research from the Town Attorney on a given topic directly when it is anticipated that the request can be completed in less than one hour. A Council Member shall not direct the Town Attorney to initiate any action, change a course of action, or prepare any report that is significant in nature without the approval of a majority of Council and notice to the Town Manager.

11. PROTOCOL ADMINISTRATION

11.1 Review of Town Council Protocols

The council will review and revise the Town Council Protocol, as needed.

11.2 Adherence to Protocols

During Town Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to insure that the Town Council, staff and members of the public adhere to the Council's adopted protocol.

11.3 Town Attorney as Protocol Advisor

At the behest of the full Council, the Town Manager may be directed to confer with the Town Attorney in interpreting the Town Council's adopted protocol and proposed changes.

11.4 Adherence to Administrative Procedure and Process Protocol

The Council has delegated the Town Manager responsibility to discuss, on behalf of the full Council, any perceived or inappropriate administrative action with a Council Member. The Town Manager will discuss with the Council Member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the Town Manager will report the concern to the full Council.

11.5 Applicability of Protocols

The Town of Yountville Council Protocols shall also apply to the Town Council when sitting as other entities or agencies such as the Town Housing Authority, Parking Authority, Finance Authority or any other body. The role of Mayor and Vice Mayor shall be interchangeable with the Chair and Vice Chair, or President and Vice President when sitting as another entity.

11.6 Protocol Update History

- Updated by Resolution Number 18-XXXX, XXXX X, 2018
- Updated by Resolution Number 3156-14, March 4, 2014
- Updated by Resolution Number 2841-10, January 5, 2010
- Initial Adoption by Resolution Number 2452-06, April 4, 2006

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

Town Council Agenda February 6, 2018

PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
1.2	Town Council Vision and Guiding Principles	Update with current Strategic Plan Vision	Amendment
	NEW	<p>Consider New Section - Communicating with members of the public regarding Agenda Items. The Protocols are silent on this topic.</p> <p>One Member of the public wanted to better understand how Council Members communicate regarding Agenda Items.</p>	Discussion/Direction
2.5	Town of Yountville General Plan By State Law, every community in California is required to have a General Plan, which must contain and address seven elements: Circulation, Open Space, Land Use, Housing, Conservation of Natural Resources, Safety, and Noise. An updated Housing Element that is consistent with State housing laws must be submitted to the State for review every five years. The last comprehensive review and revision of Yountville's General Plan was in 1992, with several additional revisions since then.	Town of Yountville General Plan By State Law is required requires every community in California is required to have a General Plan, which must contain and address seven elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. An updated Housing Element that is consistent with State housing laws must be submitted to the State for review every eight years. A comprehensive review and revision of Yountville's General Plan occurred in 1992, with several additional revisions since then. The last major comprehensive General Plan review occurred as part of the Envision Yountville effort in 2017 and 2018.	Amendment
3.4	Newly-Elected Council Member Orientation The Town Manager will conduct an orientation for newly-elected Council Members which will	Newly-Elected Council Member Orientation The Town Manager will conduct an orientation for newly-elected Council Members which will	Amendment

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

Town Council Agenda February 6, 2018

PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
	include presentations and/or meetings with Town Departments Heads and tour of Town Facilities.	include presentations and/or meetings with Town Departments Heads and tour of Town Facilities. Newly elected Council Members are encouraged to attend the League of California Cities New Mayor and Council Member Orientation Workshop.	
3.4	<p>Newly-Elected Members</p> <p>The newly-elected Mayor and/or Council Members will be sworn into office generally at the first regular Council meeting in December following a regular municipal election. Immediately upon election (even before being sworn into office), newly-elected Council Members are subject to the provisions of the Brown Act. Newly-elected Council Members shall not be allowed to attend closed sessions before being sworn into office.</p> <p>Newly-elected Mayor and/or Councilmembers shall submit the FPPC Form 700 (Assuming Office) and complete the 2.0 hour minimum Ethics Training mandated by AB 1234 as referenced in Section 2.3 of the Protocols.</p>	<p>Newly-Elected Members</p> <p>The newly-elected Mayor and/or Council Members will be sworn into office generally at the first regular Council meeting in December following a regular municipal election. Immediately upon election (even before being sworn into office), newly-elected Council Members are subject to the provisions of the Brown Act. Newly-elected Council Members shall not be allowed to attend closed sessions before being sworn into office.</p> <p>Newly-elected Mayor and/or Councilmembers shall submit the FPPC Form 700 (Assuming Office) and complete the 2.0 hour minimum Ethics Training mandated by AB 1234 as referenced in Section 2.3 of the Protocols both within 30 days of Assuming Office.</p>	<p>Amendment</p> <p>Statute does not provide timeline to submit Ethics Certificate of Participation and some people have been delayed in completing this mandate. Adding within 30 days of Assuming Office is consistent with the completion time of the Form 700.</p>
5.2	Due Process		Discussion/Direction

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

Town Council Agenda February 6, 2018

PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
	<p>Under the federal and state Constitutions, due process means that decision-makers will conduct a fair hearing. In a quasi-judicial setting, a fair hearing includes many different components, and different factors can affect fairness in different "hearing" settings. However, the basic components of a fair hearing are notice that a matter will be heard, and an opportunity for interested person to be heard on that matter.</p> <p>Circumstances that can affect a hearing's fairness include that a decision-maker may have received <i>ex parte</i> contacts, which are communications to a decision-maker outside of the public hearing. <i>Ex parte</i> communications may prevent the opportunity for interested persons to be heard on all information that a decision-maker may rely on to decide a matter. <i>Ex parte</i> communications can be handled by avoiding them, or, if received, by disregarding them in the decision-making process. However, the most conservative method to avoid the risk of a legal challenge based on a violation of due process is to disclose the substance of <i>ex parte</i> contacts so that everyone interested in the matter is aware of all of the information upon which a decision may be based.</p> <p>In addition, fairness may be denied where a decision-maker does not wait for a hearing, where all information relevant to a matter is publicly presented, before making up his or her</p>	<p>There has been a request to discuss Ex Parte Communications. Specifically, a policy that would require written disclosure of ex parte communications to be included in the agenda materials when the item comes before Council for consideration.</p>	

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

Town Council Agenda February 6, 2018

PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
	mind on a matter. If an applicant or other affected person can show that any one of the decision-makers voting on a matter had made up their mind before the public hearing, the decision is at risk of legal challenge. As discussed below, these types of hearings and decisions differ from the action taken by the Town Council on legislative matters. Council Members should consult the Town Attorney on any questions regarding due process.		
6.1	<p>Compensation</p> <p>Discussion of Council salary adjustments may be raised by any Council Member, scheduled, agenda'd and discussed in open session.</p> <p>A. Each member of the Council currently receives a salary of Six Hundred and Forty Eight Dollars (\$648) per month.</p> <p>B. The salary established is in addition to Council Member reimbursement for actual and necessary expenses incurred in the performance of official duties, in accordance with the Town Travel and Expense Policy.</p> <p>C. In accordance with State law, the Council may increase by ordinance the salary established in accordance with state law,</p>	<p>Compensation</p> <p>Discussion of Council salary adjustments may be raised by any Council Member, scheduled, agenda'd and discussed in open session.</p> <p>A. Each member of the Council currently receives a salary of Six Hundred and Forty Eight Dollars (\$648) per month (Ordinance Number 16-450 Adopted June 7, 2016)</p> <p>B. The salary established is in addition to Council Member reimbursement for actual and necessary expenses incurred in the performance of official duties, in accordance with the Town Travel and Expense Policy.</p> <p>C. In accordance with State law, the Council may increase by ordinance the salary established in accordance with state law,</p>	Amendment

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

Town Council Agenda February 6, 2018

PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
	provided that the amount of such increase may not exceed an amount equal to 5% for each calendar year from the operative date of the last adjustment.	provided that the amount of such increase may not exceed an amount equal to 5% for each calendar year from the operative date of the last adjustment. Ordinance Number 16-450 was adopted June 7, 2016 and increased the Council salary to \$648 per month, which became effective upon certification of the November 2016 election.	
6.	COUNCIL ADMINISTRATION / PROFESSIONAL DEVELOPMENT	iPad/Tablet Standard and Stipend The Town Council receives a hybrid iPad/Tablet Policy and taxable stipend amount of \$1,800 every 3 years to be used to purchase the Town standard device. The iPad/Tablet is the Town Council's personal property, and Town business accomplished on the device is subject to the California Public Records Act, California Political Records Act, California Political Reform Act, established Computer Use, E-mail and Internet Policy outlined in Section 26 of the Town's Personnel Rules and Regulations and any additional applicable laws. (See Resolution Number 3066-12 Adopted November 6, 2012)	Add New Section Language used is from the iPad/Tablet Standard and Stipend Policy
7.	BOARDS / COMMISSIONS / COMMITTEES	Town Issued Emails for Board and Commission Members On March 2, 2017, the California Supreme Court published its decision in City of San Jose v.	Add New Section

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

Town Council Agenda February 6, 2018

PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
		<p>Superior Court, concluding the California Public Records Act (“CPRA”) applies to electronic communications that Town officials and employees send on private devices from private accounts.</p> <p>As a result, Town staff will be issuing Town email addresses for its Board and Commission Members so that electronic communications that are disclosable under the CPRA are easily searchable and locatable in the event a request is made.</p>	
7.2	<p>Town Council Member Appointments to Outside Boards or Commissions</p> <p>Council Members are requested to serve on various boards and committees for outside agencies. Annually, after each regular election or as vacancies arise, the Council shall review the list of current assignments and make appointments. Any Council Member desiring to serve on a certain committee (or who desires <u>not</u> to be considered) should inform the Council in open session. These appointments are subject to approval by the majority of Council. Appointments to some outside Boards require that the Mayor and/or Vice Mayor shall be appointed.</p>	<p>Town Council Member Appointments to Outside Boards or Commissions</p> <p>Council Members are requested to serve on various boards and committees for outside agencies. Annually, after each regular election or as vacancies arise, the Council shall review the list of current assignments and make appointments. Any Council Member desiring to serve on a certain committee (or who desires <u>not</u> to be considered) should inform the Council in open session. These appointments are subject to approval by the majority of Council. Appointments to some outside Boards require that the Mayor and/or Vice Mayor shall be appointed.</p> <p>Town Council Members and their Alternates appointed to Outside Boards and Commission shall coordinate with each other directly when the Member is unable to attend a meeting and</p>	Amendment

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

Town Council Agenda February 6, 2018

PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
		<p>requires the Alternate to attend in his/her absence.</p> <p>Town Council Members serving on an Outside Board or Commission and receiving a stipend, must report to the Town Clerk in order to complete the Fair Political Practices Commission Form 806 – Stipend, which is required to be posted on the Town’s website.</p>	
7.3.1	<p><u>Town of Yountville (Local) Boards, Commissions, and Committees</u></p> <p>Town advisory Boards, Commissions and Committees are established by ordinance or resolution. Individuals are appointed by Council to carry out various responsibilities in accordance with the policies and guidelines established by Council. The role of advisory bodies is to facilitate public input and citizen participation in the determination of public policy. This is accomplished by formulating recommended courses of action and policies to the Town Council with whom final determination rests.</p> <p>The Town’s Zoning and Design Review Board is not only advisory, but a regulatory body, having authority to make final determination in applicable circumstances.</p>	<p><u>Town of Yountville (Local) Boards, Commissions, and Committees</u></p> <p>Town advisory Boards, Commissions and Committees are established by ordinance or resolution. Individuals are appointed by Council to carry out various responsibilities in accordance with the policies and guidelines established by Council. The role of advisory bodies is to facilitate public input and citizen participation in the determination of public policy. This is accomplished by formulating recommended courses of action and policies to the Town Council with whom final determination rests.</p> <p>The Town’s Zoning and Design Review Board (ZDRB) is not only advisory, but a regulatory body, having authority to make final determination in applicable circumstances.</p>	Amendment

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

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PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
		The Yountville Arts Commission is not only an advisory body, it is also a working body that produces events and manages programs, such as the Art Walk.	
7.3.2	<p><u>Board, Commission and Committee Terms of Office</u></p> <p>Terms of office are established by Town ordinance or resolution and are typically 3 years. Those members whose terms have expired, must submit a written request for reappointment, terms are not automatically renewed.</p>	<p>There has been a request to discuss how Council makes appointments to Boards and Commission.</p> <p>This was in the context of someone being reappointed and then not too long after resigning mid-term due to a job change. The request was is it within the Protocols to offer the seat to the person that was below the threshold in the previous vote. (Time Saver Options).</p> <p><u>Board, Commission and Committee Terms of Office</u></p> <p>Terms of office are established by Town ordinance or resolution and are typically 2 or 3 years. Those members whose terms have expired, must submit a written request for reappointment, terms are not automatically renewed.</p>	Discussion/Direction and Amendment
7.3.6	<p><u>New Member Orientation</u></p> <p>Town Manager or his/her designee may meet with newly appointed Board, Commission and/or</p>	<p><u>New Member Orientation</u></p> <p>Town Manager or his/her designee may meet with newly appointed Board, Commission and/or</p>	Amendment

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

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PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
	<p>Committee members to discuss Council policy direction when representing the Town on Countywide Boards.</p> <p>New members will receive a Board and Commission Handbook</p>	<p>Committee members to discuss Council policy direction when representing the Town on Countywide Boards.</p> <p>Newly appointed members will receive a Board and Commission Handbook.</p> <p>Yountville Representatives to Countywide Boards will receive orientation from their respective County boards.</p>	
8.2.3	<p><u>Order of Agenda Items</u></p> <p>Call to Order Roll Call <i>(Reconvene Regular Meeting when Closed Session is held)</i> Pledge of Allegiance Closed Session Report Adoption of the Agenda Recognitions-Proclamations Public Comment Approval of Consent Calendar Presentations Public Hearings Regular Items Staff Informational Reports</p>	<p><u>Order of Agenda Items</u></p> <p>The Town Manager and Mayor give special consideration on the ordering of scheduling items dealing in the following manner: 1) families and children; 2) veterans and seniors; 3) items with an anticipated large audience; and 4) paid consultants. Call to Order Roll Call <i>(Reconvene Regular Meeting when Closed Session is held)</i> Pledge of Allegiance Closed Session Report Adoption of the Agenda</p>	Amendment

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

Town Council Agenda February 6, 2018

PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
	Council Reports (Closed Session as needed) Adjournment	Proclamations and Recognitions and Proclamations Public Comment Approval of Consent Calendar Presentations Public Hearings Administrative/Regular Items Staff Informational Reports Council Reports (Closed Session as needed; May be Held at the Beginning of Meeting) Adjournment	
8.3.3	<u>Recognitions and Proclamations</u> Recognitions and proclamations shall be scheduled as necessary in recognition of persons or groups for the promotion of an event, service, and/or employee retirement. Requests must be submitted to the Town Clerk in writing in advance of the agenda deadline. The Town Manager shall request approval from the Mayor as to the appropriateness and scheduling of such recognition or proclamation. Upon approval by the Mayor, the Town Clerk will then coordinate the presentation with the requesting party in order to schedule the item on any given agenda. The requesting party determines whether or not he/she will be present for acceptance of such presentation and if not present, the item will be placed under the Consent Calendar of the agenda.	<u>Recognitions and Proclamations</u> Recognitions and proclamations shall be scheduled as necessary in recognition of persons or groups for the promotion of an event, service, and/or employee retirement. Requests must be submitted to the Town Clerk in writing in advance of the agenda deadline. The Town Manager shall request approval from the Mayor as to the appropriateness and scheduling of such recognition or proclamation. Upon approval by the Mayor, the Town Clerk will then coordinate the presentation with the requesting party in order to schedule the item on any given agenda. The requesting party determines whether or not he/she will be present for acceptance of such presentation and if not present, the item will be placed under the Consent Calendar of the agenda.	Amendment

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

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PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
8.3.7	<p><u>Public Hearings</u></p> <p>Public Hearings can be legislative or quasi-judicial (adjudicatory) and may be required on certain items as prescribed by the municipal code or by state or federal law.</p>	<p><u>Public Hearings</u></p> <p>There has been a request to discuss Findings (Resolution of Findings) content and format in terms of how they support or do not support the General Plan.</p>	<p>Discussion/Direction</p>
8.4.9	<p><u>Disruptive Comments and/or Conduct</u></p> <p>No person who addresses the Council shall make any belligerent, personal, impertinent, irrelevant, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the Council, staff or other individuals in a manner which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting, nor shall any person engage in any other disorderly conduct which so disrupts, disturbs or impedes the orderly conduct of the meeting. Any violation of this rule shall be grounds for terminating the citizen's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, also shall be grounds for removal from the meeting. Council shall not be belligerent or make disparaging commentary toward the speaker. Nothing in this section shall prohibit or discourage orderly criticism of any Town decision or policy within the limits of these rules.</p>		<p>Discussion/Direction</p> <p>Town Attorney has comments on how to update this section.</p>

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

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PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
	<p>Legislative decisions generally involve fundamental policy questions of jurisdiction-wide concern; legislative decisions also can involve changes in existing law to govern future situations.</p> <p>Quasi-judicial hearings call for Council assuming a more judge-like role and decisions are subject to more exacting judicial review and should be accompanied by carefully drawn findings in support of the decision made.</p>		
8.5.1	<p><u>Legislative Matters Considered</u></p> <p>The Council shall not consider any resolution, motion, or matter which does not affect the conduct of the business of the Town of Yountville 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 Town of Yountville or its officers or employees as such.</p>	<p>There has been a request to consider a more formal section on "lobbying" and the ability to send support or opposition letters timely in between Council meetings. Council Members have been playing a greater role in the League of California Cities Board of Directors and Policy Committees.</p> <p>There has also been a question discussing the Town's local position on state and federal issues?</p>	Discussion/Direction

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PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
8.5.1		<p><u>League of California Cities Smart Phone App</u></p> <p>The League of California Cities has developed a smart phone app that serves as an advocacy tool enabling town/city officials to play an active role in State policy. The app pushes out legislative updates and enables users to rapidly respond to “action alerts” directly from their mobile devices. Action taken by individual Council Members must be consistent with the Town’s legislative platform.</p>	Add New Section
8.5.8	<p>Conflict of Interest and Impact upon Duty to Vote</p> <p>Every member should vote (aye, no or abstain) on every item unless prevented from doing so by virtue of an actual or potential conflict of interest under applicable State Law or the Regulations of the FPPC. Any member who believes he or she has a conflict or potential conflict of interest must, consistent with the requirements expressed by the FPPC Regulation, Government Code section 1090 or other applicable State Law, announce such at the initiation of debate or when such conflict or potential conflict becomes apparent, shall disclose and describe that the conflict involves either an investment, business position, interest in real property, or the receipt of income, loans or gifts, and shall refrain from</p>		Discussion/Direction

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	<p>any part in the debate, deliberations, or voting on that issue. Each member is individually responsible, with the assistance of the Town Attorney, Town Manager or the FPPC, to determine if a conflict of interest exists which would require that the member not participate directly or indirectly in influencing the outcome of a matter or from participating in or voting on matter and to state on the record the reasons for the disqualifying interest or to disclose any non-disqualifying circumstances which must be placed into the record or minutes of the Council meeting as required by law.</p> <p>If the governmental decision is made during a closed session of a public meeting, the disclosure(s) shall be made orally during the open session either before the body goes into closed session or immediately after the closed session.</p>		
9.1	<p>Televising, Videotaping and Web Streaming of Council Meetings</p> <p><u>Televised Live, Replayed and Videotaped</u></p> <p>It is the policy of the Council that regular and special meetings, except for Budget/Study Sessions and Town Commission interviews, be televised live and be recorded by Napa Valley TV. In addition, Town Council meetings are</p>	<p>Televising, Videotaping and Web Streaming of Council Meetings</p> <p><u>Televised Live, Replayed and Videotaped and Webstreamed</u></p> <p>It is the policy of the Council that regular and special meetings, except for Budget/Study Sessions and Town Commission interviews, be televised live and be recorded by Napa Valley TV. In addition, Town Council meetings are</p>	<p>Amendment</p> <p>The Town no longer uses video tapes.</p> <p>The Budget/Study Sessions for 2017-2018 were broadcast and televised this year due to transparency</p>

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

Town Council Agenda February 6, 2018

PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
	<p>rebroadcast the Friday following the Council meeting.</p> <p>Webstreamed meetings are maintained permanently Original videos are kept for 90 days after which time they may be destroyed pursuant to the Town's Record Retention Schedule.</p> <p>A duplicate copy of the Council Meeting DVD can be requested by the public at a charge determined by the company duplicating the video. The Town Clerk will coordinate the video duplication process.</p> <p><u>Web Streaming</u></p> <p>Council Meetings will be web streamed over the Internet by accessing the Town's website www.townofyountville.com and clicking on Agendas and Minutes. Web Streaming can be viewed live and at later date by video archive.</p> <p>Internet web streaming will be provided at all times unless, for some unforeseen/uncontrollable reason there is technical difficulty.</p>	<p>rebroadcast the Friday following the Council meeting.</p> <p>Webstreamed meetings are maintained permanently Original videos are kept for 90 days after which time they may be destroyed pursuant to the Town's Record Retention Schedule.</p> <p>A duplicate copy of the Council Meeting DVD can be requested by the public at a charge determined by the company duplicating the video. The Town Clerk will coordinate the video duplication process.</p> <p><u>Web Streaming</u></p> <p>Council Meetings will be web streamed over the Internet by accessing the Town's website www.townofyountville.com and clicking on Agendas and Minutes. Web Streaming can be viewed live and at later date by video archive.</p> <p>Internet web streaming will be provided at all times unless, for some unforeseen/uncontrollable reason there is technical difficulty.</p>	<p>comments resulting from the Strategic Plan Workshops.</p> <p>The Town has not been rebroadcasting now that the video is available on the Town's website the day after the Council meeting.</p> <p>The Town's new Record Retention Schedule maintains the video permanently.</p>

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Town Council Agenda February 6, 2018

PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
9.2	<p>Processing of Mail</p> <p>Staff shall open all mail addressed to the Mayor and Council, date stamp it and forward it to the Town Clerk for disposition. Mail which is directly related to a particular department shall be copied to that Department Head by the Town Clerk. Council letters of complaints shall be sent directly to the Town Clerk for disposition, with copy to the Town Manager and Department Head(s). Junk mail will be disposed of by the Town Clerk and no mail marked confidential or personal which is addressed to the Council shall be opened by Town staff.</p> <p>Mail addressed to the Mayor and Town Council shall be distributed by the Town Clerk to each Council Member with the notation "All Council Received." Correspondence addressed to the Mayor which requires a response shall be coordinated by the Town Clerk and copied to all Council Members.</p>	<p>Processing of Mail</p> <p>Town Clerk or Town Clerk Designee shall open all mail addressed to the Mayor and Council, date stamp it and distribute to Town Council. forward it to the Town Clerk for disposition. Mail which is directly related to a particular department shall be copied to that Department Head by the Town Clerk. Council letters of complaints shall be sent directly to the Town Clerk for disposition, with copy to the Town Manager and Department Head(s). Junk mail will be disposed of by the Town Clerk and no mail marked confidential or personal which is addressed to the Council shall be opened by Town staff.</p> <p>Mail addressed to the Mayor and Town Council shall be distributed by the Town Clerk to each Council Member with the notation "All Council Received." Correspondence addressed to the Mayor which requires a response shall be coordinated by the Town Clerk and copied to all Council Members.</p>	Amendment
9.7	<p>Media/Press Relations</p> <p>Council Members, the Town Manager and Management Team may prepare routine media/press releases from time-to-time, which</p>	<p>There has been a request to review communication with the media in general and possibly adding language related to emergencies?</p>	Discussion/Direction and Amendments

EXHIBIT – SUMMARY OF TOWN COUNCIL PROTOCOLS UPDATE

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PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
	<p>may range in scope from generic topics to sensitive and controversial issues.</p> <p><u>Distribution</u></p> <p>All media/press releases prepared for distribution to newspapers or the electronic media shall first be submitted to the Town Manager for approval and to the Town Clerk and should be prepared as follows:</p> <p>A. All press/media releases shall be formatted using the Town template.</p> <p>B. Press/media releases shall contain the name, title and telephone number of the Town official available to address any inquiries. As a general rule, inquiries from the press and other publications should be given a high priority and be responded to as quickly and efficiently as possible. Every effort should be made to meet media deadlines and ensure that all information released is accurate.</p> <p>C. The media/press release shall be emailed and mailed to the following agencies, with the need for additional agencies to be determined by the Town Manager:</p> <ul style="list-style-type: none"> • Yountville Sun • Napa Valley Register 	<p>Media/Press Relations</p> <p>Council Members, the Town Manager and Management Team may prepare routine media/press releases from time-to-time, which may range in scope from generic topics to sensitive and controversial issues.</p> <p><u>Distribution</u></p> <p>All media/press releases prepared for distribution to newspapers or the electronic media shall first be submitted to the Town Manager for approval and to the Town Clerk and should be prepared as follows:</p> <p>A. All press/media releases shall be formatted using the Town template.</p> <p>B. Press/media releases shall contain the name, title, telephone number and email address of the Town official available to address any inquiries. As a general rule, inquiries from the press and other publications should be given a high priority and be responded to as quickly and efficiently as possible. Every effort should be made to meet media</p>	

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	<ul style="list-style-type: none"> KVON/KVYN and/or other local radio outlets Veterans Home Town's website including e-notifier subscribers Channel 28 (time permitting based on program scheduling) Additional Media Outlets/Social Media, as determined by Town Manager <p>In addition, media/press releases will be sent to the Town Council and All Town Staff.</p> <p>D. The Town Clerk should receive a copy of every media/press release that is distributed by any departmental staff.</p> <p>When reporters seek information that requires interpretation, an opinion, or information that is not readily available or routinely provided to the general public and of which Council Members may not be aware, the request shall be referred to the Town Manager or Department Head, or in their absence, the Town Clerk. Council should be notified of any major news interviews.</p> <p><u>Press Conferences</u></p> <p>When necessary, press conferences may be conducted to make extremely important announcements and facilitate the flow of immediate, accurate information when several</p>	<p>deadlines and ensure that all information released is accurate.</p> <p>C. The media/press release shall be emailed and mailed to the following agencies, with the need for additional agencies to be determined by the Town Manager:</p> <ul style="list-style-type: none"> Yountville Sun Napa Valley Register KVON/KVYN and/or other local radio outlets Veterans Home Town's website including e-notifier subscribers Channel 28 (time permitting based on program scheduling) Additional Media Outlets/Social Media, as determined by Town Manager <p>In addition, media/press releases will be sent to the Town Council and All Town Staff.</p> <p>D. The Town Clerk should receive a copy of every media/press release that is distributed by any departmental staff.</p>	

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PROTOCOLS SECTION	CURRENT PROTOCOLS	PROPOSED CHANGE AND/OR ADDITION TO PROTOCOLS	COMMENTS
	<p>reporters request information that Town officials cannot respond to on an individual basis. The Town Manager and Town Clerk must be notified in advance of a Council Member or Department Head's intent to hold a press conference. The full Council shall also be informed of a press conference.</p> <p>Consistent with the protocols expressed above, nothing contained herein shall abridge or attempt to restrict any member of the Town Council from expressing their views on matters within the subject matter jurisdiction of the Town or other matters, provided, however, that Council members are to avoid expressing opinions on quasi-judicial matters before the Town until such time as those matters are presented to the Town Council.</p>		



Staff Report

File #: 19-2239, **Version:** 1

Yountville Town Council Staff Report

DATE: August 6, 2019

TO: Mayor and Town Council

FROM: Steven R. Rogers, Town Manager; Gary Bell, Town Attorney

TITLE

Update Regarding Second Residential Unit (Accessory Dwelling Unit or "ADU") Impact Fees and Pending Legislation

DISCUSSION/BACKGROUND

At the July 16, 2019 Town Council meeting there was discussion of possible reduction in the amount the Town charges for ADU's. As the Town Council knows, the engineering report to establish the justification and nexus for the imposition of impact fees was completed in 2004. At that time the study included charges for expansion of an existing unit but did not contemplate or address ADU's. Some of the Town's existing impact fees are a fixed fee per unit regardless of size of unit and some of the fees are based on size of the unit.

ADU's are currently a hot topic in the State legislature as a possible way to help address the California housing affordability crisis. There has been considerable recent legislative action that streamlines the approval process and removes some local land use authority.

As it relates to the topic of ADU impact fees, we learned after publication of the last agenda staff report that there are several bills working their way through the State Assembly and Senate. The pending bills have very different approaches and range from requiring a reduction on impact fees for ADU's, setting a maximum fee structure, or eliminating them completely. The current pending legislation regarding ADU's includes SB 13, AB 68, AB 881, and AB 857. Copies of the summary of each pending bill are included as an attachment for your review.

At this time, it is staff's recommendation that we delay any impact fee reduction until such time as the current discussion at the legislative level is resolved. This way, we can be sure that any modifications the Town may make will be in compliance with what the legislature may adopt.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? Yes

Where is it Budgeted? Impact Fees for various funds

Is it Mandatory or Discretionary? Mandatory

Is there a Staff Resource Impact? Nominal

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Visionary Leadership:** The Town's leadership maintains an open-minded, forward-thinking decision-making process. We value engagement and participation from all members of the community as we work together to create policies and plan for the future.

Briefly Explain Relationship to Strategic Plan Goal and Objective. This effort is response to engaged residents who have requested that the Town Council review the current impact fee program as it relates to ADU's.

ALTERNATIVES

Town Council could proceed with making reductions in impact fees at this time with understanding they may need to make further adjustments in early 2020 based on pending legislative action.

RECOMMENDATION

This is a staff informational report. No action necessary.



SB-13 Accessory dwelling units. (2019-2020)

SHARE THIS:



Date Published: 07/01/2019 09:00 PM

AMENDED IN ASSEMBLY JULY 01, 2019

AMENDED IN ASSEMBLY JUNE 24, 2019

AMENDED IN SENATE MAY 17, 2019

AMENDED IN SENATE APRIL 23, 2019

AMENDED IN SENATE APRIL 04, 2019

AMENDED IN SENATE MARCH 11, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

SENATE BILL

NO. 13

Introduced by Senator Wieckowski

(Principal coauthors: Senators Beall, Hertzberg, and Wiener)

(Principal coauthors: Assembly Members Gloria and Quirk-Silva)

(Coauthors: Senators Nielsen and Skinner)

(Coauthors: Assembly Members Boerner Horvath, Carrillo, Friedman, Levine, and Patterson)

December 03, 2018

An act to amend Sections 65585 and 65852.2 of the Government Code, and to add and repeal Section 17980.12 of the Health and Safety Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as amended, Wieckowski. Accessory dwelling units.

(1) The Planning and Zoning Law authorizes a local agency, by ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, to provide for the creation of accessory dwelling units in single-family and multifamily residential zones. Existing law requires accessory dwelling units to comply with specified standards, including that the accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling or detached if located within the same lot, and that it does not exceed a specified amount of total area of floor space.

This bill would, instead, authorize the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The bill would also revise the requirements for an accessory dwelling unit by providing that the accessory dwelling unit may be attached to, or located within, an attached garage, storage area, or other structure, and that it does not exceed a specified amount of total floor area.

(2) Existing law generally authorizes a local agency to include in the ordinance parking standards upon accessory dwelling units, including authorizing a local agency to require the replacement of parking spaces if a garage,

carport, or covered parking is demolished to construct an accessory dwelling unit. Existing law also prohibits a local agency from imposing parking standards on an accessory dwelling unit if it is located within one-half mile of public transit.

This bill would, instead, prohibit a local agency from requiring the replacement of parking spaces if a garage, carport, or covered parking is demolished to construct an accessory dwelling unit. The bill would also prohibit a local agency from imposing parking standards on an accessory dwelling unit that is located within a traversable distance of one-half mile of public transit, and would define the term "public transit" for those purposes.

(3) Existing law authorizes a local agency to establish minimum and maximum unit size limitations on accessory dwelling units, provided that the ordinance permits an efficiency unit to be constructed in compliance with local development standards.

This bill would prohibit a local agency from establishing a minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit, as defined. The bill would also prohibit a local agency from establishing a maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than 850 square feet, and 1,000 square feet if the accessory dwelling unit contains more than one bedroom.

(4) Existing law authorizes a local agency to include in an ordinance governing accessory dwelling units a requirement that a permit applicant be an owner-occupant, and authorizes a local agency, as a part of a ministerial approval process for accessory dwelling units, to require owner occupancy for either the primary or the accessory dwelling unit created by that process.

This bill would, instead, prohibit a local agency from requiring occupancy of either the primary or the accessory dwelling unit.

(5) Existing law requires a local agency that has not adopted an ordinance governing accessory dwelling units to approve or disapprove the application ministerially and without discretionary review within 120 days after receiving the application.

The bill would require a local agency, whether or not it has adopted an ordinance, to consider and approve an application, ministerially and without discretionary review, within 60 days after receiving a completed application. The bill would also provide that, if a local agency does not act on the application within that time period, the application shall be deemed approved.

(6) Existing law requires fees for an accessory dwelling unit to be determined in accordance with the Mitigation Fee Act. Existing law also requires the connection fee or capacity charge for an accessory dwelling unit requiring a new or separate utility connection to be based on either the accessory dwelling unit's size or the number of its plumbing fixtures.

This bill would prohibit a local agency, special district, or water corporation from imposing any impact-fee *fee, as specified*, upon the development of an accessory dwelling unit if that fee, in the aggregate, exceeds specified requirements depending on the size of the unit. The bill would revise the basis for calculating the connection fee or capacity charge specified above to either the accessory dwelling unit's square feet or the number of its drainage fixture unit values, as specified.

(7) Existing law, for purposes of these provisions, defines "~~accessory structure~~" as ~~an existing, habitable or nonattached or detached fixed structure, which includes a garage, studio, pool house, or other similar structure.~~ "*living area*" as *the interior habitable area of a dwelling unit including basements and attics, but not a garage or accessory structure.*

This bill would ~~redefine~~ *define* "accessory structure" to mean a structure that is accessory and incidental to a dwelling located on the same lot.

(8) Existing law requires a local agency to submit a copy of the adopted ordinance to the Department of Housing and Community Development and authorizes the department to review and comment on the ordinance.

This bill would instead authorize the department to submit written findings to the local agency as to whether the ordinance complies with the statute authorizing the creation of an accessory dwelling unit, and, if the department finds that the local agency's ordinance does not comply with those provisions, would require the department to notify the local agency and would authorize the department to notify the Attorney General that the local agency is in violation of state law. The bill would authorize the department to adopt guidelines to implement uniform standards or criteria to supplement or clarify the provisions authorizing accessory dwelling units.

(9) Existing law requires the planning agency of each city and county to adopt a general plan that includes a housing element that identifies adequate sites for housing. Existing law authorizes the department to allow a city or county to do so by a variety of methods and also authorizes the department to allow a city or county to identify sites for accessory dwelling units, as specified.

This bill would state that a local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing in accordance with those provisions.

(10) Existing law, the State Housing Law, a violation of which is a crime, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law requires, for those purposes, that any building, including any dwelling unit, be deemed to be a substandard building when a health officer determines that any one of specified listed conditions exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants.

This bill would authorize the owner of an accessory dwelling unit built ~~on or after~~ *before* January 1, 2020, that receives a notice to correct violations or abate nuisances to request that the enforcement of the violation be delayed for 5 years if correcting the violation is not necessary to protect health and safety, as determined by the enforcement agency, subject to specified requirements. The bill would make conforming and other changes relating to the creation of accessory dwelling units.

By increasing the duties of local agencies with respect to land use regulations, and because the bill would expand the scope of a crime under the State Housing Law, the bill would impose a state-mandated local program.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 65585 of the Government Code is amended to read:

65585. (a) In the preparation of its housing element, each city and county shall consider the guidelines adopted by the department pursuant to Section 50459 of the Health and Safety Code. Those guidelines shall be advisory to each city or county in the preparation of its housing element.

(b) (1) At least 90 days prior to adoption of its housing element, or at least 60 days prior to the adoption of an amendment to this element, the planning agency shall submit a draft element or draft amendment to the department.

(2) The planning agency staff shall collect and compile the public comments regarding the housing element received by the city, county, or city and county, and provide these comments to each member of the legislative body before it adopts the housing element.

(3) The department shall review the draft and report its written findings to the planning agency within 90 days of its receipt of the draft in the case of an adoption or within 60 days of its receipt in the case of a draft amendment.

(c) In the preparation of its findings, the department may consult with any public agency, group, or person. The department shall receive and consider any written comments from any public agency, group, or person regarding the draft or adopted element or amendment under review.

(d) In its written findings, the department shall determine whether the draft element or draft amendment substantially complies with this article.

(e) Prior to the adoption of its draft element or draft amendment, the legislative body shall consider the findings made by the department. If the department's findings are not available within the time limits set by this section, the legislative body may act without them.

(f) If the department finds that the draft element or draft amendment does not substantially comply with this article, the legislative body shall take one of the following actions:

(1) Change the draft element or draft amendment to substantially comply with this article.

(2) Adopt the draft element or draft amendment without changes. The legislative body shall include in its resolution of adoption written findings which explain the reasons the legislative body believes that the draft element or draft amendment substantially complies with this article despite the findings of the department.

(g) Promptly following the adoption of its element or amendment, the planning agency shall submit a copy to the department.

(h) The department shall, within 90 days, review adopted housing elements or amendments and report its findings to the planning agency.

(i) (1) (A) The department shall review any action or failure to act by the city, county, or city and county that it determines is inconsistent with an adopted housing element or Section 65583, including any failure to implement any program actions included in the housing element pursuant to Section 65583. The department shall issue written findings to the city, county, or city and county as to whether the action or failure to act substantially complies with this article, and provide a reasonable time no longer than 30 days for the city, county, or city and county to respond to the findings before taking any other action authorized by this section, including the action authorized by subparagraph (B).

(B) If the department finds that the action or failure to act by the city, county, or city and county does not substantially comply with this article, and if it has issued findings pursuant to this section that an amendment to the housing element substantially complies with this article, the department may revoke its findings until it determines that the city, county, or city and county has come into compliance with this article.

(2) The department may consult with any local government, public agency, group, or person, and shall receive and consider any written comments from any public agency, group, or person, regarding the action or failure to act by the city, county, or city and county described in paragraph (1), in determining whether the housing element substantially complies with this article.

(j) The department shall notify the city, county, or city and county and may notify the office of the Attorney General that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to this element, or any action or failure to act described in subdivision (i), does not substantially comply with this article or that any local government has taken an action in violation of the following:

(1) Housing Accountability Act (Section 65589.5).

(2) Section 65863.

(3) Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7.

(4) Section 65008.

(5) Section 65852.2.

SEC. 2. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, a local agency shall not require that those off-street parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 60 days after receiving the completed application. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 60 days after receiving the completed application. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) A local agency shall not establish by ordinance a minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(2) A local agency shall not establish by ordinance a maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(A) 850 square feet.

(B) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within a traversable distance of one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create one accessory dwelling unit per lot if the unit is ~~substantially~~ contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

(f) A local agency shall not require owner occupancy for either the primary or the accessory dwelling unit. An agreement with a local agency to maintain owner occupancy as a condition of issuance of a building permit for an accessory dwelling unit shall be void and unenforceable.

(g) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(3) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit if that fee, in the aggregate, exceeds the following:

(A) An accessory dwelling unit less than 750 square feet will be charged zero impact fees.

(B) An accessory dwelling unit 750 or more square feet shall be charged 25 percent of the impact fees otherwise charged for a new single-family dwelling on the same lot.

(C) For purposes of this paragraph, "impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(5) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(h) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(i) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with the section.

(2) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and may notify the office of the Attorney General that the local agency is in violation of state law.

(3) The local agency shall consider findings made by the department pursuant to paragraph (2) and may change the ordinance to comply with this section or adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(j) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(k) As used in this section, the following terms mean:

(1) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(2) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(3) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(4) "Local agency" means a city, county, or city and county, whether general law or chartered.

(5) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(6) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(9) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards for an accessory dwelling unit built ~~on or after~~ *before* January 1, 2020, pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code.

SEC. 3. Section 17980.12 is added to the Health and Safety Code, immediately following Section 17980.11, to read:

17980.12. (a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit built ~~on or after~~ *before* January 1, 2020, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



AB-68 Land use: accessory dwelling units. (2019-2020)

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AMENDED IN ASSEMBLY MARCH 27, 2019

CALIFORNIA LEGISLATURE— 2019-2020 REGULAR SESSION

ASSEMBLY BILL

NO. 68

Introduced by Assembly Member Ting

(Coauthors: Assembly Members *Friedman, Gloria, Grayson, Reyes, and Wicks*)

(Coauthors: Senators ~~Skinner~~ *Nielsen, Skinner, and Wiener*)

December 03, 2018

An act to amend Sections 65852.2 and 65852.22 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 68, as amended, Ting. Land use: accessory dwelling units.

(1) The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth required ordinance standards, including, among others, lot coverage.

This bill would delete the provision authorizing the imposition of standards on lot coverage and would prohibit an ordinance from imposing requirements on minimum lot size.

(2) Existing law requires a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit within 120 days of receiving the application.

This bill would instead require a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot, and would authorize the permitting agency to delay acting on the permit application if the permit application is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, as specified.

(3) Existing law prohibits the establishment by ordinance of minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, if the limitations do not permit at least an efficiency unit to be constructed.

This bill would instead prohibit the imposition of those limitations if they do not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with 4-foot side and rear yard setbacks. This bill would additionally prohibit the imposition of limits on lot coverage, floor area ratio, open space, and minimum lot size if they prohibit the construction of an accessory dwelling unit meeting those specifications.

(4) Existing law requires ministerial approval of a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot, subject to specified conditions and requirements.

This bill would instead require ministerial approval of an application for a building permit within a residential or mixed-use zone to ~~create one or more accessory dwelling units or junior accessory dwelling units depending on, among other things, whether the proposed or existing structure on the lot is a single-family dwelling or multifamily dwelling, subject to specified conditions and requirements.~~ *the following: (1) one accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if certain requirements are met; (2) a detached, new construction single-story accessory dwelling unit that meets certain requirements and would authorize a local agency to impose specified conditions relating to floor area and height on that unit; (3) multiple accessory dwelling units within the portions of an existing multifamily dwelling structure provided those units meet certain requirements; or (4) not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to certain height and rear yard and side setback requirements.*

(5) Existing law requires a local agency to submit its accessory dwelling unit ordinance to the Department of Housing and Community Development within 60 days after adoption and authorizes the department to review and comment on the ordinance.

This bill would instead authorize the department to submit written findings to a local agency as to whether the local ordinance complies with state law, would require the local agency to consider the department's findings and to amend its ordinance to comply with state law or adopt a resolution with specified findings. The bill would require the department to notify the Attorney General that the local agency is in violation of state law if the local agency does not amend its ordinance or adopt a resolution with specified findings.

(6) This bill would also prohibit a local agency from issuing a certificate of occupancy for an accessory dwelling unit before issuing a certificate of occupancy for the primary residence.

(7) This bill would require a local agency that has not adopted an ordinance for the creation of junior accessory dwelling units to apply the same standards established by this bill for local agencies with ordinances.

(8) This bill would make other conforming changes, including revising definitions and changes clarifying that the above-specified provisions regulating accessory dwelling units and junior accessory dwelling units also apply to the creation of accessory dwelling units and junior accessory dwelling units on proposed structures to be constructed.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is attached or located within the living area of the proposed or existing primary dwelling, attached or located within an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application to create an accessory dwelling unit or a junior accessory dwelling unit shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency after January 1, 2017, shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet one or more of the requirements of this subdivision, that ordinance shall be null and void to the extent of such conflict on January 1, 2017, and that agency shall thereafter apply the applicable standards or standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency amends its ordinance to comply with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, shall be established by ordinance for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed *space of a single-family dwelling* or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, single-story accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and ~~may~~ *shall* allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(7) Subparagraphs (C) and (D) of paragraph (1) shall not apply to a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(A) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility

connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(B) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(2) (A) The department may submit written findings to the local agency as to whether the ordinance complies with this section. If the department finds that the ordinance does not comply with this section, it shall notify the local agency that it is in violation of this section and shall provide the local agency a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend its ordinance to comply with this section.

(ii) Adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings.

(C) (i) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(ii) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) As used in this section, the following terms apply:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means an existing, fixed structure, including, but not limited to, a garage, studio, pool house, or other similar structure.

(3) "Living area" means the interior habitable area of a dwelling unit, including basements and attics but does not include a garage or any accessory structure.

(4) "Local agency" means a city, county, or city and county, whether general law or chartered.

(5) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(6) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(7) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(8) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(j) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 2. Section 65852.22 of the Government Code is amended to read:

65852.22. (a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection

requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



AB-881 Accessory dwelling units. (2019-2020)

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AMENDED IN ASSEMBLY APRIL 03, 2019

CALIFORNIA LEGISLATURE— 2019-2020 REGULAR SESSION

ASSEMBLY BILL

NO. 881

Introduced by Assembly Member Bloom

February 20, 2019

An act to amend, repeal, and add Section 65852.2 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 881, as amended, Bloom. Accessory dwelling units.

(1) The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Existing law requires the ordinance to designate areas where accessory dwelling units may be permitted and authorizes the designated areas to be based on criteria that includes, but is not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

This bill would instead require a local agency to designate these areas based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. *The bill would make other clarifying changes to the criteria an ordinance is required to meet.*

(2) Existing law ~~authorizes a local agency to~~ *prohibits a local agency from utilizing standards to evaluate a proposed accessory dwelling unit on a lot that is zoned for residential use that includes a proposed or existing single-family dwelling other than the criteria described above, except, among one other exception, a local agency may require an applicant for a permit to be an owner-occupant of either the primary or accessory dwelling unit as a condition of issuing a permit.*

This bill, until January 1, 2025, ~~would delete the provision authorizing~~ *would, instead, prohibit* a local agency ~~to require owner occupancy as a condition of issuing a permit.~~ *from imposing an owner-occupant requirement as described above.*

(3) Existing law prohibits a local agency from imposing parking standards for an accessory dwelling unit if, among other conditions, the accessory dwelling unit is located within $\frac{1}{2}$ mile of public transit.

This bill would make that prohibition applicable if the accessory dwelling unit is located within $\frac{1}{2}$ mile walking distance of public transit, and would define public transit for those purposes.

(4) Existing law requires a local agency to ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single family lot of the unit that is contained within the existing space of a single-family residence or accessory-~~structure~~: *structure when specified conditions are met, including that the side and rear setbacks are sufficient for fire safety.*

This bill would instead require a local agency to ministerially approve an application for a building permit to create an *one* accessory dwelling unit ~~that~~ *within a residential or mixed-use zone if the unit* is contained within an existing structure, including the primary residence or an accessory-~~structure~~: *structure, and the side and rear setbacks are sufficient for fire safety.* The bill would define "accessory structure" for purposes of those provisions.

(5) *Existing law defines the term "accessory dwelling unit" for these purposes to mean an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons.*

This bill would require that an accessory dwelling unit be located on a lot with a proposed or existing primary residence in order for the provisions described above to apply.

~~(5)~~

(6) By increasing the duties of local agencies with respect to land use regulations, this bill would impose a state-mandated local program.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(6)~~

(8) This bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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

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

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a *new or existing* garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, *including an owner-occupant requirement*, except that a local agency may require the property to be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to ~~create an~~ *create, within a residential or mixed-use zone, one* accessory dwelling unit *per lot if the unit is contained* within an existing structure, including, but not limited to, the primary residence, a studio, garage, pool house, or other similar ~~structure~~ *accessory structure, and the side and rear setbacks are sufficient for fire safety*. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more ~~persons~~ *persons and is located on a lot with a proposed or existing primary residence*. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(7) "Public transit" means a bus stop, bus line, light rail, street car, car share drop off or pick up, or heavy rail stop.

(8) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(k) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 2. Section 65852.2 is added to the Government Code, to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a *new or existing* garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision for an accessory dwelling unit created on or after January 1, 2025, to be an owner-occupant, or may require the property to be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to ~~create an~~ *create, within a residential or mixed-use zone, one* accessory dwelling unit *per lot if the unit is contained* within an existing structure, including, but not limited to, the primary residence, a studio, garage, pool house, or other similar ~~structure~~. *accessory structure, and the side and rear setbacks are sufficient for fire safety.* Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require, for accessory dwelling units created on or after January 1, 2025, owner occupancy for either the primary or the accessory dwelling unit created through this process.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more ~~persons~~ *persons and is located on a lot with a proposed or existing primary residence*. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(7) "Public transit" means a bus stop, bus line, light rail, street car, car share drop off or pick up, or heavy rail stop.

(8) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(k) This section shall become operative on January 1, 2025.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 4. The Legislature finds and declares that Section 1 of this act amending Section 65852.2 of the Government Code addresses a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act applies to all cities, including charter cities.



AB-587 Accessory dwelling units: sale or separate conveyance. (2019-2020)

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AMENDED IN SENATE JUNE 25, 2019

AMENDED IN ASSEMBLY APRIL 22, 2019

AMENDED IN ASSEMBLY APRIL 02, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

ASSEMBLY BILL

NO. 587

**Introduced by Assembly Members Friedman and Quirk-Silva
(Coauthor: Assembly Member Gallagher)**

February 14, 2019

An act to amend Section 65852.2 of, and to add Section 65852.26 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 587, as amended, Friedman. Accessory dwelling units: sale or separate conveyance.

The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and requires a local agency that has not adopted an ordinance to ministerially approve an application for an accessory dwelling unit, and sets forth required ordinance standards, including that the ordinance prohibit the sale or conveyance of the accessory dwelling unit separately from the primary residence.

Existing property tax law establishes a welfare exemption under which property is exempt from taxation if the property is owned and operated by a nonprofit corporation that is organized and operated for the purpose of building and rehabilitating single-family or multifamily residences for sale, as provided, at cost to low-income families.

This bill would authorize a local agency to allow, by ordinance, an accessory dwelling unit that was created pursuant to the process described above to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met. Those conditions include, among others, that the property was built or developed by a qualified nonprofit corporation that is receiving the above-described welfare exemption, a recorded contract exists between the qualified buyer and the qualified nonprofit corporation that imposes an enforceable restriction upon the sale and conveyance of the property that ensures the property will be preserved for affordable housing, and that the property is held pursuant to a recorded tenancy in common agreement that includes specified provisions.

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

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

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, except as specified in Section 65852.26.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but

not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), *and except as otherwise provided in Section 65852.26*, a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 2. Section 65852.26 is added to the Government Code, immediately following Section 65852.25, to read:

65852.26. (a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(1) The property was built or developed by a qualified nonprofit corporation.

(2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

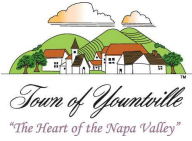
(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.

(D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing and will be sold or resold to a qualified buyer.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical con



Staff Report

File #: 19-2237, Version: 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.)

Property Address: 2180 Madison Street, Yountville, CA 94599

Town Negotiator: Steven R. Rogers, Town Manager

Negotiating Party: Susan Archer, Managing Broker, BHHS Drysdale Properties

Under Negotiation: Price and Terms of Payment