A Tradition of Stewardship
A Commitment to Service

Agenda Date: 12/15/2020
Agenda Placement: 6Q

NAPA COUNTY BOARD OF SUPERVISORS
Board Agenda Letter

TO:	Board of Supervisors
FROM:	Jeffrey Brax - County Counsel County Counsel
REPORT BY:	Jason Dooley, DEPUTY COUNTY COUNSEL III - (707)259-8246
SUBJECT:	Appeal Ordinance

RECOMMENDATION

Second reading and adoption of an ordinance amending Chapter 2.88 of the Napa County Code, relating to Appeals to the Board of Supervisors, and other sections to conform to the amendments.

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

EXECUTIVE SUMMARY

The ordinance amends Chapter 2.88 of the Napa County Code relating to Appeals. Among other things, the ordinance codifies prehearing procedures, establishes firm deadlines for submitting applications and paying fees, establishes a deadline for written comments or documents to prevent last minute document dumps, limits appeals to discretionary decisions over which the Board has authority to condition or change, eliminates reconsideration of the Board's decision on appeal, defines "substantial evidence" and clarifies the scope of the record before the Board, and allows payment of fees through the Treasurer-Tax Collector to expand payment options.

The Board of Supervisors held a public hearing on December 8, 2020. After discussion, the Board unanimously passed a motion of intent to adopt the ordinance. Today, the matter is set for a second reading and adoption. The ordinance will become effective 30 days after adoption.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed: Effective and Open Government

ENVIRONMENTAL IMPACT

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

BACKGROUND AND DISCUSSION

The ordinance revises Chapter 2.88 to address several areas of improvement to the process of appealing decisions to the Board of Supervisors. In addition to general updates to clarify language, the ordinance codifies the Prehearing Conference procedure and makes participation mandatory, establishes automatic withdrawal of the appeal as a consequence for failure to meet deadlines, provides a limitation on late document submittals, limits appeals to discretionary decisions, eliminates reconsideration of decisions of the Board of Supervisors on Appeal, clarifies the standard of review and the scope of the record on review, and expands payment options. The ordinance also amends other sections throughout the Code to make them consistent with the new Chapter 2.88.

Board of Supervisors Action

The Board of Supervisors held a noticed public hearing on December 8, 2020. After discussion, the Board unanimously passed a motion of intent to adopt the ordinance. Upon closing the public hearing, the Clerk read the title and the Board of Supervisors waived reading the balance of the ordinance. The Board of Supervisors declared its intention to adopt the ordinance at the next regularly scheduled meeting. The ordinance is now before the Board of Supervisors for formal adoption.

After the public hearing, County Counsel made a grammatical and clerical correction to Section 25 of the Ordinance, which amends Section 17.46.070 of the Napa County Code. The correction does not affect any substantive provision adopted by the Board of Supervisors.

Attached for reference is the final version of the Ordinance.

Recommendation

County Counsel recommends adoption of the ordinance. The ordinance will become effective 30 days after its adoption.

SUPPORTING DOCUMENTS

A . Appeals Ordinance - Final Version

CEO Recommendation: Approve

Reviewed By: Helene Franchi