**ORDINANCE NO. \_\_\_\_\_\_\_\_**

AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS, STATE OF CALIFORNIA, AMENDING CHAPTER 2.88 (APPEALS)

 **WHEREAS,** the Napa County Code provides an opportunity for interested parties to appeal a decision made by county officials, including decisions to issue, deny, or condition permits, to the board of supervisors; and

 **WHEREAS,** the existing appeal ordinance does not clearly describe the standards of review that the board will apply to certain decisions, nor does it clearly outline the procedure for the designation of the record on appeal or the scope of additional written evidence; and

 **WHEREAS,** the Board of Supervisors now desires to clarify the appeals process to ensure the public can understand, and county staff can ably execute, the procedures for appeals.

 **NOW, THEREFORE,** the Board of Supervisors of Napa County, State of California, ordain as follows:

 **SECTION 1.** Section 2.88.010 (Definitions) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

2.88.010 Definitions.

The definitions contained in Title 18 of this code, as amended, shall be fully applicable to this chapter except as hereinafter otherwise defined. For purposes of this chapter, the following definitions shall apply:

A "Appellant" means any interested person filing a notice of appeal under this chapter.

B. "Board" means the board of supervisors of Napa County.

C. "Clerk" means the clerk of the board of supervisors of Napa County.

D “Decision maker” means the officer, director, agency, commission, subsidiary board of the county, department, board of appeals or other person or body to which decision-making authority was delegated and that made the decision being appealed.

E. “Decision” means a determination made by a decision maker, pursuant to authority vested in the decision maker by law or by delegation from the board of supervisors that is binding and/or final unless successfully appealed. For purposes of this chapter, “Decision” means only those decisions that involve the exercise of discretion by the decision maker, and shall not include ministerial actions.

F. "Hearing" means any proceeding at which a person may attend and present testimony, including but not limited to, public hearings and noticed public hearings.

G. "Interested person" means:

1.   For an appeal of a decision relating to real property, including discretionary land use permits, such as conditional use permits and modifications thereto, variances, rezonings and zoning text amendments, telecommunications permits, viewshed applications and certificates of legal nonconformity, "interested person" means any person who testified or offered evidence at a hearing or other proceeding at which the matter being appealed was considered, and all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within one thousand feet of any property which is the subject of the appeal.

2.   For all other appeals, "interested person" means any person who testified or offered evidence at a hearing or other proceeding at which the matter being appealed was considered, if such a hearing was held. If no hearing was required for the decision, then “interested person” means any person whose pecuniary interests, civil rights, or property rights or interests are demonstrably affected by a decision, provided they offered comment on the decision or offered evidence, if given the opportunity to do so.

3.   "Interested person" includes the permittee.

H. "Noticed public hearing" means a hearing that is noticed in accordance with Section 18.136.040 of this code, or any similar provision of law.

I.   "Permit" means any permit, certificate, certification, license, approval or other entitlement allowing the use of real property, construction of structures thereon, or conduct of business or personal activities, which was issued, denied or made subject to conditions as a result of the decision being appealed. An appeal of a decision to issue a “Permit” includes any environmental determination made pursuant to the California Environmental Quality Act (CEQA) and state or county guidelines or other regulations adopted to implement CEQA, in connection with final action taken on the permit to which the CEQA determination relates.

J. "Permittee" means the person or entity that has applied for the permit that is the subject of the appeal.

K. “Record on appeal” means all written materials, staff reports, statements, testimony, information and evidence that were considered by the decision maker, either directly or indirectly, in arriving at the decision being appealed. If a noticed public hearing was held, then the “record on appeal” includes either a certified transcript of the hearing prepared by a certified court reporter, if it already exists, or an audio-recording or video-recording of the hearing, which is available for purposes of preparing a certified transcript of the noticed public hearing for purposes of the appeal.

L. “Substantial evidence” means such facts:

1. that a reasonable mind would accept as adequate to support a conclusion, even if other conclusions might also be reached; and

2. that are reasonable in nature, credible, and of solid value.

M. "Working day" means a day when the office of the clerk of the board of supervisors is open for business. Weekends, county holidays, and days when the office is closed for regular business due to a declared or posted emergency do not constitute working days.

 **SECTION 2.** Section 2.88.020 (Application of provisions—Conflict resolution) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

2.88.020 Application of provisions—Conflict resolution.

A. The procedures and standards of review provided in this chapter shall apply to all appeals brought before the board regarding any decision made by any decision maker to grant, deny or condition a permit; except that if a different procedure to appeal a determination has been established elsewhere in this code, by state or county guidelines or other regulations adopted to implement the California Environmental Quality Act, or by any state or federal law applicable to the permit, those procedures shall control.

B. Except as provided herein as to the board’s procedures in considering appeals, none of the provisions of this chapter shall apply to any other final determination, decision or action of the board.

 **SECTION 3.** Section 2.88.030 (Right to appeal) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

2.88.030 Right to appeal.

Unless otherwise provided in this code, an appeal may be filed by any interested person affected by any decision made by any decision maker.

 **SECTION 4.** Section 2.88.040 (Notice of intent to appeal—Time and place for filing—Fees) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

2.88.040 Notice of intent to appeal

A.  An appeal is commenced by filing a notice of intent to appeal along with evidence of payment of the accompanying fees with the clerk within ten (10) working days of the decision. Payment of fees, as established by the then current board resolution establishing fees for appeals, shall be made to the Treasurer-Tax Collector, with confirmation of payment provided to the clerk within the time period set forth herein. For purposes of this section, the first day of the period within which the notice of appeal may be filed shall be as follows:

1. The first full calendar day following the decision maker’s vote at a noticed public hearing or the public announcement of the decision being appealed if such an announcement was made at a noticed public hearing; or

2. If the decision, or the announcement of the decision, was not made at a noticed public hearing, five (5) calendar days after the date a notice of decision is deposited in the U.S. mail by county staff and addressed to all persons or entities who are required by the applicable provision of this code or by the applicable provision of state or federal law to be notified of the decision.

B.  The notice of intent to appeal must be filed with the clerk in writing, and may be submitted by personal delivery, by first class U.S. mail, by electronic mail, or by facsimile, but must be delivered, transmitted, or mailed in such a manner as to be received by the clerk within the time limits specified in this chapter. As a record of the date that the notice of intent is filed, the clerk shall note or stamp the date of receipt on the notice of intent to appeal. If the notice of intent to appeal is filed by electronic mail or facsimile after the close of business on a working day, the notice of intent to appeal shall be deemed to have been filed on the next working day. For purpose of this subsection, "close of business on a working day" shall mean 2:00 p.m. Pacific Time. The clerk is not authorized to change, waive, or postpone the deadline under any circumstances.

C.  A notice of intent to appeal shall include a description, sufficient for reasonable identification of the subject of the appeal, of the name and nature of the permit that was the subject of the decision, the nature of the decision being appealed, the date of the decision being appealed, and the name, address, and telephone number of the appellant.

D.  If no notice of intent to appeal is filed with the clerk with respect to a decision within the time period set forth in this Section 2.88.040, the decision shall be deemed final and conclusive upon expiration of such time period.

 **SECTION 5.** Section 2.88.050 (Appeal packet—Information to be submitted) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

2.88.050 Appeal packet and payment of fees and costs—Time and manner of submissions.

A. If a notice of intent to appeal is timely filed, the appellant shall, no later than 2:00 p.m, on the tenth (10th) working day after the date of submission of the notice of intent to appeal:

1. Submit to the clerk a complete appeal packet meeting the requirements of this Section 2.88.050; and

2. Submit to the clerk evidence of payment of any fee(s) required for the filing and processing of appeals pursuant to the then current board resolution establishing fees or the then current policy manual for the applicable department. The amount of the fees shall be calculated and requested by the clerk at the time the appeal packet is submitted, subject to the clerk’s right to provide a more precise statement and supplemental payment request later. Payment of any such fee(s) shall be made to the Treasurer-Tax Collector in any manner acceptable to the Treasurer-Tax Collector.

B. An appeal packet must be delivered to the clerk either in hard copy format by personal delivery or U.S. mail, or electronically by e-mail or facsimile transmission, such that the clerk receives the appeal packet either physically or in PDF format. If the appeal packet is submitted electronically, the appellant shall provide to the clerk an original, wet signature on the appeal packet form, within the same period allowed for the filing of the appeal packet. If the appeal packet is submitted electronically, the appellant is responsible for ensuring that delivery is effective. Any errors or misspellings of the clerk’s email address shall not be cause for extending the deadline.

C. The appeal packet shall include all of the following:

1. The name and address of the permittee or the person, organization, or entity whose use of property or activities were the subject of the decision being appealed;

2. The name and address of the appellant, if different, and a statement of (1) the nature of the appellant as a person or entity; and (2) the basis for the appellant’s qualification as an interested person;

3. The names, addresses, telephone numbers, and email addresses of each person who shall be (a) the primary point of contact for appellant, and (b) the designated representative of the appellant at the mandatory prehearing conference on the appeal and who has authority to speak for appellant on the procedural and evidentiary issues that will be discussed at the prehearing conference;

4. A description, sufficient for reasonable identification of the subject matter of the appeal, of the name of the permit or other matter that was the subject of the decision, the nature of the decision, and the date of the decision being appealed;

5. Identification and description of the specific factual or legal determination(s) made as part of the decision that are the focus of the appeal; and

6. A description of all asserted grounds for the appeal and all arguments, contentions and facts that the appellant believes support the appeal and/or show that the decision was in some manner erroneous. If the basis of the appeal is, in whole or in part, an allegation that the decision maker committed a prejudicial abuse of discretion or that there was a lack of a fair and impartial hearing, such grounds of appeal and the factual and legal bases for such assertions must be expressly stated in the appeal packet. Any grounds of appeal, assertions, or legal or factual arguments that are not set forth in the appeal packet shall be waived unless the chair of the board or the board as a whole finds that good cause exists to consider the ground of appeal or assertion. The chair of the board may make a determination of such good cause at the prehearing conference, set forth in Section 2.88.085, and such determination may be reviewed by the board as a whole at the start of the hearing on the appeal.

D. In addition to the requirements stated above, if the decision pertains to or affected use of, interests in, or activities upon real property the appeal packet shall also contain the following:

1. A report prepared by a title company, engineer, architect, radius search service, or ownership listing service, which identifies by name, address, and assessor’s parcel number, the owners of all real property located within one thousand feet of any and all portions of the real property that is the subject of the appeal and which certifies by affidavit that the information contained in the report is accurate, complete, and current as of a date no earlier than six (6) months prior to the date of the decision being appealed; and

2. A copy of the assessor's map book pages current as of the date of the decision being appealed that shows all real property which is the subject of the appeal and all properties to which the list of property owners described in subsection (D)(1) of this Section 2.88.050 pertains.

E. It shall be appellant's sole responsibility to ensure that all required items and information required to be submitted as part of the appeal packet are submitted to the clerk before the deadline. The clerk and/or county staff have been directed not to comment on or advise the appellant as to the completeness of the appeal packet. Therefore, the appellant shall not rely on statements made by the clerk or county staff.

F. Receipt of the appeal packet by the clerk and/or county staff does not constitute a representation that the appeal packet is accepted as complete. The clerk may take a reasonable amount of time to determine whether the appeal packet is complete in accordance with this Section.

 **SECTION 6.** Section 2.88.060 (Withdrawal of appeal) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

2.88.060 Withdrawal of appeal.

A. Automatic Withdrawal. An appeal filed pursuant to this chapter shall be deemed withdrawn and the decision of the decision maker shall be final and conclusive if any of the following occur:

1. The appellant fails to timely file a complete appeal packet with the clerk;
2. The appellant fails to timely post any required fee(s), including any supplemental fee requested by the clerk, pursuant to Section 2.88.100, below. This includes any failure of payment, such as a bounced check or declined transaction;
3. The appellant fails to timely post any required transcript preparation costs, pursuant to Section 2.88.100, below;
4. The appellant fails to attend the mandatory prehearing conference, without good cause as determined in the chair’s sole discretion, or fails to comply with the requirements established at the prehearing conference or as set forth in Section 2.88.085.
5. Withdrawal by Appellant. The appellant may withdraw the appeal at any time by filing with the clerk a signed and written request to withdraw. Such a withdrawal is effective upon receipt by the clerk of the written request.
6. No Refund of Fees. In the event of a withdrawal, any fees, including the filing fee, processing fees, and transcript costs, paid shall not be refunded to the appellant.

 **SECTION 7.** Section 2.88.070 (Hearing by the board of supervisors) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

2.88.070 Hearing by the board.

Any appeal of a decision for which a notice of appeal has been filed in the manner required by this chapter shall be heard by the board unless withdrawn pursuant to Section 2.88.060. At the discretion of the board chair, multiple appeals of the same decision or related decisions may be consolidated for processing and hearing before the board.

 **SECTION 8.** Section 2.88.080 (Scheduling and notice of the hearing) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

2.88.080 Scheduling and notice of the hearing; Prehearing conference.

A.  When a timely notice of appeal has been filed and when a complete appeal packet and all required fees have been timely submitted and posted with the clerk, the clerk shall schedule a hearing on the appeal at a regular or special meeting of the board held not less than twenty-five (25) calendar days and not more than ninety (90) calendar days after receipt of the complete appeal packet, as required by Section 2.88.050, above. The board may, in its sole discretion, open and continue the hearing to a date outside of the ninety-day period to ensure the availability and convenience of the board, County staff, and all parties to the appeal. If the appeal is required by state or federal law, or county regulations other than this chapter, to be held within a shorter period, the ninety-day period shall be reduced to the maximum number of days that may expire under such law or regulation before the appeal must be heard.

B.  Unless a different requirement for giving notice of the appeal and board hearing or of the mandatory prehearing conference is specified by this code or by any applicable state or federal law or regulation, the clerk shall give notice of the appeal and of the date, time, and place of the hearing on the appeal at least fifteen calendar days before the hearing or the mandatory prehearing conference, by first class U.S. mail (postage paid), or by email, addressed to the following parties:

1. The appellant(s) and any person identified as the primary point of contact for the appellant or as the designated representative of the appellant, as set forth in Section 2.88.050(C)(3);

2. The applicant(s) or any beneficiary of the underlying permit or decision that is the subject of the appeal, if different than the appellant;

3. Any persons who have requested in writing that they be given notice of an appeal relating to the underlying permit or decision, if such persons have paid any fee imposed by resolution of the board to cover the cost of such notification; and

4. For any appeal pertaining to or affecting use of, interests in or activities upon real property, the owners of all real property located within one thousand feet of any real property that is the subject of the decision being appealed, using the report provided by the appellant pursuant to Section 2.88.050(D), above.

C.  In addition to the notice of hearing on the appeal given pursuant to subsection (B), the clerk shall give notice to the decision maker and each county officer or department head who may be concerned with the permit or other action.

D. The County Counsel, or their designee, shall arrange a mandatory prehearing conference, as required by Section 2.88.085 of this Code and County Policy Manual, Part I, Section 8B, Rule 14.

 **SECTION 9.** A new Section 2.88.085 (Mandatory prehearing conference procedures) is hereby added to Chapter 2.88 (Appeals) of the Napa County Code to read in full as follows:

2.88.085 Mandatory prehearing conference procedures.

A mandatory prehearing conference shall be conducted in accordance with County Policy Manual, Part I, Section 8B, Rule 14. The prehearing conference will be held among the board chair or designee, clerk of the board or designee, County Counsel or designee, one person designated by each appellant to attend the prehearing conference with authority to speak for that appellant, and, if different from the appellant, the applicant on the underlying subject of the decision being appealed. If an appellant fails to appear at the prehearing conference, without good cause as determined by the chair, in the chair’s sole discretion, or if an appellant fails to comply with the requirements established at the prehearing conference or set forth in the County Policy manual, Part I, Section 8B, Rule 14, then the appeal shall be deemed withdrawn, pursuant to Section 2.88.060, above, and the decision of the decision maker shall be final and conclusive.

 **SECTION 10.** Section 2.88.090 (Hearing—Conduct and procedures—Decision) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

2.88.090 Hearing—Conduct and procedures—Decision.

A.   Standard of review. The board shall exercise its independent judgment, based on substantial evidence on the record on appeal, or such extrinsic evidence as may be allowed pursuant to this Section, in determining whether to grant or deny the appeal, or remand the matter, in whole or in part, to the decision maker.

B.   Burden of proof. Except as otherwise provided by another provision of this code or by a provision of state or federal law, the appellant shall bear the burden of proving by a preponderance of the evidence before the board that the appeal should be granted and that the decision on appeal should be reversed or modified.

C.   Scope of oral and written evidence to be considered. If the appeal pertains to a decision for which a record on appeal exists, the board, in hearing the appeal, shall base its consideration of the appeal on the record on appeal and any extrinsic evidence submitted by the parties and allowed by the chair for good cause shown. “Good cause” means that the proposed evidence, in the exercise of reasonable diligence, could not have been produced to, or was improperly withheld or excluded from, the decision maker. At the beginning of the hearing on the appeal, prior to opening the public hearing and allowing statements from the parties or other interested persons, the chair shall announce any decision regarding the introduction of such extrinsic evidence to the record. The whole board, by majority vote, may overrule any such decision upon request by an appellant or the permittee, if different.

If no record on appeal exists, or if a de novo appeal is required by other provisions of this code or of state or federal law, then the board shall hear, accept and consider all materials, arguments, information, and evidence (including summaries of expert testimony, reports or opinions to be offered at the hearing) that are presented by the appellant, the applicant or any other person orally at the public hearing on the appeal, or in writing if submitted in a timely manner as governed by the County Policy Manual, Part I, Section 8B, Rule 14, or by the following timing:

1. For all appeals in which a prehearing conference is held, the deadline on submissions and the number of copies of evidence, written arguments and materials (including summaries of expert testimony, reports, or opinions to be offered at the hearing) that must be submitted is governed by County Policy Manual, Part I, Section 8B, Rule 14.

2. For all appeals in which no prehearing conference is held, or as to persons who are not among the categories of participants in the prehearing conference as set forth in section 2.88.085, all evidence, written arguments, and materials that any person wishes to have the board consider on the appeal (including summaries of expert testimony, reports, or opinions to be offered at the hearing) must be submitted to the clerk no later than five (5) calendar days before the Board hearing date, as may be continued from time to time. As to any materials and evidence submitted to the clerk five (5) days or more prior to the scheduled board hearing date, only one copy of such materials and evidence need be provided to the clerk.

3. If the person or party that proffers evidence or materials for consideration by the board did not provide the clerk with copies in a timely manner pursuant to this provision, the clerk shall exclude any such evidence or materials from consideration by the board and from the administrative record for the project, but shall retain the evidence or materials as part of the record of the meeting.

D.   Procedure for tentative decision, preparation of findings, and final decision. After the close of the public hearing and after board discussion of the appeal, or, if applicable, after remand to staff or to the decision maker for preparation of an advisory report and return of the appeal to the board for decision, the board shall either (a) issue a tentative decision on the appeal to affirm, reverse, or modify the decision being appealed and refer the matter to County Counsel for preparation of a proposed resolution of findings of fact and decision on appeal, or (b) vote to waive the preparation of findings and to make a final decision to either affirm, reverse or modify the decision being appealed without a referral to County Counsel. Upon the board’s issuance of a tentative decision and referral to County Counsel, the clerk shall continue the board item on the appeal for the sole purpose of the board’s consideration of whether the resolution prepared by County Counsel accurately reflects the board’s intent in rendering the tentative decision and for the purpose of the board’s rendition of a final decision on the appeal. The date for the board’s consideration of the resolution shall be no later than sixty days after the board’s announcement of its tentative decision, unless that period is extended by the board for good cause.

E.   Finality of decision and notification of decision on appeal. The board’s decision shall be final immediately upon adoption of a resolution of findings of fact and decision on appeal, or if the board waives the preparation of findings, immediately upon the final decision on the appeal. The clerk shall provide the resolution of findings of fact and decision on appeal, or the minutes of the board’s action if the preparation of findings of fact was waived, by e-mail and first class U.S. mail (postage paid) to the applicant(s) or designee, to all appellants or their designees, and to all persons who have requested in writing that they be given notice of the decision, if such persons have paid any fee imposed by resolution of the board of supervisors to cover the cost of such notification. The resolution, together with the minutes of the meeting and action, shall also be posted online and shall be made available for viewing in the Clerk of the Board’s office.

F.   Issuance of ministerial permits based on decision on appeal. No building, environmental management or other ministerial permit shall be issued for the purpose of authorizing construction that is allowed to go forward as a result of the board’s decision on an appeal until the date the board’s decision becomes final and effective pursuant to the provisions of subsection (F) of this Section 2.88.090, above.

 **SECTION 11.** Section 2.88.100 (Record on appeal—Costs) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

2.88.100 Payment of Certain Costs In Connection with Appeals.

A.  The record on appeal shall be prepared in the manner determined by the clerk in consultation with County Counsel. The staff of the decision maker whose decision is the subject of the appeal shall assist the clerk as necessary in preparation and forwarding of the record on appeal to the clerk for presentation to the board prior to the hearing on the appeal. This shall include preparation of a transcript of any hearing held before the decision maker if it was audio-recorded or video-recorded.

B.  The actual cost incurred by the county in preparing the record on appeal or other costs incurred by the county in connection with the appeal, including any hourly fees identified in the applicable policy manuals, shall be borne by the appellant, or, if there are multiple appellants, either (1) shared in equal proportion by the appellants, or, (2) if a reasonable basis exists for allocation of the costs to the separate appeals on some basis other than a simple division of the costs in equal shares, then borne by each appellant in shares that correspond to the costs incurred by the county in connection with each appeal. The multiple appellants shall be jointly and severally liable for such costs, and the clerk shall not be responsible for determining the allocation among such appellants. If any party requests accelerated preparation of transcripts of proceedings recorded by a certified court reporter, that person shall pay the additional fee required by resolution of the board for such expedited preparation.

C.   Payment of the costs of preparing the transcript of the hearing on the decision being appealed (if decision was made at a public hearing) will be paid through the Treasurer-Tax Collector, with evidence of payment provided to the clerk, and shall be due upon completion of transcripts within fifteen days of written notification by the clerk, but no later than thirty (30) days before the hearing on the appeal, whichever is earlier. Any supplemental request for payment of hourly fees will be due within fifteen (15) days of the date of such a request, but no later than thirty (30) days before the hearing on the appeal. If appellant has not paid such costs when they become due, the appeal shall be deemed withdrawn, pursuant to Section 2.88.060, above. Notwithstanding such withdrawal, the appellant shall remain liable for the excess cost of preparing the record. If such amount is not paid within thirty days following notification to appellant of the excess amount, the amount shall become a debt of appellant to the county which shall be enforceable by the county by civil action in a court of law.

D.  If the actual cost of the accelerated preparation requested by an interested person other than the appellant exceeds the estimated additional cost, such actual additional cost shall, if not paid within thirty days of notification to such person, become a debt of such interested person to the county which shall be enforceable by the county by civil action in a court of law.

E.  Nothing contained in this chapter shall be deemed to require any commission, board or other agency of the county to record any hearing, and nothing herein shall be deemed to prevent any person from using the services of a certified court reporter to produce a transcript of any proceedings before an agency of the county.

 **SECTION 12.** Section 2.88.110 (Reconsideration of decision—Fees) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

2.88.110 [Reserved]

 **SECTION 13.** Section 2.88.120 (Fees for filing appeals) of Chapter 2.88 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

**2.88.120 [Reserved]**

 **SECTION 14.** Section 3.10.100 (Corrections, cancellations and refunds; procedures) of Chapter 3.10 (Assessments and Service Charges—County Service Area No. 3) of the Napa County Code is hereby amended to read in full as follows:

**3.10.100 Corrections, cancellations and refunds; procedures.**

 In addition to any corrections, cancellations, or refunds ordered upon the granting of an exemption under Section 3.10.090, the director may order any assessment or charge levied under this chapter on any particular parcel of real property to be corrected, canceled, or refunded if such assessment or charge was imposed in error and the nature of the error could not have been reasonably ascertained by the county or by the property owner prior to the action of the board on the report imposing the assessment or charge. Application for correction, cancellation or refund under this section shall be made in writing by the property owner to the clerk of the board no later than three months after the date of the real property tax bill which shows the assessment, or three months from the date of the imposition of the charge. The decision of the director shall be final.

 **SECTION 15.** Section 3.12.070 (Corrections, cancellations and refunds; procedures) of Chapter 3.12 (Assessments—County Service Area No. 4) of the Napa County Code is hereby amended to read in full as follows:

**3.12.070 Corrections, cancellations and refunds; procedures**

 In addition to any corrections, cancellations, or refunds ordered upon the granting of an exemption under Section 3.12.060, the commissioner may order any assessment levied under this chapter on any particular parcel of real property to be corrected, canceled, or refunded if such assessment was imposed in error and the nature of the error could not have been reasonably ascertained by the county or by the property owner prior to the action of the board on the report imposing the assessment. Application for correction, cancellation or refund under this section shall be made in writing to the clerk of the board within three months after that first date when the property owner reasonably could have known that the assessment was imposed in error. The decision of the commissioner under this section shall be final.

 **SECTION 16.** Section 3.44.030 (Appeal) of Chapter 3.44 (Property Tax Administrative Fee) of the Napa County Code is hereby amended to read in full as follows:

**3.44.030 Appeal.**

 Any incorporated city or other local jurisdiction which believes that the charges imposed hereunder are improperly or incorrectly allocated to it shall have the right to appeal said determination to the board, in writing, not later than thirty days after the city or jurisdiction is sent notice of the amount of said allocation. The board shall conduct a public hearing on said appeal pursuant to the procedures set forth in Chapter 2.88, except the provisions of subsections (G)(1) and (G)(2) of Section 2.88.010 and subsection (A) of Section 2.88.040 shall not be applicable. The board’s decision shall be final.

 **SECTION 17.** Section 5.32.080 (Appeal procedure) of Chapter 5.32 (Mobile Public Address Systems) of the Napa County Code is hereby amended to read in full as follows:

**5.32.080 Appeal procedure.**

 The applicant or any aggrieved person, including, but not limited to, any county officer, department, board or commission affected by the permit, shall have the right to appeal to the board of supervisors of the county denial of issuance of the permit or any requirements imposed as conditions of issuance of the permit. The appeal shall be conducted pursuant to the procedures set forth in Chapter 2.88, except that the written notice of the appeal shall be served upon the clerk of the board of supervisors within three calendar days after the action of the sheriff that is complained of. The board may hear additional evidence and may sustain or modify or reverse the decision of the sheriff consistent with the standards set forth in Section 5.32.070. The decision of the board shall be rendered immediately following the hearing and shall be final and not subject to reconsideration.

 **SECTION 18.** Section 8.20.150 (Appeal procedure) of Chapter 8.20 (Abandoned Vehicles) of the Napa County Code is hereby amended to read in full as follows:

**8.20.150 Appeal procedure.**

 Any interested party may appeal the decision of the hearing officer in the manner set forth in Chapter 2.88, except as modified herein. The appeal shall be commenced by filing a written notice of appeal with the clerk of the board of supervisors within five days after the mailing of notice of the decision. The clerk shall give written notice of the time and place of the hearing of the appeal to the appellant and those persons specified in Section 8.20.090. The appeal shall be heard within thirty days from the date the notice is filed by the board of supervisors, who may affirm, amend or reverse the decision, or take other action as deemed appropriate. The hearing on the appeal shall be heard de novo. No appeal may be taken from an order issued pursuant to Section 8.20.100. A copy of the decision on appeal shall be mailed to all interested parties, including anyone who filed a sworn written statement but did not appear at the hearing or appeal hearing, and the office of the California Highway Patrol located nearest to the location of the vehicle or parts thereof.

 **SECTION 19.** Section 12.20.060 (Appeal procedure) of Chapter 12.20 (Houseboat Marinas) of the Napa County Code is hereby amended to read in full as follows:

**12.20.060 Appeal procedure.**

 Any appeal from a decision of the director to grant a permit, revoke a permit, or impose any conditions relating to a permit, shall be conducted in accordance with Chapter 2.88 of this Code.

 **SECTION 20.** Section 12.24.070 (Appeal procedure) of Chapter 12.24 (Moorage and Occupancy of Vessels) of the Napa County Code is hereby amended to read in full as follows:

**12.20.060 Appeal procedure.**

 Any appeal from a decision of the director to grant a permit, revoke a permit, or impose any conditions relating to a permit, shall be conducted in accordance with Chapter 2.88 of this Code.

 **SECTION 21.** Section 13.52.070 (Appeal procedures) of Chapter 13.52 (Holding Tanks and Hold and Haul Systems) of the Napa County Code is hereby amended to read in full as follows:

**13.52.070 Appeal procedures.**

 Notwithstanding any other provision of this code, a denial of an application for a permit pursuant to this chapter may be appealed according to the procedures set forth in Chapter 2.88 of this code, and for such appeals, the term "decision maker" as used in Chapter 2.88 shall include the administrative authority and the term "permit" shall include a permit as defined in this chapter. Provided however, that the requirements of subsection (D) of Section 2.88.050 shall not be applicable to the appeal.

 **SECTION 22.** Section 17.46.030 (Lot line adjustment—Application; determination of completeness) of Chapter 17.46 (Lot Line Adjustments) of the Napa County Code is hereby amended to read in full as follows:

**17.46.030 Lot line adjustment—Application; determination of completeness.**

A. An application for a lot line adjustment shall be filed with the public works department in a form approved by the county surveyor.

B. Each application for a lot line adjustment shall be accompanied by all of the following:

1. Copies of the document(s) which establish each of the parcels involved in the lot line adjustment as a legal lot of record. If the parcels meet the criteria for a legal lot as described in subsections (A)(7), (A)(8) or (A)(9) of Section 17.02.320, a title guarantee shall be required. If the county surveyor determines that any of the parcels is not a legal lot of record, processing of the lot line adjustment shall be suspended until a conditional certificate has been applied for, issued, and recorded for each such parcel;

2. One copy of a preliminary title report, not more than sixty days old, that describes the nature and ownership of all current fee title interests, liens, easements and other encumbrances of record affecting each of the parcels involved in the lot line adjustment;

3. Three copies of a tentative lot line adjustment map accurately drawn to scale. Measurements shall be identified by feet, square feet or acres to the nearest tenth. The map shall be in the format and contain the information generally shown on the sample map approved by the county surveyor and available from the department of public works. The tentative lot line adjustment map shall specifically conform to all of the following:

a. All exterior and interior lines of the involved parcels shall be shown and shall be identified by course and bearing description, based on survey data, calculated data or information of record;

b. Proposed new lines and lines to be eliminated shall be so identified in written notation or by legend. Lines to be eliminated shall be dashed or otherwise drawn so as to be clearly distinguished from and subordinate to the proposed new lines;

c. All existing structures shall be accurately located on the map identifying the original parcels, together with their current existing uses;

d. The distance from each existing structure to the nearest boundary line of the resulting parcel on which that structure will be located following the lot line adjustment shall be noted;

e. The distance from existing wells, septic tanks, leach fields, and special design sewage disposal systems as defined in Title 13 of this code to the nearest proposed boundary line of the resulting parcels shall be noted;

f. The locations, purpose and width of all existing and proposed easements, streets and utilities shall be noted;

g. The approximate location of all watercourses and existing drainage structures, including the location of any floodway and the top of the bank, if discernible, shall be noted;

h. The recording information for any existing Williamson Act agreement affecting any of the parcels involved in the lot line adjustment shall be noted, and a copy of the agreement shall be provided with the application; and

i. All assessor's parcel numbers currently assigned to each parcel involved in the application shall be noted. In the case of newly recognized parcels, a copy of the vesting instrument, deed, or certificate reference shall be provided;

4. The signed consent and mailing addresses of all owners of recorded fee title interests and of all lienholders of record of each parcel involved in the lot line adjustment. For Corporations, LLCs, LPs, Companies, Non-Profits, Associations, and Partnerships, consent shall be evidenced by a copy of a resolution of the Corporation's Board of Directors designating which corporate officer(s) shall have the power to execute on behalf of the corporation, or documentation showing which individual(s) in an LLC, LP, Company, Non-Profit, Association or Partnership has authority to make decisions affecting real estate. If such owners and/or lienholders change after the application has been filed and before the lot line adjustment has been consummated by recordation of deeds, the signed consent of such new owners and/or lienholders shall also be filed with the director of public works or the application shall be deemed withdrawn; and

5. An indemnification agreement consistent with Chapter 1.30 of the Napa County Code together with a signed statement that the application is complete and accurate to the best of applicant's knowledge.

C. If an application for a lot line adjustment fails to contain any of the foregoing information, or if it is determined not to be in compliance with the Subdivision Map Act (Government Code Section 66410 et seq., Section 66412(d)), it shall be determined by the department of public works to be incomplete and the applicant shall be notified within thirty days of the date the application was received. The applicant shall be given thirty-five days following the mailing date of such notice to remedy the defects by filing an amended application, except that if such remedy requires the issuance of a certificate or conditional certificate, this time period shall be tolled while the application for such document is being processed. If the defect is not remedied within the foregoing time period, the application for the lot line adjustment shall be deemed withdrawn.

 **SECTION 23.** Section 17.46.050 (Lot line adjustment—Withdrawal) of Chapter 17.46 (Lot Line Adjustments) of the Napa County Code is hereby amended to read in full as follows:

**17.46.050 Lot line adjustment—Withdrawal.**

A. The applicant may withdraw the application for lot line adjustment at any time prior to recordation of the deeds by filing a written request for withdrawal with the director of public works. Upon receipt of such request, all approvals and other actions and determinations of the county surveyor shall be deemed thereafter null and void.

B. Following tentative approval of a lot line adjustment, failure by the applicant to file the deeds with the county surveyor within the time period required by Section 17.46.060 shall be deemed a withdrawal of the lot line adjustment application by the applicant.

C. Failure by the applicant to record the deeds consummating the lot line adjustment within three hundred sixty-five days of the date of the tentative approval of the lot line adjustment by the county surveyor shall void all such approvals and be deemed a withdrawal of the application for the lot line adjustment.

D. The county surveyor may grant one forty-five-day extension of time for recording deeds. The request for the one time extension must be in writing to the county surveyor at a minimum of five working days prior to the expiration date for recording, and must state the reason for requesting the extension.

 **SECTION 24.** Section 17.46.060 (Lot line adjustment—Final processing) of Chapter 17.46 (Lot Line Adjustments) of the Napa County Code is hereby amended to read in full as follows:

**17.46.050 Lot line adjustment—Final processing.**

A. When a lot line adjustment application has received tentative approval from the county surveyor the applicant shall, within two hundred seventy-five days from the date of approval, provide the director of public works with an appropriate deed(s) consistent with the tentative approval and demonstrating compliance with all approval standards for lot line adjustments. In the event a tentative approval by the county surveyor is appealed and the appeal is subsequently withdrawn prior to a hearing, the time for filing the deed(s) shall be tolled and extended for a period equal to the number of days between the filing of the appeal and its withdrawal in writing. The deed(s) shall clearly describe each of the resultant parcels and shall contain the express statement of intent by the grantor to eliminate any underlying boundary lines consistent with the requirements of Civil Code Section 1093. No record of survey shall be required unless required by Business and Professions Code Section 8762.

B. Whenever any of the affected parcels are or will be subject to a lien for real property taxes or special assessments collected as real property taxes which are not yet payable, the applicant shall prepay to the treasurer/tax collector, or provide the treasurer/tax collector with security for the prepayment of, real property taxes and the current installment of principal and interest on all special assessments collected as taxes, which as of the date the lot line adjustment is recorded will be a lien against the property but which are not yet payable.

C. Upon receipt of the deed(s) required by subsection (A), the county surveyor shall review the deed(s) and authorize them to be recorded if the county surveyor finds that they are consistent with the tentative approval, including compliance with all approval standards for lot line adjustments. The approved deed(s) shall then be recorded by and at the expense of the applicant and one copy of the recorded deed(s) shall be transmitted to the county surveyor. The lot line adjustment shall be deemed final only when the deed(s) have been recorded by the county recorder.

D. If the county surveyor determines that the deed(s) submitted as required by subsection (C) are not consistent with the tentative approval, including compliance with the approval standards of the tentative approval, the county surveyor shall disapprove the deed(s) and notify the applicant of such disapproval in writing. Upon receipt of notice of disapproval of the deed(s), the applicant shall have the right to resubmit revised deed(s) to the county surveyor as long as such resubmission occurs before expiration of the period specified in subsection (A), exclusive of any time between submission of the deed(s) to the county surveyor and notification of the applicant that the deed(s) have been disapproved.

E. No recorded mortgage, deed of trust or other security interest will, after recordation of the deed(s) consummating the lot line adjustment, encumber only a portion of any of the resulting parcels, except where such encumbrance applies only to a lienholder's security interest in a leasehold exempt from the Subdivision Map Act pursuant to Government Code Section 66412, 66412.2 and 66412.5.

F. Each deed required by subsections (A) and (C) shall include the following language in the express written statement of intent immediately following the legal description: "This parcel was involved in a lot line adjustment pursuant to which the boundaries of [insert number of parcels adjusted] parcels comprising [insert total acreage of parcels] acres were adjusted and is therefore subject to the provisions of Napa County Code Section 17.46.040(C)(11), as that Section may be amended or replaced from time to time."

 **SECTION 25.** Section 17.46.070 (Lot line adjustment—Notice of denial or tentative approval) of Chapter 17.46 (Lot Line Adjustments) of the Napa County Code is hereby amended to read in full as follows:

**17.46.070 Lot line adjustment—Notice of denial or tentative approval.**

The county surveyor shall send a notice of denial or a notice of tentative approval of a lot line adjustment under this chapter to all of the following the applicant at the last address of the applicant on file with the department.

 **SECTION 26.** Section 17.46.080 (Lot line adjustment—Appeals) of Chapter 17.46 (Lot Line Adjustments) of the Napa County Code is hereby amended to read in full as follows:

**17.46.080 Lot line adjustment—Appeals.**

The approval or denial by the county surveyor of a lot line adjustment or of deeds submitted to consummate a lot line adjustment that has been tentatively approved by the county surveyor is a final act not subject to appeal to the board of supervisors.

 **SECTION 27.** Section 17.48.110 (Appeals) of Chapter 17.48 (Merger of Parcels) of the Napa County Code is hereby amended to read in full as follows:

**17.48.110 Appeals.**

A. A property owner aggrieved by the determination of the zoning administrator pursuant to Section 17.48.070(D) that the parcels have merged may appeal said determination in the manner set forth in this section. The provisions of Chapter 2.88 of this Code shall not apply to appeals of decisions made under this Chapter.

B. Within ten working days of the determination of the zoning administrator that parcels or units of land have merged, the property owner may file an appeal with the director of planning. Said appeal shall be in writing on the form prescribed by the director of planning, shall state the basis of the appeal, and shall be accompanied by the applicable fee. The director of planning shall fix a time, date and place for the appeal hearing, and shall notify the property owner of same. The appeal hearing shall be conducted not more than thirty working days following the receipt by the director of planning of the completed appeal but may be postponed or continued with the mutual written consent of the director of planning and the property owner.

C. The county hearing officer shall hear the appeal and make a recommendation to the board, except that if at the time the notice of appeal is filed a county hearing officer has not been appointed, or is unavailable to hear the matter within thirty working days, the appeal shall be scheduled to be heard by the board within said thirty-day time period.

D. The county hearing officer, or the board in the event the county hearing officer has not been appointed or is unavailable, shall permit additional evidence to be presented at the appeal hearing if necessary for a proper resolution of the matter. Alternatively, at the request of the property owner and for good cause shown, the county hearing officer or the board may hear the matter de novo.

E. If the county hearing officer hears the matter, following the close of the hearing the county hearing officer shall prepare written findings and recommend to the board that it confirm, reverse, or modify the determination of the zoning administrator. The board may adopt the recommended findings, conclusions, and decision, or may reject the recommendations and enter its own findings, conclusions, and decision after a review of the board.

F. If the board hears the matter due to the unavailability of the hearing officer, it shall confirm, reverse or modify the determination of the zoning administrator and enter its own findings, conclusions and decision.

 **SECTION 28.** Section 17.52.011 (Expedited certificate—Application, processing and issuance) of Chapter 17.52 (Certificates of Compliance and Conditional Certificates of Compliance) of the Napa County Code is hereby amended to read in full as follows:

**17.52.011 Expedited certificate—Application, processing and issuance.**

A. Notwithstanding Section 17.52.010, any person owning real property currently recognized by the assessor as an assessor's parcel other than SFAP (separated for purposes of assessment), or a vendee of that person pursuant to a contract of sale, may file an application for and be issued an expedited certificate if the parcel meets the criteria for a legal parcel or lot under subsections (A)(7), (A)(8) or (A)(9) of Section 17.02.320 and the applicable fee for the processing and recordation of an expedited certificate, as approved by resolution of the board of supervisors, has been paid to the advisory agency.

B.   An expedited certificate may also be applied for in conjunction with an application for a lot line adjustment under Chapter 17.46, if desired by the applicant for the lot line adjustment or determined necessary by the county surveyor during the processing of the lot line adjustment application.

C.   Except as otherwise provided in this chapter and in Chapter 17.46, the processing and recordation of an expedited certificate shall proceed in the same manner as the processing and recordation of a certificate except that if the expedited certificate is processed and issued concurrently with the tentative approval of a lot line adjustment, the expedited certificate shall be filed with the advisory agency but not recorded and the application fee for the expedited certificate shall be reduced by the portion of the fee for an expedited certificate relating to the cost of recordation of an assessor's map amendment.

D.   If, during the processing of an expedited certificate, the advisory agency determines that although the parcel has been separated from all contiguous property, the parcel does not otherwise meet the criteria for a legal lot as described in subsections (A)(7), (A)(8) or (A)(9) of Section 17.02.320, the advisory agency shall notify the applicant that the application for an expedited certificate is denied. Any fees not used by the advisory agency by the time of such denial will be refunded to the applicant unless the applicant applies for a certificate or conditional certificate within thirty-five days of notification of the denial, in which case the unused portion of the fees will be applied against the fee for processing the application for a certificate or conditional certificate.

E.   Actions of the advisory agency under this section are ministerial in nature and shall not be performed in such a manner as to be construed to be discretionary actions.

 **SECTION 29.** Section 17.52.020 (Processing and recordation of a certificate) of Chapter 17.52 (Certificates of Compliance and Conditional Certificates of Compliance) of the Napa County Code is hereby amended to read in full as follows:

**17.52.020 Processing and recordation of a certificate.**

A. Upon receipt of a completed application, the advisory agency shall first determine whether the parcels have been divided from all contiguous property and, if so, whether each such parcel was divided in violation of the Subdivision Map Act, any predecessor statutes, or any ordinance of the county enacted pursuant thereto, in effect at the time of such division. Except as hereinafter provided, no notice of the filing of an application for a certificate or action taken relating thereto need be given to any person.

B. If the advisory agency determines that none of the property has been divided from all of the contiguous property or, although divided, has since been merged into such contiguous property, the advisory agency shall deny the application for issuance of a certificate or conditional certificate and shall notify the applicant in writing of that determination.

C. If the advisory agency determines that a parcel for which the certificate is sought was divided from all contiguous property in compliance with the Subdivision Map Act, any predecessor statutes, or any ordinance of the county enacted pursuant thereto, in effect and applicable at the time the involved parcel was so divided, the advisory agency shall issue a certificate containing the information set forth in subsections (A) and (B) of Section 17.52.047, shall cause the certificate to be filed for record with the recorder within fifteen working days of rendering such determination, and shall mail a copy of the certificate to the applicant along with a refund of that portion of the application fee for a conditional certificate in an amount established by resolution of the board.

D. If the advisory agency determines that all of the parcels for which certificates are sought were divided from the contiguous property but that some of the parcels were divided in violation of the Subdivision Map Act, any predecessor statutes, or any ordinance of the county enacted pursuant thereto, in effect at the time of such division, a certificate shall be issued and recorded only for the parcel or parcels divided in compliance with such enactments. Processing of the application shall continue as an application for a conditional certificate for the remaining parcels, and no refund shall be made to the applicant under this subsection.

E. If the advisory agency determines that any parcel for which a certificate or conditional certificate is sought was divided from all contiguous property in violation of the Subdivision Map Act, any predecessor statutes, or any ordinance of the county enacted pursuant thereto, in effect at the time of such division, the advisory agency shall deny the application for a certificate in relation to that parcel. The advisory agency shall notify the applicant in writing of the denial of issuance of a certificate, stating in the notice the nature and date of the violations upon which the determination is based. The advisory agency shall proceed to process the application as an application for a conditional certificate in the manner set forth in Section 17.52.030.

F. Actions of the advisory agency under this section are ministerial in nature and shall not be performed in such a manner as to be construed to be discretionary actions.

 **SECTION 30.** Section 17.52.061 (Appeals) of Chapter 17.52 (Certificates of Compliance and Conditional Certificates of Compliance) of the Napa County Code is hereby amended to read in full as follows:

**17.52.061 Appeals.**

A. Except as otherwise provided in this section, all appeals of discretionary decisions of the advisory agency under this chapter shall be made pursuant to Chapter 2.88 of this title.

B. The decision of the advisory agency to grant or deny a certificate, corrected certificate, expedited certificate, corrected expedited certificate, or corrected conditional certificate for any parcel shall be final and no person may appeal such decision of the advisory agency to the board.

E. No person other than the applicant, owner (if different), or any person who was required to be given mailed notice under this chapter may appeal to the board the decision of the advisory agency to issue a conditional certificate or amended conditional certificate unless prior to the date of decision of the advisory agency to issue the conditional certificate or amended conditional certificate such person filed a written comment with the advisory agency regarding the application, including any comment relating to the environmental determination filed with the planning department during the public review period.

 **SECTION 31.** Section 17.54.010 (Filing time and conditions—Hearing and decision) of Chapter 17.54 (Appeals) of the Napa County Code is hereby amended to read in full as follows:

**17.54.010 Filing time and conditions—Hearing and decision.**

A. The subdivider or any interested party may appeal any decision of an advisory agency made pursuant to this title to the board of supervisors. Unless otherwise expressly provided in this chapter, any such appeal shall be filed with the clerk of the board within ten working days after the decision of the advisory agency and shall be in writing, stating the basis for appeal. An appeal which does not comply, as determined by the clerk of the board, with these requirements shall not be accepted for filing by the clerk of the board. The determination of the clerk of the board in this respect shall be final and shall not be appealable to the board. Upon the filing of the appeal, the clerk of the board shall set the matter for a public hearing on a date that is within thirty days after the date of the filing of the appeal and shall give notice of the public hearing on the appeal in the manner required by Chapter 17.12 of this title. The board shall render its decision on the appeal within ten working days following the conclusion of the hearing. In all other respects, the appeal procedure set forth in Chapter 2.88 shall apply.

B. Subsection (A) of this section shall not apply to appeals of determinations or decisions made pursuant to Chapter 17.46 (lot line adjustments), Chapter 17.48 (merger) or Chapter 17.52 (Certificates of Compliance and Conditional Certificates of compliance) of this code.

 **SECTION 32.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

 **SECTION 33**. This ordinance shall be effective thirty (30) days from and after the date of its passage.

 **SECTION 34.** A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

 The foregoing Ordinance was introduced and read at a regular meeting of the Napa County Board of Supervisors, State of California, held on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020, by the following vote:

 AYES: SUPERVISORS

 NOES: SUPERVISORS

 ABSTAIN: SUPERVISORS

 ABSENT: SUPERVISORS

 NAPA COUNTY, a political subdivision of the

 State of California

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 DIANE DILLON, Chairman of the

 Board of Supervisors

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| APPROVED AS TO FORMOffice of County CounselBy:  Deputy County CounselBy:  County Code ServicesDate:  | APPROVED BY THE NAPA COUNTYBOARD OF SUPERVISORSDate: Processed By:  Deputy Clerk of the Board | ATTEST: JOSE LUIS VALDEZClerk of the Board of SupervisorsBy:  |

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, DEPUTY

JOSE LUIS VALDEZ, CLERK OF THE BOARD