



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 12/17/2019

Agenda Placement: 6R

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Silva Darbinian for Jeffrey Brax - County Counsel
County Counsel
REPORT BY: Erin Cossen, Legal Office Manager - 707-253-4520
SUBJECT: Social Host Ordinance (Second Reading)

RECOMMENDATION

Second reading and adoption of an ordinance amending Chapter 9.12 (Social Host Accountability Ordinance) of the Napa County Code, including adding language regarding the non-medical use of cannabis among minors, as well as the use of other controlled substances. All provisions related to civil fines and abatement included in the original ordinance remain.

ENVIRONMENTAL DETERMINATION: Consideration and adoption of the proposed ordinance is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. Additionally, it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

EXECUTIVE SUMMARY

In 1996 the Napa County Board of Supervisors adopted an ordinance to address the problem of youth access to alcohol on private property. This ordinance closed unsafe loopholes in existing State law related to Social Hosting and possession/consumption of alcohol by underage persons. The Minor Alcohol Offenses Ordinance (Chapter 9.12 of Title 9 of the Napa County Code) prohibited gatherings on private property where underage drinking was allowed to occur. Similar ordinances were adopted in each of Napa County's jurisdictions, although there was variability in the provisions and penalties. In 2010, the Minor Alcohol Offenses Ordinance was repealed and replaced by the Social Host Accountability Ordinance, which imposed civil fines and abatement costs for hosting loud and unruly gatherings where alcohol was served to, consumed by, or in the possession of minors.

The ordinance being proposed today is an amendment to the Social Host Accountability Ordinance. This amendment is proposed in order to better align the provisions to best practice, as well as ensure that the

County's Social Host Accountability Ordinance aligns with those adopted by cities within Napa County's jurisdiction. Namely, it provides that the non-medical use of cannabis and other controlled substances by minors be included in all language pertaining to duties and liabilities of minors and hosts of gatherings where minors are present.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing.
2. Staff reports.
3. Public comments.
4. Close Public Hearing.
5. Clerk reads the Ordinance Title.
6. Motion, second, discussion and vote to waive the balance of the reading of the ordinance.
7. Motion, second, discussion and vote on intention to adopt the ordinance.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

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BACKGROUND AND DISCUSSION

In 1996 the Napa County Board of Supervisors adopted an ordinance to address the problem of youth access to alcohol on private property. This ordinance closed unsafe loopholes in existing State law related to Social Hosting and possession/consumption of alcohol by underage persons. The Minor Alcohol Offenses Ordinance (Chapter 9.12 of Title 9 of the Napa County Code) prohibited gatherings on private property where underage drinking was allowed to occur. Similar ordinances were adopted in each of Napa County's jurisdictions, although there was variability in the provisions and penalties. In 2010, the Minor Alcohol Offenses Ordinance was replaced by the Social Host Accountability Ordinance, which imposed civil fines and abatement costs for hosting loud and unruly gatherings where alcohol was served to, consumed by or in the possession of minors.

The proposed ordinance amends the Social Host Accountability Ordinance and provides that use of controlled substances, intoxicating substances, cannabis and/or cannabis products by minors be included in all language pertaining to duties and liabilities of minors and hosts of gatherings where minors are present.

The Board conducted a first reading and intention to adopt the proposed ordinance on December 10, 2019.

Recommendation

Staff and County Counsel recommend adoption of the Ordinance.

SUPPORTING DOCUMENTS

A . Social Host Ordinance

CEO Recommendation: Approve

Reviewed By: Helene Franchi