



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 2/9/2016

Agenda Placement: 6R

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director of Public Works
Public Works

REPORT BY: Rick Marshall, Deputy Director of Public Works - Engr - (707) 259-8381

SUBJECT: Special Events and Filming on County Roadways Ordinance (2nd Reading)

RECOMMENDATION

Second reading and adoption of an ordinance amending Chapter 10.24 (Special Events on Public Roadways) of the Napa County Code.

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

At the March 17, 2015 meeting, the Board of Supervisors held a discussion on the County requirements pertaining to Special Events on Public Roadways. At that time, the Board designated a subcommittee of Supervisors Diane Dillon and Alfredo Pedroza to work with staff and stakeholders to identify potential modifications to the current requirements.

Following meetings with staff, representatives of other local agencies, and event organizers, the subcommittee developed a series of proposals and presented them to the Board on December 15, 2015, for conceptual approval. Staff incorporated the proposed changes discussed during the December 15, 2015, board meeting and on February 2, 2016, the proposed ordinance was presented to the Board for adoption and approval of the first reading of the ordinance into the record. At the February 2, 2016 Public Hearing, the Board approved the first reading of the ordinance with the following modifications:

- I Add language recommended by the Farm Bureau to Section 10.24.070 (A) that special events will not substantially interrupt the safe movement of other traffic or agricultural equipment and/or products and add a new subsection 10.24.090 (N) that event organizers must commit to minimize interference with agricultural activities and movement of agricultural products and equipment
- I Add language recommended by County Counsel to Section 10.24.070 (H) to clarify the use of the 3,000

participant maximum to permit a second smaller event on the same date

- 1 Add language to modify Section 10.24.070 (l) that relay events will not be permitted on State Route 29 or Silverado Trail north of Trancas Street

These changes have been incorporated into the ordinance which is now before the Board for the second reading and final adoption. Approval of the ordinance will amend Chapter 10.24 (Special Events on Public Roadways) of the Napa County Code to reflect the changes outlined in the attached ordinance.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Funds collected in application fees will offset expenses incurred by staff in the Roads Division of Public Works, as well as the Emergency Medical Services Division of the Health and Human Services Agency.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The proposed revisions to the ordinance governing the conduct of special events and filming activities on public roadways will improve safety and quality of life for participants, as well as residents and businesses in Napa County. Additionally, the proposed changes will allow Public Works to move towards full cost recovery related to services provided for special event permits such as application administration and course preparation by Roads crew staff prior to the event.
Is the general fund affected?	Yes
Future fiscal impact:	The Department of Public Works, including its Roads Division, will have a fee structure that allows for full cost recovery. The Department will bring the ordinance back to the Board for review in late fall to discuss the impacts of the changes.
Consequences if not approved:	Existing regulations, Chapter 10.24 of the Napa County Code, will remain in effect.
Additional Information:	

ENVIRONMENTAL IMPACT

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.

BACKGROUND AND DISCUSSION

Chapter 10.24 of the Napa County Code establishes the requirements for conducting special events on public roadways under the jurisdiction of Napa County. On March 17, 2015, the Board of Supervisors discussed these requirements in response to various concerns which had been raised by the public. At that meeting, following

public testimony and Board discussion, the Board designated a subcommittee of Supervisors Diane Dillon and Alfredo Pedroza to work with staff and stakeholders to identify potential modifications to the current requirements. Staff met with the subcommittee numerous times to review the current ordinance and issues with its implementation (i.e., where it is lacking, where it causes problems for Napa County or for applicants, etc.). The subcommittee also reviewed the requirements of other agencies, including local cities and neighboring counties. An initial list of potential modifications was developed and discussed with representatives of local public agencies (local cities and town, as well as Emergency Medical Services and California Highway Patrol representatives) for the purpose of hearing their concerns and to arrive at general conclusions about what might change. The list was modified in response to this input and reviewed with event organizers and local bicycling/walking groups on September 14, 2015. Additional feedback was received following the September 14, 2015 meeting.

On December 15, 2015, the proposals (listed below) were reviewed for conceptual approval by the Board of Supervisors. With that approval, staff worked with County Counsel to develop ordinance language for implementation which was presented to the Board for first reading at the February 2, 2016, Board meeting. On February 2, 2016, the Board opened the public hearing, heard testimony from the public, and had discussion regarding possible changes to the ordinance. After closing the public hearing, the Board discussed the ordinance and read non-substantive changes into the record. The Board then introduced the ordinance, read the title, waived reading the balance of the ordinance as modified and declared its intention to adopt the ordinance on February 9, 2016, with the following modifications to the proposed ordinance (outlined in italics below). The ordinance is now before the Board for formal adoption. Once approved, the changes will become effective on March 10, 2016.

Proposed Modifications

The following modifications to the ordinance are as follows (changes made during the February 2, 2016, meeting are in italics below):

1. Frequency of events/impacts to arterial roadways

- a. **Limits.** The concern about traffic delays and disruption caused by special events and filming activities are greatest on the County's arterial roadway network. These are the major roadways which primarily serve longer-distance travel between communities, and include all State highways, plus Silverado Trail, Petrified Forest Road, Wooden Valley Road, Devlin Road, Kelly Road and American Canyon Road. To reduce these impacts, it is proposed to limit special events and filming on any arterial to a maximum of two per month, and a maximum of one per weekend. In cases where event applications are received which would exceed these limits, preference would be given to events held by non-profit organizations over those held by commercial applicants.
- b. **Closures.** Another proposal to minimize the impact to the arterial roadway network is that full closure of any arterial roadway will only be permitted for events with a minimum of 1,000 participants. Smaller events will either need to revise their event course to not involve any arterials, or will need to revise their event management plan to not require any closures.

At the December 15, 2015 meeting, there was concern that these proposed restrictions (particularly those in Paragraph 1a above) would overly restrict the conduct of smaller events, which do not pose as great an impact as larger events do. Based on the Board's discussion that date, the ordinance was drafted with a provision to allow a second event on a given day if the "participant load" of the two events added together does not exceed 3,000. Currently, the largest annual event is the Napa Valley Marathon, which has a total of 3,000 participants, thus the rationale for choosing this as the upper limit. This change, outlined in the proposed ordinance, would allow two smaller events to coexist on the same date.

2. Date reservation system

In order to manage the allocation of dates as discussed in Paragraph 1a, it is proposed to establish a system in which all special event organizers would "reserve" dates well in advance. This system would also identify certain "black-out" dates, such as Auction Napa Valley, Bottle Rock, etc. In general, black-out dates are determined based on the reasonable reserve capacity of public safety personnel. The proposal is to establish the following process for reserving dates for special events or filming on public roadways:

- a. Applicants submit a written request (email is acceptable) up to one year in advance, requesting a particular date for their event or filming activity. The request must include the event date, the proposed route, and the estimated number of participants.
- b. A deposit equal to half of the "base" fee (discussed further below) must be received no less than six months in advance of the event date.
- c. A completed application, including the balance of the base fee, must be received no less than 90 days in advance of the event.

3. Notification requirements

One concern expressed by those impacted by the conduct of special events and filming activities is the provision of notice in the areas affected, so that residents and businesses can plan ahead and avoid being delayed in their travels. Changes proposed for consideration include:

- a. Place message boards for all events, not just those with road closures. Signs may be fixed in place, or electronic changeable message boards may be used. For fixed signage, appropriate sign materials such as wood or metal may be used, as approved by the Public Works Department.
- b. The County will implement the following provisions for the public to receive notice of special events: (1) Notice will be posted to the Nixle system twice; one week before and two days before each event. (2) Information about each event, including a route map, will be made available on the County website.

4. Fees

- a. **Permit fees.** It is proposed to modify the current flat fee to a combination of a "base fee" and an hourly fee. The "base fee" will represent the cost of the County Road crew preparing the event course in advance of the event, and includes such activities as sweeping the roadway surface and repairing any damage which may present a hazard to event participants along the event course. The hourly fee will be charged for those portions of the permit review which are highly variable depending on the quality of the application materials received. It will represent the time spent by office staff in both the Public Works and Emergency Medical Services departments. This portion of the fee will act as an incentive for event organizers to submit complete application packages and address all potential concerns up-front. It will also enable the County to move to full cost recovery for its costs of reviewing event applications.
- b. **Event participant fee.** This concept will be studied further, but is not recommended for implementation at this time. The concept which was explored during the stakeholder outreach process was to have event organizers collect an event participant fee, estimated at \$10. Essentially, event organizers would charge each participant \$10 more than whatever they were otherwise charging for registration fees. This money would be provided to the County Roads Fund, for use in improving the condition and safety of the roads which constitute the event course.
- c. **Waivers.** County regulations currently include a provision that applicants which meet certain criteria may be granted a waiver of the special event permit fee, including that the applicant must be a 501c(3) organization and that a designated percentage of proceeds be donated for the public benefit of citizens of Napa County. It is proposed to modify the criteria to make it clearer that in order to qualify for the waiver, the event must provide a significant benefit to the people of this county. The proposed modification would require that applicants must be a local 501c(3) organization or designate a local 501c(3) partner, and that a

minimum of 25% of net revenues must go to the local organization or local partner. (The current regulations do not require the organization to be local, and do not specify the percentage of proceeds which must be donated to qualify for fee waiver.)

5. Emergency Medical Services (EMS) requirements

The County's Emergency Medical Services (EMS) Agency wishes to clarify its requirements for the safe conduct of special events and filming, and to work with applicants to be able to successfully meet those requirements at the time of permit application. EMS recommended adding language to the existing ordinance to require approval of medical response plans prior to issuance of special event permits.

6. Route cleanup

While many applicants do a good job cleaning up the event course following a special event, some do not, and this is a direct concern to residents and businesses along the route. When there is a problem, County crews are then obligated to perform the cleanup (at taxpayer expense). The areas of greatest concern are in the immediate vicinity of start/finish lines, staging areas, aid stations, exchange sites, and other similar "stationary" components of an event course. Cleanup of areas within 0.1 mile of these locations will be reasonably considered the responsibility of event organizers, while other locations along an event course cannot be definitively attributed to events vs. the general public. It is proposed to modify the ordinance to require a "cleaning deposit" at the time of application. Staff will inspect the areas within 0.1 mile of each "stationary" event component following each event, and the deposit will be refunded if the course is clean. If not, these funds will reimburse the County for the expense of having staff perform the cleanup.

7. Filming permits

Filming activity, such as for television commercials, on County roads (and other facilities) is currently governed by a different set of regulations than those which apply to special events. However, the conduct of these activities on County roads has the potential to be just as disruptive to traffic. Therefore, it is proposed that filming activity be consolidated into the ordinance governing special events, in order that the existing regulations, as well as the proposed modifications, will apply.

8. Relay events

Relay events involve multiple participants acting as a team, whereby one participant hands off active status to another. Teams typically consist of 12 members, traveling in support vans which follow the active participant. These events also involve large numbers of support personnel and large staging and exchange areas, and generally pose more disruption to traffic, damage to property and other related impacts. It was proposed that relay events will no longer be granted permits in the County. *Based on testimony received and Board discussion at the public hearing, this was revised to no longer grant permits for relay events on State Route 29 or Silverado Trail north of Trancas Street.*

In addition to the change noted in #8 above, additional language was added in Section 10.24.070 (Permit - Application - Review by director) and 10.24.090 (Conduct of special event - Conditions) related to the commitment by the applicant to limit the impact on agricultural activities during an event.

Next Steps

In addition to indicating its intent to adopt the ordinance with the changes noted in this report, the Board also directed staff to develop a "complaint system." Staff will be working to implement a variety of mechanisms by which local residents or businesses can notify the County when a special event or filming activity has been a concern for reasons of safety or inconvenience. The mechanisms for the public to file a complaint with the County will include phone and web modes of communication.

The Board also directed staff to bring the ordinance back to the Board in late 2016 for a review of the changes and

an evaluation of the need for any additional adjustments. It is anticipated this review will encompass a discussion on the "due process" by which the County responds to complaints received about events or filming activities. Complaints will be reviewed and, if found to be substantiated, may result in changes to subsequent years' permit conditions, up to and possibly including denying a permit for one year or on a permanent basis. Other topics to be addressed with this evaluation include whether there is a need to officially "delegate" the designation of black-out dates, and evaluation of the frequency limits and the "exception" allowing an additional event with a cap of 3,000 participants on any arterial roadway on a given date.

SUPPORTING DOCUMENTS

- A . Redlined version showing changes read into record at Meeting
- B . Final Ordinance

CEO Recommendation: Approve

Reviewed By: Bret Prebula