

ORDINANCE #2010- 06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON  
ADDING CHAPTER 5.60 OF TITLE 5 OF THE NAPA COUNTY CODE BY  
REFERENCE WITH A LOCAL AMENDMENT FOR MULTIGENERATIONAL FAMILY  
HOUSEHOLDS, RELATING TO REQUIREMENTS FOR PERMITS FOR ELDER  
AND/OR DEPENDENT ADULT CAREGIVERS**

**WHEREAS**, Government Code sections 50022.2 and 50022.9 permit the City Council to adopt an ordinance adopted by the County of Napa, by reference; and

**WHEREAS**, the Napa County Commission on Aging has prepared an ordinance intended to be adopted and implemented uniformly throughout Napa County, intended to promote the health and safety of elders by establishing a uniform, countywide system of issuing permits to all persons who provide caregiver services to elders; and

**WHEREAS**, on May 18, 2010, the Napa County Board of Supervisors conducted the first reading of an ordinance that will add Chapter 5.60 to Title 5 of the Napa County Code of Ordinances relating to requirements for elders and or dependent adult caregivers, and on May 25, 2010, the Board of Supervisors did adopt that ordinance; and

**WHEREAS**, the City Council adopts the findings set forth in the County ordinance and desires to implement the regulatory provisions of the ordinance within the City of American Canyon; and

**WHEREAS**, seniors and dependent adults that live in a multi-generational family setting are worthy of an exception to the ordinance because care giving typically occurs without a verbal or written contract for care giving services, and there is no form of consideration; and

**WHEREAS**, the City Council of the City of American Canyon noticed public meeting held on July 20, 2010 and September 7, 2010, at which time all those in attendance were given the opportunity to speak on the proposal; and

**WHEREAS**, the City Council considered all of the written and oral testimony presented at the public meeting in making its decision.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN** the following policy relating to requirements for permits for elder and/or dependent adult caregiver:

**SECTION 1:** Chapter 5.60 of Title 5 of the Napa County Code of Ordinance relating to permit requirements for elder and/or dependent adult caregivers, is hereby adopted by reference with a local amendment. Any fees required by the County of Napa in the processing of the permit applications required by the ordinance shall be as imposed by the Board of Supervisors by Board resolution and paid to the appropriate County designated office.

**SECTION 2:** The local amendment adds the following sections:

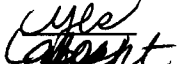
- 1) Section 5.60.010 "Multi-generational family household" means a household whose members span three or more generations.
- 2) Section 5.60.020 D.1 This section does not apply to a multi-generational family household where there is no consideration or compensation provided for the care of an elder or dependent adult.

**SECTION 3:** Consistent with the requirements of Government Code section 50022.6, upon adoption of this ordinance, one copy of the County's ordinance adopted by reference shall be maintained by the City's Chief of Police.


**SECTION 4: Severability.** Is 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 City Council of the City of American canyon hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that one or more of said provisions be declared invalid. The following policies shall guide implementation of indemnification procedures:

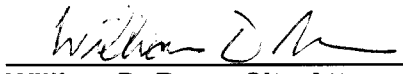
**SECTION 5: Effective Date.** This Ordinance is effective following 30 days after the second reading.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of American Canyon on September 21, 2010, by the following vote:

Mayor Garcia:   
Vice Mayor West:   
Council Member Bennett:   
Council Member Callison:   
Council Member Coffey: 

  
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Leon Garcia, Mayor

ATTEST:  
  
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Rebekah Barr, CMC, City Clerk

APPROVED AS TO FORM:  
  
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William D. Ross, City Attorney